



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 19, 2020

To: Humboldt County Planning Commission

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

Subject: **Benbow Valley Farms Conditional Use Permit and Special Permit**
Record Number: PLN-11421-CUP
Assessor's Parcel Number (APN): 033-170-013
Benbow area

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Please contact Meghan Ryan, Senior Planner, at (707) 445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date March 19, 2020	Subject Conditional Use Permit and Special Permit	Contact Meghan Ryan
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Project Description: A Conditional Use Permit for 11,430 square feet of existing outdoor cannabis cultivation contained within greenhouses. There is one 1,300-square-foot greenhouse that will be used for propagation. Cultivation activities extend April through November. There will be a maximum of two harvests annually. The applicant estimates 96,500 gallons of water is required annually for irrigation. Water for irrigation is sourced from a groundwater well and a point of diversion located on an unnamed Class III watercourse that is a tributary to Milk Ranch Creek. Water diverted for irrigation is stored in a 319,000-gallon off-stream pond. Water storage totals 415,000 gallons in a series of hard-sided tanks and the pond. Processing including drying, curing, and trimming occur onsite in an existing structure. Two employees are required to meet operational needs. Electricity is sourced from a generator. The project includes a Special Permit for development within the Streamside Management Area (SMA) that would allow for use of a point of diversion in an unnamed water course that is a tributary to Milk Ranch Creek that is used for irrigation.

Project Location: The project is located in Humboldt County, in the Benbow area, on the east side of Red Rock Rd, approximately 500 feet east from the intersection of Red Rock Rd and Road O, on the property known to be in Section 8 of Township 05S Range 04E, Humboldt Base & Meridian.

Present Plan Land Use Designation: Residential Agriculture (RA), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: High Instability (3).

Present Zoning: Agricultural Exclusive (AE) Special Building Site (B-6).

Record Number: PLN-11421-CUP

Assessor Parcel Number: 033-170-013

Applicant	Owner	Agent
Benbow Valley Farms Attn: Chad Mussey PO Box 1932 Redway, CA 95560	Chad D Mussey PO Box 1932 Redway, CA 95560	Timberland Resource Consultants Dave Spinosa 165 South Fortuna Boulevard, Ste 4 Fortuna, CA 95540

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

BENBOW VALLEY FARMS
Case Number: CUP16-403
Assessor's Parcel Number: 033-170-013

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 Planning 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 based on evidence in the staff report and approve the proposed Benbow Valley Farms project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit that would allow for the continuation of a 11,370-square-foot existing, outdoor cannabis cultivation operation located on APN 033-170-013 which is approximately 20 acres in size. The parcel is currently developed with a single-family residence and agriculture accessory structures. Cultivation is occurring in six greenhouses, one of which is proposed for use as 1,300-square-foot propagation area. The applicant is proposing to install an Onsite Wastewater Treatment System (OWTS) to accommodate a bathroom and handwashing facilities in the barn. All product grown on-site would be processed in a 3,000-square-foot barn shown on the site plan. There will be a maximum of two employees. Power to the site is provided by generators.

Estimated annual irrigation usage is a maximum of 96,500 gallons (4.2 gallons/sf/cycle). Water for irrigation use is sourced from a well and point of diversion in an unnamed Class III stream. Diverted water is stored in a 750,000-gallon offstream pond constructed in 2016. There is an additional 24,000 gallons of water storage in hard-sided tanks for a total of 774,000 gallons of storage. Cannabis is irrigated by hand-watering to eliminate potential water runoff and to minimize irrigation needs. The applicant obtained a Right to Divert Water (Certificate Number H100414) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion on the unnamed Class III watercourse that is tributary to Horse Pasture Creek. The applicant submitted a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW) for the point of diversion and stream crossing improvements. Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement once issued by CDFW for the point of diversion and stream crossing improvements.

The nearest Northern Spotted Owl (NSO) observation is located 2.36 miles the nearest NSO Activity Center is located 2.55 miles to the southeast of the project site. Artificial lighting is proposed for use within the 1,300-square-foot propagation greenhouse. Greenhouses are equipped with fans and power is provided by generators. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known sensitive receptors. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan 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. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the nursery until the applicant can demonstrate compliance with these noise standards.

Access to the site is off Red Rock Road, a privately maintained road that intersects with paved County-maintained public road (Fairway Drive). The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately-maintained portion of the access road (see Attachment 4). The

applicant for the proposed project submitted a Road Evaluation Report for the proposed project dated August 7, 2018, prepared by David Nicoletti, P.E., which stated that Red Rock Road does not meet Category 4 road standards (see Attachment 4). The report recommended improvements for Road M, including turnouts, waterbars and evaluation of culverts for maintenance or replacement to ensure proper function. Department of Public Works recommended conditional approval of the project. Conditions of approval require the applicant to improve the intersection of Fairway Drive and Red Rock Road to meet commercial standards. This will require the applicant to obtain an encroachment permit prior to commencing any improvements. Additionally, the applicant will adhere to and implement the recommendations contained in the Road Evaluation Report for the proposed project dated August 7, 2018, prepared by David Nicoletti, P.E. If maintenance or repair of culverts is required, the applicant shall obtain proper permits from the Department of Public Works, the California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, as applicable, prior to commencing any construction activities.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with County and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is 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 20-**

**Case Number: CUP16-403
Assessor Parcel Number: 033-170-013**

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

WHEREAS, Benbow Valley Farms, submitted an application and evidence in support of approving a Conditional Use Permit for the cultivation of commercial cannabis on APN 033-170-013 consisting of 11,370 square feet of outdoor cultivation and 1,300-square-foot propagation area. Water for irrigation is sourced from a point of diversion in an unnamed watercourse that is tributary to Milk Ranch Creek. The diverted water is stored in 319,000-gallon off-stream pond. Total water storage on the subject parcel is 415,000 gallons the pond and a series of hard-sided tanks. Processing, including drying and curing, will occur on the subject parcel within a barn. The applicant must process at an off-site licensed processing facility until the Onsite Wastewater Treatment System is permitted and installed. There are no employees required to meet operational needs. Power is provided by generators; and

WHEREAS, Benbow Valley Farms, submitted an application and evidence in support of approving a Special Permit for the continued use of a point of diversion located in an unnamed Class III watercourse that is a tributary to Milk Ranch Creek; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-403); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 19, 2020; and

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

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Case Number CUP16-403 based on the submitted substantial evidence; and
2. The Conditional Use Permit (Case Number CUP16-403) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on March 19, 2020.

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

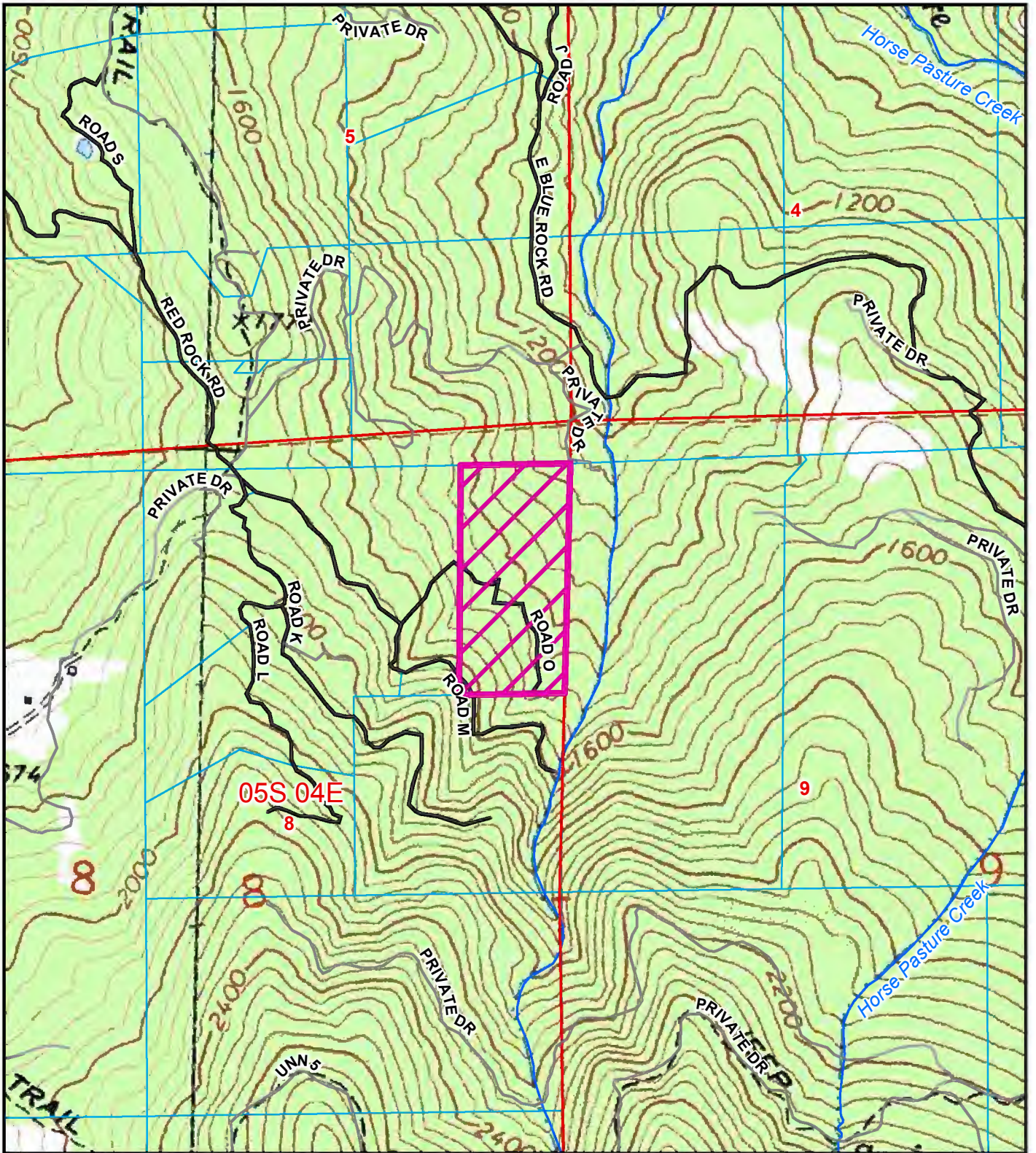
AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

John Ford, Director
Planning and Building Department

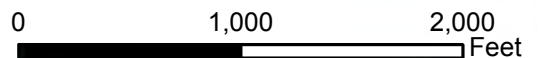


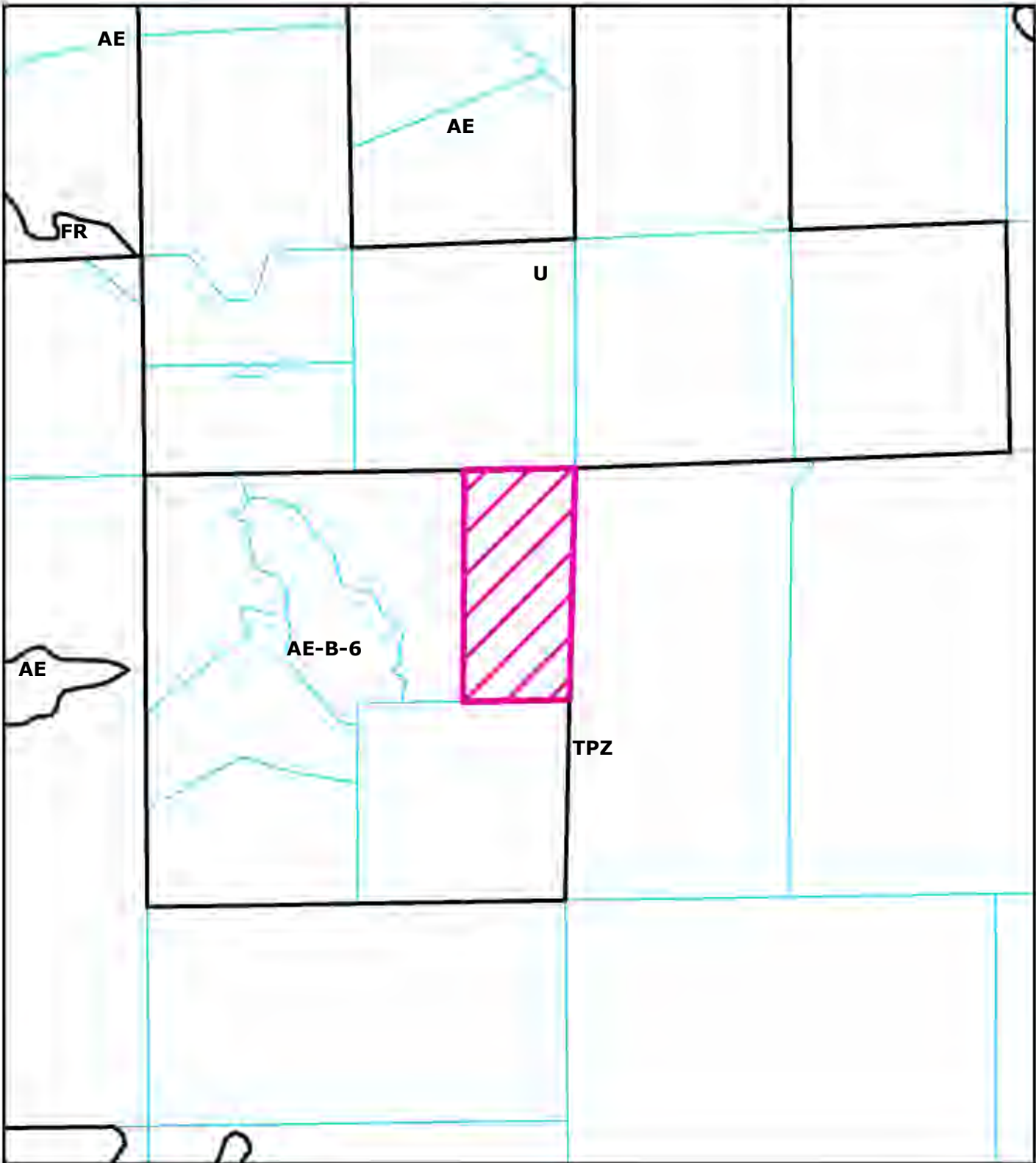
**TOPO MAP
 PROPOSED BENBOW VALLEY FARMS
 BENBOW AREA
 CUP-16-403
 APN: 033-170-013-000
 T05S R04E S8 HB&M (HARRIS)**

Project Area =



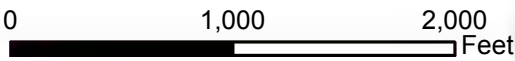
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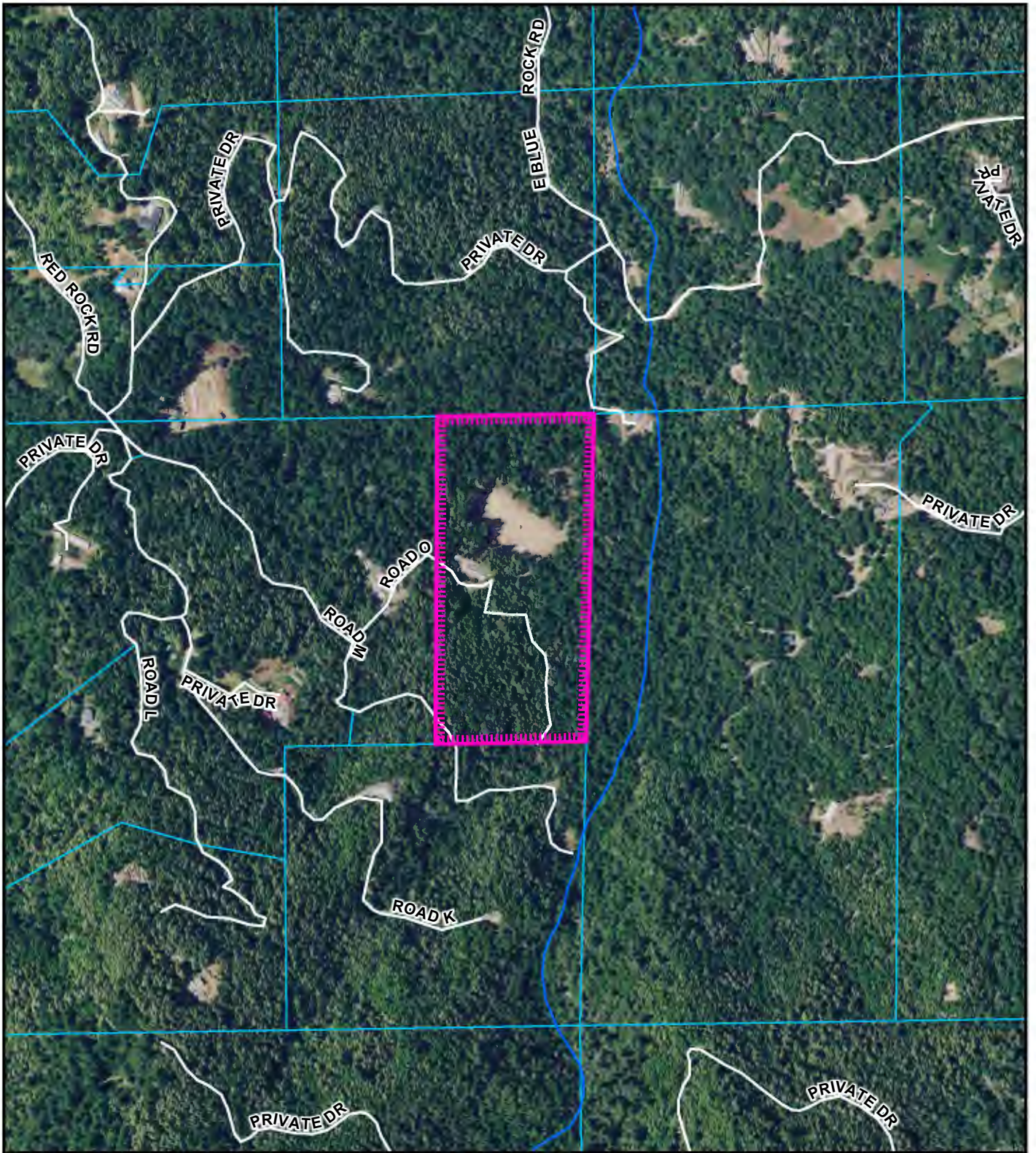


**ZONING MAP
 PROPOSED BENBOW VALLEY FARMS
 BENBOW AREA
 CUP-16-403
 APN: 033-170-013-000
 T05S R04E S8 HB&M (HARRIS)**

Project Area = 

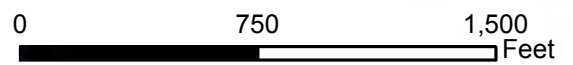


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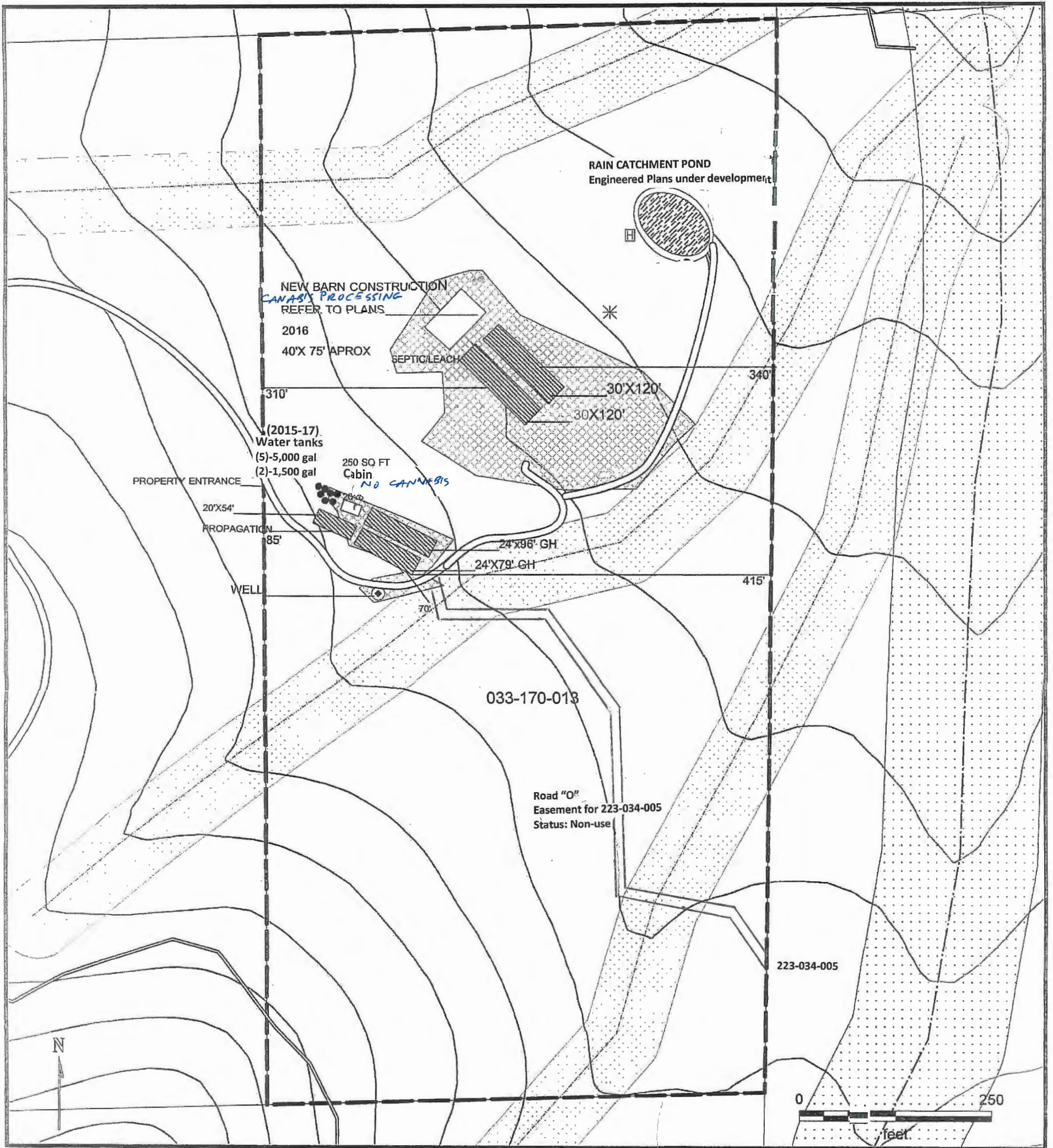


Project Area = 

**AERIAL MAP
 PROPOSED BENBOW VALLEY FARMS
 BENBOW AREA
 CUP-16-403
 APN: 033-170-013-000
 T05S R04E S8 HB&M (HARRIS)**



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



- CULTIVATION (Green. 113²)
- POND
- PROPERTY BOUNDARY
- GRADED FLAT
- 50 FT SMA
- WATER COURSE
- SPOILS/COMPOST
- GENERATOR
- DRIVE WAY
- WATER TANK
- WELL
- STRUCTURE

APPS	11421
APN	033-170-013
APPLICANT	BENBOW VALLEY FARMS
OWNER	CHAD MUSSEY
PARCEL SIZE	21ac.
ZONING	AE-B-6
CULTIVATION AREA	11,430 ft ²

Directions: exit Hwy101 going east into Benbow; take Fairway Drive south to Red Rock Rd., continue on Red Rock to fork of K and M roads. Take left fork onto M Rd. continue to intersection of M and O roads, left onto O Rd go about 800 feet onto subject parcel.

General Notes

For Planning purposes only
This is not a Boundary Survey

There are no schools, school bus stops, Places of worship, public parks, or tribal resources Within 600 ft. of cultivation.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, barn where processing occurs and accessory structures) and grading (including road improvements, graded flats and off-stream pond) related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
3. Red Rock Road shall be paved or graveled for a minimum width of 20 feet and a length of 50 feet where it intersects Fairway Drive. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
4. The applicant shall adhere to and implement the recommendations contained in the Road Evaluation Report for the proposed project dated August 7, 2018, prepared by David Nicoletti, P.E. If maintenance or repair of culverts is required, the applicant shall obtain proper permits from the Department of Public Works, the California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, as applicable, prior to commencing any construction activities.
5. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
6. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees either through 2019 or 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.
7. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the Applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.

8. The applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
9. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW and submit a Bullfrog Management Plan for review and approval by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
10. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
11. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
13. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. The water use for cultivation is limited to the amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
14. The applicant shall contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
15. 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.
16. 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 and fan 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.
17. 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.

18. 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.
19. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
20. All mixed light cultivation 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. No mixed-light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
21. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
9. 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.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. 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."
19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.

21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

22. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

24. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
26. 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.
27. Permittee further acknowledges and declares that:
- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall

be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health

and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

1. **The proposed development must be consistent with the General Plan.** The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA20): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density range is 20 -160 acres/unit.</p>	<p>The Applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 11,370 square feet of outdoor cultivation area on lands designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation. The project is therefore consistent with the RA designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is from Road M, which connects to Red Rock Road, a non-County-maintained road. This project is located 2.5 miles from the intersection of Red Rock Road and Fairway Drive in the community of Benbow. The applicant for the proposed project submitted a Road Evaluation Report for the proposed project dated August 7, 2018, prepared by David Nicoletti, P.E., which stated that Red Rock Road does not meet Category 4 road standards (see Attachment 4). The report recommended improvements for Road M, including turnouts, waterbars and evaluation of culverts for maintenance or replacement to ensure proper function. Department of Public Works recommended conditional approval of the project. Conditions of approval require the applicant to improve the intersection of Fairway Drive and Red Rock Road to meet commercial standards. This will require the applicant to obtain an encroachment permit prior to commencing any improvements. Additionally, the applicant will adhere to and implement the recommendations contained in the Road Evaluation Report for the proposed project dated August 7, 2018, prepared by David Nicoletti, P.E. If maintenance or repair of culverts is required, the applicant shall obtain proper permits from the Department of Public Works, the California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, as applicable, prior to commencing any construction activities. The project is therefore consistent with the circulation policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the Housing Element.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. There are no mapped Streamside Management Areas (SMAs) on the subject parcel, however, the Water Resource Protection Plan (WRPP) states there are two Class III streams. See Section 10.3 <i>Biological Resources</i> for additional information.

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>There are no mapped rare or species of special concern on the subject parcel based on a review of the California Natural Diversity Database. There are no mapped Streamside Management Areas. The nearest mapped Marbled murrelet habitat is location 2.25 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 2.36 miles the nearest NSO Activity Center is located 2.55 miles to the southeast of the project site. Artificial lighting is proposed for use within the 1,300-square-foot propagation greenhouse. Greenhouses are equipped with fans and power is provided by generators. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat.</p> <p>Water for irrigation is provided by a well and a point of diversion on an unnamed tributary to Milk Ranch Creek. The applicant submitted a well completion report that states the well is 240 feet deep and was drilled through clay, sandstone and shale (see Attachment 4). The well does not seem to be hydrologically connected to surface water. According to the Water Resource Protection Plan (WRPP), water from the well is not sufficient to provide all water required for irrigation, so water diverted from an unnamed Class III watercourse is also used. Water from the unnamed Class III watercourse is diverted into a 750,000-gallon offstream pond that was constructed in 2016. See Streamside Management Area (SMA) findings (Attachment 2, Section 2) and Performance Standards for Water (Attachment 2, Section 3) for additional information.</p> <p>The California Department of Fish and Wildlife (CDFW) was sent a project referral on June 5, 2019. Although no comments were received from CDFW Several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project.</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		conditions of approval. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC requested an archeological survey of the subject parcel. The applicant retained Arsenault and Associates for the preparation of a Cultural Resources Investigation for the Project site. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources. The project is therefore consistent with the Cultural Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 11,3700 sf of outdoor cultivation and 1,300 square feet of a nursery facility for plant propagation. The nursery facility would be a mixed-light facility and would require artificial lighting. The project has been conditioned to submit a lighting plan, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise. The plan would be submitted and require approval from the Planning Division within 6 months of the effective date of this permit or prior to use of lighting, whichever comes first. Additionally, the project has been conditioned to fully shield existing all proposed lighting so that it does not direct light within the property boundaries. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. A WRPP has been prepared for the project by Jacobzoon and Associates dated February 8, 2017, that describes and addresses compliance with the 12 Standard Conditions established by the Order (see Attachment 4). The WRPP identifies several improvements that are needed on-site, including road maintenance, the installation of a water meter to accurately track water usage and repair or installation of culverts. The project has been conditioned to implement all recommendations listed in the WRPP. With implementation of the proposed recommendations this project will conform to the requirements of the Plan.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The proposed project includes development of bathroom facilities for the barn to be used for processing. The applicant submitted an On-site Wastewater Treatment System Design Report for New Restroom prepared by Lindberg Geologic Consulting dated March 22, 2019. The report states sufficient area exists to accommodate the septic system and reserve field for the restroom. Department of Environmental Health recommended conditional approval for the project. Per DEH request, no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. Portable toilet and handwashing facilities will be allowed to be utilized during the construction of these permanent improvements. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. As a part of this condition the applicant is required to provide receipts or other documentation to the DEH for the continual use of portable toilets for employee use either through 2020 or until a permanent septic system is installed to their satisfaction.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Artificial lighting is proposed for use within the 1,300-square-foot propagation greenhouse. Greenhouses are equipped with fans and power is provided by generators. The nearest mapped Marbeled murrelet habitat is location 2.25 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 2.36 miles the nearest NSO Activity Center is located 2.55 miles to the southeast of the project site. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Because the applicant is reorganizing full sun cultivation into greenhouses, conditions of approval require the applicant to install the solar power system to reduce reliance on generators before the relocation occurs. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as High Slope Instability (3) in the County's GIS mapping. All existing features of the cultivation are located on graded pads that were developed in 2016. According to the WRPP, the graded pads are stable. Conditions of approval require the applicant to obtain gradings permits from the Building Inspection Division for all grading conducted without the benefit of County review. The project is consistent with the geologic resource policies of the Safety Element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 1300 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high and very high fire hazard severity. The parcel is located within the Garberville Fire Protection District Response Area and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>According to the operations plan, cultivation and processing will be conducted by the resident operator and no employees are required. Total water storage is 774,000 gallons in the offstream pond and hard-sided tanks that can be used for fire protection is needed. The project is consistent with the fire protection policies of the Safety Element.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project is consistent with these policies of the General Plan.

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

The following table demonstrates that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 033-170-013 is one legal parcel as recorded on Parcel Map 1611, in Book 14, Page 28. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agricultural Exclusive	Agricultural Exclusive (AE): intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which protection from encroachment from incompatible uses is essential to the general welfare. Existing outdoor cannabis cultivation is allowed on parcels zoned AE.	The applicant is seeking a Conditional Use Permit for an existing 11,370 square foot cannabis cultivation operation on a property zoned AE. The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size:	20 acres	21 acres
Maximum Ground Coverage:	35%	<5%
Minimum Lot Width:	100 feet	663 feet
Maximum Lot Depth:	None specified	1,406 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required. SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>There are no mapped Streamside Management Areas on the subject parcel according to the Humboldt WebGIS, however, there are a Class II and Class III watercourses shown on the site map and maps prepared for the Water Resources Protection Plan (WRPP) parcel. There are several stream crossings and one point of diversion for irrigation use on the subject parcel. According to the WRPP, both cultivation areas and associated development (e.g. roads) meet appropriate SMA setbacks. There is one point of diversion is a Class III unnamed tributary to Milk Ranch Creek then the South Fork Eel River. According to the <i>Right to Use and Divert Water</i> issued by with the State Water Resources Control Board, the point of diversion commenced in 2018, therefore a Special Permit for development within the SMA is required. The installation of use of the point of diversion for irrigation does not negatively impact the unnamed Class III tributary as diversions for cannabis irrigation are subject to the requirements of the State Cannabis Cultivation Policy. The State Cannabis Cultivation Policy limits diversions to December 1 – March 31 to ensure water is not diverted during low flows thus protecting overall stream function and aquatic habitats. According to the Lake or Streambed Alteration Notification submitted to CDFW, repair of two culverts and installation of two new culverts are required, which is consistent with the WRPP. Conditions of approval require the applicant to submit a copy of the Final Streambed Alteration Agreement (SAA) issued for the subject parcel by CDFW. The applicant is required to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects includes in the Final SAA are completed to the satisfaction of CDFW.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p>	<p>7 spaces</p>

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

<p>§314-55.4.8.2 Timber Conversion</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The subject parcel is zoned Agriculture Exclusive (AE). Cultivation and cultivation related operations occur in two locations on site. A Less Than Three Acre Conversion Exemption was approved on December 31, 2015 (see Attachment 4) that allowed for a 2.9-acre area of conversion on the subject parcel. Based on a review of aerial imagery, the conversion took place during 2016 as described and the use commenced within the next year. A project referral was sent to CAL FIRE who did not have any comments regarding the project (see Attachment 5).</p>
<p>§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned AE.</p>	<p>The proposed action is a Conditional Use Permit for 11,370 SF of existing outdoor cultivation on APN 033-170-013, which is a 20-acre parcel zoned AE. A review of Google Earth imagery in 2014 found the 11,3700 square feet of cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for outdoor cultivation.</p>
<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>All cannabis cultivated on-site will be processed (dried, cured and trimmed) in the 3,000-square-foot barn shown on the site plan. Until the Onsite Wastewater Treatment Facility (OWTS) is installed to the satisfaction of the Department of Environmental Health, processing is required to take place at an off-site licensed processing facility. The applicant can also take harvested cannabis to a licensed processing facility for processing should they choose once the OWTS is installed. Conditions of approval require processing to occur off-site until the septic system is permitted. Conditions of approval also require the applicant to obtain building permits from the Humboldt County Building Inspection Division for use of the barn for commercial activities.</p>

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Estimated annual water usage is 96,500 gallons (4.2 gallons/sf/cycle). Water for irrigation is provided by a well and a point of diversion on an unnamed tributary to Milk Ranch Creek. The applicant submitted a well completion report that states the well is 240 feet deep and was drilled through clay, sandstone and shale. Water is diverted into a 750,000-gallon offstream pond that was constructed in 2016. Staff is supportive of use of the offstream pond to reduce reliance on surface water diversions during the summer months, which typically have low flows. There is 24,000 gallons of water storage in hard-sided tanks in addition the offstream pond. Cannabis plants are irrigated by hand-watering to minimize overuse and run-off. The applicant obtained a Right to Use and Divert Water (Certificate H100414) from the State Water Resources Control Board (SWRCB) (see Attachment 4). Conditions of approval require the applicant to obtain a Final Streambed Alteration Agreement for the point of diversion from the California Department of Fish and Wildlife (CDFW), adhere to the requirement of the Right to Use and Divert Water and obtain a grading permit from the Building Inspection Division for the offstream pond. In addition, the applicant is required to prepare and submit a Bullfrog Management Plan to the Planning Department for review and approval by the Planning Department and CDFW. Implementing the Bullfrog Management Plan is an ongoing condition of approval that is required for the life of the project. Based on the submitted evidence, the project complies with the referenced section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources.

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>Artificial lighting is proposed for use within the 1,300-square-foot propagation greenhouse. Greenhouses are equipped with fans and power is provided by generators. The nearest mapped Marbled murrelet habitat is location 2.25 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 2.36 miles the nearest NSO Activity Center is located 2.55 miles to the southeast of the project site. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Because the applicant is reorganizing full sun cultivation into greenhouses, conditions of approval require the applicant to install the solar power system to reduce reliance on generators before the relocation occurs. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on November 9, 2016.</p>

4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing and use of point of diversion in an unnamed Class III watercourse for irrigation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN 033-170-013, Approximately 500 feet east from the intersection of Red Rock Rd and Road O, on the property known to be in Section 8 of Township 05S Range 04E, Humboldt Base & Meridian., Benbow, County of Humboldt

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

January 2020

Background

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

The modified project involves a Conditional Use Permit (CUP) for an existing 11,370 square foot outdoor cultivation within 6 separate greenhouses and a 1,300-square-foot nursery for plant propagation located within one greenhouse. The property is zoned AE. The CMMLUO identifies AE-zoned parcels 1 acre or larger as sites where existing cannabis cultivation activities could be allowed. Water for irrigation is provided by a well and an unnamed Class III watercourse that is tributary to Milk Ranch Creek. Water is diverted into a 750,000-gallon offstream pond and is stored in a series of hard-sided tanks. Cannabis is irrigated via hand-watering to eliminate potential of water runoff and minimize irrigation. Estimated annual irrigation usage is 96,500 gallons (4.24 gallons/sf/cycle). Cannabis Cultivation occurs in an area that was cleared of timber permitted under a Less Than Three Acre Conversion Exemption issued by CAL FIRE on December 31, 2015.

All product grown on-site would be processed in a barn located in the northwestern area of the subject parcel. Both cultivation and processing activities will be performed by the resident operator. Domestic water is provided by a permitted surface water diversion, and the applicant will be required to provide portable toilets to serve the needs of staff. This requirement has been added as a condition of approval for the proposed project. There are no schools, school bus stops, places of worship, public parks or Tribal Cultural Resources within 600 feet of the cultivation or processing areas. The project site utilizes generators for electricity.

The project site consists of variable topography with slopes from less than 15% to 50%. Cultivation areas are located on graded flats that have a less than 15% slope. The majority of the parcel is forested. The CDFW resource map does not identify any threatened or endangered species on the subject parcel. There are no mapped rare or species of special concern on the subject parcel based on a review of the California Natural Diversity Database. There are no mapped Streamside Management Areas. The nearest mapped Marbled murrelet habitat is location 2.25 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 2.36 miles the nearest NSO Activity Center is located 2.55 miles to the southeast of the project site.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, water metering and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the adopted MND and no changes are proposed to the original MND's recommended mitigation measure for the proposal to authorize an existing 11,370-square-foot outdoor cannabis cultivation and 1,300-square-foot mixed light propagation greenhouse.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Cultivation and Operation Plan and addendum prepared by Timberland Resource Consultants received April 11, 2019;
- Road Evaluation Report for Red Rock Road, prepared by David Nicoletti, P.E., dated February 8, 2017;
- Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits;
- On-site Wastewater Treatment System Design Report for New Restroom; and
- A Pre-Existing Investigation for the Benbow Valley Farms Commercial Cannabis Cultivation, Humboldt County, California received March 5, 2019.

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.

For all impact categories analyzed in the review of this staff report, 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 adopted 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 project.

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Revised September 6, 2018, Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Attached – Right to Use and Divert Water, Certificate H100414)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached - Water Resource Protection Plan for APN 033-170-013 prepared by Jacobzoon and Associates, dated February 8, 2017; On file – enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file – Notification of Lake or Streambed Alteration prepared by Jacobzoon and Associates dated December 18, 2018)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached – Well Completion Report received April 11, 2019)
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. (Attached – Less Than Three Acre Conversion dated January 5, 2016)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet. (On file)
16. Road Evaluation Report prepared by David Nicoletti dated August 7, 2018. (Attached)
17. On-site Wastewater Treatment System Design Report for New Restroom. (Attached)
18. A Pre-Existing Investigation for the Benbow Valley Farms Commercial Cannabis Cultivation, Humboldt County, California received March 5, 2019. (On file)



APPS:11421

CMMLUO SITE/OPERATIONS OVERVIEW

APN: 033-170-013

Project Description: The applicant is seeking approval under the Humboldt County CMMLUO to allow continued outdoor cannabis cultivation up to **11,430 ft²** as confirmed through March 08, 2019 communications with Humboldt County Cannabis Services Division personnel. A **1,080 ft² propagation nursery** and development of appurtenant support infrastructure including a pond is also proposed.

The applicant acknowledges that the commercial cannabis activity approval being sought pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined to be out of compliance with any applicable regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a *“Provisional Clearance or Permit”* and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: The subject parcel (APN: 033-170-013) is approximately 21 acres and zoned AE-B-6 with RA20-160 framework designation. It is located in the Benbow area.

Topography/Landscape: The subject parcel sets on a north-east facing hillside. Development on the parcel is situated near the central portion of the parcel with the remaining area covered with native tree species.

Surface Water Features: There are three (3) Class III watercourses identified on the subject parcel and a recently developed pond (permit pending)

Roads/Stream Crossings/Easements: Interior road conditions were assessed in the development of a Water Resource protection Plan (Jacobszoon and Associates – 02/08/2017). The Water Resource Protection Plan prescribes corrective measures for the road deficiencies identified in the protection Plan. A single crossing located on an old logging road (Road O – easement for adjoining parcel to the east) was identified in the Protection Plan; the road is not used and the culvert was sized appropriately – the Protection Plan prescribes the installation of an energy dissipater at the culvert outlet.

Utilities: Electric power is supplied by generators. An onsite wastewater treatment system design has been completed; portable toilets will be used temporarily pending permitting/installation of the wastewater treatment system.

Water Supply: Water is sourced from a permitted water well (copy of permit/well log included). An engineered design for a rain catchment pond with an approximate capacity of 750,000 gallons is underway.

All state and local documentation demonstrating the legal authorization for the ongoing use of the existing water source and/or other potential water sources shall be provided when available.

Water Storage: Hard Plastic Storage Tanks with the following capacities

Five (5) – 5,000 gallon

Two (2) – 1,500 gallon

An engineered design for a **rain catchment pond** with an approximate capacity of 750,000 gallons is underway. It shall be developed under permit from Humboldt County Building Division.

Residence: A small care-takers quarters is located within the developed curtilage on the parcel; it is approximately 250 ft².

Other Structures/Facilities: A recently constructed Ag barn is also within the developed curtilage; plans for the barn are nearly completed and shall undergo review and approval through the Humboldt County Building Division.

Cultivation Area(s): Occurs within clearings located near the central portion of the parcel.

The northern most Cultivation Area is comprised of **two** greenhouses -each measuring

30' x 120' totaling **7,200 ft²**

The south Cultivation Area is comprised of two greenhouses.

24' x 78' = **1,872 ft²**

24' x 96' = **2,304 ft²**

The total square footage is **11,376 ft²** (within the 11,430 allowance)

An additional **1,080 ft²** propagation nursery is proposed just west of the south Cultivation Area greenhouses.

Site assessment in the development of the Water Resource Protection Plan determined that there is no hydrologic connectivity via surface water flow between the cultivation areas and downstream watercourses.

Preventative measures prescribed in the WRPP do not preclude the need for Cultivation Areas or other manmade features on the subject parcel to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control regulations and requirements.

Peak Water Demand: The projected peak water demand to maintain plant growth during the warm summer months is approximately 17,000 gallons per month. The "Monthly Water Use" Table below shows projected water use throughout the growing season. Totalizing flow meters shall be installed to monitor and record water usage in accordance with state/local requirements.

January-March: No Water Use

	Cult. Area – 11,376 ft ²		Total Gal.
April	1,300	seedling	1,300
May	4,500	veg	4,500
June	11,500	veg	11,500
July	14,500	veg/flwr	14,500
August	17,000	flwr/veg	17,000
September	16,500	veg	16,500
October	10,000	flwr	10,000

Irrigation Method(s): Water delivery throughout the system is monitored by carefully hand-watering plants to ensure responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention.

Irrigation Runoff/Erosion control: Irrigation runoff from cultivation areas is minimized by the use of carefully hand watering to prevent any overwatering or residual discharge of nutrient solutions outside of the "targeted" root zone. In the unlikely event that residual discharge did occur, it would be absorbed upon contact with permeable soil surrounding the cultivation area. Cultivation activities are limited to the immediate area surrounding cultivation areas and conducted so materials are kept confined. The ground surface within and around the cultivation areas is formed and managed year-round to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

Watershed Protection: The Cultivation Areas on the subject parcel me applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Sheet flow of rainwater or transport of cultivation byproducts over permeable, gently sloped soils in and around the cultivation area is unlikely. Vegetative buffers have been maintained at natural slope around the entire perimeter of cleared/developed area. **Watershed protection** will be ensured by adherence to measures prescribed in the Water Resources Protection Plan and ongoing site monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

Site maintenance, erosion control, and drainage features	Stream crossing maintenance
Riparian and wetland protection and management	Spoils management
Water storage and use	Irrigation runoff
Fertilizers and soil amendments	Pesticides and herbicides
Petroleum products and other chemicals	Cultivation-related wastes
Refuse and human waste	

Upon completion of seasonal cultivation, management measures to protect soil in and around cultivation areas shall be implemented including seeding with cover crop where applicable and placement of straw wattles.

Portable generator use occurs intermittently to power pumps and supply energy to the cabin. Portable Honda generators (2000, 3000, 7000) are used at locations no closer than 150 feet to the nearest property line. With a maximum sound pressure level rating of 58dB(A) at full load the expected level at the nearest property line using http://www.engineeringtoolbox.com/inverse-square-law-d_890.html would be 16.4 dB(A).

Fertilizers, Pesticides, other Regulated products:

List and describe machinery and equipment used for cultivation and associated activities.

Three portable Honda generators, fans, dehumidifier

Describe equipment service and maintenance; including where it is done.

All maintenance and service is done in Garberville

List and describe petroleum products and automotive fluids used onsite-Indicate amounts normally stored and how/where they are stored.

Gasoline is kept in 5 gallon metal cans in quantities not exceeding 20 gallons. Cans are stored inside Ag Barn away from any ignition source with spill kit present.

List and describe compressed gases, cleaners, solvents and sanitizers used- indicate amounts normally stored and how/where they are stored.

Regular non-toxic household cleaners in original domestic-use containers and 1 quart rubbing alcohol stored on shelves in the Ag barn.

List and describe fertilizers, soil amendments, pesticides, herbicides and rodenticides used.

Indicate the amount normally stored and how/where they are stored

Products		The products listed are primarily used at the start of the cultivation season. Any product remaining after initial start-up is kept securely protected in original packaging/containers atop pallets inside the Ag barn Quantities of products stored should range from 50 to 100 pounds. Pest control products are kept on shelves in original containers (not exceeding 1 gallon) with all labeling intact. These products are used in accordance with manufacturers' instructions.
Steamed bone meal	Gypsum	
Feather meal	Azomite	
Bat Guano	Fish meal	
Blood meal	Worm castings	
Fish meal	Dolomite	
Sulfate of potash	PhosGuano	
Top Dress (1-2 applications while flowering)		
NPK 3.8/9.6/5		
Mocha Bat guano		
AzaMax foliar spray		Green Cure foliar spray fungicide (OMRI listed for organic production)

All gas and agricultural amendments are stored inside of the Ag barn at all times. When gas is brought out from the Ag barn for use in equipment it is stored in a spill-proof tote which exceeds the capacity of the gas in the gas-can.

Spill -proof containment totes are used in conjunction with power equipment (generator, water-pump) use. The totes reservoir capacity exceeds the volume of fluids contained in the equipment being used.

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

Cultivation Related Wastes: Cultivation related wastes are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed.

Soils Management: The applicant shall refurbish existing soil to the greatest extent practicable upon completion of cultivation. The goal is to use 100% organic amendments in the refurbishment process.

An appropriate "cover-crop" shall be sown in and around the cultivation area following completion of crop harvest.

If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over and into native top-soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. No spent soil shall be dumped off-site.

Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Human Waste: Soils testing has been conducted and an engineered Onsite Sewage Disposal System design has been completed. Installation of the system shall occur upon county review/permit approval. Portable toilet units with handwash facilities shall be used until the permitted system is installed

Cultivation Operations/Practices:

January	Monitor culverts and evaluate site maintenance requirements, plant cover crops
February	Ongoing site and infrastructure maintenance
March	General site maintenance and preparation.
April	Establish clones/seedlings in propagation nursery
May	Transplant young plants to appropriate containers, continue garden preparation and site maintenance
June	Full term plants set, initiate 1 st round light dep. – Ongoing garden care and site maintenance.
July	Ongoing garden care, monitor water supply, etc.
August	Ongoing garden care, monitor water supply, etc. – Start harvest 1 st round light dep, utilize generator to run fans to facilitate drying 7-10 days, begin trimming etc.
September	General garden care
October	Begin full term harvest, set plants to dry – generator for fans and dehumidifier, trimming and site cleanup
November	Complete harvest/trimming, start site preparations for winter.

Generators are used to power water pumps and lights inside cabin; with the total run time for any single day not to exceed 3 hours – **which would result in less than 100 hours per month.**

Portable Honda generators (2000, 3000, 7000) are used at locations no closer than 150 feet to the nearest property line. With a maximum sound pressure level rating of 58dB(A) at full load the expected level at the nearest property line using http://www.engineeringtoolbox.com/inverse-square-law-d_890.html would be 16.4 dB(A).

Processing:

Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the Ag barn where they are hung to dry and undergo processing/trimming. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

When plants have achieved optimal dryness, they will be removed from the drying section and set out for flower removal. The removed flowers will be placed into clean bags and/or containers where they will await final trimming. As flowers are trimmed they will be weighed into one-pound bags and again checked for moisture content. Upon determination that optimum moisture content is attained, flowers will be placed into sterile bags, sealed and labeled. Individual sealed bags will be stored in plastic storage totes kept in an environmentally friendly, secure location while awaiting marketing/sales through licensed facilities.

All processing/trimming is completed by applicant/owner. An automated trimming machine is utilized. There are no employees in used the cultivation operations on the subject parcel.

All equipment, surfaces and tools used in the harvesting/drying/trimming of cultivated product are used exclusively for that purpose. Equipment, surfaces and tools are visually inspected, washed and sanitized throughout the day. A Gentle detergent (such as *Simple Green or equivalent*) is used for cleaning followed by rinsing with potable water. Isopropyl Alcohol is applied as a sanitizer.

Handwashing with potable water and soap occurs upon entrance into the Ag building as well as use of new latex gloves, face masks and hair nets. Any suspect plant matter which appears compromised for any reason is carefully removed and disposed of avoiding cross contaminant contact with other product, equipment or utensils. A separately designated green-waste stream is implemented to recycle plant waste.

Cleaning materials are stored on shelves away from working surfaces. A fire extinguisher is readily available. The working space is kept clean and orderly and used exclusively for processing/trimming; this optimizes safety and functionality.

Ample potable water for handwashing and restroom facilities will serve the Ag building where processing/trimming takes place. The restroom will be equipped with first aid kits and eye-wash kits for emergency use. Wastewater from the restroom will be plumbed to a permitted septic system

Operations are carried out by applicant/owner, not transient/temporary employees. Therefore, the daily **wastewater flow** resulting from processing/trimming will not increase above normal domestic usage and can be accommodated by the septic system described.

As stated previously, the *Commercial* connotation associated with this permit application may misrepresent the scale/magnitude of this particular operation. Individuals residing on the property cultivate less than 12,000 ft² and carry out processing/trimming without external assistance. This

particular operation doesn't involve any extra **vehicle trips/road use** beyond that which would normally occur for a typical rural residence in the area.

Security: Access to the parcel is restricted by locking metal gates at access roads. The site is normally occupied by the applicant/owner,

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: *Part A may be completed by the applicant*

Applicant Name: Benbow Valley Farms APN: 033-170-013

Planning & Building Department Case/File No.: 11421

Road Name: Red Rock Rd *(complete a separate form for each road)*

From Road (Cross street): Fairway Dr

To Road (Cross street): Road M

Length of road segment: 2.5 miles Date Inspected: July 30, 2018

Road is maintained by: County Other Road Association
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

David Nicoletti
Signature

8/7/18
Date

David Nicoletti PE #76814
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: Red Rock Rd Date Inspected: July 30, 2018 APN: 033-170-013
 From Road: Fairway Dr (Post Mile _____) Planning & Building
 To Road: Road M (Post Mile _____) Department Case/File No.:
 11421

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: 96 Date(s) measured: July 30, 2018

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one: No. Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: No. Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: No. Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: No. Yes (check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: No. Yes.

F. Need for turn-outs.

Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

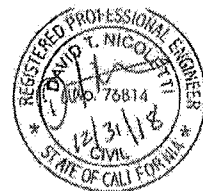
The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

David Nicoletti
 Signature of Civil Engineer

8/7/18
 Date



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Benbow Valley Farms APN: 033-170-013

Planning & Building Department Case/File No.: 11421

Road Name: Road M (complete a separate form for each road)

From Road (Cross street): Red Rock Rd

To Road (Cross street): APN 033-170-013

Length of road segment: .75 miles Date Inspected: July 30, 2018

Road is maintained by: County Other Property Owners
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

David Nicoletti

Signature

8/7/18

Date

David Nicoletti PE #76814

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: Road M Date Inspected: July 30, 2018 APN: 033-170-013
 From Road: Red Rock Rd APN (Post Mile _____) Planning & Building
 To Road: 033-170-013 (Post Mile _____) Department Case/File No.:
 11421

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?
 Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.)

ADT: 16 Date(s) measured: July 30, 2018

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

- A. Pattern of curve related crashes.
 Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
 Check one: No. Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.
 Check one: No. Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.
 Check one: No. Yes (check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
 Check one: No. Yes.
- F. Need for turn-outs.
 Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a *Neighborhood Traffic Management Plan* is also required and is attached.)
- The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

David Nicoletti
 Signature of Civil Engineer

8/7/18
 Date



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

From: David Nicoletti PE QSD\QSP
DTN Engineering & Consulting
2731 K Street Unit A
Eureka, CA 95501
Email: dnicoletti@dtngineering.com

Subject: Roadway Evaluation for APN #033-170-013, APPS# 11421

Introduction

On July 30, 2018, DTN Engineering & Consulting (Engineer) performed a roadway evaluation for Benbow Valley Farms, upon request from Humboldt County Public Works. Humboldt County Public Works has provided direction for the roads to be evaluated by the Engineer. The roads to be evaluated are as follows (see Exhibit A):

- Red Rock Road from Fairway Dr to Road M
- Road M to APN 033-170-013 Including Cultivation Areas.

These roadways are being evaluated as part of the Applicant's Cannabis permit referral process. The roadways were evaluated for Category 4 compliance as described in Title III – Land Use and Development, Division II, Fire Safe Regulations (Ordinance) (Exhibit G). The driveway was evaluated for Driveways in accordance with the Ordinance. This analysis performed was in accordance with the Roadway Evaluation Report Instructions provided by Humboldt County Public Works Department.

The existing site conditions for the evaluated roadways in this Technical Memorandum consists of hilly terrain (Exhibit F), crosses one Streamside Management Areas (SMA) (Exhibit C), and high seismic instability (Exhibit D). There are gradual to steep grades along the roadway evaluation. The Applicant will have two employees onsite and during trimming up to 5 employees will be on-site. Deliveries of supplies to the Applicants facilities will occur once every year.

Evaluation

Road M from Cultivation Area to Red Rock Rd. Location Photos 1-54 (Exhibit B)

Road M has widths that are 12-15 feet wide with 1-2 foot shoulders. There are two culverts on this stretch of Road M that gets crossed at Photo's 26/27 & 39. Road M has grades under 16% except and natural turnaround areas exist at Photo 11 & 17. Curves have existing pullouts that allow more than one car to pass safely except for the curves shown in Photo's 47, 46, & 51. At the intersection of Road M and Red Rock Rd exists a drive that intersects the intersection in a manner that limits sight visibility entering Red Rock Rd or Road M. It is recommended to sign the intersection due to the site visibility issues.

Outside of parcel Road M is not a Category 4 Road, but on the parcel itself Road M is a Category 2 roadway. Off the parcel it is recommended to construct pullouts for curves at Photo locations 42, 46, & 47. It is also recommended to check the sizing of the culverts for adequacy for a 100 year event and also clean the inlet and outlet.

Red Rock Rd from Road M (Photo 54) to Fairway Dr (Photos 55-233) (Exhibit B)

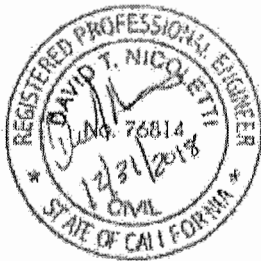
This evaluation will apply the Category 4 roadway criteria to Red Rock Rd that is not County maintained serving the APN's # 033-170-013. Red Rock Rd is generally in good condition and meets an Equivalent Category 4 roadway at some locations, but in most it does not meet an Equivalent Category 4 roadway. In Photo 231 a sign has been placed at the entrance to Red Rock Rd stating that a road association maintains the road and that the posted speed limit is 15 MPH.

From the intersection of Road M (Photo 54) to Fairway Dr. Red Rock Rd varies from 14 feet in to 20 feet with 1-3 foot shoulders. The grades for Perry Meadows Rd are typically below 16% except for Photo's 61, 86, 96, 101, 144, 154, 157, 171, which are between 16% and 20%. Flattening out the roadway will create adverse environmental impacts and the steep slopes are short in length so any improvements to flatten the slopes is not recommended. There are seventeen culvert crossings and new culverts were being installed on the day of the site visit. Photos 178/179 show a culvert that was installed during the site visit. As shown in the photos the culvert is not installed to either State or County requirements. The construction crews installing the culverts had a total of three pipes including the one in Photo's 178/179. The Engineer is unsure as to whether 1600 permits, building permits, or grading permits, were pulled for the culvert installations

The curves have turnouts associated with them or the roadway is wide enough for two cars to pass safely at the same time. Turnouts will need to be added at Photo's 55, 66/67, 75, 106, 121, 173, and 203.

This portion of Non-County Maintained portion of Red Rock Rd doesn't meet a Category 4 roadway or an Equivalent Category 4 roadway. It is recommended to establish pullouts for curves at the locations identified, verify sizing and fix any crushed and clogged culverts. Additional recommendations would be to construct waterbars in accordance with Appendix G. With these improvements Red Rock Rd will be safe for vehicular travel.

Report Completed By
David Nicoletti PE:



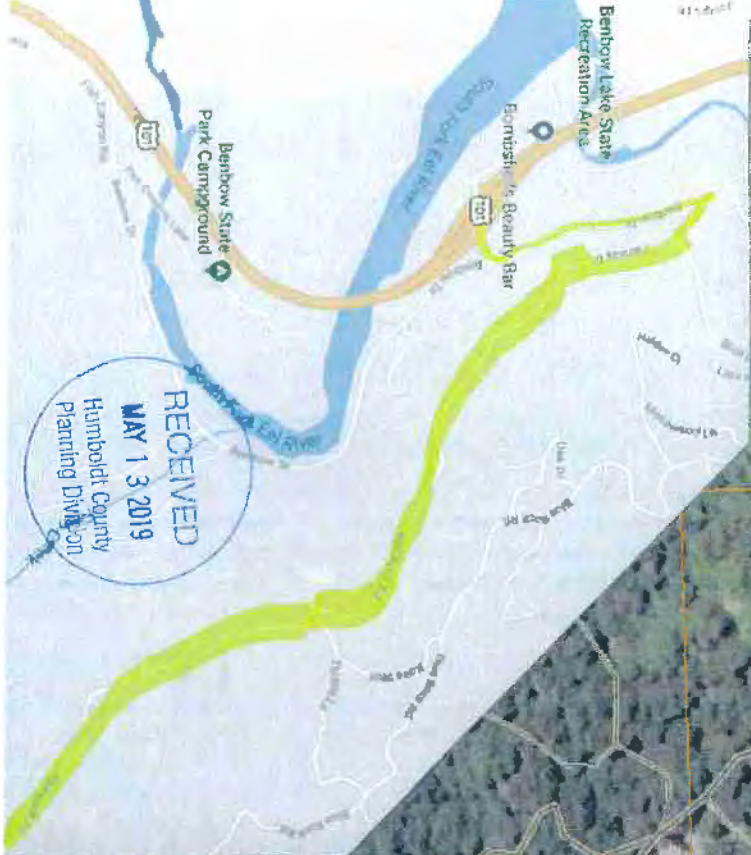
APPS: 11421 Route Map

033-170-013

Show search results for 033...

Directions: exit Hwy101 going east into Benbow; take Fairway Drive south to Red Rock Rd., continue on Red Rock to fork of K and M roads. Take left fork onto M Rd. continue to intersection of M and O roads, left onto O Rd go about 800 feet onto subject parcel.

(APN: 033-170-013)



RECEIVED
MAY 13 2019
Humboldt County
Planning Division

APPS: 11421 (APN: 033-170-013)

Showing proximity of Historic Landslides



- Labels
- Humboldt County Parcel
- Hazards
- Coastal and Dam Int
- Tsunami
- Flood
- Seismic Safety and S
- Area of Potential Li
- Seismic Safety
- Historic Landslides
- Slope LIDAR - Bk7/1
- Slope USGS
- Slope less than 15
- Topographic Conto
- Earthquake



Note: The GIS Historic Landslides areas do not fall within the boundaries of the subject parcel. Furthermore, plans for development of the barn and pond are under preparation by a licensed Civil Engineer and will address applicable Permit requirements set forth by the Humboldt County Building & Planning Division.



STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H505083

CERTIFICATE H100414

Right Holder: *Chad Mussey*
PO BOX 1932
Redway, CA 95560

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 12/31/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Unnamed Stream	Horse Pasture Creek	40.040322	-123.743971	Humboldt	03317013

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	03317013	0.5

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/16/2019. The place of use is shown on the map filed on 01/16/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1.37 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.7 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 01/16/2019 11:46:29

© 2019 - State Water Resources Control Board



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.
 Santa Rosa, CA 95401
 Website: www.fire.ca.gov
 (707) 576-2959



Date: January 05, 2016
 Ref.: 1-15EX-401-HUM

STEVEN LANDRY
 144 HANSEN DDR
 FORTUNA, CA 95540

Dear Mr. Landry:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **December 31, 2015**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.*****

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Topher Henderson
 Forestry Assistant II

Enclosure

cc: Unit
 Board of Equalization
 RPF – Chris Carroll
 LTO – Mendes Land Management
 File
[ftp://thp.fire.ca.gov/THPLibrary/North Coast Region/](ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/)

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

LESS THAN 3 ACRE CONVERSION EXEMPTION

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM
CONVERSION AND TIMBER HARVESTING PLAN REQUIREMENTS
RM-73 (1104.1a) (11/12)

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE
TIMBER OPERATIONS CANNOT START UNTIL VALID COPY
OF A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

FOR ADMIN. USE ONLY
Ex. # 1-15 EX-401 Num
Date of Receipt DEC 31 2015
Date Accepted 12/31/15
Date Expires 12-30-16

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1104.1(a): Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres. (See 14 CCR § 1104.1(a) for a description of the conditions on the conduct of this type of timber operation and additional information that is required to be submitted.) Complete Items 1 through 8 on both pages of this notice.

1. TIMBER OWNER(S) OF RECORD: Steven R. Landry

Address: 144 Hansen Dr.

City: Fortuna State: CA Zip: 95540 Phone: 707-601-5319

TIMBER TAX EXEMPTION: Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from timber yield tax: Timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete items A and B below. For timber yield tax information or for further assistance with these questions call the State Board of Equalization, 1-800-400-7115, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0060; or contact the BOE Web Page on the Internet at http://www.boe.ca.gov.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf [8-15 mbf] 16-25 mbf Over 25 mbf

B. Estimate the species composition of the timber that will be removed during this harvest (numbers should sum to 100%):

Redwood. ___%; Ponderosa/Sugar pine ___%; Douglas-fir 85% Fir ___%;
Port-Orford Cedar ___%; Cedar (IC, WRC) ___%; Other conifer ___%; Other hardwood 15 %.

2. TIMBERLAND OWNER(S) OF RECORD: Steven R. Landry

Address: 144 Hansen Dr.

City: Fortuna State: CA Zip: 95540 Phone: 707-601-5319

I certify, under penalty of perjury, that this is a one-time conversion to a non-timberland use and that there is a "bona fide intent" [14 CCR § 1100(b)] to convert to agriculture. I additionally certify, under penalty of perjury, that I, acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, have not obtained an exemption pursuant to this section in the last five years.

SIGNATURE [Signature] Date 11/14/15

3. LICENSED TIMBER OPERATOR(S): Mendes Land Management

Lic. No. A-9898

Address: 517 Penny Lane

City Fortuna State CA Zip 95540 Phone 707-845-5288

SIGNATURE [Signature] Date 11-19-15

4. Designate the legal land description of the location of timberland conversion. A map showing the location of the timberland conversion MUST be attached. The map must show the ownership boundaries, the location of the timber operation, boundaries of the conversion, location and classification of all watercourses, and landing locations.

Section Township Range Base & Meridian County Acreage to be Converted Assessors Parcel Number
8 5S 4E Humboldt Humboldt 2.9 APN 033-170-13

RECEIVED

DEC 31 2015

Page 1 NOTE: This form has two pages. Continue on and complete page 2. Read the instructions before attempting to complete.

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):

- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
- B. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
- C. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
- D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
- E. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)1-3.
- F. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
- G. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
- H. No sites of rare, threatened or endangered plants or animals or species of special concern shall be disturbed, threatened, or damaged.
- I. No timber operations are allowed on significant historical or archeological sites.
- J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
- K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, _____, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. **(If the county has authorized a designee this item MUST be completed. If it has not, see Item 7.)**

SIGNATURE See following page for signature Date _____

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2628

Address: Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF Chris Carroll Date 12-31-15

8. NOTICE SUBMITTER(S): Steven R. Landry

Address: 144 Hansen Dr.

City: Fortuna State: CA Zip: 95540 Phone: 707-601-5319
 Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE Steven R. Landry Date 11/14/15

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

RECEIVED

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710	DEC 31 2015 COAST AREA OFFICE RESOURCE MANAGEMENT
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties	

5. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption (Notice, Notice of Conversion Exemption, Conversion Exemption):

- A. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
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- D. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
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- J. Within one month of the completion of timber operations, including slash disposal, the timberland owner shall submit a work completion report to CAL FIRE.
- K. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

6. I, Karen Meynell, declare as the authorized designee of the County Board of Supervisors that this conversion exemption is in conformance with all county regulatory requirements, including public notice. (If the county has authorized a designee this item **MUST** be completed. If it has not, see Item 7.)

SIGNATURE Karen Meynell Date 12/15/15

7. Registered Professional Forester preparing Notice: Chris Carroll Number 2628

Address: Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4

City Fortuna State CA Zip 95540 Phone 707-725-1897

I have, or my supervised designee has, (1) prepared this Notice of Conversion Exemption Timber Operations; (2) visited the site and flagged the boundaries of the conversion exemption, applicable WLPZs and equipment limitation zones; (3) prepared a Neighborhood Notice of Conversion Exemption according to 14 CCR § 1104.1(a)(3) to be mailed by the landowner to adjacent landowners; and (4) posted and dated a copy of the Neighborhood Notice of Conversion Exemption on the ownership, visible to the public, at least 5 days prior to the postmark date of submission of the Notice of Conversion Exemption. I certify that if the County Board of Supervisors has not designated a representative authorized to sign in Item 6 that I, or my supervised designee, contacted the county and the Notice is in conformance with county regulations.

SIGNATURE of RPF Chris Carroll Date 11-14-15

8. NOTICE SUBMITTER(S): Steven R. Landry

Address: 144 Hansen Dr.

City: Fortuna State: CA Zip: 95540 Phone: 707-601-5319
 Submitter must be 1, 2, or 3 above, and must sign.

SIGNATURE _____ Date _____

RECEIVED

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

DEC 31 2015

Forest Practice, CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401	Forest Practice, CAL FIRE 6105 Airport Road. Redding, CA 96002	Forest Practice, CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710	COAST AREA OFFICE RESOURCE MANAGEMENT
Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties	Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties	Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties	

Project Description

This Conversion Exemption proposes to convert timberland into agriculture. Per the Humboldt County General Plan, the conversion exemption area is presently zoned Agricultural Exclusive (AE-B-6). Humboldt County's Grading and Open Space Ordinance applies to this project and the County has reviewed and signed off on this project. See attachment from County.

Addendum 14CCR 1104.1(a)(1)(E)(1-4)

The timberland owner has certified via his signature, under penalty of perjury, that this is a one-time conversion to agriculture. The timberland owner understands that a "Bona Fide Intention or bona fide intent" is a present, sincere intention of the applicant to conform with and successfully execute the conversion plan, as determined by the Director in accordance with provisions of Sec. 1105.2 (Ref.: Sec. 4623, PRC). The timberland owner, acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, has not obtained an exemption pursuant to this section in the last five years.

Addendum 14CCR 1104.1(a)(2)(F)

The conversion area is not located within a WLPZ or ELZ. The RPF has flagged the WLPZ of the two Class II Watercourses located to the north and south of the conversion area. For compliance with Humboldt County's Grading and Open Space Ordinance, a 100 foot SMA is required alongside the Class II Watercourses.

Addendum 14CCR 1104.1(a)(2)(H)

There are known NSO Territories within 0.7 miles of the conversion boundary, and no known sensitive species per California Natural Diversity Database (CNDDDB) queried on 11-15-2015.

Addendum 14CCR 1104.1(a)(6)

The extent of the vegetation removal and site preparation required for the conversion;

This conversion requires timber harvesting, treatment of logging slash, and extensive site preparation, grading, and excavation.

The suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

The conversion exemption area's slopes, microclimate, and aspects are suitable for agriculture, which is presently occurring upslope from the proposed conversion sites. The soils are inadequate for agriculture but grow medium is imported and therefore not a limiting factor.

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DEC 31 2015

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

Addendum 14CCR 1104.1(a)(2)(D) - Treatment of Logging 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.
8. Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.







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DEC 31 2015

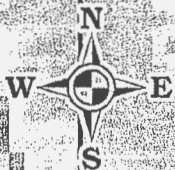
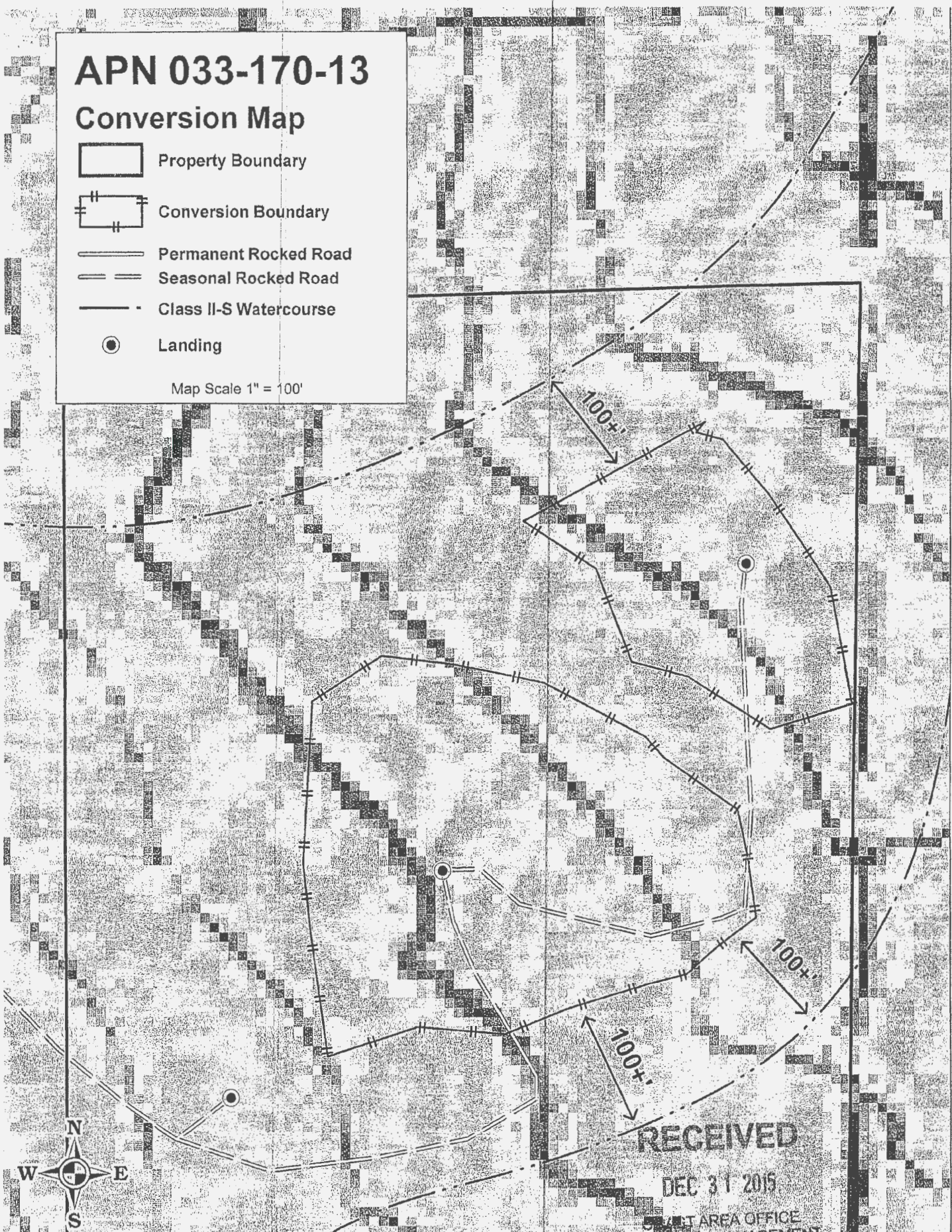
**COAST AREA OFFICE
RESOURCE MANAGEMENT**
Page 66

APN 033-170-13

Conversion Map

-  Property Boundary
-  Conversion Boundary
-  Permanent Rocked Road
-  Seasonal Rocked Road
-  Class II-S Watercourse
-  Landing

Map Scale 1" = 100'






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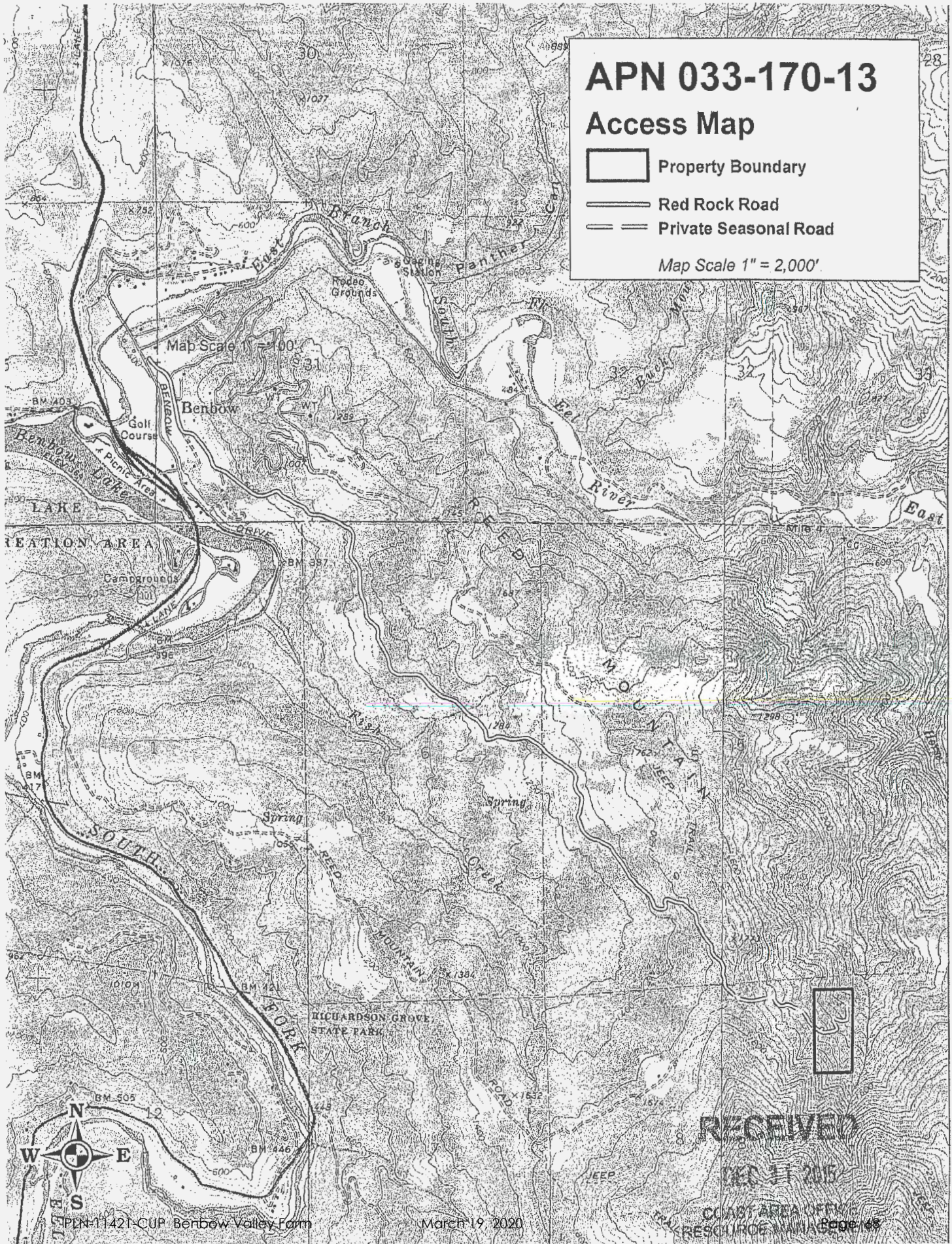
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RESOURCE MANAGEMENT

APN 033-170-13

Access Map

-  Property Boundary
-  Red Rock Road
-  Private Seasonal Road

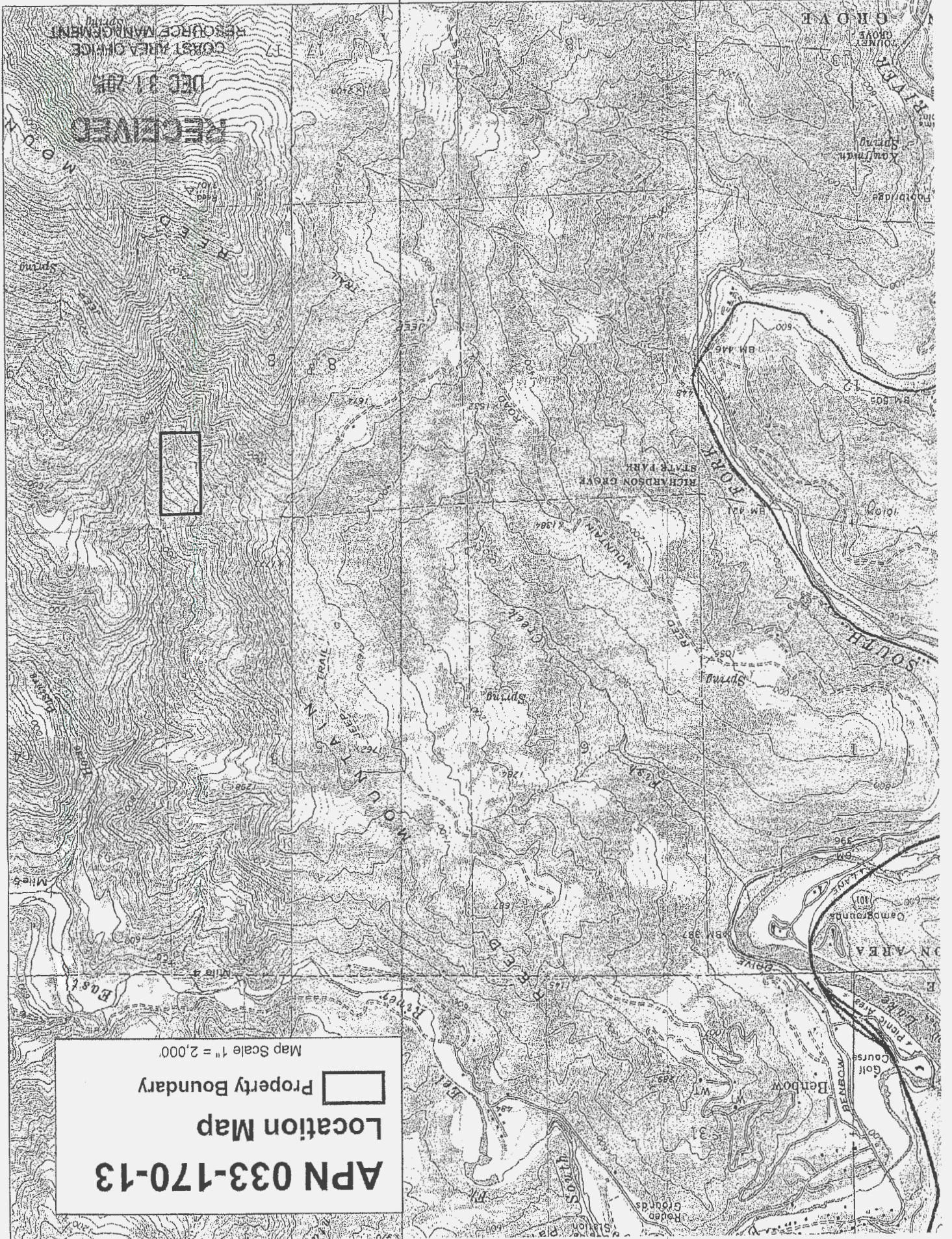
Map Scale 1" = 2,000'



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DEC 31 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT



Additional Information

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DEC 31 2015

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

Less Than 3-acre Conversion Exemption NOTICE OF TIMBER OPERATIONS

Date of Posting of this Notice: November 14, 2015

A Conversion exemption that may be of interest to you will be submitted to the California Department of Forestry & Fire Protection. The California Department of Forestry & Fire Protection will be reviewing the proposed timber operation for compliance with various laws and rules. The following briefly describes the proposed conversion exemption and where and how to get more information. Questions about the proposed conversion exemption or laws and rules governing timber operations should be directed to:

California Department of Forestry and Fire Protection
Forest Practice Program
135 Ridgeway Avenue
Santa Rosa, CA 95402
(707) 576-2959

Information about the Conversion Exemption is as follows:

1. TIMBER OWNER OF RECORD: Steven R. Landry
Address: 144 Hansen Dr.
City: Fortuna State: CA Zip: 95540 Phone: 707-601-5319
2. TIMBERLAND OWNER OF RECORD: Steven R. Landry
Address: 144 Hansen Dr.
City: Fortuna State: CA Zip: 95540 Phone: 707-601-5319
3. LICENSED TIMBER OPERATOR(S): Mendes Land Management Lic. No. A-9898
Address: 517 Penny Lane
City Fortuna State CA Zip 95540 Phone 707-845-5288
4. REGISTERED PROFESSIONAL FORESTER PREPARING NOTICE: Name Chris Carroll RPF Number 2628
Address Timberland Resource Consultants, 165 South Fortuna Blvd, Suite 4
City Fortuna State CA Zip 95540 Phone (707) 725-1897
5. AGENCY OF HUMBOLDT COUNTY RESPONSIBLE FOR LAND USE CHANGES: Humboldt County Planning Department
6. PROJECT LOCATION: Located approximately 2.75 miles southeast of Benbow. Legal description is E ½ of NE ¼ of Section 8, Township 5 South, Range 4 East, HB&M, APN 033-170-13. Property address is 321 Road O, Garberville, CA. Access is via Red Rock Road.
7. TYPE OF CONVERSION: This is a conversion from timberland to agriculture and the maximum size of this conversion exemption is less than three acres.

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DEC 31 2015

**COAST AREA OFFICE
RESOURCE MANAGEMENT**
Page 71



State of California
Well Completion Report
 WCR Form Submitted 07/14/2016
 WCR2016-004831

321"0" Road
**Keep This Copy
 For Your Records**

Owner's Well Number 1 Date Work Began 07/11/2016 Date Work Ended 07/14/2016
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 15/16-0514 Permit Date 03/23/2016

Well Owner (must remain confidential pursuant to Water Code 13752)

Name Chad Mussey
 Mailing Address PO Box 1932
 City Redway State CA Zip 95680

Planned Use and Activity

Activity New Well
 Planned Use Water Supply Domestic

Well Location

Address 321 O RD APN 033-170-13
 City Garberville Zip 95642 County Humboldt Township 05 S
 Latitude _____ N Longitude _____ W Range 04 E
 Deg. Min. Sec. Deg. Min. Sec. Section 08
 Dec. Lat. 40.0392610 Dec. Long. -123.7449260 Baseline Meridian Humboldt
 Vertical Datum _____ Horizontal Datum WGS84 Ground Surface Elevation _____
 Location Accuracy _____ Location Determination Method _____ Elevation Accuracy _____
 Elevation Determination Method _____

Borehole Information

Orientation Vertical Specify _____
 Drilling Method Other - Under-Rear Down-Hole Hammer Drilling Fluid Air
 Total Depth of Boring 240 Feet
 Total Depth of Completed Well 240 Feet

Water Level and Yield of Completed Well

Depth to first water 47 (Feet below surface)
 Depth to Static _____
 Water Level 47 (Feet) Date Measured 07/13/2016
 Estimated Yield* 10 Test Type Air Lift
 Test Length 4.0 Total Drawdown 189 (Feet)
 *May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet	Description
0 - 3	Top Soil
3 - 47	Brown Clay
47 - 83	Brown Sandstone
83 - 165	Blue Sandstone
165 - 240	Blue Shale

Casings

Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size if any (Inches)	Description
1	0 - 60	Blank	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5			
1	60 - 240	Blank	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032	
2	0 - 60	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	60 - 140	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6	Milled Slots	0.05	

RECEIVED

MAR 08 2016



HUMBOLDT COUNTY DIVISION OF ENVIRONMENTAL HEALTH

Environmental Health 100 H Street, Suite 100, Eureka, CA 95501 phone: (707) 445-6215 fax: (707) 441-5699

WATER WELL APPLICATION CONSTRUCTION - REPAIR - DESTRUCTION

1516-0514

The Well Permit will be returned to the property owner when approved by Humboldt County Division of Environmental Health (DEH)

Instructions:

- 1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address: 321 O Rd. APN: 033-170-13
City/State/Zip: Garberville, CA 95542
Directions to Site:

Applicant: FISCH DRILLING Contact: CHRIS FISCH
Mailing Address: 3150 JOHNSON RD Work Phone: (707) 768-9800
City/State/Zip: HYDESVILLE, CA 95547 Cell Phone: (707) 601-3042

Property Owner: Chad Mussey Home Phone: 707-223-3377
Mailing Address: PO Box 1932 Work Phone:
City/State/Zip: Redway, CA 95560 Cell Phone:

I hereby grant 'right-of-entry' for inspection purposes

Drilling Contractor: FISCH DRILLING License #: 683865

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.

Well Driller Signature: [Signature]

Would driller like a copy of approved application? [X] Yes [] No

[] U.S. Mail address:

[X] Email address: chris@fischdrilling.com

Type of Application: [X] Construction [] Destruction [] Repair/Modification
Construction: Estimated Depth (ft.), Diameter (in.) 10", Depth of Seal (ft.) 20', Sealing Material Bentonite
Intended Use: [X] Domestic - private [] Community Supply [] Irrigation [] Other



State of California
Well Completion Report
 WCR Form Submitted 07/14/2016
 WCR2016-004831

321"0" Road
**Keep This Copy
 For Your Records**

Owner's Well Number 1 Date Work Began 07/11/2016 Date Work Ended 07/14/2016
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 15/16-0514 Permit Date 03/23/2016

Well Owner (must remain confidential pursuant to Water Code 13752)

Name Chad Mussey
 Mailing Address PO Box 1932
 City Redway State CA Zip 95680

Planned Use and Activity

Activity New Well
 Planned Use Water Supply Domestic

Well Location

Address 321 O RD APN 033-170-13
 City Garberville Zip 95642 County Humboldt Township 05 S
 Latitude _____ N Longitude _____ W Range 04 E
 Deg. Min. Sec. Deg. Min. Sec. Section 08
 Dec. Lat. 40.0392610 Dec. Long. -123.7449260 Baseline Meridian Humboldt
 Vertical Datum _____ Horizontal Datum WGS84 Ground Surface Elevation _____
 Location Accuracy _____ Location Determination Method _____ Elevation Accuracy _____
 Elevation Determination Method _____

Borehole Information

Orientation Vertical Specify _____
 Drilling Method Other - Under-Rear Down-Hole Hammer Drilling Fluid Air
 Total Depth of Boring 240 Feet
 Total Depth of Completed Well 240 Feet

Water Level and Yield of Completed Well

Depth to first water 47 (Feet below surface)
 Depth to Static _____
 Water Level 47 (Feet) Date Measured 07/13/2016
 Estimated Yield* 10 Test Type Air Lift
 Test Length 4.0 Total Drawdown 189 (Feet)
 *May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet	Description
0 - 3	Top Soil
3 - 47	Brown Clay
47 - 83	Brown Sandstone
83 - 165	Blue Sandstone
165 - 240	Blue Shale

Casings

Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size if any (Inches)	Description
1	0 - 60	Blank	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5			
1	60 - 240	Blank	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032	
2	0 - 60	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	60 - 140	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6	Milled Slots	0.05	

LINDBERG GEOLOGIC CONSULTING
David N. Lindberg, CEG
Post Office Box 306
Cuttan California 95534
(707) 442-6000

APPS:
11421

March 22, 2019

Project Number: 0276.00

Mr. Chad Mussey
Post Office Box 1932
Redway, California 95560



Subject: On-Site Wastewater Treatment System Design Report for New Restroom
(APN) 033-170-013, 321 Road O, Benbow, Humboldt County

Dear Mr. Mussey:

Design of the On-Site Wastewater Treatment System for your site has been completed. This parcel is located in southern Humboldt County southeast of Benbow on Reed Mountain Road (Figure 1). Our subsurface exploration and materials testing demonstrates that a suitable dispersal field and a 100% reserve area exist for an on-site wastewater disposal system for the proposed new building at this location on your property. An annotated copy of the Humboldt County Assessor's parcel map is attached (Figure 2). The system will serve the new restroom at the location shown approximately in Figure 3.

Two exploratory backhoe test pits were excavated on January 31, 2019, within anticipated areas of the proposed primary and reserve dispersal fields (Figure 3). As proposed, dispersal fields are more than 50 feet from all property lines, and more than 100 feet from any wells or perennial streams. Our exploratory test pits were extended to approximately 10-feet below grade; free groundwater and soil mottling were absent in both test pits. Test pits were sampled at 5 feet below grade. By textural analysis (results attached), both samples were found to be Sandy Loam, an acceptable Zone-2 soil. Logs of TP-1 and TP-2 are attached (Figures 8 and 9).

Based on the results of our testing and exploration, a standard, "code" gravity flow sewage disposal system was designed for this location. The system was designed for a maximum load of 18 day workers. In accordance with Appendix C of the Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual, we estimated 25 gallons per day (gpd) per person for the effluent flow. Our 25 gpd flow is midway between the 15 gpd for "Workers, day, at schools and offices (per shift)", and 35 gpd per person per shift for "Factories". Thus, the daily flow used for design was 450 gallons per day, the same as is used for a three-bedroom residence occupied year-around.

County regulations specify a septic tank capacity of "three times daily flow"; therefore, we specify a 1,500 gallon septic tank for this application. As dictated by the soil type (Sandy Loam), and a soil application rate of 0.389 gallons per day per square foot, primary and reserve areas were sized for an estimated 25 minutes per inch percolation rate. This volume of effluent

LINDBERG GEOLOGIC CONSULTING
David N. Lindberg, CEG

Page 2
March 22, 2019
On-Site Wastewater Treatment (Septic) System Design Report for New Restroom
(APN) 033-170-013, Mr. Chad Mussey; LGC Project No. 0276.00

will require slightly more than 1,157 square feet of absorption area, which can be provided by 192 linear feet of dispersal trench. The proposed primary dispersal field area 30 feet wide, by 50 feet in length is outlined on the attached site image, as is a 1,500 square-foot reserve area (Figure 3).

Given the limited suitable area available, a graveled trench dispersal system is recommended for this application. Dispersal fields should consist of four (4) trenches, each being 50 feet in length, five feet deep and 18 inches in width. Space the trenches 10 feet on-center. Trench bottoms and distribution boxes shall all be level. An experienced contractor should be retained to install this system in compliance with Humboldt County OWTS requirements.

Graveled trench dispersal fields will be 30 feet wide and 50 feet in length. Proposed dispersal fields are presented schematically and approximately on Figure 3. A diagrammatic layout of the proposed dispersal field trenches in plan view is attached as Figure 4. A cross section of a typical dispersal trench is attached as Figure 5.

Please contact me at the number above if you have any concerns or questions.

Sincerely,

David N. Lindberg, CEG 1895
Lindberg Geologic Consulting

DNL:sll

Attachments:

Figure 1: Topographic Location Map

Figure 2: Assessor's Parcel Map, Book 033, Page 17

Figure 3: Site Plan Image

Figure 4: Graveled Trench OWTS Schematic Plan for New Building Restroom

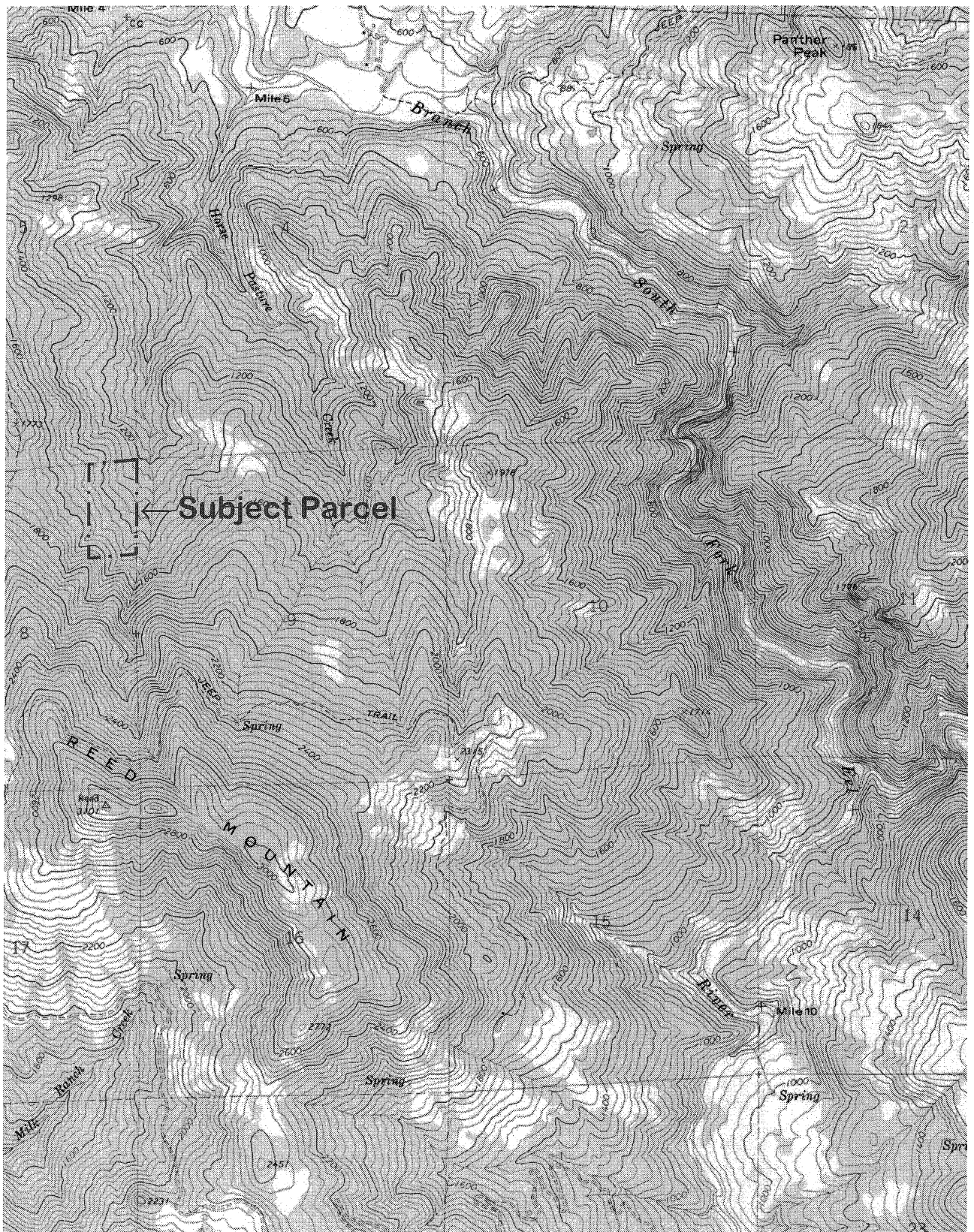
Figure 5: Cross-Section of Typical Dispersal Field Graveled Trench

Figure 6: Log of Test Pit TP-1

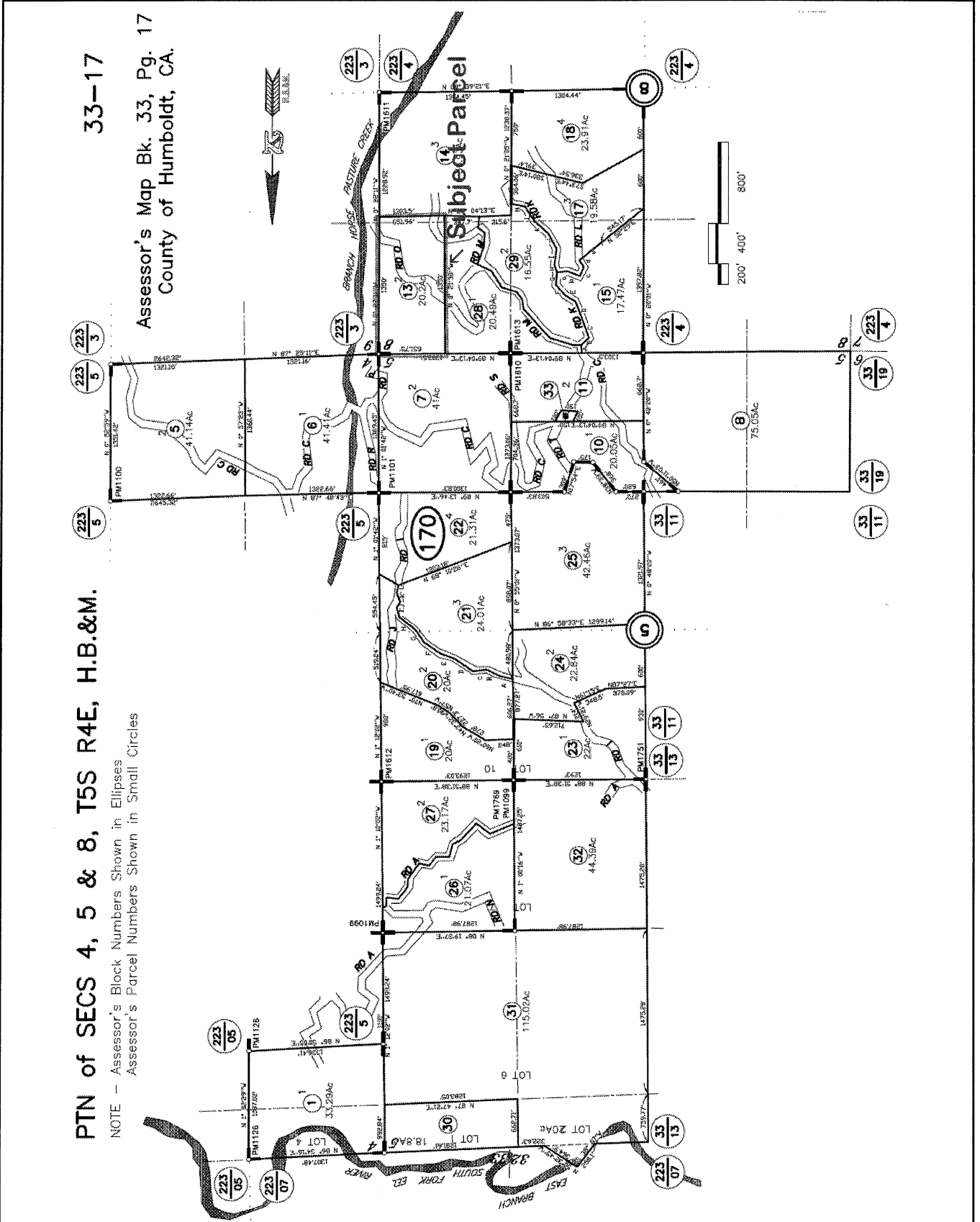
Figure 7: Log of Test Pit TP-2

Laboratory Report: Soil Percolation Suitability / Textural Analysis Results

Lindberg Geologic Consulting	OWTS Design Report for New Restroom	Figure 1
Post Office Box 306	321 Road O, near Benbow, Humboldt County	March 22, 2019
Cutten, CA 95534	APN 033-170-013, Mr. Chad Mussey, Client	Project 0276.00
(707) 442-6000	Topographic Location Map (Locations Approximate)	1 inch \approx 2,400 feet



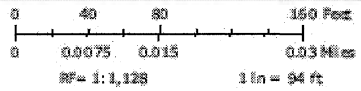
Lindberg Geologic Consulting	OWTS Design Report for New Restroom	Figure 2
Post Office Box 306	Road O, near Benbow, Humboldt County	March 22, 2019
Cutten, CA 95534	APN 033-170-013, Mr. Chad Mussey, Client	Project 0276.00
(707) 442-6000	Assessor's Parcel Map (Locations Approximate)	Scale as Shown



Lindberg Geologic Consulting	OWTS Design Report for New Restroom	Figure 3
Post Office Box 306	Reed Mountain Road, Humboldt County	March 22, 2019
Cutten, CA 95534	APN 033-170-013, Mr. Chad Mussey, Client	Project 0276.00
(707) 442-6000	Satellite Image Site Plan. All Locations Conceptual and Approximate	Scale as Shown

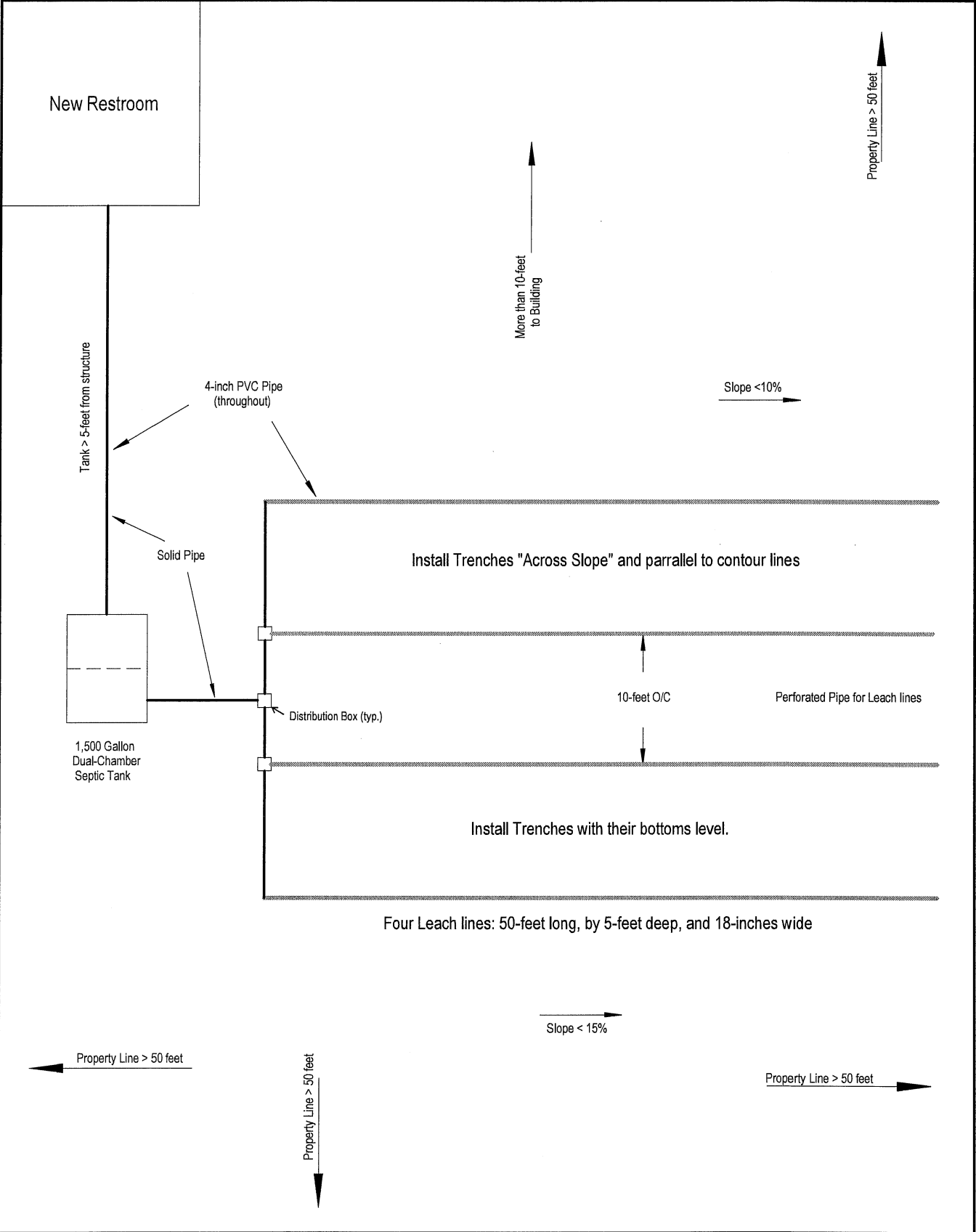


ArcGIS Web Map
Humboldt County Planning and Building Department

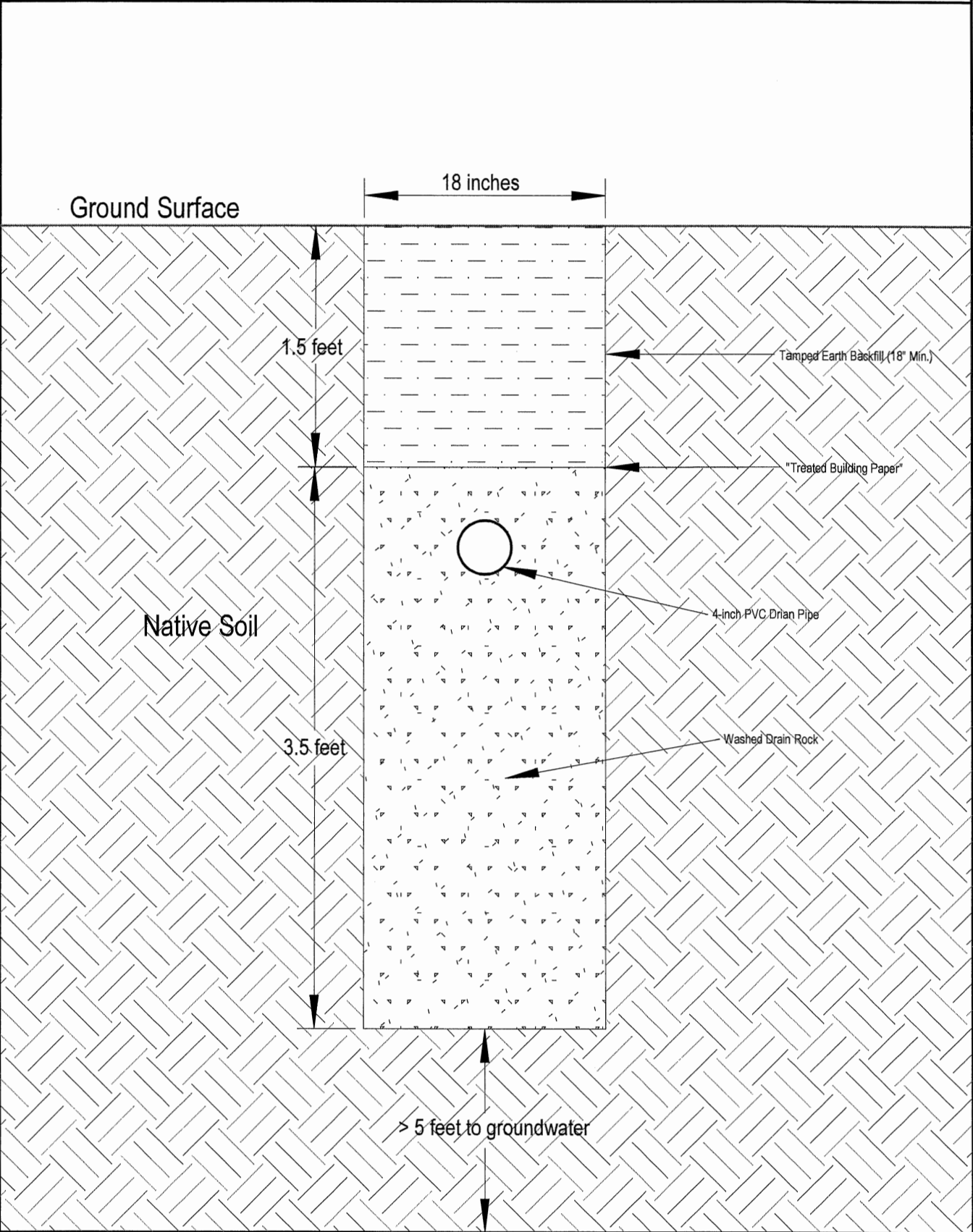


Modified from: Humboldt County WebGIS, Planet Imagery of May 2018.

Lindberg Geologic Consulting	OWTS Design Report for New Restroom	Figure 4
Post Office Box 306	321 Road O, Benbow, Humboldt County	March 22, 2019
Cutten, California 95534	APN 033-170-013, Mr. Chad Mussey, Client	Project 0276.00
(707) 442-6000	Graveled Trench OWTS Schematic Plan	Dimensions as shown



Lindberg Geologic Consulting	OWTS Design Report for New Restroom	Figure 5
Post Office Box 306	321 O Road, Benbow, Humboldt County	March 22, 2019
Cutten, California 95534	APN 033-170-013 Mr. Chad Mussey, Client	Project 0276.00
(707) 442-6000	Cross-Section of Typical Dispersal Field Graveled Trench	Dimensions Shown



LABORATORY				FIELD		Depth (feet)	Graphic Lithology	U.S.C.S. Designation	SOIL DESCRIPTION
Dry Density (pcf)	Moisture Content (%)	Cohesion: Friction Angle (psf; degrees)	Other Tests	Blows/foot*	Sample				
			Sand 61.1%, Silt 20.1%, Clay 18.8%			1			
						2			
						3			
						4			
						5		SM	Sand with silt, yellowish brown, dense to hard, moist, rocky, intensely-fractured sandstone and weathered sandstone in sandy matrix. Grades to fractured sandstone at depth, rocky with angular fractured sandstone, and rounded fine gravel weathered from more conglomeratic sandstone beds. Abundant intergranular porosity in upper eight-foot grades to fracture porosity near total depth.
						6			
						7			
						8			
						9			
						10			No groundwater or mottling encountered. Test Pit backfilled on completion.
						11			
* The blow counts have been converted to standard N-value blow counts				LOGGED BY: <u>David N. Lindberg, CEG</u>					
SURFACE ELEVATION: <u>1400 Feet</u>				BOREHOLE DIAMETER: <u>24 Inches</u>					
TOTAL DEPTH: <u>10 Feet</u>				EQUIPMENT: <u>Tracked Excavator</u>					
GROUNDWATER DEPTH: <u>>10 Feet</u>				HAMMER TYPE: <u>None</u>					
LINDBERG GEOLOGIC CONSULTING						LOG OF TEST EXCAVATION / BORING			Figure No.
PROJECT NUMBER: <u>0276.00</u> DATE: <u>January 31, 2019</u>						TP-1 Mussey Building Septic			6

LABORATORY				FIELD		Depth (feet)	Graphic Lithology	U.S.C.S. Designation	SOIL DESCRIPTION
Dry Density (pcf)	Moisture Content (%)	Cohesion: Friction Angle (psf; degrees)	Other Tests	Blows/foot*	Sample				
						1			
						2			
						3			
						4			
			Sand 53.3%, Silt 30.1%, Clay 16.6%			5		SM	Sand with silt, yellowish brown, dense to hard, moist, rocky, weathered and intensely-fractured sandstone in sandy matrix. Grades to hard fractured sandstone at depth, rocky with fine rounded gravel weathering from conglomeratic sandstone beds mixed with angular sandstone fragments. Predominantly intergranular porosity in upper part of section grades to fracture porosity by 10-feet.
						6			
						7			
						8			
						9			
						10			No groundwater or soil mottling encountered. Test Pit backfilled upon completion.
						11			
* The blow counts have been converted to standard N-value blow counts				LOGGED BY: <u>David N. Lindberg, CEG</u>					
SURFACE ELEVATION: <u>1,400 Feet</u>				BOREHOLE DIAMETER: <u>24 Inches</u>					
TOTAL DEPTH: <u>10 Feet</u>				EQUIPMENT: <u>Tracked Excavator</u>					
GROUNDWATER DEPTH: <u>>10 Feet</u>				HAMMER TYPE: <u>None</u>					
LINDBERG GEOLOGIC CONSULTING						LOG OF TEST EXCAVATION / BORING			Figure No.
PROJECT NUMBER: <u>0276.00</u> DATE: <u>January 31, 2019</u>						TP-2 Mussey Building Septic			7



Reference: 018007

February 27, 2019

David Lindberg
Lindberg Geologic Consulting
P.O. Box 306
Cutten, CA 95534

SOIL PERCOLATION SUITABILITY/ TEXTURAL ANALYSIS RESULTS

Job Name: Mussey	Sampled By: DNL-CEG
Date Sampled: 02/15/19	Date Tested: 02/27/19
Date Received: 02/19/19	AP Number: 033-170-013

<u>Sample ID</u>	<u>Depth</u>	<u>% Sand</u>	<u>% Clay</u>	<u>% Silt</u>	<u>Fragments by</u>		<u>Bulk Density</u>
					<u>Volume</u>	<u>Zone</u>	
TP-1	5'	61.1	18.8	20.1	36.6	2	*
	Material: Sandy Loam						
TP-2	5'	53.3	16.6	30.1	33.2	2	*
	Material: Sandy Loam						

* = no peds provided

Regional Water Quality Control Board Zone Descriptions:

Zone 1 - Soils in this zone are very high in sand content. They readily accept effluent, but because of their low silt and clay content they provide minimal filtration. These soils demand greater separation distances from groundwater.

Zone 2 - Soils in this zone provide adequate percolation rates and filtration of effluent. They are suitable for use of a conventional system without further testing.

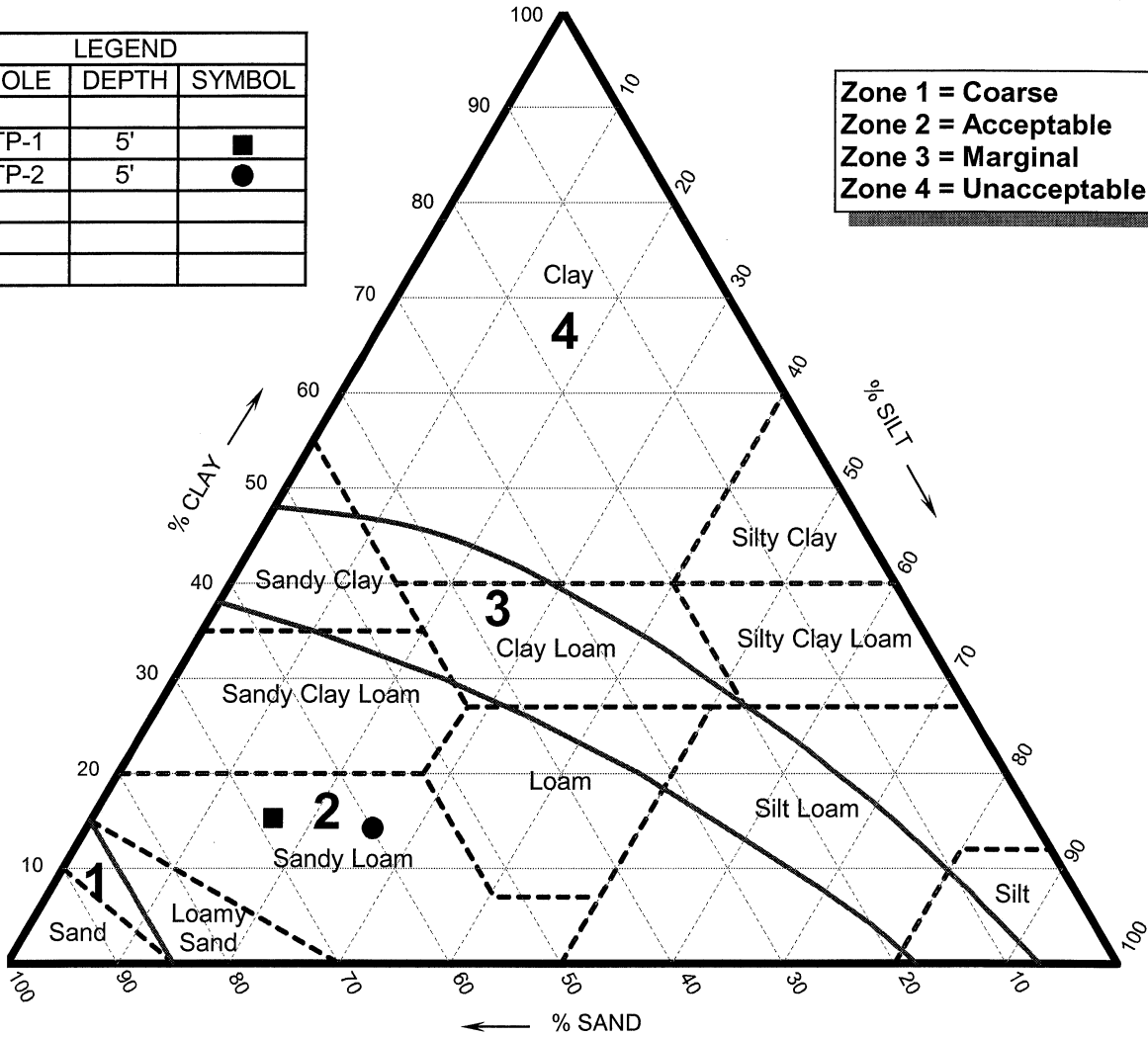
Zone 3 - Soils in this zone are expected to provide good filtration of effluent, but their ability to accept effluent at a suitable rate is questionable. These soils require wet-weather percolation tests to verify their suitability for effluent disposal by conventional leachfield methods.

Zone 4 - Soils in this zone are unsuitable for a conventional leachfield because of their severe limitations for accepting effluent.

SOIL PERCOLATION SUITABILITY CHART

LEGEND		
HOLE	DEPTH	SYMBOL
TP-1	5'	■
TP-2	5'	●

Zone 1 = Coarse
Zone 2 = Acceptable
Zone 3 = Marginal
Zone 4 = Unacceptable



NOTES

1. Soil texture is plotted on triangle based on percent sand, silt, and clay as determined by hydrometer analysis.
2. Adjustment for coarse fragments has been made by moving the plotted point in the sand direction an additional 2% for each 10% (by volume) of fragments greater than 2mm in diameter.
3. Adjustment for compactness of soil has been made by moving the plotted point in the clay direction an additional 15% for soils having a bulk-density greater than 1.7 gm/cc, when analyzed.
4. For soils falling in sand, loamy sand, or sandy loam, classification adjustment for bulk density will generally not affect suitability and a bulk-density analysis was not necessary.

JOB NUMBER: 018007

DATE: 02/27/19

JOB NAME: Mussey

APN: 033-170-013



812 W. Wabash
 Eureka, CA 95501-2138
 (707) 441-8855

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works - Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	On file with Planning (Accela)
CAL FIRE	✓	No comments	Attached
Garberville Fire Protection District		No response	
Department of Fish & Wildlife		No comments	
State Water Resources Control Board – Division of Water Rights	✓	Approved	
CA Division of Water Resources		No response	
NWIC	✓	Further Study	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
North Coast Unified Air Quality Management District		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Unified School District		No response	



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

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

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

DATE: 06/13/2019

RE:

Applicant Name	BENBOW VALLEY FARMS
APN	033-170-013
APPS#	PLN-11421-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Planning Division on May 13, 2019, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

It does not appear that the road evaluation report covers the entire access route for this project. The road evaluation report submitted does not include the non-county maintained road known as Fairway Drive.

The Department requires all recommendations by Engineer be completed. Along with any new recommendations, if any, for the extra length of roadway.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11421

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT INTERSECTION OF EAST BLUE ROCK RD (COUNTY MAINTAINED RD AND FAIRWAY DRIVE)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



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

6/5/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**, Garberville Fire PDAP:FPD, RWQCB, NCUAQMD, Southern Humboldt JUSD:School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Benbow Valley Farms **Key Parcel Number** 033-170-013-000

Application (APPS#) **PLN-11421-CUP** Historic Planning **Assigned Planner** Meghan Ryan

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

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

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

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

Return Response No Later Than: 6/20/2019

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

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

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

Other Comments: 4-GRADED SITES WITHOUT PERMITS SEE COMMENTS IN APPLIC.
PRESITE ATTACHMENTS + PHOTOS

DATE: 11/26/19 PRINT NAME: MARC PHIPPEN



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

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name Benbow Valley Farms
Address 1 Chad Mussey **Address 2** PO Box 1932
City Redway **State** CA **Zip** 95560

OWNERS NAME AND MAILING ADDRESS

Name Mussey Chad D **Email**
Address 1 **Address 2**
City Redway **State** CA **Zip** 95560

SITE INFORMATION

Parcel Number 033-170-013-000 **Application Number** PLN-11421-CUP
Street Address Benbow **City** **State** **Zip**

PRESITE INVESTIGATION

Project is already started Yes	AOB Inspection No
Soil report is required due to Site Conditions	Project appears to be within wet area SMA
Project is in flood zone A per	FIRM panel number
Flood elevation certificate required	Is 2nd Flood Certificate Required?
Plans stamped by a licensed person required Yes	SRA requirements apply No
SRA water storage requirements apply No	Lot created prior to 1992 Yes
Appr.SRA req. need to be shown on plot plan No	Plot plan incomplete, must be revised Yes
Driveway slope appears to be Over 18%	Submit engineered foundation for None
Grading permit required Yes	Applicant must locate property lines Yes
Incomplete submittal Construction Plan Yes	Other concerns exist Yes
Erosion and sediment control measures req. Designed by qualified person	

Inspector Notes

11/26/19 Planning Referral Comments:

1. Submit revised site / plot plan showing all the following items: all grading locations, SMAs of any water course including ponds and springs, all structures including size and use and all setbacks from the above stated to each other and property lines.
2. Existing structures used in the cannabis operation shall not be used until all required permits have been obtained.
3. Recommend approval based on the condition that all required grading, building and Ag Exempt permits are obtained.

Building Division Comments:

1. Submit soil report with erosion and sediment control by a licensed person.
2. Submit grading plans designed by a licensed person.
3. Floor plans showing the electrical, plumbing and mechanical layout for all structures including Ag Exempt.
4. Revise plot plan to show new catchment pond location and S M A setbacks.
5. Complete and submit Ag Exemption letter of intent for all proposed greenhouses and Ag structures.

QUESTIONS? Please contact the County of Humboldt Building Division



PROPAGATION GH UPPER FLAT



2nd FLAT 30x120 GH #1



GH#2 30x120



PV →
SOLAR

FUTURE PROPOSED ADDITION BATH ROOM / HANDICAP PARKING



3 AC⁺ FLAT POND + OUTFLOW



POND OUTFLOW ROCKED



POND IN FLOW IN DISTANCE + OUTFLOW





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.

Forester Comments: Date: Name:

APN 033-170-013
AP#11421

Battalion Chief Comments: Date: Name:

Summary: