



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 7, 2019
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **TA Farms, LLC, Conditional Use Permit and Special Permit**
Record Number PLN-11626-CUP
Assessor's Parcel Number 211-331-042
2339 Elk Creek Road, Myers Flat, CA

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 7, 2019	Conditional Use Permit and Special Permit	Rodney Yandell

Project Description: A Conditional Use Permit for an existing 9,900 square foot (SF) outdoor and existing 4,200 SF mixed light cannabis cultivation. The mixed-light cultivation areas were retired, reduced in size and relocated to more environmentally suitable locations outside of the Streamside Management Area (SMA). This project includes a Special Permit for the remediation of these retired areas within a SMA. The project also includes three nursery/propagation areas totaling 1,000 SF. Water for irrigation is sourced from a rainwater catchment pond with an approximate capacity of 70,000 gallons. There is an additional 20,000 gallons of hard tank storage onsite. The well is used for domestic water. 88,500 gallons of water is required for annual operations. Plants are harvested and dried onsite in the outbuilding. All processing and operations associated with cannabis for TA Farms, LLC will be conducted solely by the owners of TA Farms, LLC or by immediate family members of the owners of TA Farms, LLC. All cannabis processing shall be conducted on site in the 960 square foot metal building located near the eastern property boundary labeled on the site map as "Outbuilding, metal". Power to the site is provided by Pacific Gas and Electric (PG&E) and there is no generator use.

Project Location: The project is located in Humboldt County, in the Myers Flat area, on the north side of Elk Creek Road, approximately 0.47 miles west from the intersection of Dyersville Loop Road and Elk Creek Road, on the property known as 2339 Elk Creek Road, Myers Flat within Section 15 in Township 02 South, Range 03 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Residential Agriculture (RA5-20), Density: 5 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U).

Record Number: PLN-11626-CUP

Assessor Parcel Number: 211-331-042

Applicant

TA Farms, LLC
2339 Elk Creek Road
Myers Flat, CA 95554

Owner

Alatorre-Guardado Francisco J
& Alatorre Tomas
647 S. Palm Street, Suite D
La Habra, CA 90631

Agent

Mother Earth Engineering
Attn: Kendra Miers
920 Samoa Blvd., Suite 210
Arcata, CA 95521

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

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

Major Issues: None.

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:

Move to accept staff's recommendation allowing for continued cultivation of 14,100 square feet consisting of 9,900-square-foot outdoor and 4,200-square-foot of existing mixed light cannabis cultivation with onsite processing and remediation of cultivation areas located within a Streamside Management Area (SMA), find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the TA Farms, LLC, Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: The TA Farms, LLC project, a commercial cannabis cultivation project (project) seeks approval of one Conditional Use Permit for existing outdoor and mixed light commercial medical cannabis cultivation located on Assessor's Parcel Number (APN) 211-331-042, which is approximately 5.5 acres in size. The project consists of an existing 9,900 square foot (SF) outdoor and existing 4,200 SF mixed light cannabis cultivation operation. The mixed-light cultivation areas were retired, reduced in size and relocated to more environmentally suitable locations outside of the Streamside Management Area. This project includes a Special Permit for the remediation of these retired areas within a Streamside Management area. Two harvests per year are anticipated. Per the Applicant, the project also includes three nursery/propagation areas totaling 1,000 SF. There are no proposed buildings associated with the project; however, existing buildings include: a 1,400 SF shop building, a 900 SF residence, a 600 SF propagation outbuilding, a 150 SF and 250 SF nursery, a 960 SF outbuilding for drying, processing and storage, and a trash shed.

Water for irrigation is sourced from a rainwater catchment pond with an approximate capacity of 70,000 gallons. There is an additional 20,000 gallons of storage onsite with six hard plastic tanks. In the winter water from the pond is pumped to fill the hard storage tanks for the year. The rainwater catchment pond was completed in 2015. There is also a well onsite that was established around 1965. The well is used for domestic water. According to the Cultivation and Operations Plan, 88,500 gallons of water is required for annual operations (approximately 6.28 gallons per square foot). Peak monthly water demand is approximately 24,000 gallons for the months of July and August. Water is applied at agronomic rates using drip irrigation, mulch, watering at certain times of day, and with moisture retentive soils for water conservation.

All plant related material will be composted to prevent nutrient transport and will be reused as part of the Applicant's soils management plan. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. All refuse and garbage are appropriately stored in lidded garbage cans until the waste is hauled to the nearest permitted transfer station on a weekly basis. The applicant acquired the property in 2017 and is therefore not required to enroll in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. Instead, the applicant prepared a Site Management Plan (SMP) under the State Water Resources Control Board Order WQ 2017-0023-DW as a Tier 1 Low Risk discharger (WDID#1_12CC403525). The SMP indicates that all cultivation areas were meeting applicable 50 ft setback requirements to the ephemeral Class III watercourse. No mitigation actions were deemed necessary apart from implementation of Best Practicable Treatment or Control (BPTC) measures. According to the plot plan there were two mixed light cultivation areas on the site that were decommissioned and relocated to environmentally superior locations on the property. The first was a 4,830 SF area that was within the SMA buffer and the second was a 1,200 SF area that was just north of the existing

residence. These two sites will be restored and revegetated by a qualified restoration specialist as a condition of approval.

While no timber conversion has occurred after the adoption of the Commercial Medical Marijuana Land Use Ordinance and associated Mitigated Negative Declaration, a review of aerial imagery suggests that approximately 30,000 square feet of timber conversion occurred between 2012 and 2014 without the review and approval of the California Department of Forestry and Fire Protection (CDF). As a condition of approval the applicant shall be required submit a report by a registered forester as to remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act, and to undertake those actions to the satisfaction of CDF and the County of Humboldt.

Drying of cannabis is done on-site in the existing 960 SF outbuilding. All processing and operations associated with cannabis for TA Farms, LLC will be conducted solely by the owners of TA Farms, LLC or by immediate family members of the owners of TA Farms, LLC. All cannabis processing shall be conducted on site in the 960 square foot metal building located near the eastern property boundary labeled on the site map as "Outbuilding, metal". Power to the site is provided by Pacific Gas and Electric (PG&E) and there is no generator use. Per the Applicant, a permitted septic system is utilized for domestic sewage at the residence. The septic system as designed should be sufficient to meet the needs of this cultivation site. Per the applicant cultivation operations are performed by the applicant and immediate family and there will be no employees. Entrance to the property is through a locked gate and game cameras and motion sensor lighting is installed around the facilities. Full time residents are on the property at most times. All cultivation items and products are stored in locked locations.

All cultivation areas are setback at least 30-feet or more from property lines. However, the existing 960 SF outbuilding used for drying and processing of cannabis is within the 30-foot setback of the east property line. Per the Applicant's engineer, the building is constructed of non-combustible fire resistive materials (metal siding and roof) so is likely to achieve the same practical effect when combined with planned improvements to the surrounding defensible space. The eastern, western and southern sides of the building are cleared and developed with an access road, parking, and pond infrastructure. The area around these three sides of the building are completely devoid of vegetation and tree canopy at distances greater than 30 feet. The defensible space area is cleared of vegetation and does not contain any tree canopy. The area immediately to the east of the building on the adjacent parcel is used by the neighboring property owner for parking and storage only and does not contain any permanent structures. In addition, per HCC Section 3115-2(a)(2) of Humboldt County Fire Safe Regulations... *a detached accessory building may be located within the 30 foot setback when it is constructed using non-combustible or fire resistive materials, and is located not closer than 20 feet to another building.* There is a 70,000-gallon pond that serves as an available emergency water source approximately 45 feet south of the building. In addition, the site shall maintain a dedicated fire tank minimum 2,500-gallon capacity that shall be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications.

A cultural resources investigation was not prepared for the project because it was not requested from the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria per her email dated June 14, 2018. Inadvertent discovery language is included in Attachment 1.

A road evaluation report was not required by Public Works as the site has direct access from Elk Creek Road, which is a paved roadway meeting the road category 4 standard. Public Works has requested evidence of code conformance for the intersection of the driveway (paving and visibility) and these have been made a condition of approval.

There is a school bus stop within 100-feet of the nearest cultivation area. The applicant has secured a waiver of the 600-foot setback requirement for school bus stops from Southern Humboldt Unified School District, dated June 12, 2017. The waiver states that should any incident involving a student from the Southern Humboldt Unified School District occur at any time with the waiver applicant, the waiver would be considered void and immediately revoked. Should the Planning department be notified of this, appropriate action on the permit would be taken.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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

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

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Record Number: PLN-11626-CUP
Assessor Parcel Numbers: 211-331-042**

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

WHEREAS, TA Farms, LLC submitted an application and evidence in support of approving one Conditional Use Permit for the existing cultivation of 9,900 SF outdoor and 4,200 SF mixed light with onsite processing and a Special Permit for remediation of cultivation areas located within a Streamside Management Area (SMA); 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 Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Record Number PLN-11626-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 7, 2019.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-11626-CUP, support approval of the project based on the submitted substantial evidence; and
3. Case Number PLN-11626-CUP is approved as recommended and conditioned in Attachment 1 for Record Number PLN-11626-CUP.

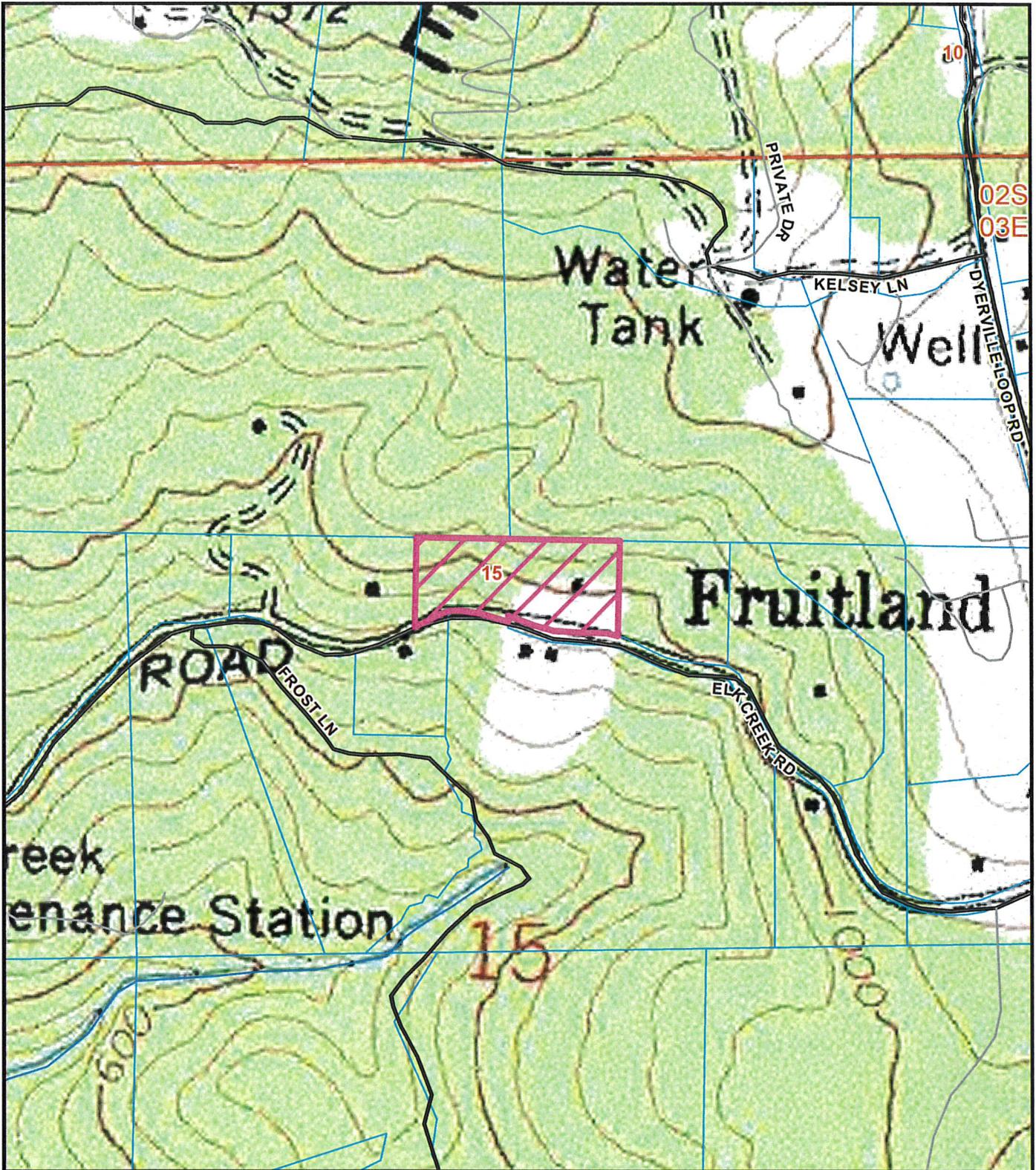
Adopted after review and consideration of all the evidence on March 7, 2019.

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

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

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

John Ford, Director
Planning and Building Department



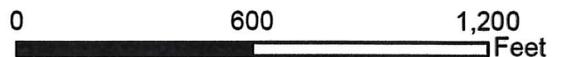
**TOPO MAP
PROPOSED TOMAS ALATORRE & FRANCISCO ALATORRE GUARDADO
MYERS FLAT AREA**

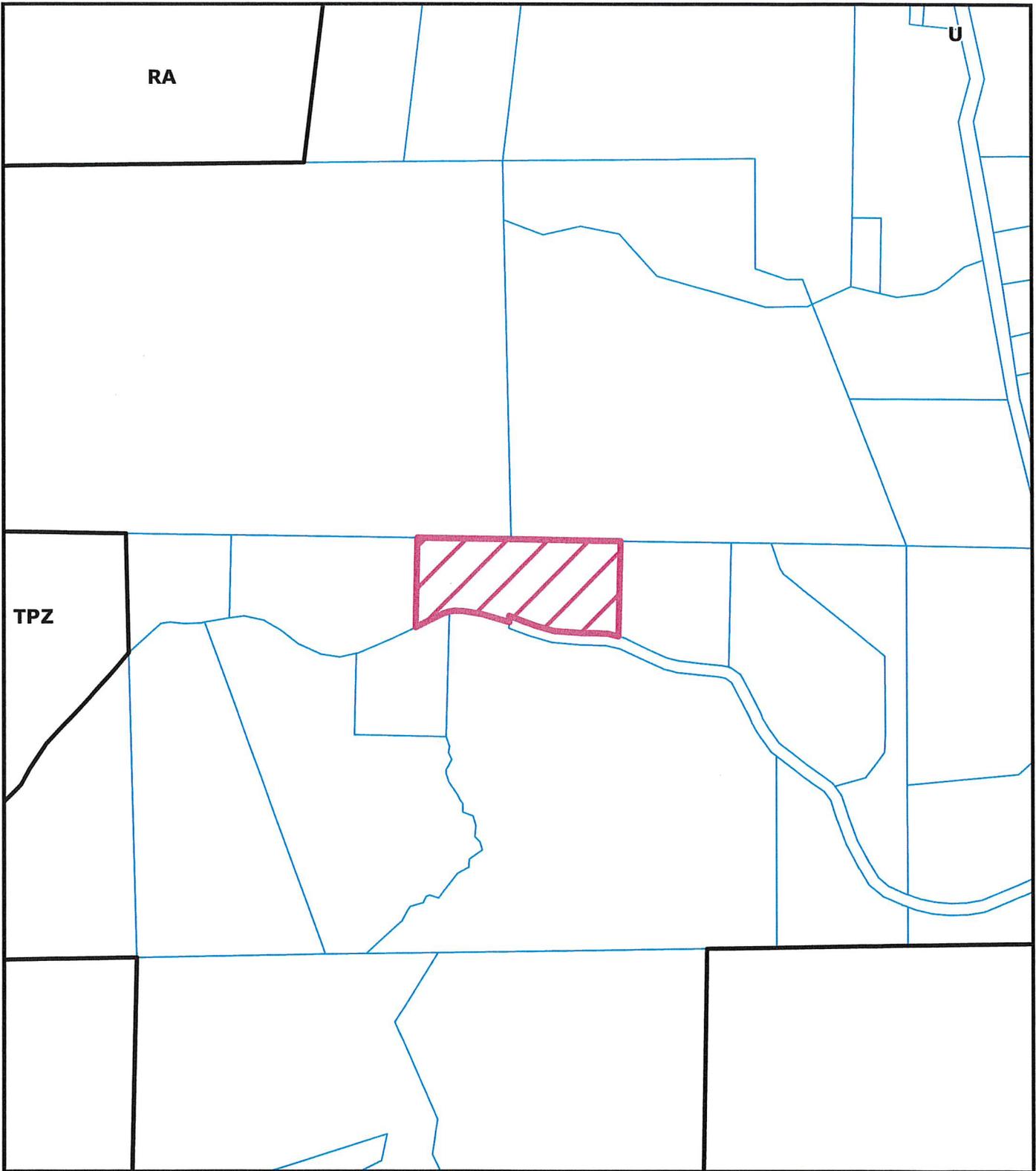
Project Area = 

**CUP-16-309
APN: 211-331-042
T02S R03E S15 HB&M (MYERS FLAT)**



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





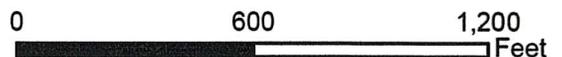
**ZONING MAP
 PROPOSED TOMAS ALATORRE & FRANCISCO ALATORRE GUARDADO
 MYERS FLAT AREA**

Project Area = 

**CUP-16-309
 APN: 211-331-042
 T02S R03E S15 HB&M (MYERS FLAT)**



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





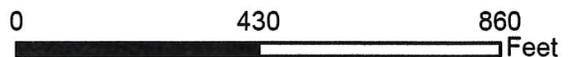
**AERIAL MAP
PROPOSED TOMAS ALATORRE & FRANCISCO ALATORRE GUARDADO
MYERS FLAT AREA**

Project Area = 

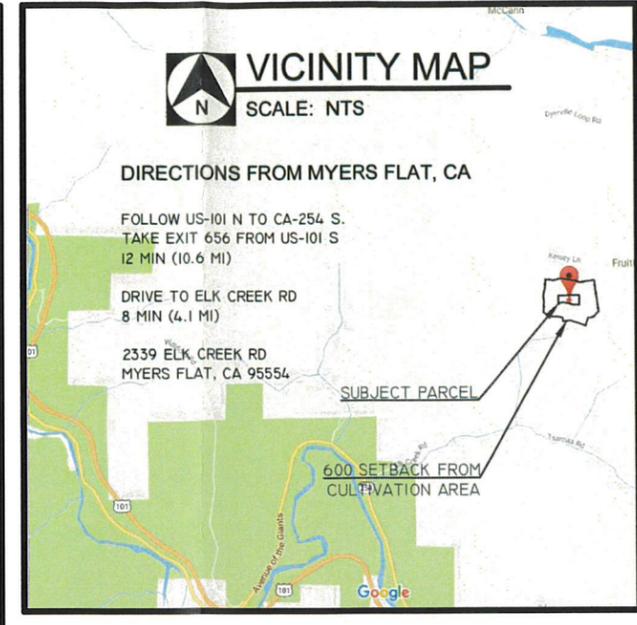
**CUP-16-309
APN: 211-331-042
T02S R03E S15 HB&M (MYERS FLAT)**



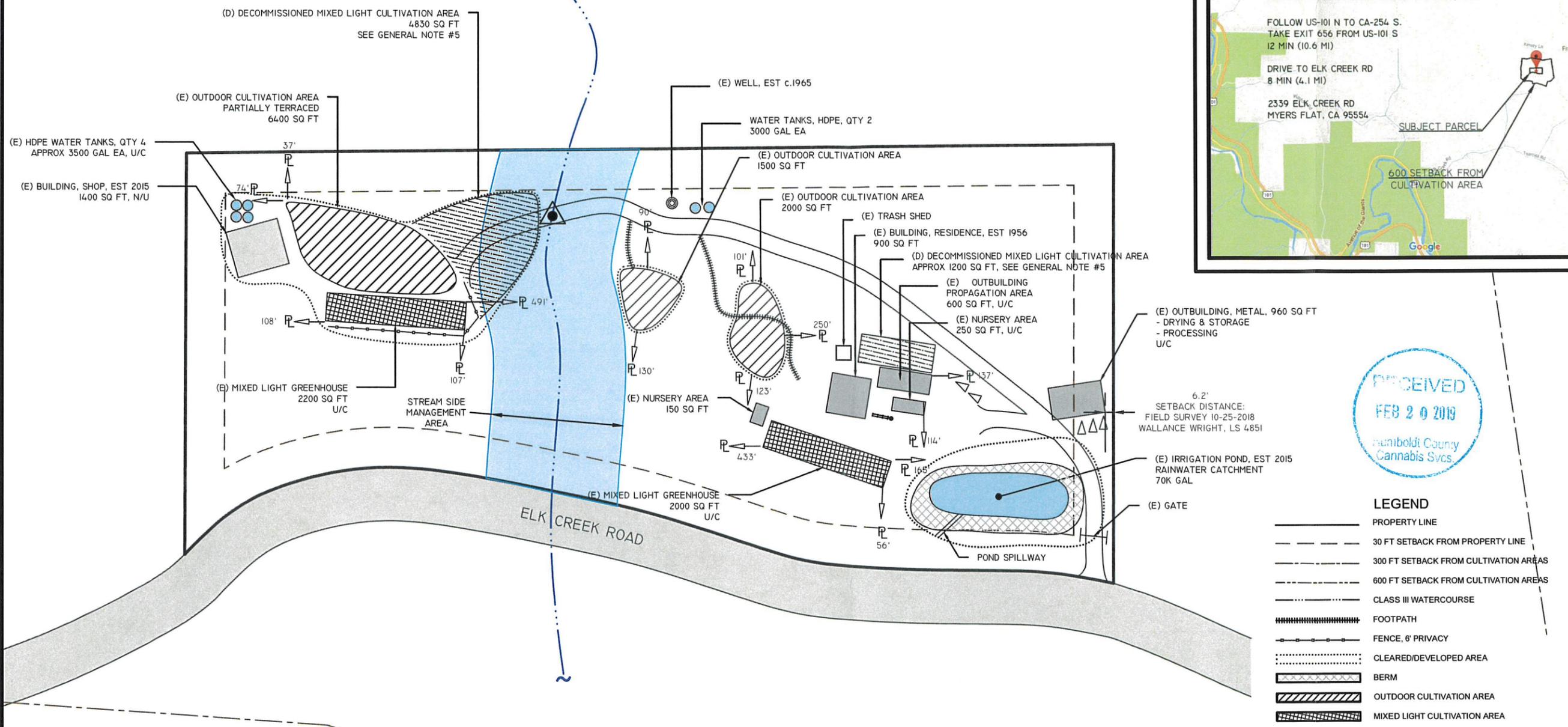
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



PARCEL INFORMATION
 APN: 211-331-042
 ZONING: U
 LOT SIZE: 5.5 (ASSESSED)



MOTHER EARTH ENGINEERING
 920 SAMOA BOULEVARD, SUITE 209
 ARCAT, CA 95521 707-633-8321



RECEIVED
 FEB 20 2019
 Humboldt County
 Cannabis Svcs.

LEGEND

	PROPERTY LINE
	30 FT SETBACK FROM PROPERTY LINE
	300 FT SETBACK FROM CULTIVATION AREAS
	600 FT SETBACK FROM CULTIVATION AREAS
	CLASS III WATERCOURSE
	FOOTPATH
	FENCE, 6' PRIVACY
	CLEARED/DEVELOPED AREA
	BERM
	OUTDOOR CULTIVATION AREA
	MIXED LIGHT CULTIVATION AREA
	DECOMMISSIONED CULTIVATION AREA
	PUBLIC ROAD (20' WIDTH, PAVED)
	PRIVATE ACCESS ROAD (12' WIDTH, UNPAVED)
	SEPTIC TANK AND LEACHFIELD
	WELL
	CULVERT
	PARKING SPACE
	SETBACK DIMENSION TO PROPERTY LINE
U/C	USED FOR CULTIVATION ACTIVITIES
N/U	NOT USED FOR CULTIVATION ACTIVITIES
(E)	EXISTING
(P)	PROPOSED
(D)	DECOMMISSIONED

GENERAL NOTES:

- PROPERTY SERVED BY ON-SITE SEPTIC SYSTEM AND LEACH FIELD.
- ELECTRICAL SERVICE PROVIDED BY PACIFIC GAS & ELECTRIC CO.
- PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
- ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
- NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
- NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
- MIXED LIGHT CULTIVATION AREAS NOTED AS "DECOMMISSIONED" WERE RELOCATED TO ENVIRONMENTALLY SUPERIOR SITES TO PREVENT CULTIVATION WITHIN THE STREAMSIDE MANAGEMENT AREA AND PER NCRWQCB ORDER NO 2015-0023.

PLOT PLAN
 1"=80'

300 FT SETBACK FROM CULTIVATION AREAS

APN: 211-331-042
 ADDRESS: 2339 ELK CREEK ROAD, MYERS FLAT, CA 95554

APPLICANT: TA FARMS, LLC
 ADDRESS: 2339 ELK CREEK ROAD, MYERS FLAT, CA 95554

PLOT PLAN

CULTIVATION PERMIT

JOB NO: 016056
 DATE: 02-19-2019
 PAPER SIZE: 11" X 17"
 DRAWN: CL/JO CHECKED: PL

SHEET NO:
1
 OF 1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of 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 #2 –24. 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 shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. 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.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division.
4. Structures used for trimming and/or packaging must comply with the building code and its companion codes as a commercial building, complying with accessibility standards. Permits shall be secured within the time frame for a provisional permit.
5. The applicant shall secure the approval of the Division of Environmental Health (DEH) and the Regional Water Quality Control Board for the on-site waste water disposal system (OWTS) prior to the issuance of the building permit. Documented use of portable toilets with hand washing stations is required until the permitted OWTS has been installed. A letter from those agencies indicating approval has been issued will satisfy this condition.
6. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
7. 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.
8. The applicant shall implement all site specific and monitoring and reporting requirements detailed within the Notice of Applicability for Waste Discharge Requirements from the North Coast Regional Water Quality Control Board (NCRWCB) in a letter dated November 15, 2018 and the Site Management Plan (SMP) developed for the parcel, prepared pursuant to Tier 1 enrollment under the Cannabis Waste Discharge Regulatory Program (Order WQ 2017-0023-DWQ), including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the State Water Board. A letter or similar communication from the State Water Board verifying that all of their requirements have been met by the listed dates or the applicant has proven to their satisfaction or a Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.

9. No lights or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature.
10. All on-site lighting used in mixed-light greenhouses and nursery propagation facilities that is existing or installed in the future shall be fully shielded, and designed and installed to eliminate light leakage that could lead 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, upright, 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.
11. The applicant shall prepare and submit a Bullfrog Management Plan to the California Department of Fish and Game. A communication from CDFW stating this requirement has been met will satisfy this condition.
12. To address the apparent illegal timber conversion which occurred sometime between 2012 and 2014, a report prepared by a registered professional forester (RPF) shall be submitted to the Planning Division. The report must contain the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall provide the report to CAL FIRE for comment. If no comments are received, the RPF recommendations in the report will become final and shall be implemented. In the event that CAL FIRE responds, the conversion that occurred must be resolved to their satisfaction.
13. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The Applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source (i.e., well, tanks, pond). The water use for cultivation is limited to the amount of water available in storage tanks and the rainwater catchment pond during the summer forbearance period (October 15 to December 31).
14. Prior to issuance of any building or construction permits a revised site plan shall be prepared by the applicant based on the Building Division's March 2018 comments and reviewed and approved by the Planning Division showing:
 - a) All historical grading on the property;
 - b) All water tanks;
 - c) Compliance with emergency vehicle access requirements and driveway standards;
 - d) The size and location of individually numbered greenhouses within the two 2,000-2,500 SF designated mixed light greenhouse areas shown on the August 30, 2017 site plan; and,
 - e) The 150 SF "nursery" labelled as a storage facility.
15. If a rain event occurs during any construction or road maintenance period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume.
16. The applicant shall retire and restore the two decommissioned mixed light cultivation areas to their pre-development condition (both slope and natural vegetative cover) once relocation efforts are completed. Re-contouring and revegetation shall be performed under the direction of a restoration

specialist. The final restoration plan shall be subject to approval of the Planning Director. The plan shall include success criteria for revegetation and follow-up monitoring. The qualified restoration specialist shall transmit the completion and annual monitoring reports to the Planning Division verifying that all requirements of the plan have been met. Additionally, all former cultivation materials, including soils, bags and piping, shall be removed from all portions of the property that contained historic cultivation but were relocated. Completion of this cleanup shall be verified by the restoration specialist.

17. 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 shall satisfy this requirement.
18. The driveway 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.
19. The driveway shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects Briceland Thorn Road. 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. 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.
20. The applicant shall contact the local fire service provider [Fruitland Ridge Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
21. Should any incident involving a student from the Southern Humboldt Unified School District occur at any time with the applicant, the 600-foot setback waiver from the bus stop would be considered void and immediately revoked. Compliance with this condition will be evaluated during annual inspections.
22. The site plan shows that the project complies with property line setbacks except for the existing 960 SF outbuilding within the 30-foot setback of the east property line. The Applicant will need to request an exception from CALFIRE pursuant to their Fire Safe Regulations.
23. 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.
24. 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.
25. 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.

26. 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 NOE 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. 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.
3. 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.
4. 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.
5. 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.
6. 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).
7. 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.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. 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).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.

12. 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.
13. Fish stocking of the pond shall be prohibited without written permission from the California Department of Fish and Wildlife pursuant to Section 6400 of the Fish and Game Code.
14. 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.
15. 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.
16. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
18. 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

19. 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."
20. 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).
21. 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.
22. 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.

23. 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.

24. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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.

25. 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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the CUP, 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.

26. 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.
27. 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.
28. 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.
29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- 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.
30. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violation(s) 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 violation(s) shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #22 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 NOE and will charge this cost to the project.
7. 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.
8. 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.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

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

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

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.

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>Residential Agriculture (RA5-20): Large lot residential uses that typically rely upon on-site water and wastewater systems. RA5-20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses.</p> <p>Density range is 5 to 160 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 9,900 SF outdoor and 4,200 SF mixed light cultivation on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<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>Access to the subject parcel is off Elk Creek Road which is a County-maintained public road. A road evaluation report was not required by Public Works as the site has direct access from Elk Creek Road, which is a paved roadway meeting the road category 4 standard. Public Works requested that the intersection of the private driveway with Elk Creek Road be improved by paving the initial 50 ft and that the intersection meet visibility standards. These have been made conditions of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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 does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<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 proposed project is located within an Open Space Action Program because the project site is zoned Unclassified. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the Unclassified zoning district. 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. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</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>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>The subject parcel is located approximately five miles from the nearest Marbled Murrelet habitat, approximately 0.80 miles north and 1.0 miles east of the nearest historical northern spotted owl activity centers. The site is served by PG&E and no generators are proposed. Additionally, no lights or fans will be permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights or fans. This made is a condition of approval.</p> <p>There are 2 other commercial cannabis applications in the vicinity that have the potential to impact Northern Spotted Owl and its habitat. However, all of these projects will be required to comply with standard measures to reduce noise and light impacts to a less than significant level. As a result, no cumulative impacts can be expected through the permitting of these projects.</p> <p>The subject parcel is also within potential habitat known for at least one special-status plant species (seacoast ragwort) according to CDFW's California Natural Diversity Database (CNDDDB). A condition of approval is included to include seasonally appropriate rare plant and wildlife surveys if any grading or tree removal activities are planned given the known nearby populations of special-status plants and wildlife in the area.</p> <p>According to the plot plan there were two mixed light cultivation areas on the site that were decommissioned and relocated to environmentally superior locations on the property. The first was a 4,830 SF area that was within the SMA buffer and the second was a 1,200 SF area that was just north of the existing residence. These two sites will be restored and revegetated by a qualified restoration specialist as a condition of approval.</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</p>	<p>No known significant archaeological or historic period cultural resources are located in the project area. A condition of project approval has been incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</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 involves outdoor and mixed light cultivation. The CMMLUO 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.</p>
<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 Project site falls within Tier 1 of the State Water Resources Control Board (SWRCB) Order No. WQ 2017-0023-DW, which requires preparation of a Site Management Plan (SMP) to protect water quality from cannabis cultivation and related activities. No mitigation actions were deemed necessary apart from implementation of Best Practicable Treatment or Control (BPTC) measures for ongoing agricultural practices.</p> <p>According to the plot plan there were two mixed light cultivation areas on the site that were decommissioned and relocated to environmentally superior locations on the property. The first was a 4,830 SF area that was within the SMA buffer and the second was a 1,200 SF area that was just north of the existing residence. These two sites will be restored and revegetated by a qualified restoration specialist as a condition of approval.</p> <p>The applicant will also be conditioned to prepare and submit a Bullfrog Management Plan for the pond to the California Department of Fish and Game.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>APN 211-331-042 contains a permitted septic system and leachfield that accommodates the residence and includes a toilet and handwashing facilities inside.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The existing cultivation areas are mixed-light and outdoor, and do not use generators, so there will be minimal noise generated by the project. Noise generated from any future generator use shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which limits the combined decibel level for all noise sources to 60 decibels at the property line. Power to the site is provided by PG&E.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-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 cultivation areas occur on graded flats or slopes of 15% or less. The project area is seismically classified as moderate instability; however, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</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>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 or levee inundation area and, at over 20 miles distance from the coast and over 1,700 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<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 Fruitland Ridge 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. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project site contains several existing water tanks and rainwater catchment pond which could provide additional fire protection on site. 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>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>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Fruitland Ridge Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>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 known as APN 211-331-042 is one separate legal parcel created per Notice of Merger and Certificate of Subdivision Compliance recorded on February 7, 2017.
§314-8.1 Unclassified (U)	Unclassified (U): All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking one Conditional Use Permit for an existing 9,900 SF outdoor and existing 4,200 SF mixed light cannabis cultivation operation on property zoned U. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	6,000 square feet	5.5 acres
Maximum Ground Coverage:	40%	Well below 40%.
Minimum Lot Width:	50 feet	700 feet
Maximum Lot Depth:	Three (3) times the width	323 feet

Minimum Yard Setbacks:	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: lot 1 acre or larger: 30 feet	Front (south): >30 feet Rear (north): >30 feet Side (east): 6 feet <30 feet Per HCC Section 3115-2(a)(2) of Humboldt County Fire Safe Regulations... a detached accessory building may be located within the 30 foot setback when it is constructed using non-combustible or fire resistive materials, and is located not closer than 20 feet to another building.
Max. Building Height:	None specified	N/A
§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.	The project site includes one watercourse through the central portion of the site in a north-south direction. Water for irrigation is sourced from rainwater and domestic water is supplied by an unpermitted well. Per the site plan, a lined pond for rainwater catchment and storage was constructed in 2015. According to the plot plan there were two mixed light cultivation areas on the site that were decommissioned and relocated to environmentally superior locations on the property. The first was a 4,830 SF area that was within the SMA buffer and the second was a 1,200 SF area that was just north of the existing residence. These two sites will be restored and revegetated by a qualified restoration specialist as a condition of approval.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The project site is a partially forested site zoned U and was reviewed for timberland conversion. CALFIRE did respond in an email dated October 19, 2017 that previous land use activities may have resulted in harvest without a permit and that more information would be needed to make a determination. A review of aerial imagery suggests that approximately 30,000 square feet of timber conversion occurred between 2012 and 2014. While this timber conversion was well before the established baseline under the MND for the ordinance, it is nonetheless made a requirement of this permit to address the conversion and ensure compliance with the Forest Practices Act. A report prepared by a registered professional forester (RPF) shall be submitted to the Planning Division. The report must contain the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. This is a condition of approval.
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<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned FR.</p>	<p>The proposed action is one Conditional Use Permit for an existing 9,900 SF outdoor and existing 4,200 SF mixed light cannabis cultivation operation on property zoned U. Aerial imagery on Google Earth indicate that existing cultivation operations on the property began sometime before 2014. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one Conditional Use Permit.</p>
<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>All processing and operations associated with cannabis for TA Farms, LLC will be conducted solely by the owners of TA Farms, LLC or by immediate family members of the owners of TA Farms, LLC. All cannabis processing shall be conducted on site in the 960 square foot metal building located near the eastern property boundary labeled on the site map as "Outbuilding, metal".</p>
<p>§314-55.4.9.4 Pre-Application Registration</p>	<p>Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.</p>	<p>The applicant submitted the required Commercial Cannabis Registration Form with the Planning Division on December 2, 2016, and within the specified window.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 3 identifies the information submitted with the application, and shows all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Water for irrigation is sourced from rainwater and domestic water is supplied by an unpermitted well. Water use will be metered to provide a record of actual water use and storage needs and to ensure adherence to any forbearance or water limitation requirements, if applicable. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.</p>
<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no known TCRs present on the site. There is a school bus stop within 100-feet of the nearest cultivation area. The applicant has secured a waiver of the 600-foot setback requirement for school bus stops from Southern Humboldt Unified School District, dated June 12, 2017. The waiver states that should any incident involving a student from the Southern Humboldt Unified School District occur at any time with the waiver applicant, the waiver would be considered void and immediately revoked. Compliance with this condition will be evaluated during annual inspections.</p> <p>The site plan shows that the project complies with 30-foot property line setbacks except for the existing 960 SF outbuilding used for drying and processing of cannabis within the 30-foot setback of the east property line. The applicant has secured a waiver from the adjacent land owner to the east for the reduction of the 30-foot setback.</p>

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The project does not include any generators or back-up generators.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 2, 2016.</p>

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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single-family residence which will remain. The project is in conformance with the standards in 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 Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3
CEQA Addendum**

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

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

APNs 211-331-042, 2339 Elk Creek Road, Myers Flat, County of Humboldt

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

March 2019

Background

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

The modified project involves a Conditional Use Permit for an existing 9,900 square foot (SF) outdoor and existing 4,200 SF mixed light cannabis cultivation. The mixed-light cultivation areas were retired, reduced in size and relocated to more environmentally suitable locations outside of the Streamside Management Area (SMA). These areas will be restored to their natural state. Cultivation activities extend from March to October. The applicant states there will be a maximum of two harvest cycles for the mixed light cultivation and one harvest cycle for the outdoor cultivation.

Water for irrigation is sourced from an existing 70,000-gallon rainwater catchment pond and 20,000 gallons of hard tanks fed by the pond in the wet season. The applicant estimates 88,500 gallons of water is required for the annual operations. Plants are harvested and dried onsite in the outbuilding. All processing and operations associated with cannabis for TA Farms, LLC will be conducted solely by the owners of TA Farms, LLC or by immediate family members of the owners of TA Farms, LLC. All cannabis processing shall be conducted on site in the 960 square foot metal building.

Power to the site is provided by PG&E and no generators are proposed as part of the operation. The modified project will also comply with provision of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light through the requirement to develop a light and noise attenuation plan. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

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

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

or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 9,900 square feet outdoor and 4,200 square feet mixed light cannabis cultivation commercial cannabis operation, authorize the restoration of areas impacted within the SMA and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary 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 $\frac{1}{4}$ 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. (On file)
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. (On file)
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. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable, unpermitted well used solely for domestic water)
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. Site Management Plan for APN 211-331-042, January 7, 2019. (Attached)
16. Bullfrog Management Plan. (Attached)



Cultivation and Operations Plan

1 WATER

Water source + Storage:

Irrigation water source is a rainwater catchment pond with an approximate capacity of 70,000 gallons. There is an additional 20,000 gallons of storage onsite with HDPE tanks. In the winter water from the pond is pumped to fill the hard storage tanks for the year.

There is also a well onsite that was established circa 1965. The well is used for domestic water.

Irrigation Plan:

Drip irrigation, mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates.

Projected Water Usage:

Estimated 88,500 gallons of water used for irrigation during growing season. All irrigation waters come from stored rainwater catchment.

Applicant is enrolled in Water Board Cannabis Program. Water usage recorded monthly and reported annually to the Water Board pursuant to the Cannabis General Order.

The following table summarizes the estimated water use per month for the operation – as water use is actually recorded, better water usage data will become available.

Month	Estimated Irrigation Water Use (gal)
January	0
February	0
March	500
April	1000
May	5000
June	15000
July	24000
August	24000
September	12000
October	7000
November	0
December	0

2 SITE CHARACTERISTICS

Drainage:

At all times water is used appropriately and applied at no more than agronomic rates.

Site has well-draining soils and natural vegetation is maintained around all cultivation areas. Rock and riprap is installed on all drainage ditches rock to reduce flow velocity and minimize erosion.

Runoff and Erosion Control Measures:

Drip irrigation is utilized and the irrigation practices do not produce runoff.

Runoff from sheet flow and rainwater is adequately dispersed and dissipated by drainage features on the property.

Buffers of native vegetation are maintained around all cultivation areas.

All exposed areas of soil have been reseeded and mulched with straw and are monitored and maintained to promote revegetation.

Erosion control measures (hay waddles, straw bales, etc.) are implemented prior to each rainy season to help minimize sediment discharge.

3 WATERSHED + HABITAT PROTECTION

Applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program and Water Resources Protection Plan is currently being implemented to ensure riparian watershed and habitat protection. Portions of existing cultivation sites were decommissioned and relocated away from watercourses for riparian watershed protection in order to come into compliance with Regional Water Board requirements. Relocation and decommissioning of sites overseen by Mother Earth Engineering and included as a part of the site's Water Resources Protection Plan.

All storm runoff from cleared and developed areas is dispersed by drainage features and does not enter waterways.

Only OMRI approved products utilized, as well as organic amendments. Mulching is used to reduce water use, and winter cover crops are employed to reduce the amount of manufactured amendments/nutrients required.

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat are maintained around all areas of human activity. The parcel is located directly off of a county maintained paved road and is in an historically developed farming area – Fruitland Ridge.

Cultivation areas are maintained to prevent nutrients from leaving the site at all times: during the growing season and post-harvest.

No surface water diversions. Only rainwater utilized for cultivation irrigation.

4 STORAGE + HAZARDOUS MATERIALS

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater, and cannot enter the environment.

Amendments and Nutrients:

Amendments are brought to site and used immediately. No amendment storage onsite.

All other fertilizers, nutrients, etc are stored in an enclosed space on shelves or as appropriate. Secondary containment provided for all liquid products. All products applied per package directions or more conservatively.

Pesticides and Herbicides:

Only OMRI listed and/or approved products utilized for pest and disease control. All products are properly stored metal in enclosure as specified by manufacturer's recommendations. Secondary containment provided for all liquid products. All products applied using package directions.

Fuel:

PG+E power to site. Only 3x 5gal fuel cans are stored onsite for garden tool use and are stored appropriately with secondary containment.

5 SOLID WASTE/RECYCLING

Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in trash cans with lids inside of an enclosure.

Removal Frequency: Trash and recycling removed from site at least once weekly or more frequently.

Disposal Facility: Redway, Eureka or Dyerville transfer station.

Waste Soil/ Growth Media: All soil amended and reused. All other organic waste is mulched and composted.

6 DESCRIPTION OF CULTIVATION ACTIVITIES

Existing outdoor cultivation and existing mixed light cultivation.

For mixed light cultivation, estimated number of harvests is approximately two. Number of harvests dependent upon climate conditions and logistics

7 SCHEDULE OF ACTIVITIES

Generator use:

No generator use. PG+E service to site.

Month	Activities
January	No activity.
February	Veg moms
March	Veg moms. Start seeds
April	Veg moms. Cut and veg clones.
May	Veg and flower
June	Outdoor plants put outside. Farm operation and maintenance
July	Farm operation and maintenance. Harvest. Replant.
August	Farm operation and maintenance

September	Farm operation and maintenance. Harvest.
October	Farm operation and maintenance. Harvest full term
November	Dry, Process. Winterize property.
December	Process. Clean up. Cover Crop

8 OPERATIONS AND PROCESSING PROTOCOLS

Processing Practices:

Plants are harvested and dried onsite in outbuilding.

All processing associated with cannabis for TA Farms, LLC shall be conducted solely by the owners of TA Farms, LLC or by immediate family members of the owners of TA Farms, LLC. All cannabis processing shall be conducted on site in the 960 square foot metal building located near the eastern property boundary labeled on the site map as "Outbuilding, metal".

All work surfaces and equipment shall be maintained in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew to be strictly followed. Curing takes place in an environment with temperature and humidity control. The finished product is then moved to a secure location.

Location: Processing in existing metal building indicated on site map.

Staffing

The facilities are operated by applicant and immediate family only. There are no employees at this time.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Due to the location of the facility and size and scope of operations, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

Safety Practices: Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and will provide adequate safety training pursuant to

County and State regulations and guidance. Safety practices will be in compliance with standards set forth by the County and State.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, there will be access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. There is an onsite septic/leach system with toilet and handwashing facilities inside of house.

Increased Road Use: Not applicable, no significant impacts to traffic and road are anticipated due to the operations described herein.

Onsite Housing:

None. No employees. Family operation. Family that does not reside onsite will commute from town.

9 SECURITY PLAN

The security measures located on the premises will include the following:

- a) Lighting and Surveillance- Game cameras and motion sensor lighting installed around the facilities such that operator and the video surveillance system can effectively monitor the space in and around the facility.
- b) Occupancy —Full time resident(s) are on property at all times.
- c) Access Control - All entrances to the facility are restricted by gated entry.
- d) All cultivation related items and products stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.

- e) All Medical Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed medical cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

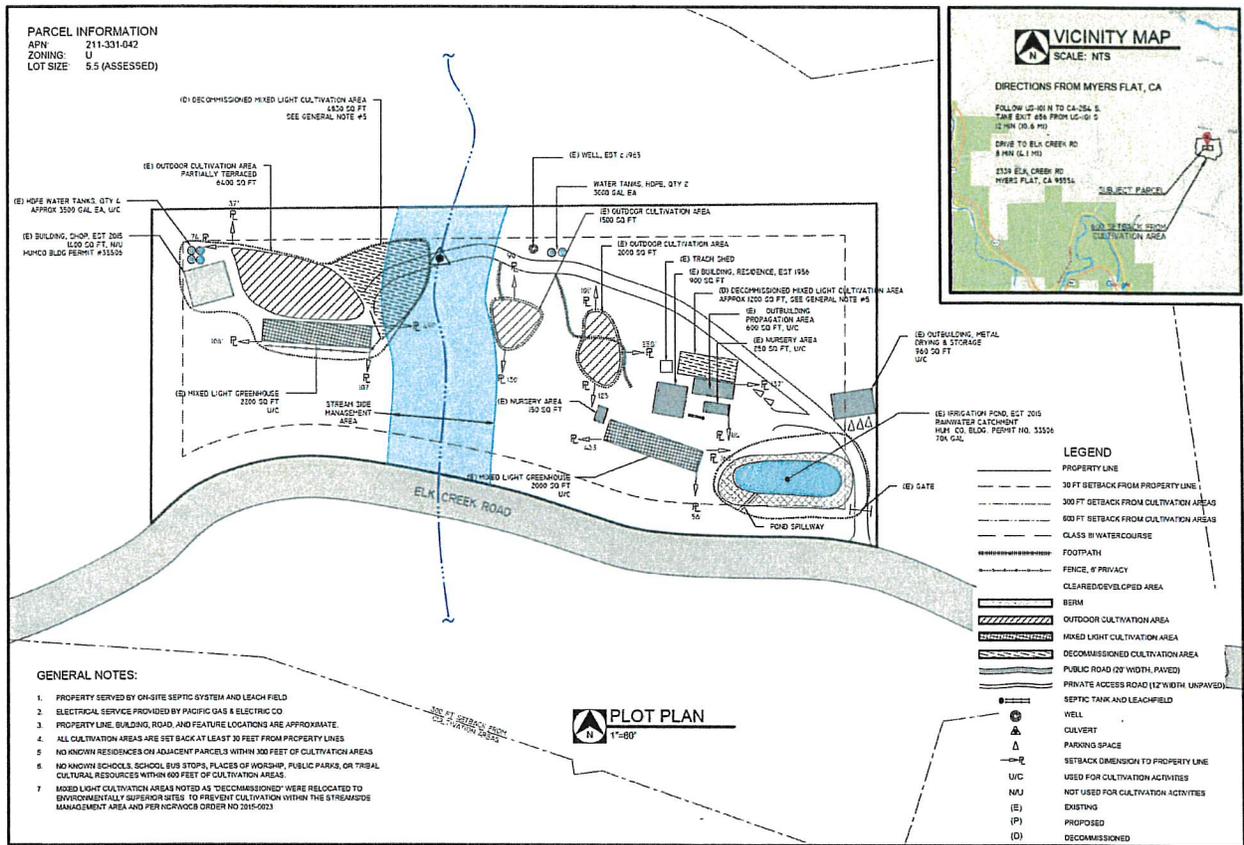
SITE MANAGEMENT PLAN

PREPARED FOR
Tomas Alatorre

APN 211-331-042
2339 ELK CREEK ROAD
HUMBOLDT COUNTY, CA

SITE CHARACTERISTICS

SITE MAP



SITE ACCESS

Site access is by way of Elk Creek Road in Humboldt County, CA.

Elk Creek Road is a paved road, and access to the site is directly off of the road onto the parcel by way of a driveway directly off of Elk Creek Road. On-site roadways are gravel and dirt, and are drained with a combination of rolling dips and ditches. Site drainage is mostly directed to a roadside ditch on Elk Creek Road that is maintained by the County. Some drainage exits the site through a culvert that drains to a ditch on the side of Elk Creek Road. Site access will be minimal and limited to a single family for all times of year. All vehicle traffic beyond single family access will be limited to the farming season, and will not significantly impact road usage or condition during the winter months.

No onsite legacy issues with respect to drainage. All legacy issues shall have proper erosion control measures applied.

SEDIMENT AND EROSION CONTROL

All on-site sediment will be dealt with in a manner consistent with local, regional, state, and federal regulations. All relevant laws and best management practices, as defined by jurisdictional agencies,

shall be adhered to and implemented on a site wide basis.

FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE CONTROL

All on-site fertilizers, pesticides, herbicides, and rodenticides (FPHR) will be used at or below agronomic rates, and will be stored effectively and with care during the winter months. All FPHR will be kept from any flowing water, and outside of any streamside management areas, as required by law.

The following products are used on-site:

PRODUCT	DELIVERY DATE	METHOD OF STORAGE	USE
Bat Guano	As needed	In a covered, enclosed shed	Fertilizer
Mykos Mycorrhizal Inoculant	As needed	In a covered, enclosed shed	Fertilizer
Azos Nitrogen Fixing Bacteria	As needed	In a covered, enclosed shed	Fertilizer
Azomite Trace Minerals	As needed	In a covered, enclosed shed	Fertilizer
Paleo Bloom	As needed	In a covered, enclosed shed	Fertilizer
Molasses	As needed	In a covered, enclosed shed	Fertilizer
Neem	As needed	In a covered, enclosed shed	Pesticide
Pure Spray Green	As needed	In a covered, enclosed shed	Pesticide

All FPHR on-site shall be stored in the garage, an enclosed and covered structure, both during the farming and winter seasons. All are mixed as needed in a 500 gallon tank on-site. Empty containers are taken to the dump, recycled, or otherwise disposed of as necessary.

SPILL PREVENTION AND CLEANUP

All site chemical storage shall be accompanied by an appropriate hazardous materials management plan that allows for proper mitigation of any issues that may arise from storage of hazardous materials on-site, as required by law. All cleanup will follow local, regional, state, and federal regulations that govern safety standards regarding any chemicals on-site. All MSDS sheets shall be stored on-site and will be available to all individuals or employees working on-site. All procedures shall follow best management practices as available under current laws.

PETROLEUM PRODUCT MANAGEMENT

Site has PG+E service so petroleum useage is nominal and limited to approximately three 5-gallon gasoline cans stored onsite. All petroleum products on-site shall be stored continuously in covered buildings and shall not be exposed in any manner that holds the potential for release of any contaminant to the outside environment. All storage and potential contaminant release involved with petroleum product storage shall follow all requirements under local, regional, state, and federal laws, as applicable.

The following products are used on-site:

PRODUCT	DELIVERY DATE	METHOD OF STORAGE	USE
LPG	As needed	Tank near house	Cooking and heating
Small container gasoline storage	As needed	In a covered, enclosed shed	Operating gasoline engines on-site (lawnmower, other gardening and cultivation related machinery)

When used on-site, all petroleum products are either used within a closed system for heating and cooking in the house, or are used in a common sense manner as needed for any motorized machinery on-site. The parcel is connected to grid power, and as such will not use any generators for power.

All empty containers will be disposed of properly, and any spill or discharge shall be immediately be treated with appropriate remediation measures as described in the hazardous material management plan.

TRASH/REFUSE AND DOMESTIC WASTEWATER MANAGEMENT

All trash, refuse, and wastewater shall be stored in a manner that does not impact local or regional water quality. All trash and refuse shall be disposed of in a manner consistent with local regulations and shall be delivered to an appropriate county disposal site on a schedule determined by site need. All trash and refuse generated shall be stored in a covered structure until said refuse can be delivered to appropriate county disposal sites.

Any trash generated on-site will be as expected for farm operations. No significant waste is expected, and all organic waste will be composted for use on-site at a later date.

Wastewater created on-site is handled by a permitted septic system at the main residence.

SITE WINTERIZATION PROCEDURES

Upon completion of the farming season, the site will be winterized in order to minimize any and all runoff or contaminant transport to any waters of the state. All trash with the potential for contaminant delivery shall be removed from the site and/or stored safely inside of an enclosed structure for the duration of the wet season. All soil used for cultivation will be removed from the site or covered with an impermeable cover and surrounded by appropriate erosion control measures. All culverts will be cleared prior to the beginning of the wet season, and all blockages in any drainage features shall be dealt with prior to the first rain. All exposed areas with loose soil will be covered with an impermeable cover, or will be seeded and have relevant erosion control measures applied.

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalya Bocast by email at kalya.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure

potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hatten).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrogs hind legs are not shaded pink or red.**

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.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Revise plot plan.	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Conditional Approval	Attached
CALFIRE	✓	Standard Comments and Email	Attached
NWIC	✓	Cultural Resources Survey	N/A. BRB THPO did not recommend survey
Bear River Band Rohnerville Rancheria	✓	Include inadvertent discovery language	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
California Division of Water Resources		No Response	
RWQCB		No Response	
Humboldt County District Attorney		No Response	
NCUAQMD		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County Sheriff		No Response	
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
Southern Humboldt Joint Unified School District	✓	Conditional Approval	600 ft. setback waiver granted (Attached)



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

3/23

10/11/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

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

211-331-042

Applicant Name Tomas Alatorre & Francisco Alatorre Guardado **Key Parcel Number** 211-331-042-000

Application (APPS#) 11626 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-309

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 10/26/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 3/27/19

PRINT NAME: Rudy Marenghi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46107/11626
Parcel No.: 211-331-042
Case No.: CUP16-309

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

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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show all grading, all water tanks, nursery as propagation, actual use of GH's (outdoor), dimensions of all structures, proposed GH in 2000 sqft CA, GH's numbered, 150 sqft nursery as storage.

Name: Rudy Marenghi

Date: 3/27/18

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



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

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 5-10-2018

RE:

Applicant Name	TOMAS ALATORRE & FRANCISCO ALATORRE GUARDADO
APN	211-331-042
APPS#	11626

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11626

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

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 //

DEH recommends conditional approval with the following conditions:

Applicant must demonstrate Tier 0 compliance for the onsite wastewater treatment system serving the project, certifying that the system does not impact surface water or groundwater.

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

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: October 13, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Alatorre, Tomas & Alatorre Guardado, Francisco
APN: 211-331-042-000
Area: Myers Flat
Case Numbers: CUP16-309

Humboldt County Application #: 11626
Type of Application: Conditional Use Permit
Date Received: 10/12/2017
Due Date: 10/26/2017

Project Description: A Conditional Use Permit (CUP16-309) for 14,100 square feet (SF) of existing medical cannabis cultivation area consisting of 2,200 SF of mixed-light and 11,900 SF of outdoor is requested. Water source is a rainwater catchment pond. Water storage of 90,000 gallons occurs in the pond and tanks. Processing occurs off-site at a licensed facility. PG&E serves electricity to the site.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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



From: HUU_CEOA@CALFIRE
To: [Planning Clerk](#)
Subject: FW: APPS# 11626, APN# 211-331-042-000, Guardado Alatorre& Alatorre, 2339 Elk Creek Rd
Date: Tuesday, October 24, 2017 2:53:05 PM
Attachments: [image001.png](#)

Chris Ramey
 Battalion Chief, Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
 C: 707-599-6442
 Duty Days: Tues-Fri

From: McNicholas, Michael@CALFIRE
Sent: Thursday, October 19, 2017 2:04 PM
To: HUU_CEOA@CALFIRE <HUU_CEOA@fire.ca.gov>
Cc: Misner, Derrick@CALFIRE <Derrick.Misner@fire.ca.gov>
Subject: APPS# 11626, APN# 211-331-042-000, Guardado Alatorre& Alatorre, 2339 Elk Creek Rd

It may be necessary for a CALFIRE harvest permit to be obtained prior to expanding this cultivation site. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. Previous land use activities may have resulted in harvest without a permit and harvesting without a plan or a license. More information is required for a proper evaluation.

Michael Mc Nicholas

Forester I RPF #3029



Humboldt-Del Norte Unit
 118 Fortuna Blvd.
 Fortuna, CA 95540
 Phone: (707) 726-1268
 Fax: (707) 725-9827



**California Department of Fish and Wildlife
CEQA: Project Referral Comments**

Applicant: Alatorre		Date: 1/17/2019	
APPS No.: 11626	APN: 211-331-042	DFW CEQA No.: 2017-0908	Case No.: CUP16-309
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 2,200	<input checked="" type="checkbox"/> Outdoor (SF): 11,900

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

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

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

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

- CDFW has no record of a submittal a Notification of Lake or Streambed Alteration (LSA) Agreement for this parcel.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
-  The Project is located near Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) potential habitat. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include submittal of a noise and light attenuation plan to be approved by CDFW prior to the use of artificial lights and generators used for cannabis cultivation.

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

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ The referral materials state that there is an existing pond(s) designated as water sources for this project. CDFW requests:
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



In the heart of the Redwoods

Southern Humboldt Unified School District

Board of Trustees

Jeff Henderson
Barbara Lindsay
William "Scotty" McClure
Thomas Mulder
Dennis O'Sullivan

Administration

Catherine Scott
District Superintendent
Bambi Henderson
Director of Fiscal Services
Karl Terrell
*Director of Maintenance,
Operations, and
Transportation*

Principals

Jeff Landry
Paula Panfilio
Stephanie Steffano-Davis



June 12, 2017

Southern Humboldt Unified School District Waiver of 600 foot Set Back Requirement For County of Humboldt's Cultivation Ordinance

Applicant: Fruitfresh Farms, LLC – Jorge Mateo Tittman

County Cultivation Application #: 11626

Assesor's Parcel Number: 211-331-024/211-311-008

School Bus Stop Location: Moores' Turnout, Elk Creek Road, Myers Flat, CA

To Whom It May Concern:

Jorge Matteo Tittman of Fruitfresh Farms, LLC has met the Southern Humboldt Unified School District's Bus Stop Waiver qualifications. Mr. Tittman has sufficiently stated what measures he will be taking to assure his medical marijuana cultivation will not will not compromise student safety nor interfere with the District's strict no tolerance policy of Drugs and Alcohol. Therefore, Southern Humboldt Unified School District grants Fruitfresh Farms, LLC a waiver of the 600 foot set back from a school bus stop as required by the County of Humboldt's Cultivation Ordinance*.

*Should any incident involving a student from the Southern Humboldt Unified School District occur at any time with the waiver applicant, this waiver would be considered void and immediately revoked.

Karl Terrell
Director of Maintenance,
Operations and Transportation

110 School Rd; P.O. Box 650, Miranda, California 95553
Telephone: (707) 943-1789 Fax: (707) 943-1921
www.humboldt.k12.ca.us/sohumb_usd/school/index.html

"All students can learn and succeed, but not on the same day in the same way." William G Spady