



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

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Hearing Date: November 1, 2018

To: Humboldt County Planning Commission

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

Subject: **Talking Trees Farms - Conditional Use Permit and Special Permit**  
Application Number: 11701  
Case Numbers: CUP-16-349/SP-18-067  
Assessor's Parcel Number (APN): 522-174-005  
Willow Creek area

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Please contact Caitlin Catellano, Planner, at 707-445-7541 or by email at [ccastellano1@co.humboldt.ca.us](mailto:ccastellano1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> November 1, 2018	<b>Subject</b> Conditional Use Permit/ Special Permit	<b>Contact</b> Caitlin Castellano
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**Project Description:** In compliance with the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO), a Conditional Use Permit (CUP) for approximately 24,000 square feet (SF) of existing outdoor medical cannabis cultivation is being requested by the applicant. The applicant proposes to process (i.e., dry) the harvested cannabis in a 1,600 SF permitted metal insulated building. Processing is proposed on site and there will be an average of 6 employees. The plants will be harvested using hand shears, hanged for drying, and hand or machine trimmed. Power will be supplied by a 45-kilowatt (kW) ultra-silent MQ diesel generator. The applicant will begin the permitting process for a 20-kw solar system upon approval of this CUP. Water is provided by wells and a rainwater catchment pond. The total available water storage on the project site will be approximately 2,042,650 gallons stored in tanks and a large pond. All plants will be irrigated by a drip system and supplemented by hand watering. Water use will vary throughout the year with peak usage occurring during summer months and would total approximately 108,000 gallons annually. Domestic water will be provided by the existing permitted wells. For wastewater, the applicant is applying for an additional permit to build a secondary septic system with an ADA compliant bathroom outside the metal buildings. A Special Permit is required for a setback reduction to public lands.

**Project Location:** The project is located in Humboldt County in the Willow Creek area, on property accessed from a private road which intersects on the south side of Highway 299, approximately ¼ of a mile west of central Willow Creek, in the southwest portion of Section 32, Township 7 North, Range 5 East Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA 40-160); Timber Production (T), Framework Plan Density: 160 to 40 acres per dwelling unit, Slope Stability Moderate Instability (2)

**Present Zoning:** (AE-B-5(40); TPZ) Agriculture Exclusive (AE), Minimum Building site area 40 acres (B-5(40)); Timberland Production (TPZ).

**Application Number:** 11701

**Case Number:** CUP-16-349/ SP-18-067

**Assessor Parcel Numbers:** 522-174-005

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
Talking Trees Farms, Inc. Craig Nejedly PO Box 121 Trinidad, CA 95570	Natures Peace, LLC PO Box 121 Trinidad, CA 95570	Same as applicant

**Environmental Review:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301(Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures, and Class 4, 15304 (Minor Alterations to Land).

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

**Major Issues:** None.

**TALKING TREES FARMS, INC**  
Case Numbers: CUP-16-349/SP-18-062  
Assessor's Parcel Number: 522-174-005

**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 the project exempt from environmental review pursuant to Sections 15301, 15303, and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Talking Trees Farms project subject to the recommended conditions.*

**Executive Summary:**

A Conditional Use Permit (CUP) for approximately 24,000 square feet (SF) of existing outdoor medical cannabis cultivation. The project site has been cultivated for approximately 10 years and has been cultivated in its current form since 2013. The project is located on Assessor's Parcel Number (APN) 522-174-005, which is approximately 142 acres in size. The project site is leased by the applicant. The project site is accessed via a private road through APN 522-174-009, which has the same owner as the project site. The private road is directly accessed from Highway 299.

The requested approval includes operation of five Cultivation Areas (CA): CA#1, CA #2, CA#3, CA#4, and CA#5. Cultivation activity starts in late March to early April. Plants will be fertilized organically using compost tea, earthworm castings, and hi brix molasses.

CA#1 consists of 10,208 SF of cultivation with one greenhouse at 28'x96' and two greenhouses at 28'x120' and full sun outdoor area of 20'x50'. Due to the proximity of Northern Spotted Owl (NSO) habitat, a recommended condition of approval for this CA is that all of this area be returned to full sun outdoor, with removal of the greenhouses. CA#2 consists of 1,600 SF of cultivation with a 24'x40' greenhouse and outdoor area of 20'x40', CA#3 consists of 6,816 SF of cultivation with two 30'x 96' greenhouses and a 28'x60' outdoor area, CA#4 consists of 3,888 SF with a 28'x96' greenhouse and 1,200 SF of outdoor cultivation, and CA#5 consists of a 1,500 SF full sun outdoor area. Greenhouses will occur on non-prime soils and will not have improved floors. The applicant proposes to process (i.e., dry) the harvested cannabis in a 1,600 SF permitted metal insulated building. The plants will be harvested using hand shears, hanged for drying, and hand or machine trimmed.

Cultivation Area #1 is adjacent to the northern parcel boundary. Although none of the cultivation area crosses the boundary and is approximately 20 to 30 feet from the adjacent parcels, a portion of disturbed ground does enter the other parcels. These parcels are under the same ownership. The plot plan for the proposed project shows that all cultivation is contained within the project site (APN 522-174-005).

There are several water sources on site, two permitted wells, a rain catchment pond, and a permitted diversion. The water needs for the cannabis operation is met by the 2 permitted wells and rain catchment pond. Water is not diverted from the permitted diversion. The total available water storage is approximately 2,042,650 gallons consisting of the catchment pond (2,000,000 gallons) and eighteen water tanks (37,450 gallons). The applicant proposes two additional water tanks for 5,200 additional gallons and one additional water catchment pond for an additional

5,200 gallons. Plants will be irrigated by a drip system and supplemented with hand watering as needed. Water use will vary throughout the year with peak usage occurring during summer months. The estimated water use of the proposed project is shown in *Table 1: Water Use per Month*.

<b>Month</b>	<b>Gallons</b>	<b>Month</b>	<b>Gallons</b>	<b>Month</b>	<b>Gallons</b>
January	0	May	6,000-7,000	September	18,000-20,000
February	0	June	16,000	October	<10,000
March	<1,000	July	20,000-22,000	November	5,000
April	<3,000	August	20,000-25,000	December	3,000

The applicant will apply for permits for a secondary septic system and ADA compliant bathroom. An ADA paved parking and entry to the bathroom will be provided.

A Water Resources Protection Plan (WRPP) was prepared by Timberland Resources Consultants for the project site and the site was enrolled with the California State Water Board as a Tier 2 discharger. Accordingly, in conformance with Order R1-2015-0023 the WRPP detailed remedial action needed for existing water sources and stream crossings. A field assessment was conducted and included an evaluation and determination of compliance and described specific measures to be implemented to achieve compliance with standard conditions. The WRPP identified four locations requiring remediation and installation of permanent Best Management Practice (BMP). The applicant has completed three of the measures as part of the existing operations and to obtain the CUP, BMP's for the project include the following: draining surface runoff from an area with slumping fill by implementing recommendations in the project's *Engineering Geologic Soils Exploration Report*; installation and maintenance of a rolling dip along the existing rock road; and maintenance activities and monitoring of the catchment ditch as recommended by Lindberg Geologic Consulting. In addition, the *Engineering Geologic Soils Exploration Report* required proper installation and maintenance of a septic system with County and Regional Water Boards Onsite Wastewater Treatment System (OWTS) policy. All work, except installation of the OWTS has been completed and installation of the OWTS has been included as conditions of approval.

The project is located within 0.25 miles of Northern Spotted Owl habitat and within Fisher habitat. The California Department of Fish and Wildlife staff have reviewed the project and recommended conditional approval including: restrictions on the use of heavy equipment, removal of all lights from greenhouses, and the return to outdoor full sun cultivation for the site located near the pond.

A second engineering-geologic field reconnaissance was performed by Lindberg Geologic Consulting on May 28, 2018, to address the site grading and slope-stability issues on the subject parcel. The *Engineering-Geologic Soils Exploration Report Amendment* dated May 29, 2018, found the two cultivation areas observed on the subject parcel appeared to be stable in their present configurations. The pond site, pond and spillway appeared adequately designed and constructed to minimize erosion and overflows. As recommended in the *Engineering-Geologic Soils Exploration Report Amendment*, the southeastern drainage outlet point from the pond site needs to be improved prior to the rainy season, points at which the runoff flows across the edges of the Panther Ridge site need improvements and annual maintenance of silt fences is required annually. The conditions of approval required the applicant to adhere to the recommendation of the *Engineering-Geologic Soils Exploration Report Amendment* dated May 29, 2018.

A Road Evaluation Report was prepared by Trinity Valley Consulting Engineers in January 2018 for APN 522-174-009. APN 522-174-009 borders the project site and is owned by the project applicant. A private road runs through this parcel and via a network of other small private roads is used to access areas within the project site. The Road Evaluation Report included an inventory of the private roads for conformance with Category 4 standards and concluded that the access roadways are adequate for the intended use of the project property. The Road Evaluation Report also listed additional measures that will be required to be implemented to protect water quality. This includes routine maintenance such as removal of ruts, surface rockings when needed, replacement of drainage structures, installation and use of checkdams and breaks. Approximately half of these measures have been implemented as part of the existing operations and the applicant will have the remaining measures completed by the end of 2018. The report concluded that with the implementation of recommendations in addition to the recommendations within the WRPP listed above, no additional actions are necessary.

Currently, power is supplied to the project site by a 45-kw ultra-silent MQ diesel generator and the applicant will begin the permitting process for a 20-kw solar system upon approval of this CUP. A standard permitting condition requiring the generator be housed or located to reduce noise levels are included.

The project requires a setback reduction from public land because CA#4 is approximately 430 feet from the western property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity. The adjacent public land is subject to the *Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP)*. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails.

For the reasons listed above staff supports the setback reduction. If your Commission is unable to approve the setback reduction request, CA#4 could be eliminated from the project and the remaining cultivation areas would be compliant with the standard 600 foot setback.

Environmental review for this project was conducted and based on the results of the project analysis, staff believes the existing cultivation and processing aspects of the project can be considered an "Existing Facility" as defined by Section 15301, "New Construction or Conversion of Small Structures" as defined by Section 15303, and "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, as Lead

Agency, the Department has determined that continued use of the existing cultivation site is Categorical Exempt from the CEQA Guidelines.

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

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning 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.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Numbers: CUP-16-349/ SP-18-067  
Assessor Parcel Number: 522-174-005**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Talking Trees Farms, Inc. Conditional Use Permit and Special Permit request.**

**WHEREAS**, Talking Trees Farms, Inc., submitted an application and evidence in support of approving a Conditional Use Permit for approximately 24,000 square feet (SF) of cannabis cultivation located on APN 522-174-005, and processing in a 1,600 SF permitted metal insulated building and a Special Permit for a setback reduction to public lands; 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 project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), and Class 4, 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines.

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Case Number CUP-16-349/ SP-18-067); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on November 1, 2018.

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

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, Section 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures) and Class 4, Section 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines.
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP-16-349/ SP-18-067 based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit Case Number CUP-16-349/ SP-18-067 are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on November 1, 2018.

The motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

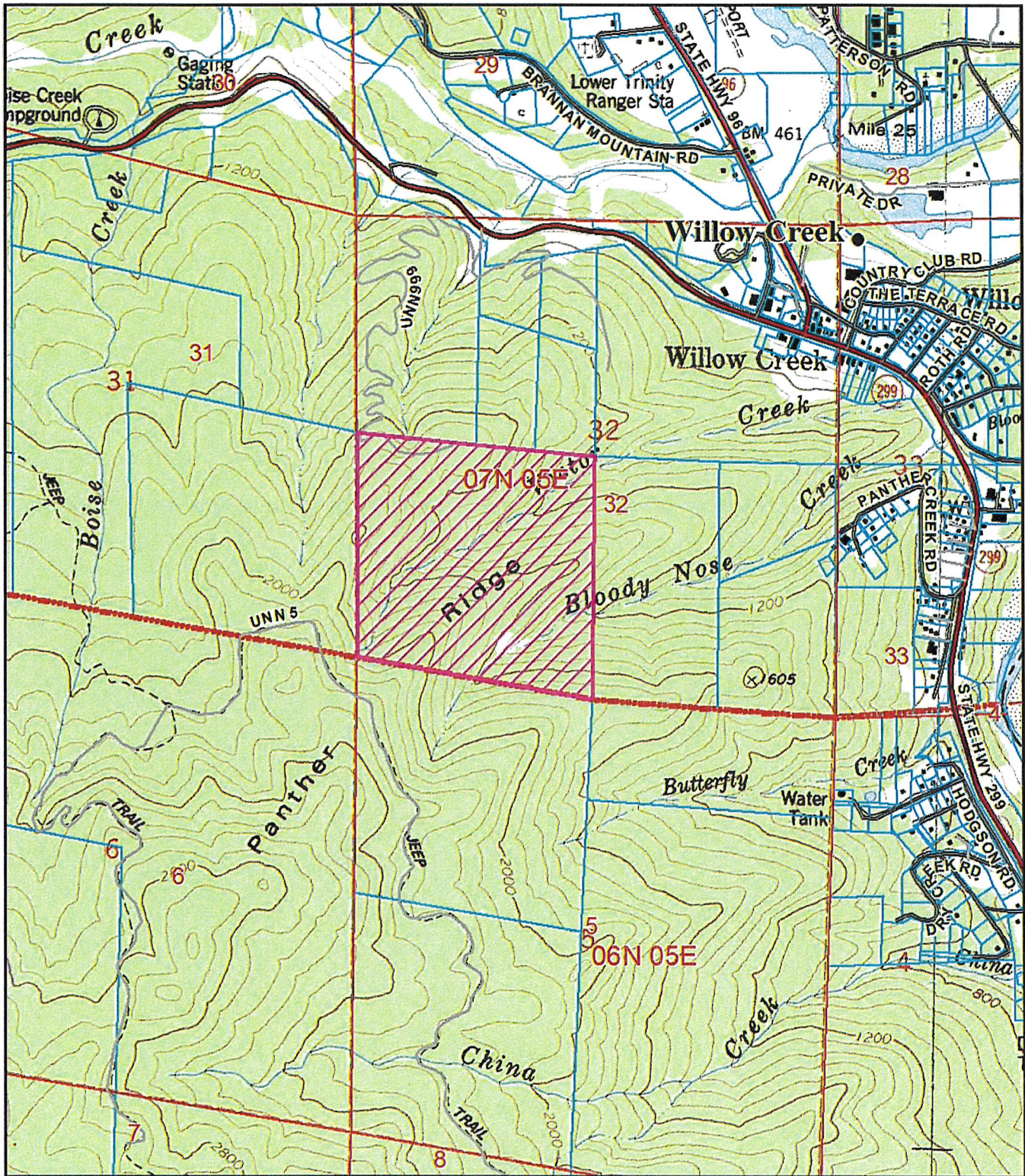
AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION:

I, John Ford, Clerk 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.

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John Ford  
Director, Planning and Building Department





**TOPO MAP**

**PROPOSED TALKING TREES FARMS  
WILLOW CREEK AREA**

**CUP-16-349**

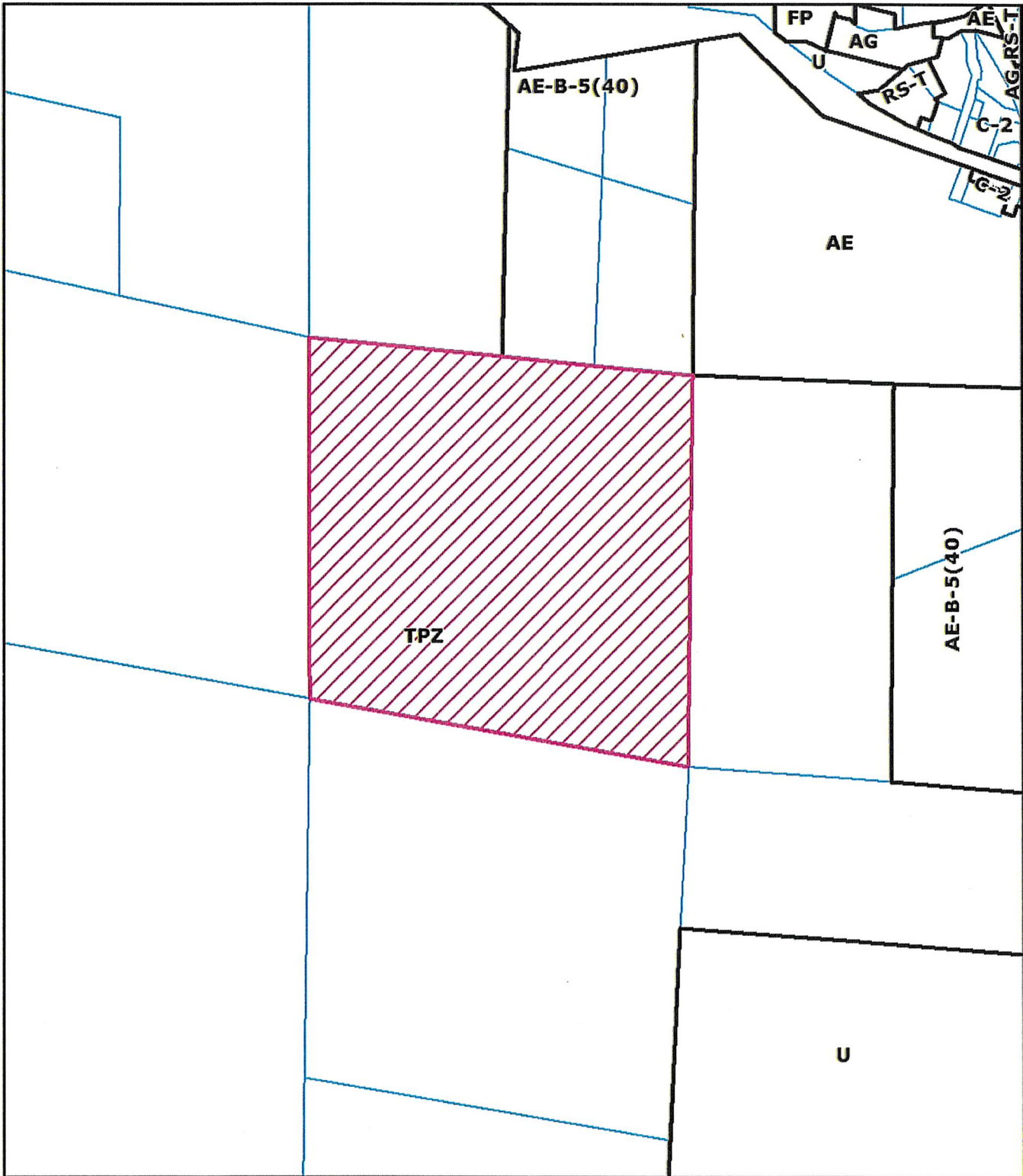
**APN: 522-174-005**

**T07N R05E S32 HB&M (Willow Creek)**

Project Area = 

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





**ZONING MAP**


**PROPOSED TALKING TREES FARMS  
WILLOW CREEK AREA  
CUP-16-349  
APN: 522-174-005  
T07N R05E S32 HB&M (Willow Creek)**

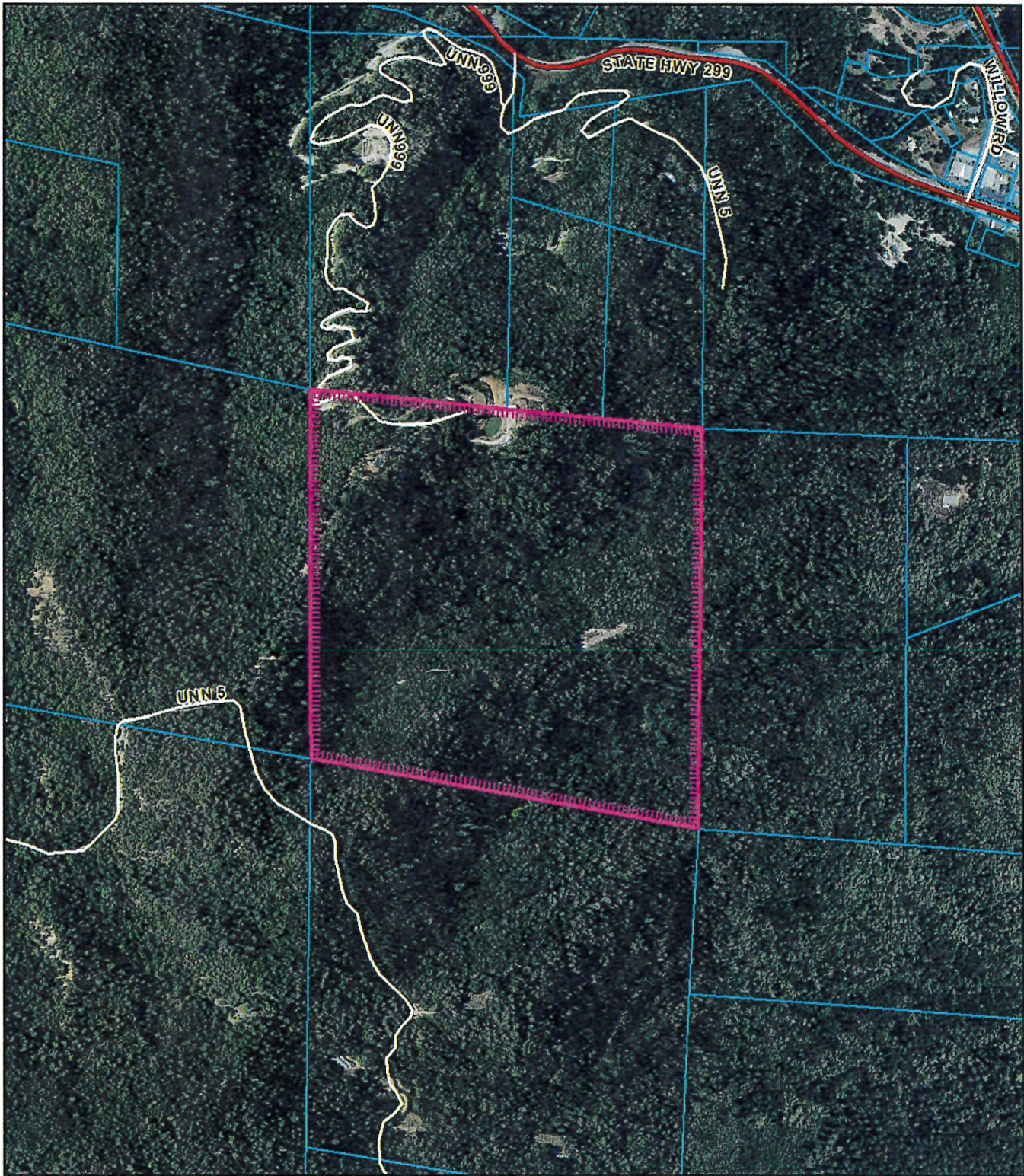
Project Area = 

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



0 500  
Feet





**AERIAL MAP**

**PROPOSED TALKING TREES FARMS  
WILLOW CREEK AREA**

**CUP-16-349**

**APN: 522-174-005**

**T07N R05E S32 HB&M (Willow Creek)**

**Project Area =** 

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



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Feet



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. This permit does not authorize mixed light cultivation. The applicant shall remove any supplemental lighting from the greenhouses within sixty (60) days of the effective date of this permit. Removal shall be verified by a site inspection conducted by Humboldt County Building Inspection.
2. This permit does not authorize housing or other accommodations for employees, farmworkers, or other individuals. All tents, travel trailers, yurts or other temporary housing or accommodations shall be removed within sixty (60) days of the effective date of this permit. Removal shall be verified by a site inspection conducted by Humboldt County Building Inspection.
3. 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 #4 through #26. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
4. Within twelve (12) months of the effective date of this permit, the Applicant shall implement the recommendations of the *Engineering Geologic Soils Exploration Report* (Lindberg Geologic Consulting June, 2016) and *Engineering Geologic Soils Exploration Report Amendment* (Lindberg Geologic Consulting, May, 2018). Within the 60 days of completion, the Applicant shall submit a letter to the Humboldt County Planning and Building Department letter from an engineering geologist indicating the recommendations of the reported have been implemented. The Applicant shall secure all required permits prior to initiating grading or other land disturbance. The Applicant and successors in interest shall be responsible for implementing the recommendations of the report for the life of the project.
5. Prior to issuance of grading or building permits, the Applicant shall submitted three stamped copies of an R-1 engineering soils report prepared by a certified engineer geologist for the existing approximately 0.63 acre manmade pond, the adjacent cultivation area, and their associated curtilage areas for the review and approval of the Chief Building Official. The Applicant shall implement the recommendations of the approved engineering geologic report. Within the 60 days of completion, the Applicant shall submit a letter to the Humboldt county Planning and Building Department letter from an engineering geologist indicating the recommendations of the reported have been implemented. The Applicant shall secure all required permits prior to initiating grading or other land disturbance. The Applicant and successors in interest shall be responsible for implementing the recommendations of the report for the life of the project.
6. The Applicant shall cause to be recorded a "Notice of Geologic Report" for the subject parcel on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt

County Board of Supervisors (currently \$135.00 plus applicable recordation fees) will be required.

7. Prior to issuance of grading permits the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) prepared by a qualified professional. The SWPPP shall address both the short and long term erosion and sedimentation impacts associated with the project. The plan shall employ best management practices to minimize the transport of sediment, pesticide, fertilizers to Victor Creek and Bloody Nose Creek, tributaries of the Trinity River and domestic water sources of the Willow Creek Community Services District. The Applicant shall provide annual reporting to the Willow Creek Community Services District.
8. The applicant shall provide a revised site plan to show the revised cultivation areas CA#1, CA #2, CA#3, CA#4, and CA#5 greenhouse areas and total area of 24,000 sf, with CA #1 full sun outdoor only, and show that all greenhouses shall have pervious floors.
9. The applicant shall secure permits for all grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
10. 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.
11. The driveway and turnaround area(s) shall meet the Fire Safe standards, Humboldt County Code Section 3111-12, for adequate emergency access. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. The Applicant shall provide a stamped letter from California licensed engineer documenting that the driveway and turnaround areas on the parcel meet the referenced standards.
12. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. Note that after July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017, by the State Water Board.
13. The applicant shall contact the Willow Creek Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT

OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

14. Prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading.
15. If grading will be required, the applicant shall submit a grading plan and a soils report from a licensed person before ground breaking.
16. The project area has been determined to have potential nesting, roosting, or foraging habitat for Northern Spotted Owl (*Strix occidentalis caurina*), and resting, denning or foraging habitat for West Coast Fisher (*Pekania pennant*). The following avoidance and minimization measure shall be implemented:
  - (a) Prior to tree removal activities, a qualified wildlife biologist with experience in Northern Spotted Owl and/or West Coast Fisher protocol surveys shall complete a survey of the site to determine if there are trees that could provide nesting, roosting, resting or denning habitat for the Northern Spotted Owl and the West Coast Fisher. No tree that could provide suitable nesting, roosting, resting or denning habitat for these species shall be removed or altered.
  - (b) The use of heavy equipment shall be restricted to periods outside of the Northern Spotted Owl critical period (February 1 through July 9 of any year). Heavy equipment shall be defined as graders, dozers, dump trucks, excavators, and back hoes. No work will occur in the Northern Spotted Owl nesting season (February 1st- July 31st) or West Coast Fisher (March 1st- July 15<sup>th</sup>) nesting and denning seasons unless a wildlife biologist with experience in Northern Spotted Owl and West Coast Fisher protocol surveys completes a biological assessment of the property to determine whether the area has Northern Spotted Owl or West Coast Fisher presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting or denning season.
  - (c) The site located near the pond shall be returned to outdoor full sun as was present prior to January 1, 2016.
  - (d) All lights shall be removed from greenhouses.
  - (e) No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season or West Coast Fisher denning season.
  - (f) No human activities shall occur within a visual line-of - sight of 40 meters (131 feet) or less from a known nest or den location.
  - (g) For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl and West Coast Fisher protocol surveys for the review and approval of the Planning Director.
17. Where generators are used the applicant shall provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance, such that noise released from all generators and fans on the parcel shall be no more than 50 decibels measure from 100 feet. To show conformance with Section 314-55.4.11.o), where generator use occurs in the vicinity of Spotted Owl or West Coast Fisher species, the plan shall be evaluated in consultation with the Department of Fish

and Wildlife. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction. For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys for the review and approval of the Planning Director.

18. The applicant shall identify the name and location of the licensed processing facility proposed to be used in conjunction with this project, as no on-site processing is authorized as part of this permit.
19. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. 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.
20. The applicant shall submit a revised Site Plan to Humboldt County Planning for the review and approval of the Planning Director. The revised Site Plan shall show the following: the location of six independently accessible on-site parking spaces to serve the cultivation and ancillary processing; and generator location.
21. The applicant shall implement the recommendations in the Road Evaluation Report prepared by Trinity Valley Consulting Engineers (January 2018) and maintain the road for the life project.
22. The owner shall apply for and receive an encroachment permit from Caltrans and complete improvements to bring the existing driveway encroachment on Highway 299 up to current Caltrans Standards.
23. The applicant shall address the use of rodenticides by identifying application protocol for use of rodenticides in this project, with particular attention to methods for reduction of the potential to contaminate the food chain or identify a range of non-rodenticide treatments to discourage animal destruction of cannabis plants. No rodenticides designated as California Restricted Materials (3 CCR Section 6400) shall be used. This report is to be submitted to the Planning and Building Department for review in consultation with affected agencies, with identified protocols to be reviewed in the annual review for the project.
24. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility for use by employees. 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.
25. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
26. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be



made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

27. 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 the project shall be developed, operated, and maintained in conformance with the project description, the approved Site Plan, or revised site plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
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 Medicinal and Adult Use Cannabis Regulation and Safety Act (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 and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
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 applicant shall ensure that 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). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project.

7. Maintain enrollment in Tier 2, 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 Lake and Streambed Alteration Agreement (1600) Permit obtained from the Department of Fish and Wildlife, which may be required for the spring fed tank used for domestic vegetable production.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. The applicant shall, to the satisfaction of the County Department of Environmental Health, maintain the portable toilet(s) on-site to accommodate for worker waste until such time a permitted septic system, or other such permanent human waste facility can be designed and installed.
12. Pay all applicable application, review for conformance with conditions, and annual and annual inspection fees.
13. The decibel level for any generators used onsite as measured at the property line shall be no more than 60 decibels (dB). Where applicable, sound levels must also show that they will not result in the harassment of Spotted Owl or West Coast Fisher species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS), and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 dB as measured at 100 feet from the generator or at the edge of the nearest Spotted Owl habitat, whichever is closer.
14. Storage and handling of fuel shall be in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Protection Agency CUPA program, and in such a way that no spillage occurs.
15. The applicant shall maintain the Master Log Books 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. Participate in and bear costs for permittee's participation in the Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

## Performance Standards for Cultivation and Processing Operations

20. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
21. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, California Occupational Health and Safety (CAL/OSHA), Occupational Health and Safety (OSHA), California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
22. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- IV. On-site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

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

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

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.

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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial for adult use or medical use within the inland area of the County of Humboldt shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) 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 Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) will be distributed within the State of California; and
- (3) 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 State of California MAUCRSA.

27. 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.
28. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years 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 Condition of Approval #25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during any construction activities, the contractor or applicant 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 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 (NAHC) will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. 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.
5. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
6. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
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.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA 40-160):</b> Large lot residential uses that typically rely on on-site water and wastewater. RA 40 to 160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space. Allowable use types include single family residential, cottage industry and general and intensive agriculture.</p> <p>Density Range: One (1) dwelling unit per 40-160 acres.</p> <p><b>Timberland (T):</b> Lands primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Allowable use types include timber production and general agriculture.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation and proposed relocation of the existing cultivation areas is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p> <p>The proposed project includes the permitting of approximately 24,000 SF of existing outdoor cannabis cultivation which is considered an agricultural product and which is an allowed use in both the T and RA land use designations.</p> <p>The proposed project does not include the harvesting or removal of any timber associated with the proposed project so the site would be preserved for that use in the future.</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</p>	<p>Access to the project site is a via private drive and roadway accessed directly from Highway 299. A Road Evaluation Report was prepared for the private drive by Trinity Valley Consulting Engineers (TVCE) in</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>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>January 2018. TVCE and concluded the road was sufficient to meet the demand of the proposed use.</p> <p>Conditions of approval requiring the roadway to be maintained have been added to the project.</p> <p>A condition of approval has been added to require a Caltrans Encroachment permit and to bring the encroachment up to Caltrans standards.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The proposed project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The project will not reduce the residential density for any parcel below utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because a portion of the project site is planned Timberland and is zoned Timberland Production Zone (TPZ). The project can be found consistent with the Open Space Plan Open Space Action because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation, which is an agricultural land use, is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Public Lands Chapter 4.7</p>	<p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans</p>	<p>The project requires a setback reduction from public land because CA#4 is approximately 430 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity.</p> <p>The adjacent public land is subject to the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&amp;RMP)</i>. The project is consistent with the L&amp;RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&amp;RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.</p>
<p>Conservation and Open Space</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where</p>	<p>The proposed project has two blue line streams, Victor Creek and Bloodynose Creek, and two unnamed Class III</p>

<p>Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>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>watercourses that flow into Victor Creek, all of which are located in the northern portion of the Campbell Creek Watershed and are tributary to the Trinity River. Locally, the project is in the Brimmer Creek Watershed. A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to remediate the degraded conditions associated with roadway runoff. The remediation efforts were completed, and not only protect stream habitat and water quality, but sensitive species that may use the streams or be downstream of the project site. In addition, BMP's detailed in the Road Evaluation Report are approximately 50 percent complete and the applicant expects to have the remaining completed by the end of the 2018. All cultivation areas are outside the associated streamside management areas (SMA's) of the creeks and unnamed tributaries.</p> <p>The project site is within .25 miles of a Northern Spotted Owl activity center, and the applicant has incorporated significant project modifications to address impacts to owl habitat. In particular, returning much of the cultivation areas to full sun outdoor, and limiting the use of heavy equipment to periods outside the NSO critical period. With these measures, CDFW has recommended approval of the project. The project site also may provide habitat for the West Coast Fisher, Northwestern Salamander, Rough-skinned Newt, Northern Red-legged Frog, and the Western Pond Turtle.</p> <p>In addition to the requirements for erosion control to protection of aquatic resources, other conditions of approval have been added regarding measures needed to protect the Spotted owl, west coast fisher, and any other sensitive species from project related noise and light. These conditions include restrictions on heavy equipment, removal of greenhouse lights, as well as other standard permitting conditions. The conditions are sufficient to protect natural resources on this parcel.</p>
<p>Conservation and Open</p>	<p>Goals and policies contained in this Chapter relate to the</p>	<p><i>Cultural Resources Investigation for Talking Tree Farms-Natures Peace, LLC, dated</i></p>

<p>Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>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>February 2018 was conducted by William Rich and Associates. The report includes a review of records, reports, and published literature of the Northwest Information Center (NWIC) and correspondence with tribal representatives. The Hoopa Valley Tribe indicated they were satisfied with the report.</p> <p>The cultural resources survey had negative results and no additional archeological studies are recommended for permit approval. A condition regarding inadvertent archaeological discovery be including prior to project approval.</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 outdoor cultivation in five areas some under full sun and others in greenhouses, without supplemental lighting. A condition has been made to require that existing lighting in the greenhouses be removed and there be no supplemental lighting used in the cultivation operation. The project site is not located near any designated scenic highway but is approximately 0.5 miles from Highway 299 which is listed as an Eligible State Scenic Highway but is not officially designated. None of the cultivation areas will be visible from the highway.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The WRPP was prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The WRPP identifies remediation efforts and corrective actions based on a site evaluation and previous studies including</p>

	Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.	the Engineering Geologic Soils Exploration Report conducted by Lindberg Engineering to bring the site into compliance, as well as a monitoring and reporting plan following remediation activities. Implementation of the WRPP is included in the recommended conditions of approval.
Water Resources Chapter 11  Onsite Wastewater Systems	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).  Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.	The project site does not have an Onsite Wastewater Treatment System (OWTS). An OWTS is required to be installed within two years. The applicant has the plans for the OWTS and is in the process of permitting the OWTS with the County. A condition of approval has been included and requires the applicant to provide portable toilets to accommodate worker waste until a permitted septic system can be designed and installed to the satisfaction of Humboldt County Department of Environmental Health.
Noise Chapter 13	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)  Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The project site is approximately 142 acres in size. No residences are located on adjacent parcels within 300 feet. The applicant uses a 45-kw ultra-silent MQ diesel generator which would be cited to minimize noise. No Spotted Owls were observed within the project site; however, there were observations in adjacent areas. Therefore, standard permitting conditions and compliance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 are required. Implementation of these conditions would also avoid impacts to the West Coast Fisher, should it be present.
Safety Element Chapter 14  Geologic & Seismic	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	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. According to the Humboldt County Web GIS, the site is shown as being in an area of moderate instability in relation to seismic safety. A engineering-geologic field reconnaissance was performed by Lindberg Geologic Consulting in June 2016 and again on May 28, 2018, to address the site grading and slope-stability issues on the subject parcel. The <i>Engineering-Geologic Soils Exploration Report Amendment</i> dated May 29, 2018, found the two cultivation areas observed on the subject parcel

	<p>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>appeared to be stable in their present configurations. The pond site, pond and spillway appeared adequately designed and constructed to minimize erosion and overflows. As recommended in the <i>Engineering-Geologic Soils Exploration Report Amendment</i>, the southeastern drainage outlet point from the pond site needs to be improved prior to the rainy season, points at which the runoff flows across the edges of the Panther Ridge site need improvements and annual maintenance of silt fences is required annually. The conditions of approval required the applicant to adhere to the recommendation of the <i>Engineering-Geologic Soils Exploration Report</i> dated June 7, 2016, and <i>Engineering-Geologic Soils Exploration Report Amendment</i> dated May 29, 2018.</p> <p>For any grading that is proposed, the applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures. These measures are a condition of approval. Therefore, the project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-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. At approximately 26 miles distance from the coast and between approximately 1,200 to 2,000 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that</p>	<p>The subject property is located within the State Responsibility Area for fire protection where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. County GIS shows the site within a very high fire hazard severity zone. The project,</p>

	<p>minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>however, does not propose any habitable structures and all water stored in existing tanks and catchment pond, as well as proposed tanks and catchment pond, would be available for fire suppression efforts.</p> <p>CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and for cannabis cultivation in SRA lands. The project would comply with the requirements of the County's Fire Safe Regulations and the Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.), which establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>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 will be required during all work on the project site to include BMP installation, and any grading that would occur for work on the project site. All work shall achieve compliance with NCAQMD fugitive dust emission standards.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</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>The project is located outside of the Willow Creek Volunteer Fire Department Fire Response Area per the 2016 County Fire Plan. The applicant will contact the local fire agency for a written acknowledgment of available emergency response and fire suppression services and recommended mitigations.</p> <p>The project is conditioned to require that the project incorporate any recommended mitigations into the project, and, if service is</p>

		not available to the site, to record an acknowledgement consistent with this standard.
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**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>§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.</p>	<p>The parcel was created by a recent Lot Line Adjustment.</p>
<p>§314-7.1 Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominate use and in which protection of this use from encroachment from incompatible uses is essential for the general welfare.</p>	<p>All general agricultural use is enumerated as a principally permitted use in the Agricultural Exclusive (AE) zoning district. The project is for the cultivation of outdoor commercial medical cannabis production. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it is agricultural use and general agricultural uses are principally permitted in AE, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permit. Based on the referenced principally permitted use and the above, a finding of consistency with the AE zoning district can be made for the project.</p>
<p>§314-7.4 Timberland Production (TPZ) is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p>	<p>Principal permitted uses in the Timberland Production (TPZ) zoning district includes, "accessory agricultural uses and structures as listed at Section 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1-1 (Permitted Agricultural Accessory Structures." The TPZ also includes grazing and other agricultural uses under Principle Permitted Uses Compatible with Timber Production.</p> <p>Pursuant to Humboldt County Code Section 43.1.3 – Permitted Agricultural Accessory Uses includes greenhouses, tank houses, and drainage facilities and structures. While the project applicant is not proposing to utilize the land for timber production, the proposed uses are consistent with those allowed in the TPZ, and a finding of consistency can be made for the project. In addition, the California Department of Forestry and Fire Protection (CALFIRE) did not indicate a request for a less than three-acre conversion exemption.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-7.1 Agricultural Exclusive (AE)		
Minimum Lot Size	20 acre	142 acres
Maximum Ground Coverage	35 percent	The applicant proposes coverage of less than one acre, which is well below the lot coverage.
Minimum Lot Width	100 feet	2,400 feet
Maximum Lot Depth	None specified	N/A
Setbacks		
Front: 20 feet		Front, north property line: 20' setback from a property line to metal processing structure. A condition of approval has been added requiring this structure to be moved to make it compliant with the CMMLUO. This will also conform to the required Fire Safe setback.
Rear: 30 feet		
Side: ten percent of lot width but not more than 20 feet. Subject parcel has a lot width approximately 1,300 feet, so the side yard setback is 20 feet.		
Rear, south property line: 905 feet		
Fire Safe Standards require a 30' setback from all property lines.		Side, east and west property lines: 310 feet and from the east of 215 feet.
Max. Building Height	None specified	Green houses are proposed. Other than that there will be no new structures.
§314-7.4 Timberland Production (TPZ)		
Minimum Lot Size	160 acres	142 acres
Maximum Ground Coverage	N/A	Not applicable
Residential Density	No greater than 1 dwelling per 20 acres	The applicant is not proposing a new dwelling.

<p>Setbacks</p> <p>Front: 20 feet</p> <p>Rear: 30 feet</p> <p>Side: 30 feet</p> <p>Fire Safe Standards require a 30' setback from all property lines.</p>		<p>Front, north property line: 20' setback from a property line to metal processing structure. A condition of approval has been added requiring this structure to be moved to make it compliant with the CMMLUO. This will also conform to the required Fire Safe setback.</p> <p>Rear, south property line: 905 feet</p> <p>Side, east and west property lines: 310 feet and from the east of 215 feet.</p>
<p>Max. Building Height</p>	<p>None specified</p>	<p>The applicant does not propose to build any new buildings nor are there any structures on the project site.</p>
<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>The proposed project has two blue line streams, Victor Creek and Bloody Nose Creek, and two unnamed Class III watercourses that flow into Victor Creek, all of which are located in the northern portion of the Campbell Creek Watershed and are tributary to the Trinity River. Locally, the project is in the Brimmer Creek Watershed. A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to remediate the degraded conditions associated with stream crossings and culverts. The remediation efforts were completed, and not only protect stream habitat and water quality, but sensitive species that may use the streams or be downstream of the project site. In addition, BMP's detailed in the Road Evaluation Report are approximately 50 percent complete and the applicant expects to have the remaining completed by the end of the 2018. All cultivation areas are outside the associated streamside management areas (SMA's) of the creeks and unnamed tributaries.</p>
<p>§314-109.1.3.3: Off-Street Parking:</p>	<p>None specified</p>	<p>According to the applicant's information there will be approximately 6 employees on average. Attachment 1 includes a condition that the applicant submit a revised Site Plan showing the location of six on-site parking spaces.</p>

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§ 314-55.4.8.2.2	On AE parcels (no parcel size limitation), existing outdoor and mix-light cultivation may be permitted with a Zoning Clearance Certificate, Special Permit or Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP. The project is limited to existing outdoor cultivation.
§ 314-55.4.8.2.2	On TPZ parcels (on parcels of one acre or larger), only when possible to bring them into compliance.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being approximately 142 acres in size. Approval of the CUP for the project as proposed and conditioned would bring it into compliance with applicable standards. There is a Joint Timber Management Plan on file for the site.
§314-55.4.8.2.2 Criterial for approval for existing outdoor and mix-light cultivation areas:		
No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation of 43,560 square feet for outdoor cultivation.		The applicant does not propose to expand the area within the project site currently under outdoor cultivation. The area under cultivation is approximately 24,000 SF.
With documented current water right or other non-diversionary source of irrigation water.		To support the cannabis operation the applicant's operation uses two permitted wells, a 2,000,000 gallon pond, 18 storage tanks totaling 37,450 gallons of storage, and plans to install 2 additional tanks totaling 5,200 gallon and a 5,000 gallon rainwater catchment pond. The applicant also has a permitted water diversion, however it will not be used in the production of cannabis. Per the Plan of Operation and Water Resource Protection plan, the operation will utilize natural rainwater from the catchment pond as the primary source of irrigation water. The applicant proposes drip irrigation to water most of the cultivation areas. The applicant is not proposing to use any additional surface diversion or additional wells for irrigation water. Based on the submitted evidence, the project complies with the referenced section.

§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	Portions of the project site that are currently used for cannabis cultivation would have previously required conversion from timberland to cleared areas. According to the Engineering Geologic Soils Exploration Report (Lindberg Geologic Consulting June, 2016) the property was logged decades prior. In the years prior to August 2005 and continuing through October 2010 grading occurred. CALFIRE was contacted but did not indicate a request for a less than three acre conversion exemption. The applicant does not propose to expand the area under cultivation and existing operations, as proposed, would not require removal of any trees. There is a Joint Timber Management Plan recorded for this parcel.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant who is a member of Natures Peace LLC. holds three other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	This Conditional Use Permit includes a request for processing of cannabis grown on site. All commercial cannabis cultivated will be dried, cured, and trimmed by the applicant and by employees and temporary workers. The project has been conditioned to include all applicable Employee Safe Practices enumerated in Section 55.4.11 (g) through (u).
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the site, APN 522-174-005, was filed with the Planning Division on December 29, 2015, and within the specified window.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 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.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The applicant utilizes natural rainwater from the catchment pond as the primary source of irrigation and is primarily delivered to plants via a drip irrigation system to reduce overwatering and runoff. The applicant currently has one permitted surface water diversion from CDFW; however, this water is not used for nor planned to be used for irrigation.</p>
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<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation and processing area is setback approximately 20 feet from the northern property line and greater than 30 feet from all other property lines. All processing must be located at least 30 feet from the property line (HCC 314-55.4-11.d)). If it cannot be demonstrated through a survey that the building is at least 30 feet from the property line, the processing facility will need to be relocated to conform to the setback a different processing location will need to be identified.</p> <p>The applicant's site plan also shows that the cultivation and processing area conforms to required 600-foot setback from any school, school bus stop, church or other place of public worship.</p> <p>The project requires a setback reduction from public land because the nearest point of the cultivation area is approximately 430 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity. The cultivation area is located on the north end of the northeasterly trending ridgeline at 1,840 feet above sea level and is not visible from the majority of the adjacent USFS lands which are located below and to the west of this ridge.</p> <p>Further, the project is consistent with the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&amp;RMP)</i> because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional</p>
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		<p>protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&amp;RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>The applicant proposes to use a 45-kw ultra-silent MQ diesel generator. The location of the generator is not located in proximity to any residences and it would be stored in an insulated structure to reduce noise. Because the project site is located in proximity to Northern Spotted Owl (NSO) habitat the project site, however, conditions of approval regarding ensuring and/or reducing the decibel levels from the project have been incorporated as conditions of approval. These conditions will reduce harassment of the Spotted Owl and West Coast Fisher and, therefore, the project conforms with the referenced standard.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 8, 2016.</p>



**4. Public Health, Safety and Welfare, and 6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

<b>Code Section</b>	<b>Summary of Applicable Requirements</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
§§15304 (a) and 15311 of CEQA	Categorically exempt from State environmental review.	The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, Section 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures) and Class 4, Section 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines are applicable to the proposed project.

**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.

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
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. The project is in conformance with the standards in the Housing Element.

### ATTACHMENT 3

#### Applicant's Evidence In Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On File)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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. (On File)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (On File)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Talking Trees Farms. Site Plan Overview and Cultivation and Operations Plan, received June 26, 2017. (Attached)
16. Timberland Resource Consultants, Water Resource Protection Plan for WDID#1b16302CHUM (On file)
17. DEH Worksheet and Road Evaluation Report. (On file)
18. Engineer Geologic Soils Exploration Report, dated June 6, 2016, prepared by David N. Lindberg, CEG 1895, and an Amendment to the report, Figure 1, received 5/17/2018. (Attached)
19. NSO Disturbance Report, dated August 11, 2018, prepared by Timberland Resource Consultants. (Attached)

# Talking Trees Farms

A California Cannabis Collective  
APN 522-174-05/2015 Exiting TPZ/24,000sqft

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Version 4: July 3, 2018

## OPERATIONS PLAN

### **Introduction**

Talking Trees Farms ("Company") is a cannabis collective that is lawfully organized and operating in compliance with California cannabis laws including but not limited to the Compassionate Use Act, ("CUA") the Medical Marijuana Program Act, codified in Health & Safety Code §§ (§§ 11362.7-11362.83.) ("MMPA"), the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (August 2008) ("AG Guidelines") and interpretive case law ("state law"), ("referred to collectively as "California medical marijuana laws").

Company is applying for a 24,000 square foot outdoor cultivation permit.

### **A. Background**

Property has been cultivated on for a decade or more. Natures Peace, LLC took possession of the property in its current form in 2013. All the grading and grow sites were already established. Natures Peace took the immediate steps to permit all activities including grading, pond, water diversions, etc. and has actively been working on permitting all aspects of the property over these years. Talking Trees Farms rents the property for cultivation and is a registered corporation licensed to do business in California.

### **B. Water**

Water needs are met by 2 permitted wells and a rain catchment pond. There is also a permitted CDFW 1600 creek diversion in place. The Farm is not currently diverting from the creek as the rain catchment keeps the pond close to full until May 1<sup>st</sup>. We have chosen to not divert from the creek as it is not needed. The pond holds nearly 2 million gallons of water when it is full. The topography of the land and drainage was engineered to capture optimal runoff from rain storms capturing tens of thousands of gallons of rain per month in the rainy season. We also installed drainage pipe off the 2080 sq foot roof of the building adjacent to the pond which feeds an estimated 60,000+ gallons of rain water to the pond per year. The pond is usually full by the end of March (It is currently full as of 11/29/2016). In addition to the pond, there is a permitted well at the top of the property in which all water is fed from the well area to all parts of the property as needed. There, we have installed a water meter to know exactly how much water the entire property is using. Even pond water is pumped up to the well tanks to capture and meter its use.

With over 35,000 gallons of tank storage, our solar powered well pump easily fills every tank on the property over the winter and early spring months. All our tanks are full by March 1<sup>st</sup>. Once all the storage tanks are full, we first make use of the pond water for irrigation and refrain from using the wells besides for domestic water usage. The pond loses water through the summer due to seepage and evaporation but still holds hundreds of thousand gallons of water to the end of the growing season. The pond sustains the growing season needs. The farm uses approximately 197,000 gallons of water per year.

The Farm is enrolled with the Water Board as a tier 2 discharger and has already turned in the Water Resource Protection Plan prepared by Timberland Resource Consultants. Water board has visited the property with the "WET" team in 2014 and their report is included with application packet.

### **C. Irrigation**

Almost all irrigation on the property is done through drip systems which provide the most efficient use of water. We have drip systems set up in every cultivation site along with rice straw mulch to help with water retention. In addition, about once a week, gardens are hand watered with traditional hose and watering wand with compost teas.

### **D. Drainage/Runoff/Erosion Control**

The accompanying report from the CA State Water Board cites that drainage and run off are not an issue of concern on the property. Reused soils are amended each year. The plants are only watered what they need, so there is virtually no additional runoff. All sites are over 200 feet away from any waterway they could potentially affect. Erosion control measures are being implemented where needed per recommendations from the Water Board and a licensed Geologist. We mulch each garden site along with planting seed and straw on graded hillsides.

### **E. Watershed and Habitat Protection**

Company does everything it can to protect the water ways and natural environment on and surrounding the property. Company chooses not divert water from the creek even though permitted. If water is diverted from the creek, a fine mesh screen is on inlet pipe and flow is fed via gravity siphon flow, no generator used. Property is kept clean and generator usage is extremely minimal as to not disturb any surrounding habitat. Generators are kept in insulated generator sheds to keep noise disturbance to absolute minimum.

### **F. Storage and use of Fertilizers and Pesticides**

Talking Trees Farms grows organically and avoids the use of chemical pesticides. Cultivation starts with amending soils with organic nutrient inputs that sustain the life of the plant cycle and requires very minimal additional inputs which include compost teas comprised of organic green compost and earthworm castings. Farm also uses hi brix molasses as the flower buds start to form on the plant. A list of the nutrient inputs we use is attached with description of their purpose. All nutrients, fertilizers and

organic pest management products are kept contained inside the metal building on site. They are only deployed from the building as needed and returned once applied.

### **G. Prior Cultivation Activities**

The property has had a cultivation area of approximately 25,000+ sq ft for years that Talking Trees Farms inherited upon renting the property. There are no diesel generators used on site. Cultivation activity starts in late March/ early April in the 28x72 foot greenhouse. All plants for the entire property start here. At that time, a Honda 2000 generator is used to supplement less than 1,000 watts of lights from about 6p to 11pm. This minimal amount of supplemental light keeps the plants in a vegetative state, and it takes very little light to achieve this. Farm uses LED shop lights that are 42watts per unit. All generators are kept in containment sheds. The nursery greenhouse is covered with tarp if light is used to avoid light pollution.

The plants are moved from the main greenhouse by the pond, and once planted in the "light dep" green houses, Around mid May to early June, the tarps begin being pulled to start the flowering process.

In late May, the full sun, full season plants are moved out of the 28x72 foot greenhouse and planted in the remainder cultivation sites for the season.

There has been mostly one harvest a year on the property. Farm refills the houses in early August for a second harvest which requires no supplemental lighting. All other sites have been one harvest per year.

### **H. Cultivation**

Cultivation area #1 is 10,208 square feet with 1 greenhouse at 28'x96' and two greenhouses at 28'x120 as well as a full sun outdoor area of 20'x40' square foot.

Cultivation area #2 is 2016 square feet consisting of a 28'x72' greenhouse.

Cultivation area #3 is 6,816square feet consisting of two 28x96ft greenhouses and a 24x60ft outdoor area.

Cultivation area #4 is 4,018 square feet consisting of one 28x96' greenhouse and 1,400sf of outdoor pots. This area is located in the upper southwestern border of the property accessed by a separate roadway to the other cultivation areas upon entering the property from the main roadway system. Area #4 is within the edge of a Northern Spotted Owl 1000 foot buffer zone, so no activity or planting will take place in this area of the property until after July 9<sup>th</sup> of each year so as to not disturb the breeding season. An owl survey will be initiated for the 2019 and 2020 seasons to evaluate the owl activity in the area to determine if owl activity is still present and warrants the forbearance until July 9<sup>th</sup> in this area.

Cultivation area #5 is 1500 square foot of full sun outdoor and also within the Northern Spotted Owl buffer zone. Area #5 square footage will be decommissioned and moved in closer proximity to the other cultivation areas.

## **I. Processing Plan**

Processing takes place in the insulated metal building on the property. The 1600 sf foot building was constructed in August 2015 with permits. The building provides ideal space for hanging the plants as they are harvested and dried. The dried cannabis is stored in totes once dry and then goes to trimming. The building is secured by a heavy metal door under lock and key.

At this site, processing will also be done for the neighboring property farmed under app 13198. All cannabis from this parcel will also be cured and processed in the building on this property.

The building will be outfitted with permitted electrical capabilities that will be powered by solar. A propane generator will also be installed for backup power, and the building will be outfitted with a propane heating system. The generator will be in an insulated shed to minimize any noise disturbance.

Once the building has power, a security camera system and alarms will be installed on the building.

Farm is applying for a permit to build a secondary septic system with a ADA bathroom outside of the metal building. The bathroom will be built to meet ADA standards and provide ADA paved parking and entry into both the bathroom and building.

## **J. Schedule of Activities**

**January:** Property maintenance. It is typically raining this month so we survey the roads and drainage ways with shovels to ensure water is channeling properly and not rutting roads etc. Chainsaws are always in tow. Clearing roads of fallen trees and thinning in the forest. Stacking firewood, cleaning, organizing, and securing water storage for the season.

**February:** Same as January

**March:** Same as previous month. In mid to late march, seeds and clones are brought out to start the vegetative process. Vegging the plants in the nursery greenhouse is much more energy efficient than indoors and the plants prefer being outdoors. There is very minimal water use in March; less than 2000 gallons.

**April:** Vegetative plants are being maintained and sites are being prepped with clearing weeds, weed wacking, turning soil to be reused and general clean up and organizing. Less than 10,000 gallons of water is used. All water used is at the nursery greenhouse.

**May:** Same as April. If weather permits, we move light dep plants from nursery greenhouse and plant them in the various greenhouses at cultivation areas 1 through 3 and may start pulling tarps depending on the weather. Water use is about 18,000 gallons a month.

**June:** Once plants are in their final homes, drip systems are put in place and rice straw mulch is laid around base of all plants. Water begins being used at areas 1 through 3, and as it heats up, water usage goes up to about 32,000 gallons for the month. Tarps are pulled over the light dep plants starting early June.



**July:** Maintaining all plants and planting of area 4 after July 9<sup>th</sup> due to Northern Spotted Owl area. Most of the month is spent grooming, staking, and watering. Around 40,000 gallons of water is used and light dep begins to be harvested. If new immature plants are ready, the light dep will be replanted for a second harvest which requires no additional lighting because of natural day light cycles.

**August:** Maintaining all plants. Trimming of the harvested light dep plants starts. Water usage is about 45,000 gallons at peak usage for the season.

**September:** Maintaining all plants. Water usage begins to decline as plants put on more flower and begin to come to the end of their life cycle. 30,000 gallons of water is used.

**October:** Begin Harvesting and drying to processing. Depending on the strain of plants being grown flowering cycle, harvest takes place most of the month. Water usage is down to less than 15,000 gallons for the month. Once dried in metal building, the cannabis is weighed into bins and then allocated to trimmers for processing. While harvesting, we are also cleaning up sites, and begin the organizing and storage for winter months. Honda 2000 watt generator is used most hours of the day to provide power and lighting for trim crew

**November:** Trimming and processing continues as well as site cleanup and organization which in entails putting away bamboo and plant cages for the winter and putting plastics away etc etc. Water usage is down to less than 5000 gallons, mostly for domestic use. Honda 2000 watt generator is used most hours of the day to provide power and lightning for trim crew.

**December:** Trimming finishes sometime within the month and final cleanup of trim staff and grounds is done while winter maintenance of roads and land continues. Water usage is less than 1000 gallons for domestic use. Honda 2000 generator is used sparingly for domestic use.

## **K. Security Plan**

The property is well isolated from easy access. The property line is about 2miles up a private road off the highway 299. There is heavy duty electronic gate just off the 299 that is shared with the neighbor below. We also have installed metallic security sensors that let us know if any vehicle is coming up to our gate via radio walkie talkies. With the same radio wave system, we also have motion detectors set up in key locations to detect movement on the property. All buildings are kept under lock and key and only select individuals have access to certain areas. We make copies of employees and temp workers IDs and sometimes run background checks on individuals not well known to management. A security system with cameras will be installed at the building and adjacent greenhouses once solar power is up at the building.

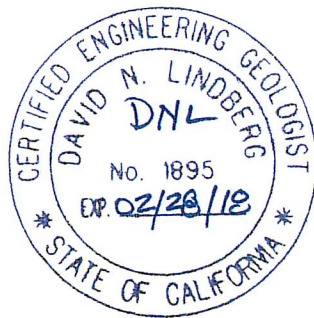


# ENGINEERING GEOLOGIC SOILS EXPLORATION REPORT

Natures Peace LLC  
APN: 522-174-005

State Highway 299  
Near Willow Creek  
Humboldt County, California

Prepared for:  
Mr. Craig Nejedly



  
David N. Lindberg, CEG 1895, Exp. 02/28/18

June 7, 2016

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# ENGINEERING GEOLOGIC SOILS EXPLORATION REPORT

Nature's Peace LLC, APN 522-174-005

Highway 299, near Willow Creek

Humboldt County, California

## 1.0 INTRODUCTION

### 1.1 Site and Project Description

Presented in this report are the results of our engineering geologic soils explorations conducted on the subject property located approximately 0.75 miles southwest of Willow Creek, and 18 miles east-northeast of Blue Lake, in Humboldt County, California (Figure 1). Humboldt County's Assessor has assigned number 522-174-005 to the subject parcel (Figure 2). Some pertinent project site information is presented below in Table 1:

TABLE 1 - PROJECT LOCATION INFORMATION	
Latitude and Longitude*	40.93285° N and 123.6436° W
Legal Description	SW ¼ Section 32, T 7 N, R 5 E; HB&M.
GIS Acres	135.5534
USGS Quadrangle Map	Willow Creek, CA 7.5-minute topographic quadrangle map.

\* Centroid of parcel per Humboldt County Web GIS

Nature's Peace LLC, the property owner, has been requested by the North Coast Regional Water Quality Control Board (NCRWQCB) to obtain an assessment of the stability of the slope at the eastern edge of a graded flat associated with green houses for agricultural use. NCRWQCB staff identified the location as GH2-7, in their inspection report of July 30, 2015. This site, GH2-7, had been graded flat by the prior owner to create new developable areas for cultivation. The parcel and the GH2-7 location are shown approximately on Figure 2. At the time of our explorations, the site was not occupied by greenhouses. Lindberg Geologic Consulting (LGC) was retained by the owner to conduct an engineering geologic exploration of the existing slope instability and prepare this report with recommendations.

No local public utilities (water, sewer, power, etc.) are available to this property. Access is via State Highway 299 via a private road. Existing forest roads, developed historically for legacy logging activities and maintained by the owner, provide access to properties off of State Highway 299. Satellite imagery from 1988 shows forest lands with an intricate network of roads. It appears that the area of GH2-7 was cleared and graded into its present state before July, 2007,

based on the Google Earth catalogue of imagery (from August 1988 – May 28, 2014) for this location. The greenhouses 2-7 (GH2-7), site was apparently created by grading an old landing, or a wide turn in the existing forest road. The eastern edge of the GH2-7 graded flat apparently failed between October 2006, and June 2009.

Included in our report is an assessment of the stability of the slope below the eastern edge of the clearing associated with GH2-7. Also included are recommendations, as necessary and appropriate, to help mitigate some of the potential effects of this past landslide, and recommendations applicable for design professionals (e.g., foresters or engineers), to utilize for planning and design of any requisite remedial activities.

## **1.2 Scope of Work**

The Scope of Services for this investigation included exploration of the graded GH2-7 area and observation and assessment of the past landsliding. Also included was characterization of the subgrade soils, development of recommendations, and preparation of this Report. The following information, recommendations, and design criteria are presented herein:

- Brief description of site terrain and local geology.
- Interpretation of subsurface soil and groundwater conditions based on our observations.
- Assessment of potential earthquake-related slope instability at the GH2-7, site.
- Discussion of potential mitigative measures as necessary and appropriate.
- Seismic design parameters per applicable sections of the 2013 California Building Code (CBC), including Seismic Design Category, Site Class, and Spectral Response Accelerations.
- Recommendations for earthwork; site and subgrade preparation; fill material; fill placement and compaction requirements; and criteria for temporary excavation support.
- Recommendations relating to grading and erosion control.
- Recommendations for materials observation (placement) and testing.

An environmental site assessment for the presence or absence of any hazardous materials was not included in our scope of work. Although we have explored subsurface conditions in limited areas, we have not collected any samples, or conducted any analytical laboratory testing for the presence of hazardous material of samples obtained.

### **1.3 Limitations**

This report has been prepared for the exclusive use of Nature's Peace LLC, their consultants and subcontractors, and appropriate public authorities, for specific application to the GH2-7 slide on this parcel. LGC has endeavored to comply with generally-accepted engineering geologic practice common to the local area at the time of the preparation of this report.

The analyses and recommendations contained in this report are based on data obtained from site reconnaissance and exploration, and research of publicly available reports, maps, and other documents. Our methods indicate conditions only at specific locations where observations were made, and/or where samples were obtained, only at the time they were made or obtained, and only to the extents exposed. Observations and sampling do not always accurately reflect stratigraphic variations that exist between sampling locations, nor do they necessarily represent conditions at any other time.

The recommendations included in this report are based, in part, on assumptions about subsurface conditions that may only be verified during earthwork. Accordingly, the validity of these recommendations is contingent upon LGC being retained to provide a complete professional service. LGC cannot assume responsibility or liability for the adequacy of the recommendations when they are applied in the field unless we are retained to observe application of any remedial measures recommended in this report.

Do not apply any of this report's conclusions or recommendations if the nature, design, or location of any of the work is changed. If or when changes are contemplated, LGC should be consulted to review their impact on the applicability of the recommendations in this report. LGC can not be responsible for any claims, damages, or liability associated with any third party's interpretation of the subsurface data, or reuse of this report for any future projects or at any other locations without our express prior written authorization.

## **2.0 FIELD EXPLORATION**

### **2.1 Field Exploration Program**

A Certified Engineering Geologist from our office visited the project site on March 18, 2016. The field investigation was performed to assess soil and groundwater conditions, and to estimate the engineering characteristics and properties of the subsurface materials at the GH2-7 landslide. Our exploration included observation of road cuts, landslide materials, and grading spoils to gain insight into subsurface conditions at the location.

## **2.2 Laboratory Testing**

No soil samples were retained by LGC from the field exploration. No laboratory analyses were performed by LGC on any soil samples from this property. Subsurface soils generally appeared to be uniformly-distributed across the GH2-7 graded pad and landslide location. Soils appeared to be typical of the area; consisting of thin duff and topsoil where not stripped by grading. Duff and topsoil are underlain by medium dense weathered phyllitic siltstone that has decomposed to silty sand with fine gravel. Weathered near-surface materials grade rapidly to hard, fractured, dense phyllitic siltstone bedrock.

## **3.0 SITE AND SUBSURFACE CONDITIONS**

### **3.1 Topography and Site Conditions**

This existing subject parcel is steeply sloping for the most part, with some more-gently sloping areas on ridge crests, and is approximately 137 acres in area. Most of the parcel appears to be in the drainage areas of Victor Creek and Bloody Nose Creek (Figure 1), both tributaries to the Trinity River. This parcel does not appear to be significantly connected, hydrologically, with the drainage area of Butterfly Creek.

Elevations on parcel 522-174-005 range from of approximately 1,040 feet to 2,080 feet above mean sea level near the southwestern property corner, according to the USGS topographic map. Slope aspects on this parcel are primarily northwesterly and southeasterly, as the creeks and ridges trend northeasterly to southwesterly. Average slope gradients on this parcel exceed 30 percent; and are locally steeper near the water courses, and more gently sloping on the ridge tops. Bloody Nose Creek and Victor Creek flow through this parcel eventually joining the Trinity River at Willow Creek (Figure 1).

### **3.2 Geologic Setting**

Northwestern California is a seismically active region in which large earthquakes are expected to occur during the economic life span (50 years) of developments on the subject property. This parcel is located in California's northern Coast Ranges Geomorphic Province, west of the Klamath Mountains Geomorphic Province. Recent mapping (Figure 5) by the California Geologic Survey (CGS, 2005), shows the parcel is underlain by Jurassic rocks of the Galice Formation (Jg, Figure 5a).

As described by the CGS, Galice formation consists of fine- to coarse-grained gray phyllitic metagraywacke. Finer grained portions have been altered to slate and phyllitic slate. The level of metamorphism generally increases to the west through the unit. Numerous exposures in streams



show graded bedding typical of turbidite sequences. The Galice Formation is intruded by scattered metamorphic-felsite dikes and sills. Those areas underlain by slates and phyllitic slate are especially subject to slope failure. Soils developing on the bedrock are typically clay rich and can be susceptible to erosion and sliding.

Soils and surficial deposits encountered during our on-site explorations in the area of the existing developments, appeared to consist of a relatively consistent profile of brown and yellowish to grayish brown, medium dense, gravel in a sandy clay matrix. There were no springs in that part of the parcel that we explored. Depth to free groundwater was not determined.

Underlying the gravel in a sandy clay matrix at relatively shallow depths at the existing development sites we observed hard, dense, pervasively fractured bedrock. Intact rock fragments typically appeared to consist of weathered sandstone and mudstone.

The near-surface soils are composed predominantly of gravel in a sandy clay matrix. Soils, based on our explorations, are in general interpreted to be uniformly distributed across the parcel. Bedrock appeared closer to the surface near the ridges and deeper on the side slopes and less steep areas. Soils are likely to be thinner on steeper slopes. Within the areas explored, the soil profile consists of 0.5 feet or less of loose, organic-rich topsoil forest duff, topsoil and leaf litter over 3 to 6 feet of dense, gravely sandy with clay. The percentage of rock increased, and the degree of weathering of that rock decreased as depth increased in the cut slopes and excavations observed.

### **3.3 Seismicity**

This project site is located in a seismically active region in which large earthquakes from a variety of sources have a potential to occur during the estimated 50-year economic life span of a typical structure. North of Cape Mendocino and the Mendocino triple junction, the regional tectonic framework is controlled by the Cascadia subduction zone (CSZ), wherein the Gorda and Juan de Fuca oceanic plates are being actively subducted beneath the North American continental plate. According to the State of California's mapping there are no Alquist-Priolo Special Studies Zones or active faults zoned for special studies on the subject parcel. Existing developments on this parcel are greater than 10 miles east northeast of the nearest zoned active faults, which are near Blue Lake.

### **3.4 Regional Seismicity**

Regionally, the project site is subject to ground motion from a number of seismic sources including the Little Salmon fault More than 25 miles to the southwest, and the Cascadia

subduction zone approximately 60 miles to the west-southwest, and considered capable of producing a great earthquake with an estimated magnitude (moment magnitude,  $M_w$ ) of 9.0. The subducting Gorda plate is a common source of historic earthquakes felt in the north coast, and recent (since ~1850) Gorda plate earthquakes have ranged in magnitude up to 7.4 in the earthquake of November, 1980.

Faults within the Mad River fault zone, and other proximal North American intraplate faults are considered capable of generating earthquakes with moment magnitudes 7.3 (CGS 1999 & 2000). Other more distal active faults include: the Garberville Briceland fault (~55 mi.,  $M_w$  6.9), the Mendocino fault (~60 mi.,  $M_w$  7.4), and the San Andreas fault (~60 mi.,  $M_w$  7.6).

### **3.5 Subsurface Conditions**

Soil and groundwater conditions were characterized by observation of existing cut slopes, excavations and spoils from past earthwork. Maximum depth observable was estimated to equate to approximately six feet below ground surface (bgs). Soils exposed were described in general accordance with ASTM D 2488 standards. Subsurface stratigraphy has been inferred to a degree; the attached soil profile log (Figure 6) was constructed from observations made at various locations and synthesized for the purpose of the present report.

Stratigraphy within the upper six feet of the soil profile consisted of a relatively-uniform profile of thin topsoil underlain by fractured sandstone and mudstone bedrock. Rock fragments were generally angular to subangular and increased in abundance with depth. Existing cut slopes, excavations and spoils from past earthwork exposed a soil profile that appeared suitably representative of the overall conditions in the developed areas of the parcel. Past grading removed the thin rocky topsoil in the vicinity of GH2-7 (Figure 3).

### **3.6 Groundwater Conditions**

Groundwater was not encountered in the field during our explorations. Secondary porosity was observed as bedrock fractures suggesting the soils are well-drained and that shallow groundwater is not a concern for existing developments. No soil mottling was observed. Groundwater levels on this site may be anticipated to fluctuate somewhat with seasonal or long-term climatic variations and changes in land use and there are springs in other areas of the property.

Existing site developments are not expected to experience detrimental groundwater at shallow depths. Earthwork during the wet season (October through May) could be adversely affected by soils subject to temporary, seasonal saturation. Groundwater conditions are not anticipated to

negatively affect grading during the dry season, or performance in the long term, however, seasonally saturated soils could make earthwork problematic during the wet winter months.

#### **4.0 GEOLOGIC HAZARDS**

Past slope instability and tension cracks in the ground above the failed slope east of the graded GH2-7 site were the primary focus of our geologic hazard assessment; areas beyond the GH2-7 flat were not explored on the parcel. Primary geologic hazards on APN 522-174-005 include landsliding, erosion, seismic ground shaking due to near and far seismic sources, and the potential for settlement of fill or foundations placed on inadequately prepared soil or not compacted adequately. Our assessment of these and other common potential geologic hazards is presented below.

##### **4.1 Landsliding**

The subject parcel consists primarily of steep terrain, with northwest and southeast aspects and northeast-trending creeks and ridges. Within the parcel, areas of less steep slopes have been developed over many years of logging and grading. Several landslides are mapped on this parcel by the California Geologic Survey (CGS, 2005), including a large slide with a headscarp which reaches up to the edge of GH2-7. The graded greenhouse site GH2-7, is located in an area underlain by somewhat more-stable materials. Beyond the minor ground settlement cracks at the east edge of GH2-7 we observed no indications of active landsliding in proximity to the existing greenhouse site GH2-7. We conclude that slope instability and landsliding is not anticipated to further impact GH2-7 as a result of the past grading and earthwork. Sidecast fill was observed to have settlement cracks in several areas; refer to the settlement section below.

##### **4.2 Erosion**

Concentrated runoff has the potential to result in erosion. Sidecast grading spoils are of concern due to their potential to erode and deliver excess sediment to nearby waterways which could also serve as habitat for threatened or endangered species. Non-engineered fill on undisturbed native slopes with no preparation can fail as a mass and flow into adjacent water courses. On-site fill at GH2-7 was not significantly eroding or failing at the time we observed it on this parcel.

##### **4.3 Seismic Ground Shaking and Surface Fault Rupture**

As noted in Section 3.3, the project site is situated within a seismically active area but is some distance from the several seismic sources capable of generating very strong ground motions or surface rupture (CDMG, 2000). Given the distance of the Mad River fault zone to the site near

Blue Lake, and the Cascadia subduction zone (offshore to the west), as well as other active faults within and offshore of northern California (e.g. Little Salmon fault), the project site is expected to experience moderate to strong ground shaking during the economic life span of existing and future developments (if any).

#### **4.4 Liquefaction**

Liquefaction is the loss of soil strength, resulting in fluid mobility through the soil. Liquefaction typically occurs when loose, uniformly-sized, saturated sands or silts that are subjected to repeated shaking in areas where the groundwater is less than 50 feet bgs. In addition to the necessary soil and groundwater conditions, the ground acceleration must be high enough, and the duration of the shaking must be sufficient, for liquefaction to occur.

Conditions conducive to liquefaction do not appear to be present at the developed sites on this parcel; there are no loose, uniformly-sized, saturated sands or silts evident in the soil. Based on the planning scenario (CDMG, 1995), the site is located outside of any areas of liquefaction potential. Based on the geological age and density of the site soils, the potential for liquefaction-related settlement or other liquefaction-related phenomenon is considered low at this site.

#### **4.5 Settlement**

Based on our explorations and observations, undocumented, non-engineered fill soils appear to be present as side cast fill from grading of the GH2-7 site on the subject property. Any undocumented, non-engineered fill soils should be considered unsuitable as load bearing soils due to the potential for settlement. Lack of ground preparation and compaction during construction of the side cast fill soils on-site is suggested by the presence of small settlement-related ground cracks at the top of the slope at the east edge of the GH2-7 flat.

#### **4.6 Flooding**

Victor Creek and Bloody Nose Creek flow northeast through this parcel (Figure 1). The existing graded flat at GH2-7 was the only area we explored on this parcel (Figure 3). Based on the Humboldt County Web GIS system, the existing GH2-7 flat appeared to be located outside the streamside management areas; well above and away from these streams. The County GIS system also shows the entire existing parcel to be outside of the 100-year flood zone. Consequently, the hazard of flooding of the existing developed areas on the parcel is low.

#### **4.7 Soil Swelling or Shrinkage Potential**

Subsurface soils at foundation load bearing depths consist predominantly of low-plasticity rocky sandy and silty materials. Due to seasonal precipitation, soils were moist to the ground surface at existing grade at the time of our site explorations. Soils appeared permeable and well-drained. Appearing generally moderate to low in clay content, these grain- and clast-supported rocky soil materials do not appear to be subject to shrink and swell associated with cyclic seasonal wetting and desiccation. Additionally, these soils appear unlikely to desiccate to a depth sufficient to affect a typical foundation system built according to current building codes. The hazard to any future structures associated with potential swelling or shrinkage of the soils beneath a spread footing foundation is acceptably low.

#### **5.0 CONCLUSIONS AND DISCUSSION**

Prior to our explorations the subject parcel had been developed with several graded flats for agricultural use. The sidecast fill slopes at this location were not likely to have been constructed according to present-day standards. Based on the results of our explorations, it is our opinion that the existing slope failure at the eastern edge of the GH2-7 flat was likely a result of reactivation of the large existing landslide mapped by the CGS (2005). In our opinion, improvement of the road below and to the east of GH2-7, resulted in reactivation of the existing landslide.

From an engineering-geologic perspective, the GH2-7 cut flat we explored appeared generally suitable for its current use of supporting temporary seasonal greenhouse structures. Cracks with vertical offsets of approximately four or five inches have formed in the ground surface on the east edge of GH2-7 (Figure 4). In this single location, sidecast fill placed adjacent to the head of the existing landslide settled and resulted in the observed ground cracks. The Quaternary landslide here was mapped by CGS in 2005, on the slope east of and below what is now the GH2-7 cut flat. Reactivation of this slide occurred between late-2006 and mid-2009, based on Google Earth.

#### **6.0 RECOMMENDATIONS**

##### **6.1 Setback Recommendations**

Grading on GH2-7 was performed between approximately 2006 and 2009, so avoiding the area of instability is no longer a possibility. We recommend that future work on the parcel comply with the slope setback requirements of the currently in-force edition of the building code.

## **6.2 Site Preparation**

Any further proposed earthwork, such as site clearing, grubbing, grading and stripping should be conducted during dry weather conditions. Any topsoil excavated should be stockpiled on-site for later use as landscaping material or other non-structural fill. Approved erosion and sediment controls appropriate for the season, and compliant with State and County regulations, should be in place when earthwork occurs. When the ground is wet, vehicle and equipment traffic should be restricted, and care should be taken to avoid rutting and mixing of disturbed soils or topsoil with the underlying native bearing soils.

## **6.3 Subgrade Preparation**

Areas to receive future fill (if any) should be stripped of all topsoil, graded to provide a smooth flat bearing surface, scarified to a depth of 8 inches, moisture conditioned and compacted in accordance with the compactions standards outlined below, or to a firm and unyielding surface sufficient to support the anticipated loads. If the exposed subgrade soil is soft or disturbed, or if it proves difficult to compact, it should be excavated additionally to expose more-competent native soils. The resulting subgrade should be scarified, moisture conditioned and compacted as recommended above. The excavated material should be replaced with compacted fill.

## **6.4 Temporary Excavations**

None are anticipated, but if any should be considered, all temporary construction slopes should be designed and excavated in strict compliance with applicable local, state, and federal safety regulations including the current OSHA Excavation and Trench Safety Standards.

Construction equipment, building materials, excavated soil, vehicular traffic, and other similar loads should not be allowed near the top of any unshored or unbraced excavation. Where the stability of adjoining slopes, buildings, walls, pavements, or other similar improvements is, or may be endangered by excavation operations, support systems such as shoring, bracing, or underpinning, may be required to provide structural stability and to protect personnel working in the excavation.

Since excavation operations are dependent on construction methods and scheduling, the builder should be solely responsible for the design, installation, maintenance, and performance of all shoring, bracing, underpinning, and other similar systems. LGC assumes no responsibility for temporary excavations, the safety thereof, or the design, installation, maintenance, and performance of any shoring, bracing, underpinning, or other similar systems.

## 6.5 Cut and Fill Slopes

No new cut or fill slopes have been specified for this parcel. We recommend that the existing side cast fill be regraded where it exhibits settlement cracks. A small excavator or backhoe should be utilized to pull as much of the cracked fill up to the GH2-7 graded flat. Also pull the stumps and down or dead trees up off of the upper slopes of the landslide. Using the soil excavated from the area of ground cracking, build a small berm inboard of the ground cracks, to prevent runoff from reaching the landslide from the GH2-7 flat. We suggest that runoff be drained to the north or west, where it can be drained or discharged away from the unstable slopes to the east. Any future fills should be benched into the slope, compacted for stability and finish-graded to drain by sheet flow to suitable areas where no concentration of runoff or erosion will occur. New cut or fill slopes should not exceed 50 percent, equivalent to two to one, horizontal to vertical (2H:1V).

Any new structural fill on sloping ground should be placed on a suitably prepared subgrade surface with a slope of not greater than 4:1 (horizontal to vertical) and should be compacted mechanically to reduce any potential for excessive and/or differential settlement.

## 6.6 Fill Materials

### Aggregate Base

Aggregate base material may be used for pavement subgrade, placed beneath footings or floor slabs, or used as trench backfill. This material should meet the requirements in the Caltrans Standard Specifications for Class 2 Aggregate Base (3/4-inch maximum particle size).

### Select Fill

Select fill should be a soil/rock mixture free of organic material and other deleterious material; some on-site native materials appeared potentially-suitable for use as select fill. Select fill material should contain low plasticity clay, well-graded sand, and gravel or crushed rock. The material should contain no particles larger than 3 inches in greatest dimension, nor more than 15 percent larger than 2-inches in greatest dimension. Additionally, the material should meet the following specifications:

Plasticity index (PI):	<12
Liquid Limit (LL):	<30
Percent passing No. 200 sieve:	50 maximum, 5 minimum

### 6.7 Compaction Standard

Fill materials should be compacted in accordance with the specifications listed in Table 2 below. Material should be placed in horizontal lifts that do not exceed 8-inches in uncompacted thickness. Fills may be compacted, under the observation of the engineer, to a firm and unyielding condition by wheel-rolling with a ten yard dump truck, or “track-packed” with a full-size excavator or bulldozer.

<b>TABLE 2 – STRUCTURAL FILL PLACEMENT SPECIFICATIONS</b>		
<b>Fill Placement Location</b>	<b>Compaction Recommendation (ASTM D 1557-Modified Proctor)</b>	<b>Moisture Content (Percent of Optimum)</b>
Granular cushion beneath Floor Slab	90%	-1 to +3 percent
Structural fill supporting Footings	90%	-1 to +3 percent
Structural fill placed within 5-feet beyond the perimeter of the building pad	90%	-1 to +3 percent
Roadway fill placed within 2-feet of the final Pavement grade	95%	-1 to +3 percent
Structural fill placed below the base of the Roadway fill (>2' below final grade)	90%	-1 to +3 percent
Utility trenches within building and beneath pavement areas	95%	-1 to +3 percent
Utility trenches beneath Landscape Areas	90%	-1 to +3 percent

### 6.8 Seismic Design Parameters

<b>Table 3 - Spectral Response Accelerations</b>		
Situs Information: 316-085-001	Latitude / Longitude	40.93285° / -123.6436°
	Risk/Occupancy Category	II
	Seismic Design Category	E
	Site Class	D
Spectral Acceleration	S <sub>s</sub> (Site Class B)	2.202 g
	S <sub>1</sub> (Site Class B)	0.958 g
Site Coefficients	F <sub>a</sub> / F <sub>v</sub>	1.0 / 1.5
Response Accelerations	S <sub>MS</sub>	2.202 g
	S <sub>M1</sub>	1.436 g
	S <sub>DS</sub>	1.468 g
	S <sub>D1</sub>	0.958 g



Based on the subsurface conditions observed, our professional experience, and an assumption of the native soil conditions within 100-feet of the ground surface, it is our opinion that the site soils are Site Class D consisting of a "stiff soil profile" (Section 1613.3.2, 2013 CBC). The seismic design parameters in Table 3, above, are based on this classification and were determined in accordance with ASCE 7-05 Standard, Minimum Design Loads for Buildings and Other Structures, using the Ground Motion Parameter Calculator provided by the United States Geological Survey (v. 5.1.0, USGS, 2016).

## **6.9 Foundation Design**

It is our understanding that no new foundations are planned for this property at present. In our opinion, future proposed structures can be supported by monolithic slab on grade foundations with continuous concrete perimeter footing in combination with isolated interior spread footings, or on a perimeter spread footing with interior footings. Foundations of these types are suitable for site conditions provided they are designed and constructed in accordance with our recommendations, and meet the minimum standards of the currently in-force edition of the CBC.

### Allowable Soil Bearing Pressures

- For design of foundation elements embedded into suitably-dense undisturbed native soils, we recommend an allowable bearing pressure of 2,000 pounds per square foot for dead load plus long-term live load, in accordance with Table 1806.2 (CBC, 2013). Lateral bearing pressure is 150 pounds per square foot per foot below native grade. For lateral sliding resistance use a coefficient of friction 0.25 multiplied by the dead load, or a cohesion value of 130 psf.
- The allowable bearing pressure may be increased by one-third when using alternate load combinations in Section 1605.3.2 (CBC, 2013) that include wind or earthquake loads. At minimum, all footings should be designed and sized to be not less than 15 inches wide and 6 inches thick per Section 1809.7 (CBC, 2013).

## **6.10 Grading, Drainage and Erosion Control**

Decades after this property was logged, areas on this parcel were graded over the past several years, beginning prior to August 2005, and continuing through October 2010, based on our interpretation of satellite images. Where settlement cracks are evident in the side cast fill prism at GH2-7, regrade as recommended above to provide positive drainage by sheet flow away from the area of observed settlement of the sidecast fill above the landslide.

Regrade as necessary to promote sheet flow away from the head of the landslide. Scarify and compact the upper eight inches of the soil. With the exception of stormwater detention or retention facilities (if any), no water should be allowed to pond anywhere on the site, to migrate beneath any structures, or drain into unstable areas such as the landslide at GH2-7. Grading should promote drainage by sheet flow to natural slopes or watercourses, as recommended below:

- For hardscaped (e.g. paved) areas, maintain a minimum gradient of two percent away from all structures.
- For unpaved areas, bare soil areas and landscaped areas, and to the extent feasible, maintain a five percent gradient away from structures for at least ten feet, where feasible.
- Design the grading and erosion controls to promote sheet runoff and avoid concentrating stormwater runoff.
- Any roof drainage should be controlled with the installation of gutters and downspouts.
- Connect downspouts to tightlines to convey roof storm runoff away from foundations to suitable outlet points (e.g. past the toe of the fill slopes), where no erosion will occur.
- Runoff from any hardscaped areas, including sidewalks and parking areas, and other impermeable surfaces should be controlled, and directed to suitable outlet points where no erosion will occur.

Following the regrading of the area where settlement cracks have occurred, place silt fence, installed per the manufacturer's recommendations, at the toe of area of soil disturbed by the work. Place fiber rolls, installed and staked per the manufacturer's recommendations, contour parallel, at the midpoint of any new small sidecast fill slopes. Seed all bare soil areas with native grass mix, paying special attention to bare soil areas. To encourage slope stability, plant appropriate native tree seedlings in the soil below GH2-7, in the area disturbed by the mitigation work recommended above. Mulch bare soil slopes with straw and punch it into the soil to resist wind. Water the seeded and mulched area, and keep it moist to establish the erosion control vegetation before the winter rains commence.

## **7.0 ADDITIONAL SERVICES**

### **7.1 Review of Grading and Foundation Plans, and Earthworks**

The conclusions and recommendations provided in this report are based on the assumption that soil conditions encountered during grading or construction will be essentially as exposed during our site exploration, and that the general nature of the grading and use of the property will be as described above. In order to provide a complete professional service, Lindberg Geologic

Consulting should be retained to provide observation services to assure conformance with the specific recommendations contained within this report including:

- Review of the side cast fill areas following the scarification and compaction.
- Observation of silt fence, fiber rolls, and seeding and straw, following their placement and or installation.

## REFERENCES

CBC [California Building Code], 2013 edition, California Code of Regulations, Title 24, California Building Standards Commission.

CDMG [California Division of Mines and Geology], 2000, Digital Images of Official Maps of Alquist-Priolo Earthquake Fault Zones of California, Northern and Eastern Region.

CGS [California Geologic Survey], 2005, Landslide Map of the Highway 299 Corridor, Humboldt County, California, Blue Lake to Willow Creek (PM 6.6 – 40.0), Plate 2 of 2, Eastern Portion. James N. Falls, CEG and Burt C. Hardin, CEG.

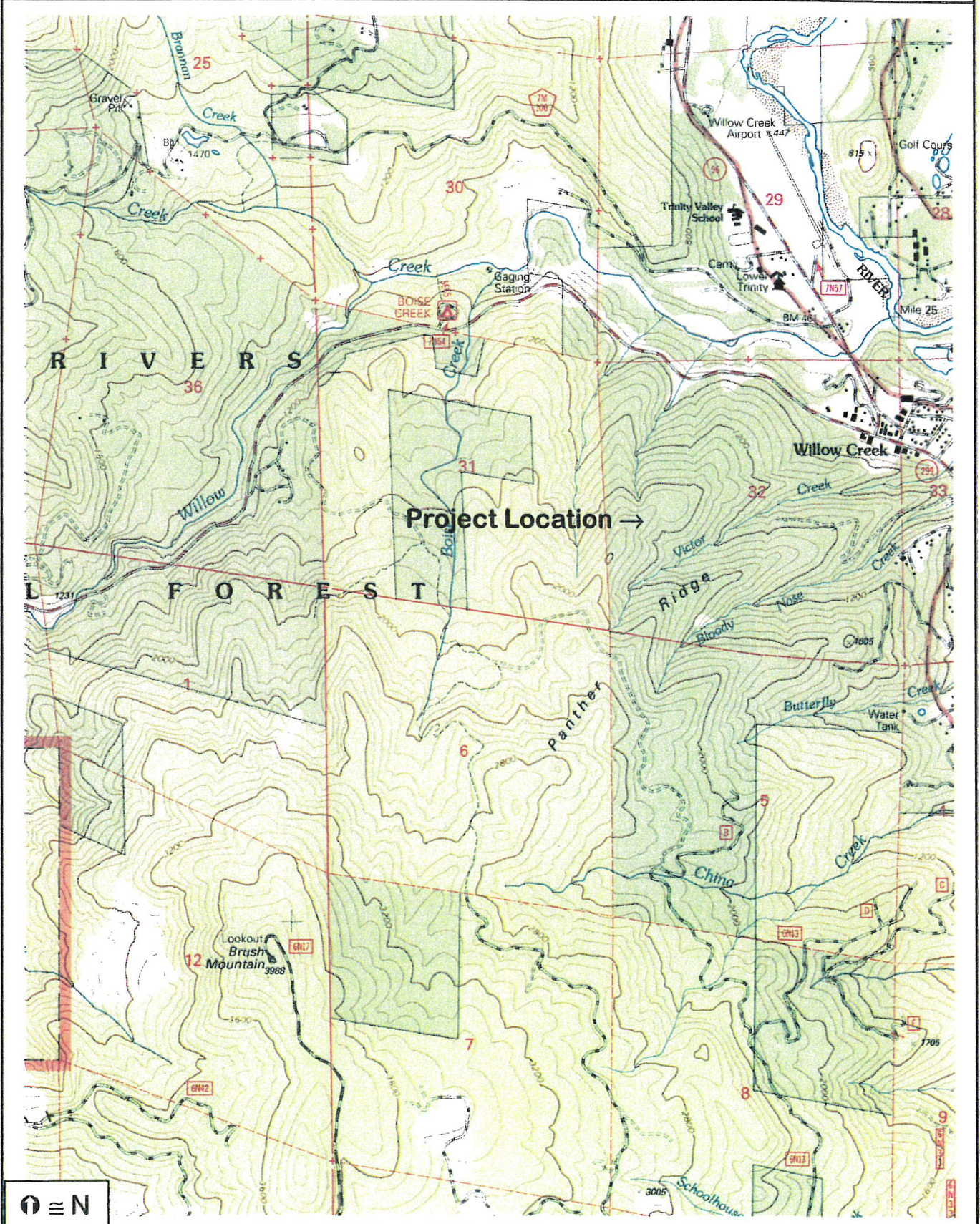
CDMG, 1995, Planning Scenario in Humboldt and Del Norte Counties, California, for a Great Earthquake on the Cascadia Subduction Zone, Special Publication 115.

USGS, 2016, Seismic Design Values for Buildings, website, URL: <http://earthquake.usgs.gov/research/hazmaps/design/index.php>

## 8.0 LIST OF FIGURES

- Figure 1: Location Map  
Figure 2: Assessor's Parcel Map  
Figure 3: Satellite Image Area of Concern on Subject Parcel  
Figure 4: Digital Image of Settlement cracks  
Figure 5: Geologic Map of Vicinity of Subject Parcel  
Figure 5a: Geologic Map Unit Descriptions  
Figure 6: Generalized Soil Profile log

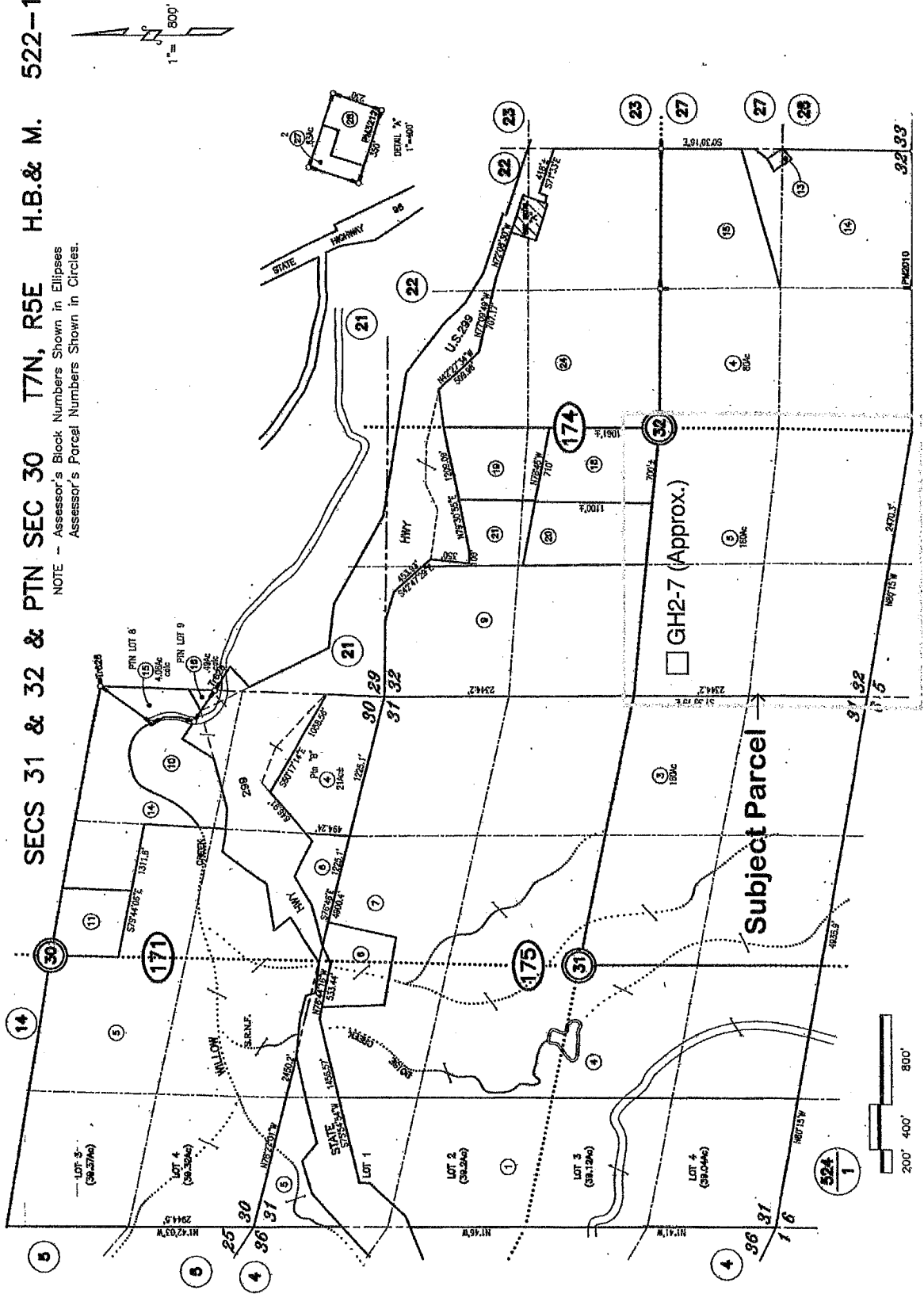
Lindberg Geologic Consulting	Engineering Geologic Soils Exploration Report	Figure 1
P. O. Box 306	Off of Highway 299, near Willow Creek, California	June 7, 2016
Cutten, CA 95534	APN 522-174-005; Mr. Craig Nejedly	Project 0155.00
(707) 442-6000	Portion of 1997, USGS Willow Creek 7.5' Topographic Quadrangle	1 inch $\approx$ 0.4 miles



Lindberg Geologic Consulting	Engineering Geologic Soils Exploration Report	Figure 2
P. O. Box 306	Off of Highway 299, near Willow Creek, California	June 7, 2016
Cutten, CA 95534	APN 522-174-005; Mr. Craig Nejedly	Project 0155.00
(707) 442-6000	Humboldt County Assessor's Parcel Map 522- 17	Not to scale

SECS 31 & 32 & PTN SEC 30 T7N, R5E H.B.& M. 522-17

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.



Lindberg Geologic Consulting	Engineering Geologic Soils Exploration Report	Figure 3
P. O. Box 306	Off of State Highway 299, near Willow Creek, California	June 7, 2016
Cutten, CA 95534	APN 522-174-005; Mr. Craig Nejedly	Project 0155.00
(707) 442-6000	Satellite Image of Area of Concern on Subject Parcel	Not to scale

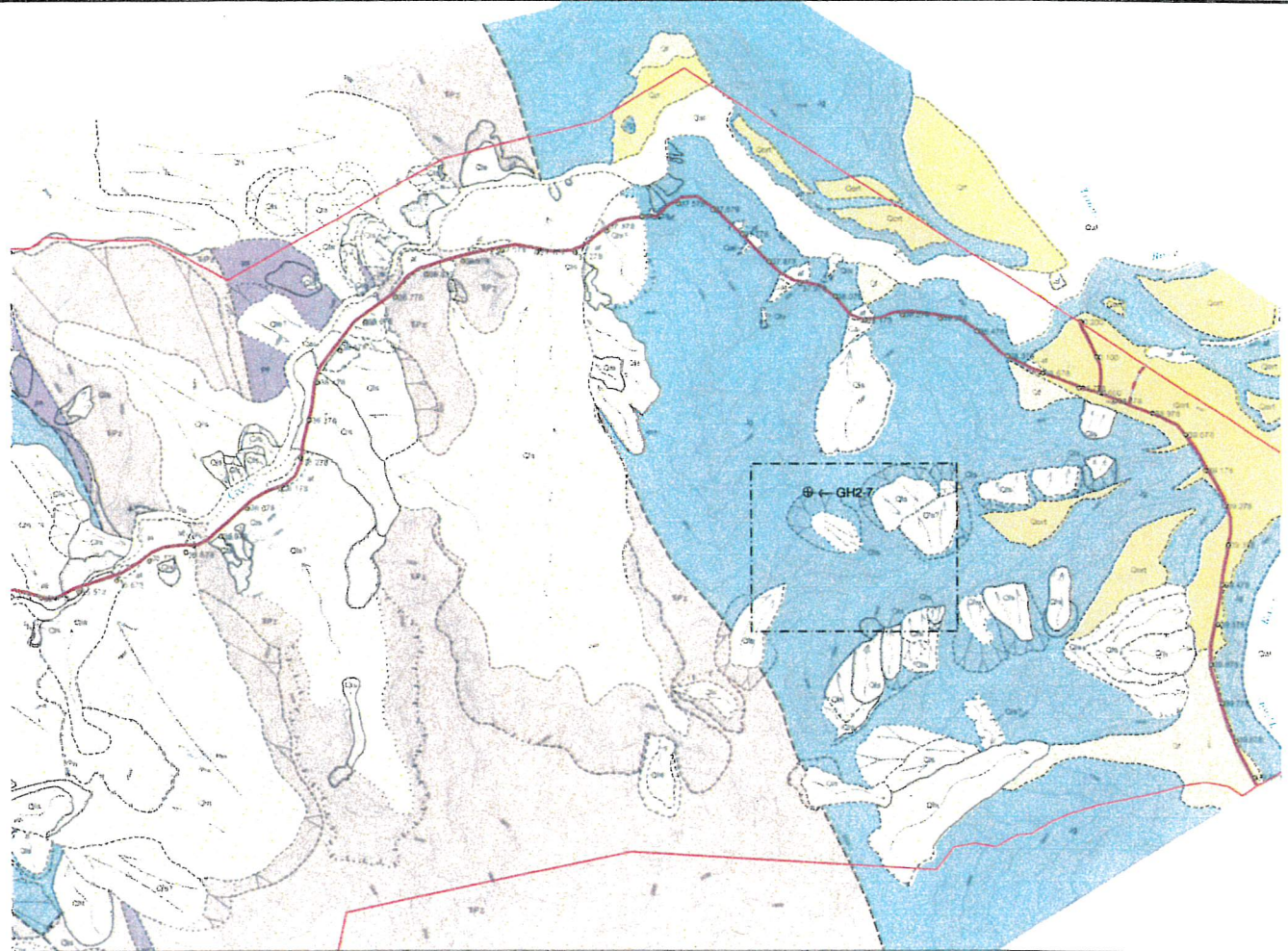


From: Google Earth. Image Date May 28, 2014. N ≡

Lindberg Geologic Consulting	Engineering Geologic Soils Exploration Report	Figure 4
P. O. Box 306	Off of Highway 299, near Willow Creek, California	June 7, 2016
Cutten, CA 95534	APN 522-174-005; Mr. Craig Nejedly	Project 0155.00
(707) 442-6000	Digital Image of Settlement Cracks GH2-7 Flat	Field book: ~7.5" x 5"



Lindberg Geologic Consulting	Engineering Geologic Soils Exploration Report	Figure 5
P. O. Box 306	Off of Highway 299, near Willow Creek, California	June 7, 2016
Cutten, CA 95534	APN 522-174-005; Mr. Craig Nejedly	Project 0155.00
(707) 442-6000	Geologic Map of Vicinity of Subject Parcel	No scale



### Landslide Symbols



**ROCK SLIDE:** Slope movement with bedrock as its primary source material. This class of failure includes rotational and translational landslides; relatively cohesive slide masses with failure planes that are deep-seated in comparison to those debris slides of similar areal extent. The slide plane is curved in a rotational slide. Movement along a planer joint or bedding surface may be referred to as translational. Complex versions with combinations of rotational heads and translational movement or earthflows downslope are common. Landslide boundary indicates confidence; solid line- definite, dashed line - probable, dotted line - questionable. ↑ indicates a scarp, arrows show direction of movement. QIs denotes deposit when present.



**EARTHFLOW:** Slow to rapid movement of mostly fine-grained soil with some rocky debris in a semi-viscous, highly plastic state. After initial failure, the mass may flow or creep seasonally in response to changes in groundwater level. These types of slope failures often include complexes of nested rotational slides and deeply incised gullies. Landslide boundary indicates confidence; solid line- definite, dashed line - probable, dotted line - questionable. ↖ indicates scarp, arrows show direction of movement. QIs denotes deposit when present.



**DEBRIS SLIDE:** Mass of unconsolidated rock, colluvium, and coarse-grained soil that has moved slowly to rapidly downslope along a relatively steep, shallow, translational failure plane. Debris slides form steep, unvegetated scars in the head region and possibly irregular, hummocky deposits in the toe region. Scars commonly erode and remain unvegetated for several seasons depending on slope aspect. Landslide boundary indicates confidence: solid line- definite, dashed line - probable, dotted line - questionable. Landslide deposit is locally absent. ↖ indicates scarp, no arrows are used to portray landslide movement direction. QIs denotes deposit when present.



**DEBRIS FLOW:** Long stretches of bare ground that have been scoured and eroded to bedrock by extremely rapid movement of water-laden debris. Debris flows are commonly triggered by debris sliding in the source area during high intensity rains. Debris is often deposited downslope as a tangled mass of organic material in a matrix of rock, and soil; debris may be reworked and incorporated into subsequent events; lack of vegetation indicates recent activity. Landslide boundary indicates confidence; solid line- definite, dashed line - probable, dotted line - questionable. Landslide deposit is locally absent. ↖ indicates scarp, arrow shows direction of movement. QIs denotes deposit when present.

From: CGS,2005



Lindberg Geologic Consulting	Engineering Geologic Soils Exploration Report	Figure 5a
P. O. Box 306	Off of Highway 299, near Willow Creek, California	June 7, 2016
Cutten, CA 95534	APN 522-174-005; Mr. Craig Nejedly	Project 0155.00
(707) 442-6000	Geologic Map Unit Descriptions	No scale

### Map Unit Descriptions

af	Artificial fill (Holocene) - Heterogeneous mixture of artificially deposited material deposited ranging from well compacted gravel, sand, silt and clay to poorly compacted sediment high in organic content.
Qf	Alluvial fan (Holocene) - Characteristic fan-cone shapes at the mouths of eroding stream canyons.
Qal	Alluvium (Holocene and Late Pleistocene?) - Undifferentiated alluvial deposits of unconsolidated sand, gravel, silt, and lesser clay.
Ql	Lacustrine deposits (Holocene) - Undifferentiated and unconsolidated lake deposits of clay, silt and fine sand.
Qoa1	River terrace deposits (Holocene) - Dominantly sand and gravel with lesser silt and clay deposited during higher stream stands over flat-lying to gently inclined platforms.
Qoa2	Undifferentiated continental and marine deposits (Holocene-Pleistocene) - Undifferentiated older river terrace deposits. Weakly consolidated, moderately to poorly sorted, gravel, sand, silty sand, silt and clay deposited in a fluvial environment and subsequently uplifted.
QTfa	Falor Formation (Pliocene-Pleistocene) - Pebbly conglomerate, sandstone and siltstone that contains abundant animal and plant remains locally. Unit was deposited in a fluvial and shallow marine environment. Contact between it and underlying units is an erosional unconformity.
KJfsc	Sandstone and mélangé unit of Snow Camp Mountain (Cretaceous-Jurassic) Central Belt Franciscan Complex - This unit underlies the bulk of the NF Mad River watershed and consists of bodies of dense, intact sandstone intermixed with a pervasively sheared shale-rich mélangé containing smaller blocks of metagraywacke, metachert, volcanic breccia, melabasalt, metatuff, metavolcanic rocks, greenstone and glaucophane-lawsonite blueschist. Based on aerial photograph interpretation and mapping, this material appears to be similar mechanically to the incoherent unit of Coyote Creek, but appears to be more resistant to active mass-wasting. ss = sandstone, gs = greenstone, u = undifferentiated bedrock.
KJfg	Transitional rocks of the Grogan fault zone (Cretaceous-Jurassic) Eastern Belt Franciscan Complex - Phyllitic sandstone and mudstone with minor greenstone, metaconglomerate and exotic blocks of blueschist. Metaconglomerates exhibit alignment, deformation and shattering of clasts. Grogan fault zone rocks are described as intermediate in texture and degree of metamorphism between the Redwood Creek schist and the sandstone and mudstone units (Harden and others, 1982). These rocks crop out along the trace of the Grogan fault and underlie much of the inner gorge of Redwood Creek.
KJff	Coherent unit of Lacks Creek (Cretaceous-Jurassic) Eastern Belt Franciscan Complex - This unit consists of a relatively resistant assemblage of sandstone and mudstone. Intact sections of interbedded sandstone and mudstone show rhythmic bedding and sedimentary structures characteristic of turbidites. Sandstones are composed of lithic graywacke and quartzofeldspathic graywacke (Cashman et al., 1995). Massive sandstone beds are up to 10 m thick and are typically 0.1 - 3 m thick where interbedded with mudstone.
KJfc	Incoherent unit of Coyote Creek (Cretaceous-Jurassic) Eastern Belt Franciscan Complex - This unit consists dominantly of a fine-grained sandstone and shale assemblage that has been pervasively sheared into a mélangé by tectonic processes. The unit underlies the Redwood Creek basin east of the Grogan fault. The Coyote Creek unit is further characterized by the presence of greenstone, chert and minor conglomerate. Greenstone blocks are found as "floaters" in pervasively sheared mudstone matrix. Soils developing on the bedrock are typically clay rich and highly susceptible to erosion and sliding.
KJfr	Redwood Creek schist (Cretaceous-Jurassic) Eastern Belt Franciscan Complex - This unit is mostly light green to dark gray fine-grained foliated and crenulated (numerous small folds) quartz-mica schist and underlies the western half of the watershed from Lord Ellis Summit to O'Kane. The unit is distinctive because of its strongly developed platy (metamorphic) textures and high quartz/mica content. The Redwood Creek schist and South Fork Mountain Schist seen in the Willow Creek section appear nearly identical at hand-sample scale. Several other types of rocks occur within the Redwood Creek schist, including meta-sandstone, greenstone (altered basalt) and tuff. Large variations in texture, composition and degree of deformation are reportedly seen within this unit (Cashman and others, 1995). Outcrops occasionally contain minor amounts of epidote, actinolite, lawsonite and graphite.
KJfs	South Fork Mountain Schist (Cretaceous-Jurassic) Eastern Belt Franciscan Complex - The dominant rock is dark gray to green quartz-albite-muscovite-chlorite schist and has similar mineralogical characteristics to the Redwood Creek schist. Includes foliated greenstone and quartz-gneissic rocks. The surface expression is geomorphically variable. It has a well-developed foliation (platy texture), is fine-grained and typically has quartz veins oriented parallel to the foliation based on our field examination of hand specimens and outcrop exposures.
Jg	Galice Formation (Jurassic) - Very fine- to coarse-grained gray phyllitic metagraywacke. Finer portions altered to slate and phyllitic slate. Level of metamorphism generally increases westward through the unit. Numerous exposures streams show graded bedding typical of turbidite sequences. Intruded by scattered metamorphic-felsite dikes and sills. Areas underlain by slates and phyllitic slate are especially subject to slope failure.
Jr	Rogue (?) Formation (Jurassic) - Mafic (high in magnesium and iron) to intermediate volcanic flows and tuffs, now altered to greenstone. Some volcanic conglomerates in the upper portion of the unit. Stringers and layers of chert or siliceous argillite to 1 inch thick are present sporadically.
gn	Friday Camp gneiss (Jurassic?) - Weakly foliated hornblende-diorite gneiss. Alternatively, unit may be related to an ophiolite sequence and gneiss appearance may be due to cumulate layering in gabbro within the sequence. May also be altered Rogue Formation.
RPz	Western Paleozoic and Triassic belt mélangé (Triassic) - Fine-grained volcanic rocks, fine- to medium-grained graywacke, chert and siliceous argillite, lenses of serpentinite, local limestone and conglomerate and small intrusive igneous bodies. Individual rock units are discontinuous and overall rock character is highly fractured and chaotic.
ps	Undifferentiated Ultramafic rocks (Mesozoic) - Seen as sporadic sheared lenses and sheet-like masses of peridotite and serpentinite. Larger bodies are serpentinitized peridotite, while smaller bodies are largely serpentinite. No occurrences of asbestos have been noted in this unit.
i	Small igneous plugs, dikes and sills (Mesozoic) - Only the largest masses were shown on the map. Found at widely scattered locations throughout region.
wc	Willow Creek Pluton (Mesozoic) - Coarse granodiorite composed almost entirely of extremely large quartz and feldspar grains that have been crushed and sheared.

From: CGS,2005

LABORATORY				FIELD					SOIL DESCRIPTION
Dry Density (pcf)	Moisture Content (%)	Cohesion; Friction Angle (psf; degrees)	Other Tests	Blows/foot*	Sample	Depth (feet)	Graphic Lithology	U.S.C.S. Designation	
								SM	Forest litter, duff and thin rocky topsoil.
						1			
						2			
						3		SM	Sandy clay gravel, strong brown and yellowish to grayish brown, medium dense to hard, moist, rocky with angular fragments of mudstone to fine sandstone. Weakly phyllitic. Increasingly dense and rocky with depth, pervasively fractured throughout.
						4			
						5			
						6			No mottling or groundwater observed.

\* The blow counts have been converted to standard N-value blow counts

SURFACE ELEVATION: 1,800 Feet  
TOTAL DEPTH: 6 Feet  
GROUNDWATER DEPTH: ≥6 Feet

LOGGED BY: David N. Lindberg  
BOREHOLE DIAMETER: 0 Inches  
EQUIPMENT: None  
HAMMER TYPE: None

LINDBERG GEOLOGIC CONSULTING		LOG OF TEST EXCAVATION / BORING	Figure No.
PROJECT NUMBER: <u>0155.00</u>	DATE: <u>March 18, 2016</u>	<b>GB-1</b> <b>Nejedly Consult</b>	<b>6</b>

LINDBERG GEOLOGIC CONSULTING

David N. Lindberg, CEG

Post Office Box 306

Cutten California 95534

(707) 442-6000

June 9, 2016

Project Number: 0155.00

Mr. Craig Nejedly  
C/O Mr. Chris Carroll, RPF  
165 South Fortuna Blvd. #4  
Fortuna, California, 95540

Subject: Engineering-Geologic Review; Existing Road Drainage, Nature's Peace LLC  
APN 522-174-005, State Highway 299 near Willow Creek

Dear Mr. Nejedly:

Thank you for your interest in Lindberg Geologic. In accordance with our agreement, we have conducted an engineering-geologic reconnaissance of an existing drainage way near the head of the small unnamed stream at the northwest corner of the parcel. At this location, poorly-managed runoff from the roadway system had resulted in erosion and slumping of fill and native material. A drainage way (ditch) had been constructed to convey runoff from above the road across the top of the slumped area, to a more-appropriate outlet point where no erosion will result.

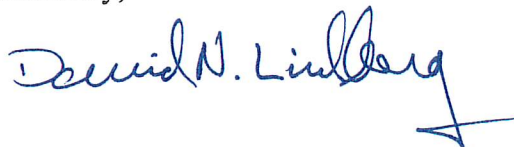
Our opinion, as we stated on-site, is that the existing drainage way appears adequate for the intended purpose. We recommended that this drainage way be monitored and kept cleaned out during periods of heavy rain and runoff. We also would like to recommend that this drainage way be cleared and maintained each spring following the end of the winter wet season. Similarly, we recommend that this feature be checked, and maintained as necessary in the fall, prior to the start of the next winter wet season.

Due to access constraints at this location, heavy equipment (e.g., backhoe) cannot access this drainage way effectively. It appears the maintenance work here will require hand tools and manual labor. As material is cleaned from the drainage way, it may be placed on the out slope side to build a larger berm to contain and convey the runoff.

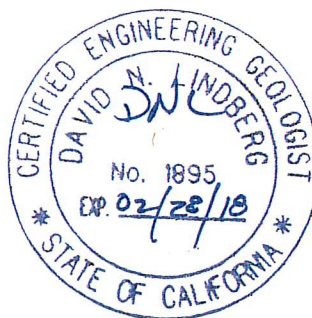
Please contact me at the number above if you have any concerns or questions.

Thank you.

Sincerely,



David N. Lindberg, CEG 1895  
Lindberg Geologic Consulting



DNL:

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



May 29, 2018

Project Number: 0155.00

Mr. Craig Nejedly  
Post Office Box 121  
Trinidad, California 95570-00121

Subject: Engineering-Geologic Soils Exploration Report Amendment  
Two Additional Existing Cannabis Cultivation Areas, Nature's Peace LLC  
APN 522-174-005, State Highway 299 near Willow Creek

Dear Mr. Nejedly:

As requested, we have conducted an engineering-geologic field reconnaissance of your two existing cannabis cultivation areas which were not included in the scope of our 2016, soils report. Our June 7, 2016 report, addressed grading and slope-stability issues at another cultivation area on your parcel.

This month you requested we assess two more cultivation sites, one at your pond, and another to the southeast, on the northeast-trending Panther Ridge, between Victor Creek and Bloody Nose Creek. In their July 30, 2015, Inspection Report, the North Coast Regional Water Quality Control Board (NCRWQCB) noted your pond (P1), and the outdoor gardens (OG1 & OG2) and greenhouses (GH1), at the northernmost cultivation area. At the southern cultivation area on Panther Ridge, the NCRWQCB noted outdoor grow (OG3). In this addendum letter, we will refer to the Pond cultivation area, and the Panther Ridge cultivation area.

At the time of our site visit on May 24, 2018, the weather was dry and clear. At the Pond site (40.93608, -123.6439), we observed the pond overflow spillway, cut and fill slopes, hoop greenhouses, outdoor gardens, and a metal building's slab-on-grade foundation. The spillway was rock-lined; there was no significant erosion around the spillway. Fill slopes were revegetated with grass, and were drained and protected from erosion appropriately; no significant erosion was observed. Fill slopes below the Pond have silt fencing at their bases. We observed minor erosion and traces of settlement cracks in the fill at the southeast side of the Pond area. Foundations of the existing metal building appeared sound and well-constructed. Apart from the minor erosion, the grading at the Pond does not appear to be negatively impacted by, or to contribute to the geologic hazards associated with the area. In our opinion, this pond does not appear to be subject to, or contribute to the hazard of slope instability or landsliding. Findings and recommendations in our 2016 report appear applicable to the Pond site.

At the Panther Ridge site (40.93212, -123.64182), a legacy logging road and landing was apparently converted into a cannabis cultivation site in about 2010. At the Panther Ridge site, we observed cut and fill slopes, hoop greenhouses, and an outdoor garden area. Cut and fill slopes were revegetated with grasses and native vegetation, and appeared to be drained appropriately such that no significant erosion was observable. Fill slopes below the Panther Ridge cultivation area have silt fencing at their bases. We observed traces of settlement cracks in the fill at the southeast side of the Panther Ridge cultivation area. Apart from these minor cracks, which did not appear active, the grading at the Panther Ridge site does not appear to be negatively impacted by, or to contribute to the geologic hazards associated with the area. The findings and recommendations in our 2016 report also appear applicable to the Panther Ridge site.

LINDBERG GEOLOGIC CONSULTING  
(707) 442-6000

Page 2  
May 29, 2018, Project No. 0155.00, Nejedly  
Engineering-Geologic Soils Exploration Report Amendment  
Nature's Peace LLC, APN 522-174-005, Highway 299 near Willow Creek

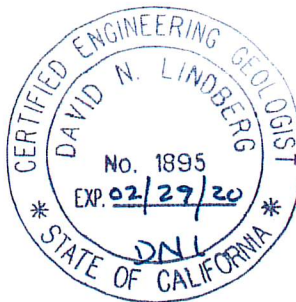
In summary, the two cultivation areas observed on the subject parcel appeared stable in their present configuration at the time of our observations. At the Pond site, the pond and spillway appeared adequately designed and constructed to minimize erosion when the pond overflows. The new metal building appears to be built on firm undisturbed native materials, with a suitable, reinforced concrete slab on grade foundation. At both cultivation sites, we observed minor erosion and settlement cracking in the fills. Sediment from the minor erosion of the fill slopes appears to be contained by a series of silt fences at their toes. Settlement cracks in fill were observed, and appeared to be inactive, probably having formed around the time when the last grading was performed.

As stated, the findings and recommendations contained in our 2016 report appear applicable to these two additional cultivation sites. We recommend that the southeastern drainage outlet point from the Pond site be addressed prior to the next winter wet season; a rock-lined channel with a sediment basin below may be adequate in this situation. Also address the points at which runoff flows across the edges of the Panther Ridge site, resulting in minor erosion. At both the Pond cultivation area and the Panther Ridge Cultivation area we recommend that the existing silt fences receive annual maintenance; silt fences should be inspected, and reset or repaired, prior to the beginning of each winter season with the intention of containing sediment discharged from the cultivation areas, contained on-site.

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

Thank you.  
Sincerely,

*David N. Lindberg*  
David N. Lindberg, CEG 1895  
Lindberg Geologic Consulting



DNL:sll



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

August 11, 2018

Dear Mr. Nejedly:

**SUBJECT: APPLICATION #11701 – NSO DISTURBANCE**

### **Background**

As per your request, I was asked to evaluate potential disturbance effects to the Northern Spotted Owl (NSO) from the proposed cannabis cultivation project. One known NSO activity center is known within the vicinity of the project, NSO HUM0929. Disturbance impacts and recommended disturbance buffers were made based on: *"Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, USFWS July 26, 2006"*. The project area was visited in July of 2018 to assess ambient conditions, determine the range of action-generated sounds, and their duration and frequency, and to assess nearby NSO habitat.

### **Project**

The proposed project occurs in Section 32, T7N, R5E, HB&M, Humboldt County. The project location is approximately 0.5 miles west of Willow Creek, California. The project consists of 24,00 ft<sup>2</sup> existing cannabis cultivation on Humboldt County APN# 522-174-005/009. The project utilizes existing cannabis cultivation sites and access roads. No habitat modification is proposed. One NSO Activity center is known within 0.25 miles of the project.

### **NSO HUM0929**

NSO territory HUM0929 is tied to a nesting location from 2006 and has a strong history within the East ½ of the Northeast ¼ of Section 31, T7N, R5E, HB&M. Contributing data was sourced from the Six Rivers National Forest, Willow Creek Study Area. Data shows activity within this vicinity since at least 1998. Several nesting locations have been recorded, with the current location being a 2006 nesting location.

### **NSO Habitat**

Vegetation within 0.25 miles of the project area consist of Douglas-fir forest types and mixed tanoak and madrone hardwood forest type. Early successional forest types also occur within the vicinity, in the form of chaparral and manzanita patches. Based on field assessment and aerial photographs, NSO habitat is a mixture of nesting, roosting, foraging and non-habitat types.

## Harassment Disturbance Distance Assessment

Disturbance assessment was calculated using the method described in *"Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, USFWS July 26, 2006"*. Distances reported below are generally the extent to which harassment of NSOs may occur based on the increase in sound from the project relative to the background ambient condition. For the purposes of this evaluation, project, or action generated sounds were considered to be anything pertaining to the cultivation sites themselves, as well as the use of the roads associated with them.

### Baseline Ambient Sound Levels

Natural background noises within the action area consist of typical forest sounds; wind, creek noise, birds and other wildlife. Human generated sounds include highspeed traffic from Highway 299, light traffic noise from rural roads, light residential human noise such as infrequent power tools, amplified music, ATV use, barking dogs and shouting. The Mercer-Frasler gravel yard at Big Rock could be heard consistently throughout the project area and NSO activity center, consisting of heavy trucks and back-up 'beeping'. Overall background sound levels are Low [61-70 dB] to Moderate [71-80dB].

### Proposed Actions Associated with the Project

Cannabis activities include the use of hand tools, pulling and removing tarps over greenhouses, and occasional use of light-duty power tools. At the cultivation site evaluated, a single 'tote' of dry amendments is delivered annually via standard truck and trailer and is mixed in pots and beds with a hand rototiller. Overall, these action-generated sound levels are Low [61-70 dB].

The access roads experience light traffic in form of ATVs and standard pick-up trucks. These action-generated sound levels are Moderate [71-80 dB].

Maintenance of the road may consist of medium to large sized construction equipment; graders, dozers and dump trucks. These action-generated sound levels are High [81-90 dB]

### Estimated Distance of Harassment

Based on the ambient condition and action-generated sounds, the distance of potential harassment is determined (based on Table 1 from *"Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, USFWS July 26, 2006"*.) The distance reported below is the distance at which harassment may occur, as measured from the edge of the project footprint. In this case, from the edge of the cultivation area and the edge of the appurtenant road surface.

Proposed Project Action	Harassment Distance
Cultivation Area	0'
Access Roads	0'
Road Maintenance [Heavy Equipment]	165'

### Assessment of Harassment

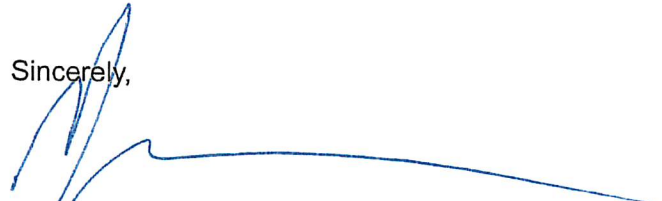
NSO HUM0929 is located approximately 800' from the nearest cultivation area. As such it is very unlikely that any harassment to NSOs would occur as result of cannabis cultivation activities occurring from within the project area. The access road is approximately 300' from the last known nest site (2006). However, it must be considered that nest sites may move, and indeed available data shows multiple historic nest locations within this NSO's activity center, mostly to the northwest of this location. Nonetheless, for the purposes of this assessment, all available nest/roost habitat within 1,000 ft of the activity center should be considered occupied. As such, the nearest nesting habitat is approximately 80' from the edge of the traveled road surface. While infrequent traffic at slow speeds on this road, against the ambient existing sound, is not a concern, the use of heavy equipment for road maintenance is, and therefore should be restricted to periods outside of the NSO breeding period.

### Recommendations

Potential concern for disturbance from certain action generated sounds from this project exist. In order to minimize these potential disturbance effect to level of non-significance, the following recommendations shall be followed:

1. **The use of heavy equipment within 1,000' of the mapped NSO shall be restricted to periods outside of the Northern Spotted Owl critical period (February 1<sup>st</sup> through July 9<sup>th</sup>).**
2. **Heavy equipment is defined as road graders, dozers, dump trucks, excavators and back-hoes.**

Sincerely,



Nick Robinson for:  
Chris Carroll, RPF #2628  
Timberland Resource Consultants



# Nejedly Application 11701

## NSO Habitat Map

— Property Boundary



NSO HUM0929  
Activity Center

◆◆◆◆◆ 1,000 foot radius

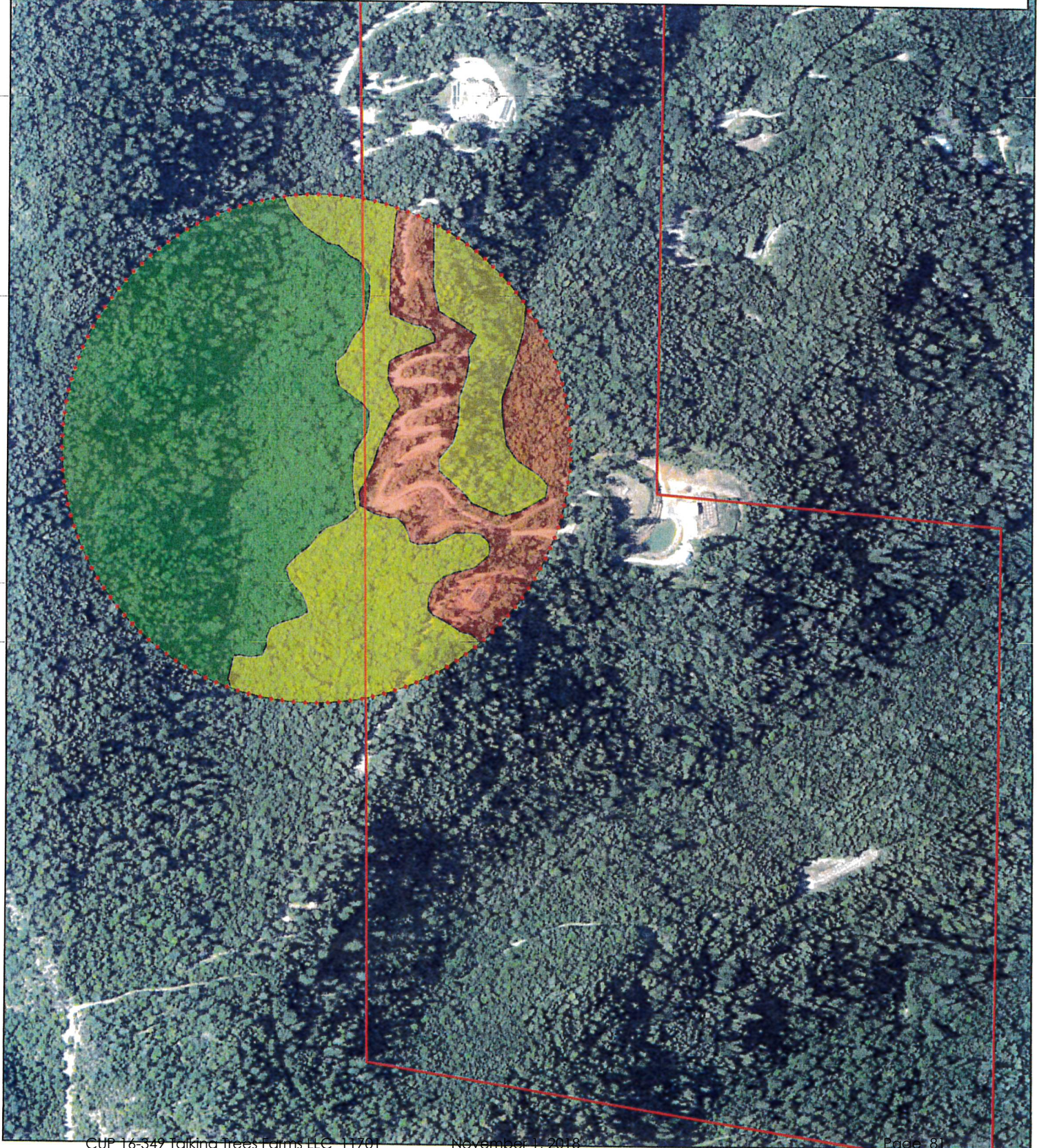
## NSO Habitat Types

- Nest/Roost
- Foraging
- Non-habitat

Located in Section 32, T7N,  
R5E, HB&M, Humboldt County.  
2016 Imagery



Scale: 1" = 500'

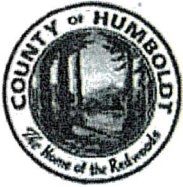


## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Health and Human Services Environmental Health Division	✓	Conditional Approval	Attached
CALFIRE	✓	Conditional Approval	Attached
NWIC	✓	Conditional Approval	On file with Planning
Hoopa Valley Tribe	✓	Conditional Approval	On file with Planning
Department of Fish & Wildlife	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
Regional Water Quality Control Board	✓	WRPP needed	On file with Planning
Humboldt County Sheriff		No response	
Klamath-Trinity Joint Unified School District		No Response	
Tsnungwe Tribe		No Response	
Willow Creek Response Area Fire Protection District		No Response	
Six Rivers National Forest Service		No Response (sent 4/25/18)	
Caltrans	✓	Conditional Approval	Attached



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



**8/7/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Klamath-Trinity Joint Unified School District, Willow Creek Response Area Fire Protection District, Tsnungwe Tribe, Humboldt County Sheriff

**Applicant Name** Talking Trees Farms **Key Parcel Number** 522-174-005-000

**Application (APPS#)** 11701 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-349

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.

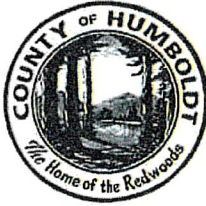
**Return Response No Later Than 8/22/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: \_\_\_\_\_

DATE: 8-23-17 PRINT NAME: Gustin Damler



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11701  
Parcel No.: 522-174-005  
Case No.: CUP16-349

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_
- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: See photos @ CUP16-349 folder 522-174-005  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Justin Dumlac

Date: 8-23-17

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



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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



ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596  
AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9640
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

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

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388  
LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 10-20-2017

RE:

Applicant Name	Talking Trees Farms
APN	522-174-005
APPS#	11701

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review items 1, 2, and 4 on Exhibit C

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 11701

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS - PART 1. Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)? [X] YES [ ] NO

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

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

- 2. ROADS - PART 2. Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road? [X] YES [ ] NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

**Exhibit "C"**

**Additional Review is Required by Planning & Building Staff**

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

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

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

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

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

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

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

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

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

If YES, include the following requirement:

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

// END //

## Exhibit "D"

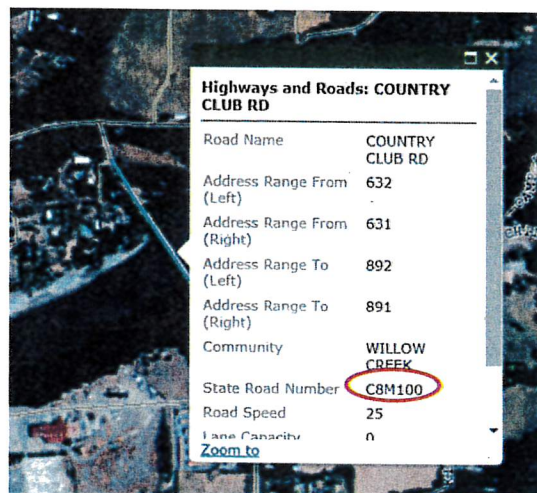
### Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

**ABCDDD**  
A 3 M 0 2 0 Murray Road  
F 6 B 1 6 5 Alderpoint Road  
6 C 0 4 0 Thomas Road







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

DEH received  
8-8-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

17/18-0229

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Klamath-Trinity Joint Unified School District, Willow Creek Response Area Fire Protection District, Tsnungwe Tribe, Humboldt County Sheriff, Humboldt County Sheriff's Office

**Applicant Name** Talking Trees Farms **Key Parcel Number** 522-174-005-000

**Application (APPS#)** 11701 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-349

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

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

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

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

**Return Response No Later Than**

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

**We have reviewed the above application and recommend the following:**

Conditional Approval



**Comments:**

DEH recommends approval with the following conditions:

- (1) No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) 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.

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

**DISTRIBUTED**  
11-15-17





**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
 Date: August 10, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Talking Trees Farms  
**APN:** 522-174-005-000  
**Area:** Willow Creek  
**Case Numbers:** CUP16-349

**Humboldt County Application #:** 11701  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/9/2017  
**Due Date:** 8/22/2017

**Project Description:** The Conditional Use Permit for an existing 18,432 square feet of mixed-light and 6,480 square feet of outdoor, for a total of 24,912 square feet of medical cannabis cultivation. Irrigation water is provided by two (2) existing permitted wells, 37,450 gallons of existing hard-sided water tank storage and an existing rain catchment pond that holds nearly 2 million gallons of water. No diversion from the creek is needed on the property. The Applicant estimates 112,000 gallons of water is required annually. Processing includes drying, curing, trimming and packaging. Processing will occur inside the insulated metal building on-site. There are an estimated five (5) employees. Electricity is provided by a solar electric system and a back-up propane Honda 2000W generator, as needed.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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

## Cannabis

### **General:**

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

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



## Schatz, Elizabeth

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**From:** Johnson, Cliff  
**Sent:** Wednesday, October 10, 2018 1:59 PM  
**To:** Manthorne, David@Wildlife  
**Cc:** Bocast, Kalyn@Wildlife; Bauer, Scott@Wildlife; Schatz, Elizabeth; Castellano, Caitlin  
**Subject:** RE: Tall Trees Farm

Thanks for the quick reply Dave.

**Cliff Johnson**, Supervising Planner  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
(707) 268-3721

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**From:** Manthorne, David@Wildlife [mailto:David.Manthorne@wildlife.ca.gov]  
**Sent:** Wednesday, October 10, 2018 1:06 PM  
**To:** Johnson, Cliff  
**Cc:** Bocast, Kalyn@Wildlife; Bauer, Scott@Wildlife  
**Subject:** RE: Tall Trees Farm

Cliff,  
CDFW requests the following be included as conditions now that the project has been modified for outdoor cultivation only.

1. CDFW requests that the recommendations put forth by Nick Robinson/Chris Carroll be included in the County permit. These recommendations include: A) The use of heavy equipment shall be restricted to periods outside of the Northern Spotted Owl critical period (February 1 through July 9 of any year). B) Heavy equipment defined as graders, dozers, dump trucks, excavators, and back hoes.
2. CDFW requests that the site located near the pond be returned to outdoor full sun as was present prior to January 1, 2016.
3. CDFW requests that all lights be removed from greenhouses (see attached photos taken 8-23-18).
4. CDFW has modified the impacted species to include only the following: This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Fisher (*Pekania pennanti*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you

**From:** Johnson, Cliff <CJohnson@co.humboldt.ca.us>  
**Sent:** Wednesday, October 10, 2018 11:13 AM  
**To:** Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>  
**Subject:** RE: Tall Trees Farm

Hi Dave,



**California Department of Fish and Wildlife  
CEQA Referral Checklist**

Applicant: Talking Trees Farms		Date: 5-16-18	
APPS No.: 11701	APN: 522-174-005	CDFW CEQA: 2017-0430	Case No.:
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 18,432	<input checked="" type="checkbox"/> Outdoor (SF): 6,480 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

Recommend Conditional Approval.

CDFW is concerned with the permitting of mixed light so close to a known Northern Spotted Owl (NSO) Activity Center and within the buffer and home range. CDFW is in agreement that the applicant has approximately 25,000 square feet of cultivation prior to the baseline CEQA baseline of January 1, 2016. CDFW is not able to validate that mixed light was used, and requests information on how it was determined that mixed light cultivation was used on 18,432 square feet prior to January 1, 2016.

CDFW requests that lights (mixed light) are either disallowed for this project due to the close proximity to NSO, or that the applicant provide proof prior to approval of mixed light, that a process is in place to ensure mitigation of light escapement.

Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.

The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR **assume presence** and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.

Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,  
David Manthorne

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



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

RECEIVED  
 APR 05 2018  
 By JGR

4/4/2018

**PROJECT REFERRAL TO: California Department of Transportation  
 District #1**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Klamath-Trinity Joint Unified School District, Willow Creek Response Area Fire Protection District, Tsnungwe Tribe, Humboldt County Sheriff, Humboldt County Sheriff's Office

**Applicant Name** TTF, Inc **Key Parcel Number** 522-174-005-000

**Application (APPS#)** 11701 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-349

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 4/19/2018** Planning Commission Clerk  
 County of Humboldt Planning and Building Department  
 3015 H Street  
 Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: \_\_\_\_\_

DATE: 4/25/2018 PRINT NAME: Jesse Robertson

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 1, P. O. BOX 3700  
EUREKA, CA 95502-3700  
PHONE (707) 441-4693  
FAX (707) 445-6314  
TTY 711



*Making Conservation  
a California Way of Life.*

April 25, 2018

1-HUM-299-38.1  
TTF CUP16-1038  
APN: 522-174-009

Michelle Nielsen, Senior Planner  
Planning & Building Department  
County of Humboldt  
3015 H Street  
Eureka, CA 95501

Dear Ms. Nielsen:

Thank you for giving Caltrans the opportunity to review and comment on the proposed Talking Trees Farm (TTF) Conditional Use Permit to bring a 24,000 square-foot cannabis cultivation into compliance. The project is located approximately  $\frac{3}{4}$  of a mile west of Willow Creek area at 39270 State Highway 96. We offer the following comments:

The subject parcel has access to State Route 299 from a private driveway. We request that the County require the applicant to provide a copy of the approved Caltrans encroachment permit that identifies the owner(s) responsible for the driveway encroachment within the state's right-of-way. Ensuring that the encroachment is currently permitted enables Caltrans or the County to notify the encroachment permit holder of maintenance issues or potential hazards in need of repair as a condition of continued use.

The existing access does not meet our current minimum driveway standards, per Appendix J of the Caltrans Encroachment Permits Manual. The existing site distance at this driveway is substandard and does not meet our current requirements. The permittee will be required to improve sight distance to meet our standards or show evidence why it can't be improved to our standards. This access will need to be upgraded to a commercial/multi-family residential driveway with a minimum throat width of 20 feet. Standard driveway geometry and paving sections apply (i.e. 50-foot tapers, 25-foot radius, 20-foot minimum width, paved with 4 inches AC over 6 inches AB).

An encroachment permit will be required to improve the driveway to existing Caltrans standards. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

Ms. Michelle Nielsen  
1/25/18  
Page 2 of 2

Applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we encourage the applicant to consult with our Permit staff prior to applying for the encroachment permit.

Please contact me with questions or for further assistance regarding the above comments by phone at (707) 441-4693 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,



Jesse Robertson  
Transportation Planning  
Caltrans District 1

Enclosed: Appendix J of the Caltrans Encroachment Permit Manual



**Road Connections  
and Driveways**

## Design Guidelines for Typical Rural Driveways in State Right of Way.

### REFERENCES:

Please always refer to the latest Highway Design Manual (HDM) for most up to date guidelines. The HDM indexes referenced in the guidelines below can be accessed online from the following link:

[www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm](http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm)

### Initial Driveway Design Considerations:

1. **Location of the driveway shall be designed to maximize corner sight distance.** For corner sight distance, see HDM Index 405.1 (2) (c). Driveway proposals that do not meet sight distance requirements will not be permitted. The minimum corner sight distance shall be equal to the stopping sight distance as given in HDM Table 201.1. HDM Table 101.2 shows appropriate ranges of design speeds that shall be used for the various types of facilities, place types, and conditions listed. (See HDM Table 101.2 Vehicular Design Speed; Table 201.1 Sight Distance Standards; Index 205.4 Driveways on Frontage roads and in Rural Areas; Index 405.1 (2) Corner Sight Distance)
2. **Driveways connecting to State highways shall be paved a minimum of 20 feet from the edge of shoulder** or to the edge of State right of way, whichever is less to minimize or eliminate gravel from being scattered on the highway and to provide a paved surface for vehicles and bicycles to accelerate and merge. Where larger design vehicles are using the driveway (e.g., dump trucks, flatbed trucks, moving vans, etc.), extend paving so the drive wheels will be on a paved surface when accelerating onto the roadway (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

**Driveway Design Details:** Once considerations 1 and 2 above are met, driveway shall be designed per the following requirements:

3. Where County or City Regulations differ from the State's, it may be desirable to follow their regulations (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

OR

4. Design details are shown on HDM Figure 205.1. This detail, without the recess, may be used on conventional highways (See HDM Figure 205.1 Access Openings on Expressways, Note 2).
5. Approach and departure tapers should be 50 feet longitudinal and 8 feet from edge of traveled way at the end of the taper. Approach and departure tapers are not required where the existing paved shoulder is at least 8 feet wide (See HDM Figure 205.1 Access Openings on Expressways).

**Structural Section Design Details:** Driveways structural section has to meet the following requirements:

6. Approach and departure tapers should have structural sections matching the existing State highway shoulders. An alternate shoulder design is allowed. See HDM Figure 613.5B for details. For asphalt driveway the structural section should be equal to or greater than edge of shoulder or approach and departure tapers. Minimum thickness of surface course is 0.35 foot. Aggregate base depth should match State highway shoulders. Details (cross section, etc.) for concrete driveways are shown on Standard Plan A87A. Minimum thickness at driveway shall be 4 inches for residential and 6 inches for



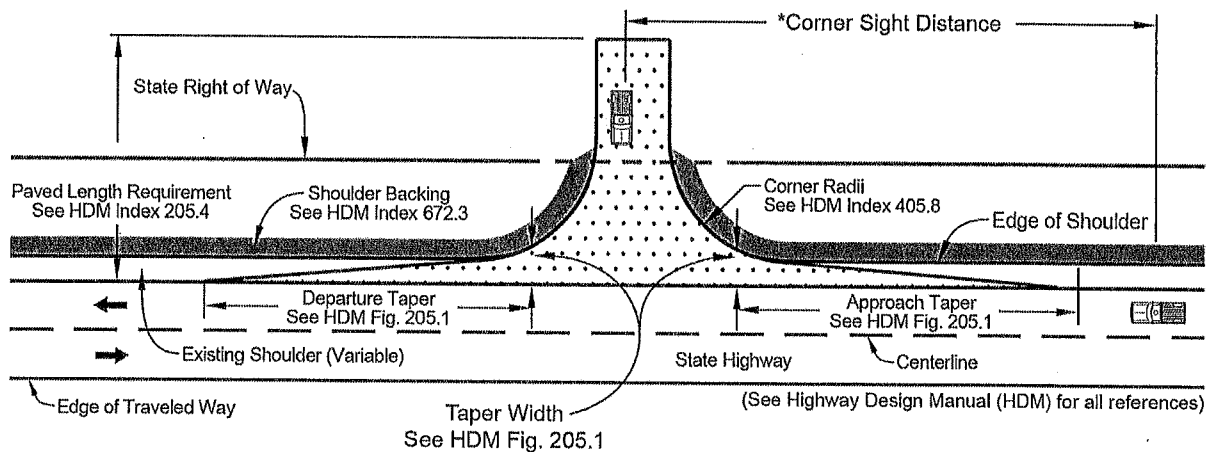
commercial. (See HDM 613.5 (2) Shoulders; Standard Plan A87A Curb and Driveways; Standard Plans are available at:

[www.dot.ca.gov/des/oe/construction-contract-standards.html](http://www.dot.ca.gov/des/oe/construction-contract-standards.html))

7. Place shoulder backing from the edge of pavement (EP) to the hinge point (HP). Shoulder backing should be placed on a width of at least 2 feet from EP. For placement of shoulder backing thickness greater than 0.5 foot for slope repair; shoulder backing behind dikes; and where longitudinal drainage are present; see HDM for details. (see HDM Index 672 Shoulder Backing and HDM Figures 672.3 A through E)

The Figure below is provided to assist driveway design for rural areas and to clarify terminologies used in the above guidance. This figure is provided for general illustration purposes and is not be used for design details. It should not to be used as a drawing in the encroachment permit application for the driveway.

### Driveway Design Requirements for Rural Areas with Unimproved Frontage on Conventional State Highways



\*Corner Sight Distance shall be calculated from all directions of approach. See HDM Index 405.1(2) & Figure 405.7 for set back and sight distance calculations.

Purpose: The above excerpts from the Department's HDM are shown for reference. The design standards used for any project should equal or exceed the minimum given in the manual to the maximum extent feasible. They do not replace engineering knowledge, experience, and judgment in the design of driveways.

Special situations may call for variation from policies and procedures, subject to the appropriate approval. This is not intended to, nor does it establish a legal standard or any other standard of conduct or duty toward the public.