



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

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

Hearing Date: November 5, 2020  
To: Humboldt County Zoning Administrator  
From: Cliff Johnson, Supervising Planner  
Subject: **Humboldt's Native Sun, LLC, Special Permit**

Record Number: PLN-2019-16104  
Assessor's Parcel Numbers: 221-131-034 and 221-261-001  
Approximately 2,000 feet east as the crow flies from the intersection of East Fork Road and Road E, on the property known to be in the southeast quarter of the southwest quarter of Section 23, and the northeast quarter of the northwest quarter of Section 26 of Township 03 South, Range 02 East, Humboldt Base & Meridian, Salmon Creek Area

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Please contact Elizabeth Moreno, Planner, at 707-445-7541 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> November 5, 2020	<b>Subject</b> Special Permit	<b>Contact</b> Elizabeth Moreno
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**Project Description:** The applicant seeking approval of one acre (43,560 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 28,143 SF full sun outdoor and 15,300 SF in will be housed in hoop houses. There will be one harvest of full sun and two harvests of light deprivation cannabis. A 4,200-square-foot greenhouse will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant is proposing up to 65,000 to 150,000 gallons of water proposed to be stored in hard-sided tanks. The total water usage is estimated to be approximately 1.98 million gallons. Drying will occur onsite in a proposed 2,000-square-foot building and further processing will occur offsite. A maximum of four employees are required during peak operations. The operations will be powered by solar power.

**Project Location:** This project is located in Humboldt County, in the Salmon Creek area, on the east side of East Fork Road, approximately 2,000 feet east as the crow flies from the intersection of East Fork Road and Road E, on the property known to be in the southeast quarter of the southwest quarter of Section 23, and the northeast quarter of the northwest quarter of Section 26 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

**Present General Plan Land Use Designation:** Residential Agriculture: 40 acres (RA40), Density: 40 acres per unit, 2017 General Plan, Slope Stability: High Instability (3).

**Present Zoning:** Agricultural Exclusive (AE), Minimum building site area is 160 acres (B-5(160)).

**Record Number:** PLN-2019-16104

**Assessor Parcel Numbers:** 221-131-034 and 221-261-001

**Applicant**

Humboldt's Native Sun, LLC  
1271 Evergreen Road  
Redway, CA 95560

**Owner**

Charles Benbow  
40 E Branch Rd  
Garberville, CA 95542

**Agent**

Same as Applicant

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report 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.

**HUMBOLDT'S NATIVE SUN, LLC**  
Record Number: PLN-2019-16104  
Assessor's Parcel Numbers: 221-131-034 and 221-261-001

**Recommended Commission Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Humboldt's Native Sun, LLC, project subject to the recommended conditions.*

**Executive Summary:** Humboldt's Native Sun, LLC, seeks approval of one acre (43,560 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 28,143 SF full sun outdoor and 15,300 SF in will be housed in hoop houses. A 4,200 SF greenhouse will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant will add up to 65,000 to 1,450,000 gallons of water proposed to be stored in hard tanks. The total water usage is estimated to be about 1.98 million gallons. Drying will occur onsite in a proposed 2,000 square feet building "Main Barn," and further processing will occur offsite. Four employees are expected to be required. The project will be supported by 100 % solar power.

The applicant submitted has evidence of pre-existing cultivation, in a document prepared by William Rich and Associates, dated April 2020 (see Attachment 4). The document provides photographic evidence of legacy cultivation within tree canopies. The report states that about 10 acres of cultivation was pre-existing in the entire ranch consisting of 1,203 acres. However, after staff review it was determined that staff can only support six acres of cultivation of which, pursuant to CCLUO, section 55.4.6.5, applications for pre-existing cultivation submitted between January 1, 2019 and December 31, 2019 shall not be approved for more than fifty percent of the documented existing cultivation. Therefore, the applicant is entitled to three acres of pre-existing cultivation. The other two acres of cultivation is pending approval under Record Number: PLN-2019-16106. As a condition of approval, the applicant is to submit a Remediation and Monitoring Plan for the legacy 6 acres of cannabis cultivation. The pre-existing cultivation occurred throughout both APNs 221-131-034 and 221-261-001. Through this application, the applicant is proposing to relocate 1 acre of cultivation from both parcels to APN 221-261-001. Because the cultivation area will be relocated away from watercourses and to slopes of less than 15% and the ranch has been managed as one land unit through time, staff is support of cultivation being relocated from APN 221-131-034 to APN 221-261-001. In addition to relocation, the applicant is also proposing to reorganize 15,300 square feet of historically full sun outdoor cultivation into greenhouses. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Because the relocation and reorganization will allow for improvement over the baseline conditions, staff supports the reorganization as well.

The applicant has completed a *Biological Assessment for Commercial Cannabis Cultivation*, prepared by O'Brian Biological Consultants, dated February 2020. There are no significant impacts to special status species, such as the Norther Spotted Owl. However, the report does list recommendations to avoid adverse impacts. The report recommends that a springtime floristic survey shall be performed for sensitive plants prior to ground disturbance. Additionally, the report recommends nesting bird surveys if any significant vegetation removal- or habitat alteration is planned within the nesting bird season. As condition of approval the applicant is to adhere to the recommendations made on pages 25-26 of the report and the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist.

Additionally, the applicant has submitted a draft Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife, dated September 2020 addressing stream crossings and the outflow of ponds, the applicant obtain and adhere the final LSSA and the appropriate recommendations made in the agreement.

No trees are proposed to be removed as part of the project. The applicant removed dead trees near the existing ponds. The applicant submitted photo graphic evidence of dead trees; however, conditions of approval required the applicant to submit an analysis from a Registered Professional Forester regarding timber removal on the subject to determine if timber removal occurred due to the trees being dead, dying or diseased and/or if the timber removal occurred in compliance with the Forest Practices Act. The report shall include a restocking plan that replaces any trees removed at a 3:1 ratio and shall include a monitoring and reporting section that requires a minimum of three years of monitoring and a 85% success rate for any revegetation required.

The applicant takes access from Briceland Thorne onto Perry Meadow Lane, then onto Briceland Road, Elk Ridge Road, Road Z, Road A, and finally onto Road E. The applicant has submitted a Road Assessment Report, dated April 2020, that provides entails a plan to maintain the road at functional capacity. The report also details what every segment needs to be to be maintained to not affect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. The applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department. The Department of Public Works has commented and recommended approval with the condition that the applicant pave the surface at the location of the access road which is Briceland Thorne 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. 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. The project is conditioned as such.

Additionally, the applicant has submitted a draft Lake Streambed Alteration Agreement (LSSA) from the California Department of Fish and Wildlife, dated September 2020 addressing stream crossings and the outflow of ponds, the applicant is to obtained and adhere the final LSSA and the appropriate recommendations made in the agreement.

A *Cultural Resource Investigation* (CRS) was prepared for the project, per the request the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers (THPO). The applicant submitted CRS prepared by William Rich and Associates, dated May 2020. The investigation found a multicomponent archeological site containing an extensive scatter of ancestral Native American artifacts and possible house pits with a small cluster of historic-period and modern buildings associated the applicants ranch. The investigation recommends that the cultivation be limited to above ground containers within 100 feet of archeological site boundary. No ground disturbing activities should occur in the site or 100 foot radius without further archaeological testing. Further, the portion of the archaeological site within 100 feet of proposed cultivation, should be 100 feet of proposed cultivation, should be flagged or demarked with visible flagging whiskers, or stakes so that the site boundary is readily observable and avoided. The report was forward to BRB for review, who recommended that the applicant signed a Monitoring Contract with the Bear River Band Rohnerville Rancheria THPO and have a THPO monitor all ground disturbance. Additionally, the applicant has submitted a Measures for Cultural Resource Protection, a document that the applicant prepared to show how he will protect the CRS onsite. As a condition of approval, the applicant is to adhere to the River Band Rohnerville Rancheria THPO Monitoring Contract, adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-  
Record Number: PLN-2019-16104  
Assessor Parcel Numbers: 221-131-034 and 221-261-001**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Humboldt's Native Sun, LLC, Special Permit request.**

**WHEREAS**, the applicant seeking approval of one acre (43,560 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 28,143 SF full sun outdoor and 15,300 SF in will be housed in hoop houses using light deprivation techniques. A 4,200 SF greenhouse will be used as a propagation area. The water source is provided by three rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant is proposing an additional rainwater catchment pond and 65,000 to 150,000 gallons of water proposed to be stored in hard tanks. The total water usage is estimated to be about 1.98 million gallons. Drying will occur onsite in a proposed 2,000 square feet building and further processing will occur offsite. Four employees are required during peak operations; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and 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 Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-16014); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on November 5, 2020.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

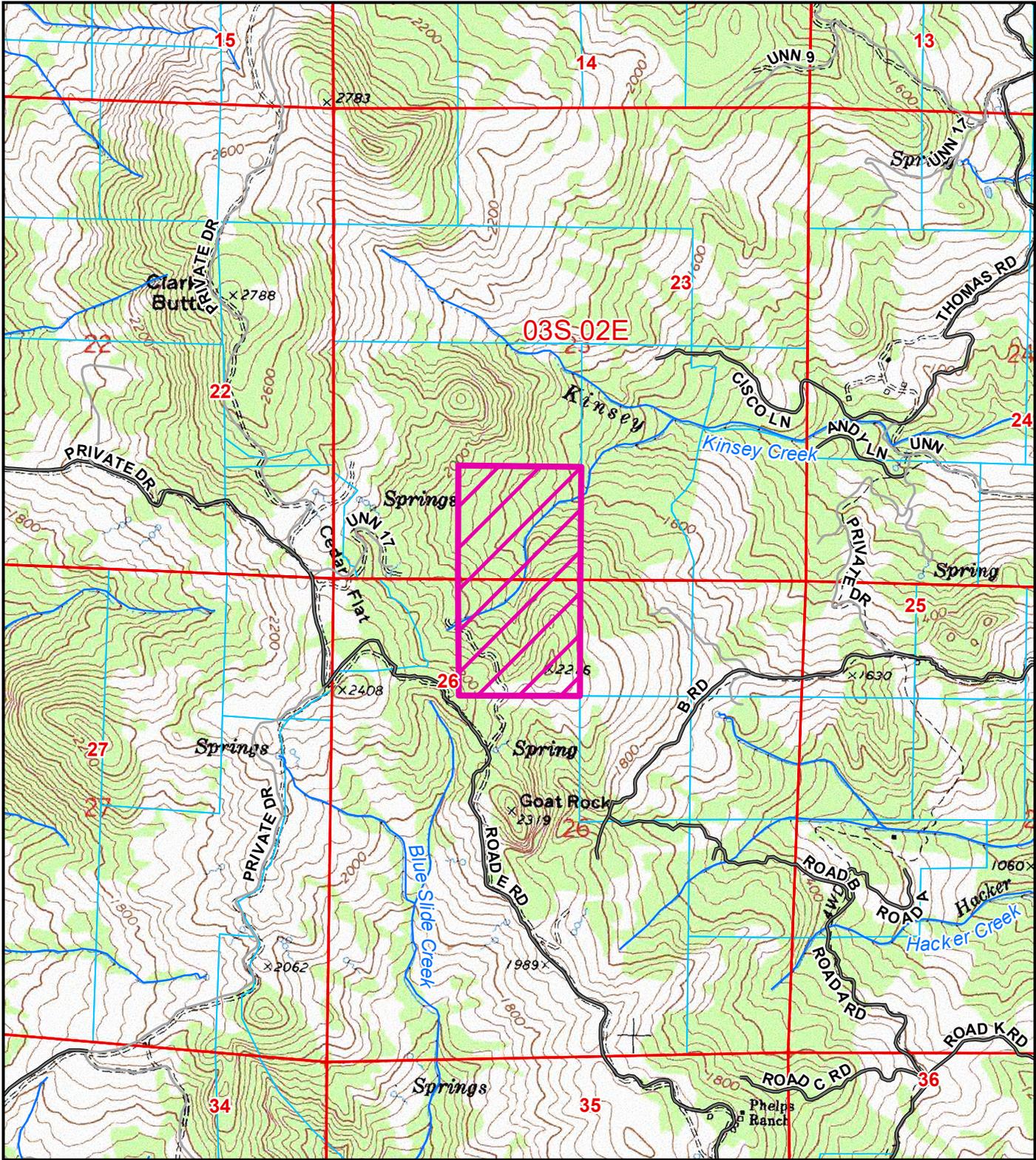
1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings in Attachment 2 of the Planning Division staff report for Record Number PLN-2019-16104 based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2019-16014 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on November 5, 2020.

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

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John Ford, Zoning Administrator  
Planning and Building Department  
County of Humboldt



**TOPO MAP**  
**PROPOSED CEDAR CANYON LLC**  
**SALMON CREEK AREA**  
**PLN--2019-16104**

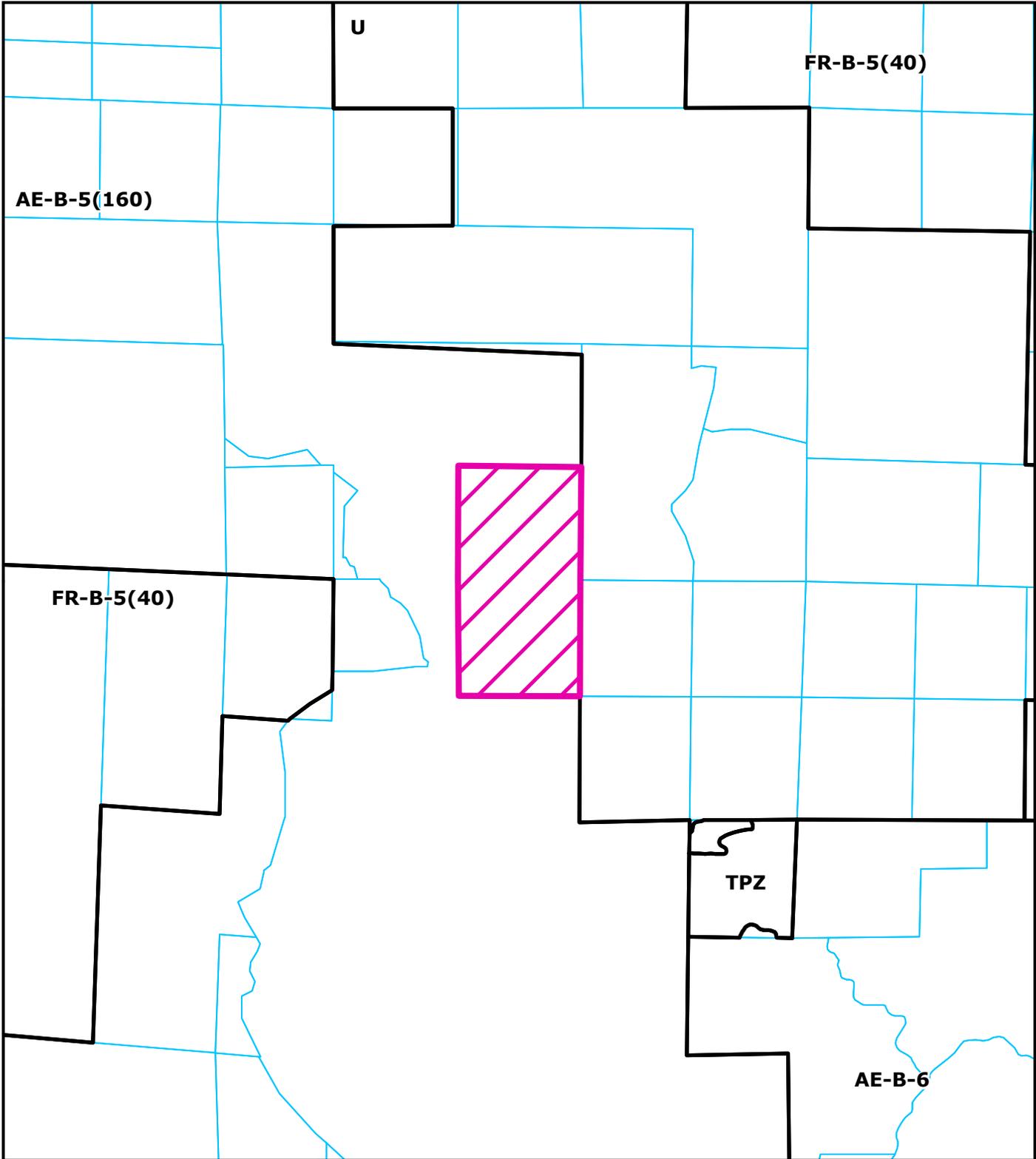
**APN: 221-131-034-000**  
**T03S R02E S23; S26 HB&M (ETTERSBURG)**

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.



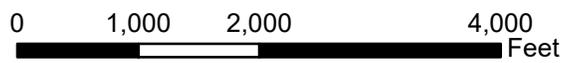


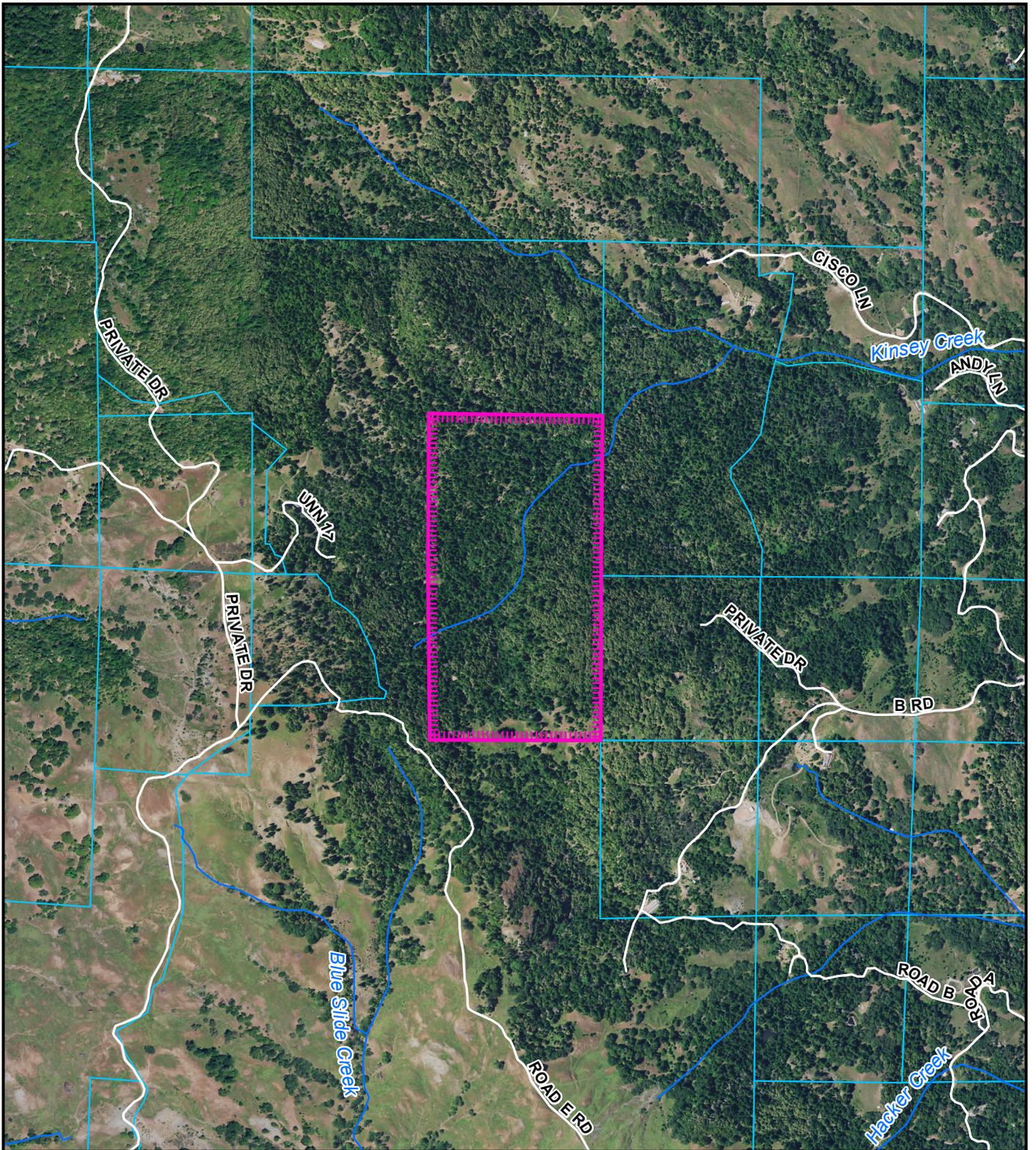
Project Area = 

**ZONING MAP**  
**PROPOSED CEDAR CANYON LLC**  
**SALMON CREEK AREA**  
**PLN--2019-16104**  
**APN: 221-131-034-000**  
**T03S R02E S23; S26 HB&M (ETTERSBURG)**



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**AERIAL MAP  
 PROPOSED CEDAR CANYON LLC  
 SALMON CREEK AREA  
 PLN--2019-16104**

**APN: 221-131-034-000  
 T03S R02E S23; S26 HB&M (ETTERSBURG)**

**Project Area =** 



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# Clarks Butte Ranch LLC, SMP Site Map

Road Assessment Map - Ranch Center  
 A Portion of APN# 221-261-001  
 PLN-2019-16104

16104

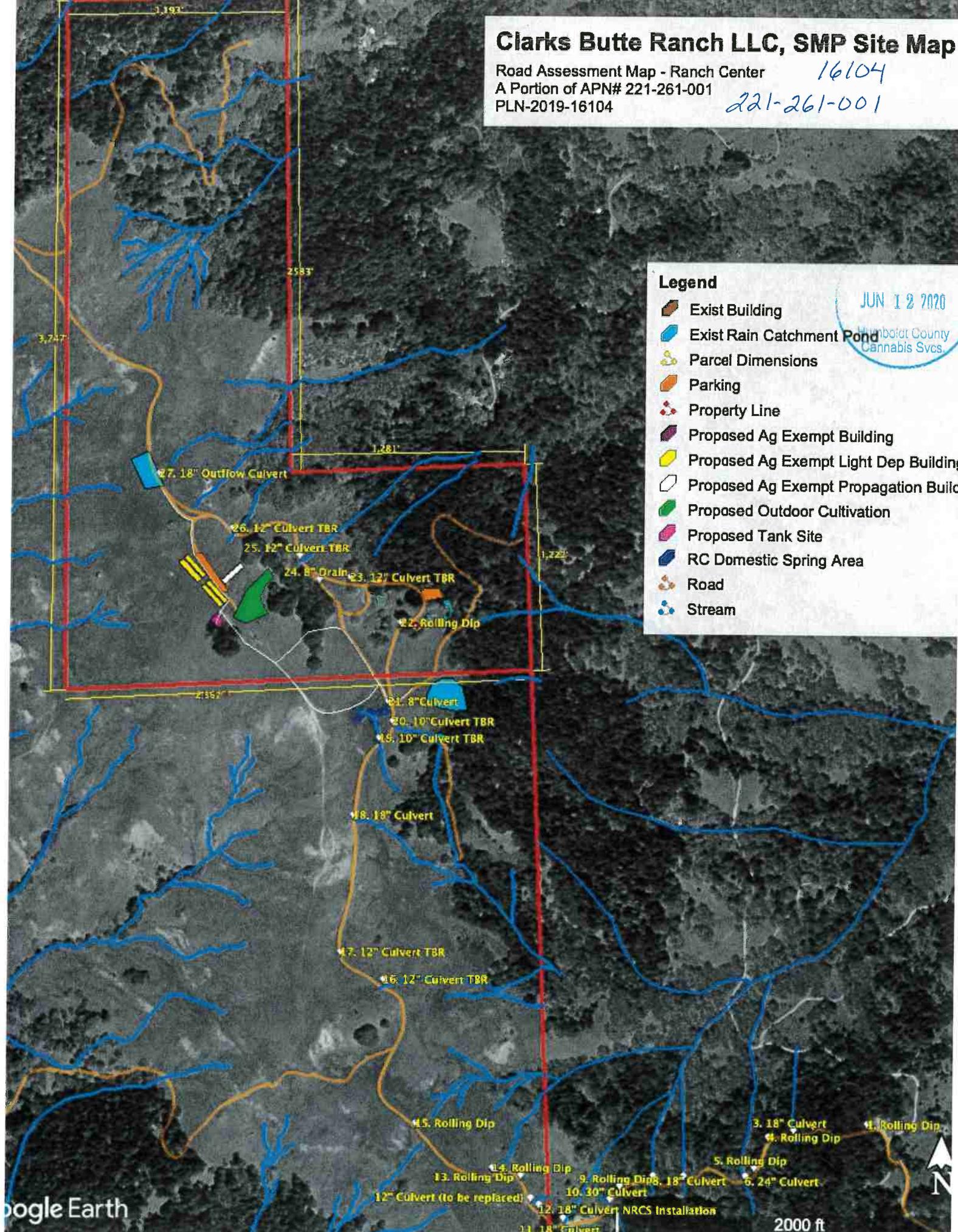
221-261-001

## Legend

-  Exist Building
-  Exist Rain Catchment Pond
-  Parcel Dimensions
-  Parking
-  Property Line
-  Proposed Ag Exempt Building
-  Proposed Ag Exempt Light Dep Building
-  Proposed Ag Exempt Propagation Building
-  Proposed Outdoor Cultivation
-  Proposed Tank Site
-  RC Domestic Spring Area
-  Road
-  Stream

JUN 12 2020

Humboldt County  
Cannabis Svcs.



Google Earth

2000 ft

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### Standard Conditions

1. Within 60 days of the effective date of project 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 #6 – 10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant to submit a noise assessment as described by Section §314-55.4.12.6 (c) within 60 days of the effective date of this permit. The noise assessment will include the ambient noise level at the subject parcel. A sign-off from the Planning Department will satisfy this condition.
3. The applicant is to submit a Remediation and Monitoring Plan prepared by a qualified biologist for the legacy six acres of cannabis cultivation. The Remediation and Monitoring Plan shall include a monitoring and reporting section that requires a minimum of three years of monitoring and a 85% success rate for any revegetation required. The Remediation and Monitoring Plan shall be reviewed and approved by the Planning Department. A sign-off from the Planning Department will satisfy this condition.
4. The applicant is to adhere to the River Band Rohnerville Rancheria THPO Monitoring Contract, adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document.
5. The applicant is to adhere to the recommendations made on pages 25-26 of the Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020. The applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. A sign-off from the Planning Department will satisfy this condition.
6. The applicant shall secure permits for all the unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activities. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department. Additionally, that the applicant shall pave the 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. 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.
8. The applicant is to adhere to the appropriate recommendations made in the final Lake Streambed Alteration Agreement, issued from the California Department of Fish and Wildlife.
9. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board,

including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

10. The applicant shall furnish receipts or other documentation to the Department of Environmental Health for the continual use of portable toilets. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
11. The applicant to continue to monitor the cultivation area for invasive species and develop an eradication plan should invasive species appear. Additionally, the applicant shall submit annual monitoring records for invasive species at the time of the annual inspection. The plan shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall submit an analysis from a Registered Professional Forester regarding timber removal on the subject to determine if timber removal occurred due to the trees being dead, dying or diseased and/or if the timber removal occurred in compliance with the Forest Practices Act. The report shall include a restocking plan that replaces any trees removed at a 3:1 ratio and shall include a monitoring and reporting section that requires a minimum of three years of monitoring and a 85% success rate for any revegetation required. The report will review and approved by the Planning Department. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. All on-site lighting that is existing or installed in the future shall be fully shielded and designed and installed to eliminate light leakage that could be visible from all property boundaries between sunset and sunrise. 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, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
15. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer or sign off from the Building Inspection Division shall satisfy this requirement.
16. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. 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) shall 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.

18. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
19. 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.

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

1. All components of the 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 not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament 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 weaves.
3. 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.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. 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.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

9. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
10. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
11. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. 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).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. Storage of Fuel - Fuel shall be stored 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.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
19. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

20. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
21. 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).
22. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

- ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  - VIII. Plan to minimize impact from increased road use resulting from processing.
  - IX. On-site housing, if any.
25. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.
26. 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 SP 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.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
28. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.
29. Permittee further acknowledges and declares that:
  - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - II. 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
  - III. 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 Medical Marijuana Regulation and Safety Act.
30. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new Owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing Permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
31. 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 314-55.4.6.5.7 of the CCLUO, 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.

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 #27 of the On-Going Requirements /Development Restrictions, above.

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

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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.

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

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. 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.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

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

1. The proposed development is in conformance with the County General Plan 2017, the Open Space Plan, and the Open Space Action Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
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; and
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. 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, the Open Space Plan, and the Open Space Action Plan.

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><b>Residential Agriculture (RA40):</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The proposed project is for 1 acre (43,560 square feet) of outdoor cannabis cultivation on lands designated RA. General and intensive agriculture are allowable use types for this designation.</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,C-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-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The applicant takes access from Briceland Thorne onto Perry Meadow Lane, then onto Briceland Road, Elk Ridge Road, Road Z, Road A, and finally onto Road E. The applicant has submitted a Road Assessment Report, dated April 2020, that provides entails a plan to maintain the road at functional capacity. (see Attachment 4). The report also details what every segment needs to be to be maintained to protect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. The applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department. The Department of Public Works has commented and recommended approval with the condition that the applicant pave the 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. 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. The project is conditioned as such. Therefore, the project complies with this section.</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 site is not part of the 2019 Housing Element Residential Land Inventory. The project does not involve residential development; however, the project will not preclude any future residential development if allowed by the zoning and general plan designation. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</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-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The subject parcel where cultivation is proposed is located in an Open Space Action Program because it is zoned Agriculture Exclusive (AE-B-5(160)) and Timberland Production Zone (TPZ). However, no cultivation activities will be located on TPZ. Agriculture is a use type permitted in the AE zone. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Blue Slide Creek and several tributaries are located on the subject parcel. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program. See Section 10.3 <i>Biological Resources</i> for additional information.</p>

<p>Conservation and Open Space Chapter 10</p> <p>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.</p>	<p>A review of the California Natural Diversity Database (CNNDDB), the Coast fawn lily is the only mapped special status or rare species that may occur in the northern portion of the subject parcel. Blue Slide Creek and several tributaries are located on the subject parcel. The nearest mapped Marbeled murrelet habitat is located 2.18 miles west from the subject parcel. The nearest Northern Spotted Owl (NSO) activity center is located 2.96 miles east from the subject parcel. The <i>Biological Assessment for Commercial Cannabis Cultivation</i>, prepared by O'Brian Biological Consultants, dated February 2020, found there are no significant impacts to special status species, such as the Norther Spotted Owl (see Attachment 4). However, the report does list recommendations to avoid adverse impacts. The report recommends that a springtime floristic survey shall be performed for sensitive plants prior to ground disturbance. Additionally, the report recommends nesting bird surveys if any significant vegetation removal- or habitat alteration is planned within the nesting bird season. As condition of approval, the applicant is to adhere to the recommendations made on pages 25 to 26 of the report and the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist.</p> <p>The applicant submitted has evidence of pre-existing cultivation, in a document prepared by William Rich and Associates, dated April 2020 (see Attachment 4). The document provides photographic evidence of legacy cultivation within tree canopies. Staff can only support six acres of cultivation of which, pursuant to CCLUO, the applicant is entitled to three acres of pre-existing. This Special Permit is only approving one acre of outdoor cultivation. The other two acres of cultivation is pending approval under Record Number: PLN-2019-16106. As a condition of approval, the applicant is to submit a Remediation and Monitoring Plan for the legacy 6 acres of cannabis cultivation. The pre-existing cultivation occurred throughout both APNs 221-131-034 and 221-261-001. Through this application, the applicant is proposing to relocation 1 acre of cultivation from both parcels to APN 221-261-001 due to steep slopes and proximity to watercourses. Because the cultivation area will be relocated away from watercourses and to slopes of less than 15% and ranch has been managed as one land unit through time, staff is support of cultivation being</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>relocated from APN 221-131-034 to APN 221-261-001. In addition to relocation, the applicant is also proposing to reorganize a portion historically full sun outdoor cultivation into greenhouses. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Because the relocation and reorganization will allow for improvement over the baseline conditions, staff supports the reorganization as well.</p> <p>The project was referred to the California Department of Fish and Wildlife (CDFW) on May 28, 2020, and no response was received. Staff contact CDFW staff directly on October 16, 2020, to inquire if there were any comments on the project (see Attachment 5). As of the date of drafting the staff report, no response was received. Any comments received prior to the hearing will be addressed and presented to the Zoning Administrator as a supplemental item. As conditioned, the project complies with this section.</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>The subject parcel is located within the ancestral territory of the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A Cultural Resource Investigation (CRS) prepared by William Rich and Associates, dated May 2020, was prepared for the project, per the request of the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers (THPO). The investigation found a multicomponent archeological site containing an extensive scatter of ancestral Native American artifacts and possible house pits with a small cluster of historic-period and modern buildings associated the applicant's ranch. The investigation recommends that the cultivation be limited to above ground containers within 100 feet of archeological site boundary. No ground disturbing activities should occur in the site or 100-foot radius without further archaeological testing. Further, the portion of the archaeological site within 100 feet of proposed cultivation, should be 100 feet of proposed cultivation, should be flagged or</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>demarcated with visible flagging whisksers, or stakes so that the site boundary is readily observable and avoided. The report was forward to the THPO for review, who recommended that the applicant signed a Monitoring Contract with the Bear River Band Rohnerville Rancheria THPO and have a THPO monitor all ground disturbance. Additionally, the applicant has submitted a Measures for Cultural Resource Protection, a document that the applicant prepared to show how he will protect the CRS onsite. The document was forwarded to the THPO and the THPO accepted the protective measures. As a condition of approval, the applicant is to adhere to the Bear River Band Rohnerville Rancheria THPO Monitoring Contract, and adhere to the recommendations made in the CRS investigation prepared by William Rich and Associates, dated May 2020, and implement the Measures for Cultural Resource Protection, as described in the document. As conditioned, the project complies with the Cultural Resources section of the General Plan.</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 standards: SR-S4, Light and Glare.</p>	<p>The project proposes outdoor cannabis cultivation, no mixed light will be used, with the exception of the 4,200 SF propagation greenhouse. The applicant will use tarps to enclose all light and minimize light seepage. The Commercial Cannabis Land Use Ordinance requires that mixed light cultivation comply with 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, uplight, or glare (BUG). International Dark Sky Association Standards exceed 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. Conditions of approval require the applicant to demonstrate compliance with this standard prior to use of any artificial lighting.</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>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-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The subject parcel contains slopes of less than 15% to 50%. The cultivation areas are developed on slopes of 30% - 50% and the applicant is proposing to relocate the cultivation area to slopes less than 15% in the southern portion of the parcel. The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. The applicant has prepared a Site Management Plan, dated May 2020 and the applicant has also, addressed stormwater management in Operations Plan dated April 4, 2020. The applicant is implemented best management practices described in the document. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>
<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-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>There is an unpermitted septic onsite that connects to the residence. The residence will not be used for cultivation activities. There will be a maximum of four employees on-site. Processing, such as trimming, will occur at an off-site, licensed processing facility. The applicant will be providing portable toilets and hand washing stations that will be serviced regularly. A condition of approval, the applicant shall furnish receipts or other documentation to the Department of Environmental Health for the continual use of portable toilets. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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>Power to the site is provided by a solar system. No generator use is proposed for the project. The subject parcel is not located in an area that requires special noise attenuation measures. The nearest mapped Marbeled murrelet habitat is located 2.18 miles west from the subject parcel. The nearest Northern Spotted Owl (NSO) activity center is located 2.96 miles east from the subject parcel. Conditions of approval require the applicant to submit a noise assessment as described by Section §314-55.4.12.6 (c) within 60 days of the effective date of this permit. No noise levels will not reach above 3 decibels from all property lines as required by the CCLUO. As conditioned, the project therefore conforms to this section.</p>
<p>Safety Element Chapter 14  Geologic &amp; 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-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The project does not include any proposed structures for human occupation. The project area is seismically classified as moderate to high instability; however, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14  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-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam inundation area; at over 15 miles distance from the coast the project site is outside the areas subject to tsunami run-up.</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>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 for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating. The project site is located within the Briceland Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. 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. The applicant conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p> <p>There will be a maximum of four employee on-site during peak operations. There are two rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant is proposing up to 65,000 to 150,000 gallons of water proposed to be stored in hard-sided tanks that can be used for fire protection in the case of an emergency. The project was referred to Cal Fire, and provided no comment. As conditioned, the project complies with this section.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>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>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	<p>The project is located in the Briceland Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate 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; and AQ-P7, Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel and the configuration of APNs 221-131-026 and 221-141-030 combined comprise one legal parcel as described in Patent 10379. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.2 Agriculture Exclusive (AE)  §314-17.1 Special Building Site (B-5 (160))	<p><b>Agriculture Exclusive (AE):</b> The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture Exclusive or AE Zones.</p> <p><b>Special Building Site Combining Zone (B-5-160):</b> As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</p>	The applicant seeking approval of one acre (43,560 square feet (SF)) of pre-existing outdoor cannabis cultivation on a 147-acre parcel zoned AE. The proposed use is an agricultural use that is specifically allowed with a Special Permit in the AE zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.

Minimum Lot Area:	20 acres	147 acres
Maximum Ground Coverage:	35%	1%
Minimum Lot Width:	100 feet	2,512 feet
Maximum Lot Depth:	none specified	3,680 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required.  SRA: lot 1 acre or larger: 30 feet, all sides	Front (west): >30 feet Rear (east): >30 feet Side (north and south): >30 feet  SRA >30 feet
Max. Building Height:	None specified	< 35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.	Blue Slide Creek and several tributaries are located on the subject parcel. The cultivation activities meet all the Streamside Management Area setbacks. Additionally, pursuant to the draft Lake Streambed Alteration Agreement from the California Department of Fish and Wildlife, addressing stream crossings and the outflow of ponds, the applicant is to obtain and adhere the final LSSA and the appropriate recommendations made in the agreement. This requirement is included in the conditions of approval for the project.
§314-109.1 Off-Street Parking	Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.  <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>	4 spaces
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis Land Use Regulation for the Inland Area of the County of Humboldt – Commercial Cannabis Land Use Ordinance (CCLUO)</b>		

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>§314-55.4.5.1.4</p> <p>City Spheres of Influence, Community Planning Areas, Tribal Lands</p>	<p>A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPA's) Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek. A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1,000') of any incorporated city, Tribal Lands, or any of the Community Planning Areas (CPA's) identified herein.</p>	<p>The subject property is not located in a Community Planning Area or in a Sphere of Influence.</p>
<p>§314-55.4.5.4</p> <p>Permit Limits and Permit Counting</p>	<p>No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).</p>	<p>According to records maintained by the Planning Department, Humboldt's Native Sun, LLC, applicant, submitted one cannabis application. This application is one Special Permit for an acre of outdoor cannabis cultivation.</p>
<p>§314-55.4.6.0</p> <p>Conversion of Timberland</p>	<p>Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.</p>	<p>No trees are proposed to be removed as part of the project. The applicant removed dead trees near the existing ponds. The applicant submitted photo graphic evidence of dead trees; however, the applicant shall submit an analysis from a Registered Professional Forester regarding timber removal on the subject to determine if timber removal occurred due to the trees being dead, dying or diseased and/or if the timber removal occurred in compliance with the Forest Practices Act. The report shall include a restocking plan that replaces any trees removed at a 3:1 ratio and shall include a monitoring and reporting section that requires a minimum of three years of monitoring and a 85% success rate for any revegetation required. The report will review and approved by the Planning Department. A sign-off from the Planning Department will satisfy this condition.</p>

<p>Eligibility Criteria §314-55.4.6.3.1: Energy Source.</p>	<p>Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.</p> <ul style="list-style-type: none"> <li>• Grid power supplied from 100% renewable source; and</li> <li>• On-site renewable energy system with twenty percent net non-renewable energy use</li> <li>• Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</li> </ul>	<p>A solar system will provide power for all the proposed operations, which is a 100% renewable energy source. The project therefore complies with this section.</p>
<p>§314-55.4.6.3.2: Water Source</p>	<p>Irrigation shall exclusively utilize stored water from non-diversionary sources or water from a public or private water supplier.</p>	<p>The water source is provided by two rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant is proposing up to 65,000 to 150,000 gallons of water proposed to be stored in hard-sided tanks. The total water usage is estimated to be approximately 1.98 million gallons. The two off-stream ponds were determined to be hydrologically disconnected from surface waters by the California Department of Fish and Wildlife.</p>
<p>§314-55.4.6.3.3: Access Roads. Road Systems.</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The applicant takes access from Briceland Thorne onto Road E, to Cedar Flat, to Perry Meadow Road, to Clark Butte Road, to Thomas Road, to the site. The applicant has submitted a road assessment that provides entails a plan to maintain the road at functional capacity. The report also details what every segment needs to be to be maintained to not affect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. The applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department. The Department of Public Works has commented and recommended approval with the condition that the applicant pave the 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. 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. The project is conditioned as such. As conditioned, the site meets all referenced road standards.</p>

§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	There are no schools within 600 feet, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.
§314-55.4.6.4.4 Special Setbacks for Odor Mitigation	Open Air Cultivation Sites located within special areas including Community Planning Areas are subject to the following enhanced setbacks unless confined within enclosed structures: 600 feet from the boundary of any residentially zoned area or residence located on a separately owned parcel.	The proposed cultivation is not located within a Special Community Planning Area that requires special odor mitigation.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.12.1.8 Performance Standards– Road System	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	The applicant takes access from Briceland Thorne onto Road E, to Cedar Flat, to Perry Meadow Road, to Clark Butte Road, to Thomas Road, to the site. The applicant has submitted a road assessment that provides entails a plan to maintain the road at functional capacity. The report also details what every segment needs to be to be maintained to nor affect water quality and minimize erosion control. Measures include, winterization techniques, ongoing rocking of gravel roads, ditch repairs, and fixing and installing culverts. The applicant is to submit monitoring plan for the road assessment every year upon inspection to the Planning Department.
§314-55.4.12.1.9 Burning of Plant Material	The Burning of Plant Material associated with Cultivation and Processing of Commercial Cannabis is Prohibited	As an ongoing condition of approval, the burning of Plant Material associated with Cultivation and Processing of Commercial Cannabis is Prohibited.

<p>§314-55.4.12.1.10 Performance Standards–  Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The applicant has completed a Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020. There are no significant impacts to special status species, such as the Norther Spotted Owl. However, the report does list recommendations to avoid adverse impacts. The report recommends that a springtime floristic survey shall be performed for sensitive plants prior to ground disturbance. Additionally, the report recommends nesting bird surveys if any significant vegetation removal- or habitat alteration is planned withing the nesting bird season. As condition of approval the applicant is to adhere to the recommendations made on pages 25-26 of the report and the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. See discussion in Section 10.3 <i>Biological Resources</i> for additional information regarding listed species, conditions of approval, relocation and reorganization of historic cultivation areas. As conditioned, the project therefore complies with the performance standards for biological resources.</p>
<p>§314-55.4.12.1.12  Stormwater Management</p>	<p>Applications for cannabis activities shall include a plan detailing how stormwater will be addressed for the property, including the location, capacity, and operation of all existing and proposed drainage facilities and features.</p>	<p>The operation plan outlines a plan on how storm water will be addressed. The applicant has prepared a Site Management Plan, dated May 2020 and the applicant has also, addressed stormwater management in Operations Plan dated April 4, 2020. The applicant is implemented best management practices described in the document.</p>
<p>§314-55.4.12.1.13 Management of Waste and Hazardous Materials</p>	<p>Applicants shall include a plan for disposal of project-related waste, including solid waste, effluent, and byproducts from commercial activities.</p>	<p>All trash and refuse generated onsite will kept in a storage staging area and then disposed at Recology Eel River Waste facility.</p>

<p>§314-55.4.12.1.14</p> <p>Protection of Historical Resources</p>	<p>Applications proposing projects which include the removal or exterior alteration of structures over 45-years in age shall provide a report prepared by a historical consultant meeting the Secretary of the Interior's Professional Qualification Standards.</p>	<p>A cultural resource investigation (CRS) was prepared for the project, per the request the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers (THPO). The applicant submitted CRS prepared by William Rich and Associates, dated May 2020. The investigation found a multicomponent archeological site containing an extensive scatter of ancestral Native American artifacts and possible house pits with a small cluster of historic-period and modern buildings associated the applicant's ranch. The applicant will not use any of the buildings. As a condition of approval, any proposed alteration to any the buildings the applicant shall provide a report prepared by a historical consultant meeting the Secretary of the Interior's Professional Qualification Standards.</p>
<p>§314-55.4.12.2</p> <p>Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the Ongoing Conditions of Approval that must be satisfied for the life of the project.</p>
<p>§314-55.4.12.4</p> <p>Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The only area that will contain light will be nursery. An ongoing condition of approval, no light will escape between 30 minutes after sunset and 30 minutes before sunrise and any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>

<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Power to the site is provided by a solar system. No generator use is proposed for the project. The subject parcel is not located in an area that requires special noise attenuation measures. The nearest mapped Marbled murrelet habitat is located 2.18 miles west from the subject parcel. The nearest Northern Spotted Owl (NSO) activity center is located 2.96 miles east from the subject parcel. Conditions of approval require the applicant to submit a noise assessment as described by Section §314-55.4.12.6 (c) within 60 days of the effective date of this permit. No noise levels will not reach above 3 decibels from all property lines as required by the CCLUO. As conditioned, the project therefore conforms to the performance standards for noise.</p>
<p>§314-55.4.12.7 Performance Standards –</p> <p>Cannabis Irrigation</p>	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>The water source is provided by two rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant is proposing up to 65,000 to 150,000 gallons of water proposed to be stored in hard-sided tanks. The total water usage is estimated to be approximately 1.98 million gallons. The applicant has provided evidence from the California Department of Fish and Wildlife that the ponds are not hydrologically connected. The State Water Resources Control Board (SWRCB), Water Rights Division, was sent a referral and did not provide a response. Because the pond is off-stream and not connected to surface waters, water rights are not required for use of the ponds for irrigation. The project therefore complies with the performance standards for cannabis irrigation.</p>
<p>314-55.4.12.10 Performance Standards –</p> <p>Soils Management</p>	<p>A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.</p>	<p>The project will not use spent soil. The applicant will amend native soil.</p>

<p>314-55.4.12.16 Performance Standards –</p> <p>Invasive Species Control</p>	<p>It is the responsibility of a certificate or permit holder to work to eradicate invasive species.</p>	<p>The Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020. States that no invasive species are present on site (page 10 ). Conditions of approval require the applicant to continue to monitor the cultivation area for invasive species and develop an eradication plan should invasive species appear. Additionally, the applicant shall submit annual monitoring records for invasive species at the time of the annual inspection.</p>
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**4. Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is 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), except where: 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.	The parcel was not included in the 2019 Housing Inventory. However, the proposed development will not preclude residential units in the future if consistent with the general plan and zoning designations; therefore, the project is in conformance with the Housing Element.

**6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for

the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of 1 acre (43,560 square feet) of outdoor cultivation, on-site drying and off-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

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

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

APN 221-261-001, Approximately 2,000 feet east as the crow flies from the intersection of East Fork Road and Road E, on the property known to be in the southeast quarter of the southwest quarter of Section 23, and the northeast quarter of the northwest quarter of Section 26 of Township 03 South, Range 02 East, Humboldt Base & Meridian, *Salmon Creek Area County of Humboldt.*

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

October 2020

## Background

### Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of 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 EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The applicant seeking approval of one acre (43,560 square feet (SF)) of pre-existing outdoor cannabis cultivation. The project includes onsite relocation and remediation of the historical sites. The cultivation will be composed of 28,143 SF full sun outdoor and 15,300 SF in will be housed in hoop houses. A 4,200 SF greenhouse will be used as a propagation area. The water source is provided by two rainwater catchment ponds with a total capacity of 1.9 million gallons. The applicant is proposing up to 65,000 to 150,000 gallons of water proposed to be stored in hard tanks. The total water usage is estimated to be about 1.98 million gallons. Drying will occur onsite in a proposed 2,000 square feet building and further processing will occur offsite. Four employees are expected to be required. The operations will be powered by solar power.

The applicant has completed a *Biological Assessment for Commercial Cannabis Cultivation*, prepared by O'Brian Biological Consultants, dated February 2020. There are no significant impacts to special status species, such as the Northern Spotted Owl. However, the report does list recommendations to avoid adverse impacts. The report recommends that a springtime floristic survey shall be performed for sensitive plants prior to ground disturbance. Additionally, the report recommends nesting bird surveys if any significant vegetation removal- or habitat alteration is planned within the nesting bird season. As condition of approval the applicant is to adhere to the recommendations made on pages 25-26 of the report and the applicant shall provide evidence of compliance, by submitting a letter from a qualified biologist. Additionally, the applicant has submitted a draft Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife, dated September 2020 addressing stream crossings and the outflow of ponds, the applicant obtain and adhere the final LSAA and the appropriate recommendations made in the agreement.

No trees are proposed to be removed as part of the project. The applicant removed dead trees near the existing ponds. The applicant submitted photo graphic evidence of dead trees; however, conditions of approval required the applicant to submit an analysis from a Registered Professional Forester regarding timber removal on the subject to determine if timber removal occurred due to the trees being dead, dying or diseased and/or if the timber removal occurred in compliance with the Forest Practices Act. The report shall include a restocking plan that replaces any trees removed at a 3:1 ratio and shall include a monitoring and reporting section that requires a minimum of three years of monitoring and a 85% success rate for any revegetation required.

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

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize consisting of 43,560 square feet (sf) of outdoor cannabis cultivation and to construct minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Biological Assessment for Commercial Cannabis Cultivation, prepared by O'Brian Biological Consultants, dated February 2020.
- Road Assessment Report dated April 2020.
- Draft Lake Streambed Alteration Agreement from the California Department of Fish and Wildlife dated September 2020.
- Cultural Resource Investigation prepared by William Rich and Associates, dated May 2020.
- Site Management Plan, prepared by owner Charles Benbow, dated May 2020.

## 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 EIR was adopted. Based upon this review, the following findings are supported:

### FINDINGS

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

### CONCLUSION

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

## 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 acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached - in Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached - Site Management Plan, prepared by owner Charles Bendow, dated May 2020)
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 - Drafft Lake Streambed Alteration Agreement from the California Department of Fish and Wildlife, dated September 2020)
9. If the source of water is a well, a copy of the County well permit, if available. (Condition of approval)
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 (CALFIRE). 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 CALFIRE. (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. *Biological Assessment for Commercial Cannabis Cultivation*, prepared by O'Brien Biological Consultants, dated February 2020. (Attached)
16. DEH Worksheet (On file)
17. Road Assessment Report dated April 2020. (Attached)
18. Cultural Resource Investigation prepared by William Rich and Associates, dated May 2020. (On file and confidential)

Cultivation and Operating Plan

Revision (1)

PLN-2019-16104

For

Was Cedar Canyon LLC, APN# 221-131-034

Now Clarks Butte Ranch LLC, APN# 221-261-001

Ranch Center Permit (RCP)

A Portion of APN# 221-261-001

Proposed Commercial Cannabis Cultivation Facilities

Lead Agency

Humboldt County Planning Department

3015 H Street

Eureka, CA 95501

Prepared By:

Charles Benbow

40 East Branch Road

Garberville, CA 95542

December 2019

Revision (1)

4/4/20

OPERATING PLAN  
RANCH CENTER PERMIT  
Revision (1)

Clarks Butte Ranch LLC, Ranch Center Permit PLN-2019-16104

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**1. PROJECT SUMMARY**

**1.1. Project Objective**

Clarks Butte Ranch, LLC (CBRLLC) is proposing to permit pre-existing cannabis cultivation activities in accordance with the County of Humboldt's (County) Commercial Cannabis Land Use Ordinance (CCLUO). The project requires a Special Permit for approximately 1 acre of outdoor cannabis cultivation to serve the Ranch Center Permit (CBP). The project proposal includes permitting items appurtenant to the cultivation such as water storage facilities and other requirements as deemed necessary to fully comply with State and County cultivation regulations.

**1.2. Site Description**

The project is located on Elk Ridge, approximately 5.47 Miles NW of Redway, CA, in Sections 26 & 35, Township 3S, Range 2E. There's no TPZ on the parcel. The subject parcel is +/-131 acres in size. The property is entirely in an "Impaired Watershed" draining into Hacker Creek, then into Tosten Creek both tributaries to the South Fork of the Eel River. The parcel is roughly 2/3 grasslands and 1/3 timbered. Topography varies from flat on the ridgetop and numerous benches to steep timbered ravines in the NE portion. The proposed cultivation sites are located in grasslands atop Elk Ridge with level or nearly level topography. No cultivation site exceeds grades of over 6% and most are flat. Some minor grading will occur. Concrete footings for buildings will be necessary. Soils within the cultivation sites are largely clay with sedimentary rock outcrops. There is little, or no surface erosion due to the flat ground atop of the ridge. No evidence of water run-off or watercourses are present within the site.

There are three (3) deeded rights-of-way accessing the site: Perry Meadow Road to Briceland-Thorne Road, Blue Slide Creek to the Ettersburg Road, and Thomas Road to Highway 101. Proof of these are in the Title Report and Easement docs contained in Appendix B. Appendix B also includes proof of ownership documents, Corporate documents, and Operating Agreements for CBRLLC.

**1.3. Land Use**

The subject property has a General Plan designation of Residential Agriculture (RA) and is zoned Agricultural Exclusive (AE). The surrounding properties have similar General Plan designations.

**1.4. State and Local Compliance**

**1.4.1 State of California Commercial Cannabis Activity License**

RCP will obtain a Commercial Cannabis Activity License from the State of California once the local approval has been received.

**1.4.2. State Water Resources Control Board**

The water sources for cannabis cultivation will be three (3) rainwater catchment ponds and 65,000-150,000 of tank water storage. A well and possibly an additional catchment pond may also be added in the future. An application with the State Water Board has been submitted however that submission will be modified or cancelled as we have been informed by the Humboldt County Planning Department (HCPD) that no POD's are allowed under this application. A 3,000-gallon domestic water tank and 1,200-gallon fire water tank are on site. These will be upsized to a 5,000-gallon domestic storage and 2,500-gallon fire storage. Additional tank storage of 150,00 -300,000-gallon is anticipated. Location of tanks and ponds are noted on the Site Plan, Appendix A, attached. The SUIR has been filed with the State Water Resource Board (SWRCB). The Registration ID is H508760. The Wastewater Discharge Application number is BA10423007. (Appendix C) As stated above these will be modified or eliminated as appropriate.

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**1.4.3. North Coast Regional Water Control Board**

A Site Management Plan (SMP) was previously submitted under Tier 1 requirements by Charles Benbow (Previously Appendix D). The previous format is for the Central Coast Regional Water Control Board. This format contains the information necessary for an SMP. The SMP has not yet been filed with the SWB and the North Coast Regional Water Quality Control Board (NCRWQCB). It will be adapted and filed to meet the requirements of the NCRWQCB and Humboldt County and be submitted as Appendix I.

**1.4.4. Humboldt County Building Department**

All necessary building permits will be obtained from the Humboldt County Building Department for any proposed structures or infrastructure upon approval of the Special Permit.

**1.4.5. CAL FIRE**

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles and management of trees and vegetation around structures to maintain the required 100-foot defensible space. All structures on the property will meet the 30-foot SRA setback requirement from property lines. A fire riser and 2,500-gallon water tank dedicated to fire suppression will be installed. Fire boxes with back pumper (2) shovels, (2) axes and (2) McClouds will be placed wherever human activities occur.

**1.4.6. California Department of Fish and Wildlife**

Timberland Resource consultants has been retained to create required Department of Fish and Wildlife 1600 report attached as Appendix D.

**1.4.7. Cultural Resources**

An archaeological study has been completed by William Rich and Associates. See archaeological report Appendix E.

**1.4.8. Biological Reconnaissance Survey**

A Biological Assessment for Cannabis Cultivation has been completed by O'Brien Biological Consultants. See Appendix F.

**2. CULTIVATION AND PROCESSING**

**2.1. Nursery Propagation and Initial Transport**

A propagation greenhouse totaling 4,200(sf) is proposed per the Site Plan, Appendix A. They will be solar powered, and no light will be visible from the exterior of the building. Juvenile plants (clones) will be purchased as required by rule, or propagated from seeds, that demonstrate the desired genetics for the specific cannabis strain. The clones will be placed into the nursery, in container trays and once fully rooted transplanted directly into one (1) gallon plastic containers containing a growing medium of coco-core fiber and perlite. The nursery size will be less than 10% of the permitted (sf) of the cultivation area. After 2-4 weeks, the plants will be moved outside or into greenhouses. Clones will be transplanted into 25-gallon smart pots or beds with the same soil and perlite medium where they continue their "vegetative" cycle. Light proof tarps will be used in the propagation phase to limit light escaping the building during the minimal lighting used in the propagation process. Seed propagation may also be used in the future as allowed by local and state requirements.

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**2.2. Outdoor Cultivation Plan and Schedule**

A single cycle outdoor cultivation of 28,260 (sf) will occur on the property within one(1) cultivation area commencing on or about June 25th and terminating on or about October 5<sup>th</sup> is scheduled. See Appendix A. Four (4) light dep greenhouses totaling 15,300(sf) of proposed greenhouse light deprivation space will be utilized for two (2) flowering cycles per year from April to October.

Farming proposes a unique set of metrics in planning and scheduling. One must have available land, proper soil, capital, labor, product markets, suitable weather and adequate water. Plans and schedules must be adapted for all of these considerations. For RCP the most critical of these is water. Under the CCLOU water used for cultivation must come from wells and/or rain catchment ponds. Rainfall in Humboldt County is seasonal, falling between October and May. As a result, we can predict with some certainty the available water for the summer growing season and plan accordingly. Schedule A in section 2.3 below is a detailed model of RCP projected planting and water use in "normal" rainfall years.

**2.3. Irrigation Plan and Schedule**

Growing cannabis is farming. Schedule A of this section is a model for schedule and irrigation of plants using drip irrigation. Drip irrigation has been selected by RCP because it is the most water efficient. See Appendix C. The model assumes "normal" growing conditions. In our area of Humboldt County and under CCLOU rules, water supply for the summer cannabis outdoor growing season is based on previous winter rainfall. Should available water be diminished for lack of rain then, like any other farm the number and size of plants, days the plant is in the ground, and irrigation days must be adjusted accordingly. In addition, abnormal heat or cool weather will also increase or decrease the amount of water the plant uses. CBP will take all of these conditions into consideration when planting their outdoor crop each year and adjust accordingly.

Total water for cultivation is 1.985 million gallons for 13,181 plants. These are optimum estimates and will vary based on multiple factors.

See Schedule A attached

**Schedule A, Ranch Center Permit Cultivation and Irrigation Schedule**

Cultivation Area/ Ac	1.0
(sf)/Acre	43,560
Total (sf)	43,560
% of (sf) Unused	0.0%
Plantable (sf)	43,560
Outdoor (sf)	28,260
Outdoor Light Dep (sf)	15,300

**Actual Planting**  
 3.1 1,245 plants in 30'x130' LD  
 8.3 2,400 plants in 20,000(sf) Outdoor

**Outdoor**

Per Plant	1.0
# Months of Irrigation	3.3
Irrigation Days/Mo	15.0
Total Irrig Days	49.5
Gal/Plant/Irrig Days	2.8
Total Gal/Plant	136.1
(sf)/Plant	8.3 68.9
Plants/1,000 (sf)	1,000.0 120
Gal Irrig/1,000 (sf)	16,401
(sf) Outdoor	28,260
Total Plants	3,405
Total Water/Gals	463,481

**Outdoor Light Deprivation**

Grows	2.0
Per Plant	1.0
# Month of Irrigation	2.5 5.0
Irrigation Days/Mo	15.0
Total Irrig Days	75.0
Gal/Plant/Irrig Days	2.0
Total Gal/Plant	150.0
(sf)/Plant	3.1 9.8
Plants/1,000 (sf)	1,000.0 102
Gal Irrig/1,000 (sf)	15,311
(sf) Outdoor Light Dep	15,300
Total Plants	9,776
Total Water/Gals	1,466,454

**Propagation**

Grows	1.1
Per Plant	1.0
# Month of Irrigation	1.0 1.1
Irrigation Days/Mo	15.0
Total Irrig Days	16.5
Gal/Plant/Irrig Days	0.3
Total Gal/Plant	4.1
(sf)/Plant	0.2500 0.063
Plants/1,000 (sf)	1,000.0 16,000
Gal Irrig/1,000 (sf)	4,000.0
(sf) Propagation	3,295
Total Plants	13,181 13,181
Total Water/Gals	54,372

Total Water for Cultivation/Gal 1,984,307.1

**Schedule for Outdoor Cultivation**

	January	Febuary	March	April	May	Jun	July	August	September	October	November	December	
% Use /Mo	0.00%	0.00%	0.00%	0.00%	0.00%	5.00%	30.00%	35.00%	25.00%	5.00%	0.00%	0.00%	100.00%
Amt Water/Gal	0	0	0	0	0	23,174	139,044	162,218	115,870	23,174	0	0	
Total Water/Gal	463,481												

**Schedule for Outdoor Cultivation (Light Dep)**

	January	Febuary	March	April	May	Jun	July	August	September	October	November	December	
% Use/Mo	0.00%	0.00%	0.00%	7.50%	10.00%	20.00%	15.00%	20.00%	20.00%	7.50%	0.00%	0.00%	100.00%
Amt Water/Gal	0	0	0	109,984	146,645	293,291	219,968	293,291	293,291	109,984	0	0	
Total Water LD/Gal	1,466,454												

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## **2.4. Harvesting, Drying, and Trimming**

A drying facility will be constructed on site. When permitted the "Main Barn" 2,000(sf) will be reconstructed in a manner suitable for the dual purpose of drying and other ranch needs. As drying will occur for approximately 6 weeks a year, it should be possible to schedule hay storage and other traditional ranch uses around those drying periods.

Plants that are ready for harvest have their flowering branches removed and suspended in a drying facility which must be equipped with ventilation fans. The drying process takes approximately one to two weeks. When Proposed drying facilities are built on the parcel, permits will be obtained from HCPD as required. No generators will be used. Solar power will be incorporated and wood burning heat may also be needed.

The dried flowers are then bucked into manageable buds and transported to an off-site processing facility or licensed manufacturing facility.

The finished product is stored in a processed materials room before being transported to a licensed distribution facility. The waste product, or "trim" is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite licensed manufacturing facility.

## **2.5. Processing Facility**

No cannabis trimming or packaging will occur on-site. RCP will contract with a licensed off-site processing facility and/or sell bulk cannabis to a commercial cannabis manufacturer.

## **2.6. Employee Plan**

Labor for the RCP cannabis growing operations will be provided by family members. It is not anticipated that outside labor will be necessary. If outside labor is needed, RCP will become 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) and will comply with all applicable federal, state and local laws and regulations governing California Agricultural Employers. The existing residence may be used by cultivation workers during the growing season. We will obtain a building permit as required by HCPD.

### **2.6.1. Job Description and Employee Summary**

Job description: All aspects of propagation, planting, cultivation, harvesting, and drying.

### **2.6.2. Staffing Requirements**

It is expected that site tasks can be accomplished by four (4) individuals, this year for both RCP and CBP. Staff requirements may change based on terms and conditions of this permit.

### **2.6.3. Employee Parking**

All parking, including employee parking, will be in areas marked as such on the Site Plan Appendix A. Parking suitable for 4-8 vehicles will be provided. Turnarounds are also delineated on the Site Plan. Ample space for parking and turnarounds away from access corridors will be maintained for emergency vehicles.

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**2.6.4. Worker Training and Safety**

On-site cultivation and harvesting are performed by family trained on each aspect of the procedure including cultivation, harvesting techniques, use of pruning tools and proper handling of pesticides and fertilizers. All cultivation and processing personnel are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the on-site cultivation facilities are limited to authorized and trained staff.

All personnel are trained on proper safety procedures including fire safety, use of rubber gloves and respirators, proper hand washing guidelines, and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control will be posted at the worker bulletin board at cultivation site entrance. Each individual at work is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS), when applicable, are kept on site and accessible to personal if applicable. No smoking of any kind will be allowed on site or coming to and going from the site. Cell service is available on site. First-aid supplies, a hose connection, hand and eye washing station will be provided at each site.

**2.6.5. Toilet and Handwashing Facilities**

Cultivation personnel will be served by portable toilet(s) and hand washing station. Anti-bacterial liquid soap and paper hand towels will be made available. Restroom and handwashing units will be serviced at regular intervals by a contractor or trained personnel. Personnel will work at a distance no greater than 750 feet from the restroom facility.

**2.6.6. On-Site Housing**

No new on-site housing is anticipated. However, we do plan for adaptive reuse of existing residence at the Ranch Center which is approximately 600 feet from the cultivation site. The Ranch Center contains the following structures.

Residence with (1) bathroom	850 sf	Built +/-1966
Barn foundation	2,000 sf	Barn built by homesteaders since removed as tree fell on it.
Storage barn	720 sf	Built by homesteaders.
Storage shed w/ bathroom	336 sf	Built by homesteaders.
Hay barn	720 sf	Built by homesteaders.
Meat House	110 sf	Built +/-1970
(2) Con ex storage containers	320 sf	Installed 2016

The existing residence and the storage shed bathrooms connect to an unpermitted septic system which has been repaired. None of the buildings are permitted though some have been there for +/- 100 years. The applicant proposes to rebuild the barn within its existing footprint and add a new 24' x 60' equipment storage facility. The barn will be used for drying. The equipment building will not be used for cannabis operations. The applicant intends to get the appropriate permits from the HCPD for all structures and associated installations. Solar power will be utilized to power the buildings.

**2.7 Security Plan and Hours of Operation**

**2.7.1. Facility Security Plan**

The site is extremely safe. The parcel is isolated by steep topography to the west and east with the west boundary being shared with the Phelps ranch of +/- 1,800 acres. Ridgeland LLC borders to the north with an occupied home on it. Three locked gates must be passed when entering from the north. Entrance from the south is also through a locked gate and passes through the ranch center. Both the Phelps and CBRLLC properties have perimeter fencing. The access roads connect at Cedar Flat in the middle of the Phelps and Benbow ranches. Since there are no easements for anyone but Phelps and Benbow through their properties the roads act as dead ends at the property entrance gates. See Deeds and Easements Appendix B. Emergency CAL FIRE vehicles have access. These legal easements are unique to CBR and Phelps's ownership which encompass +/- 3,000 acres, a secure buffer of isolation for the sites. Security and motion detection cameras will be placed strategically. No outdoor lighting is required for these cameras.

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**2.7.2. Hours of Operation**

Activities associated with cultivation generally occur during daylight hours. No nighttime operations are planned. Activity hours under normal conditions will be between sunrise and sunset limiting noise and light during nighttime.

**3. ENVIRONMENT**

**3.1. Water Source and Projected Water Use.**

Water for cultivation will be provided in two ways. The primary source will be rainwater catchment ponds. These are built but, we believe, will need liners to hold water. A well and possibly an additional catchment pond may also be added in the future. 60-150,000 gallons of water tank storage will be constructed and filled by well or pond water. Tank sites are noted on the Site Plan, Appendix A, attached. Domestic water will be supplied from a spring on the property. Water will be pumped from the spring site (noted on Site Plan) to a domestic water tank at the tank site on top of the ridge. RCP will utilize water management strategies to conserve water. Refer to section 2.4 for a summary of irrigation practices, and Schedule A in section 2.3 of the Operations Manual for monthly irrigation schedule. 1.984 million gallons of water are projected for a normal growing season. 463,480 gals for 3,405 outdoor plants, 1.47 million gallons for 9776 light dep plants and 54,372 gallons for propagation. See Section 2.3 of Operating Plan for more detailed information.

An SUIR application (SUIR Reg# H508760) and Wastewater Discharge Application BA10423007 were filed with the State Water Resource Board (SWRCB). Consultation with the Humboldt County Planning Department (HCPD) has revealed that no running water sources are allowed for irrigation of cannabis throughout the year in an "Impaired Area," under the CCLOU. Only rainwater catchment ponds and wells are allowed. These were/are the water sources planned but information from the SWB led to the application that was filed. Since the SUIR is not necessary, or valid, and POD's are not allowed under the CCLOU v2 they will be eliminated from the revised Site Plan as part of the revisions requested in our application. We are in the process of working with the SWB to resolve any conflicts.

**3.2. Water Storage**

Water will be stored in three (3) existing rain catchment ponds

Hay Field approximately	441,000 gals
Upper Orchard approximately	1.4 million gallons
Lower Orchard approximately	53,000 gallons
Estimated total	1.9 million gallons.

Proposed water tanks will store an additional 60,000-150,000 gallons of water will be stored. There is an existing 3,000-gallon domestic water tank and 1,250-gallon fire water tank which will be replaced with 5,000-gallon domestic water tank and a 2,500-gallon dedicated fire tank along with riser. All tank and rain catchment sites are noted on Site Plan Appendix A.

**3.3. Site Drainage, Runoff, and Erosion Control**

The cultivation sites are on Elk Ridge. Due to its ridgetop location ground within the cultivation area sheds rainwater without channeling. There are no defined water courses of any kind on site. No erosion will occur from the cultivation area as water soaks into the ground and slopes are level to 6%. A Site Management Plan (SMP) was developed under Tier 1 requirements by Charles Benbow (See Appendix I).

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### **3.3.1. Site Drainage and Runoff**

Site investigation showed no evidence of runoff associated with the proposed cultivation areas. This would be expected given the topography, nearly level, location, atop the ridge, vegetation, and high soil porosity. There are no defined watercourses on, or within 132 ft. of the cultivation site. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including controlled irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zones. Drainage from this section of Elk Ridge runs westerly to Mattole Canyon Creek then on to the Mattole River. Water falling on the east side of the ridge flows to Kinsey then Salmon Creek, and on to the South Fork of the Eel River.

### **3.3.2. Erosion Control**

The Site Management Plan (SMP) includes erosion and sediment control BPTC's designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including: out sloping and rocking the main roads, adding rocked rolling dips on all roads, adding seed and straw to exposed dirt surfaces for stabilization, planting grass plugs and trees, and using rip-rap for bank stabilization, as watercourse energy dissipaters and for headwall and discharge rock walls at culvert sites. Additionally, the SMP requires mulch piles and spoils from any grading to be stored so as not to enter a designated water course.

### **3.4. Water and Habitat Protection.**

Adherence to the SMP ensures that the watershed and the surrounding habitat are protected. As long-time owners and stewards of the land, this has been a priority for years. The cultivation activities and any associated structures are more than 50' from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, the site development and maintenance activities utilize BMTC's in accordance with the State and Federal agency standards.

### **3.5. Monitoring and Reporting**

Monitoring will be conducted to confirm the effectiveness of corrective measures listed in the SMP and determine if the site meets all Standard Conditions. Scheduled inspections will include photographic documentation of any event that produces sedimentation to a water course. Visual inspections will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water.

The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented.

On-site monitoring shall occur:

1. Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation.
2. Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
3. Following any rainfall event with an intensity of 1-inch precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forcast>.

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### **3.6. Energy and Generator Use**

RCP plans to install solar arrays to provide energy needs for the site including any buildings that may be permitted. The applicant will use on-site generators in the construction phase of improvements and as back up auxiliary to solar power in the future. No fuel for generators will be stored on site. Honda EU2000i, EU3000i and EU7000i generators will be used with decibel levels of 57db, 57db and 58db respectively. Additional sound suppression measures will also be implemented to ensure 50db at 100' keeping generator noise nearly undetectable.

### **3.7. Use and Storage of Regulated Products**

#### **3.7.1. Best Management Practices**

Best Practical Treatment or Controls (BPTC's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides will be located in a locked storage room or con-ex, and contained within watertight, locked and labeled containers in accordance with instruction. Application rates will be tracked and reported with the end of the year monitoring report as required. Workers responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye, body and respiratory protection in accordance with the manufacturer's recommendations.

#### **3.7.2. Fertilizers**

The protocol for storing fertilizer is not to store fertilizer. This is a basic farming practice. Fertilizer, whether organic or chemical is unstable and reactive. Fertilizer should be, and will be, purchased when we are ready to apply it. The anticipated products that will be used are organic pelletized chicken manure, a seaweed supplement such as Maxicrop, and crushed oyster shell flour from the Pacific Pearl Corporation. Fertilizer will be stored in a watertight, con-ex container during application.

See Appendix G - *Regulated Products Resource List* for product details.

#### **3.7.3. Pesticides and Fungicides**

Pesticides and fungicides used for cultivation include:

Peppermint Soap

See Appendix G – *Regulated Products Resource List* for product details.

### **3.8. Waste Management**

#### **3.8.1. Solid Waste Management**

All trash/refuse generated on-site will be kept in the storage/staging area, within a trailer or refuse bin, where it will not migrate or leach into waters of the state. (See Site Map Appendix A). Cultivation-related organic waste will be composted in a designated area and stabilized with the appropriate BPTC measures. There will be no "spent soil." Soil is a medium that can be amended or enhanced as time goes on. During the dormant season, mulching or cover cropping will be used to help accomplish this. Household and other cultivation-related waste and recycling are temporarily stored in wildlife-impenetrable storage containers. All refuse and cultivation waste are then transported to the Recology Eel River waste facility approximately twice a month.

**OPERATING PLAN**  
**RANCH CENTER PERMIT**  
**Revision (1)**

**3.8.2. Wastewater Management**

Drip irrigation methods will be used to minimize the over-irrigation of plants and subsequent runoff. Porta-potties will be provided at the cultivation site and will be serviced regularly by the provider. Should fixed bathrooms be constructed in the future, a soils report and septic system design will be completed along with all required HCPD building permits

**4. PRODUCT MANAGEMENT**

**4.1. Product Testing and Labeling**

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product will then be labeled and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking system.

**4.2. Product Inventory and Tracking**

The applicant will enroll in the Humboldt County cannabis product and inventory tracking system, an internally developed system of inventory and tracking utilized by the County of Humboldt as required. The *Agent in Charge* and *Lead Cultivator* will ensure all commercial cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and local regulations. The information recorded for each harvest includes:

1. Cultivation canopy area
2. Weight of flowers, by-product, and trim waste after drying and separation
3. Product ID numbers and product weight
4. Staff identification (at each step)
5. Physical location of the plant material at all times

Tracked products are required for legal entry into the State marketplace. Currently, the State marketplace does not have a tracking program online. At the time that the first annual licenses are distributed, a State sanctioned tracking program (Metrc) will come online. All state-issued annual licenses are required to use the California Cannabis Track and Trace (CCTT)-Metrc system to record, track, and maintain information about their cannabis, cannabis product inventories, and activities. Cultivators pursuing State Licensure must complete the state-provided training before using the CCTT-Metrc system.

**4.3. Transportation and Distribution**

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and local regulations. All merchantable product will be distributed in accordance with State and local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

1. Product ID numbers and product weight
2. Route to be traveled
3. Origin and destination addresses
4. Time of departure
5. Time of arrival

The *Agent in Charge* and *Processing Manager* are responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

**Cannabis Regulatory Program  
Central Coast Regional Water Quality Control Board  
Site Management Plan**

October 17, 2019 Version



<b>County:</b>	San Benito	<b>Cultivator Name:</b>	Cedar Canyon LLC
<b>Site Name:</b>	Cedar Canyon LLC	<b>Site Address:</b>	Rd. E, Perry Meadow
<b>APN(s):</b>	221-131-034, 221-161-001	<b>WDID #:</b>	
<b>Tier:</b>	1	<b>Risk:</b>	Low
<b>Disturbed Area (ft<sup>2</sup>):</b>	15,000.00	<b>Cultivation Area (ft<sup>2</sup>):</b>	10,000.00
<b>Cumulative Disturbed Area (ft<sup>2</sup>)*:</b>	15,000.00	<b>Cumulative Cultivation Area (ft<sup>2</sup>)*:</b>	10,000.00

*\*For sites with multiple enrollments on the same property, report the combined disturbed area and cultivation area of all cannabis cultivation on the property. If this does not apply, leave this section blank.*

This plan describes how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance. If the sections below do not provide sufficient space, you may attach additional pages.

**Fill out the form electronically, save as a PDF file, and email the completed electronic form along with maps and photos to [CentralCoast.Cannabis@waterboards.ca.gov](mailto:CentralCoast.Cannabis@waterboards.ca.gov). Please do not submit forms that have been printed and scanned.**

**1. Sediment Discharge BPTC Measures**

**A. Site Characteristics**

<p><b>i. Site Map</b></p> <p>Attach a map of the site. The map should contain the following features with labels:</p> <ul style="list-style-type: none"> <li>• Access roads</li> <li>• Vehicle parking areas</li> <li>• Streams</li> <li>• Stream crossings</li> <li>• Cultivation site(s)</li> <li>• Disturbed areas</li> <li>• Buildings</li> <li>• Other site features that are referenced in this plan. (e.g. BPTC measures, pesticide/ fertilizer storage, trash/ refuse storage, etc.)</li> </ul> <p>The map should also include:</p> <ul style="list-style-type: none"> <li>• A legend</li> <li>• A north arrow</li> <li>• A scale bar</li> <li>• Topographic lines</li> </ul>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**ii. Access Road Conditions**

a. What is the road surface type(s)? Check all that apply.

Asphalt  Gravel  Dirt  Concrete  Other (describe): \_\_\_\_\_

b. Is there evidence of erosion, such as gullies or rills? If yes, describe current conditions and how they will be remediated in the space below.

Yes  No

No evidence of erosion is present on Site (1). Site (2) has erosion from winter run off present in some areas. This erosion is primarily due to logging from the 1950's and 60's and has been corrected. Map of active stream system is attached.

c. Does any portion of the access road(s) act as a conveyance for water? If yes, describe in the space below.

Yes  No

Any road in Humboldt county acts a a conveyance for water during storm events. Erosion from this is negligible as out-sloped roads, rolling dips and other BMP's limit and energy build up and prevent erosion. 1

d. What is the estimated vehicle traffic on these roads?

Commuter vehicles: 1\_\_ per Day

Commercial vehicles: 1\_\_ per Week

Heavy equipment: 4\_\_ per Year

Other \_\_\_\_\_: \_\_\_ per Day

e. How is storm water drained from the roads? Check all that apply. Refer to *The Handbook for Forest Ranch and Rural Roads* for information on the methods listed below. (Available at <http://www.pacificwatershed.com/PWA-publications-library.>)

Crowned  Out slope  Armored ditch  Culverts  Rolling dips  
 Other (describe below)

f. Describe the number, spacing, and discharge location of water drainage features.

Depending on the slope and drainage during winter events spacing for discharge varies greatly. Roads are out sloped, have rolling dips, and rockered surfaces so water runs off nearly everywhere in insufficient quantity for erosion to occur. Where roads are still crowned water carrying ditches are culverted 100+ feet. Rolling dips and road outslope are used even on crowned roads to reduce flow wherever possible keeping water drainage in natural channels.

g. Select the erosion control and sediment capture measures used on the access roads and water drainage features. Check all that apply.

#### Erosion Control Measures

- Erosion control blankets    Geotextiles    Straw mulch    Hydromulch    Wood mulch  
 Vegetation Preservation    Vegetation Planting    Hydroseeding    Vegetated channels  
 Check dams    Other: Rip Rap, other use of rock

#### Sediment Capture Measures

- Fiber Rolls    Silt fences    Other: Rock lined ditches, Geotec

Describe the selected measures in the space below:

Fiber rolls, silt fences and rock line ditches are used to keep erosion from entering water courses from disturbed or steep pitches. Geotextiles are used behind rip rapped banks and under notoriously wet areas under roads to keep soil behind/under the rock from entering the watercourse.

h. What activities are done to maintain the roads? What activities are done to maintain erosion control measures? What is the maintenance schedule?

Roads are checked and repaired constantly. Equipment is kept on site year round for road maintenance. Equipment onsite includes backhoe, excavator, crawler tractor, compactor (as needed) and dump truck. Roads are continuously inspected and repaired as needed when weather permits. Rock is added as needed, weather permitting. Roads are shaped by grading annually in summer time and repairs made as needed during the dry summer season.

**iii. Streams**

a. Do you have any streams, drainages, or channels on or adjacent to your property?  
 Yes  No

b. If applicable, provide the name(s) of the stream(s). If the stream, drainage, or channel doesn't have a name, write "Unnamed Stream":

The property(s) is on Elk Ridge. Unnamed streams draining to Hacker Creek and Kinsey Creek into the Salmon Creek drainage, and into Blue slide Creek and Matole Canyon Creek into the Matole River drainage.

c. If there is a stream, what is the distance between the edge of the stream bank and the edge of the disturbed area at the closest point?

\_\_\_\_\_ feet                      Measurement method: \_\_\_\_\_

d. Do you have any stream crossings?

Yes  No

e. If yes, what types of crossings are they? If there are multiple crossings, check all that apply.

Bridge  Culvert  Low water  Other (Describe): Rolling dip

f. If yes, was the crossing designed by a Qualified Professional (e.g. licensed engineer)?

Yes  No

g. Provide a description of all stream crossings, including who designed them, number of crossings, material, size, frequency of use, and any other relevant details. Indicate the location of stream crossings on your site map. Attach photos of all stream crossings and cross-sectional areas of all engineered flow conveyances (e.g. culverts and ditches) used at crossings.

Most of the rural roads built in this area of Humboldt County were originally logging roads. Those still present on the property were main haul roads capable of supporting 65' truck and trailer units carrying 80,000 Lbs. GVW. While minimal new grading has been required to maintain the road prism, culvert installations, road drainage, road surface and bank slips require constant inspection and repair. Culverts have been installed with compacted fills, rocked inlets and outlets, energy dissipater (rock) in the downstream channel and critical dips where appropriate. I have built 200 miles of new road and maintained 1000 miles of truck road in Northern California. In that process I have worked with state and private engineers, geologist, biologist, and archaeologist on 136 Timber Harvest Plans, several state and county road construction projects, the US Forest Service, NRCS, CAL FIRE, fire remediation , CA Dept. Fish and Game and countless entities and professionals in CA, WA and South America. I am fully qualified to design, install, repair and maintain construction sites and roads.

## B. Sediment Erosion Prevention and Sediment Capture

If you are classified as Moderate Risk Tier 1 or Moderate Risk Tier 2 and are submitting a Site Erosion and Sediment Control Plan that includes the following information, you may skip this section.

### i. Erosion Prevention BPTC Measures

- On your site map, indicate the location of erosion prevention BPTC measures described below.
- Describe erosion prevention BPTC measures around all disturbed areas and features. Include BPTC measures implemented to address erosion resulting from storm water runoff from impervious surfaces, including but not limited to parking lots and roofs of greenhouses, warehouses, or storage facilities.
- Attach photos documenting implemented measures and locations for planned implementation.

a. How is storm water drained from buildings, greenhouses, and other structures? How are storm water conveyance systems monitored and maintained to protect water quality?

b. What physical BPTC measures have been implemented to prevent or limit erosion? Check all that apply.

- Straw mulch    Wood mulch    Hydromulch    Plastic covers    Slope stabilization  
 Soil binders    Erosion control blankets    Geotextiles    Culvert outfall armoring  
 Other: \_\_\_\_\_

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

c. What biological BPTC measures have been implemented to prevent or limit erosion? (e.g. vegetation preservation/ replacement, hydro seeding, etc.)? Check all that apply.

- Vegetation preservation    Vegetation planting    Hydroseeding  
 Other: \_\_\_\_\_

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

d. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

- Straw mulch    Wood mulch    Plastic covers    Slope stabilization    Soil binders  
 Culvert outfall armoring    Other: \_\_\_\_\_

Biological BPTC measures:

- Vegetation preservation    Native vegetation planting    Hydroseeding  
 Other: \_\_\_\_\_

Describe the planned BPTC measures and provide an implementation schedule below.

**ii. Sediment Control BPTC Measures**

- On your site map, indicate the location of sediment control BPTC measures described below.
- Describe sediment control BPTC measures around all disturbed areas and features.
- Attach photos documenting implemented measures and locations for planned implementation.

a. What physical BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

Silt fences    Fiber rolls    Settling ponds/ areas    Other: Rock fills, Rip-rap, Straw

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

Sediment is usually displaced in major rain events during the winter time, October to May. Little can be done when this occurs as access is nearly impossible on the saturated soils. Hand shoveling to keep water in ditches is critical and prevents erosion. Lining waterways with rock in summertime to prevent energy build up is the practice used most often. When slides take place they are removed to fill sites where they are compacted, strawed and seeded to prevent material from entering the water course.

Silt fences and fiber rolls are generally used on shallow cuts and fills from construction sites. There are few on the property(s).

b. What biological BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

Vegetated outfalls    Hydro seeding    Other: \_\_\_\_\_

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

As part of the NRCS programs we have been in contract with. Grass plugs, and trees have been planted to stabilize banks and wick moisture.

c. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

Silt fences    Fiber rolls    Settling ponds/ areas    Other: Rip-rap

Biological BPTC measures:

Vegetated outfalls    Hydro seeding    Other: Straw, Seeding, Grass Plugs, Tree Plan

Describe the planned BPTC measures and provide an implementation schedule below.

These measures are already in place but will be provided as needed.

**iii. Maintenance Activities- Erosion Prevention and Sediment Control**

a. How will erosion prevention BPTC measures, sediment control BPTC measures, and stormwater conveyance systems be monitored and maintained to protect water quality? Describe all required maintenance tasks and a schedule for implementation.

Inspections are made during and after storm events. They are maintained with minimal equipment interface in winter months due to saturated soils. Hand digging of drainage, straw and wadels are the most successful methods of temporary fixes during winter when weather prevents permanent repairs due to weather restrictions.

How will captured sediment be handled? Check all that apply.

Stabilized in place.  Excavated and stabilized on site.  Removed from the site.

Describe the procedure for handling captured sediment below:

A determination is made of the sediment, whether it can be stabilized temporarily, whether there is a way to import material to stabilize it, and when, or if, it can be hauled to a fill site. All practices have been, and will be used.





**B. Product Storage Location**

i. Do you use secondary containment for the storage of fertilizers, pesticides, herbicides, and rodenticides?  
 Yes  No

ii. Where are products stored on site? Indicate the storage location on your site map.  
None have been used to date. We are not planning storing on site. If so they will be in containment

**C. Bulk Fertilizers and Chemical Concentrates**

i. How are bulk fertilizers and chemical concentrates stored, mixed, and applied?

ii. How are empty containers disposed of?  
Empty containers will be hauled to county dump site commensurate with the waste to be discharged.

i. What procedures are in place to prevent spills of fertilizers, pesticides, herbicides, and rodenticides?

None are presently used. If they are secondary containment will be used to store them in locations where spills can't enter the water courses. Training will be used both for use of the product and emergency procedures for it spilling.

ii. What procedures are in place to clean up spills if they occur?

If a spill occurs an analysis of the material spilled will be made. Spilled material and the spilled soil contaminated by the spill will be treated as required. Remediation prescriptions appropriate with the spilled material will be use such as treatment with other chemicals to neutralize, remove and haul to dump or hazardous waste site.

### 3. Petroleum Product BPTC Measures

<b>A. Product List</b>	
List all petroleum products used in the section below.	
Product Name	Product Description
Grease	Solid grease tubes
Oil	1-5 gallon cans
<b>B. Product Storage Location</b>	
i. Do you use secondary containment for the storage of petroleum products? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Where are products stored on site? Indicate the storage location on your site map. They are not stored on site but we always use secondary containment when a spill of hazardous waste is possible.	
<b>C. Product Use</b>	
iii. How are fuels, lubricants, and other petroleum products stored, mixed, and applied? They are stored in water tight containers off site.	
iv. How are empty containers disposed of? They are recycled or haul to the County Dump.	
<b>D. Spill Prevention and Cleanup Plan</b>	
i. What procedures are in place to prevent spills of petroleum products? No bulk gas or diesel is on site. Training and practice related to fueling equipment is the most important. Care is taken to not spill fuel while pumping from truck into machine. Fuel transfer is never done where a spill if it should occur can enter the water course.	

ii. What procedures are in place to clean up spills if they occur?

Should spill occur the spilled material and contaminated soil will be removed as appropriate to a sight commensurate with the hazardous waste.

#### 4. Trash/ Refuse, and Domestic Wastewater BPTC Measures

##### A. Type of Trash/ Refuse

i. What types of trash/ refuse will be generated at the site? Include a description of all solid waste materials (e.g. spent hydroponic growing media, organic materials, plastic, paper, glass, clay, etc.)

Plastic, paper, woody debris, grass.

ii. How will trash/ refuse be contained and properly disposed of?

Waste will be place in trash containment receptacles and hauled to County Dump. Woody debris and grass will be composted on site, burned, sold, or ground and spread as regulations dictate.

iii. Where will trash/ refuse be stored? Indicate the location of trash/ refuse storage on your site map.

Storage/staging areas on site.

**B. Personal Waste**

i. How many employees, visitors, and residents will you have at the site?

Employees: 3

Residents:

Visitors: \_\_\_\_\_ per Day

ii. What types of domestic wastewater will be generated at the site? Check all that apply.

Household generated wastewater     Chemical toilet waste

Other: Porta Potty

iii. How will domestic wastewater be disposed? Check all that apply.

Sewer

Permitted onsite wastewater treatment system (e.g. septic tank and leach lines) Provide a schematic and a copy of your permit for the system.

Chemical toilets or holding tank. If so, provide the name of the servicing company and frequency of service: B and B

Outhouse, pit privy, or similar. (Use of this alternative requires approval from the Regional Board Executive Officer. Attach the approval from the Executive Officer and any conditions imposed if using this alternative. Indicate the location of any domestic wastewater treatment, storage, or disposal areas on your site map, as well as the locations of all water wells (e.g. drinking water, irrigation water, commercial water, etc.) inside or within 0.5 mile of the site boundary.)

**5. Winterization BPTC Measures**

**A. Winterization Activities Performed**

What activities will be performed to winterize the site and prevent discharges of waste?

Seed and strawing graded areas. Wadel and silt fences as required. Rocking of surfaces used for vehicular or foot traffic.

**B. Maintenance of Drainage and Sediment Capture Features**

What maintenance activities will be performed to remove debris and soil blockages from drainage and sediment capture features (e.g. drainage culverts, drainage trenches, settling ponds, etc.) and ensure adequate capacity exists? Include a description of how all solid waste materials are managed.

Inspection, hand or equipment stabilization or removal to adequate site ensuring that material does not enter the water courses.

**C. Revegetation Activities**

What revegetation activities will occur at the beginning or end of the precipitation season?  
Straw and seeding where appropriate.

**D. Compliance Schedule**

*If any Winterization BPTC measure cannot be completed before the onset of winter period, contact the Regional Water Board to establish a compliance schedule.*

Provide a timeline for implementation of these measures:

Inspection is done based on winter storm events no less often than weekly during winter season.  
Roads are used daily by those with right-of-way in summer so inspection is ongoing.

## 6. Cannabis Cultivation Details

<b>A. Growing Methods</b>	
i.	Where is cannabis grown? <input checked="" type="checkbox"/> Fully outdoor <input type="checkbox"/> Hoophouse <input type="checkbox"/> Greenhouse with permeable floors <input type="checkbox"/> Other (describe): _____
ii.	What type of container is cannabis grown in? Check all that apply. <input type="checkbox"/> In ground <input type="checkbox"/> Raised beds <input checked="" type="checkbox"/> Pots/ grow bags/ trays on the ground <input type="checkbox"/> Pots/ grow bags/ trays elevated off the ground <input type="checkbox"/> Other (describe): _____
iii.	If cannabis is grown in containers elevated off the ground, is irrigation tailwater collected? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> A portion of it is collected <input type="checkbox"/> N/A If yes, describe what you do with the captured irrigation tailwater:
<b>B. Irrigation Water Treatment</b>	
i.	Is irrigation water filtered prior to use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If irrigation water is filtered, answer the questions below:	
ii.	What type of filtration is used (i.e. reverse osmosis, ion exchange, etc.)?
iii.	What is the maximum volume of water filtered per day?
iv.	How are filter residuals (i.e. brines, etc.) disposed of?
v.	What is the volume of residual produced? 0.00 _____ gallons per Day

## 7. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

I have read and accept the above terms.

Operator/ Responsible Party Charles Benbow Date Prepared 12-22-19

**Ranch Center Permit Road Assessment**  
**December 20, 2019**  
**PLN-2019-16104**  
**Revision (1) 4/4/2020**

### **1.0 Project Description**

This Road assessment evaluates the roads accessing the Ranch Center Permit (CBP) Cultivation Site, to and within, the Clarks Butte Ranch LLC (CBRLLC), PLN-2019-16104.

RCP is located on a legal parcel +/- 131.35 acres in size, a part of CBRLLC. The route being used for access to this originates at the Briceland-Thorne paved County Road and access the property via Perry Meadow Lane (1.24 miles), Briceland Road (0.65 miles), Elk Ridge Road (0.89 miles), Road Z (1.40 miles), Road A (0.36 Miles), Road E (0.44 miles to property entrance), Road E or Perry Meadow Road or Elk Ridge Road, inside the CBRLLC to the cultivation site (1.0 Miles). The names on the various maps are all different. The County GIS map refers to the main road through the ranch owned by Phelps and Benbow as Road E so I will use that name and route in this report. The name Perry Meadow Road common/traditional use is for the road originating on the Briceland-Thorne ascending Elk Ridge to the intersection of Road E, 4.56 Miles. I will use that name for this report.

CBR and surrounding properties were originally settled by homesteaders. Trails and narrow roads were built leading to the homesteads. Starting in the early 1940's, the trails and narrow access road systems transitioned to roads for logging trucks. Millions of board feet of timber were removed from Elk Ridge. Main haul roads were built wide enough for trucks to pass, with grades shallow enough for loaded trucks to pull and turns with enough radius for trucks with trailers to navigate. The roads specifications allowed 65' truck and trailers carrying 25 tons of logs to navigate off the mountain to the mills. The roads in this survey were built as main haul roads and have been modified, maintained, and improved over the last 60-70 years.

Elk Ridge is the third major ridge east of the Pacific Coast. As storms approach from the ocean, air rises over the King Range, Telegraph Ridge, then Elk Ridge releasing large amounts of water. Annual rainfall totals generally exceed 60". Rainfall is very seasonal, falling mid-October to April. Little or no rainfall occurs outside this period. Road and site profile, surface and drainage must be constructed, maintained, and repaired to limit erosion and protect watersheds during the winter storm events.

### **2.0 Road Assessment**

The main goals of the Clarks Butte Ranch Road system are:

1. Safety. Roads built to allow for the safe passage of vehicles. Important factors include:
  - A. The amount of traffic using the road, Average Daily Travel (ADT).
  - B. The size of the vehicle using the road.
  - C. The number of parcels/people using the road
2. Water Quality. Limiting erosion to reduce sedimentation into the watercourses.  
Access. To provide year-round access to our property/homes.

This assessment gives a brief outline of the existing roads and their current condition. The SMP (Appendix H) thoroughly describes the management practices utilized in monitoring, repairing and maintaining the roads. The 1600 (Appendix D) describes watercourse crossings within the parcels.

### **3.0 Private Road Designations Providing Access to the Parcels**

For the purpose of this assessment Perry Meadow Road and Road E will be used. I have listed the other road names per the county GIS map.

**4.0 Access Road Distance to CBP**

Perry Meadow Road from the Briceland-Thorne Road to Road E	4.56 Miles
Perry Meadow Lane	1.24 Miles
Briceland Road	0.65 Miles
Elk ridge Road	0.89 Miles
Road Z	1.40 Miles
Road A	0.36 Miles
Road E	0.44 Miles
Road E inside CBRLLC to Cultivation Site	1.0 Miles

**5.0 Road Assessment on Ranch Center Permit Access Roads.**

**5.1 Perry Meadow Road from the Briceland-Thorne Road to Road E 4.56 Miles**

This section of road is a year around road maintained by two (2) separate road associations, Save the Road and Save the Rocked Road. It meets category 4 standards with minor pinch points. The road serves multiple parcels, many of which have permitted and unpermitted cultivation sites. The road prism needs to be addressed to improve drainage. The road surface is rocked. It is one of the better maintained private rocked roads in Southern Humboldt. Numerous users make road prism modifications often confrontational as owners along the right-of-way have various stipulations on what they will allow. This makes drainage, cuts and fills difficult. In addition, the numerous users have varying opinions on what road work should be done and what they will pay for. The applicant will work diligently to bring the Road Maintenance Associations into compliance with rules under the CCLUO. CBRLLC is already working with Todd Phelps on obtaining and paving the Perry Meadow Road encroachment onto Briceland-Thorne Road per consultation with Public Works on their recommendations for compliance with the CCLUO.

**5.2 Road E from the Intersection with Perry Meadow Road 1.44 miles**

This section of Road E serves only CBRLLC and the Phelps ranch. Over the last 3 years major improvements have been made to the first 0.6 miles of the road under a completed NRCS contract as the road ascends Elk Ridge. Six (6) culvert installations, 350' of rip-rap bank stabilization, rock lined ditches, culvert headwalls and discharge, critical dips, rolling dips, road prism modification, and extensive planting have been constructed as part of the completed contract. A second NRCS has been signed to continue the work on CBRLLC. Road E serves two ownership, CBRLLC and the Phelps Ranch. It is maintained by the owners. No access easements are present for any other ingress/egress. The SMP and recently completed 1600 has further information.

**6.0 Winterization**

Appropriate erosion prevention and sediment control measures are in effect to ensure proper maintenance, repair and construction of roads. They are monitored for effectiveness prior to and during the winter season. Winterization of the main access roads includes temporary and long-term runoff management and soil stabilization measures, such as the rocking of inboard ditches, installing check dams, and stream inlet protection. Culverts will be inspected for erosion or clogging prior to and after significant storm events. Any debris and sediment found to be clogging culverts, inlets/outlets, or drainageways will be removed and appropriately stored, reused or disposed.

Sediment and erosion control are covered thoroughly in the Site Management Plan (SMP) attached as Appendix H to the Operation Plan in the permit submittal.

USDA *Practice Requirements for Water Control Plastic Pipe Culverts*, along with *Practices Requirements for Access Roads*, and guidelines for riparian tree and shrubs. These practices along with those outlined in *A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds*, the *Handbook for Forest, Ranch and Rural Roads*, *The California Board of Forestry Fire Protection SRA Fire Safe Regulations*, and *Appendix to Title III, Division 2, of Humboldt County, Establishing Subdivision Design and Standard Improvements*, are used to determine the scope of work and implement repairs or maintenance on the roads of Clarks Butte Ranch.

## **7.0 Photographs**

Photographic examples of bank stabilization, ditch repair and rock lining, rolling and critical dips, culvert installation and bank failure are attached in the previously submitted road assessment report.

**ATTACHMENT 5**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Conditional approval	On file
CAL FIRE	✓	Conditional approval	Attached
NWIC	✓	Conditional approval	On file
CA Department of Fish & Wildlife		No response	Attached – staff email to CDFW requesting comments
NCRWQCB		No response	
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	On file
Humboldt County District Attorney		No response	
Southern Humboldt Joint Unified School District		No response	
Briceland Fire Protection District		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	
SWRCB- Divisions of Water Rights		No response	
CA Division of Water Resources		No response	
Intertribal Sinkyone Wilderness Council		No response	
US Marine Corps		No response	



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

6/8/2020

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Briceland, RWQCB, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, US Marine Corps

**Applicant Name** Cedar Canyon LLC **Key Parcel Number** 221-131-034-000

**Application (APPS#)** PLN-2019-16104 **Assigned Planner** Elizabeth Moreno 707-268-3713

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: 6/23/2020**

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: Revise & resubmit plot plan to show SRA water requirements/Turnout/Turnaround and Road/Easement width

DATE: 6/10/2020 PRINT NAME: Micha Mathieson





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

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

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

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
ENGINEERING	445-7377	PARKS	445-7651		
FACILITY MANAGEMENT	445-7493	ROADS	445-7421		

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Elizabeth Moreno, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/08/2020

RE:

Applicant Name	CEDAR CANYON LLC
APN	221-131-034
APPS#	PLN-2019-16104

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report dated 3/14/2020, no stamp received by the Humboldt County Cannabis Services, with Part A –Box 2 checked, certifying that the road is equivalent to a road Cat 4 standard.

// END //

**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

APPS #16104

- COUNTY ROADS- PROXIMITY OF FARMS:**  
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
- COUNTY ROADS- FENCES & ENCROACHMENTS:**  
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- COUNTY ROADS- DRIVEWAY (PART 1):**  
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:
- COUNTY ROADS- DRIVEWAY (PART 2):**  
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. 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.
- 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.
  - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- COUNTY ROADS- ROAD EVALUATION REPORT(S):**  
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**

**From:** [Moreno, Elizabeth](#)  
**To:** [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Cc:** [Ryan, Meghan](#)  
**Subject:** APPS 16104 APN 221-261-001 Charles Bendow  
**Date:** Friday, October 16, 2020 11:54:51 AM  
**Attachments:** [image001.png](#)  
[16104 Site Map revised September.pdf](#)  
[16104 Revised Cultivation Operations Plan 04.04.2020.pdf](#)

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Hi Scott,

I hope you are well. I am noticing project APPS 16104 APN 221-261-001 Charles Bendow for hearing on 11.5.2020. I wanted to touch base with you and see if you have any comments.

A referral went out on 5/28/2020.

Thank you,



*Elizabeth Moreno*  
Planner II  
[Cannabis Services Division](#)  
[Planning and Building Department](#)  
707.445.7245