

#### COUNTY OF HUMBOLDT

## PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

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Hearing Date: July 23, 2020

To: Humboldt County Planning Commission

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

Subject: The Hills, LLC, Conditional Use Permits and Special Permits

Record Numbers: PLN-11638-CUP and PLN-11643-CUP

Assessor's Parcel Numbers (APNs): 223-061-038, 223-061-043, 223-073-004 and

223-073-005

960 Shadow Light Ranch Road and Section 19 of Township 04 South, Range 04 East,

Humboldt Base & Meridian, Garberville area

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

#### **AGENDA ITEM TRANSMITTAL**

Hearing Date	Subject	Contact
July 23, 2020	Conditional Use Permits and Special Permits	Meghan Ryan

Project Description: Two Conditional Use Permits for to allow for continued cultivation of 60,940 square feet of existing outdoor and mixed light cannabis cultivation. There is 22,200 square feet of existing outdoor cultivation on APN 223-061-043 that will be grown in 23 greenhouses. There is 38,740 square feet of cultivation on APNs 223-061-038, 223-073-004 and 223-073-005 that consists of 32,500 saugre feet of existing outdoor and 6,240 square feet of mixed light cultivation that will be grown in 22 greenhouses. The proposed project includes relocation of five historic cultivation areas to environmentally superior locations on the subject parcels. Approximately 1,020,000 gallons of water is required to annually to meet operational needs. Water is provided by an on-site well and a 2,800,000-gallon rain catchment pond. There is 2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks. Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed structures as follows: (1) one-story, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) two-story, 7,592-square-foot processing facility and office uses (footprint = 4,776 square feet); and associated parking facilities. The proposed project also includes a Special Permit for a 10,080-square-foot wholesale nursery on APNs 223-061-038, 223-073-004 and 223-073-005. Cultivation and processing activities extend all year. There will be two harvests of outdoor cultivation and a maximum of four harvests of mixed light cultivation areas annually. A maximum of 11 employees will be on-site during peak operations. Power is provided by solar array. The proposed project includes connecting to on-grid power from P. G. & E. Two Special Permits for Development within the Streamside Management Area are also a part of the proposed project. The Special Permits would allow for 9 remediation projects required by the California Department of Fish and Wildlife to resolve a Notice of Violation on the subject parcels. There are 22 other projects (total of 31) require by CDFW for resolution of the of Violation that are for the replacement and/or maintenance of stream crossings.

**Project Locations**: Record Number: PLN-11638-CUP: The project site is located in Humboldt County, in the Garberville area, on the south side of Clark Road, approximately 1.0 south from the intersection of Clark Road and Shadow Light Ranch Road, on the property known as 960 Shadow Light Ranch Road.

<u>Record Number: PLN-11643-CUP:</u> The project is located in Humboldt County, in the Garberville area, on the south side of Alderpoint Road, approximately 0.30 miles east from the intersection of Wallan Road, Pigeon Road and Clark Road to a private driveway, then approximately 1 mile south to the property line, on the property known to be in Section 19 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

**Present Plan Land Use Designation**: Agriculture General (AG), Density: Range is 20 to 160 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: Agricultural Exclusive (AE); Timberland Production (TPZ).

Record Numbers: PLN11638-CUP and PLN-11643-CUP

**Assessor Parcel Numbers:** 223-061-038, 223-061-043, 223-073-004 and 223-073-005

Applicant	Owner	Agent
The Hills, LLC	Shadow Light Ranch, LLC	Elan Puno
Attn: Joshua Sweet	773 Redwood Drive #E	1000 Main Street D2
PO Box 520	Redway, CA 95560	Fortuna, CA 95540
Garberville CA 95542		

**Environmental Review**: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

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

Major Issues: Water diversion, wetland fill, and grading.

#### The Hills, LLC

Record Numbers: PLN-11638-CUP and PLN-11643-CUP Assessor's Parcel Numbers: 223-061-038, 223-061-043, 223-073-004 and 223-073-005

#### **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:

Adopt the Mitigated Negative Declaration prepared for the Hills, LLC, project pursuant to Section 15074 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permits and Special Permits based on evidence in the staff report and adopt the Resolution approving the proposed The Hills, LLC, project subject to the recommended conditions.

Executive Summary: The project applicant is applying for two Conditional Use Permits for continued cannabis cultivation and processing of cannabis cultivated on the Project Site and one Special Permit for a wholesale nursery in accordance with the County's Commercial Medical Land Use Ordinance (CMMLUO). The commercial cultivation activities seeking to be permitted are existing, having been established on the project site prior to January 1, 2016. Primarily, the project activities associated with the existing cultivation include the relocation and consolidation of these existing cultivation areas to environmentally superior locations and the remediation of the previously cultivated areas. Consolidation and remediation of historic cultivation areas and implementation of State and local regulations for cannabis cultivation (e.g. CDFW, NCRWCB, SWRCB and County of Humboldt) and associated development improve proposed site conditions from baseline conditions. New development activities associated with this project include greenhouses for existing and relocated cultivation areas, the proposed wholesale nursery and warehouse processing area. Proposed structures are required to comply with State and local regulations.

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours 8:00 a.m. to 5:00 p.m. Depending on seasonal activities, hours may need to be extended. All other activities, such as processing and wholesale nursery, typically occur no earlier than 8:00 a.m. and extend no later than 8:00 p.m. Monday through Friday, between the hours of 12:00 p.m. to 2:00 p.m., personnel would be on site to accommodate necessary inspections.

Historic cannabis cultivation sites are listed in Table 1. These cultivation areas are shown as the Interim Site Configuration on the Site Plan Page C-1.

Table 1. Historic Cultivation at the Project Site

Existin	ng Cultivation Site Location	Size (square feet [sf])
1.	Lower 40	7,500 sf outdoor
2.	SBC	8,000 sf outdoor
3.	NBC	7,500 sf outdoor
4.	Zone 1	2,460 sf mixed light
5.	Zone 2	2,580 sf mixed light
6.	Roadside	0
7.	Corral	6,900 sf outdoor
8.	South 80	8,000 sf outdoor
9.	PL	10,300 sf outdoor
10.	GH	1,200 sf mixed light

Prior to January 1, 2016, there were three distinct cultivation areas on APN 223-061-043 (Record Number: PLN-11638-CUP) and there were seven distinct cultivation areas on the Lower 40 (Record Number: PLN-11638-CUP; APN 223-061-043) and 223-061-038, 223-073-004 and 223-073-005 (Record Number: PLN-11638-CUP). In total, there were 10 cultivation sites in existence prior to January 1, 2016. In 2017, 5 of the 10

cultivation areas were relocated to environmentally superior locations as the 5 cultivation areas were located with Streamside Management Area buffer and/or on steep slopes. The 5 cultivation areas that were relocated were consolidated with other cultivation areas on the Project site.

The existing (interim) cultivation areas are located in Zone 1, Zone 2, Roadside, Corral, and South areas (Record Number: PLN-11643-CUP; APNs 223-061-038, 223-073-004, and 223-073-005). The proposed project would move cultivation to existing sites at Zone 1, Zone 2, and Roadside and a new cultivation area at the Rockpit location (final configuration). Because the historic cultivation areas can only be relocated with the parcel boundaries, historic cultivation areas known as 'NBC' and 'SBC' are required to be located on APN 223-061-043 (in the interim they were relocated to Zone 1 and Roadside). The Rockpit location identified for the relocation of all historic cultivation areas that were in existence prior to January 1, 2016, allows for the continued cultivation of 22,200 square feet in an environmentally superior location. All cultivation occurring on APN 223-061-043 will be outdoor using light deprivation techniques. The applicant is proposing to construct 23 greenhouses in this location.

Historic and interim cultivation areas on APNs 223-061-038, 223-073-004, and 223-073-005 (Record Number: PLN-11643-CUP;) will be consolidated into Zone 1, which in its final configuration will consist of 32 greenhouses and 3,500 square feet of full sun outdoor cultivation in two distinct as shown as the Zone 1 Summary Page C-4 (see Appendix A). Mixed light cultivation would occur in ten (10) hoop houses, for a combined cultivation area of approximately 6,240 square feet. The hoop houses would use a combination of artificial light and light deprivation to produce up to four (4) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the mixed light cultivation operation for a typical four cycle year. The light deprivation cultivation would occur in 22 hoop houses. The hoop houses would use a combination of natural light and light deprivation to produce up to two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with light deprivation cultivation operation for a typical two cycle year. The outdoor full term cultivation would occur in Zone 1. Plants would be taken directly from the propagation area and transplanted into 100 gallon pots for the vegetative and flowering cycle. It is proposed that hoop houses for light deprivation may be put on any outdoor cultivation areas.

In summary, the proposed project includes relocation and consolidation of historic cultivation sites to environmentally superior locations. Relocation that occurred during 2017 (refer to as the interim site configuration) will be relocated to ensure the final configuration is consistent with the requirements of the CMMLUO. Final cannabis cultivation sites are listed in Table 2. Total cultivation area is 60,940 square feet between the two parcels. These cultivation areas are shown as the Proposed Site Configuration on the Site Plan Page C-2.

Table 2. Final Cultivation at the Project Site

Final Cultivation Site Locations		Size (square feet [sf])
1.	Rockpit (APN 223-061-043)	22,200 sf outdoor
2.	Zone 1	32,500 sf outdoor
3.	Zone 2 (Nursery)	10,080 sf
4.	Roadside	6,240 sf mixed light

Staff is supportive of some of the historic cultivation areas being relocated to the easternmost cultivation area that is zoned AE as slopes in this area are less than 15% and there is sufficient area for a buffer to be maintained that is consistent with State and local regulations. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Because the relocation and reorganization will allow for improvement over the baseline conditions, staff supports the relocation and reorganization.

Estimated annual water usage is 1,020,000 gallons (13 gallons/sf/cycle). Water management strategies would be implemented to conserve and reuse onsite water and fertilizers to achieve net zero discharge. Water is pumped via solar power up to a series of water tanks that gravity feed the cultivation sites. Water for domestic use is provided by a spring. Historically, a 1.3-million-gallon rain catchment pond with a fully contained seep supplied the water for cannabis irrigation. In the future, water from the existing rain

catchment pond may be stored for use on cannabis activities. In 2019, Shadow Light Ranch drilled a hydrologically disconnected well to irrigate cannabis. The applicant provide a well permit and well completion log (see Attachment 4). The well completion log indicates the well is approximately 240 feet deep and yields 50 gallons per minute (gpm). The well was drilled through layers of sandstone and shale and is located over 1,000 feet from the nearest watercourse and it more than 200 feet higher in elevation. Therefore, staff determined the well is hydrologically disconnected from surface water and does not require water rights for diversion and use from the State Water Resources Control Board; the rain catchment pond does not require water rights either. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand.

According to the *Biological Report Shadow Light Ranch Garberville*, *Humboldt County*, *California*, *APNs* 223-061-038, 223-061-043, 223-073-004, 223-073-005, prepared by NRM Corp. revised May 2020 (see Attachment D of the draft Initial Study and Mitigated Negative Declaration), the subject parcels can be described as a mid-mature forest dominated by Douglas fir interspersed with large open grassland areas within the rolling hills of the coastal range. The Western bumble bee is the only mapped rare or species of special concern on the subject parcels (located in the western portion of APN 223-061-034) based on a review of the California Natural Diversity Database. Thirteen species were identified by a nine quad search as having potential for habitat on the subject parcels.

Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is location 2.91 miles to the north of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 2.8 miles to the west and the nearest NSO Activity Center is located 4.44 miles to the southwest of the project site, both the observation and activity center are located on the other side of US Highway 101. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to 60 dB at the property line as required by the CMMLUO. Development of the 'Rockpit' location on APN 223-061-043 requires removal of 2 stumps and approximately 10 trees that are less than 12'' dBH. The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected.

There are several pending violations on the subject parcels with the California Department of Fish and Wildlife, the North Coast Regional Water Quality Control Board and the State Water Resources Control Board for site development that occurred without the benefit of State or local permitting prior to construction. The applicant received Notice of Violation from the NCRWQCB dated June 27, 2018. The Notice of Violation identified several areas of non-compliance with NCRWQCB's Cannabis Waste Discharge Regulatory Program, that include, work performed without permits, standard conditions out of compliance, enrollment document discrepancies and deficiencies and revisions the WRPP. The applicant continues to coordination with the NCRWQCB and SWRCB to resolve the outstanding violations. A Site Management Plan (SMP) was prepared for the project site in accordance with SWRCB's Cannabis Cultivation Policy (see Appendix H). The SMP identifies approximately 80 locations on the subject parcel that require remedial actions for compliance with the State Board Policy. The SMP includes erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

The proposed project includes improvements to the lower pond on APN 223-061-038 to improve water quality and ensure there is no sediment transport occurring. The pond was developed in 2006 by a previous owner. Improvements to the pond include correcting the overly steep outer embankment face to a slope no steeper than 2:1, which may require maintaining the current location of the outer embankment face or migrating it back and rebuilding it. Depending the outcome of pending violations with the NCRWCB and

CDFW, the resolution may involve both strategies (see the Hydrology and Water Quality section of this document for additional information).

The project includes 31 existing and proposed encroachments/remediation actions, as conditioned by the pending SAA with CDFW. Four encroachments are for water diversion from unnamed tributaries to Bear Canyon Creek and the South Fork Eel River. Water is diverted for domestic use and, historically, for cannabis irrigation. Work for the water diversion would include use modifications of existing infrastructure, stream restoration, use, and maintenance of the water diversion infrastructure. Twenty-two existing and proposed encroachments would permit 14 existing culverts placed without permits, upgrade 2 existing culverts, and install infrastructure at 6 road/stream crossings where no conveyance structure is in place. Four encroachments would improve spillways for two ponds. One encroachment would realign a stream with its historic channel. Work for these encroachments would include excavation, removal of the falling culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armorings necessary to minimize erosion.

The parcel is accessed via Shadow Light Ranch Road, approximately 1.0 miles from it's intersection with Wallan Road. According to the Road Evaluation Report submitted by the applicant, the access roads are developed to the functional equivalent of a Category 4 road standard. Wallan Road is a County-maintained road until approximately 200 feet east of the intersection with Pigeon Road. The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately-maintained portion of the access road (see Attachment 4). The applicant submitted a Road Evaluation Report for the proposed project dated May 17, 2017 (see Attachment 4). Department of Public Works recommended approval of the project, including paving a minimum width of 20 feet and a length of 50 feet at the intersection of the County-maintained and privately-maintained portions of Wallan Road. Additionally, the private road intersection will be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

As of July 8, 2020, staff received three phone calls and one email regarding the proposed project (see Attachment 6 that includes comments received via email and Planning staff response). Public comments received (see Attachment 6) state that traffic is constant, and the road is worn down, is full of potholes and damaged due to increased traffic. To address the concerns, conditions of approval are included that require the applicant to participate in a road maintenance association and/or pay fair-share costs associated with maintenance, applicant shall submit a traffic management plan prior to commencing processing on-site.

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from June 22, 2020, to July 22, 2020, at the State Clearinghouse. Comments from a concerned neighbor dated July 2, 2020, were received from circulation of the IS/MND and are included in Attachment 6 of this staff report. These comments do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of 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 conditional use permit.

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

Staff prepared a more thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

# RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Resolution Number 20-

Record Number: PLN-11638-CUP Assessor Parcel Number: 223-061-043

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

WHEREAS, The Hills, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 22,200 square feet of outdoor cultivation that will be grown in 23 proposed greenhouses. Water for irrigation is provided by a groundwater well located on APN 223-071-005 that supplies water for the proposed project and APPS #11643. Approximately 1,020,000 gallons of water is required to annually to meet operational needs for both projects. Water is provided by an on-site well and a 2,800,000-gallon rain catchment pond. There is 2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks. Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed structures as follows: (1) one-story, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) two-story, 7,592-square-foot processing facility and office uses (footprint = 4,776 square feet); and associated parking facilities. The applicant must process at an off-site licensed processing facility until the Onsite Wastewater Treatment System is permitted and installed. A maximum of 11 employees are required for peak operations. Power is provided by solar; 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, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permits and Special Permits for 60,920 square feet of cannabis cultivation, of which 38,740 square feet of cultivation occurs on APNs 223-061-038, 223-073-004 and 223-073-005 that consists of 32,500 square feet of existing outdoor and 6,240 square feet of mixed light cultivation and 22,200 square feet of outdoor cultivation occurs on APN 223-061-043, pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permits (Record Number: PLN-11638-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 23, 2020; and

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

- 1. The Planning Commission adopts the Mitigated Negative Declaration for The Hills, LLC, project; and
- 1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-11638-CUP based on the submitted substantial evidence; and
- 2. The Conditional Use Permits and Special Permits (Record Number: PLN-11638-CUP) is approved as recommended and conditioned in Attachment 1.

Adopted atter review and consideration ot all the evidence on July $lpha$	23, 2020.
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the motion	was made by Con	nmissioner	_ ana seconaea	by Commissioner	—
AYES:	Commissioners:				

NOES: Commissioners: ABSTAIN: Commissioners: Commissioners:

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

John Ford, Director
Planning and Building Department

# RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Resolution Number 20-

Record Number: PLN-11643-CUP Assessor Parcel Numbers: 223-061-038, 223-073-004 and 223-073-005

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

WHEREAS, WHEREAS, The Hills, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for There is 38,740 square feet of cultivation consists of 32,500 square feet of existing outdoor and 6,240 square feet of mixed light cultivation that will be grown in 22 greenhouses. Water for irrigation is provided by a groundwater well located on APN 223-071-005 that supplies water for the proposed project and APPS #11638. Approximately 1,020,000 gallons of water is required to annually to meet operational needs for both projects. Water is provided by an on-site well and a 2,800,000-gallon rain catchment pond. There is 2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks. Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed structures as follows: (1) one-story, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) two-story, 7,592-square-foot processing facility and office uses (footprint = 4,776 square feet); and associated parking facilities. The applicant must process at an off-site licensed processing facility until the Onsite Wastewater Treatment System is permitted and installed. A maximum of 11 employees are required for peak operations. Power is provided by solar; and

WHEREAS, The Hills, LLC, submitted an application and evidence in support of approving a Special Permit for development of a 10,080-square-foot wholesale nursery; and

WHEREAS, The Hills, LLC, submitted an application and evidence in support of approving a Special Permit for development within the Streamside Management Area that includes of an on-stream pond that was previously used to irrigation cannabis and will be used for aesthetic and fire protection uses; and would allow for 9 remediation projects required by the California Department of Fish and Wildlife to resolve a Notice of Violation on the subject parcels; 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, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permits and Special Permits for 60,920 square feet of cannabis cultivation and 10,800 square feet for a wholesale nursery, of which 38,740 square feet of cultivation occurs on APNs 223-061-038, 223-073-005 that consists of 32,500 square feet of existing outdoor and 6,240 square feet of mixed light cultivation and 22,200 square feet of outdoor cultivation occurs on APN 223-061-043, pursuant to Section 15074 of the CEQA Guidelines; and

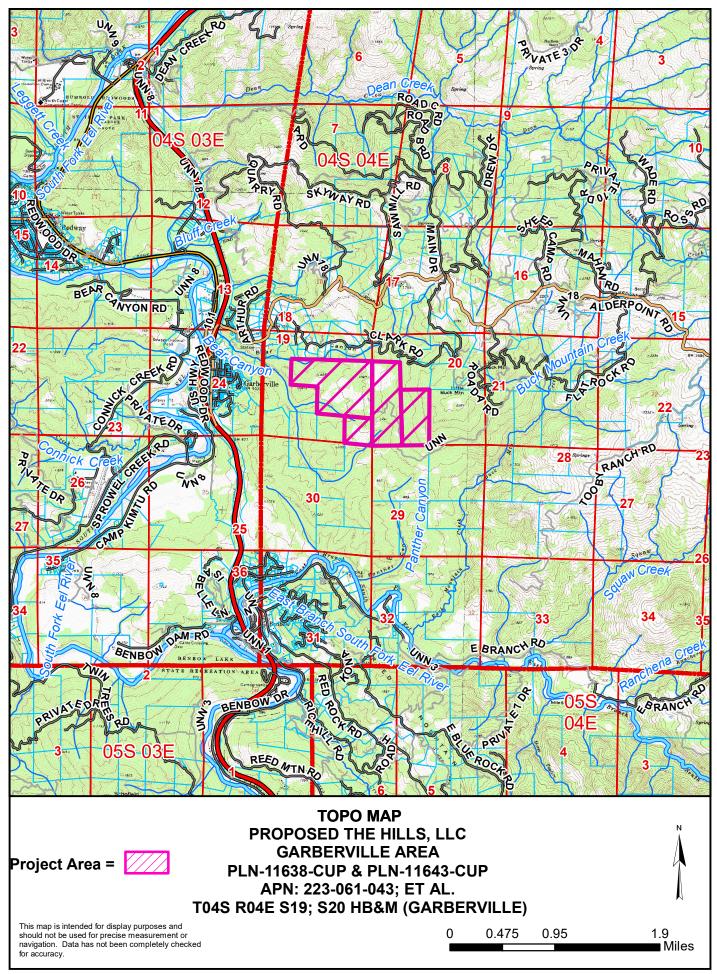
WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number: PLN-11643-CUP); and

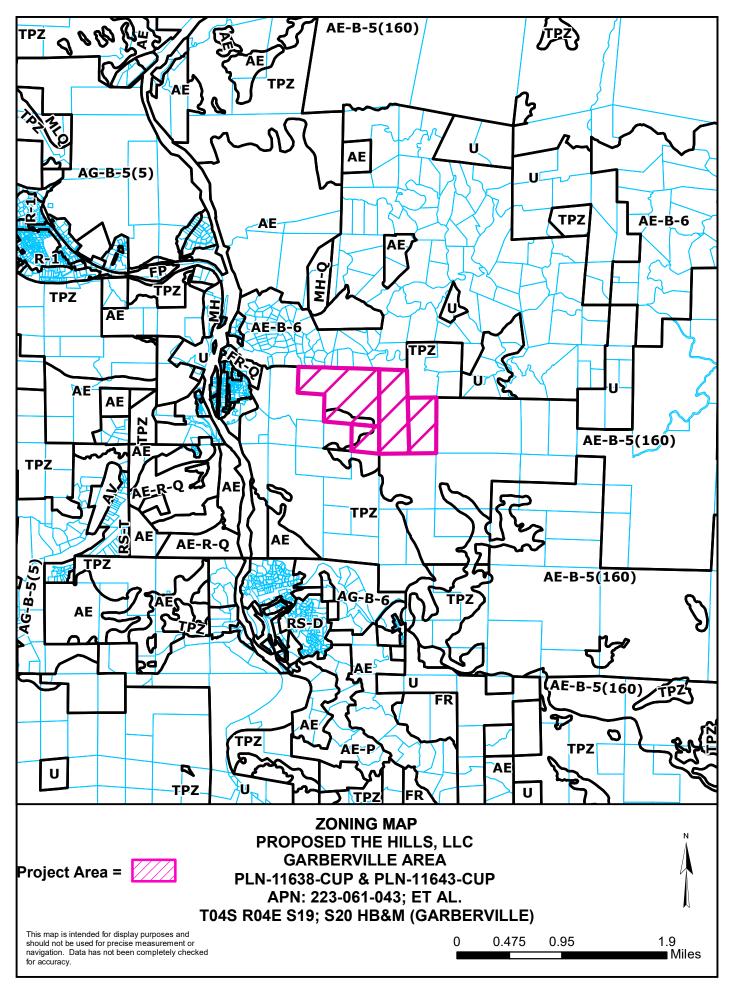
**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on July 23, 2020; and

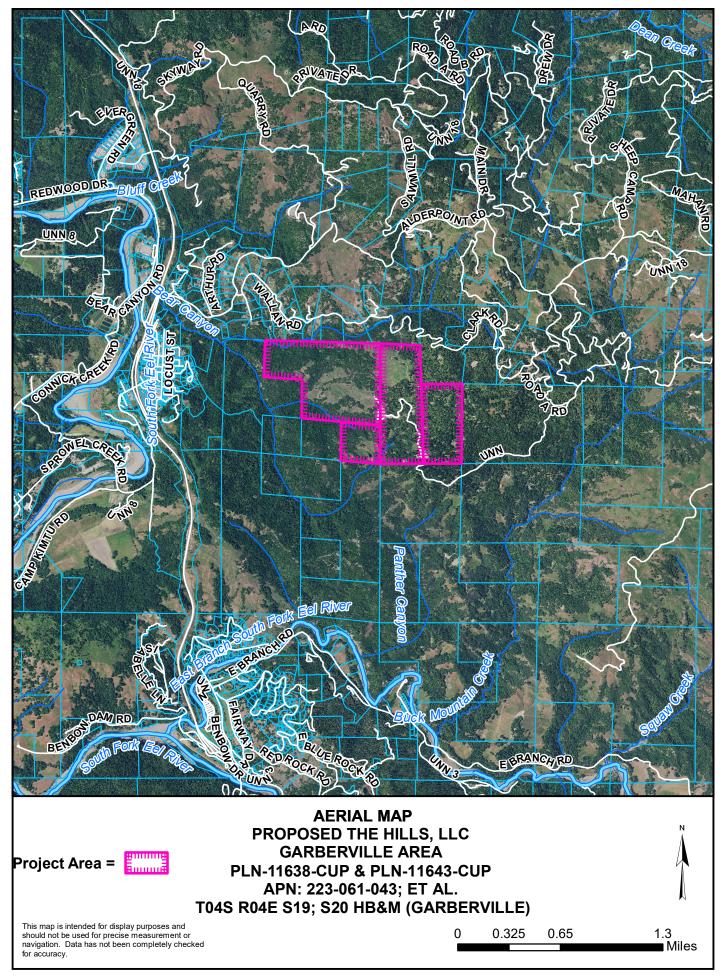
**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

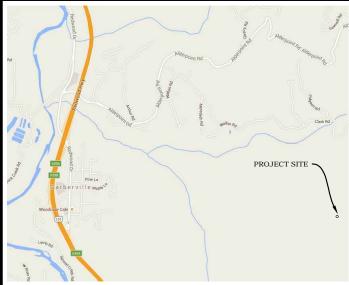
- 1. The Planning Commission adopts the Mitigated Negative Declaration for The Hills, LLC, project;
- 2. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-11643-CUP based on the submitted substantial evidence; and
- 3. The Conditional Use Permit (Record Number: PLN-11643-CUP) is approved as recommended and conditioned in Attachment 1.

Adopted at	ter review and consideration of all the evidence on July 23, 2020.
The motion	was made by Commissioner and seconded by Commissioner
AYES: NOES:	Commissioners:
ABSTAIN:	Commissioners:
ABSENT: DECISION:	Commissioners:
foregoing t	d, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the o be a true and correct record of the action taken on the above entitled matter by said at a meeting held on the date noted above.
	John Ford, Director Planning and Building Department









#### VICINITY MAP

### DIRECTIONS TO SITE:

FROM EUREKA, CA

- -HEAD SOUTH ON US-101 TOWARD SAN FRANCISCO
- -TAKE EXIT 639-B TOWARDS GARBERVILLE.
- -EXIT RIGHT AND TAKE FIRST RIGHT ON ALDERPOINT RD. -CONTINUE ON ALDERPOINT RD. FOR APPROX. 2 MILES.
- -TURN RIGHT ON WALLAN RD. AND CONTINUE TO GRAVEL AND CLARK ROAD.
- -PRIVATE DRIVEWAY UPHILL ON THE RIGHT.

#### PROJECT DESCRIPTION:

THE HILLS, LLC IS PROPOSING TO PERMIT CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE APPLICANT ROPOSES A CONDITIONAL USE PERMIT FOR 60,940 SF OF OUTDOOR CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION INCLUDING GREENHOUSES, 1 FACILITY FOR DRYING, CURING, GRADING AND TRIMMING OF MEDICAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE. THE APPLICANT INTENDS TO RELOCATE OUT OF ENVIRONMENTALLY SENSITIVE AREAS BY CONSOLIDATING CULTIVATION OUTSIDE OF TIMBERED AREAS. IRRIGATION WATER WILL BE SOURCED FROM A RAINWATER CATCHMENT POND ON APN 223-061-038 AND A PERMITTED

#### GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. THE HILLS, LLC HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMITS.

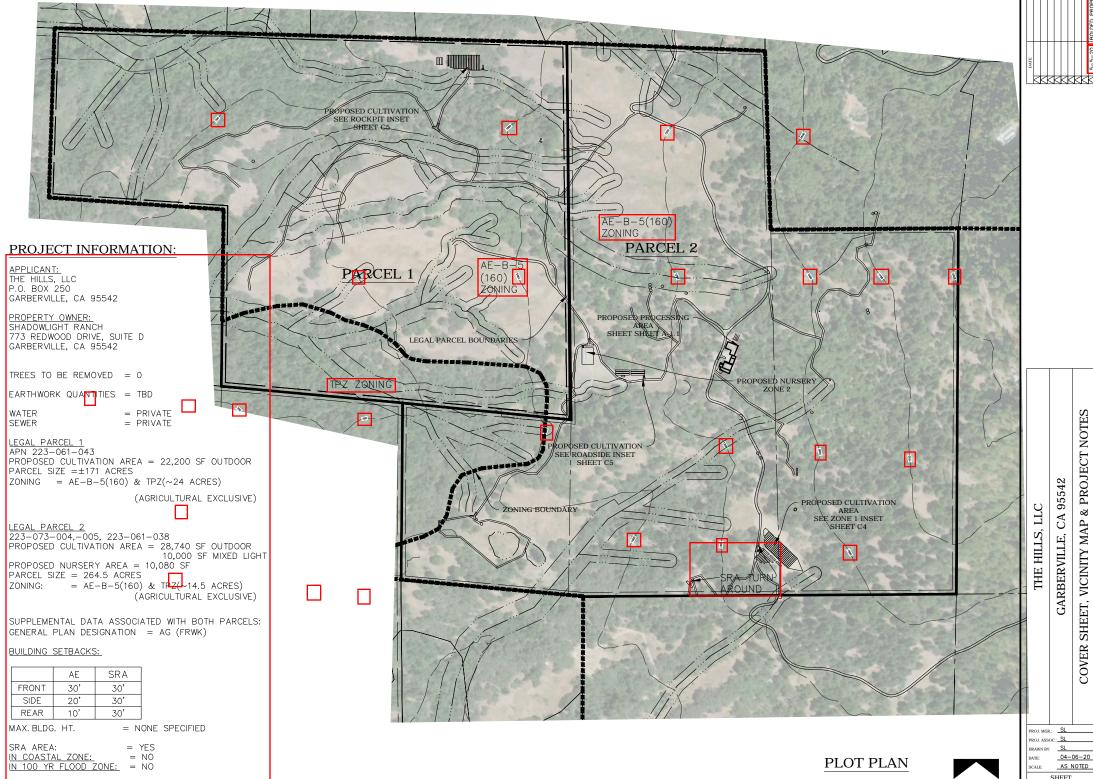
#### SHEET INDEX:

- CO COVER SHEET, VICINITY MAP, & PROJECT NOTES
- HISTORIC SITE PLAN
- C2 PROPOSED SITE PLAN C3 INTERIM PERMIT SITE PLAN
- C4 ZONE 1 INSET
- C5 ROCKPIT AND ROADSIDE INSETS
- C6A HISTORIC CONDITIONS SETBACK EXHIBIT C6B PROPOSED CONDITIONS SETBACK EXHIBIT
- C7B REMEDIATION PLAN NOTES
- A1.1 DRYING, PROCESSING, EMPLOYEE HOUSING SITEPLAN

## THE HILLS, LLC

**CONDITIONAL USE PERMIT - CULTIVATION** SPECIAL PERMIT - NURSERY, PROCESSING

223-061-043 (LEGAL PARCEL 1) 223-061-038, 223-073-004, 005 (LEGAL PARCEL 2) APN:



CDFW LSAA PERMIT # 1600-2018-0857-R1

WATERBOARD WDID # 1\_12CC415333

NORTH

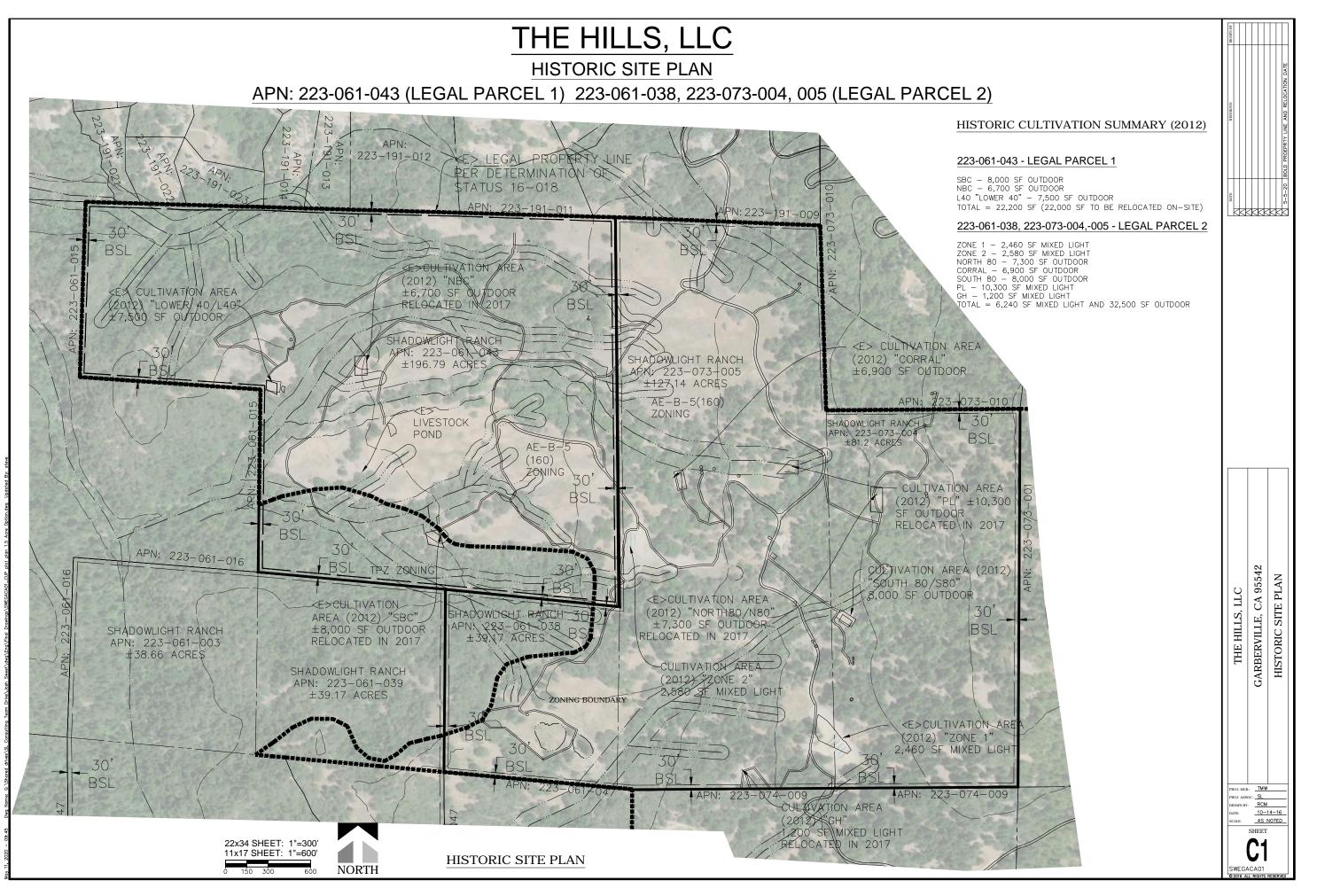
22x34 SHEET: 1"=500'

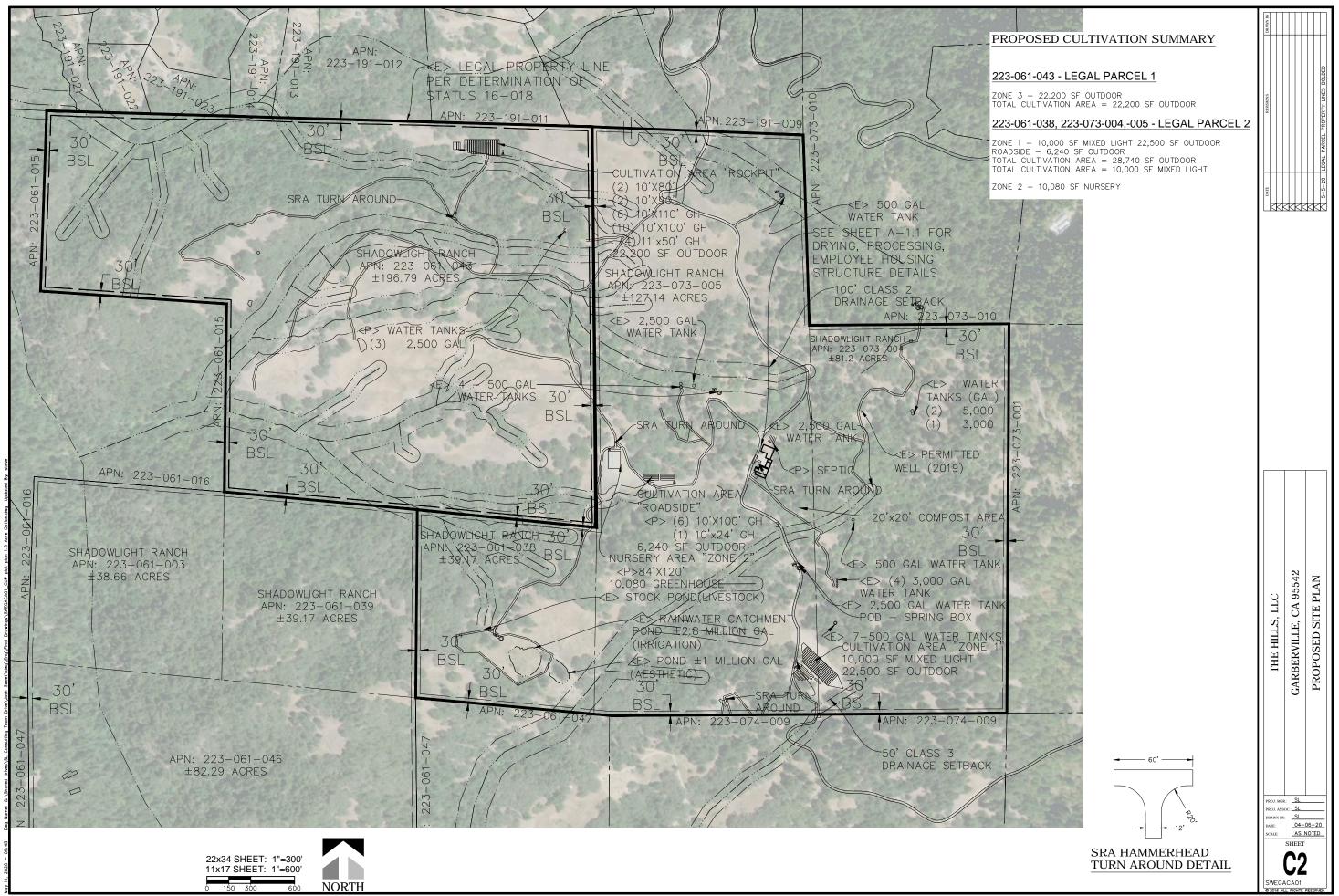
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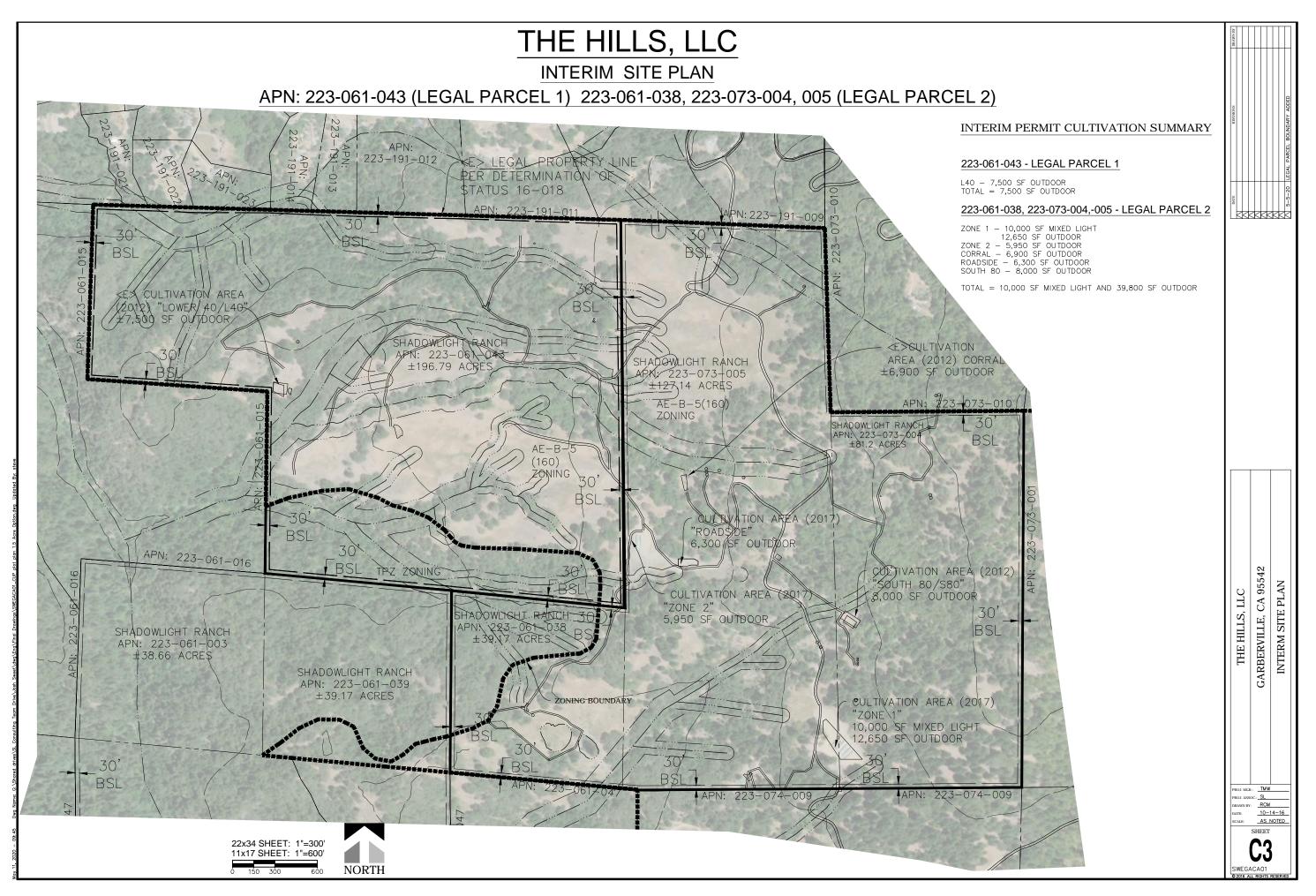
VICINITY MAP &

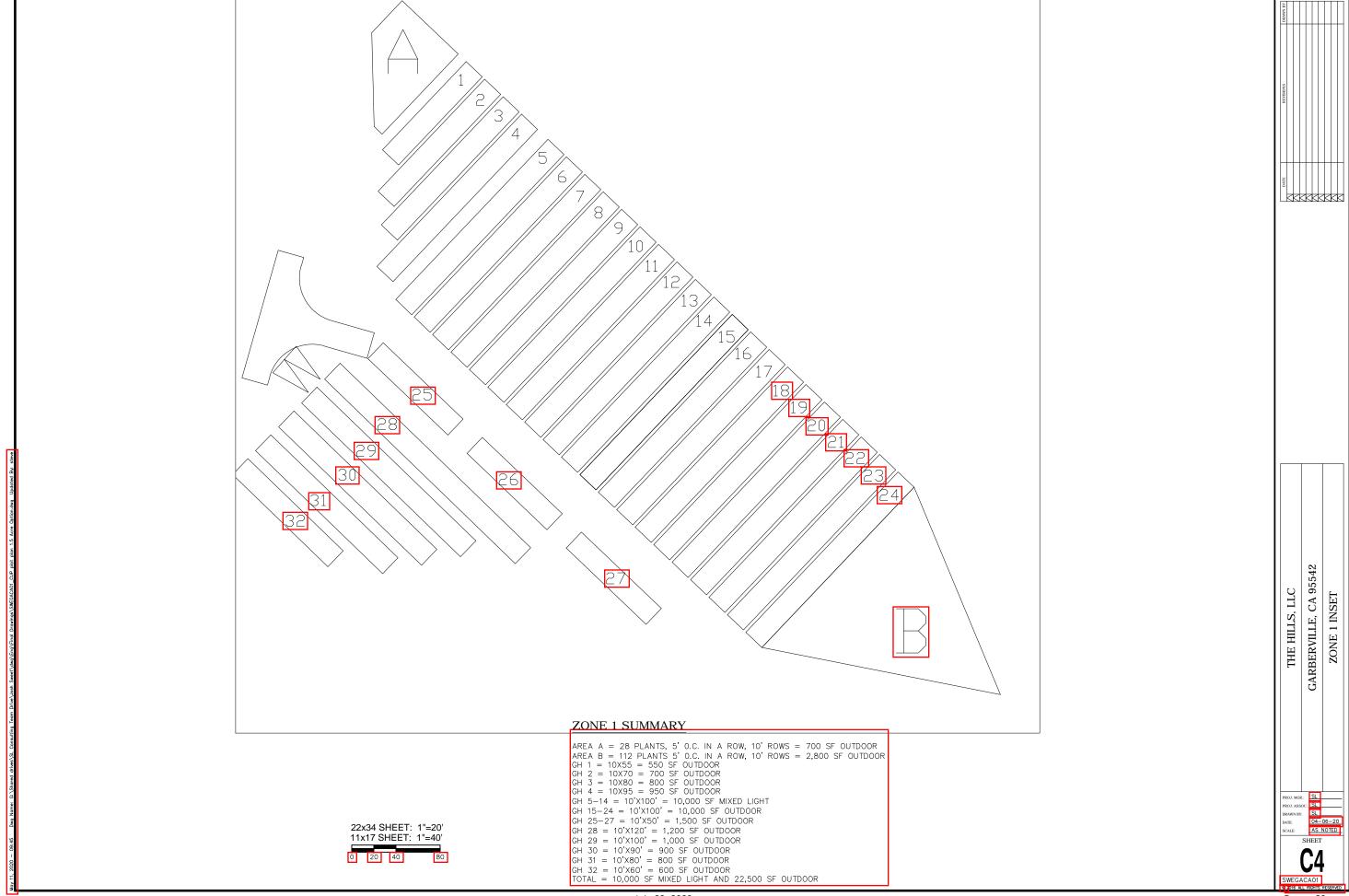
SHEET,

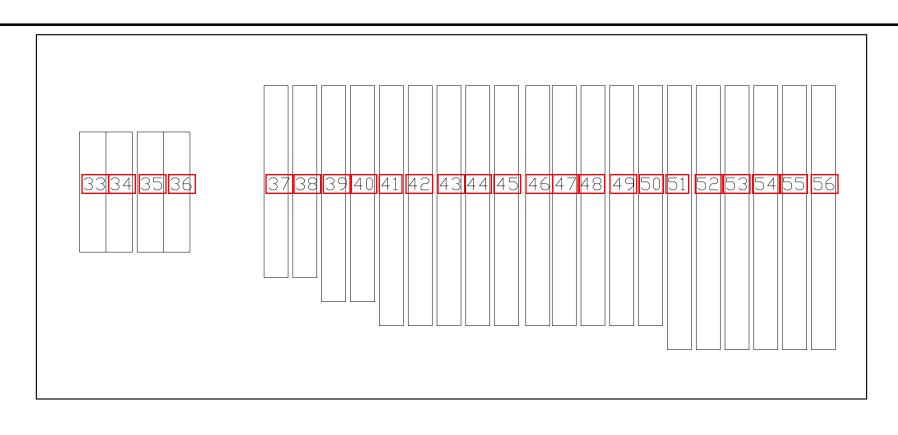
COVER











#### ROCKPIT SUMMARY

GH 33-36 = 11'X50' =2,200 SF OUTDOOR GH 37-38 = 10'X80' = 1,600 SF OUTDOOR GH 39-40 = 10'X90' = 1,800 SF OUTDOOR GH 41-50 = 10'X100' = 10,000 SF OUTDOOR GH 51-56 = 10'X110' = 6,600 SF OUTDOOR

TOTAL = 22,200 SF OUTDOOR



BOADSIDE SUMMARY

GH57-62 = 10'X100' = 6,000 SF
GH 63 = 10'X24' = 240 SF
TOTAL = 6,240 SF OUTDOOR

57
59
60
61
63

THE HILLS, LLC
GARBERVILLE, CA 95542
ROCKPIT, ROADSIDE, ZONE 2 INSET

PROJ.MGR: SL

PROJ.ASSOC: SL

DRAWN BY: SL

DATE: 05-05-20

SCALE: AS NOTED

SHEET

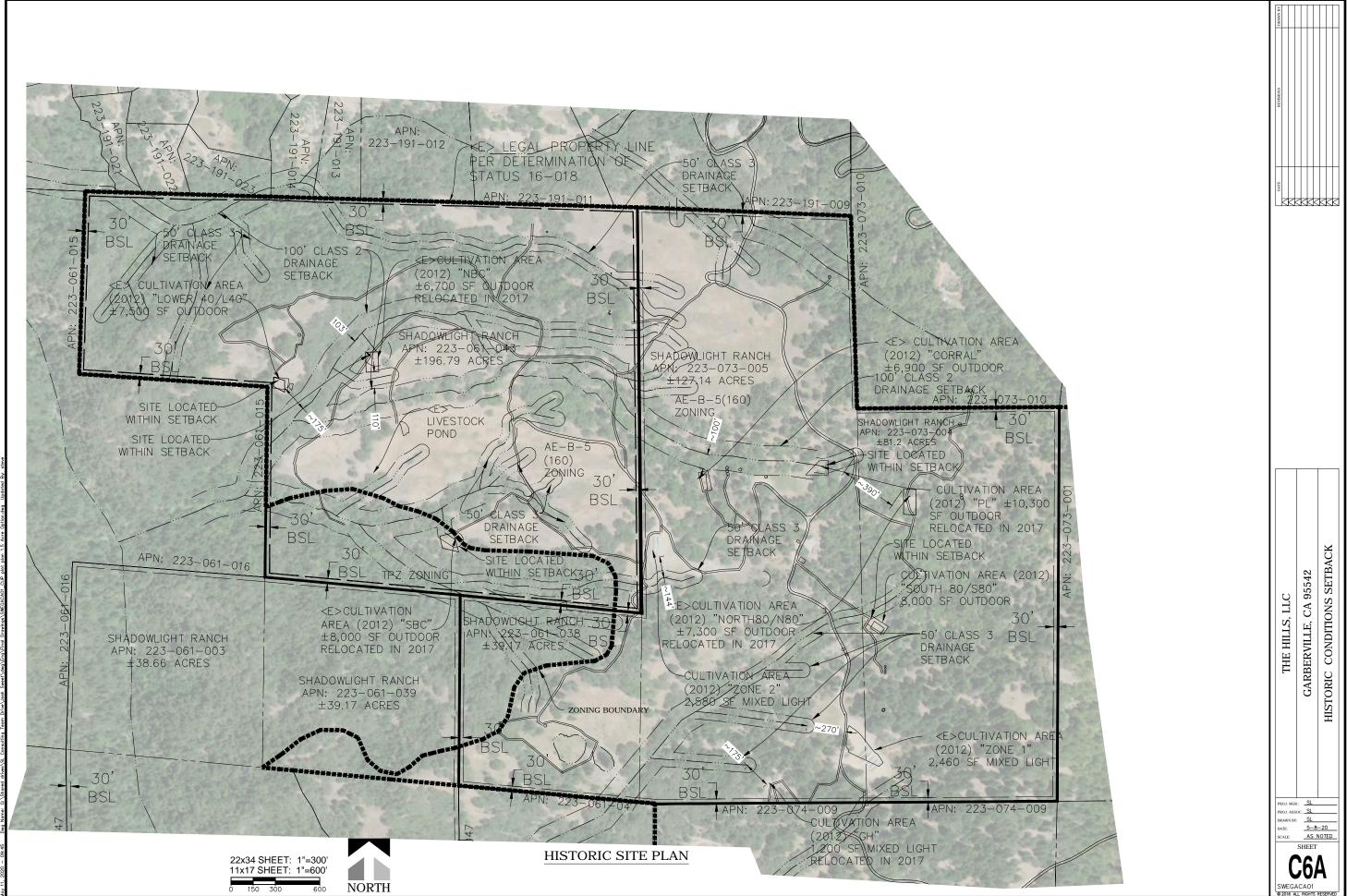
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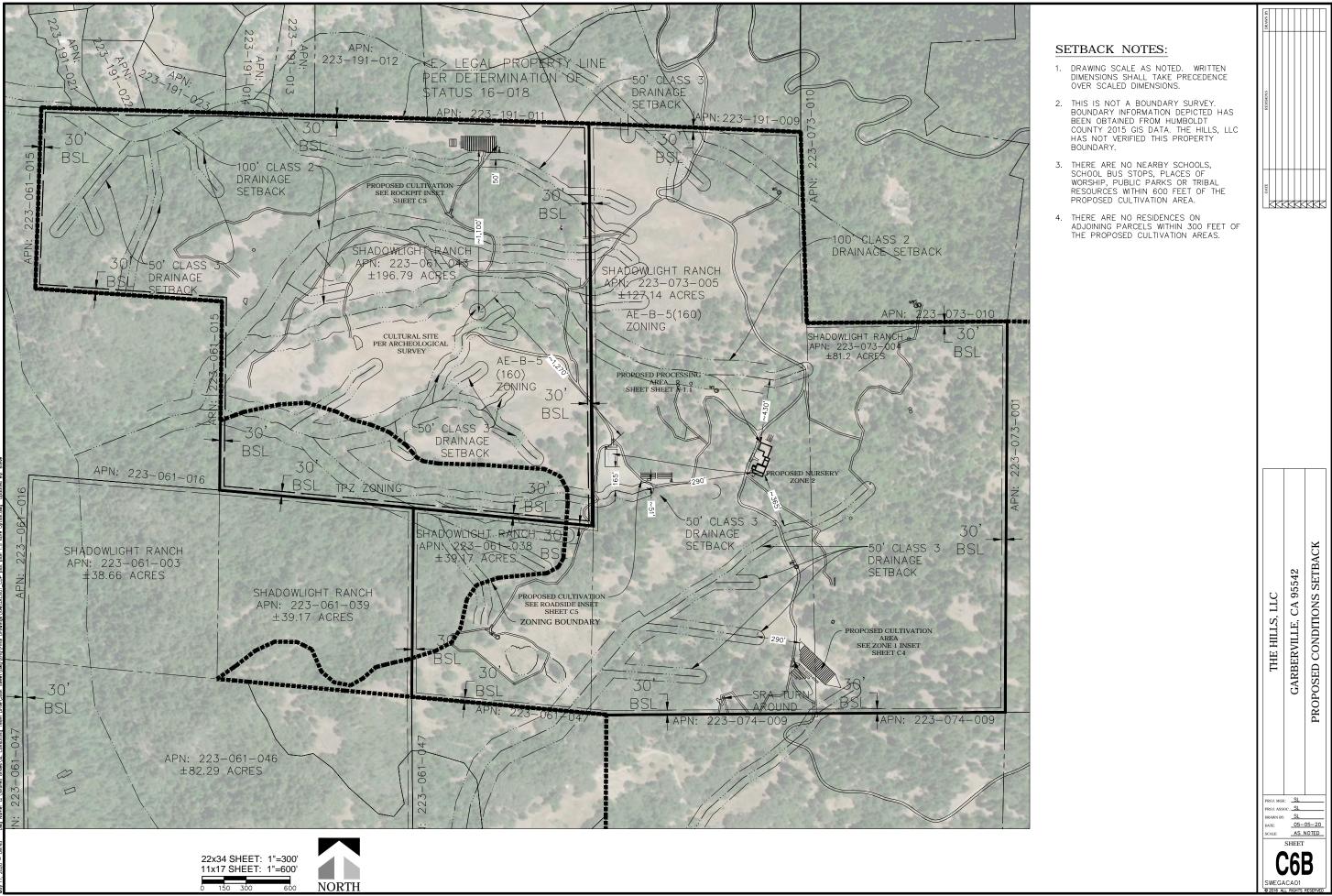
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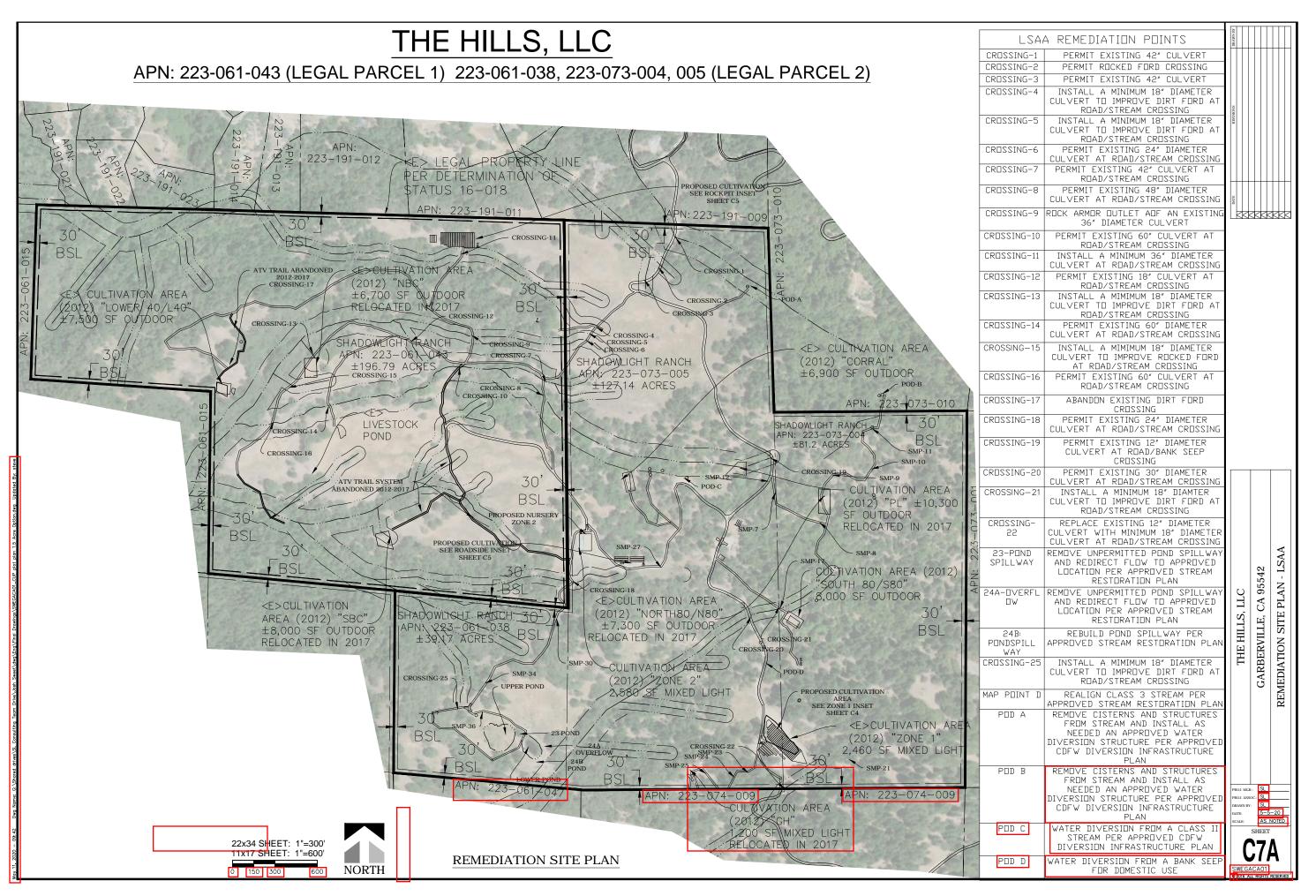
SWEGACA01

2016 ALL RIGHTS RES

22x34 SHEET: 1"=20' 11x17 SHEET: 1"=40'







#### **RESTORATION NOTES**

#### "L40" SITE RESTORATION

SEE PHOTO LOG. REMOVE DEER FENCE, T-POSTS, METAL TRELLIS, POTS AND CULTIVATION SOIL. STABILIZE WITH 4" OF WEED-FREE STRAW AND ALLOW SURROUNDED VEGETATION TO RE-COLONIZE THE DISTURBED AREA.

#### "NBC" SITE RESTORATION

SEE PHOTO LOG. AREA RELOCATED 3+ YEARS PRIOR AND HAS BEEN RECOLONIZED BY SURROUNDING VEGETATION

"SBC" SITE RESTORATION SEE PHOTO LOG. AREA RELOCATED 3+ YEARS PRIOR AND HAS BEEN RECOLONIZED BY SURROUNDING VEGETATION

#### "PL" SITE RESTORATION

SEE PHOTO LOG. AREA RELOCATED 3+ YEARS PRIOR AND HAS BEEN RECOLONIZED BY SURROUNDING VEGETATION

#### "N80" SITE RESTORATION

SEE PHOTO LOG. AREA RELOCATED 3+ YEARS PRIOR AND HAS BEEN RECOLONIZED BY SURROUNDING VEGETATION

#### "S80" SITE RESTORATION

REMOVE DEER FENCE, T-POSTS, METAL TRELLIS, POTS AND CULTIVATION SOIL. STABILIZE WITH 4" OF WEED-FREE STRAW AND ALLOW SURROUNDING VEGETATION TO RE-COLONIZE THE DISTURBED AREA.

#### "CORRAL" SITE RESTORATION

SEE PHOTO LOG. REMOVE DEER FENCE, T—POSTS, METAL TRELLIS, POTS AND CULTIVATION SOIL. STABILIZE WITH 4" OF WEED—FREE STRAW AND ALLOW SURROUNDING VEGETATION TO RE-COLONIZE THE DISTURBED AREA.

#### "GH" SITE RESTORATION

SEE PHOTO LOG. AREA RELOCATED 3+ YEARS PRIOR AND HAS BEEN RECOLONIZED BY SURROUNDING VEGETATION

#### LOWER POND

AS EVALUATED BY SHN CONSULTING ENGINEERS ASSESSMENT DATED SEPTEMBER 21,2018:

SEPTEMBER 21,2016:
DRAIN AND REBUILD OUTBOARD FACE OF THE EMBANKMENT
WHERE SLUMPING HAS OCCURED AROUND THE EXISTING SECONDARY SPILLWAY CULVERT

#### UPPER POND

AS EVALUATED BY SHN CONSULTING ENGINEERS ASSESSMENT DATED SEPTEMBER 21,2018:

REPAIR NORTHERN SLOPE OF UPPER POND. RECONSTRUCT FAILED PORTION OF THE SLOPE AND INCORPORATE GEOTEXTILE REINFORCEMENT WITH ROCK ARMORING OR BIOLOGICAL STABILIZATION. DESIGN TO BE PROVIDED BY A LICENSED ENGINEER OR GEOLOGIST.

#### LEGACY ATV TRAIL SYSTEM

-3,745 LINEAR FEET OF LEGACY TRAIL SYSTEM RESTORED 2012-2017

### SITE MANAGEMENT PLAN (SMP) POINTS

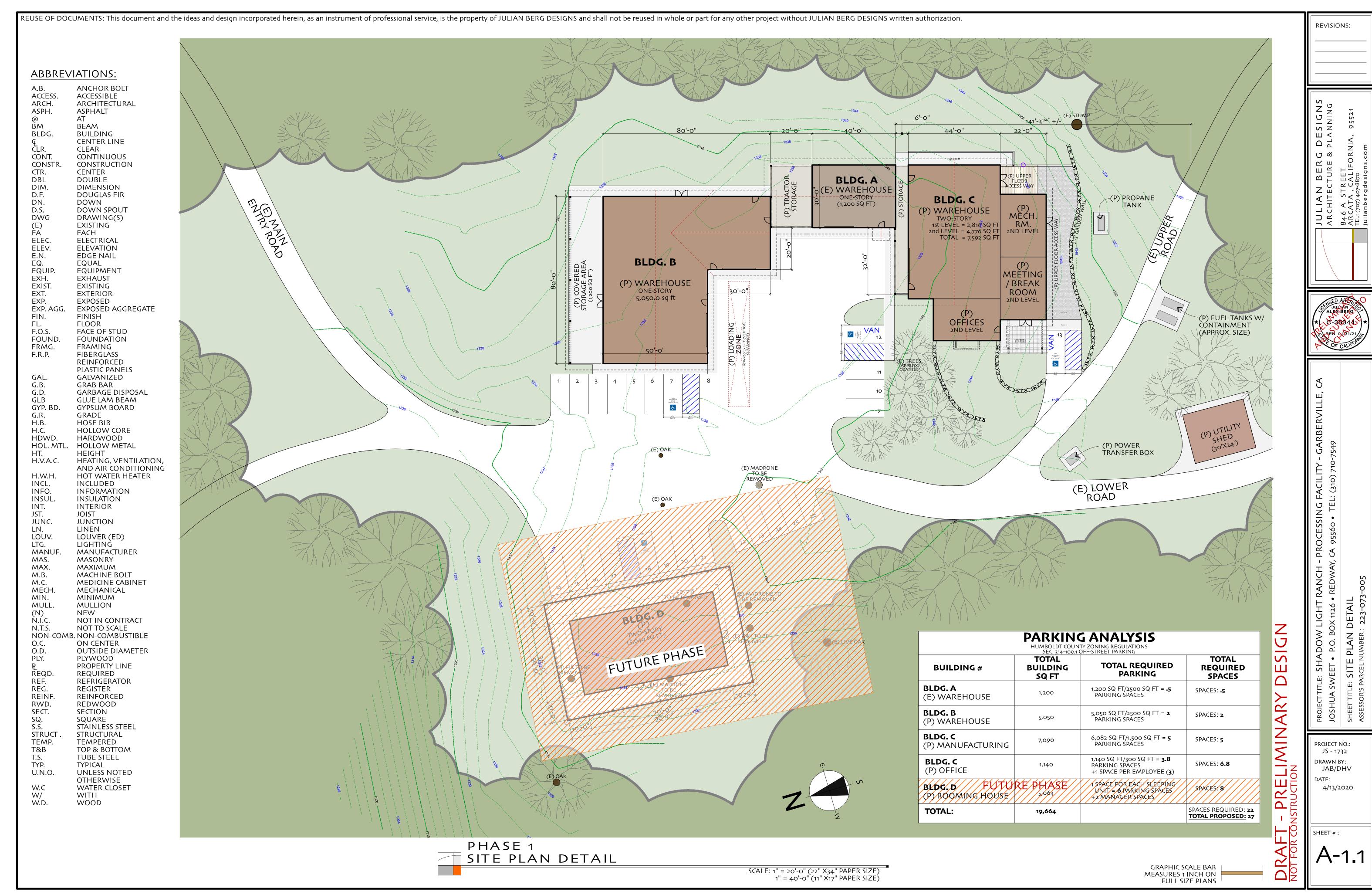
SEE SHEET C7B FOR REMEDIATION SMP POINT DESCRIPTIONS. ONLY REMEDIATION ITEMS ARE LISTED ON THIS EXHIBITS. SEE SITE MANAGEMENT PLAN FOR OTHER POINTS (MONITORING POINTS, ETC)

SMF	REMEDIATION POINTS
SMP-4	MAINTENANCE ROAD OUTSLOPING, CROWNING AND EXISTING INSIDE DITCH LEADOUT/KICKOUTS OR INSTALL KICKOUT DRAINAGE FEATURE EVERY 50-75 FEET IN SGEMENTS WHERE THERE ARE NONE OF THESE FEATURES
SMP-7	INSTALL AND MAINTAIN TWO WATER BARS 100' APART
SMP-8	INSTALL AND MAINTAIN THREE WATER BARS 100' APART
SMP-9	INSTALL AND MAINTAIN THREE WATER BARS 100' APART
SMP-10	INSTALL AND MAINTAIN TWO WATER BARS 100' APART
SMP-11	INSTALL AND MAINTAIN A WATER BAR
SMP-12	PERMIT EXISTING 42" CULVERT AT ROAD/STREAM CROSSING
SMP-17	ROCK SURFACE OF ACCESS ROAD 50 TP 60 FEET FROM CULTIVATION AREA AND ROCK APPROACHES TO CROSSING
SMP-21	R-ALIGN WATERCOURSE TO ALLOW WATER TO FLOW INTO HISTORIC FLOW PATH. EXCAVAT A DITCH ~40'-60' LONG X2' DEEP BY 4' WEED.
SMP-23	INSTALL A TYPE 1 ROCKED ROLLING DIP THAT DRAINS INTO THE EXISTING KICKOUT DRAINAGE FEATURE AS FLAGGED
SMP-24	INSTALL A TYPE 1 ROCKED ROLLING DIP THAT DRAINS INTO THE EXISTING KICKOUT DRAINAGE FEATURE AS FLAGGED
SMP-25	INSTALL A TYPE 3 ROCKED ROLLING DIP
SMP-27	INSTALL 18" DIAMETER DITCH RELIEF CULVERT
SMP-30	RECONSTRUCT ROAD FILLSLOPE, SEE DETAILS
SMP-34	RE-CONSTRUCT THE ROAD FILLSLOPE. SEE DETAILS
SMP-36	RE-CONSTRUCT THE ROAD FILLSLOPE. SEE DETAILS
SMP-60	INSTALL 15" DITCH RELIEF CULVERT

GARBERVILLE, CA 95542 REMEDIATION NOTES THE HILLS, LLC

SHEET

July 23, 2020



CUP-16-317; CUP-16-318 The Hills, LLC 11638; 11643

#### ATTACHMENT 1

#### RECOMMENDED CONDITIONS OF APPROVAL

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

- 1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #5 9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
- 2. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at <a href="www.wildlife.ca.gov">www.wildlife.ca.gov</a> for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,456.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, proposed processing facility, office and accessory structures) and grading (including road improvements, graded flats and ponds) related to the historic and proposed cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
- 3. For the life of the project, the applicant shall adhere to the Mitigation and Monitoring Program that is included in the draft Initial Study/Mitigated Negative Declaration (see Attachment 3). Annual monitoring reports shall be made available to the Planning Department at the time of the annual inspection.
- 4. The applicant to adhere to all recommendations contained in the Engineering Geologic Soils Report for the New Processing Facility was prepared by Lindberg Geologic Consulting, dated October 3, 2019.
- 5. The applicant shall secure permits for all existing and proposed structures (including greenhouses and processing facility) and grading 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. Until then, existing structures used in the cannabis operation are not to be used or occupied until all required permits have been obtained.
- 6. The applicant shall obtain an encroachment permit from the Department of Public Works to pave a minimum width of 20 feet and a length of 50 feet where the County-maintained portion of Wallan Road meets the privately-maintained portion of Wallan Road and complete the required improvements. A letter or similar communication from the Department of Public Works stating this work is completed to DPW's satisfaction will complete this condition.

- 7. Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of the privately-maintained portion of Wallan Road to Shadow Light Ranch Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association, and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
- 8. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
- 9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
- 10. In accordance with Mitigation Measure CUL-1, For the life of the project, the applicant shall adhere to the recommendations contained in A Cultural Resources Investigation for Commercial Medical Cannabis Cultivation The Hills, LLC, APN 223-061-043 (Legal Parcel 1) APN 223-061-038, 223-073-004 and 223-073-005 (Legal Parcel 2) Near Garberville, Humboldt County, California, was prepared by William Rich and Associates, dated May 2020.
- 11. In accordance with Mitigation Measure CUL 2, If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
  - Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
- 12. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the Applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.
- 13. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

- 14. In accordance with Mitigation Measure AFR-1, The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.
- 15. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW that includes the 31 projects identified in the drat Initial Study/Mitigated Negative Declaration. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- 16. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
- 17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
- 18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
- 19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
- 20. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
- 21. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
- 22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
- 23. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
- 24. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed

the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

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

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

- 1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
- 2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
- 3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
- 4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
- 5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
- 6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
- 7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
- 8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
- 9. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.

- 10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday Friday, 9:00 am 5:00 pm, excluding holidays).
- 11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- 12. Pay all applicable application and annual inspection fees.
- 13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.
- 14. Storage of Fuel Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
- 15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
- 16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
- 17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

- 18. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
- 19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
- 20. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
- 21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;

- (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
- (e) Materials handling policies;
- (f) Job hazard analyses; and
- (g) Personal protective equipment policies, including respiratory protection.
- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - (a) Operation manager contacts;
  - (b) Emergency responder contacts;
  - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
- 22. All cultivators shall comply with the approved Processing Plan as to the following:
  - I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  - VIII. Plan to minimize impact from increased road use resulting from processing.
  - IX. On-site housing, if any.
- 23. <u>Term of Commercial Cannabis Activity Special Permit.</u> Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permitees and the permitted site have been found to comply with all conditions of approval.
- 24. If the inspector or other County official determines that the permitees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
- 25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
- 26. <u>Acknowledgements to Remain in Full Force and Effect.</u> Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained

drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

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

#### **Informational Notes:**

- 1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
- 2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions

set forth in Conditions of Approval #23 of the On-Going Requirements / Development Restrictions, above.

- 3. 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.
- 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 Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
- 6. 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.
- 7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

#### **ATTACHMENT 2**

#### REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Agriculture General (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation.  Density range is 20 -160	The Applicant is proposing to continue an existing commercial cannabis cultivation operation occurring on two legal parcels consisting of 60,940 square feet of cannabis cultivation consisting of 54,700 square feet of outdoor and 6,240 square feet of mixed light cultivation areas on lands designated as Agriculture General. General and intensive agriculture are allowable use types for these designations. The project is, therefore, consistent with the AG designation.
Circulation Chapter 7	acres/unit.  Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)  Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	The subject parcel is accessed on Shadow Light Ranch Road, approximately 1.0 miles from it's intersection with Wallan Road. According to the Road Evaluation Report submitted by the applicant, the access roads are developed to the functional equivalent of a Category 4 road standard. Wallan Road is a County-maintained road until approximately 200 feet east of the intersection with Pigeon Road. The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately-maintained portion of the access road (see Attachment 4). The applicant submitted a Road Evaluation Report for the proposed project dated May 17, 2017 (see Attachment 4). Department of Public Works recommended approval of the project, including paving a minimum width of 20 feet and a length of 50 feet at the intersection of the County-maintained and privately-maintained portions of Wallan Road. Additionally, the private road intersection will be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Conditions of approval are included that require the applicant to participate in a road maintenance association and/or pay fair-share costs associated with maintenance. As conditioned, the project therefore conforms with the Circulation Element of the General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.  Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the Housing Element.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. There are two mapped Streamside Management Areas (SMAs) on the subject parcels and the Site Management Plan (SMP) prepared by Timberland Resource Consultants revised December 9, 2019, states there are Class II and Class III unnamed watercourses on the subject parcel that are tributaries to Bear Canyon Creek. See Section 10.3 Biological Resources for additional information.

Conservation and Open Space Chapter 10

Biological Resources Section 10.3 Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.

According to the Biological Report Shadow Light Ranch Garberville, Humboldt County, California, APNs 223-061-038, 223-061-043, 223-073-004, 223-073-005, prepared by NRM Corp. revised May 2020 (see Attachment D of the draft Initial Study and Mitigated Negative Declaration), the subject parcels can be described as a mid-mature forest dominated by Douglas fir interspersed with large open grassland areas within the rolling hills of the coastal range. The Western bumble bee is the only mapped rare or species of special concern on the subject parcels (located in the western portion of APN 223-061-034) based on a review of the California Natural Diversity Database. Thirteen species were identified by a nine guad search as having potential for habitat on the subject parcels.

Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is location 2.91 miles to the north of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 2.8 miles to the west and the nearest NSO Activity Center is located 4.44 miles to the southwest of the project site, both the observation and activity center are located on the other side of US Highway 101. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to 60 dB at the property line as required by the CMMLUO.

Approximately 10,661 square feet of wetlands on the site were filled for construction of water impoundment ponds. The Mitigated Negative Declaration for this project is requiring mitigation in the form of wetland restoration at a 3:1 ratio for all impacted wetlands associated with this project (BIO-6).

The analysis of this project identified that approximately 10 trees, all less than 12 dbh will be removed as part of the project and to mitigate for the loss of forest land and habitat, 22,000 sf of oak woodland will be restored as mitigation for the loss of the 10 trees (AFR-1).

Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval.

There are two mapped Streamside Management Areas on the subject parcel according to the

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		Humboldt WebGIS. The unnamed Class II and Class III watercourses are tributaries to Bear Canyon then to the South Fork of the Eel River according to the Site Management Plan (SMP). Historically, a 1.3-million-gallon rain catchment pond with a fully contained seep supplied the water for cannabis irrigation. In the future, water from the existing rain catchment pond may be stored for use on cannabis activities. In 2019, Shadow Light Ranch drilled a hydrologically disconnected well to irrigate cannabis. Use of the well for irrigation allows the applicant to discontinue use of any diversionary water sources historically used for irrigation.
		See findings for Stormwater Drainage (Chapter 11, Water Resources) for additional information regarding stormwater management and compliance with the State Cannabis Cultivation Discharge Policy.
		See findings for the Streamside Management Area (SMA) for additional information regarding SMAs, CDFW violations, culvert replacements and development of the on-stream pond.
		See findings for <i>Performance Standards – Water</i> for additional information regarding the groundwater well, water use and storage.
		The California Department of Fish and Wildlife (CDFW) provided referral responses on August 7, 2017 (see Attachment 5). Staff response was sent on July 8, 2020. Several conditions of approval typically requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)  Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]	Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC and the Bear River Band of Rohnerville Rancheria requested

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		project was modified since the initial report was completed. One archeological resource were identified by the survey. All archeological resources are more than 600 feet from the cultivation areas. The report concludes that no significant archaeological or historic period cultural resources would be impacted by the project as designed. No ground disturbance is allowed or proposed near the identified sites. The Bear River Band of Rohnerville Rancheria recommended conditional approval of the project with incorporation of inadvertent discovery protocol to protect cultural resources. Planning staff sent a formal AB 52 consultation request to the Bear River Band of Rohnerville Rancheria on May 26, 2020, and the Bear River Band of Rohnerville Rancheria declined for consultant with the inclusion of conditions regarding adherence to the recommendations in A Cultural Resources Investigation for Commercial Medical Cannabis Cultivation The Hills, LLC, APN 223-061-043 (Legal Parcel 1) APN 223-061-038, 223-073-004 and 223-073-005 (Legal Parcel 2) Near Garberville, Humboldt County, California, was prepared by William Rich and Associates, dated May 2020, and inadvertent discovery protocol. Both requests are included as Mitigation CUL-1 and Mitigation CUL-2 in the draft IS/MND and conditions of approval require adherence to the mitigation measures. The project is therefore consistent with the Cultural Resource policies of the General Plan.
Conservation and Open Space Chapter 10  Scenic Resources Section 10.6	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) Related policies: SR-S4. Light and Glare	The project involves the cultivation of approximately 60,940 square feet, of which 6,240 square feet is mixed light cultivation. There is also 10,800 square feet of cultivation for a wholesale nursery that also requires the use of artificial lighting. The project has been conditioned to fully shield existing all proposed lighting so that it does not direct light within the property boundaries and complies with Dark Sky standards as required by the CMMLUO. Within 30 days of the effective date, the applicant shall contact the Planning Department to set up a site inspection to verify that greenhouses and structures meet this requirement. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.

#### Water Resources Chapter 11

#### Stormwater Drainage

Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5): watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses. including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and

Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures. Cultivation areas at the project site are mostly flat with surface flow in the wet season generally draining from the west to the east. All sites are designed to provide slope for drainage and two areas are slightly above 5% grade. The edges of the sites are ditched and have either a waddle like hav absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turn arounds have drainage that is designed to code. Fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit a copy of the Notice of Applicability as evidence of enrollment into the State Cannabis Cultivation Discharge program. The applicant submitted a Site Management Plan prepared by Timberland Resource Consultants that was revised on December 9, 2019 (see Attachment 4).

The applicant received Notice of Violation from the NCRWQCB dated June 27, 2018. The Notice of Violation identified several areas compliance with NCRWQCB's Cannabis Waste Discharge Regulatory Program, that include, work performed without permits, standard conditions out compliance. enrollment document discrepancies and deficiencies and revisions the WRPP. The applicant continues to coordination with the NCRWQCB and SWRCB to resolve the outstanding violations. A Site Management Plan (SMP) was prepared for the project site in accordance with SWRCB's Cannabis Cultivation Policy (see Appendix H). The SMP identifies approximately 80 locations on the subject parcel that require remedial actions for compliance with the State Board Policy. The SMP includes erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

The Site Management Plan includes 17 projects are that required to meet the State's Cannabis

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		Cultivation Discharge program requirements. Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.
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.	Currently, there is no Onsite Wastewater Treatment System (OWTS) developed on the subject parcels. Department of Environmental Health recommended conditional approval for the project. Per DEH request, no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. Portable toilet and handwashing facilities will be allowed to be utilized during the construction of these permanent improvements. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. As a part of this condition the applicant is required to provide receipts or other documentation to the DEH for the continual use of portable toilets for employee use until a permanent septic system is installed to their satisfaction.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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.	Artificial lighting is proposed for use within the 10,080-square-foot wholesale nursery and 6,240 square feet of mixed light greenhouses. Greenhouses are equipped with fans and power is provided by solar. Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is location 2.91 miles to the north of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 2.8 miles to the west and the nearest NSO Activity Center is located 4.44 miles to the southwest of the project site, both the observation and activity center are located on the other side of US Highway 101. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to 60 dB at the property line as required by the CMMLUO. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval. As conditioned, the project is consistent with the Noise Element.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Plan Section  Safety Element Chapter 14  Geologic & Seismic		Conformance Finding  The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as Moderate Slope Instability (2) and High Slope Instability (3) in the County's GIS mapping. The Garberville-Briceland Fault Zone is centrally located on APN 223-073-005. There are historic landslides located on the subject parcels, however, existing and proposed development will not be locate in the historic landslide areas. A Engineering Geologic Soils Report for the New Processing Facility was prepared by Lindberg Geologic Consulting, dated October 3, 2019. (Attachment G of the draft Initial Study and Mitigated Negative Declaration). The report evaluated the proposed site for development of the processing facility. The report found that the proposed site is suitable for development with inclusion of the recommendations contained in the report. Recommendations contained in the report include setback requirements, site preparation, temporary excavation, etc. Conditions of approval require the applicant to adhere to all recommendations contained in the Engineering Geologic Soils Report for the New Processing Facility was prepared by Lindberg Geologic Consulting, dated October 3, 2019.  A Rough Grading Plan prepared by Altas Engineering dated June 19, 2020, indicates that approximately 1,834 cubic yards of grading is necessary to develop the 'Rock Pit' area (see Attachment 4). A Recommendations for the Stabilization and Reconstruction of the Pond
		Attachment 4). A Recommendations for the
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Flooding	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) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 800 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.
Safety Element Chapter 14 Fire Hazards	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential. Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject property is located within an area with a high and very high hazard severity. The parcel is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.  According to the operations plan, a maximum of 11 employees will be on-site during peak operations. In addition to the groundwater well, total water storage is 2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks that can be used for fire protection if needed. CAL FIRE was sent referrals for the project. No response was received. Planning staff contacted CAL FIRE staff on July 8, 2020, directly to determine if there were any project specific comments. CAL FIRE staff responded requesting to review the revised materials for the project prior to drafting any comments. As July 9, 2020, no additional comments have been received from CAL FIRE. If comments are received prior to the hearing, a supplemental will be prepared. The project is consistent with the fire protection policies of the Safety Element.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Community Infrastructure and Services Element, Chapter 5  Implementation Action Plan	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.	The subject parcels are located with the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE was sent referrals for the project. No response was received. Planning staff contacted CAL FIRE staff on July 8, 2020, directly to determine if there were any project specific comments. As July 8, 2020, no comments have been received from CAL FIRE. If comments are received prior to the hearing, a supplemental will be prepared.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project is consistent with these policies of the General Plan.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table demonstrates that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcels of land known as APN 223-061-043 and 223-061-0038, 223-073-004 and 223-073-005 are two separate legal parcels as concluded by the Determination of Status (DS) 16-018 approved on September 7, 2016. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcels were lawfully created in its current configuration and can be developed as proposed.

§314-7.1		
Agricultural Exclusive  §314-7.4  Timberland Production	Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which protection from encroachment from incompatible uses is essential to the general welfare. Existing outdoor cannabis cultivation is allowed on parcels zoned AE.  Timberland Production (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking two Conditional Use Permits for an existing 60,940 square feet of cannabis cultivation consisting of 54,700 square feet of outdoor and 6,250 square feet of mixed light cultivation and a Special Permit for a 10,080-square-foot wholesale nursery operation on a property zoned AE and TPZ. The proposed cannabis cultivation is specifically allowed with Conditional Use Permit in these zoning districts and under Section 314-55.4.8.2.2 of the CMMLUO. The proposed wholesale nursery is allowed under Section 314-55.4.8.7 of the CMMLUO.
Minimum Lot Size:	AE: 20 acres	435 acres (cumulative total)
SIZE.	TPZ: 160 acres or 40 acres if the provisions of Government Code Section 51119.5 are met.	
Maximum	AE: 35%	<5%
Ground Coverage:	TPZ: None specified	-0/0
Minimum Lot	AE: 100 feet	APN 223-061-043: 2,635 feet
Width:	TPZ: None specified	APNs 223-061-0038, 223-073-004 and 223-073-005: 4,064 feet
Maximum Lot Depth:	None specified	APN 223-061-043: 2,643 feet APNs 223-061-0038, 223-073-004 and 223-073-005: 3,999 feet
Minimal Parcel Setbacks: (Through the	AE: Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not	Front: >30 feet Rear: >30 feet Side: >30 feet
SRA requirements)	more than 20 feet shall be required.	
	TPZ: Front: 30 feet Rear: 20 feet Side: 20 feet	
	SRA: 30 feet, all sides	
Max. Building Height:	None specified	<35 feet

§314-61.1 Streamside Management Area (SMA)

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

There are two mapped Streamside Management Areas on the subject parcel according to the Humboldt WebGIS. The unnamed Class II and Class III watercourses are tributaries to Bear Canyon then to the South Fork of the Eel River according to the Site Management Plan (SMP).

There were three distinct cultivation areas on APN 223-061-043 (Record Number: PLN-11638-CUP) and there were seven distinct cultivation areas on the Lower 40 (Record Number: PLN-11638-CUP; APN 223-061-043) and 223-061-038, 223-073-004 and 223-073-005 (Record Number: PLN-11638-CUP). In total, there were 10 cultivation sites in existence prior to January 1, 2016. In 2017, 5 of the 10 cultivation areas were relocated environmentally superior locations as the 5 cultivation areas were located with Streamside Management Area buffer and/or on steep slopes. The 5 cultivation areas that were relocated were consolidated with other cultivation areas on the Project site. Staff supports the relocation of the historic cultivation areas as the results improves site conditions from the baseline conditions on January 1, 2016.

The project includes 31 existing and proposed encroachments/remediation actions, conditioned by the pending SAA with CDFW. Four encroachments are for water diversion from unnamed tributaries to Bear Canyon Creek and the South Fork Eel River. Water is diverted for domestic use and, historically, for cannabis irrigation. Work for the water diversion would include use modifications of existing infrastructure, stream restoration, use, and maintenance of the water diversion infrastructure. Twenty-two existing and proposed encroachments would permit 14 existing culverts placed without permits, upgrade 2 existing culverts, and install infrastructure at 6 road/stream crossings where no conveyance structure is in place. Four encroachments would improve spillways for two ponds. One encroachment would realign a stream with its historic channel. Work for these encroachments would include excavation, removal of the falling culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armorings necessary to minimize erosion. The Special Permits would allow for 9 remediation projects required by the California Department of Fish and Wildlife to resolve a Notice of Violation on the subject parcels. There are 22 other projects (total of 31) require by CDFW for resolution of the of Violation that are for the replacement and/or maintenance of stream crossings. Staff determined completion of the projects as described by the draft Final SAA (see

		Attachment F of the draft Initial Study/Mitigated Negative Declaration) would improve stream flows and overall water quality on the subject parcels, therefore, staff supports the projects required to respond to the CDFW Notice of Violation. Conditions of approval require the applicant to submit a copy of the Final Streambed Alteration Agreement (SAA) issued for the subject parcel by CDFW. The applicant is required to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects includes in the Final SAA are completed to the satisfaction of CDFW.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.  *Use for this activity is not specified. Per Section 314- 109.1.2.9, the Director may fix the required number of	11 spaces
	parking spaces based on standards for most comparable use.	

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

§314-55.4.8.2

**Timber Conversion** 

In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.

The subject parcel is split-zoned AE and TPZ. All development associated with the proposed project will occur on the portions of the site zoned Agriculture Exclusive. Development of the 'Rockpit' location on APN 223-061-043 requires removal of 2 stumps and approximately 10 trees that are less than 12" dBH. The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. With implementation of Mitigation Measure AFR-1, the proposed project would have a less than significant impact on the loss of forest land or conversion of forest land to a non-forest use. Conditions of approval require the applicant to adhere to the Mitigation and Monitoring Report Program. A project referral was sent to CAL FIRE in 2017. Because a response was not received, staff contacted CAL FIRE directly on July 8, 2020, and provided the operations plan, site plan and link to the draft IS/MND (see Attachment 5). As of July 9, 2020, no comments were received. The applicant is not proposing to remove any additional trees for the proposed project.

§ 314-55.4.8.2.2

Existing Outdoor and Mixed-Light Cultivation Areas On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is

appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned AE.

The proposed action is two Conditional Use Permits for 60,940 square feet of existing mixed-light cultivation on APNs 223-061-043, 223-061-038, 223-073-004 and 223-073-005, which are two legal parcels consisting of 435 acres that are split-zoned AE and TPZ. A review of Google Earth imagery and meetings with the applicant found the 60,940 square feet of cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.

§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 has applied for three total cannabis activity permits, and is entitled to four. This application is for a the three permits – two Conditional Use Permits for cultivation and one Special Permit for a wholesale nursery. If approved, the applicant will hold 3 permits.
§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.	Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed structures as follows: (1) one-story, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) two-story, 7,592-square-foot processing facility and office uses (footprint = 4,776 square feet); and associated parking facilities. A maximum of 11 employees will be on-site during peak operations. Until the Onsite Wastewater Treatment Facility (OWTS) is installed to the satisfaction of the Department of Environmental Health, processing is required to take place at an off-site licensed processing facility. The applicant can also take harvested cannabis to a licensed processing facility for processing should they choose once the OWTS is installed. Conditions of approval require processing to occur off-site until the septic system is permitted.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

#### §314-55.4.11.c Performance Standards-Water

Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.

Estimated annual water usage is 1,020,000 gallons gallons/sf/cycle). Water management (13 strategies would be implemented to conserve and reuse onsite water and fertilizers to achieve net zero discharge. Water is pumped via solar power up to a series of water tanks that gravity feed the cultivation sites. Water for domestic use is provided by a spring. Historically, a 1.3-million-gallon rain catchment pond with a fully contained seep supplied the water for cannabis irrigation. In the future, water from the existing rain catchment pond may be stored for use on cannabis activities. In 2019, Shadow Light Ranch drilled a hydrologically disconnected well to irrigate cannabis. The applicant provide a well permit and well completion log (see Attachment 4). The well completion log indicates the well is approximately 240 feet deep and yields 50 gallons per minute (gpm). The well was drilled through layers of sandstone and shale and is located over 1,000 feet from the nearest watercourse and it more than 200 feet higher in elevation. Therefore, staff determined the well is hydrologically disconnected from surface water and does not require water rights for diversion and use from the State Water Resources Control Board; the rain catchment pond does not require water rights either. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand. The applicant is required to obtain a Final Streambed Alteration Agreement to resolve the Notice of Violation, including the ponds (specifically improvements to the outflows) from the California Department of Fish and Wildlife (CDFW) and obtain a grading permit from the Building Inspection Division for both ponds developed on APN 223-061-038. In addition, the applicant is required to prepare and submit a Bullfrog Management Plan to the Planning Department for review and approval by the Planning Department and CDFW. Implementing the Bullfrog Management Plan is an ongoing condition of approval that is required for the life of the project. Based on the submitted evidence, the project complies with the referenced section.

#### §314-55.4.11.d Performance Standards-Setbacks

The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).

Based on a review of aerial imagery and referral agency comments, the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources.

	T	1				
§314-55.4.11.0 Performance Standards- Generator Noise	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.	Artificial lighting is proposed for use within the 10,080-square-foot wholesale nursery and 6,240 square feet of mixed light greenhouses. Greenhouses are equipped with fans and power is provided by solar. Based on a review of the Humboldt County WebGIS, the nearest mapped Marbled murrelet habitat is location 2.91 miles to the north of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 2.8 miles to the west and the nearest NSO Activity Center is located 4.44 miles to the southwest of the project site, both the observation and activity center are located on the other side of US Highway 101. The draft Initial Study/Mitigated Negative Declaration includes two mitigation measures, NOI-1 and NOI-2, to reduce potential noise impacts to less than significant. Mitigation measures for noise require the applicant to limit the use of heavy equipment to week-day hours, ensure equipment is in good working order and limit noise from the project to 60 dB at the property line as required by the CMMLUO. Adhering to the Mitigation and Monitoring Reporting Program for the life of the project is a condition of approval. As conditioned, the project complies with the performance standards for noise.  The applicant filed the applications on December				
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	'				

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

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

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

Code	Summary of Applicable	Evidence that Supports the
Section	Requirement	Required Finding

17.1.5
Housing
Element
Densities

The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

As discussed above the property was not included in the 2019 Housing Inventory. The subject parcels do not contain housing units, however, the proposed project does not exclude development of dwelling units in the future. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment. The CEQA document includes an analysis of the subject Conditional Use Permits and Special permit. As of the date of the drafting of this report (July 8, 2020), no written comments have been received regarding the draft Initial Study/Mitigated Negative Declaration. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this Conditional Use Permit and Special Permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at <a href="www.wildlife.ca.gov">www.wildlife.ca.gov</a> for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,456.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. This requirement appears as Condition #2 of Attachment 1 (Section 1).

#### **ATTACHMENT 3**

#### Initial Study and Mitigated Negative Declaration

#### **ATTACHMENT 4**

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

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

- 1. The name, contact address and phone number(s) of the applicant. (Application form on file)
- 2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
- 3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
- 4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
- 5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file Initial Statements of Water Diversion and Use)
- 6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
- 7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attachment H of draft Initial Study/Mitigated Negative Declaration Site Management Plan prepared by Timberland Resource Consultants revised December 9, 2019; On file enrollment documents)
- 8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attachment F of the draft Initial Study/Mitigated Negative Declaration, draft Streambed Alteration Agreement, Notification Number: 1600-2018-0857-R1; Condition of approval obtain Final Streambed Alteration Agreement)
- 9. If the source of water is a well, a copy of the County well permit, if available. (Attached Water Well Application dated September 23, 2019 and Well Completion Report dated October 31, 2019)
- 10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland

conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Condition of approval)

- 11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
- 12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
- 13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
- 14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
- 15. DEH Worksheet. (On file)
- 16. Road Evaluation Report prepared by the Applicant dated August 7, 2017. (Attached)
- 17. A Cultural Resources Investigation for Commercial Medical Cannabis Cultivation The Hills, LLC, APN 223-061-043 (Legal Parcel 1) APN 223-061-038, 223-073-004 and 223-073-005 (Legal Parcel 2) Near Garberville, Humboldt County, California, prepared by William Rich and Associates, dated May 2020. (On file and confidential)
- 18. Biological Report Shadow Light Ranch Garberville, Humboldt County, California, APNs 223-061-038, 223-061-043, 223-073-004, 223-073-005, prepared by NRM Corp. revised May 2020. (Attachment D of the draft Initial Study and Mitigated Negative Declaration).
- 19. Botanical Survey Results prepared by Kyle Wear dated May 2020. (Attachment E of the draft Initial Study and Mitigated Negative Declaration)
- 20. Engineering Geologic Soils Report for the New Processing Facility prepared by Lindberg Geologic Consulting, dated October 3, 2019. (Attachment G of the draft Initial Study and Mitigated Negative Declaration)
- 21. Recommendations for the Stabilization and Reconstruction of the Pond Embankment, prepared by SHN, dated July 2, 2019. (Attachment I of the draft Initial Study and Mitigated Negative Declaration).
- 22. Rough Grading Plan prepared by Altas Engineering dated June 19, 2020. (Attached)

# PROPOSED ADULT USE CANNABIS CULTIVATION AND ANCILLARY ACTIVITIES

#### CULTIVATION AND OPERATIONS MANUAL

For:

#### **APPLICANT**

THE HILLS, LLC
PO BOX 250
GARBERVILLE, CA 95540
APN: 223-061-043
APN: 223-073-005
APN: 223-073-004

APN: 223-061-038

#### **PROPERTY OWNER**

SHADOW LIGHT RANCH, LLC
PO BOX 250
GARBERVILLE, CA 95540

APN: 223-061-043 APN: 223-073-005 APN: 223-073-004 APN: 223-061-038

REV. 04-17-20

#### CDFA License #

CDFA License Number CCL19-0004617 Cottage Mixed Light Tier 1 CDFA License Number CCL18-0001873 Small Mixed Light Tier 1 CDFA License Number CCL18-0001874 Small Mixed Light Tier 1 CDFA License Number CCL18-0001875 Medium Outdoor

#### **OPERATIONS MANUAL**

## THE HILLS, LLC

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#### **OPERATIONS MANUAL**

## THE HILLS, LLC

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#### 1.0 OVERVIEW

#### 1.1 PROJECT OBJECTIVE

The Hills, LLC is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a conditional use permit for the cultivation and a special permit for the nursery and processing. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including:

Cultivation- 32 Ag Exempt Hoop Houses (Zone 1) 32,500SF (E&P); 24 Ag Exempt Hoop Houses (Rock Pit) (P) 22,200SF, 7 Ag Exempt Hoop Houses Roadside 6,240SF (E&P)

Nursery- 1 10,080 SF Wholesale Nursery Greenhouse (Zone 2)

Processing- BLDG A, 1,200 SF (E) Warehouse; BLDG B 5,050 SF (P) Warehouse with 850SF Mother Room For Wholesale Nursery; BLDG C 7,090 SF (P) Processing- Storage 1,140 SF Offices

Housing- Single Family Residence (E). Future Phase BLDG D 5,064 SF Employee Housing (P)

#### 1.2 SITE DESCRIPTION

The Project is located at, (APN 223-061-043, 223-073-005, 223-073-004 and 223-061-038) just east of the community of Garberville. The subject parcels are approximately 444 acres in size (per the County of Humboldt's WebGIS) The property is AG, type B grazing with sections of prime AG and TPZ. It has a relatively diverse topography but the cultivation is on slopes of less than 15% gradient. The property is a mixture of meadows and oak groves with a few fir. Bear Creek flows through the southwest portion of the property. The property is characterized as open grassland and timber. The current cultivation is separated between 6 cultivation sites.

#### **Cultivation 2019/2020**

- 1. Lower 40 7,500SF (Outdoor) (Proposed to relocate 22,200 SF outdoor-Rock Pit)
- 2. Zone 1 22,650SF (4,650SF Outdoor, 8,000SF Depo, 10,000SF Mixed Light)
- 3. Zone 2 5,950SF (1,950SF Outdoor, 4,000SF Depo)
- 4. Roadside 6,300SF (Outdoor)
- 5. Corral 6,900SF (Outdoor)
- 6. South 80 8,000SF(Outdoor)

Total Cultivation: 57,300

#### **Cultivation Proposed 2021**

- 1. Zone 1 12,000 SF Mixed Light (hoop houses), 20,500 SF Outdoor (hoop houses)
- 2. Rock Pit 22,200 Outdoor (hoop houses)
- 3. Roadside 6,240SF Outdoor (hoop houses)
- 4. Zone 2 10,080 SF Wholesale Nursery

See Appendix A: Site Plan

#### 1.3.LAND USE

The subject property has a General Plan designation of AG (FRWK) and TPZ as identified by the Northern Humboldt General Plan (NHGP) and is zoned Agriculture Exclusive (AE) B-5 (160). The property contains class B grazing with some prime agricultural soils according the Humboldt WebGIS. The proposed cultivation area occupies less than .0070 percent (0070%) of the total land area. Land uses surrounding the parcel are composed of residential, timber and agriculture. The surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ), Forest Recreation (FR), and Rural Residential (RR).

#### 2.0 AUTHORIZATION

#### 2.1 STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

The Hills, LLC will has 4 temporary Commercial Cannabis Activity licenses issued by the State of California. Upon county approval of wholesale nursery facility and special permit, a wholesale nursery license will be obtained by the State of California.

#### 2.2 STATE WATER RESOURCES CONTROL BOARD

Water for domestic is supplied by a spring. Water for cultivation irrigation was supplied by a rainwater catchment pond. The Hills, LLC has filed for a diversion with the State of California Water Resources Control Board as well as a SIUR for the Rainwater Catchment Pond. The SIUR is strictly for the exempt seep in the Rainwater Catchment Pond. The capacity of the Rainwater catchment pond is 1.3 million gallons. In 2019 Shadow Light Ranch drilled a well to supply water for cannabis cultivation. The well is not hydrologically connected thus out of the jurisdiction of the water board. Upon approval of the SIUR the objective would be to use rainwater as the primary source of water.

#### 2.3 COAST REGIONAL WATER QUALITY CONTROL BOARD

June 10, 2016, The Hills, LLC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. R1 2015-0023. Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (WDID 1B16868CHUM). April 2019 The Hills, LLC enrolled in the State Discharge Order.

#### 2.4 HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use and Special Permits.

#### 2.5 CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

A fire hydrant serviced by a separate 2,500 gallon tanks will be located at the north-east corner of the property, above the storage barn. If required by Cal Fire, another 2,500-gallon water tank with a riser to SRA specifications will be installed in addition to the hydrant.

#### 2.6 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

An approved Lake and Stream-Bed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) will be obtained for any work in wetland areas.

#### 2.7 HUMBOLDT COUNTY DEPARTMENT OF AGRICULTURE/DPR

Licensee has obtained an Operator ID Number (OIN) from the Dept of Ag for areas where fertilizer and pesticides are handled, mixed or applied. Proper records are kept on application rates and submitted to department of AG. All employees and contractors will be property trained on application, record keeping and REI's. All fertilizers and chemicals will be stored in compliance with DPR.

#### 3.0 CULTIVATION SUMMARY

#### 3.1 WHOLESALE NURSERY PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated onsite from 'mother plants' located in BLDG B or in on-site Nursery in Zone 2. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are tracked, traced and placed into the Wholesale Nursery area. Clones for purpose of on-site cultivation will be sold from the Wholesale Nursery License to the Cultivation License. Clones produced for Wholesale Distribution will be tracked, traced and sold to licensed cannabis cultivators.

For on-site cultivation and once the clones are fully rooted they are transplanted directly into one (1) gallon or four inch plastic containers containing a growing medium potting soil. The juvenile plants are irrigated using hand watering methods. After 2-4 weeks the clones are then transplanted into 100 gallon pots outdoor or in a hoop house with beds containing potting soil to continue their 'vegetative' cycle.

#### 3.2 MIXED LIGHT /DEPO/OUTDOOR CULTIVATION PLAN

The mixed light cultivation will occur in (12) hoop houses, for a combined cultivation area of approximately 12,000 square feet. The hoop houses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. The hoop houses utilize a combination of artificial light and light deprivation to produce up to four (4) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the mixed light cultivation operation for a typical four cycle year.

The light deprivation cultivation (Depo) will occur in 50 hoop houses 48,700 SF. The hoop houses utilize a combination of natural light and light deprivation to produce up to four (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with light deprivation cultivation operation for a typical two cycle year.

The outdoor full term cultivation will occur in Zone 1 A and B 3,500SF as identified on the site map. Plants will be taken directly from the propagation area and transplanted into 100 gallon pots for the vegetive and flowering cycle.

\* The Hills, LLC would like to reserve the right to put hoop houses for light deprivation on any outdoor cultivation areas.

#### 4.0 IRRIGATION SUMMARY

Irrigation and fertigation of plants occurs using top-feed drip irrigation and hand watering methods. The Hills, LLC maintains that the irrigation and fertigation methods used are helpful and necessary in reducing water consumption. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

See Appendix B: Cultivation Activities Schedule

#### 5.0 HARVEST-DRYING/CURING-PROCESSING

#### 5.1 PROCESSING FACILITY

All cannabis processing will occur on parcel (223-073-005) currently at the existing 1,200SF building. A proposed 7,090 square foot processing facility is planned (BLDG C). The facility will incorporate all aspects of processing including drying, curing, and trimming, and will include an ADA restroom for employees. An additional 5,050 SF building (BLDG B) will be constructed and used as necessary for any overflow, hanging, curing, bucking, trimming, storing from BLDG C. The restroom will include a working flush toilet as well as a sink with cold and hot running water provided by an on demand propane water heater. The proposed metal building will have an engineered concrete slab and will conform to commercial building standards per the 2019 California Building Code.

#### 5.2 HARVEST-DRYING/CURING-PROCESSING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room. Track and Trace tags are collected and plants are moved in track and trac to "harvested". The drying process takes approximately one week to two weeks. At which time the flowers are bucked into manageable size and stored in totes for processing. At this time, the product is tagged as bulk product with package tags in track and trace.

Product is now ready for processing by hand or trim machine. As product is being processed it is separated into, bud and trim. The finished product is entered into track and trace as trim or bud and stored in the processed materials room before being transported to a licensed distributor.

\*Throughout the harvest process all "waste or unusable product" is weighed, logged into track and trace and transported to the on-site secured compost area (SCA)

#### **5.3 STORAGE AND TRANSPORTATION**

All finished product, after being logged in to the Track & Trace system, will be stored on-site in a secure room in the processing building. All product, will be transferred off-site by a licensed distributor for sale.

#### 6.0 EMPLOYEE PLAN

The Hills, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

#### 6.1 JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

> Agricultural Crop 'Farm Manager': Directs and coordinates worker activities, such as planting, irrigation, chemical application, harvesting, grading, scheduling, payroll and record keeping. Coordinates growing activities with nurseries and suppliers. Records information, such as production, track and trace, and chemical application. Determines procedural changes in planting, harvesting, drying and storage. Analyzes soil to determine type and quantity of fertilizer required for maximum production. Inspects equipment and facilities to ensure proper functioning. Inspects plants to determine maturity of crops or to estimate potential crop damage from weather, mold, or pest infestation. Purchases machinery, equipment, fertilizers, and supplies as needed. Hires, discharges, transfers and promotes workers, enforces safety regulations, and

interpret policies. Provides information to supervisors, co-workers, and agencies by telephone, in written form, email or in person. Documenting/Recording Information- entering, transcribing, recording, storing, or maintaining information in written or electronic form. Observing, receiving, and otherwise obtaining information from all relevant sources. Analyze information and evaluate results to choose the best solution and solve problems.

- Inventory/Processing Manager/Records: Manager will lead a team to process, track, trace, and store all cannabis products. Manager hires, discharges, transfers and promotes workers, enforces safety regulations, maintains track and trace records, and interpret policies. Duties also include creating schedules and monitoring workload as necessary. Manager will be a liaison between local and state agencies and available to assist in inspections as necessary.
- Lead Cultivator: Oversight and management of the day to day cultivation of cannabis and cannabis sites. Responsibilities include, but are not limited to: plant propagation, transplanting, soil management, irrigation, fertilization, pesticide management, and harvest activities.
- > Seasonal Laborer: Provides assistance to all aspects of growing and processing cannabis including but not limited to: propagation, cultivation, watering, fertilizing, pest management, record keeping, track and trace, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time to full-time, seasonal position.
- > Nursery Manager: Manager will oversee the daily operations of the greenhouse and mother room. They manage the care of plants, production of clones, track and trace. Manager will hire and coordinate wholesale nursery greenhouse workers. Manager will observe environmental standards for agricultural and horticultural production. Coordinate with sales and cultivation team.
- > Staff: Assist Nursery Manager with tasks involving cloning, feeding, fertilizing, track and trace, and distribution in the wholesale nursery.

#### 6.2 STAFFING REQUIREMENTS

In addition to the Agricultural Crop Farm Manager, Lead Cultivator, and Inventory / Processing Manager, and Nursery Manager up to (2) full-time Seasonal labor positions will be filled. The number of seasonal laborers varies based on the needs of the ranch during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of five (5) full time seasonal additional workers onsite.

#### 6.3 EMPLOYEE TRAINING AND SAFETY

Planting, cultivation, harvesting, drying, and trimming are performed by both seasonal and non-seasonal who have been trained throughly in each task and supervised and by Farm Manager. A written training program and records of all employees who have been trained are kept on-site. All personnel are provided with access to Personal Protective Equipment (PPE) along with the proper training to use the equipment. Access to all buildings and cultivation areas is limited to authorized personal.

All personnel are trained in proper safety procedures including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Farm Manager will be posted on site. All personnel is provided with a written copy of emergency procedures and contact information. The safety data sheets (SDS) are kept on site and accessible to personnel.

#### 7.0 HOUSING/FACILITIES

#### 7.1 ON-SITE HOUSING

On site housing will be temporarily located in the existing house. A 5,064 SF proposed employee housing facility including bedrooms, bathroom, kitchen and common areas is planned for the future.

#### 7.2 TOILET AND HAND WASHING FACILITIES

The proposed drying and processing building will include one (1) ADA-compliant restroom, including a working flush toilet as well as a sink with hot and cold running water. Anti-bacterial Liquid Soap and paper hand towels will be made available. Additional restrooms are located in building B. Employees will work at a distance typically no greater than 250 feet from the restroom facility. Portable toilets and hand washing stations will be utilized at all worksites with a greater distance than 250 ft from proposed facility.

#### 8.0 SECURITY PLAN AND HOURS OF OPERATION

#### 8.1 SECURITY

The facilities including cultivation, wholesale nursery greenhouse, processing buildings, and climate controlled storage buildings are secure behind locked entry gates that are located off Clark Road and at the North perimeter of the property. The entry gates remain locked at all times and access to the site is limited exclusively to employees and registered guests. Restricted access signs are posted conspicuously at the entry gates. The processing facility area will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras are installed throughout the ranch and the main access gate and at entrances to the facilities. The proposed processing and storage facility will include an alarm system.

#### 8.2 Hours of Operation

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours 8:00 AM to 5:00 PM. Depending on seasonal activities hours may need to be extended. All other activities such as processing and wholesale nursery typically occur no earlier than 8:00 AM and extend no later than 8:00 PM. Monday through Friday between the hours of 12:00 PM to 2:00 PM personnel will be on site to accommodate necessary inspections.

#### 9.0 WATER / ENVIRONMENT

#### 9.1 WATER SOURCE AND PROJECTED WATER USE

Water for domestic is provided by a spring. Historically, a 1.3 million gallon rain water catchment pond with a fully contained seep supplied the cannabis irrigation. In 2019 Shadow Light Ranch drilled a non hydrologically connected well to irrigate cannabis. Water is pumped via solar up to a series of water tanks that gravity feed to cultivation sites. The Hills, LLC utilizes water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 1.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	10k	60k	100k	165k	165k	165k	165k	165k	25k	0

#### 9.2 WATER STORAGE

At this time, water is not captured and stored for cannabis irrigation. Water is pumped daily from the well and enters into holding tanks where it is then used daily. In the future water from the existing rain water catchment pond may be stored for use on cannabis or other farm activities.

#### 9.3 SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

The Hills, LLC was enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

The Hills, LLC Enrolled in the State Water Board Discharge Order in April of 2019. The Hills, LLC has hired Timberland Resource Consultants to develop a Site Management Plan to comply with BMP's of the order.

#### 9.4 SITE DRAINAGE AND RUNOFF

The sites are mostly flat with surface flow in the wet season generally draining from the West to the East. All sites are slightly sloped to drain. Two zones are slightly above 5% grade. The edges of the sites are ditched and have either a waddle like hay absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turn arounds have drainage that is designed to code. The existing and proposed cultivation sites and greenhouses are located away from riparian zones. Fertilizers and pesticides are currently stored in a lockable storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Site investigation for the development of the Water Resources Protection Plan (WRPP) and site management plan (SMP) showed no evidence of surface runoff with associated with the cultivation. Moreover, the cultivation structures are located approximately 100-200 feet from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

#### 9.5 Erosion Control

The Site Management Plan (SMP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The SMP also includes corrective actions to reduce sediment delivery, including: removing burn piles; removing livestock from the swale area of the property; constructing a sediment basin within the swale area to catch surface runoff; and constructing a drainage ditch that extends across the site. The ditch is vegetated and does an adequate job in reducing water velocity and settling fine sediment and requires no corrective action. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

#### 9.6 WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan (SMP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are 50-200 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

#### 9.7 MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Site Management Plan (SMP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on SMP map. Onsite monitoring shall occur in compliance with the water discharge order.

#### 10. ENERGY AND GENERATOR USE

Off grid electricity is provided by solar systems for all cultivation and domestic uses. Electricity for cultivation operations including lighting, ventilation, and climate control will be sourced from 100% renewable energy. Use of the on-site generator is limited to power outage events, and if the solar system is limited by undetermined weather conditions and follows all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel fuel is located within a secondary containment trough. Current plans include PG&E to be brought onsite.

#### 11. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BMP specifications for the use and storage of regulated products.

#### 12.FERTILIZERS

#### 12.1 NUTRIENTS FOR CULTIVATION INCLUDE BUT ARE NOT LIMITED TO:

Earth Juice Root Excelerator Thrive Alive Aurora

Kelp

#### 12.2. PESTICIDES AND FUNGICIDES

Bonide Sulfur Plant Therapy

\*All plant fertilizer and pesticides subject to change as necessary

#### 13. WASTE MANAGEMENT PLAN

#### 13.1 SOLID WASTE MANAGEMENT

Trash and recycling containers are located in the side basement under the deck of the ranch house. The containers are situated on a concrete pad to prevent storm water contamination and leachate from entering or percolating to receiving waters. The trash containers are in an enclosed area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week. Future plans are to develop a fenced refuse area.

#### 13.2 CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area (see site map). Soils are analyzed annually than amended and reused. Used pots will be collected and stored in the warehouse for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

#### 13.3 WASTEWATER MANAGEMENT

The water management plan aims to achieve a low evaporation, properly absorbing irrigation and nutrient system. Drip system and hand watering methods minimize the over-irrigation of plants and subsequent runoff.

#### 14. PRODUCT MANAGEMENT

#### 14.1 PRODUCT TESTING AND LABELING

R & D testing is preformed as deemed necessary by Cultivation, Inventory or Nursery Manager.

#### 14.2 PRODUCT INVENTORY AND TRACKING

> All inventory from seed to sale is tracked in Metrc with plant or package tags.

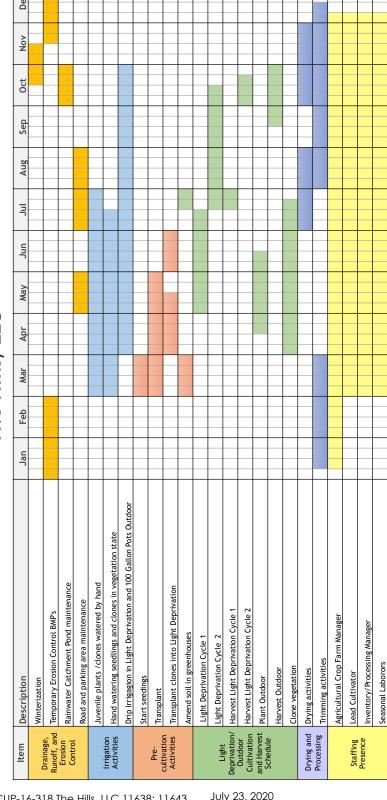
#### 14.3 TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributer in accordance with State and Local regulations. All merchantable product will be distributed through licensed cannabis distributors. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest is created in Metrc. Prior to moving clones as packages from the wholesale nursery to a licensed cultivator a manifest will be created in Metrc.

## Appendix A: Site Plan

# **CULTIVATION ACTIVITIES SCHEDULE** The Hills, LLC

Appendix B:



## Appendix C: References

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

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State Board Of Equalization. Fiona Ma, CPA, Board Member, State Board of Equalization, Clearing the Haze Around Cannabis. <a href="https://www.boe.ca.gov/ma/cannabis/">https://www.boe.ca.gov/ma/cannabis/</a> (Date Accessed April 12, 2017)

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Use. August 2008. <a href="http://www.ag.ca.gov/cms">http://www.ag.ca.gov/cms</a> attachments/press/pdfs/n1601\_marijuanaguidelines.pdf (Date Accessed April 12, 2017)



## Di ion of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501 Phone: 707-445-6215 - Toll Free: 800-963-9241 Fax: 707-441-5699

envhealth@co.humboldt.ca.us

# 9/20-0154 WATER WELL APPLICATION CONSTRUCTION – REPAIR – DESTRUCTION

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

## Instructions:

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

Site Address	Wallan Road	APN 223-073-005
City/State/Zip	Garberville	CA 95542
Directions to Site	From Hwy 101S take exit 639B to Redway, Rt onto Alderpo for 1.2 miles Wallan turns into Clark Rd at Pidgeon Rd Take Rt.	oint Rd for 7 miles Rt onto Wallan Rd
Applicant	FISCH DRILLING	Contact CHRIS FISCH
Mailing Address	3150 JOHNSON ROAD	Work Phone 707-768-9800
City/State/Zip	HYDESVILLE, CA 95547	Cell Phone
Property Owner	Shadow Light Ranch, LLC c/o Joshua Sweet	Home Phone
Mailing Address	P.O. Box 250	Work Phone
City/State/Zip	Garberville, CA 95542	Cell Phone 310-710-7549
I hereby grant 'right-o	of-entry' for inspection purposes	
Drilling		C-57
Contractor FISCH DR		license # 683865
I hereby agree to comply	with all laws and regulations of the County of Humboldt and	
ment of Water Resources	Bulletin 74 pertaining to water well construction. I will cont	act Humboldt County Division of
report of the work perfore	med commence work. Within 30 days after completion	of work, I will furnish DEH
Well Driller Signature	Bulletin 74 pertaining to water well construction. I will cont H) when I commence work. Within 30 days after completion med.	
	py of approved application? X Yes	□ No HUMBOL 26 2019
☐ U.S. Mail address		OF TOMBOLDS 2019
☑ Email address:	chris@fischdrilling.com	ENVIRONA CO, DUL
		TAI VISION
Type of Application:	Construction:	No HUMBOLDT CO. DIVISION  Intended Use:
⊠ Construction	Estimated Depth (ft.)	Domestic - private
☐ Destruction	Diameter (in.) 10"	Community Supply
☐ Repair/Modification	on Depth of Seal (ft.) 20'	☐ Irrigation
	Sealing Material BENTONITE	Other

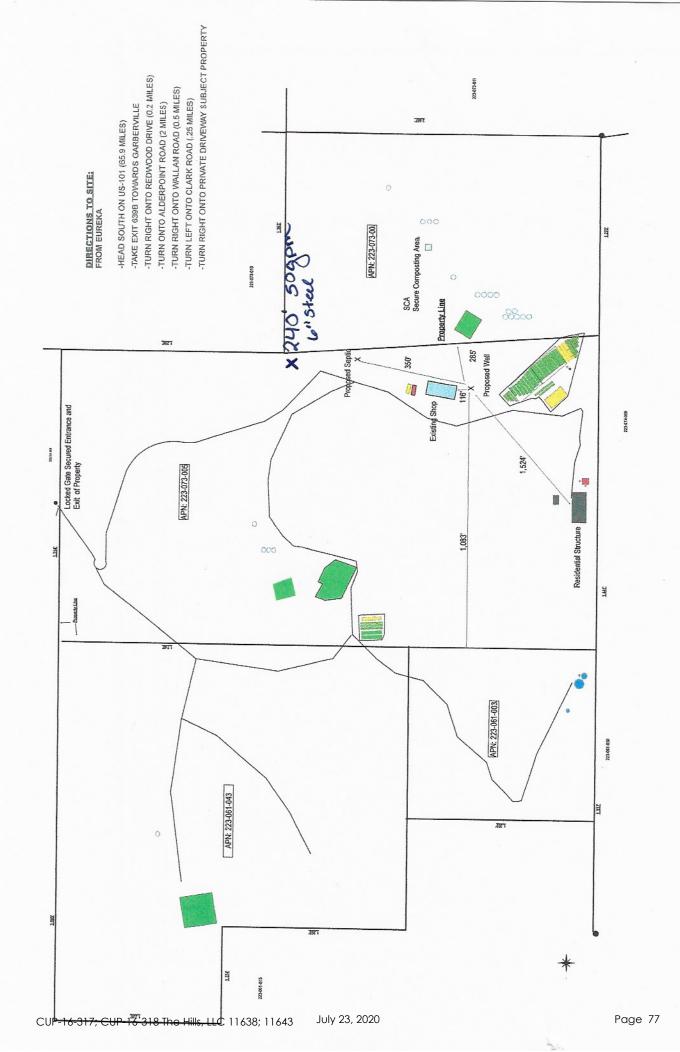
Estimated Work Dates:	Casing:		Type of Sewage System:
Start	<del></del>	511	☐ Community Sewer ☑ OWTS (Septic)
Completion	Material <u>PVC</u>		Distance from well site to OWTS 1524' / 350'
Special Requirements/Comm Lat Long 40.096308 -123	<b>ents:</b> .763633		
		PLOT PLAN	
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		,	
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	Cf	OR OFFICE USE ONLY	
Fee: #373.0 Date: \$-26- Receipt: 3/078 Project #: 19/20-01	9	Site Approved by: Site Approved Date: Sealed to Depth of: Seal observed:	J. Whith 9/23/19 0 □ Yes □ No
Project #: 1720 Project #: Paid by:	Filling	Final Approved Date:	

## State of California

Well Completion Report Form DWR 188 Submitted 11/15/2019 WCR2019-016356

Owner's W	Vell Numb	er Date Work Began	10/17/2019 Date Work Ended 10/31/2019		
Local Pern	nit Agenc	Humboldt County Department of Health & Human Services -	The second secon		
Secondary	y Permit A	1 1000000	19/20-0154 Permit Date 09/23/2019		
Well O	wner (	must remain confidential pursuant to Water	Code 13752) Planned Use and Activity		
Name S	SHADOW	LIGHT RANCH, LLC, Joshua Sweet	Activity New Well		
Mailing Ad	ddress	P.O. Box 250	Planned Use Water Supply Irrigation -		
-			Agriculture		
City Gar	rberville	State CA	Zip 9542		
		Well Local	tion		
Address	0 Walla	an RD	APN 223-073-005		
City G	arberville	Zip 95542 County Humbo	oldt Township 04 S		
Latitude	40	5 52.1447 N Longitude -123 45	41.0219 W Range 04 E		
-	Deg.	Min. Sec. Deg. Min.	Sec. 20		
Dec. Lat.	40.0978		Baseline Meridian Humboldt		
Ground Surface Elevation					
Location A	<u> </u>	Location Determination Method	Elevation Accuracy		
Location	toouracy	Location Determination Wethou	Elevation Determination Method		
100000		Borehole Information	Water Level and Yield of Completed Well		
Orientation	n Vertic	Opecity	epth to first water 98 (Feet below surface)		
Drilling Me		other - under-ream Drilling Fluid Air	epth to Static  /ater Level 92 (Feet) Date Measured 10/31/2019		
		The state of the s	10/01/2013		
Total Dept	th of Borir		stimated Yield* 50 (GPM) Test Type Air Lift est Length 4 (Hours) Total Drawdown 142 (feet)		
Total Dept	th of Com		May not be representative of a well's long term yield.		
		Continue Con			
		Geologic Log - F	ree Form		
Depth for Surfa	ice	D	Description		
0	4	top soil			
4	27	brown sand stone			
27	72	shale			
72	143	blue green sand stone			
143	191	shale			
191	228	blue sand stone			
228	240	soft shale			

					Cas	sings							
Casing #	Depth from Feet to	n Surface Feet	Casing Type	Material	Casings Specifica		Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	De	scriptio	n
1	0	90	Blank	Low Carbon Steel	Grade: ASTM A	ade: ASTM A53 0.18		6				estropic II	low/ r
1	90	235	Screen	Low Carbon Steel	Grade: ASTM A53 0.18		0.188	6	Milled Slots	0.05	med model	3.73437	hinta <sup>©</sup>
1	235	240	Blank	Low Carbon Steel	Grade: ASTM As	53	0.188	6			Yudagi	A limber	l veni
					Annula	r Mate	erial						
	from face o Feet	FIII		Fill 1	ype Details					on			
0	20	Bentor	nite Other I	Bentonite	entre de la companya		-			Sanitary Seal			
20	240	Filter P	ack Other	Gravel Pack			3/8	inch		Pea Gravel	ng representation	31.516	STANCTON
Sui	n from rface to Feet	10	Borehole Di	ameter (inches)	Name	Pe	22.7	or Corporati	FISCH I	PRILLING  YDESVILLE	f my knowledg	560	5547
					Signe	Cic		gnature red		City 11/15/2019	State	68386	Zip 5
			tachment		Signe	Cic	ectronic sig	gnature rec	ontractor	11/15/2019 Date Signed	)		5
scan.pd	f - Location	At	tachment		Signe	C-	ectronic sig	gnature reco	R Use	11/15/2019 Date Signed	)   C-57	68386	5 Numbe
	ALI WA	At n Map	tachment	3 A8		C-	ectronic sig 57 Licensed	gnature reco	R Use	11/15/2019 Date Signed	)   C-57	683869 License I	5 Numbe
	f - Location	At n Map		3 A8		C-	ectronic sig 57 Licensed	gnature reco	R Use	11/15/2019 Date Signed	)   C-57	683869 License I	5 Numbe
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	ALI WA	At n Map	tachment	3 A8	CSC	# S	State Well	DW Number  Min/Sec	R Use	11/15/2019 Date Signed Only te Code	C-57 L	683869	Numbe
	ALI WA	At n Map	tachment	3 A8	CSC	G# S	State Well	DW Number  Min/Sec	R Use	11/15/2019 Date Signed Only te Code	C-57 L	683869	Numbe
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	ALI WA	At n Map	tachment	3 A8	CSC	G# S	State Well	DW Number  Min/Sec	R Use	11/15/2019 Date Signed Only te Code	C-57 L	683869	5 Numbe umbe



## lacy@fischdrilling.com

From: Fisch Drilling <chris@fischdrilling.com>
Sent: Friday, November 15, 2019 11:56 AM

To: lacy@fischdrilling.com

Subject: FW: OSWCR: Thank you for submitting Well Completion Report WCR2019-016356

From: OSWCR-NoReply@water.ca.gov <OSWCR-NoReply@water.ca.gov>

Sent: Friday, November 15, 2019 11:55 AM

To: chris@fischdrilling.com

Subject: OSWCR: Thank you for submitting Well Completion Report WCR2019-016356

## \*\*\*\*\*Please do not reply to this e-mail message\*\*\*\*\*

Thank you for submitting your Well Completion Report - A New Production or Monitoring Well, **WCR2019-016356**, using the Online System for Well Completion Reports (OSWCR). The Department of Water Resources will review it for completeness. You will be notified if additional information is required. If you have any questions, please call your local DWR Region Office WCR contact.

DWR Northern Region Office April Scholzen (530)529-7368 April.Scholzen@water.ca.gov

To view this record, log in to OSWCR, or use the following link: https://civicnet.resources.ca.gov/DWR\_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=19CAP&capID2=00000&capID3=00DHT&agencyCode=DWR\_WELLS

Licensed Contractor: FISCH DRILLING License Number: 683865

Well Owner: Joshua Sweet Shadow Light Ranch, LLC Well Owner Address: P.O. Box 250 Garberville CA 9542

Well Address: 0 Wallan RD, Garberville, CA 95542 County: Humboldt Parcel: 223-073-005

Latitude/Longitude: 40.097818°N, -123.761395°W

Submitted: 11/15/2019 Record Status: Submitted

## HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS ROAD EVALUATION REPORT

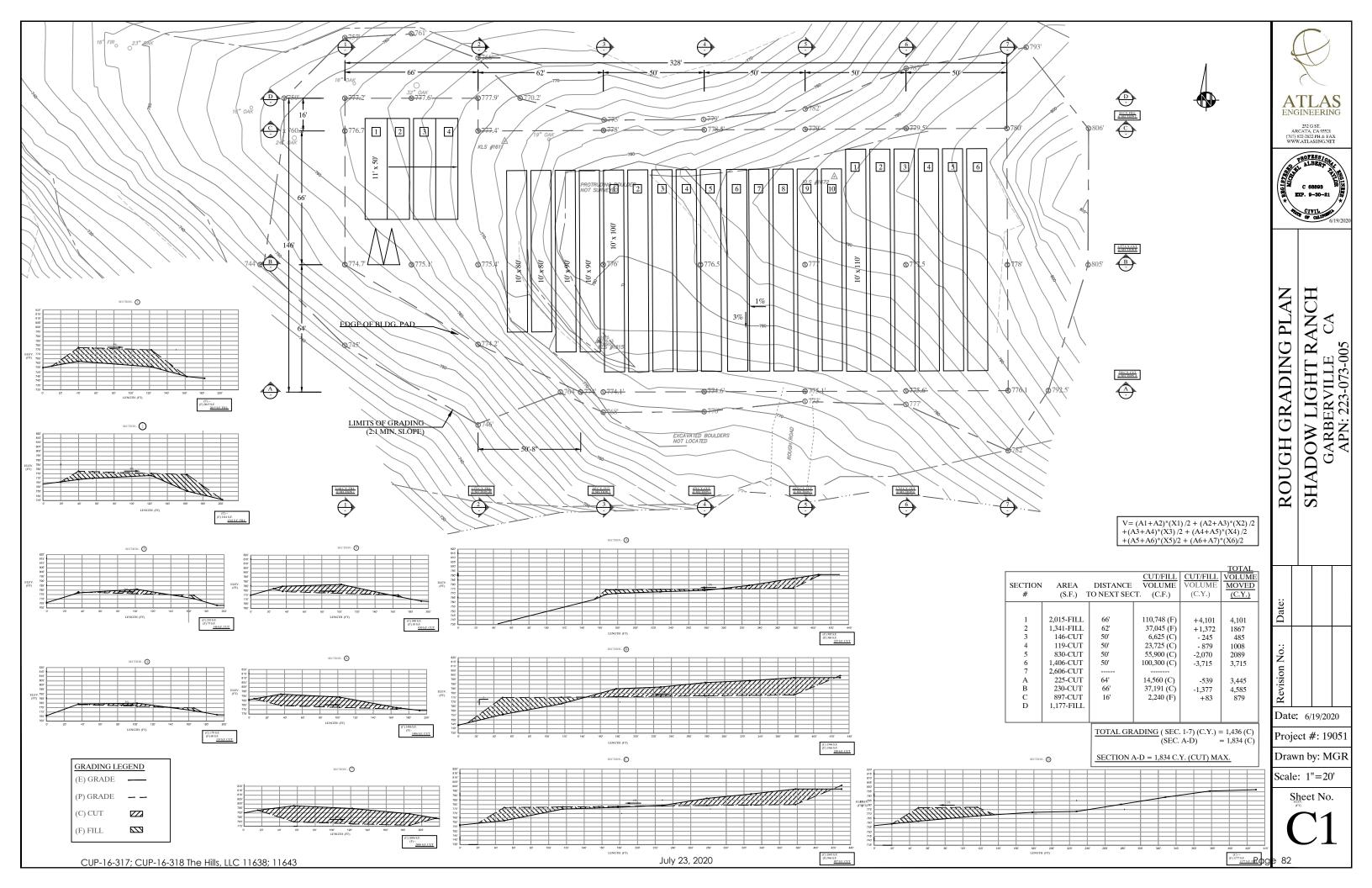
Applicant N	ame:The Hills, LLC	APN:	223-061-043
Planning &	Building Department Case/File No.:	11638	
	: Alderpoint Road	(complete	a separate form for each road)
	(Cross street): Alderpant Roc		
To Road (C	,		
Length of ro	pad segment:	miles D	ate Inspected: 5/17/17
Road is mai	ntained by: County Other		
Check one of	(State, Forest Service, N	National Park, Sta	te Park, BLM, Private, Tribal, etc.
Box 1	The entire road segment is developed to Cate checked, then the road is adequate for the pro-	egory 4 road stand oposed use withou	dards (20 feet wide) or better. If at further review by the applicant.
Box 2	The entire road segment is developed to the entire road is adequate for the proposed use	equivalent of a roa	ad category 4 standard. If checked review by the applicant.
	An equivalent road category 4 standard is dewidth, but has pinch points which narrow the one-lane bridges, trees, large rock outcropping visibility where a driver can see oncoming veoncoming vehicle to stop and wait in a 20 footpass.	road. Pinch point ngs, culverts, etc. hicles through th	nts include, but are not limited to, Pinch points must provide e pinch point which allows the
Box 3	The entire road segment is not developed to to may or may not be able to accommodate the part B is to be completed by a Civil Engineer	proposed use and	further evaluation is necessary.
The statement measuring the	s in PART A are true and correct and have bee	n made by me af	ter personally inspecting and
	Sveet		4/17/17
Signature		no di Coloni i nembro digitali di Malandini i no di Amangaya.	Date
	JOSHA SUEST		
Name Printed	1		

## HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS ROAD EVALUATION REPORT

Applicant Na	ame: The Hills, LLC	APN:	223-061-043
Planning &	Building Department Case/File No.:	11638	
Road Name	: Wallan Road	(complete	a separate form for each road)
From Road	(Cross street): Wallan Road		
To Road (C	ross street): Clark Road		
Length of ro	pad segment:5	miles D	ate Inspected: 5/17/17
Road is mai	ntained by: County 🗸 Other	Private	
Check one of	(State, Forest Service, ) the following:	National Park, Sta	ate Park, BLM, Private, Tribal, etc.
Box 1	The entire road segment is developed to Cat checked, then the road is adequate for the pr	egory 4 road stand	dards (20 feet wide) or better. If ut further review by the applicant.
Box 2	The entire road segment is developed to the then the road is adequate for the proposed us	equivalent of a roase without further	ad category 4 standard. If checked review by the applicant.
	An equivalent road category 4 standard is diwidth, but has pinch points which narrow the one-lane bridges, trees, large rock outcropped visibility where a driver can see oncoming vencoming vehicle to stop and wait in a 20 for pass.	e road. Pinch poi ings, culverts, etc. ehicles through th	nts include, but are not limited to, Pinch points must provide se pinch point which allows the
Box 3	The entire road segment is not developed to may or may not be able to accommodate the Part B is to be completed by a Civil Engineer	proposed use and	further evaluation is necessary.
The statement neasuring the	s in PART A are true and correct and have be road.	en made by me af	ter personally inspecting and
5	Soveet		5/17/17
Signature	4	e entitier e <del>designation</del> e e e e e e e e e e e e e e e e e e e	Date /
	TOSHUH SWEET	Accorded Addressed and Accorded to the Control of the the	
Name Printed	1		

## HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS ROAD EVALUATION REPORT

Applicant Na	ame: The Hills, LLC	APN:	223-061-043
Planning &	Building Department Case/File No.:	11638	
Road Name	: Clark Road	(complete	a separate form for each road)
From Road	(Cross street): Clark Road		
To Road (C	ross street): Private Drive		TOTAL STATE OF THE
Length of ro	pad segment:15	miles D	ate Inspected: 5/17/17
Road is mai	ntained by: County 🗸 Other	Private	, ,
Check one of	(State, Forest Service, the following:	National Park, Sta	te Park, BLM, Private, Tribal, etc
Box 1	The entire road segment is developed to Cat checked, then the road is adequate for the pr	tegory 4 road stand roposed use withou	dards (20 feet wide) or better. If at further review by the applicant.
Box 2	The entire road segment is developed to the then the road is adequate for the proposed us	equivalent of a roa	ad category 4 standard. If checked
	An equivalent road category 4 standard is d width, but has pinch points which narrow th one-lane bridges, trees, large rock outcropp visibility where a driver can see oncoming v oncoming vehicle to stop and wait in a 20 fo pass.	e road. Pinch poin ings, culverts, etc. wehicles through the	nts include, but are not limited to, Pinch points must provide e pinch point which allows the
Box 3	The entire road segment is not developed to may or may not be able to accommodate the Part B is to be completed by a Civil Enginee	proposed use and	further evaluation is necessary.
The statement neasuring the	s in PART A are true and correct and have be road.	en made by me aft	ter personally inspecting and
Signature	Treet	No. of the Contract of the Con	5/17/17 Date
	JOSHA CURET		
Name Printed		**************************************	



## **ATTACHMENT 5**

## REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	<b>✓</b>	Conditional approval	Attached
Public Works - Land Use Division	<b>✓</b>	Conditional approval	Attached
Division Environmental Health	<b>✓</b>	Conditional approval	Attached
CAL FIRE	✓	Conditional approval	Attached
Department of Fish & Wildlife	<b>✓</b>	Comments	Attached
Department of Water Resources		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of Rohnerville Rancheria	<b>✓</b>	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Unified School District		No response	



# HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

3015 H Street, Eureka, CA 95501 ~ Phone (707) 445-7541



Page 84

6/14/2017

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, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District, Sinkyone Tribe

Applicant Name The Hills, LLC Key Parcel Number 223-061-043-000

Application (APPS#) 11638 Assigned Planner Joshua Dorris (707) 445-7541 Case Number(s) CUP16-317 SP16-764

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

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

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

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

Return Response No Later Than 6/29/2017

CUP-16-317; CUP-16-318 The Hills, LLC 11638; 11643

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

Ve 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: 7/11/17 PRINT NAME: RANGE					

July 23, 2020



# PLANNING AND BUILDING DEPARTMENT BUILDING DIVISION

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245 http://www.co.humboldt.ca.us/planning/

## Planning Referral Comments

Submit complete plan of operations, including any plans of employees, processing, or manufacturing.

Secure all building permits for any tenant improvements, all non-permitted structures, and all proposed structures.

Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.

Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.

Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.

Declare amount in cubic yards of all grading that has been done and any proposed grading.

Recommend conditional approval based on application required for Building

Department permits such as; Grading, Building, Ag exempt structures,

Commercial grow processing structures, etc.,

Page 85



# HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

## 6/14/2017

#### 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, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District, Sinkyone Tribe

Applicant Name The Hills LLC Key Parcel Number 223-061-038-000

Application (APPS#) 11643 Assigned Planner Joshua Dorris (707) 445-7541 Case Number(s) CUP16-318

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

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

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

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

Return Response No Later Than 6/29/2017

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.
Tother Comments: See paseuros
DATE: 7/1/10 PRINT NAME: PARTY



# PLANNING AND BUILDING DEPARTMENT BUILDING DIVISION

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245 http://www.co.humboldt.ca.us/planning/

## Planning Referral Comments

Submit complete plan of operations, including any plans of employees, processing, or manufacturing.
 Secure all building permits for any tenant improvements, all non-permitted structures, and all proposed structures.
 Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.
 Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.
 Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.
 Declare amount in cubic yards of all grading that has been done and any proposed grading.
 Recommend conditional approval based on application required for Building

Department permits such as; Grading, Building, Ag exempt structures,

Commercial grow processing structures, etc.,



## DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

NATURAL RESOURCES NATURAL RESOURCES PLANNING CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388 LAND USE 445-7 445-7205

RECEIVED

**Humboldt County** Planning Division

ADMINISTRATION BUSINESS ENGINEERING FACILITY MAINTENANCE

445-7491 445-7652 445-7377 445-7493

ROADS & EQUIPMENT MAINTENANCE

445-7741 267-9540 445-7651 445-7421

## USE DIVISION INTEROFFICE MEMORANDUM

TO:

Joshua Dorris, Planner II, Planning & Building Department

FROM:

Kenneth M. Freed, Assistant Engineer II

DATE:

07/13/2017

RE:

THE HILLS LLC, APN 223-061-043, SP16-764, CUP16-317, APPS# 11638

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

**ROADS:** The subject property takes access from non-county maintained road(s) which intersect a publicly maintained road maintained by the County.

The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. Prior to the project being presented to the Planning Commission (or Zoning Administrator) for approval, the applicant shall submit a Road Evaluation Report pursuant to County Code Section 313-55.4.11(u)(viii) "description of increased road use resulting from processing and a plan to minimize that impact". The Department has developed the attached Road Evaluation Report forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the Road Evaluation Report.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when u:\pwrk\\_landdevprojects\referrals\223-061-043 the hills llc cup16-317 sp16-764.docx

a road serves only the cannabis operation and when no other parcels of land use the road for access. Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The subject property is located within the State Responsibility Area.

The intersection of the existing access road, Clark Road, and the County road, Wallan Road, does not meet County standards. Prior to commencing operations, the access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

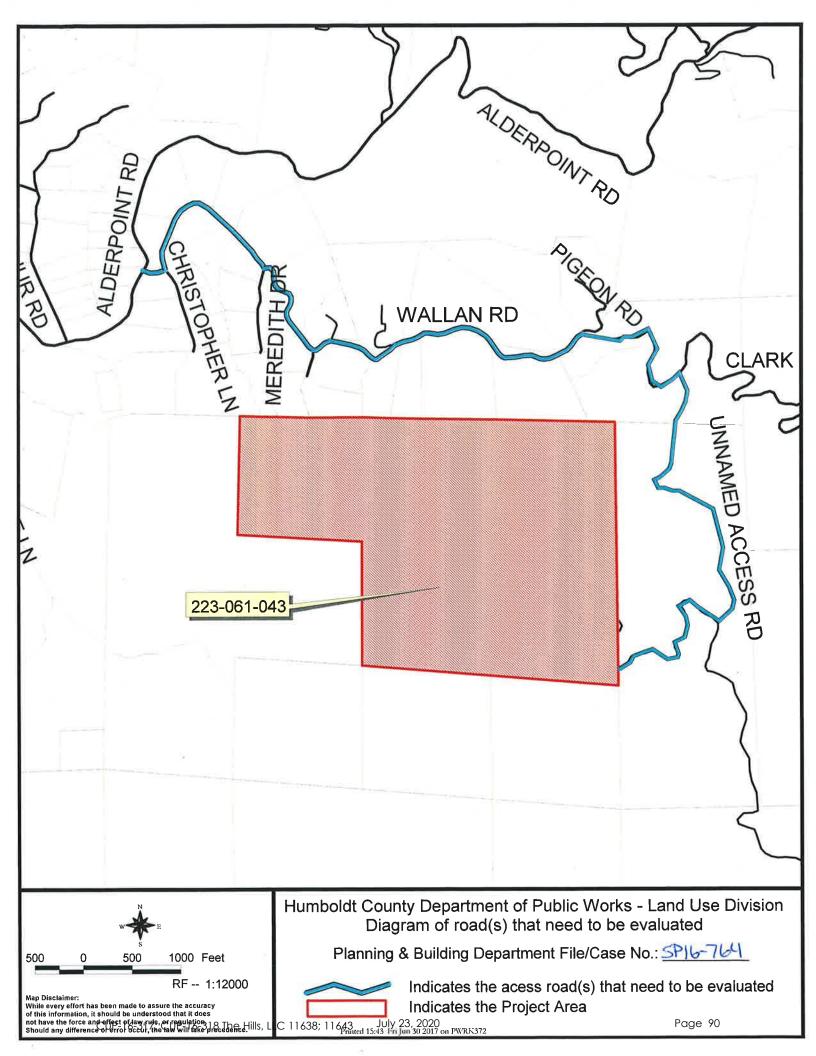
**DRIVEWAYS:** The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

**AIRPORT:** The subject property is not located near a public airport.

**DEFERRED SUBDIVISION IMPROVEMENTS:** The subject property does not have any deferred subdivision improvements that have not been fulfilled.

**ADJACENT COUNTY OWNED PROPERTY OR FACILITIES:** The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //





## DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

Humboldt County 1106 SECOND STREET, EUREKA, CA 95501-0579 planning Division MAILING ADDRESS: AREA CODE 707

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

NATURAL RESOURCES 445-7491 NATURAL RESOURCES PLANNING 445-7652

ROADS & EQUIPMENT MAINTENANCE

LAND USF 445-7741 267-9540 445-7651 445-7421

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

## LAND USE DIVISION INTEROFFICE MEMORANDUM

TO:

AVIATION

Joshua Dorris, Planner II, Planning & Building Department

445-7493

FROM:

Kenneth M. Freed, Assistant Engineer II

ADMINISTRATION

FACILITY MAINTENANCE

BUSINESS

ENGINEERING

DATE:

07/13/2017

839-5401

RE:

THE HILLS LLC, APN 223-061-038, CUP16-318, APPS# 11643

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

**ROADS:** The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. Prior to the project being presented to the Planning Commission (or Zoning Administrator) for approval, the applicant shall submit a Road Evaluation Report pursuant to County Code Section 313-55.4.11(u)(viii) "description of increased road use resulting from processing and a plan to minimize that impact". The Department has developed the attached Road Evaluation Report forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the Road Evaluation Report.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access. u:\pwrk\ landdevprojects\referrals\223-061-038 the hills llc cup16-318.docx

Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.

The subject property is located within the State Responsibility Area.

The Department has reviewed the Road Evaluation Report submitted with the application and finds that Wallan Road was not accurately reviewed. Mileage for each segment should be checked and evaluated. Prior to commencing operations, the applicant shall resubmit an updated Road Evaluation Report.

Road Name & Limits	Maintained By:	Investigated By & Report Date:	Public Works Comments and Recommendations
Wallan Road (Alderpoint			Submitted Report incorrectly states the
Road to Clark Road)	Other		mileage of the County Maintained Road.
			Wallan Road is County Maintained 1.29
			miles
Clark Road (End of Wallan to	County	Applicant (5/17/17)	The road is adequate as is; the road is
Private access Road)	○ Other		equivalent to category 4 road standards.
			(Although mileage should be checked)
Private access Road (Clark	County		The Department has not received the
Rd to Driveway of proposed	Other		requested evaluation for this road as of
Processing Center)			this date.

The intersection of the existing access road, Clark Road, and the County road, Wallan Road, does not meet County standards. Prior to commencing operations, the access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

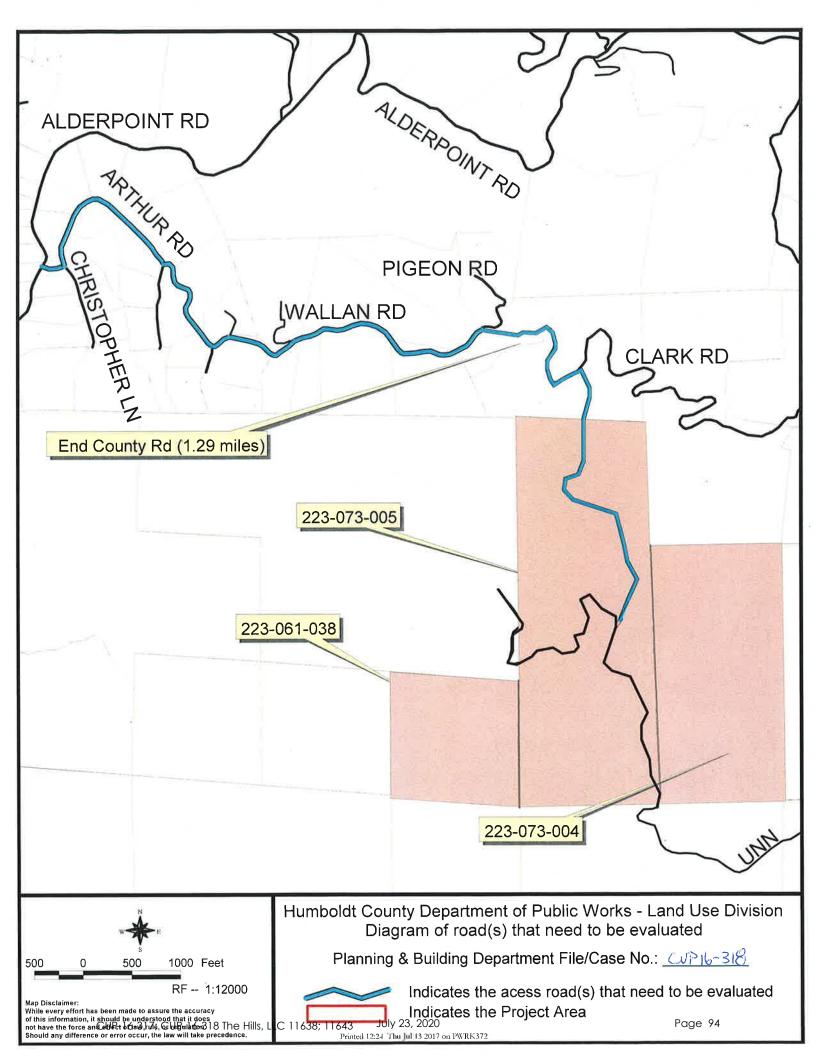
**DRIVEWAYS:** The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

**DEFERRED SUBDIVISION IMPROVEMENTS:** The subject property does not have any deferred subdivision improvements that have not been fulfilled.

**ADJACENT COUNTY OWNED PROPERTY OR FACILITIES:** The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //





## HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

Planning Division 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

DEH Received 6-15-17

RECEIVED

PROJECT REFERRAL TO: Health and Human Services Environmental

**Health 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, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District, Sinkyone Tribe

**Applicant Name** 

The Hills, LLC Key Parcel Number 223-061-043-000

Application (APPS#) 11638 Assigned Planner Joshua Dorris (707) 445-7541 Case Number(s) CUP16-317 SP16-764

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)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.

**Response Date:** 7/21/2017 **Recommendation By:** Mario Kalson



## HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT CURRENT PLANNING DIVISION

Planning Division

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

DEH Received 6-15-17

PROJECT REFERRAL TO: Health and Human Services Environmental

**Health Division** 

16/17-1305

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, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Humboldt County Sheriff, Southern Humboldt Joint Unified School District, Sinkyone Tribe

The Hills LLC Key Parcel Number 223-061-038-000 **Applicant Name** 

Application (APPS#) 11643 Assigned Planner Joshua Dorris (707) 445-7541 Case Number(s) CUP16-318

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 dormitory-style housing 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.

Page 96 2746

From: Ryan, Meghan

To: Zoellner, Brienna

Subject: FW: Project Comments

**Date:** Thursday, July 16, 2020 2:59:10 PM

Please see below. Thanks! Meghan

From: "Meyers, Tim@CALFIRE" < Tim. Meyers@fire.ca.gov>

Date: Wednesday, July 15, 2020 at 1:20 PM

To: "Ryan, Meghan" < mryan2@co.humboldt.ca.us>

Subject: Re: Project Comments

Megan,

I don't need you to run it back through acceala. Just include those comments in your conditions of approval and that should cover CALFIRE for this one. Any time you need help or clarification dealing with timberland let me know and III see if I can help you.

Tim

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

### CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov

From: Ryan, Meghan <mryan2@co.humboldt.ca.us>

**Sent:** Wednesday, July 15, 2020 1:13 PM

**To:** Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>

**Subject:** Re: Project Comments

## Warning: this message is from an external user and should be treated with caution.

Hi Tim – Thanks for getting back to me. It looks like the project was originally referred via Ontrack in 2017, but I didn't see a response. I can resend a referral through Accela if you would like me to. I can add these comments to the conditions of approval for the project. If there are any other conditions, such as water storage or access requirements, please let me know.

Yes, but this is generally what I'm looking for.

Thanks again, Meghan

**From:** "Meyers, Tim@CALFIRE" <Tim.Meyers@fire.ca.gov>

Date: Wednesday, July 15, 2020 at 1:05 PM

To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

**Subject:** Re: Project Comments

Meghan,

I have looked over some of this documentation and the mitigated neg dec. There is a lot going on with multiple permits from other agencies being issued along with all the environmental review documents it probably is a pretty sound document. That being said from a CALFIRE Resource Management view as long as the proper permits and documents are applied for when undertaking tree removal or enhancement projects like, the oak woodland restoration and replacement, the development of a rock source and other tree removing or enhancing activities that could occur over the life of this permit. The landowner or project proponent would have to go through a review process from CALFIRE to obtain those harvest documents to remove trees on SRA covered ground. It may/would be necessary for a CALFIRE harvest permit to be obtained prior to expanding these cultivation sites and new development areas. If trees are to be removed a Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE.

Are you going to run this through the referral process or is it on track from the first time? will we get to comment later or are these going to be our final comments.

Is this what you are looking for? Let me know if you need more input

Thanks

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

### CAL FIRE

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Cellular (707) 599-6433

tim.meyers@fire.ca.gov

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From: Ryan, Meghan <mryan2@co.humboldt.ca.us>

Sent: Wednesday, July 8, 2020 3:38 PM

**To:** Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>

**Subject:** Re: Project Comments

Warning: this message is from an external user and should be treated with caution.

Hi Tim – Yes, the applicant is Joshua Sweet. The projects were initially referred in 2017, but there have been changes, so I think reviewing the files would be helpful. The Initial Study/Mitigated Negative Declaration is circulating at the State Clearinghouse and you can access the document here:

## https://ceganet.opr.ca.gov/2020060408/2

Improvements to roads on the subject parcels would be required to meet FIRE SAFE standards. To address any tree removal that has occurred or will occur on APN 223-061-043 to develop the 'Rock Pit' location, the environmental document includes:

## Mitigation Measure AFR-1 Oak Woodland Restoration and Replacement

The applicant will submit an Oak Woodland Restoration Plan prepared by a Registered Professional Forester (RPF) that describes where and how a 22,000-square-foot area of oak woodlands will be replaced on the subject parcels to mitigate for the removal of the two stumps and approximately 10 trees. The Oak Woodland Restoration Plan must also proscribe areas where existing oak trees are protected from encroachment and how newly planted trees will also be protected. The Plan shall include monitoring and reporting elements that require a minimum of 3 years of monitoring and achieve an 85% success rate. The monitoring reports will be provided to the Planning Department for review at the time of the annual inspection.

I attached the site plans and operation plan. Please let me know what additional information may be helpful to your review.

Thanks, Meghan

**From:** "Meyers, Tim@CALFIRE" <Tim.Meyers@fire.ca.gov>

Date: Wednesday, July 8, 2020 at 3:12 PM

To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

**Subject:** Re: Project Comments

Hi Megan,

I am still a bit confused by your email? The Hills, LLC and Shadow Light Ranch LLC are both owned by Joshua Sweet. Would you be able to get me the full file, including plans and building locations? as it currently stands CALFIRE will not be able to comment on or support the current application until I can get some more information needed for the proper evaluation. This is a very large project to understand without a map.

**Tim Meyers** 

Forester I, RPF #2813

Department of Forestry and Fire Protection

### CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

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From: Ryan, Meghan <mryan2@co.humboldt.ca.us>

**Sent:** Wednesday, July 8, 2020 10:35 AM

**To:** Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>

**Subject:** Re: Project Comments

### Warning: this message is from an external user and should be treated with caution.

Hi Tim – Good morning! Thanks for getting back to me. I didn't see any comments from CAL FIRE for APPS #11638 and APPS #11643, The Hills, LLC. This project is located on APNs: 223-061-038, 223-061-043, 223-073-004

and 223-073-005; 960 Shadow Light Ranch Road and Section 19 of Township 04 South, Range 04 East, Humboldt Base & Meridian, Garberville area.

The project description is as follows:

Two Conditional Use Permits for to allow for continued cultivation of 60,940 square feet of existing outdoor and mixed light cannabis cultivation. There is 22,200 square feet of existing outdoor cultivation on

APN 223-061-043 that will be grown in 23 greenhouses. There is 38,740 square feet of cultivation on APNs 223-061-038, 223-073-004 and 223-073-005 that consists of 32,500 square feet of existing outdoor and

6,240 square feet of mixed light cultivation that will be grown in 22 greenhouses. The proposed project includes relocation of five historic cultivation areas to

environmentally superior locations on the

subject parcels. Approximately 1,020,000 gallons of water is required to annually to meet operational needs. Water is provided by an on-site well and a 2,800,000-gallon rain catchment pond. There is

2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks. Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed

structures as follows: (1) one-story, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) two-story, 7,592-square-foot processing facility and office uses (footprint = 4,776

square feet); and associated parking facilities. The proposed project also includes a Special Permit for a 10,080-square-foot wholesale nursery on APNs 223-061-038, 223-073-004 and 223-073-005. Cultivation

and processing activities extend all year. There will be two harvests of outdoor cultivation and a maximum of four harvests of mixed light cultivation areas annually. A maximum of 11 employees will be on

site during peak operations. Power is provided by solar array. The proposed project includes connecting to on-grid power from P. G. & E. Two Special Permits for Development within the Streamside

Management Area are also a part of the proposed project. The Special Permits would allow for 9 remediation projects required by the California Department of Fish and Wildlife to resolve a Notice of

Violation on the subject parcels. There are 22 other projects (total of 31) require by CDFW for resolution of the of Violation that are for the replacement and/or maintenance of stream crossings.

The project appears to be located outside of the Garberville Fire Protection District response area, so CAL FIRE has primary responsibility for responding to any incidents (at least from what I can tell from the County

WebGIS. I have received a few comments from neighbors asking what CAL FIRE response is to this project.

Any comments would be great appreciated!

Do you want me to resend any of the project documents?

Thanks, Meghan

**From:** "Meyers, Tim@CALFIRE" < Tim. Meyers@fire.ca.gov>

Date: Wednesday, July 8, 2020 at 10:21 AM

To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

**Subject:** Re: Project Comments

Hi Megan,

All of SOHUM is my area, did I miss one? Send me the Application number and APN or I can

try and find the original referral

**Tim Meyers** 

Forester I, RPF #2813

Department of Forestry and Fire Protection

#### CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov

From: Titus, Lucas@CALFIRE < Lucas. Titus@fire.ca.gov>

Sent: Wednesday, July 8, 2020 10:14 AM

To: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>

**Subject:** Re: Project Comments

Tim Meyers is the Inspector for that area and is included in this response is number is 1075996433

Sent from my iPhone

On Jul 8, 2020, at 10:04 AM, Ryan, Meghan <mryan2@co.humboldt.ca.us> wrote:

Warning: this message is from an external user and should be treated with caution.

Good morning, Lucas – I am looking for an email or other contact information for someone in CAL FIRE that would respond to projects in the Garberville area. Do you know the best person for me to contact? There is a project that has not received CAL

FIRE comments, so want to make sure I reach out one more time.

Thanks! Meghan

--

## **MEGHAN RYAN**

<image001.png> Senior Planner

Planning and Building Department

County of Humboldt

3015 H Street Eureka, CA 95501 707.445.7541

## Laney, Megan

Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov> From:

Monday, August 07, 2017 12:55 PM Sent:

Dorris, Joshua To: Cc: Planning Clerk

The Hills LLC Conditional Use Permit and Special Permit Application-APPS 11638 Subject:

Hello Joshua,

Thank you for referring The Hills LLC Conditional Use Permit and Special Permit application (APPS 11638, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of 43,560 ft<sup>2</sup> of existing outdoor cannabis cultivation and a Special Permit for a wholesale commercial medical cannabis nursery on APN: 223-061-043. This project is associated with APPS 11642 and 11643.

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 are comments intended to assist the Lead Agency in making informed decisions early in the planning process.

- The referral materials suggest that the applicant submitted a Notification of Lake or Streambed Alteration (LSA) to the Department of Fish and Wildlife. CDFW has no record of a LSA Notification associated with the project parcel. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement (LSAA).
- Aerial imagery and application materials suggest that the some of the designated cultivation may be located within the CDFW and State Water Board recommended minimum setback area. CDFW recommends, as a condition of project approval, that the applicant:
  - Have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development within these areas should be prohibited.
- The referral materials state that the applicant contains 43,560 square feet of existing outdoor cannabis cultivation. Aerial Imagery suggests that the existing cultivation area, prior to January 1, 2016, is approximately 20,000 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- Sensitive fish or wildlife resources that exist within the project vicinity include Townsend Big-eared Bat (Corynorhinus townsendi), Chinook salmon (Oncorhynchus tshawytscha), coho salmon (O. kisutch), steelhead trout (O. mykiss), Pacific lamprey (Entosphenus tridentata), western pond Turtle ( Actinemys marmorata marmorata), northern red-legged frog (Rana aurora), foothill yellow-legged frog (Rana boylii), along with other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email:

Sincerely,

Kalyn Bocast **Environmental Scientist** Watershed Enforcement Team

## Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>

Sent: Monday, August 07, 2017 12:47 PM

To: Dorris, Joshua

Cc: Planning Clerk; Bauer, Scott@Wildlife

Subject: The Hills LLC Conditional Use Permit Application-APPS 11643 Project

Hello Joshua,

Thank you for referring The Hills LLC Conditional Use Permit application (APPS 11643 Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of 43,560ft<sup>2</sup> of existing outdoor and 12,000ft<sup>2</sup> of mixed-light cannabis cultivation on APN: 223-061-038. This project is associated with APPS 11642 and 11638.

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 are comments intended to assist the Lead Agency in making informed decisions early in the planning process.

- The referral materials suggest that the applicant submitted a Notification of Lake or Streambed Alteration (LSA) to the Department of Fish and Wildlife. CDFW has no record of a LSA Notification associated with the project parcel. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement (LSAA).
- The referral materials state that the applicant proposes to build a pond to store water for the use of cannabis cultivation on parcel 223-061-038. Aerial imagery suggests that the area for the proposed pond may be hydrologically connected located in a wetland. CDFW recommends a biological assessment of the property by a qualified person, particularly the area next to the existing pond, to determine whether the area has wetland characteristics and warrants wetland delineation.
- Aerial imagery and application materials suggest that the existing pond on parcel 223-061-038 is hydrologically connected to surface waters. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602.
- The referral materials state that the applicant contains 43,560 square feet of existing outdoor and 12,000 square feet of existing mixed-light cannabis cultivation. Aerial Imagery suggests that the parcel contained no existing cannabis cultivation, prior to January 1, 2016. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- The referral materials show that the applicant will be utilizing mixed-light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a lighting plan demonstrating that the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunrise to sunset, which may affect fish and/or wildlife directly, or from a distance.
- Sensitive fish or wildlife resources that exist within the project vicinity include Townsend Big-eared Bat (Corynorhinus townsendi), Chinook salmon (Oncorhynchus tshawytscha), coho salmon (O. kisutch), steelhead trout (O. mykiss), Pacific lamprey (Entosphenus tridentata), western pond Turtle ( Actinemys marmorata marmorata), northern red-legged frog (Rana Aurora), foothill yellow-legged frog (Rana boylii), along with other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

## Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

From: Ryan, Meghan

To: <u>Bauer, Scott@Wildlife</u>; <u>Bocast, Kalyn@Wildlife</u>

Cc: <u>Johnson, Cliff</u>

Subject: APPS #11638 and APPS #11643 - The Hills, LLC - Response to CDFW Comments - Hearing Date: July 23, 2020

**Date:** Wednesday, July 8, 2020 11:07:00 AM

Attachments: Untitled attachment 00025.txt

Untitled attachment 00028.txt Untitled attachment 00031.txt Untitled attachment 00034.txt Untitled attachment 00037.txt Untitled attachment 00040.txt

Good morning, Scott and Kalyn -

I hope you both are doing well. Thank you for comments to The Hills, LLC, project. Since the referral comments were received, the project description has been modified. Here is the project description used for project noticing purposes:

Two Conditional Use Permits for to allow for continued cultivation of 60,940 square feet of existing outdoor and mixed light cannabis cultivation. There is 22,200 square feet of existing outdoor cultivation on APN 223-061-043 that will be grown in 23 greenhouses. There is 38,740 square feet of cultivation on APNs 223-061-038, 223-073-004 and 223-073-005 that consists of 32,500 square feet of existing outdoor and 6,240 square feet of mixed light cultivation that will be grown in 22 greenhouses. The proposed project includes relocation of five historic cultivation areas to environmentally superior locations on the subject parcels. Approximately 1,020,000 gallons of water is required to annually to meet operational needs. Water is provided by an on-site well and a 2,800,000-gallon rain catchment pond. There is 2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks. Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed structures as follows: (1) onestory, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) twostory, 7,592-square-foot processing facility and office uses (footprint = 4,776 square feet); and associated parking facilities. The proposed project also includes a Special Permit for a 10,080square-foot wholesale nursery on APNs 223-061-038, 223-073-004 and 223-073-005. Cultivation and processing activities extend all year. There will be two harvests of outdoor cultivation and a maximum of four harvests of mixed light cultivation areas annually. A maximum of 11 employees will be on-site during peak operations. Power is provided by solar array. The proposed project includes connecting to on-grid power from P. G. & E. Two Special Permits for Development within the Streamside Management Area are also a part of the proposed project. The Special Permits would allow for 9 remediation projects required by the California Department of Fish and Wildlife to resolve a Notice of Violation on the subject parcels. There are 22 other projects (total of 31) require by CDFW for resolution of the of Violation that are for the replacement and/or maintenance of stream crossings.

I am writing today to provide a response, which is provided below by APPS #:

## APPS #11638

1. It is my understating a draft LSAA has been issued for this project and CDFW is awaiting approval of the Mitigated Negative Declaration to complete the LSAA process. The draft Initial Study/Mitigated Negative Declaration (IS/MND) is circulating at the State Clearinghouse from June 22, 2020, to July 22, 2020. I requested a copy of the document be sent directly to CDFW staff. To date, I am not aware of any comments on the IS/MND being provided to the County Planning

Department. Please send comments to me when they are prepared. I am also the point of contact if you have any questions regarding environmental review for the project.

- 2. Cultivation located within stream buffers has been relocated. See attached site plan and biological assessment.
- 3. The locations of the historic cultivation areas are shown on the attached map set.

### APPS #11643

1. Please see response #1 for APPS #11638 regarding my understanding of the pending LSAA agreement.

Please note: APPS #11642 is no longer a part of the proposed project.

- 2. Please see attached biological assessment. Also, the applicant has installed a groundwater well to provide irrigation for cannabis. Please see attached well permit and completion report.
- 3. It's my understanding the ponds are included in the draft LSAA.
- 4. Recommended conditions of approval include the following regarding use of artificial lighting:

All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

Please let me know if you have any additional questions or comments regarding The Hills, LLC, project or draft IS/MND.

Best, Meghan

--



### **MEGHAN RYAN**

Senior Planner

Planning and Building Department

County of Humboldt

3015 H Street

Eureka, CA 95501

707.445.7541

From: Ryan, Meghan

To: <u>Manthorne, David@Wildlife</u>

Cc: Johnson, Cliff; Bauer, Scott@Wildlife; Bocast, Kalyn@Wildlife; Phillips, Erin@Wildlife; Utley, Shannon

M@Waterboards; Murano, Taro@Waterboards

Subject: Re: APPS #11638 and APPS #11643 - The Hills, LLC

**Date:** Thursday, July 9, 2020 2:31:13 PM

Perfect! Thanks! I look forward to receiving the comments and will do my best to respond in a timely manner.

From: "Manthorne, David@Wildlife" < David.Manthorne@wildlife.ca.gov>

Date: Thursday, July 9, 2020 at 12:22 PM

To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

Cc: "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>, "Bauer, Scott@Wildlife"

<Scott.Bauer@wildlife.ca.gov>, "Bocast, Kalyn@Wildlife" <Kalyn.Bocast@Wildlife.ca.gov>,

"Phillips, Erin@Wildlife" < Erin. Phillips@Wildlife.ca.gov>, "Utley, Shannon M@Waterboards"

<ShannonM.Utley@waterboards.ca.gov>, "Murano, Taro@Waterboards"

<taro.murano@waterboards.ca.gov>

Subject: RE: APPS #11638 and APPS #11643 - The Hills, LLC

Hi Meghan,

I believe there will be new comments from the resource agencies (CDFW, Waterboard, Division of Water Rights) since the project has changed since 2017 and each agency has active violations on the-project site. Thank you for the information.

From: Ryan, Meghan <mryan2@co.humboldt.ca.us>

**Sent:** Thursday, July 9, 2020 11:36 AM

To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

**Cc:** Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Bauer, Scott@Wildlife

<Scott.Bauer@wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Phillips,

Erin@Wildlife < Erin. Phillips@Wildlife.ca.gov>; Utley, Shannon M@Waterboards

<ShannonM.Utley@waterboards.ca.gov>; Murano, Taro@Waterboards

<taro.murano@waterboards.ca.gov>

Subject: Re: APPS #11638 and APPS #11643 - The Hills, LLC

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Hi David - Also, I did provide a response to CDFW comments to Scott and Kalyn yesterday that I can forward to you, if that would be helpful. I see that the Water Board was sent a referral for the project back in 2017, but did not see any project comments from the Water Board on the file. I do have copies of the violation letters.

Please let me know if you have any questions or there is anything I can help with.

Thanks! Meghan

From: "Ryan, Meghan" < mryan2@co.humboldt.ca.us>

Date: Thursday, July 9, 2020 at 11:32 AM

**To:** "Manthorne, David@Wildlife" < <u>David.Manthorne@wildlife.ca.gov</u>>

Cc: "Johnson, Cliff" < CJohnson@co.humboldt.ca.us >, "Bauer, Scott@Wildlife"

<<u>Scott.Bauer@wildlife.ca.gov</u>>, "Bocast, Kalyn@Wildlife" <<u>Kalyn.Bocast@Wildlife.ca.gov</u>>.

"Phillips, Erin@Wildlife" < <a href="mailto:Erin.Phillips@Wildlife.ca.gov">"Erin.Phillips@Wildlife.ca.gov">"Utley, Shannon M@Waterboards"</a>

< <u>Shannon M. Utley@waterboards.ca.gov</u>>, "Murano, Taro@Waterboards"

<taro.murano@waterboards.ca.gov>

Subject: Re: APPS #11638 and APPS #11643 - The Hills, LLC

Good morning, David – Good to hear from you. As always, the sooner I receive the comments, the more time I have to address them. With that said, comments will be accepted up until the hearing on the 23<sup>rd</sup> and at the hearing on the 23<sup>rd</sup>.

Thanks, Meghan

**From:** "Manthorne, David@Wildlife" < <u>David.Manthorne@wildlife.ca.gov</u>>

**Date:** Thursday, July 9, 2020 at 11:14 AM

**To:** "Ryan, Meghan" < mryan2@co.humboldt.ca.us>

Cc: "Johnson, Cliff" < CJohnson@co.humboldt.ca.us >, "Bauer, Scott@Wildlife"

<<u>Scott.Bauer@wildlife.ca.gov</u>>, "Bocast, Kalyn@Wildlife" <<u>Kalyn.Bocast@Wildlife.ca.gov</u>>,

"Phillips, Erin@Wildlife" < <a href="mailto:Erin.Phillips@Wildlife.ca.gov">Erin@Wildlife</a>, "Utley, Shannon M@Waterboards"

<<u>ShannonM.Utley@waterboards.ca.gov</u>>, "Murano, Taro@Waterboards"

<taro.murano@waterboards.ca.gov>

Subject: APPS #11638 and APPS #11643 - The Hills, LLC

Hi Meghan,

CDFW and the Waterboard are reviewing the MND and will provide comments. I see that a hearing is scheduled for July 23. When must comments be submitted to the County for consideration? Thank you

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

# ATTACHMENT 6

## **Public Comments**

RE: The Hills, LLC

PLN-11638-CUP; PLN-11643-CUP

VIA email: <a href="mailto:Planningclerk@co.humboldt.ca.us">Planningclerk@co.humboldt.ca.us</a>

VIA email: mryan2@co.humboldt.ca.us Humboldt County Planning and Building

VIA fax: 707-445-7409 Humboldt County Public Works, Road and Equipment Maintenance Division

07/09/2020

My name is Michaela Scown. I want to preface this letter of concern with this information: I live at 751 Wallan Rd, in Garberville. I learned of this hearing on July 6th from a neighbor who received two notices, one in her street mailbox and one in her PO Box. My husband and I have no street mailbox and collect our mail at our PO Box only. We received no notice. My next-door neighbor, Carol Melody, at 625 Wallan Rd, also has her mail delivered to a PO Box, she received no notice.

My concerns about this project are many, but I will focus primarily on access. From what I can gather, The Hills, LLC is planning to access the project from Wallan Rd. Has the planning department made a field check of this road? It is a chip sealed road constructed in the Meadows 2 subdivision in the very early 1980s. It is full of potholes, and there are numerous areas where there are no forgiving edges and many direct drop-offs. There are portions of the road that are single lane use only, especially in the blue slide area. The culvert between 751 and 880 is undermined, now for years. Over five years ago, I went to the county yard, picked up two barricades, and placed them where the road was dropping off. There is only one left as the other has fallen over the bank as water continues to run underneath the culvert, eroding the soil and hillside. Wallan Road has limited turnouts to allow for two cars to pass. The only one that I am aware of is the one that provides access to our driveway. With increased traffic, defining employee and business-related access over this road, and with a wholesale nursery included in the plan, it is clear that the existing road will be negatively impacted.

Wallan Road was never intended, nor was it designed to provide access to an enormous commercial application such as the one proposed.

When we first built our home here, Wallan Rd was a quiet residential road. Traffic was minimal, meant for local family use only. A county sign at the beginning of the road reads not a through street. After the Tooby Ranch sold, a private driveway was enlarged through an old easement provided only for ranch-related activity, such as maintaining livestock, and not for what were illegal marijuana grows at the time. This road has been busy ever since, with cars, trucks, heavy equipment, dump trucks, and water trucks. Then there is the garbage! Beer cans, bags, straws, food wrappers, and paper thrown from car windows as the workers pass going to and from work. All of this is new to our road since the easement intent was ignored. Speeding vehicles barreling around blind corners are a further annoyance, directly attributable to the increased volume of traffic.

The parcels in this proposal may have access across the ridge to the west. Access would be through the tunnel under US101 at the edge of the community park. Road improvements through that easement should be considered and is the likely deaded ingress/egress legal option.

In order to alleviate negative impacts of this project on Wallan Road, if allowed to survive this hearing process, the developer should, at a minimum, be required to perform these off-site improvements: repaving of the existing chip seal with asphalt from Alderpoint Road, through the residential neighborhood, all the way to the old ranch gate; replace the narrow bridge at the east end of Wallan

Road to accommodate the large vehicles and equipment that will be traveling over it; replace the old existing culverts; widening of the road wherever possible; create paved turnouts where required by NFPA standards; install speed limit signs, and possibly speed humps; provide signage where the street reduces to one lane. Note that the county did not approve of Wallan/Johnson's original plans for a wider road due to a blue clay slide section near the top of the subdivision.

Another significant concern is fire safety and the availability of water storage and a hydrant system, particularly in light of recent fires in northern California. Local and state agency fire departments have responded on more than one occasion to calls related to burning on these parcels. The road is inadequate from Wallan Road to the proposed project site and should be improved before any construction is allowed. Of note, fire personnel were not allowed to use the road off of Wallan Road by a representative of the landowner after they had completed their call. They were told to exit across the ridge, down the hill to the west, exiting through the tunnel. If that was appropriate for a fire department, it is suitable for commercial traffic for this project. The access road is blocked by locked gates, creating emergency response delays and life safety hazards.

The existing operation has also violated Dark Skies standards during the last few months. All operations at this location should be immediately halted until compliance with this issue and CDFW remediation projects referenced in the public notice have been satisfied.

I urge you to consider our input. Please, make the drive to Wallan Rd. and take a close look at the road condition, and discuss my concerns. The state of this street makes it dangerous to drive on or walk. People, pets, and wildlife will be put at a higher risk if traffic is allowed to increase.

Carol Melody asked me to include her name on this letter as she did not receive a notice and does not own a computer; therefore, no email. My husband, Kent Scown, provided input on the content above and adds his support to the letter as well.

Thank you for your careful consideration. Please do not allow this application to survive your review without off-site improvements.

Michaela Scown

Michaela Ecaen

Carol Melody

Carol Melody

Kent Scown Chief

Garberville Fire Protection District



RETURN SERVICE REQUESTED

# Important Public Hearing Notice

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# **PUBLIC NOTICE** HUMBOLDT COUNTY PLANNING COMMISSION NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

On Thursday, July23, 2020 at 6:00 p.m., or as soon thereafter as the matter can be heard, the Humboldt County Planning Commission will hold a public hearing to consider the matter listed below.

NOTE: In accordance with Executive Order N-29-20 the July23, 2020, Planning Commission meeting will be held virtually.

HOW TO LISTEN OR WATCH THE PLANNING COMMISSION MEETING:

Listen or Watch the live stream of the Planning Commission Meeting in three ways:

- 1. https://zoom.us/j/95170231196 Password: 200525
- 2. Call in via telephone at 346 248-7799, enter meeting id 951 7023 1196 Password: 200525
- 3. Or while watching Access Humboldt on cable channel 10

# PUBLIC COMMENT INSTRUCTIONS DURING THE MEETING:

Participate in the public comment period of the meeting in the following two ways:

- 1. Via Computer as an attendee: To raise your hand click the Raise Hand icon on the bottom of the Zoom window. When you click the Raise Hand icon, a hand icon will appear next to your name that will notify the host your hand is raised. You will also see the hand icon turn green. When you want to lower your hand, you can click the hand icon again and your hand will be lowered. When you are called upon to speak the Zoom platform will ask you for permission to unmute your mic. If you encounter any issues, please use the call-in option below.
- Via phone call using cellphone or landline: When the Planning Commission begins to discuss the agenda item you want to comment on, call in to the conference line and mute your TV or live stream. Please call 346 248-, 7799 enter meeting id 941-1049-4227, Password: 200525 and press star 9 on your phone to raise your hand. When you are called upon to speak you will be prompted to unmute your mic.

# PUBLIC COMMENT PRIOR TO THE MEETING:

To submit public comment to the Planning Commission please email Planningclerk@co.humboldt.ca.us and provide your name, the agenda item number(s) on which you wish to speak. If you do not have access to email, a voicemail may be left at 707 445-7541 and will follow the same procedure as email public comments. All public comment submitted after the agenda has been published will be included with the administrative record after the fact.

A live stream of the meeting can be found by using the following link: https://humboldt.legistar.com

The Hills, LLC; Garberville area, Record Numbers:PLN-11638-CUP and PLN-11643-CUP (filed 12/02/2016); Assessor Parcel Numbers (APNs), 223-061-038, 223-061-043, 223-073-004, 223-073-005. Two Conditional Use Permits for to allow for continued cultivation of 60,940 square feet of existing outdoor and mixed light cannabis cultivation. There is 22,200 square feet of existing outdoor cultivation on APN 223-061-043 that will be grown in 23 greenhouses. There is 38,740 square feet of cultivation on APNs 223-061-038,223-073-004 and 223-073-005 that consists of 32,500 square feet of existing outdoor and 6,240 square feet of mixed light cultivation that will be grown in 22 greenhouses. The proposed project includes relocation of five historic cultivation areas to environmentally superior locations on the subject parcels. Approximately 1,020,000 gallons of water is required to annually to meet operational needs. Water is provided by an on-site well and a 2,800,000-gallon rain catchment pond. There is 2,834,000 gallons of water storage in the rain catchment pond and a series of hard-sided water tanks. Processing, including drying, curing and trimming, will occur on APN 223-073-005 in a three proposed structures as follows: (1) one-story, 1,200-square-foot warehouse; (1) one-story, 5,050-square-foot processing facility; (1) two-story, 7,592-square-foot processing facility and office uses (footprint = 4,776 square feet); and associated parking facilities. The proposed project also includes a Special Permit for a 10,080-square-foot wholesale nursery on APNs 223-061-038,223-073-004 and 223-073-005. Cultivation and processing activities extend all year. There will be two harvests of outdoor cultivation and a maximum of four harvests of mixed light cultivation areas annually. A maximum of 11 employees will be onsite during peak operations. Power is provided by solar array. The proposed project includes connecting to on-grid power from P. G. & E. Two Special Permits for Development within the Streamside Management Area are also a part of the proposed project. The Special Permits would allow for 9 remediation projects required by the California Department of Fish and Wildlife to resolve a Notice of Violation on the subject parcels. There are 22 other projects (total of 31) require by CDFW for resolution of the of Violation that are for the replacement and/or maintenance of stream crossings. Note: As Lead Department, the Humboldt County Planning and Building Department has prepared and circulated for public review a draft Mitigated Negative Declaration for the project. Comments may be submitted to the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501 by July 22, 2020. The draft Mitigated Negative Declaration and Initial Study are available for review at the same location. Project locations: Record Number: PLN-11638-CUP: The project site is located in Humboldt County, in the Garberville area, on the south side of Clark Road, approximately 1.0 south from the intersection of Clark Road and Shadow Light Ranch Road, on the property known as 960 Shadow Light Ranch Road. Record Number: PLN-11643-CUP: The project is located in Humboldt County, in the Garberville area, on the south side of Alderpoint Road, approximately 0.30 miles east from the intersection of Wallan Road, Pigeon Road and Clark Road to a private driveway, then approximately 1 mile south to the property line, on the property known to be in Section 19 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

Specific questions regarding this project can be directed to the assigned planner Meghan Ryan, Senior Planner, at (707) 445-7541 or via email at <a href="mailto:mryan2@co.humboldt.ca.us">mryan2@co.humboldt.ca.us</a>.

Consistent with the above instructions for public comment, any person may appear and present testimony regarding this matter during the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing. The Planning Commission's decision will become effective if an appeal is not filed within the appropriate filing period. An appeal may be filed by any aggrieved person who has testified in person or in writing on the project and must be submitted in writing with the required fees to the Planning Division of the Humboldt County Planning and Building Department at 3015 H Street, Eureka, California 95501, post marked before the end of the appeal period. If appealed, the decision will not become effective until the appeal is resolved.

The staff report for this project will be will be posted on <a href="https://humboldt.legistar.com">https://humboldt.legistar.com</a> on the Friday before the Planning Commission meeting. General questions regarding the Planning Commission, the permit process, submission of materials and other information not specific to this project may be obtained from the Planning Division of the Humboldt County Planning and Building Department, 3015 H Street, Eureka, California 95501 or email planningclerk@co.humboldt.ca.us. Telephone (707) 445-7541.

The County of Humboldt is committed to providing equal access to all county programs, services and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Planning Commission clerk at 707-445-7541 or by email planningclerk@co.humboldt.ca.usor the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us

July 23, 2020

I



Elvin & Norma Dodson 666 Wallan Rd. Garberville Ca-95542

Ph. 707-923-4405

I am writing to protest the Cannabia
grow that is being considered in the
Hill's LLC Yarbervill, area.
We have lived here 21/2 years will loved
the area. Wildlife is abundant here.
Weer, Bear, Rabbit, squirrel, 704, quail,
Jurkeys, raccon, Bobcat, courger, skunk.
and even rattle snake. All this wild life
while living in a residential area of
Yarbervillo.

This is a huge operation being considered. Wallan Rd has not had any major work done to it since we have lived here. The county patches a few pot holes now of them. The road was not built to handle all the increase of traffic that will happen if this

operation is passed.

We already have a high volumne of traffice now with the cannabis grows already permitted. The road is narrow what with the trucks having lavigment o trailors, people and animals doing the road also, it can get dangerous. The road is a county road. It is a dangerous situation as

Because of the step terrouing Increased amount of traffic on a narrow and windy road, noise, trucks speeding which they do I, enortased killing of wild life, which there will be, my wife and I say no to the Hills LLC project. As a after thought (Cannabis) there is also the smell.

We do not own a computer or any other high tech, equipment, We only have a land line telephone. Writing a letter was the only way I know to get in touch with you to oppose the project,

Elviz Dodsor

Our Phone No. 707-923-4405 666 Wallan Rd. Garberville, Ca. 95542 From: Ryan, Meghan

To: <u>Linda</u>

Subject: Re: Project location PLN-11638-CUP

Date: Wednesday, July 8, 2020 4:22:09 PM

Hi Linda - Thank you, again, for speaking with me today regarding The Hills, LLC, project. As we discussed, it seems the condition of Wallan Road and use for commercial cannabis operations, especially regarding the County-maintained portion (approximately 1.30 miles from the intersection with Alderpoint Road. For the County-maintained portion, I would suggest you contact the Department of Public Works - Roads Division at:

Humboldt County Public Works Road & Equipment Maintenance Division 1106 Second Street Eureka, CA 95501

Ph: 707-445-7421 Fx: 707-445-7409

The Department of Public Works would be able to discuss any proposed improvements to the County-maintained portion.

For the privately-maintained portion, the road access will need to meet the functional equivalent for Category 4 roads to accommodate the proposed volume of traffic and ensure access for emergency vehicles.

Conditions of approval require the applicant meet Dark Sky standards to continue use of artificial light in the mixed light greenhouse and wholesale nursery. The applicant is required to demonstrate this to the Planning Department within 30 days of the effective date.

The Initial Study/Mitigated Negative Declaration (IS/MND) is available for review here: <a href="https://ceqanet.opr.ca.gov/2020060408/2">https://ceqanet.opr.ca.gov/2020060408/2</a>. The document is circulating through July 22, 2020. Please let me know if you have any questions or comments on the environmental document.

I appreciate your participation in the public process. Please don't hesitate to contact me with any additional questions or concerns.

Best, Meghan

On 7/8/20, 9:11 AM, "Ryan, Meghan" <mryan2@co.humboldt.ca.us> wrote:

Hi Linda - Of course! I appreciate your time commenting on the project. I will give you a call at 3:30 pm.

Thanks, Meghan

On 7/8/20, 9:09 AM, "Linda" <br/> strodersenlindal@gmail.com> wrote:

Hi Meghan, anytime after 3 PM today will work great. Thanks so much for getting back to me.

Linda Brodersen

> On Jul 8, 2020, at 8:20 AM, Ryan, Meghan <br/> <br/> mryan<br/>2@co.humboldt.ca.us> wrote:

> Good morning, Linda - Thank you for your questions. I will follow up with a phone call today. Is there a time that works best for you?

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> Thanks again,
> Meghan
> On 7/6/20, 3:59 PM, "Linda" <brodersenlinda1@gmail.com> wrote:
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Dear Ms. Ryan, after receiving the public notice concerning the cannabis cultivation on Shadow Light Ranch Road which is directly off of Wallan Road in Garberville I felt that I needed to ask some questions and I am hoping you can answer them. It is pretty well known around this area that cannabis has been growing up at those locations for years. That is pretty evident with the increased number of cars and trucks on Wallan Road now. I have lived at my home for almost 30 years so I have seen the increase first hand. My number one question to you is have members of your department or members of the planning commission actually driven to this site to see first hand the horrible and deteriorating condition of Wallan Road. Wallan Road is a county road. Or so they say. The road has no yellow line down the middle of it, no white line along the sides, it has several large pot holes, the sides of the road are crumbling, it is narrow, and hasn't been paved for years and years. I would state that the only time is has been chip seal completely was when Wallan and Johnson developed the Meadows subdivision. Second, do you know that at the end of Wallan your have to drive across a narrow one lane railroad flat car bridge that isn't in the best condition? A known slide area currently exists before you approach that narrow bridge. The road has several sunken and slip out areas already. There is even a culvert that the water runs under and not through that the county hasn't repaired yet, thus causing more decay of the road. Further, Shadow Light Ranch Road should have never been allowed the egress or ingress off Wallan Road. It was never the intent of the original Meadows subdivision development to access that area. I believe Tooby Ranch road should be the correct egress or ingress.

> I feel that with the proposed expansion of these sites it will not only increase the number of cars and large trucks carrying supplies to the grow sites but also create more road decay. Is the County of Humboldt planning on paving the road and making it a true 2 lane road? I realize that road conditions is a different department, but how can a grow site be allowed to expand in our neighborhood without addressing the infrastructure primarily the road?

>

- > My other concerns are of course the potential increase of fire danger, since Shadow Light Ranch Road is not in the Garberville fire protection district has CAL Fire been notified of this large grow? There has been a fire up in that area before attributed to generators from grow sites.
  - > What about the increase of light at night from the grow lights, and how is that issue being addressed?
- > Finally, what about the excessive amount of water taken from the aquifer? What is the potential environmental damage that can occur? If hard sided water tanks are on site does this mean that water has been hauled in and stored. Again, more heavy trucks on the road, thus more road damage.
  - > I have asked a lot of questions, I hope you can answer them.

> >

>

- > Thank you for your time.
- > Linda Brodersen
- > 54 Linda Lane
- > Garberville, CA 95542

>

707-223-2206

>