



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: July 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Kinsey Ridge, LLC Conditional Use Permit and Special Permits**
Record Number: PLN-11841-CUP
Assessor's Parcel Number (APN): 315-045-004
12229 USFS Route 1, Willow Creek area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	8
Maps	
Topo Map	15
Zoning Map	16
Aerial Map	17
Site Plan	18
Attachments	
Attachment 1: Recommended Conditions of Approval	20
Attachment 2: CEQA Addendum	29
Attachment 3: Applicant's Evidence in Support of the Required Findings	33
A: Operations Manual with Addendums	Separate
B: Site Management Plan	Separate
C: Road Evaluation	Separate
D: Biological Report	Separate
Attachment 4: Referral Agency Comments and Recommendations	78

Please contact Jasmine Wurlitzer, Assigned Planner, at 916-414-5800 or by email at jasmine.wurlitzer@aecom.com if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 15, 2021	Conditional Use Permit and Special Permits	Jasmine Wurlitzer

Project Description: A Conditional Use Permit for continued cultivation of 13,000 square feet (SF) of existing outdoor cannabis cultivation, of which 10,600 SF is full-sun outdoor and 2,400 SF is outdoor that is cultivated in one (1) greenhouse using light deprivation techniques. Ancillary propagation occurs within a 120-square-foot hoop house. Water for irrigation is sourced from rain catchment whereas storm water from the roof of the on-site residence and other structures is captured in gutters and transported to a water conveyance system that transfers the water to rainwater catchment tanks. The applicant proposes to drill a well onsite as an additional water source. Existing available water storage onsite is 11,700 gallons in a series of hard-sided tanks. The applicant also proposes an additional 250,000-gallon rain catchment pond for a total of 261,700 gallons of onsite water storage. Estimated annual water usage is 80,000 gallons. Drying and bucking occurs onsite while processing will occur off site at a licensed processing or manufacturing facility until a proposed 900 SF onsite processing building and associated supporting septic system can be permitted. Up to six (6) employees may be utilized during peak operations. Power is provided by a generator. The proposed project also includes two (2) Special Permits: one Special Permit to reduce the 600-foot setback requirement to public lands since the proposed processing facility is within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for work within Streamside Management Areas (SMAs) to decommission and restore cultivation areas associated with a natural spring and a Class III drainage.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the east side of USFS Route 1, approximately 4.7 miles southeast from the intersection of State Highway 299 and Titlow Hill Road, then south on USFS Route 1 for approximately 12.2 miles, on the property known as 12229 USFS Route 1.

Present Plan Land Use Designations: Timberland (T) Density: forty to one hundred sixty acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Timber Production Zone (TPZ)

Record Number: PLN-11841-CUP

Assessor's Parcel Number: 315-045-004

Applicant:
Kinsey Ridge, LLC
C/O Kristi Smith
P.O. Box 732
Arcata, CA 95518

Owner:
Kristi Smith
3030 Alliance Road
Arcata, CA 95521

Agent:
Same as Applicant

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

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

Major Issues: None.

Recommended Commission Action:

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

Find that the 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 Permits, and adopt the Resolution approving the Kinsey Ridge, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Kinsey Ridge, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 13,000 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ). Cultivation takes place in four (4) areas: Cultivation Area #1 consists of 8,403 SF in the northwest portion of the property where plants are grown in the ground in rows; Cultivation Area #2 consists of 997 SF of plants grown in the ground, located to the south of Cultivation Area #1; Cultivation Area #3, which is 1,200 SF in size, is located immediately east of Cultivation Area #2, where plants are grown in 100-gallon smart-pots; and Cultivation Area #4, which consists of a 2,400 SF light-deprivation greenhouse immediately south of Cultivation Area #3. One harvest is anticipated annually for a growing season that extends from May through November. Ancillary propagation occurs within a 120 SF seasonal PVC hoop house with fluorescent fixtures.

Drying (and bucking) occurs onsite in an existing structure and a proposed 900 SF processing facility with supporting septic is proposed. Until the onsite facility can be permitted, processing will occur offsite at a licensed processing or manufacturing facility. The operation is secured behind a gated access, with locked containment for product processing and storage, security lighting, alarms, cameras, and video capture. Up to six (6) employees may be utilized during peak operations. Power is provided by one (1) Honda 6500 generator.

The proposed project also includes two (2) Special Permits: one Special Permit to reduce the 600-foot setback requirement to public lands since the proposed processing facility is within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for work within Streamside Management Areas (SMAs) to decommission and restore cultivation areas associated with a natural spring and a Class III drainage.

Setback to Six Rivers National Forest

The parcels immediately adjacent and to the east of the site (APNs 315-045-003, 315-045-007, and 315-045-008) are owned by the Six Rivers National Forest (SRNF), operated by the Lower Trinity Ranger District. The proposed processing facility is located approximately 450 feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. This portion of the SRNF is an isolated parcel of SRNF land on the westernmost edge of the SRNF and is surrounded by privately-owned parcels. According to the Interactive Visitor Map for the SRNF, this small piece of the SRNF does not contain any trails or other facilities developed for public use. According to the Schedule of Proposed Actions (SOPA) from 01/01/2021 to 03/31/2021, as posted online by the SRNF, there are no current plans associated with the creation of open space/public recreation in any of the SRNF parcels near the project area.

Under the CMMLUO, cultivation and processing operations require a setback of 600 feet from publicly owned lands that are managed for wildlife, open space, and recreational facilities. This setback may be reduced with a Special Permit. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from SRNF is included as a part of the applicant's request. The adjacent public land is subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, the Site Management Plan was developed for the project to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals. Therefore, planning staff is supportive of the reduction of the 600-foot setback. A referral was sent to USFS on September 24, 2020, and no response was received.

Timber Conversion

A Timber Conversion Report (Attachment 3) was prepared by Timberland Resource Consultants (TRC) in July 2020 which indicated that two of the cultivation areas (Cultivation Areas #2 and #3) had been developed in undisturbed natural grasslands with no trees, and therefore, did not result in any timber conversion. However, Cultivation Area #1 consists of approximately 0.24 acres of converted timberland and Cultivation Area #4 is a former log landing in which 0.16 acres were converted from timber production to cannabis cultivation. Based on a review of historic aerial imagery, TRC concluded these areas were developed for cannabis cultivation between 2010 and 2012, with Cultivation Area #2 developed to its present size and configuration between 2016 and 2018 and Cultivation Area #4 expanded to its current configuration between 2014 and 2016. The cultivation-related activities observed in Cultivation Areas #1 and #4 impede the use of those spaces for current timber growth and harvesting, and therefore have been converted from timber production to cannabis cultivation. In total, approximately 0.4 acres of timberland was converted which is below the three-acre conversion exemption maximum. The Report concluded that all timber conversion had been carried out in compliance with the California Forest Practice Act and the California Forest Practice Rules. Since the timber removal occurred prior to the CMMLUO baseline date of December 31, 2016, and the conversion activities complied with the California Forest Practice Act and the California Forest Practice Rules, no recommendations are included in the Report and no restocking will be required for the project.

On-Site Relocation

Cultivation currently exists in four (4) different areas on the property. According to the Site Management Plan (not dated) prepared by AgDynamix for the project (Attachment 3), portions of previously existing cultivation areas overlapped with SMA buffers. Furthermore, TRC measured setback distances while onsite in June 2020 for preparation of the Timber Conversion Report (Attachment 3) and concluded that two (2) cultivation areas overlapped with waterway protection zones. As a result, a Relocation Plan and Relocation Plan Map, both prepared by the applicant in January 2021 (Attachment 3), propose reduction of Cultivation Area #1 by 2,500 SF to allow for the 150-foot setback to the existing natural spring, decommissioning both Cultivation Areas #2 and #4, and reducing Cultivation Area #3 by 1,000 SF in order to allow a 50-foot setback to a Class III drainage, for a total of 9,500 SF to be decommissioned. The applicant proposes relocating this 9,500 SF of cultivation to one (1) centrally located and naturally open area labeled as Cultivation Area #5 on the Relocation Plan Map. According to the Relocation Plan and Relocation Plan Map prepared by the applicant, the onsite relocation would increase the distance between cultivation areas and surface waters and consolidate the footprint of cultivation onsite. By reducing Cultivation Areas #1 and #3, decommissioning Cultivation Areas #2 and #4 entirely,

and relocating cultivation to the center of the property, all cultivation would be more than 100 feet from any watercourse and would be accessed via an existing broad and gently sloped gravel road (USFS Route 1). Decommissioning and restoring cultivation areas would consist of removal of all cultivation related materials and seeding and mulching bare soil areas.

The project is conditioned to fully decommission the cultivation areas as identified in the Relocation Plan Map and described in the Relocation Plan and to remove cultivation-related infrastructure from within SMAs in accordance with the applicant's proposed Relocation Plan. The project is also conditioned to submit a Remediation Plan detailing proposed remediation methods and best management practices to protect habitat and water quality, and to obtain a Lake and Streambed Alteration Agreement (LSAA) from CDFW, as well as any necessary grading permits, for removal of existing infrastructure from within SMAs. The project is also conditioned to comply with the recommendations of the Site Management Plan, Remediation Plan, and the Final LSAA to be obtained from CDFW. Furthermore, the project is conditioned to provide an updated Site Plan, to be prepared by a licensed surveyor, showing the proposed relocation areas as described in the Relocation Plan prepared by the applicant on January 10, 2021 and all buffers/setback distances for natural waterways, including streams, springs, and ponds in conformance with the Streamside Management Area and Wetlands Ordinance (SMAWO) definition in HHC Section 314-6.1.

Water Resources

Estimated annual water usage is 80,000 gallons (6.15 gal/SF) with peak demand occurring in August through October at approximately 15,000 gallons per month. The applicant provided an addendum to the operations plan via email with the revised water values from what was originally reported (see Attachment 3). Water for irrigation is sourced via rain catchment and is stored in rainwater catchment tanks. The applicant proposes to drill a well onsite as an additional water source. Water storage onsite includes four (4) 2,500-gallon tanks, one (1) 1,100-gallon tank, and one (1) 600-gallon tank, totaling 11,700 gallons of water storage. The applicant also proposes a 250,000-gallon rain catchment pond, which would bring the total amount of water storage onsite to 261,700 gallons. The off-stream pond will be constructed near the western parcel boundary within a utility easement as no additional timber removal would be required to develop the pond. A letter from PGE was provided to the applicant that states the development of the pond will not adversely impact the use the easement by PGE (see Attachment 3). Staff supports development of the pond to reduce reliance on surface waters, which was a historical water source. No diversion of surface water is authorized by this permit. The project is conditioned to develop a Grading, Drainage, and Erosion Control plan prepared by a licensed engineer for all proposed grading, including that required to construct the proposed rainwater catchment pond, and to obtain all necessary permits for grading and for the proposed well.

Although Humboldt County's WebGIS shows no mapped streams, the Site Plan shows several Class III intermittent and Class II streams with the associated 50-foot and 100-foot Streamside Management Area (SMA) buffers, respectively, and a seep in the northwestern portion of the parcel with an associated 150-foot setback (Attachment 3). As previously discussed, portions of existing cultivation areas are located within the required SMA buffers and two (2) cultivation areas overlap waterway protection zones. As a result, the applicant proposes to decommission and relocation 9,500 SF of existing cultivation to remove cultivation and associated infrastructure from the required SMA buffers, as described in the On-Site Relocation section, above. Per the above discussion, the project is conditioned to fully decommission the cultivation areas in accordance with the applicant's proposed Relocation Plan and to submit a Remediation Plan detailing proposed remediation methods and best management practices to protect water quality, obtain a LSAA from CDFW and any necessary grading permits for any work within SMAs, and to comply with the recommendations of the Site Management Plan, measures of the Remediation Plan, and a final LSAA obtained from CDFW for work within SMAs.

A Hydraulic and Drainage Report was prepared by Trinity Valley Consulting Engineers in July 2019 as Exhibit D of the Site Management Plan (Attachment 3) to assess drainage for a Class III ephemeral stream in the central portion of the property that drains from east to west across the site where it is conveyed beneath a site access road in the western portion of the parcel via an existing culvert. The Report

concluded that this existing culvert is undersized and should be replaced with a larger 30-inch diameter culvert. A Notification of Lake or Streambed Alteration was prepared by AgDynamix on behalf of the applicant in October 2019 (Attachment 3) for the removal and replacement of this existing culvert with a larger sized culvert. The Humboldt County Streamside Management Area Ordinance (SMAO) allows routine maintenance activities, which include the replacement of culverts and related structures in SMAs associated with existing public or private facilities when conducted pursuant to a CDFW LSAA (HCC Section 314-61.1.4.1). A Notification of Lake or Streambed Alteration was prepared by AgDynamix on behalf of the applicant on October 15, 2019 to allow for encroachment into a Class III drainage to remove and replace an existing culvert in accordance with the recommendations of the Site Management Plan. The project is conditioned to secure a final LSAA from CDFW and comply with its requirements.

Biological Resources

According to the Biological Report prepared by Fellow Farmers Environmental in June 2020 for the project, there are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.8 miles from the site. The Timber Conversion Report (Attachment 3) prepared by TRC in July 2020 also includes an evaluation of biological resources and concluded that there is the potential for NSO on the subject parcel. Electrical power is provided by one (1) Honda 6500 generator.

The Site Management Plan (SMP) prepared for the project (received in November 2019) (Attachment 3) includes measures to improve drainage, runoff, and erosion control on the subject parcel along access roadways, upsizing an existing culvert, and developing a water use budget. The SMP, the Operations Manual, and the Site Plan include details and locations for the proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel. All these materials are kept in watertight sheds with no chance of delivery to surface waters.

The proposed project involves the relocation existing onsite cultivation, which would increase the distance between cultivation areas and surface waters and consolidate the footprint of cultivation onsite. The potential indirect impacts associated with the project are mitigated through implementation of best management practices included in the SMP (Attachment 3) and final LSAAs with CDFW, to be obtained as conditions of approval. The project is conditioned to ensure the combination of background, generator and greenhouse fan, or other operational equipment created noise, meets the noise level threshold of a maximum of 50 decibels at the property line. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service (USFWS). Furthermore, recommendations from the project's Biological Report are included in the Conditions of Approval, which include ensuring wildlife hazards such as loose netting and metal wire cages be stored in a way that will eliminate or minimize interaction with wildlife, and proper storage of nutrients in secondary containment. Additionally, the project is conditioned to ensure generators are located at least 200 feet from the onsite Class II and Class III streams and remediation of decommissioned cultivation areas. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access to the site is on a United States Forest Service Region 1 Route 6N01 that includes a non-County maintained segment identified as Friday Ridge Road that intersects with Titlow Hill Road. The applicant provided a Roadway Evaluation for the road segments identified above indicating all roads utilized to access the site are equivalent to road category 4 standard. Review of aerial imagery along this haul route revealed that the roads used for access are paved and generally have a width between 18-22 feet. The applicant has submitted photographs of the road that further support the identification of these roads as meeting equivalency to road category 4 standards.

Conditions of approval include requiring within 1 year from the effective date, the Applicant shall take

steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. Conditions of approval require the applicant to adhere to the recommendations in the Roadway Evaluation for APN 315-093-006, APPS 11019, up until the subject parcel and improve the intersection of the unnamed private road with Titlow Hill Road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work as stated in the conditions of approval. Additional conditions include requiring within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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 approval of the Conditional Use Permit (CUP) and Special Permits (SP).

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number: PLN-11841-CUP
Assessor's Parcel Number: 315-045-004**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Kinsey Ridge, LLC, Conditional Use Permit and Special Permits request.

WHEREAS, Kinsey Ridge, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 13,000 square feet (SF) of existing outdoor cannabis cultivation, of which 10,600 SF is full-sun outdoor and 2,400 SF is outdoor that is cultivated in one (1) greenhouse using light deprivation techniques. Ancillary propagation occurs within a 120-square-foot hoop house. Water for irrigation is sourced from rain catchment whereas storm water from the roof of the on-site residence and other structures is captured in gutters and transported to a water conveyance system that transfers the water to rainwater catchment tanks. The applicant proposes to drill a well onsite as an additional water source. Existing available water storage onsite is 11,700 gallons in a series of hard-sided tanks. The applicant also proposes an additional 250,000-gallon rain catchment pond for a total of 261,700 gallons of onsite water storage. Estimated annual water usage is 80,000 gallons. Drying and bucking occurs onsite while processing will occur off site at a licensed processing or manufacturing facility until a proposed 900 SF onsite processing building and associated supporting septic system can be permitted. Up to six (6) employees may be utilized during peak operations. Power is provided by a generator. The proposed project also includes two (2) Special Permits: one Special Permit to reduce the 600-foot setback requirement to public lands since the proposed processing facility is within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for work within Streamside Management Areas (SMAs) to decommission and restore cultivation areas associated with a natural spring and a Class III drainage; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) 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, the Humboldt County Planning Commission held a duly-noticed public hearing on July 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is A Conditional Use Permit for continued cultivation of 13,000 square feet (SF) of existing outdoor cannabis cultivation, of which 10,600 SF is full-sun outdoor and 2,400 SF is outdoor that is cultivated in one (1) greenhouse using light deprivation techniques. Ancillary propagation occurs within a 120-square-foot hoop house. Water for irrigation is sourced from rain catchment whereas storm water from the roof of the on-site residence and other structures is captured in gutters and transported to a water conveyance system that transfers the water to rainwater catchment tanks. The applicant proposes to drill a well onsite as an additional water source. Existing available water storage onsite is 11,700 gallons in a series of hard-sided tanks. The applicant also proposes an

additional 250,000-gallon rain catchment pond for a total of 261,700 gallons of onsite water storage. Estimated annual water usage is 80,000 gallons. Drying and bucking occurs onsite while processing will occur off site at a licensed processing or manufacturing facility until a proposed 900 SF onsite processing building and associated supporting septic system can be permitted. Up to six (6) employees may be utilized during peak operations. Power is provided by a generator. The proposed project also includes two (2) Special Permits: one Special Permit to reduce the 600-foot setback requirement to public lands since the proposed processing facility is within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for work within Streamside Management Areas (SMAs) to decommission and restore cultivation areas associated with a natural spring and a Class III drainage.

EVIDENCE: a) Project File: PLN-11841-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) CEQA Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan and Notice of Applicability was prepared by AgDynamix to show compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the Site Management Plan and maintain enrollment in the SWRCB Cannabis Cultivation Program.
- d) A Biological Report was prepared by Fellow Farmers Environmental in June 2020, which included the results of a search of the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) database as well as an on-site habitat assessment conducted in the project area. No Special Status species were observed during the assessment. Northern Spotted Owl habitat exists in the vicinity, with several activity centers within approximately 1.3 miles of the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A Timber Conversion Report dated July 2020 was prepared by Timberland Resource Consultants which demonstrates how previously unauthorized timber conversion is consistent with the Forest Practices Act and concluded that the project can be implemented as is with no net loss of timberland after the environmental baseline of December 31, 2015. Since the timber removal occurred prior to the CMMLUO baseline date of December 31, 2016, and the conversion activities complied with the California Forest

Practice Act and the California Forest Practice Rules, no recommendations are included in the Report and no restocking will be required for the project.

- f) The Site Map Addendum prepared by the applicant in January 2021 includes site remediation and relocation measures to remove existing cultivation from environmentally sensitive areas, allowing those areas to return to open space use, and relocate the cultivation to environmentally superior upland sites with reduced potential to impact the watershed and biological resources, including habitats that may be used by sensitive wildlife species.
- g) A Cultural Resources Investigation was prepared in June 2019 by Archaeological Research and Supply Company and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- h) Access to the site is on a United States Forest Service Region 1 Route 6N01 that includes a non-County maintained segment identified as Friday Ridge Road that intersects with Titlow Hill Road. The applicant provided a Roadway Evaluation for APN 315-093-006, APPS 11019 prepared by DTN Engineering dated December 19, 2018 (see Attachment 3). The Roadway Evaluation includes several recommendations for improving the access road to ensure the road can accommodate the traffic associated with the proposed project. Conditions of approval require the applicant to adhere to the recommendations in the Roadway Evaluation for APN 315-093-006 up until the subject parcel and improve the intersection of the unnamed private road with Titlow Hill Road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work as stated in the conditions of approval. Additional conditions include requiring within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMITS

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned primarily for timberland, but where agricultural uses are principally permitted. The use of previously converted areas and natural open spaces on the parcel for cannabis cultivation is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The project is located adjacent to Federal lands managed by the Six Rivers

National Forest Lower Trinity Ranger District. The adjacent public lands are subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. Therefore, Planning staff is supportive of the setback reduction.

4. FINDING

The proposed development is consistent with the purposes of the existing Timber Production Zone (TPZ) in which the site is located.

EVIDENCE

- a) The Timber Production Zone (TPZ) is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Principal permitted uses compatible with timber production include grazing and other agricultural uses.
- b) All general agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre in size subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application to permit 13,000 square feet of existing outdoor cultivation on an 83-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by legal patent parcel.
- c) Irrigation water is sourced from a non-diversionary water source consisting of rainwater catchment. Additionally, the applicant proposes to drill a private well as an additional non-diversionary water source.
- d) Access to the site is on a United States Forest Service Region 1 Route 6N01 that includes a non-County maintained segment identified as Friday Ridge Road that intersects with Titlow Hill Road. The applicant provided a Roadway Evaluation for APN 315-093-006, APPS 11019 prepared by DTN Engineering dated December 19, 2018 (see Attachment 3). The Roadway Evaluation includes several recommendations for improving the access road to ensure the road can accommodate the traffic associated with the

proposed project. Conditions of approval require the applicant to adhere to the recommendations in the Roadway Evaluation for APN 315-093-006 up until the subject parcel and improve the intersection of the unnamed private road with Titlow Hill Road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work as stated in the conditions of approval. Additional conditions include requiring within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

- e) The existing cultivation areas and proposed relocation sites occur on historic logging flats and related developments created in the 1990s. The slope of the land where cannabis will be cultivated is less than 30%.
- f) A Timber Conversion Report was prepared by Timberland Resource Consultants in July 2020, which demonstrates how approximately 0.4 acre of previously unauthorized timber conversion is consistent with the Forest Practices Act and concluded that the project can be implemented as is with no net loss of timberland after the environmental baseline of December 31, 2015. Since the timber removal occurred prior to the CMMLUO baseline date of December 31, 2016, and the conversion activities complied with the California Forest Practice Act and the California Forest Practice Rules, no recommendations are included in the Report and no restocking will be required for the project.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11. d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 13,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that the applicant has self-certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The parcel known as APN 315-045-004 is comprised of one separate patent parcel as recorded in Assessor's Map Book 315 page 4.
- c) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- d) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- e) Irrigation water is sourced from rainwater catchment. The applicant has also proposed to drill a groundwater well as an additional non-diversionary water source, which will require permits from the Environmental Health Department.
- f) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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.

EVIDENCE

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

FINDING

To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

EVIDENCE

- b) Conditions of approval require the applicant finalize the LSAA with CDFW for the culvert replacement within a Class III drainage and to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to obtain and adhere to the terms of the Final LSAA for any work within the Streamside Management Area for relocation of the onsite cultivation. By implementing permit conditions from CDFW, impacts to the SMA are minimized.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permits for Kinsey Ridge, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

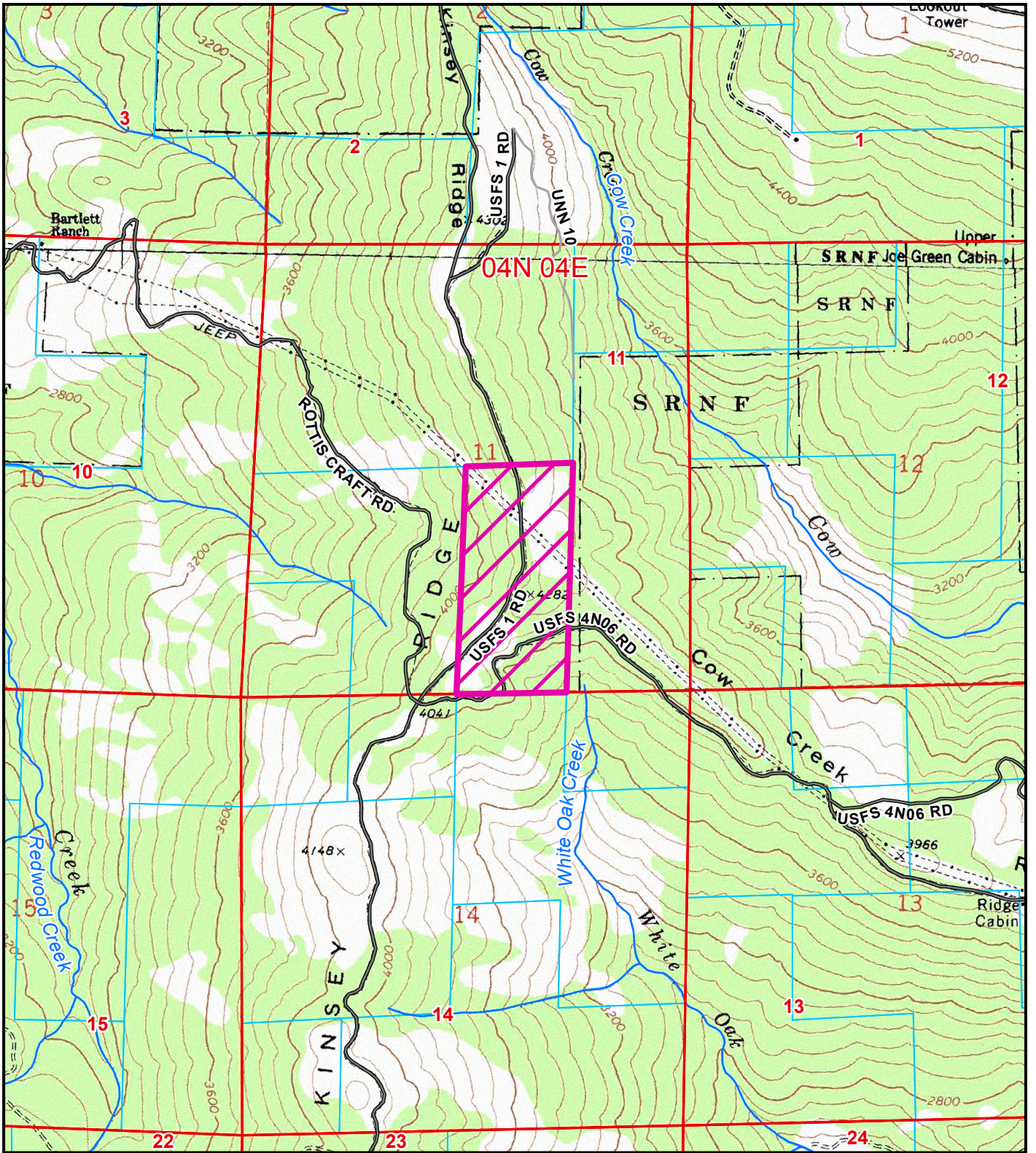
Adopted after review and consideration of all the evidence on July 15, 2021.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: 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 KINSEY RIDGE FARMS
 WILLOW CREEK AREA
 CUP-16-406**

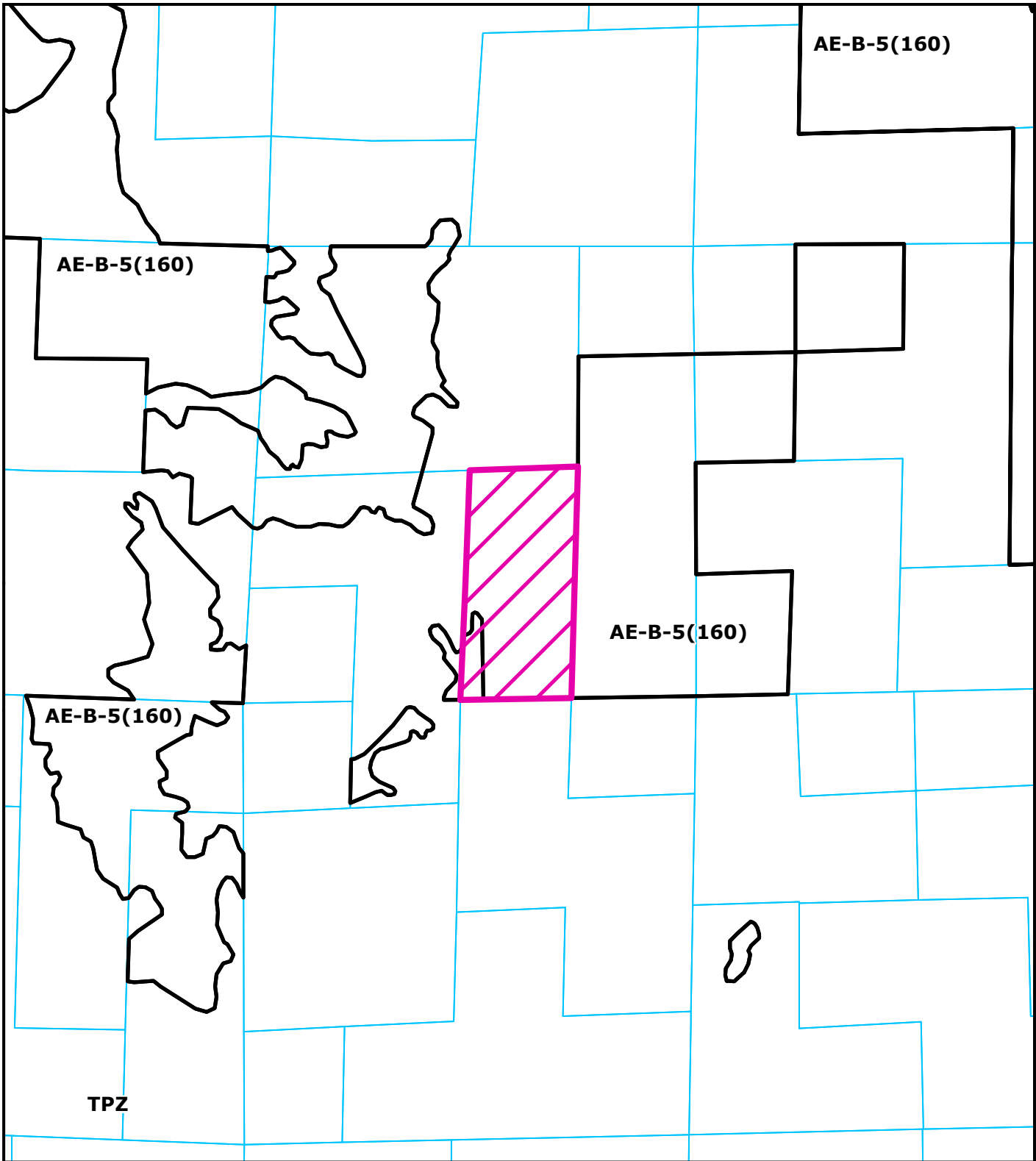
**APN: 315-045-004-000
 T04N R04E S11 HB&M (BOARD CAMP MTN)**

Project Area = 






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



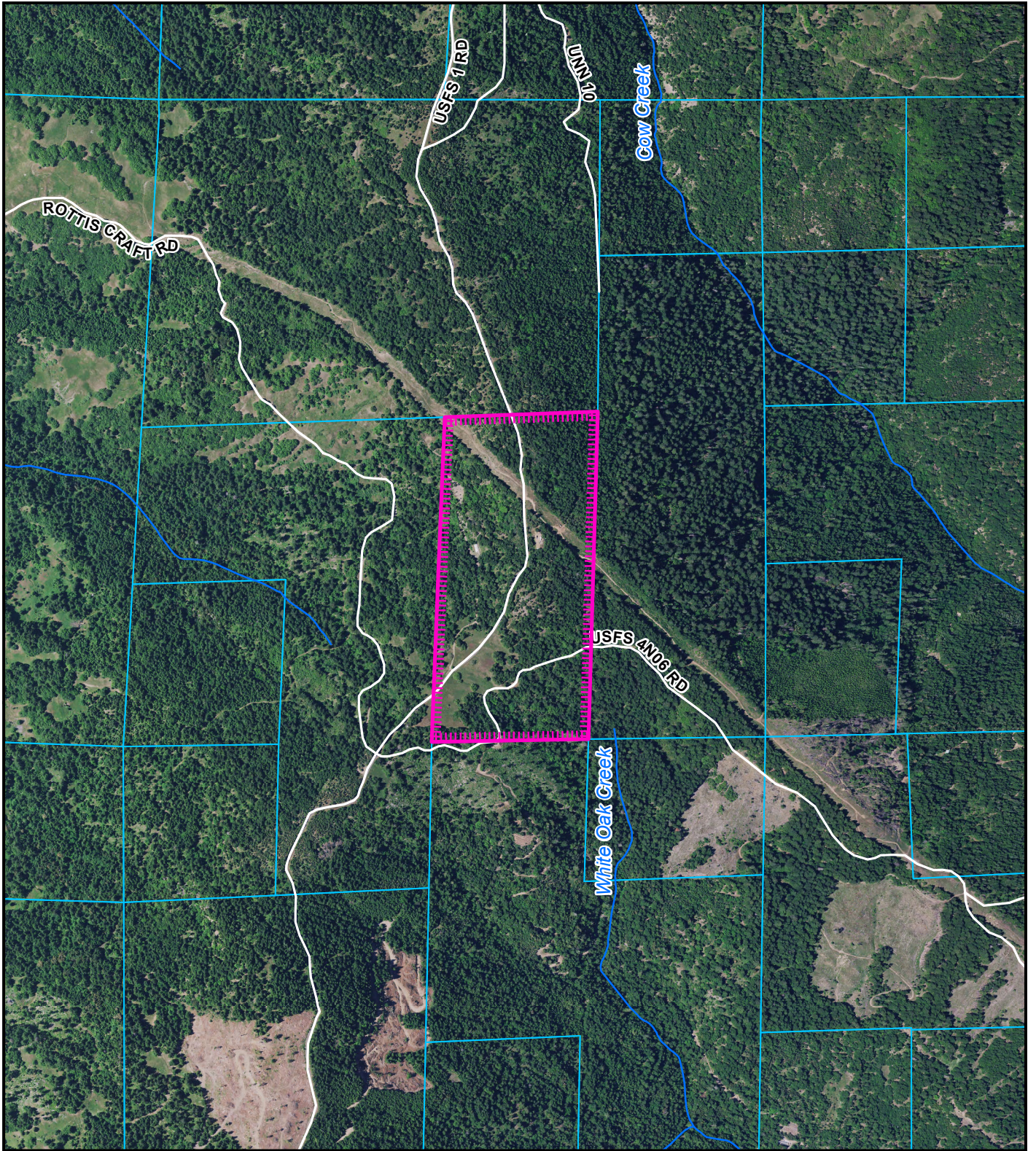


ZONING MAP
PROPOSED KINSEY RIDGE FARMS
WILLOW CREEK AREA
CUP-16-406
APN: 315-045-004-000
T04N R04E S11 HB&M (BOARD CAMP MTN)

Project Area = 


 0 1,000 2,000 4,000
 Feet

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 KINSEY RIDGE FARMS
 WILLOW CREEK AREA
 CUP-16-406**

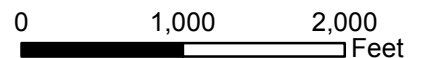
Project Area = 

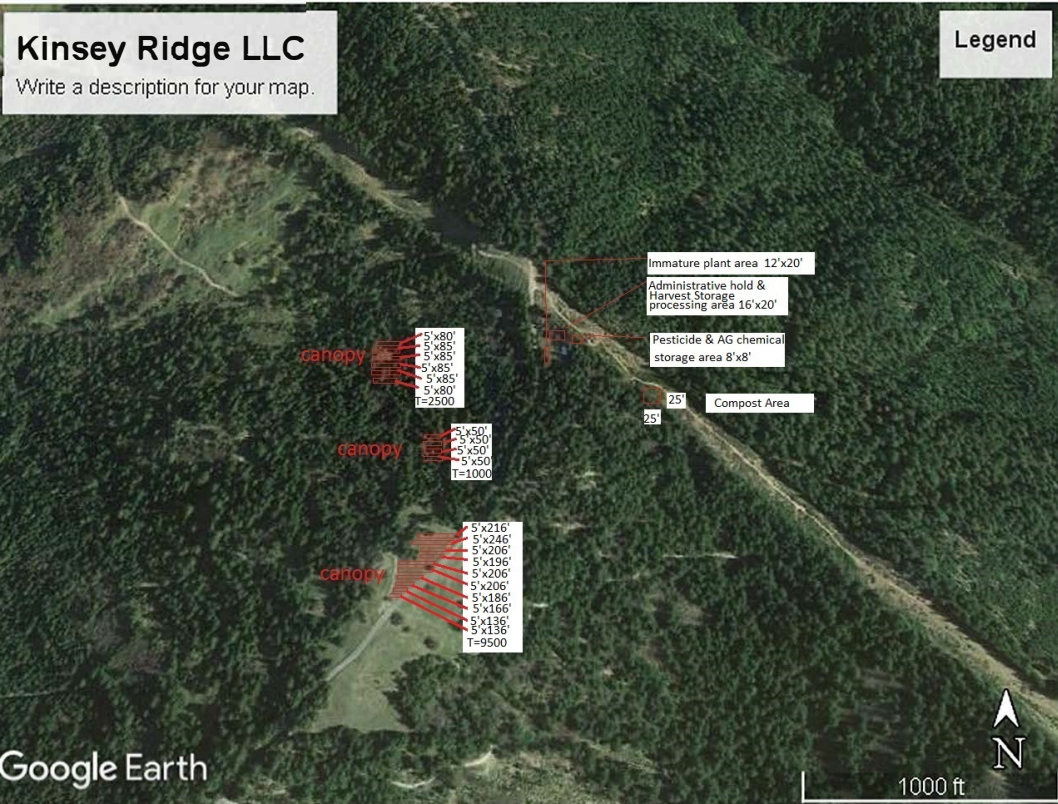
APN: 315-045-004-000

T04N R04E S11 HB&M (BOARD CAMP MTN)



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





ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE 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.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised Site Plan prepared by a licensed surveyor showing the following, in addition to what is shown:
 - a. Exact setbacks of cultivation areas and the proposed processing facility to the Six Rivers National Forest land boundaries.
 - b. Exact location, size, and dimensions of the nursery space.
 - c. Removal of references to "proposed" solar array.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying, storage and processing or any activity with a nexus to cannabis, existing and proposed graded flats, proposed off-stream pond and any noise containment structures as necessary. The plans submitted

for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. If the proposed groundwater well is drilled, the applicant shall provide a copy of the well permit issued by the Department of Environmental Health that includes the Well Completion Report along with an amended Site Plan Map showing the location of the well. A sign-off from the Planning Department will satisfy this condition.
9. The applicant to adhere to the recommendations in the *Roadway Evaluation* for APN 315-093-006, APPS 11019, prepared by DTN Engineering dated December 19, 2018, to the subject parcel and improve the intersection of the unnamed private road with Titlow Hill Road. A letter or similar communication from a registered professional engineer stating the road was improved as described by the Roadway Evaluation will satisfy this condition.
10. The applicant shall obtain an encroachment permit from the Department of Public Works to improve the intersection of Titlow Hill Road with the private access road to commercial standards prior to commencing any work. The applicant is required to adhere to and implement the requirements of the encroachment permit. Alternatively, if the intersection of the County-maintained road is with a forest service road, intersection improvements may not be required. A letter or similar communication from the Department of Public Works will satisfy this condition.
11. The Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
12. Obtain a permit to operate the Honda 6500 generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department. Alternatively, the applicant may obtain a letter or similar communication from the NCUAQMD that a permit is not required. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall submit a Remediation Plan detailing the timeline, methods and best management practices, including a revegetation plan and restoration monitoring criteria, for decommissioning and relocating the two (2) cultivation areas as shown and described on the Relocation Plan prepared by the applicant on January 10, 2021. Review and approval by the Planning Department is required prior to commencing remediation activities. A sign-off from the Planning Department will satisfy this condition.
14. Within two (2) years of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall enter into a Lake or Streambed Alteration Agreement (LSAA) with the State of California Department of Fish and Wildlife (CDFW) for the culvert upsize project listed in the Notification of Lake or Streambed Alteration submitted by AgDynamix on behalf of the applicant, dated October 15, 2019, to decommission and restore cultivation areas associated with a seep and a Class III ephemeral drainage, as depicted on the project's Site Plan and Relocation Plan Map, and improvements to the off-stream pond, as applicable for the outfall. The applicant shall submit a copy of the Final Streambed Alteration Agreement and adhere to and

implement all recommendations within the Final Streambed Alteration Agreement. A sign-off from the Planning Department will satisfy this condition.

15. For the proposed work within Streamside Management Areas to decommission and restore previous cultivation areas, as well as to construct the proposed 250,000-gallon rainwater catchment pond, the applicant shall implement all best management practices and erosion control measures provided by the project's Grading, Erosion and Sediment Control Plan as prepared by a licensed engineer, as well as the biological resources protection measures, erosion control measures and specification of a Final Streambed Alteration Agreement to be issued by CDFW, including any preconstruction biological surveys for sensitive species, wetland delineations, revegetation, and monitoring and reporting requirements. In addition, the applicant shall implement the following mitigation measures specific to the SMAWO:
 - Retain snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
 - Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
 - Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction
 - Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.
 - Winter operations (generally October 15th through April 15th) shall employ the following special considerations:
 - (1) Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations; and
 - (2) Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.
16. Prior to processing on-site, the applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
17. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
18. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

19. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
20. All artificial lighting use for propagation shall 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, up light, 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. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
21. 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, on a regular and on-going basis. 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.
22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
23. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
24. 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.
25. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
26. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be

evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. 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.
3. The applicant shall abide by recommendations of the Biological Report prepared by Fellow Farmers Environmental in June 2020 which include ensuring wildlife hazards such as loose netting and metal wire cages be stored in a way that will eliminate or minimize interaction with wildlife; and proper storage of nutrients in secondary containment.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 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, and noise levels have been repaired, inspected, and corrected as necessary.
5. The applicant shall avoid heavy equipment operations during NSO critical period (February 1 – July 31) or shall perform protocol level surveys prior to initiating that work.
6. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
7. The use of synthetic netting is prohibited. 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.
8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited.
11. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
12. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

13. 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.
14. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
15. 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.
16. 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.
17. 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).
18. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
19. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
20. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
21. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

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

Performance Standards for Cultivation and Processing Operations

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

- d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
32. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permits. Any Commercial Cannabis Cultivation CUP and SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit and Special Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. 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.
36. 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.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 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 #8 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 #33 through #35 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

**CEQA ADDENDUM TO THE
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**

**APN 315-045-004; 12229 USFS Route 1, Willow Creek
County of Humboldt**

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

June 2021

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND 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. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and 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 current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit for an existing 13,000 square foot (SF) cannabis cultivation operation of which 10,600 SF is full-sun outdoor and 2,400 SF is within one (1) greenhouse utilizing light deprivation techniques with appurtenant propagation and drying activities. Water for irrigation is sourced from rain catchment. The applicant has also proposed an additional 250,000-gallon rain catchment pond and to drill a groundwater well. Water storage onsite includes four (4) 2,500-gallon tanks, one (1) 1,100-gallon tank, and one (1) 600-gallon tank, totaling 11,700 gallons of water storage. With development of the proposed rainwater catchment pond, there would be a total of 261,700 gallons of onsite water storage. Estimated annual water usage is 80,000 gallons (6.15 gal/SF). Drying and bucking occurs onsite and until a proposed 30-foot by 30-foot processing facility can be permitted for the site, all other processing will occur offsite at a licensed processing or manufacturing facility. Up to six (6) employees may be utilized during peak operations. Cultivation is by natural light. Electricity for domestic use is sourced from generator power consisting of one (1) Honda 6500 generator. Special Permits are also requested to reduce the 600-foot setback requirement to public lands and for work within Streamside Management Areas (SMAs) to decommission and restore cultivation areas associated with a natural spring and a Class III drainage.

The project site contains riparian habitat associated with several Class III intermittent and Class II streams. The project includes relocation and restoration of previously used cultivation sites. Specifically, the applicant proposes reducing Cultivation Areas #1 and #3, decommissioning Cultivation Areas #2 and #4 entirely, and relocating cultivation to the center of the property in order so that all cultivation would be more than 100 feet from any watercourse and would be accessed via an existing broad and gently sloped gravel road (USFS Route 1). Decommissioning and restoring cultivation areas would consist of removal of all cultivation related materials and seeding and mulching bare soil areas. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. The Biological Report prepared by Fellow Farms Environmental in June 2020 concluded that because the proposed cultivation is in previously disturbed areas, and no trees will be removed, that the project will have low risk of impacts on special-status species or their habitats. The Nearest Northern Spotted Owl (NSO) activity center is located approximately 0.8 miles from the cultivation areas. Artificial lighting is used to support the 120 seasonal propagation area and a generator is utilized onsite for electrical power; therefore, conditions of approval require the applicant use noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A Cultural Resources Investigation was prepared in June 2019 by Archaeological Research and Supply Company and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include decommissioning and relocating cultivation areas from within SMAs to remediate for loss of wildlife habitat and protect water quality; ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards; and ensuring project related noise does not harass nearby wildlife; and limiting heavy equipment use onsite during the NSO critical period.

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;
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 the continued operation of an existing cannabis cultivation site consisting of 13,000 square feet of outdoor cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Trinity Valley Consulting Engineers dated 11/15/16.
- Relocation Plan and Relocation Plan Map prepared by the Applicant, dated 01/10/21.
- Operations Manual for Kinsey Ridge Farms prepared by AgDynamix dated 11/27/19.
- Site Management Plan (WDID 1_12CC411731) prepared for APN 315-045-004 for the S State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order), received 11/27/19.

- Timber Conversion Report prepared by Timberland Resource Consultants dated 7/01/20.
- Applicant's Self-Certified Road Evaluation Report dated 4/11/19.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Biological Report for Kinsey Ridge Farm, Humboldt County Application #11841 prepared by Fellow Farmers Environmental, dated 6/09/20.
- Cultural Resources Investigation of the Churchill-Smith Property South Fork Mt., Humboldt County California, APN 315-045-004, Application Number 11841, prepared by Nick Angeloff, MA, and Brianna King, BA, Archaeological Research and Supply Company dated June 2019
- Notification of Lake or Streambed Alteration prepared on behalf of Kinsey Ridge Farm by Teisha Mechetti of AgDynamix for one proposed culvert upsized project, dated 10/15/19.
- Hydraulic and Drainage Report prepared by Trinity Valley Consulting Engineers, Inc., dated 7/16/19.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning 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 one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Trinity Valley Consulting Engineers received 2/10/20 and Relocation Plan & Relocation Plan Map prepared by the Applicant and received 01/18/21 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Operations Manual prepared by AgDynamix Consulting, Management and Compliance, Inc. dated 11/27/19 - **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. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board 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. (Notice of Applicability -Waste Discharge Requirements-Water Quality Order WQ 2019-0001-DWQ and Site Management Plan (WDID-1_12CC411731) – **Attached**)
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 California Department of Fish and Wildlife. (Notification of Lake or Streambed Alteration to upsize one culvert, dated 10/15/19 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report prepared by Timberland Resource Consultants dated 7/01/20 – **Attached**)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for the Churchill-Smith Property, South Fork Mt., Humboldt County California, Assessor's Parcel Number 315-045-004 prepared Nick Angeloff, M.A., and Brianna King, BA, Archaeological Research and Supply Company, Rio Dell, CA, dated June 2019. (On file and confidential)
16. Roadway Evaluation prepared by DTN Engineering dated December 19, 2018. (**Attached**)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Notification of Lake or Streambed Alteration prepared by Teisha Mechetti of AgDynamix on behalf of the Applicant for a proposed culvert upsize project, dated 10/15/19. (On file)
19. Biological Report for APN 315-045-004 prepared by Fellow Farmers Environmental, dated June 2020 (**Attached**).
20. Hydraulic and Drainage Report prepared by Trinity Valley Consulting Engineers, Inc., dated 7/16/19. (**Attached**)



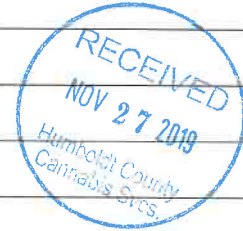
FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		
Assigned to:				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the [instructions](#) and submit ALL required enclosures, attachments, and fee(s) to the [CDFW regional office](#) that serves the area where the project will occur. Attach additional pages to notification, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Kristi Smith
Business/Agency	Kinsey Ridge Farms
Mailing Address	PO BOX 732
City, State, Zip	Arcata, CA, 95518
Phone Number	707-206-8497
Email	geoffreychurchill96@gmail.com



2. CONTACT PERSON *(Complete only if different from applicant.)*

Name	Teisha Mechetti
Business/Agency	AgDynamix
Mailing Address	PO BOX 3255
City, State, Zip	Eureka, CA, 95501
Phone Number	707-798-6199
Email	teisha@agdynamix.com

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?

Yes, I authorize. No, I do not authorize.

3. PROPERTY OWNER *(Complete only if different from applicant)*

Name	Kristi Smith
Mailing Address	PO BOX 3255
City, State, Zip	Eureka, CA, 95501
Phone Number	707-206-8497
Email	geoffreychurchill96@gmail.com



4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Kinsey Ridge Farms			
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)			
C. Project Term		Beginning (year)	2020	Ending (year)	2025
D. Seasonal Work Period					
Season(s)*	Start Date (month/day)	End Date (month/day)		E. Number of Work Days	
1	04/15	10/15		7	
2					
3					
4					
5					

* Continue on additional page(s) if necessary

5. AGREEMENT TYPE

Check the applicable box. If boxes B – F are checked, complete the [specified attachment](#).

A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> Cannabis Cultivation (Attachment E)
G.	<input type="checkbox"/> CDFW Grant Programs Agreement Number: _____
H.	<input type="checkbox"/> Master
I.	<input type="checkbox"/> Master Timber Operations



6. FEES

See the [current fee schedule](#) to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. **Note: CDFW may not process this notification until the correct fee has been received.**

A. Project Name		B. Project Cost	C. Project Fee
1	Culvert (Upsize)	\$1,500	\$596.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	
		E. TOTAL FEE*	\$596.00

* Check, money order, and [Visa or MasterCard](#) (select Environmental Fees from Menu) payments are accepted.

7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, CDFW for the project described in this notification?

Yes (Provide the information below) No

Applicant	Notification Number	Date

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by CDFW?

Yes No (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify CDFW verbally rather than in writing, identify the person who directed the applicant to submit this notification, the agency he or she represents, and describe the circumstances relating to the order.)

Name of person who directed notification	Agency

Describe circumstances relating to order

Continued on additional page(s)



10. PROJECT DESCRIPTION

- A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.
- Written description of all project activities with detailed step-by-step description of project implementation.
 - Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
 - Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
 - If water will be diverted or drafted, specify the purpose or use and include [Attachment C](#).
 - Enclose diagrams, drawings, design plans, construction specifications, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.
 - A helpful resource to assist in the development of quality PDF maps in Google Earth. See [Using Google Earth to Map your Property \(PDF\)](#).

See attached Drainage and Hydraulic Report describing recommendations.

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Backhoe.

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B). Yes No (Skip to box 11)

D. Will the project require work in the wetted portion of the channel? Yes (Enclose a plan to divert water around work site) No



11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

No impacts are expected.

Continued on additional page(s)

B. Will the project affect any vegetation?

Yes (Complete the tables below) No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below) No Unknown

Continued on additional page(s)

D. Identify the source(s) of information that supports a “yes” or “no” answer above in Box 11.C.

Culvert is on access road.

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study) No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



F. Has one or more technical studies (e.g., engineering, hydrologic, geological, or geomorphological) been completed for the project or project site?

Yes (Enclose the study(ies)) No

Note: One or more technical studies may be required to evaluate potential project impacts to a lake or streambed.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

Yes (Enclose the mapped results) No

Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "Wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for CDFW to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, CDFW may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for CDFW to deem the notification complete.

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment, hazardous, or other deleterious materials from entering watercourses during and after construction.

Mulching (Chips), Waddles, Native Grass Seed

Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

Reducing erosion and sediment runoff by working during project period April-Oct.

Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

Reducing erosion and sediment runoff by working during project period April-Oct.

Continued on additional page(s)



13. PERMITS

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- A. _____ Applied Issued
- B. _____ Applied Issued
- C. _____ Applied Issued
- D. Unknown whether local, State, or federal permit is needed for the project. (Check each box that applies)
- Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a <u>CEQA</u> lead agency been determined?		<input type="checkbox"/> Yes (Complete boxes B, C, D, E, and F)		<input checked="" type="checkbox"/> No (Skip to box 14.G)	
B. CEQA Lead Agency					
C. Contact Person			D. Phone Number		
E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?					
<input type="checkbox"/> Yes (Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.)					
<input checked="" type="checkbox"/> No (Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.)					
<input type="checkbox"/> Notice of Exemption		<input type="checkbox"/> Mitigated Negative Declaration		<input type="checkbox"/> NEPA document (type): _____ _____	
<input type="checkbox"/> Initial Study		<input type="checkbox"/> Environmental Impact Report			
<input type="checkbox"/> Negative Declaration		<input type="checkbox"/> Notice of Determination (Enclose)			
<input type="checkbox"/> THP/ NTMP		<input type="checkbox"/> Mitigation, Monitoring, & Reporting Plan			
F. <u>State Clearinghouse Number</u> (if applicable)					
G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14 § 15378).					
<input type="checkbox"/> Continued on additional page(s)					



H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

Yes (Enclose proof of payment) No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: The CEQA filing fee is in addition to the notification fee. If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.

It is assumed this project would meet categorical exemption.

15. SITE INSPECTION

Check one box only.

In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.

I request CDFW to first contact (insert name) Geoff Churchill at (insert phone number or email address) 707-206-8497 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

Yes (Please enclose the information via digital media with the completed notification form.)

No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, CDFW may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

 Signature of Applicant or Applicant's Authorized Representative

 Date

10/15/2019

 Kristi Smith
 Print Name



Applicant Name: _____

Project Name: _____



ATTACHMENT D

Routine Maintenance

Complete this attachment only when notifying for routine maintenance activities that will be recurring over the term of the agreement, such as maintaining a number of existing private or public facilities, including but not limited to canals, channels, culverts, and ditches. Submit this form with the completed notification form (DFW 2023).

I. REGULARLY RE-OCCURRING MAINTENANCE ACTIVITIES *(Check all that apply)*

Sediment removal (concrete-lined lake or stream or earthen lake or stream):

In and around bridges, culverts, storm drain outlets, and/or water diversion structure

Stream channel bed

Stream channel bank(s)

Pond or lake

Marina basin

Detention basin

Boat launch channel

Other: _____

Method (heavy equipment, suction dredge, etc.) – specify: _____

Estimated total cumulative sediment volume removed annually: _____

Estimated total cumulative area impacted by sediment removal annually: _____

Estimated recurrence frequency for sediment removal: _____

Vegetation management:

Limbing and/or trimming of branches and tree limbs

Removal under high power lines

Removing fallen trees

Removing dead (not dormant) trees and shrubs

Stump left intact

Stump removal – specify: _____



- Removing vegetation (e.g., bulrush and cattails) from stream channel bed with:
 - Non-motorized hand tools
 - Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
 - Mowing
 - Heavy equipment (soil disturbance)
 - Herbicide – specify chemicals and attach application plan: _____
 - Other: _____

 - Removing vegetation from bank with:
 - Non-motorized hand tools
 - Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
 - Mowing
 - Heavy equipment (soil disturbance)
 - Herbicide – specify chemicals and attach application plan: _____
 - Other: _____

 - Removing only non-native vegetation with:
 - Non-motorized hand tools
 - Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
 - Mowing
 - Heavy equipment (soil disturbance)
 - Herbicide – specify chemicals and attach application plan: _____
 - Other: _____

 - Vegetation and brush pile burning – specify burn location: _____
 - Other vegetation management: _____
- Estimated total linear feet of vegetation removed annually: _____
- Estimated total cumulative area impacted by vegetation management annually: _____
- Estimated recurrence frequency for vegetation management: _____

Intentionally Left Blank



- Existing facilities:
 - Erosion within existing facilities and easements
 - New erosion repair
 - Repair at existing erosion control sites
 - Other: _____
 - Road maintenance (e.g. repair or re-grade) of existing rights of way
 - Minor bridge work – work from bank or work in-channel (describe on a separate page if the work requires dewatering):
 - Reinforcing pilings
 - Reinforcing aprons
 - Painting (access and falsework)
 - Paint removal – specify method: _____
 - Other: _____Specify materials and equipment: _____
 - Minor culvert repair:
 - Repairing wingwalls within existing footprint
 - Repairing scour protection within existing footprint – provide detail:

 - Other: _____
 - Maintenance of stormwater outfalls and drop-inlet culverts
 - Erosion repair
 - Flow dissipaters
 - Servicing of water quality monitoring stations, stream gages, etc.
 - Boat launch repair
 - Graffiti removal and abatement from bridges, culverts, and other instream structures
 - Removal of trash and debris from:
 - Within channels
 - Head gates, screens, racks, pilings and piers
 - Other: _____



Location where trash and debris will be placed or discarded: _____

Pesticide application:

Rodenticides – specify chemicals and attach application plan: _____

Insecticides – specify chemicals and attach application plan: _____

Name of Licensed Agricultural Pest Control Advisor: _____

Estimated recurrence frequency for pesticide application: _____

Other type of routine maintenance activity (provide details below):

II. MAP OR MAPBOOK

Attach a map of sufficient detail to assist in locating maintenance sites, minimally including the following:

- A. The applicant's jurisdictional boundaries within the project area.
- B. All watercourses within the jurisdictional boundaries where maintenance will occur.
- C. A key to identify each watercourse (e.g. earthen or concrete lined) and the maintenance activities (e.g. vegetation removal, sediment removal, etc.) and location (e.g., bridges, water control diversions, and large scale maintenance) of those activities that are likely to occur.

III. SPECIAL STATUS SPECIES LOCATIONS

A drawing, diagram, and/or map that shows the applicant's jurisdictional boundaries and the locations within that area where special status species are known to exist.



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

July 1, 2020

Kinsey Ridge Farms
Attention: Kristi Smith
3030 Alliance Road
Arcata, CA 95521

RE: Permit Application #11841
APN: 315-045-004

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application #11841. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.12.2.4 as sited below.

"Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated areas on June 24, 2020. The RPF exercised due diligence in reviewing all sites and associated areas and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report.

Project Location

APN: 315-045-004

Acreage: 84

Legal Description: W ½ of SE ¼ of Section 11,
Township 4 North, Range 4 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Board Camp Mountain

Humboldt County Zoning: Timber Production

Site Address: 12229 Forest Service Route 1

Landowner/Timber Owner: Kristi Smith

The property is located approximately 1.5 air miles southwest of Grouse Mountain. Access to the property is via Forest Service Route 1. From the junction of Highway 299 and Forest Service Route 1, drive approximately 17 miles to the main access road located underneath the powerlines.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property consists of second growth Douglas-fir with a minor component of white fir, ponderosa pine, Chinquapin, and Pacific madrone. Review of 1947 and 1972 aerial imagery shows the property and surrounding areas dominated by old growth conifer forests with scattered patches of younger timber and brush; presumably fire related. Review of subsequent 1988 historic aerial imagery revealed that the majority of the subject property was regenerated/clearcut sometime between 1972 and 1988 as evidenced by skid roads, landings, truck roads, and distinct change in stand structure. The RPF observed old growth Douglas-fir stumps and second growth timber throughout the property confirming that timber was harvested approximately 40 years ago. There have been no commercial harvests on the property since the initial entry as recorded by Cal Fire (Watershed Mapper v2 http://egis.fire.ca.gov/watershed_mapper/). The current owner purchased the property from John Burgesser on 8-1-2016.

Project Description

Four cultivation sites were inspected during the field assessment within APN 315-045-004. The following table lists the inspected site and its acreage; see detailed site description below.

Cultivation Site	Total Acreage	Converted?	Converted Acreage
Cultivation Site 1	0.24	Yes	0.24
Cultivation Site 2	0.22	No	0.00
Cultivation Site 3	0.17	No	0.00
Cultivation Site 4	0.16	Yes	0.16
TOTAL	0.79		0.40

Cultivation Site 1

Review of Google and NAIP aerial imagery reveals that the cultivation site was developed between 2010 and 2012. The cultivation-related activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 2

Review of historic Google and NAIP aerial imagery reveals that the cultivation site occupies natural grassland with no trees. No grading appears to have occurred and the site appears to have been developed to its present size and configuration between 2016 and 2018.

The RPF closely inspected the adjacent undisturbed natural grasslands for signs of conifer encroachment such as seedlings, which would not be distinguishable from aerial photo interpretation with none observed. Cultivation Site 2 is clearly non-timberland and therefore no timberland conversion has occurred in association with cannabis cultivation at this location.

Cultivation Site 3

Review of historic Google and NAIP aerial imagery reveals that the cultivation site occupies natural grassland with no trees. The site appears to have been developed between 2010 and 2012.

The RPF closely inspected the adjacent undisturbed natural grasslands for signs of conifer encroachment such as seedlings, which would not be distinguishable from aerial photo interpretation with none observed. Cultivation Site 3 is clearly non-timberland and therefore no timberland conversion has occurred in association with cannabis cultivation at this location.

Project Description (Cont.)

Cultivation Site 4

Review of historic aerial imagery (<https://www.historicaerials.com/viewer>) from 1988 and 1993 clearly shows this site as a former log landing. Subsequent aerial imagery (Google and NAIP) suggests that the site was initially developed for cannabis cultivation between 2010 and 2012, and expanded to its present size and configuration between 2014 and 2016. The cultivation-related activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Timberland Conversion Summary

TRC observed approximately 0.40 acres of timberland conversion for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum and is in compliance with the California Forest Practice Act and the California Forest Practice Rules.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

Timberland conversion at Cultivation Site 1 and Cultivation Site 4 did not occur within a Watercourse and Lake Protection Zone (WLPZ). This condition is in compliance with the California Forest Practice Act and the California Forest Practice Rules.

Slash, Woody Debris, and Refuse Treatment

14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.*
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.*
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.*
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 6) Full slash and woody debris treatment may include any of the following:*
 - a) Burying;*
 - b) Chipping and spreading;*
 - c) Piling and burning; or*
 - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.*
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.*

Limitations and Considerations for Timberland Conversion Activities (Cont.)

8) *Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.*

The RPF observed no slash, woody debris, or logs from past conversion activities at Cultivation Site 1 and Cultivation Site 4. This condition is in compliance with the California Forest Practice Act and the California Forest Practice Rules.

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDDB) on June 25, 2020 revealed one observation of sensitive, rare, threatened, or endangered species or species of special concern within a 1.3-mile radius biological assessment area (BAA) surrounding the cultivation sites. Siskiyou checkerbloom was observed adjacent to Forest Route 1 near the property's southwestern corner. This species is neither state or federally listed, and thus no protection measures are required for this species in the Forest Practice Rules.

The query of the CNDDDB NSO Database revealed three known Northern Spotted Owl (NSO) Activity Centers within a 1.3-mile radius biological assessment area (BAA) surrounding Cultivation Site 1 and Cultivation Site 4. The closest of the three NSO sites are located approximately 4,500 feet from Cultivation Site 1 and Cultivation Site 4. The 100-acre Core Area and conventional ¼-mile disturbance buffer does not overlap the subject property or conversion sites. Lastly, given the abundance of mature and old growth timber on Forest Service surrounding these NSO sites; there is adequate NSO habitat for the NSO sites per Revised USFWS Attachment B Northern Spotted Owl Take Avoidance Analysis – Interior (2/27/08). The conversion of 0.40 acres of timberland via a conversion exemption from Cal Fire would not have required Technical Assistance from the US Fish and Wildlife and no impacts to the NSO could reasonably be expected to occur.

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) but the RPF observed no symptoms, signs, and evidence of oak mortality within the property. The conversion areas did not appear to include late successional stands, late seral stage forests, or old growth trees. The conversion areas did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Chris Carroll, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces.

Recommendations

In summary, TRC observed approximately 0.40 acres of timberland conversion for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum. The conversion activities related to cannabis cultivation conducted on the property complies with the California Forest Practice Act and the California Forest Practice Rules. The RPF has no recommendations.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: Cultivation Site 1 looking northwesterly. Photo date 6-24-2020.

Pictures



Picture 2: Cultivation Site 1 looking southeasterly. Photo date 6-24-2020.

Pictures



Picture 3: Cultivation Site 2 looking easterly. Photo date 6-24-2020.

Pictures



Picture 4: Cultivation Site 2 looking westerly. Photo date 6-24-2020.

Pictures



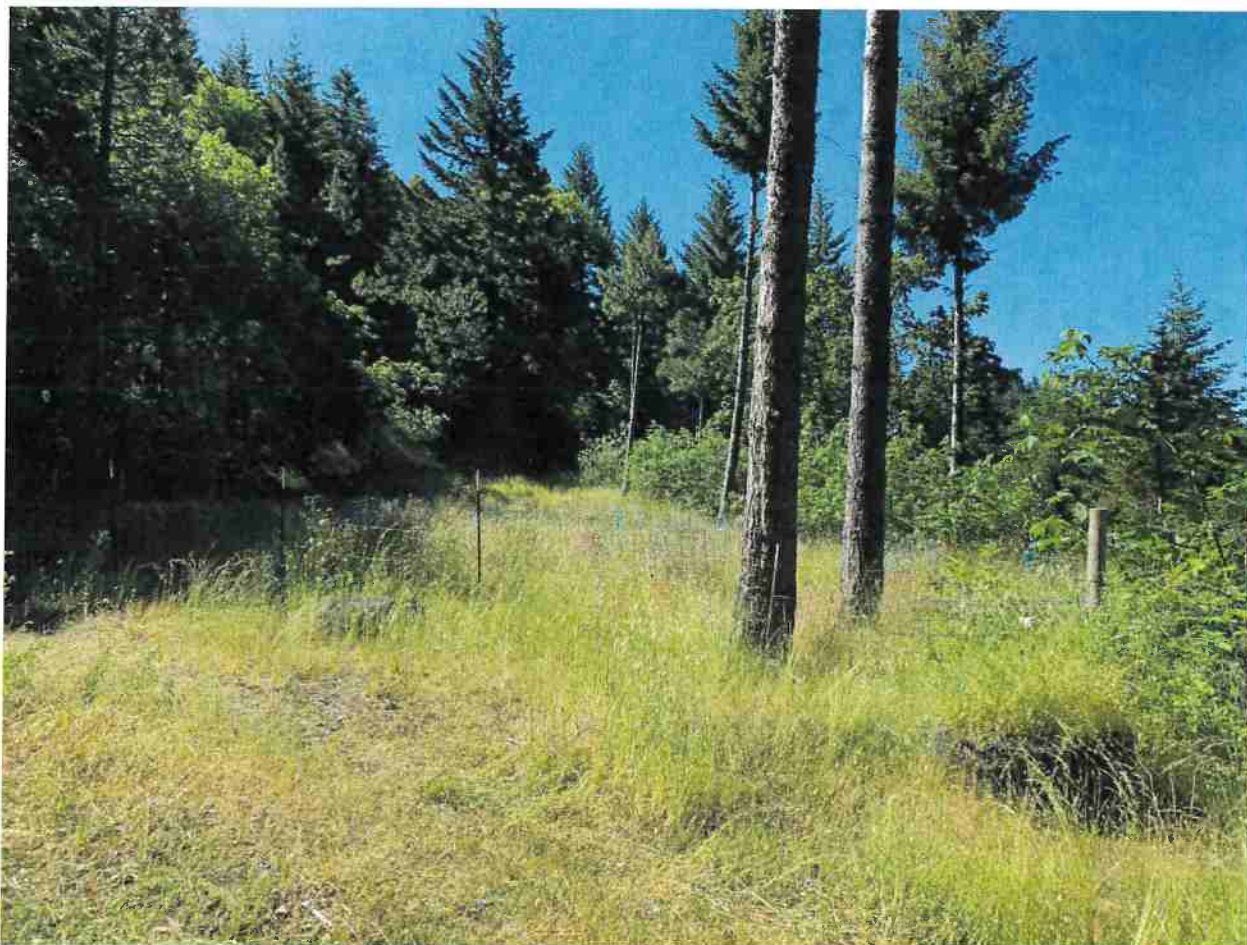
Picture 5: Cultivation Site 3 looking northerly. Photo date 6-24-2020.

Pictures



Picture 6: Cultivation Site 4 looking northerly. Photo date 6-24-2020.

Pictures



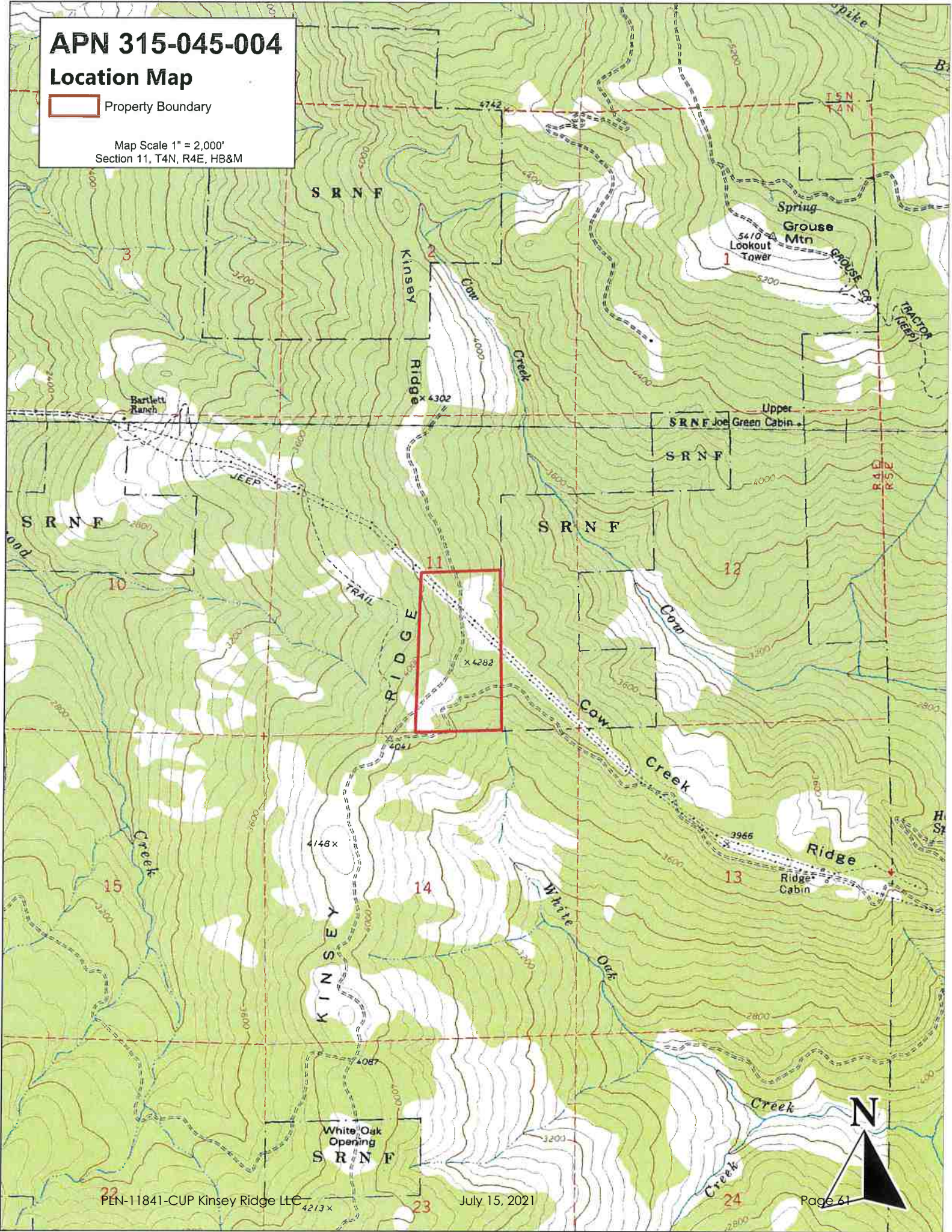
Picture 7: Cultivation Site 4 looking southerly. Photo date 6-24-2020.

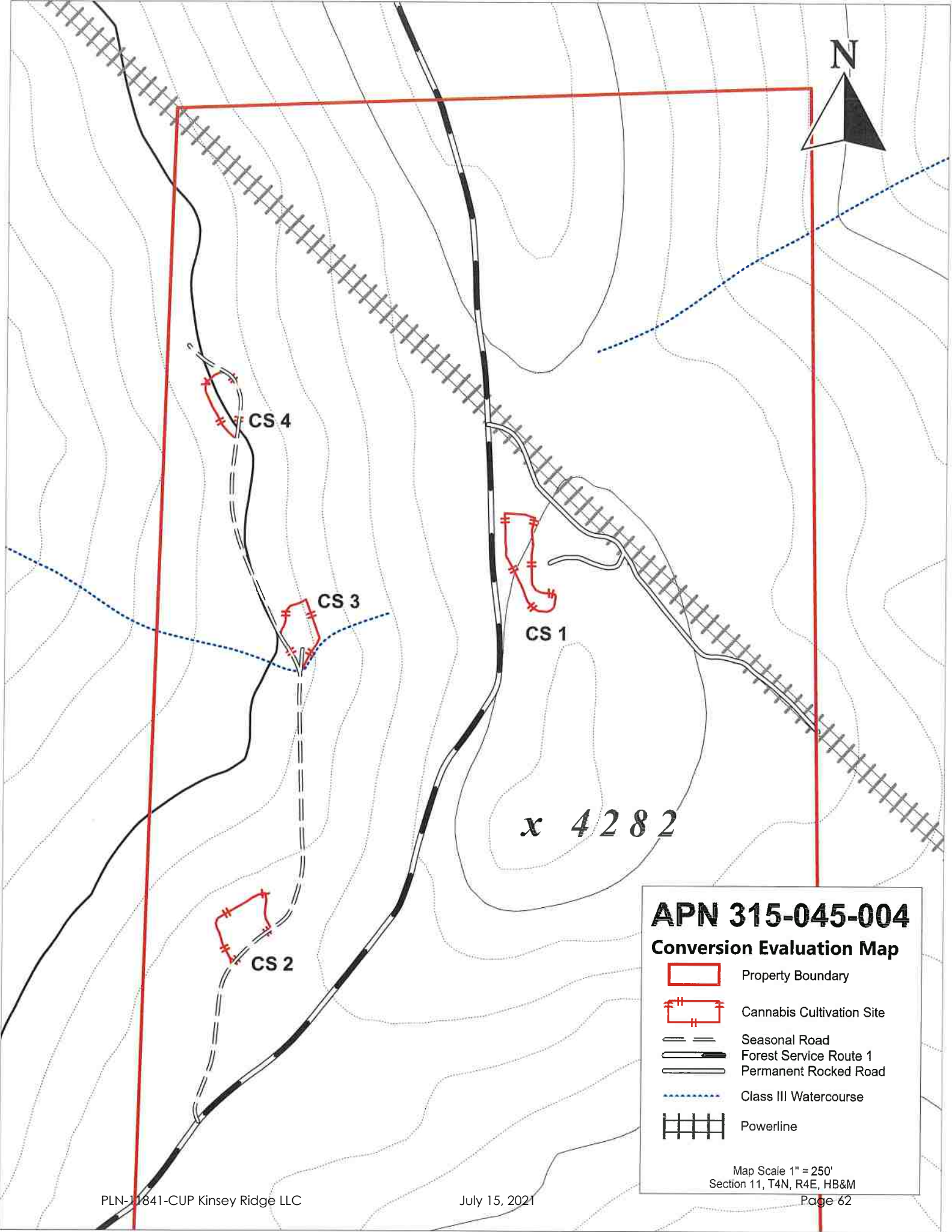
APN 315-045-004

Location Map

 Property Boundary



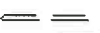




Map Scale 1" = 2,000'
Section 11, T4N, R4E, HB&M





APN 315-045-004

Conversion Evaluation Map








-  Property Boundary
-  Cannabis Cultivation Site
-  Seasonal Road
-  Forest Service Route 1
-  Permanent Rock Road
-  Class III Watercourse
-  Powerline

Map Scale 1" = 250'
Section 11, T4N, R4E, HB&M
Page 62

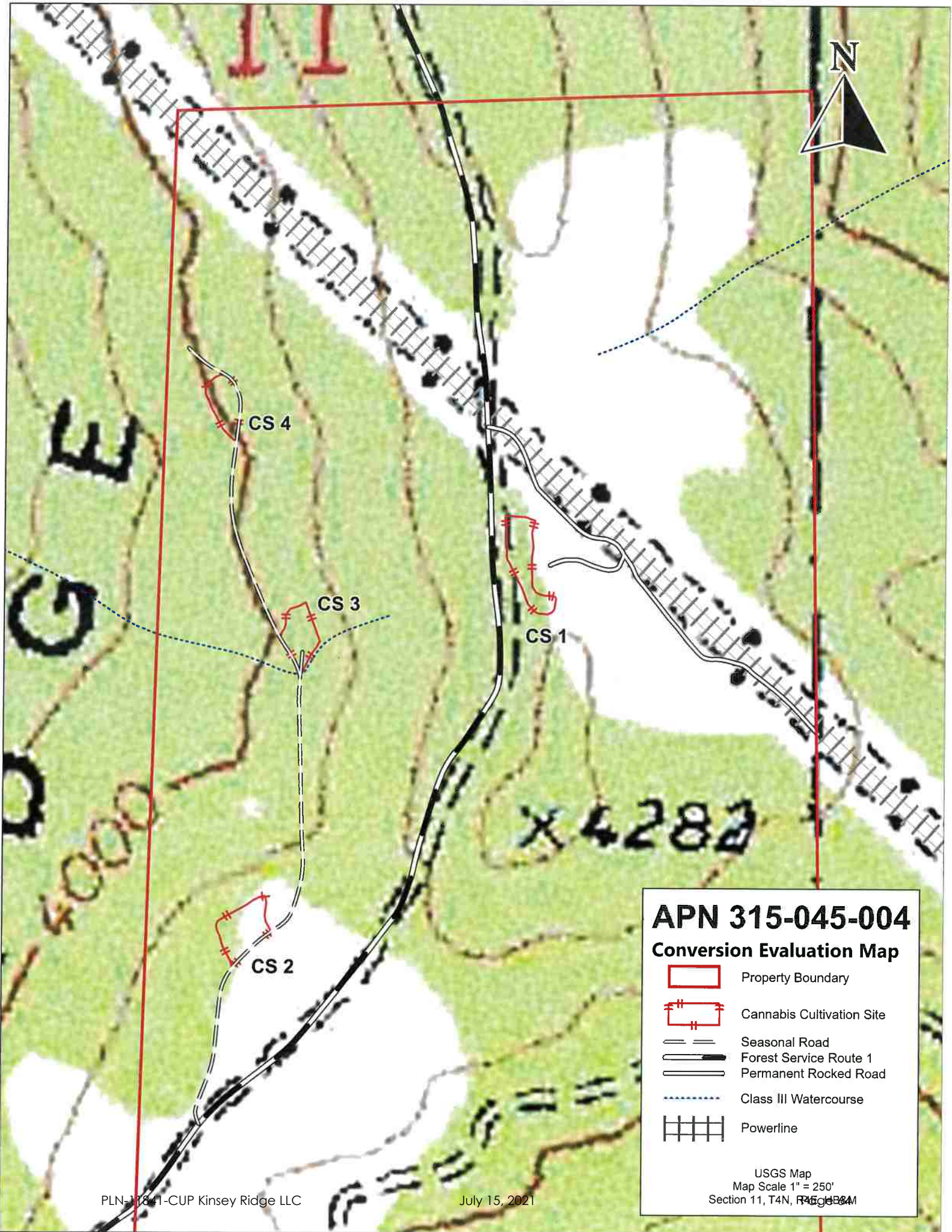


APN 315-045-004

Conversion Evaluation Map








-  Property Boundary
-  Cannabis Cultivation Site
-  Seasonal Road
-  Forest Service Route 1
-  Permanent Rocked Road
-  Class III Watercourse
-  Powerline

2018 NAIP DOQ
Map Scale 1" = 250'
Section 11, T4N, R45E, S33M



APN 315-045-004

Conversion Evaluation Map

-  Property Boundary
-  Cannabis Cultivation Site
-  Seasonal Road
-  Forest Service Route 1
-  Permanent Rocked Road
-  Class III Watercourse
-  Powerline

USGS Map
 Map Scale 1" = 250'
 Section 11, T4N, R46E, S34M

40005
E
G
D

X 4282

CS 4

CS 3

CS 1

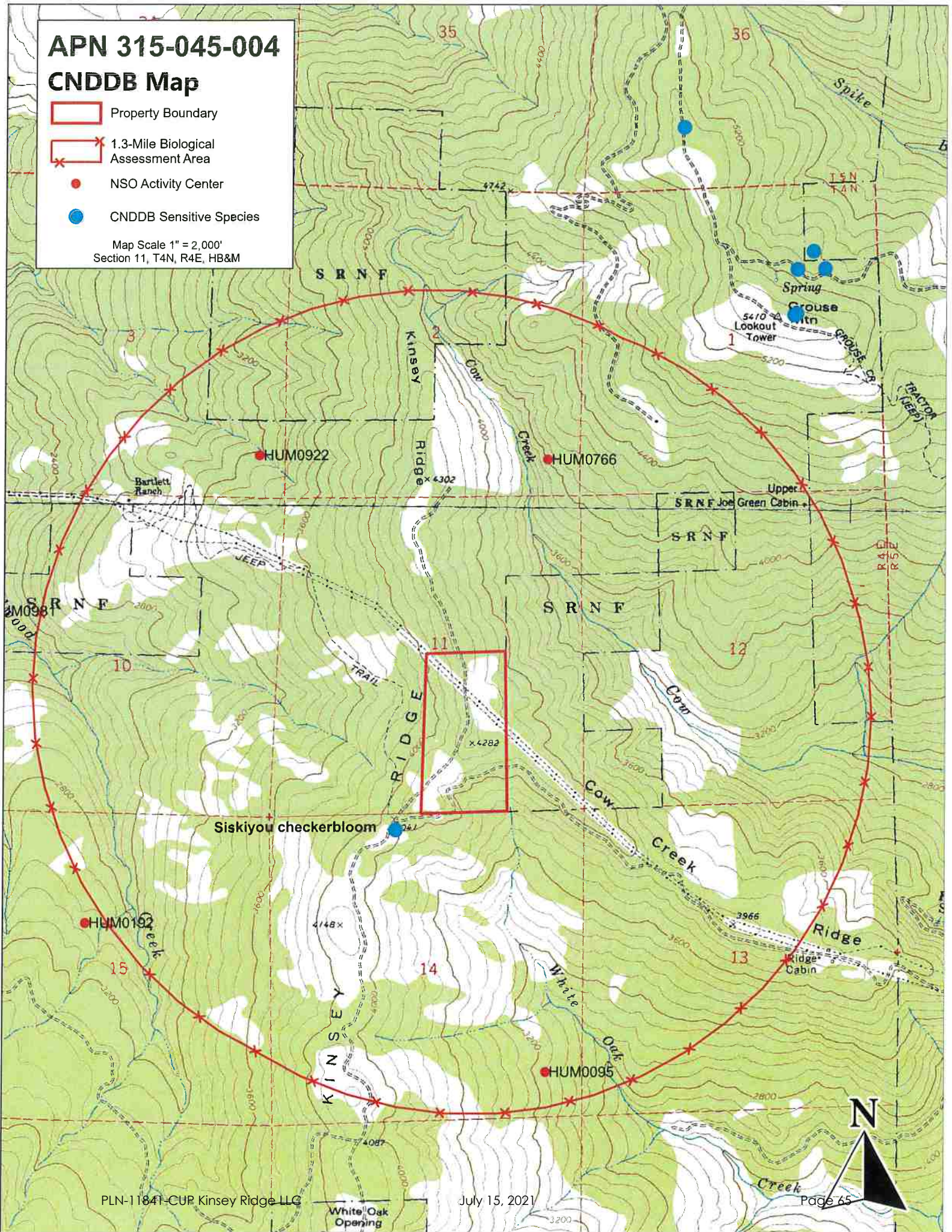
CS 2

APN 315-045-004

CNDDB Map

-  Property Boundary
-  1.3-Mile Biological Assessment Area
-  NSO Activity Center
-  CNDDB Sensitive Species

Map Scale 1" = 2,000'
Section 11, T4N, R4E, HB&M





TRINITY VALLEY
CONSULTING ENGINEERS, INC

Hydraulic and Drainage Report

**KINSEY RIDGE FARM, ROUTE 1
APN: 315-045-004
PORTION OF SECTION 11 TOWNSHIP 4 NORTH, RANGE 4 EAST, H.M
WILLOW CREEK, CA 95573**

Report Provided For:

**Kristi Smith / Geoff Churchill
3030 Alliance Road
Arcata CA 95521**

Report Provided By:

**Trinity Valley Consulting Engineers, Inc.
67 Walnut Way, PO Box 1567
Willow Creek, California 95573
(530) 629-3000 Fax: (530) 629-3011**



July, 2019

Josh Mcknight, P.E.
Project No: 1027



Post Office Box 1567 * Willow Creek, CA 95573 * Phone (530) 629-3000 * Fax (530) 629-3011



Table of Contents:

Drainage Conditions: 1
Conclusion: 1
References: 2

List of Attachments:

- ATTACHMENT 1: LOCATION MAP
- ATTACHMENT 2: DRAINAGE AREA MAP
- ATTACHMENT 3: DISCHARGE CALCULATIONS
- ATTACHMENT 4: CULVERT SIZING MONOGRAM

Date: July 16, 2019

Project Number: 1027

Owner: Kristi Smith

Project Name: Hydraulics Report

Location: Willow Creek, Route 1

APN: 315-045-004

Drainage Conditions:

The proposed project site is located approximately 14 miles south of the community of Willowcreek, California (see 40.739621 N, -123.693235 W attached location map). Latitude and Longitude of the project site are per Google Earth. The subject project is on the western side of the ridge at an approximate site elevation of 4,040 feet above mean sea level (see Attachment 2, Drainage Area Map). The stream flows east to west and is located on western part of the property. The highest point of the drainage is approximately 4,280 feet located at the middle of the property. From the highest point the drainage slopes downward toward the west to an elevation of approximately 4,040 feet. The drainage area is approximately 0.0075 square miles and has a length of approximately 700 feet. The average annual rainfall for the project area is 97.84 (2019, NACSE). Using the Linear Regression Equation for the North Coast Region gives the 100 year storm stream flow as 17.2 cubic feet per second (see Attachment 3, Discharge Calculations). Using the Culvert Sizing Monogram in conjunction with the 17.2 cubic feet per second gives a minimum culvert size of 28.8 inches for the 100 year storm (see Attachment 4, Culvert Sizing Monogram). A 30 inch culvert is suggested for the project due to size availability.

Conclusion:

The 100 year storm produces a 17.2 cubic feet per second flow that requires a minimum culvert size of 28.5 inches. A 30 inch culvert is suggested.



References:

National Oceanic and Atmospheric Administration: NOAA ATLAS 14 POINT PRECIPITATION FREQUENCY ESTIMATES CA, April 23, 2019 (accessed 4/23/2019):
https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

Google Earth

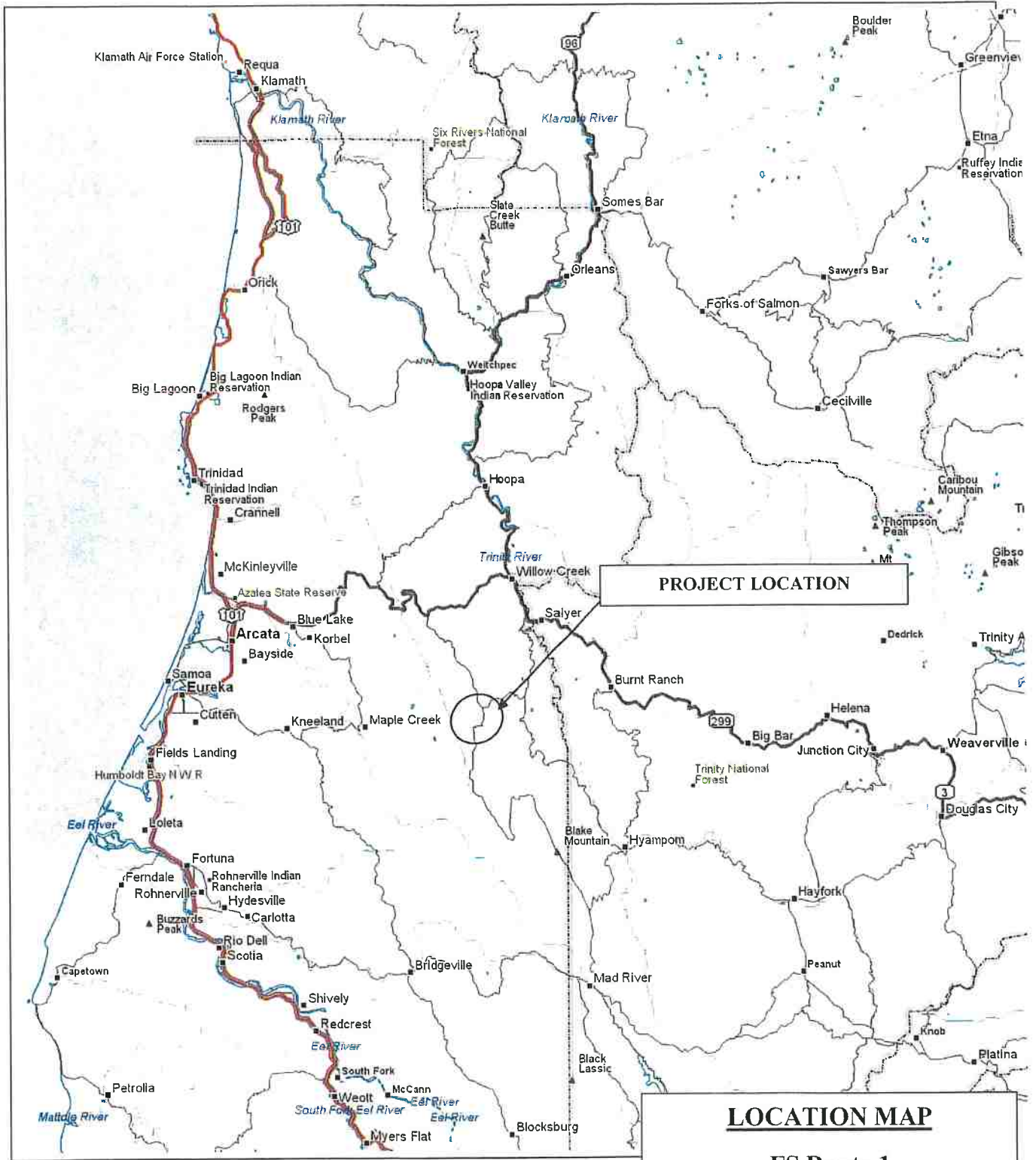
Northwest Alliance for Computational Science & Engineering (NACSE), Time Series Values for Individual Location, 2019 accessed 07/16/2019
<http://www.prism.oregonstate.edu/explorer/>



Attachment 1:

Location Map





PROJECT LOCATION

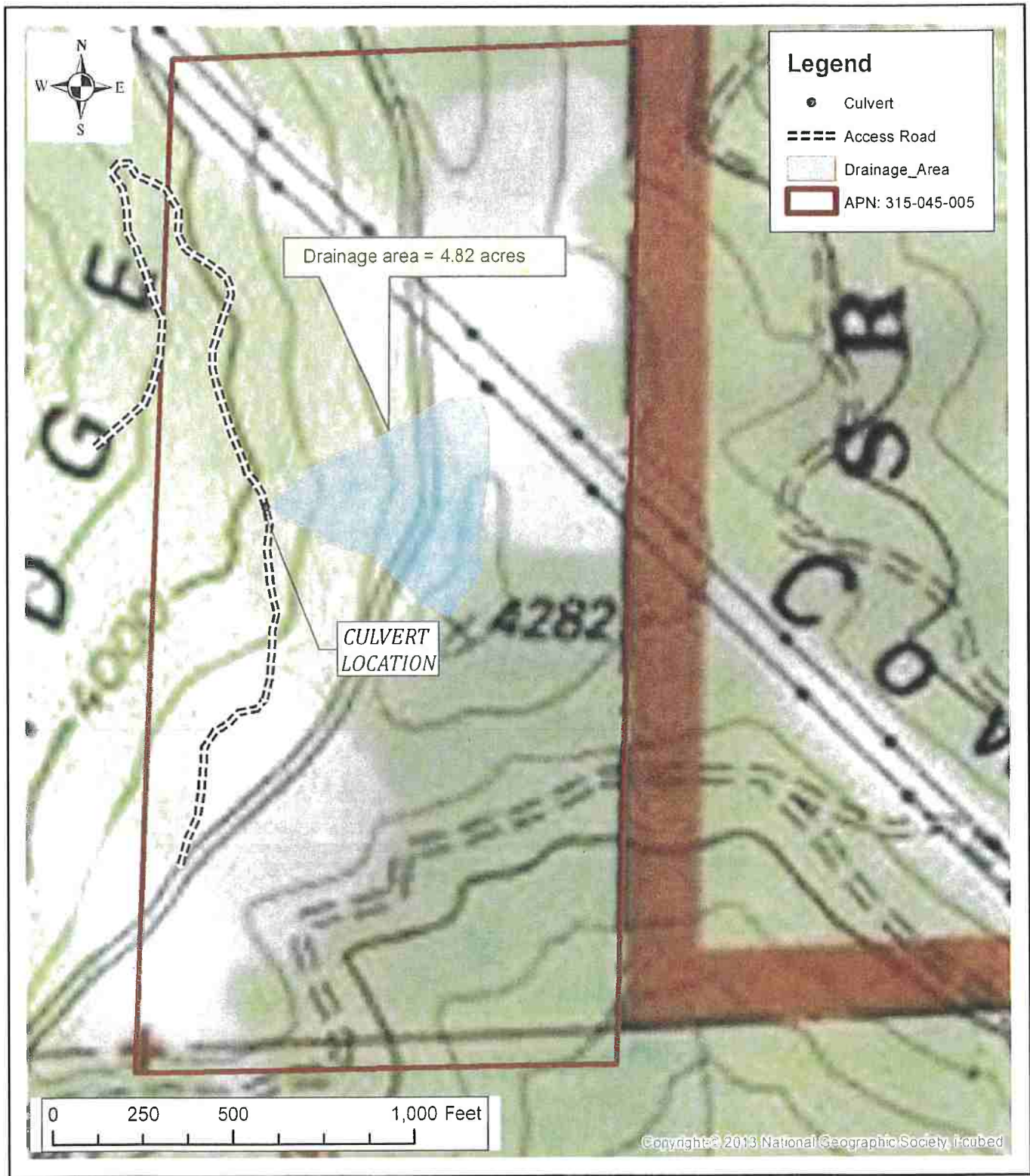
LOCATION MAP
FS Route 1
Willow Creek, California
APN 317-076-001

Kristi Smith / Geoff Churchill
3030 Alliance Road
Arcata CA 95521

Attachment 2: Drainage Area Map



Drainage and Hydraulic Report
APN: 212-015-020
ATTACHMENT 2



DRAINAGE MAP
APN: 315-045-005

Project: 1027
Kristi Smith
Route 1, Humboldt

ESRI USGS SEAMLESS TOPOGRAPHICAL
MAP FOR HUMBOLDT COUNTY

Attachment 3:
Drainage Area Calculations



Determination of 100-Year Flood Flow

Project: 1027 Kristi Smith

Location: 40.739621 N, -123.693235 W

(Enter data in fields with red-colored headings. Other data fields will be calculated automatically.)

Magnitude and Frequency Method for 100-year flood flow (A > 100 acres)

No.	Crossing	Area (acres) A	Basin maximum elevation (ft)*	Crossing elevation (ft)*	Area (mi ²) A	Avg. Annual Precipitation (in/yr) P	Elevation Index (mean basin)	100-yr flood flow Q ₁₀₀ (cfs)				Revised using latest regression eq.
								North Coast ⁽¹⁾ (NC)	Sierra (S)	North-east ⁽³⁾ (NE)	Central Coast ⁽⁴⁾ (CC)	
1	Culvert 1	4.82	4280	4040	0.008	97.84	4160	9.0	10.5	25.5	17.2	
2					0.000		0	0.0	#DIV/0!	0.0	0.0	
3					0.000		0	0.0	#DIV/0!	0.0	0.0	
4					0.000		0	0.0	#DIV/0!	0.0	0.0	
5					0.000		0	0.0	#DIV/0!	0.0	0.0	
6					0.000		0	0.0	#DIV/0!	0.0	0.0	
7					0.000		0	0.0	#DIV/0!	0.0	0.0	
8					0.000		0	0.0	#DIV/0!	0.0	0.0	
9					0.000		0	0.0	#DIV/0!	0.0	0.0	
10					0.000		0	0.0	#DIV/0!	0.0	0.0	

*To estimate discharges for bridges, use elevations along watercourse at 85 percent and 10 percent of water-course length from crossing to drainage divide, respectively. Instead of using maximum and crossing elevations

NC (1) Q₁₀₀ = 418.5(A)^{0.855} (P)^{0.555}
 S (2) Q₁₀₀ = 20.6 (A)^{0.874} (P)^{1.24} (H)^{-0.250}
 NE (3) Q₁₀₀ = 0.713 (A)^{0.729} (P)^{1.55}
 CC (4) Q₁₀₀ = 11.0 (A)^{0.84} (P)^{0.994}

Rational Method for 100-year flood flow (A < 200 acres)

No.	Crossing	T _c = 60((11.9 X L ³ /H) ^{0.385})			Q ₁₀₀ = CIA			100-yr flood flow (cfs) Q ₁₀₀
		Channel length (to top of basin) (mi) L	Elevation difference (ft) H	Concentration time (min) T _c	100-year Return-Precipitation (in/hr) P	Area (acres) A		
1	Culvert 1	0.1325758	240	10	0.5	4.506	4.82	10.9
2		0	0	#DIV/0!			0	0.0
3		0	0	#DIV/0!			0	0.0
4		0	0	#DIV/0!			0	0.0
5		0	0	#DIV/0!			0	0.0
6		0	0	#DIV/0!			0	0.0
7		0	0	#DIV/0!			0	0.0
8		0	0	#DIV/0!			0	0.0
9		0	0	#DIV/0!			0	0.0
10		0	0	#DIV/0!			0	0.0

*Use 100-yr precipitation of duration similar to T_c or for 10 min, whichever is larger, convert to in/hr for input as P

q100calcs1, Q100 calculations (2)

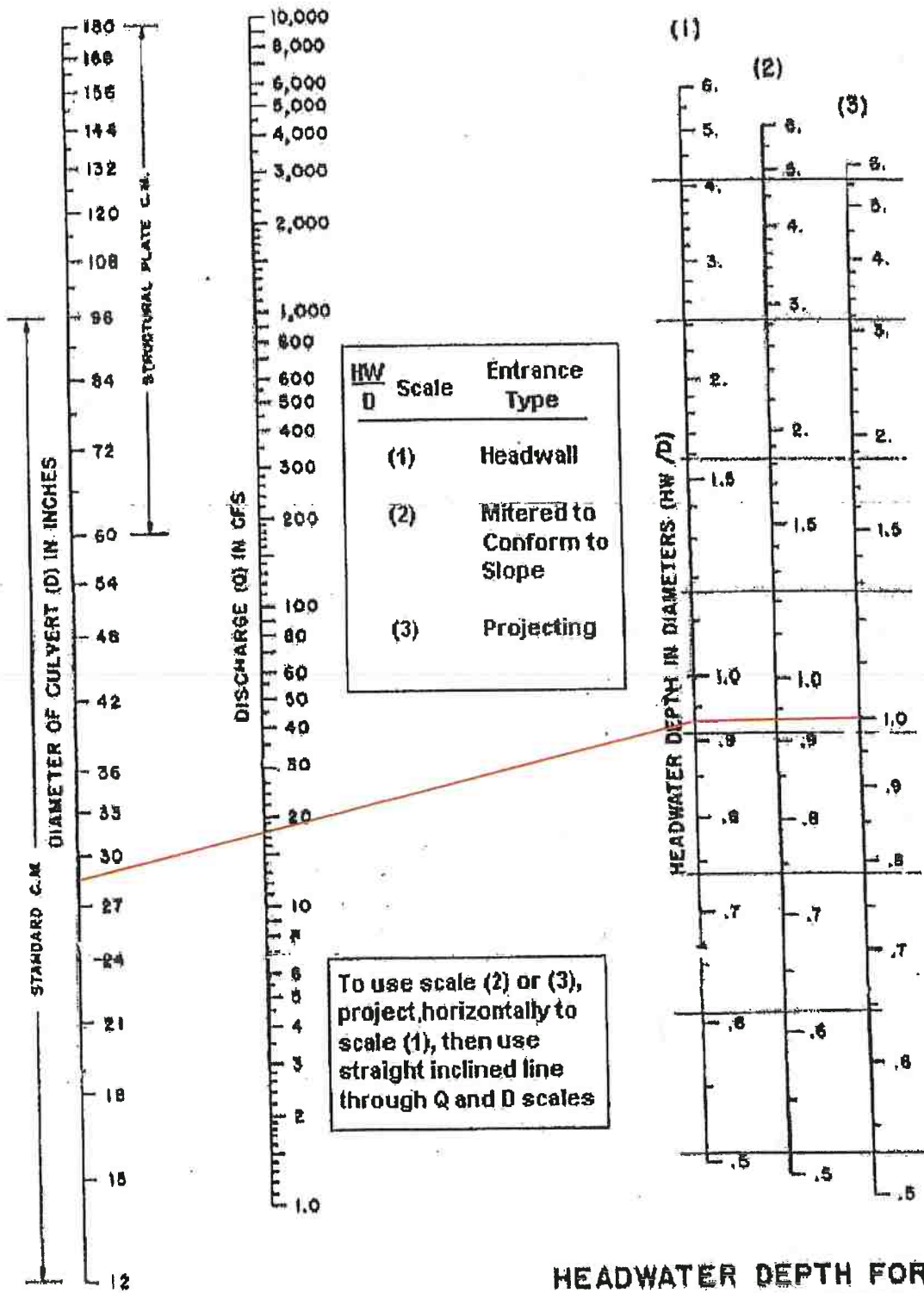
Page 1 of 1

7/16/2019 2:08 PM

Attachment 4:
Culver Sizing Monogram



Drainage and Hydraulic Report
APN: 212-015-020
ATTACHMENT 4



**HEADWATER DEPTH FOR
C. M. PIPE CULVERTS
WITH INLET CONTROL**

BUREAU OF PUBLIC ROADS JAN. 1943

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
CAL FIRE	✓	No Comment	Attached
California Department of Fish & Wildlife		No Response	Attached – planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band		No Response	
PG&E	✓	Comments	Attached
Humboldt County Sheriff	✓	Comments	Attached
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
Division of Water Resources		No Response	
Six Rivers National Forest		No Response	

From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: ["Johnson, Cliff"](#)
Subject: APPS #11841, APN 315-045-004, Kinsey Ridge: PROJECTED HEARING DATE: JULY 15, 2021
Date: Tuesday, June 22, 2021 3:20:00 PM

Good afternoon, Scott – I hope you’re doing well. I am reviewing the Kinsey Ridge staff report and did not see CDFW comments. The project description is as follows:

A Conditional Use Permit for continued cultivation of 13,000 square feet (SF) of existing outdoor cannabis cultivation, of which 10,600 SF is full-sun outdoor and 2,400 SF is outdoor that is cultivated in one (1) greenhouse using light deprivation techniques. Ancillary propagation occurs within a 120-square-foot hoop house. Water for irrigation is sourced from rain catchment whereas storm water from the roof of the on-site residence and other structures is captured in gutters and transported to a water conveyance system that transfers the water to rainwater catchment tanks. The applicant proposes to drill a well onsite as an additional water source. Existing available water storage onsite is 11,700 gallons in a series of hard-sided tanks. The applicant also proposes an additional 250,000-gallon rain catchment pond, for a total of 261,700 gallons of onsite water storage. Estimated annual water usage is 19,500 gallons (1.5 gal/SF). Drying and bucking occurs onsite while processing will occur off site at a licensed processing or manufacturing facility until a proposed 900 SF onsite processing building and associated supporting septic system can be permitted. Up to six (6) employees may be utilized during peak operations. Power is provided by a Honda 6500 generator. The proposed project also includes two (2) Special Permits: one Special Permit to reduce the 600-foot setback requirement to public lands since the proposed processing facility is within 600 feet of land owned by the Six Rivers National Forest, and another Special Permit for work within Streamside Management Areas (SMAs) to decommission and restore cultivation areas associated with a natural spring and a Class III drainage.

Please let me know if CDFW has any questions or comments on this project.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

PLN-11841-CUP

STATUS

LOCATION

CONTACT

WORKFLOW

Kinsey Ridge Farms - Existing outdoor culti...
A Conditional Use Permit for an existing 13,...

> In Referrals

04/21/2020 by John Moredo

> 12229 USFS Route 1
Willow Creek, CA 95573

> Kinsey Ridge Farms

> 16 total Task

● 8 completed ○ 2 active

Summary

Cancel Help

Task	Due Date	Assigned Date	Status	Comments
Environmental Health	07/10/2020	06/25/2020	Approved with Conditions	
Assigned to Department Environmental Health	Assigned to Ben Doif			
Action by Department Environmental Health	Action By Ben Doif	Status Date 06/30/2020		
Start Time	End Time	Hours Spent		
0.0		0.0		
Billable	OverTime			
No	No			Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)		
Display Email Address in ACA	Display Comment in ACA	Comment Display in ACA		
No		<input checked="" type="checkbox"/> All ACA Users		
		<input checked="" type="checkbox"/> Record Creator		
		<input checked="" type="checkbox"/> Licensed Professional		
		<input checked="" type="checkbox"/> Contact		
		<input checked="" type="checkbox"/> Owner		
Estimated Hours	Action	Workflow Calendar		
0.0	Updated			

Workflow History (35)



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

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


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

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

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

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Misael Ramos, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 05/04/2020

RE:

Applicant Name	KINSEY RIDGE FARMS
APN	315-045-004
APPS#	PLN-11841

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #2 on Exhibit "C".

Applicant has submitted a road evaluation report dated 4/11/19, stamped received by the Humboldt County Planning Division, with Part A- Box 2 checked, certifying that the roadway is equivalent of a road cat 4 standard.

It does not appear that the applicant has evaluated all roads used to get access to the subject parcel. A half mile does not appear to get applicant to a County maintained road or State Highway.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11841

All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

YES NO

If **YES**, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, **US Forest Service Road**, BLM Road, or a City road?

YES NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? YES NO

If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

- 4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? YES NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to “Parcel __ of Parcel Map No. ___” then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a “Notice of Construction Requirements” document is listed. If the document is listed, then there are deferred subdivision improvements.

If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

Additional Review is Required by Planning & Building Staff

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- o If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - o If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - o If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - o If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

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

// END //