



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 21, 2021

To: Humboldt County Planning Commission

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

Subject: **The Apartment, LLC Conditional Use Permits, Special Permit and Zoning Clearance Certificates**
Record Number: PLN-2020-16774
Assessor's Parcel Numbers (APN's): 211-363-012 & 211-362-013
4601 Barnum Road, Miranda Area

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Please contact Christopher Alberts, Planner II, at 707-268-3771 or by email at calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

| | | |
|---|---|---------------------------------------|
| Hearing Date October 21, 2021 | Subject Conditional Use Permits, Special Permit and Zoning Clearance Certificates | Contact Christopher Alberts |
|---|---|---------------------------------------|

Project Description: A Special Permit for Non-Flammable Manufacturing, and Infusion. The Project also includes two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities. The project will take place within two proposed structures totaling 14,000 square feet. The applicant is proposing to host Distribution and Offsite Processing activities within a 12,000-square-foot building. Non-flammable Manufacturing and Infusion will take place within a proposed 2,000-square-foot structure. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. The applicant anticipates 60,000 gallons of water will be required for cannabis activities annually. Water tank storage proposed totals 30,000 gallons, with an additional 2,500-gallon water tank for fire suppression. There will be seventeen (17) full-time employees required annually for operations and seventeen (17) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 *Locational Criteria*, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Conditional Use Permit. An additional Conditional Use Permit is also requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone.

Project Location: The project is located in Humboldt County, in the Miranda area, on both sides of Barnum Road, approximately 300 feet southwest from the intersection of Barnum Road and Dyerville Loop Road, on the property known as 4601 Barnum Road.

Present Plan Land Use Designations: Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit; Timberland (T), Density: Range is 40 to 160 acres per unit; 2017 General Plan, Slope Stability: Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE); Timberland Production (TPZ)

Record Number: PLN-2020-16774

Assessor's Parcel Numbers: 211-363-012 & 211-362-013

| Applicant | Owner | Agent |
|---|--|---|
| The Apartment, LLC Paul Mitchell 9200 Sunset Blvd #600 Los Angeles, CA 90069 | Ats Managementgrp, LLC 9200 Sunset Blvd #600 Los Angeles, CA 90069 | KVK, PC GianDominick Vitiello, Esq. 11835 West Olympic Blvd. East Tower, Suite 860 E. Los Angeles, CA, 90064 |

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

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

The Apartment, LLC
Record Number: PLN-2020-16774
Assessor's Parcel Numbers: 211-363-012 & 211-362-013

Recommended Planning Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the resolution to take the following actions:

1) Find that the Planning Commission has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit, Special Permit and Zoning Clearance Certificates based on evidence in the staff report and 3) approve The Apartment, LLC project subject to the recommended conditions.

Executive Summary:

The Apartment, LLC, seeks a Conditional Use Permit, Special Permit and two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility, in accordance with Humboldt County Code Section 314-55.4.7 and 314-55.4.8.2 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Agricultural Grazing (AG) and Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timberland Production (TPZ). A Conditional Use Permit is requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone. The project will take place within two (2) proposed structures; one 12,000-square-foot structure and one (1) 2,000-square-foot structure. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. There will be seventeen (17) full-time employees required annually for operations and seventeen (17) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-55.4.8.2.3 Locational Criteria, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard.

Water Resources

Water for the proposed project will be provided by a proposed one-million-gallon rainwater catchment pond and a proposed well. An existing unpermitted well is located on the property and will be required to be permitted or decommissioned. Prior to operations, the applicant shall have a licensed geologist or engineer determine the hydro-connectivity of the proposed and existing well. If the wells are determined to be hydrologically connected to any surface waters, then the applicant shall only use the rainwater catchment as the water source and modify the project to eliminate the proposed use of the wells. The applicant anticipates approximately 60,000 gallons of water will be required annually for manufacturing and infusion activities. The applicant is proposing 30,000 gallons of hard storage with an additional 2,500-gallon tank for fire suppression. The applicant will also be utilizing the proposed one-million-gallon rainwater catchment pond as source of water storage, for a total of 1,032,500 gallons of proposed water storage onsite. The Department of Environmental Health (DEH) commented DEH has no record of the existing unpermitted well proposed as a source of water. The applicant shall either provide evidence of permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February 1973. Processing

activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems. Industrial tailings from manufacturing activities cannot be discharged to OWTS. Applicant shall contact North Coast Regional Water Quality Control Board regarding industrial wastewater disposal requirements.

Biological Resources

The California Natural Diversity Database (CNDDDB) indicates there are no mapped rare or endangered species located on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0803) is approximately 0.38 miles east from the project site and the nearest NSO observation is mapped approximately 0.02 miles east from the project site. Marbled murrelet habitat is mapped approximately 2.47 miles west from the project site. All manufacturing, processing and distribution activities will occur within enclosed structures; therefore, it is unlikely the project will have an impact on NSO's or the Marbled murrelets. The applicant submitted a Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated June 2020. According to the assessment, no rare, sensitive or special status species were observed on the property and none are likely to occur on the site due to the prevalence of non-native species and historical site disturbance. The surrounding forest contains no dense or mature stands of trees that would be suitable for Northern Spotted Owl and no nesting habitat will be impacted. A Golden Eagle occurrence has been documented within 1 mile of the project site (in 2007) however the assessment concludes that no nesting habitat is on or adjacent to the project site. The property is located immediately adjacent to a major county road which would make the site less attractive to the species for foraging.

The assessment states the proposed project will have a low-impact to the special-status wildlife species if the applicant implements best management practices including but limited to no use rodenticides, keep project-related noise at a minimum, and ensure that all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored in an enclosed structure or device.

Non-Volatile Manufacturing

The applicant is proposing non-volatile manufacturing activities to occur in a proposed 2,000-square-foot structure equipped with an ADA restroom. The applicant anticipates two (2) full-time employees and two (2) seasonal employees will be required for manufacturing activities. The hours of operation will be from 9am-5pm. The Department of Environmental Health (DEH) commented industrial tailings from manufacturing activities cannot be discharged to OWTS. Applicant shall contact North Coast Regional Water Quality Control Board regarding industrial wastewater disposal requirements.

Distribution

Distribution activities will occur in a 6,000-square-foot area within a proposed 12,000-square-foot structure. There will be ten (10) employees required for distribution activities. The hours of operation will be from 5am to 5pm.

Processing

Processing activities will occur in a 6,000-square-foot area within a proposed 12,000-square-foot structure. There will be five (5) full time employees and fifteen (15) seasonal employees required for processing activities. The hours of operation will be from 9am to 9pm. Shipping and receiving activities will be limited to 10am to 4pm.

Employees/ On-Site Boarding

The applicant is proposing thirty-four (34) employees including three members from the family who will be operating the business. There will be two (2) full time employees staffed for non-volatile

manufacturing activities, ten (10) full time employees staffed for distribution activities, and five (5) full time employees staffed for processing activities. The applicant is also proposing fifteen (15) seasonal employees to assist with processing and two (2) seasonal employees to assist with non-flammable manufacturing activities and infusion during peak of operations. The applicant is proposing to develop one (1) 5,120-square-foot boarding house (labor camp) for employee housing and one 1,280-square-foot employee break room. The applicant is also proposing to utilize one (1) existing 1,120-square-foot boarding house. The employee housing will allow for less road use and provide additional parking areas for the full-time employees. The new boarding house is an allowable use under Section 317-7.1 of the Humboldt County Code with a Conditional Use Permit. The Department of Environmental Health commented Processing activities must be supported by an approved onsite wastewater treatment system. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the proposed facilities.

Access/Parking

The property is accessed via Barnum Road from Dyerville Loop Road. The project involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-55.4.8.2.3 *Locational Criteria*, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Conditional Use Permit. Where an exception is sought, the Use Permit application shall include an evaluation of the local road network and relevant segments prepared by a licensed engineer. The engineers report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met. The applicant submitted a *Road Evaluation Report* prepared by Omsberg & Preston dated September 21, 2021. The report concludes Dyerville Loop Road, a County maintained road, is maintained along the gravel section, is of adequate width to support the proposed development, and meets the intent of the County's Category 4 Road Standards. The road was found to have an 18 to 25-foot travel way throughout, with adequate turnout placement and distribution, The one (1) neck-down point observed was found to have intervisible sight distance on approach from either direction. The report also concluded no threat to biological resources and water quality along the unpaved portion of Dyerville Loop Road was observed, therefore, no improvements are being recommended.

According to the Humboldt County Code (Section 109.1.3.4), the applicant is required to provide 24 parking spaces. For manufacturing activities, the applicant shall provide the higher of one parking space for each 1500 square feet of gross floor area within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required. For distribution activities the applicant shall provide the higher of one (1) parking space for every four (4) employees or one (1) parking space for each 2,500 square feet of gross floor area. The code requires the applicant to develop the following parking for the proposed distribution, manufacturing and processing activities:

- a) Distribution= 3 spaces
- b) Manufacturing= 21 spaces

The applicant is proposing seventeen (17) parking spaces. The applicant is proposing onsite housing for the sixteen (16) proposed full-time employees. The applicant is also proposing fifteen (15) seasonal employees to assist with processing activities during peak of operations. The onsite housing will provide overflow parking for the full time and seasonal employees if needed. Staff believes there will be adequate parking onsite.

Tribal Consultation

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The applicant submitted a Cultural Resources Investigation prepared by Archaeological and Supply Company dated August 2021. According to the Investigation there were zero (0) historic or prehistoric era resources located during the survey. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

Security Plan

There is an existing locked gate at the entrance of the property. The project site will be equipped with motion sensor lighting around the proposed and existing facilities. According to the Security Plan, there is an informal community watch in place in the neighborhood. The applicant proposes to implement an alarm system within the proposed processing, manufacturing, and distribution facility. All products will be stored in locked areas. Fulltime employees will be living onsite.

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-

Record Number PLN-2020-16774

Assessor's Parcel Numbers: 211-363-012 & 211-362-013

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving The Apartment, LLC, Conditional Use Permit, Special Permit and Zoning Clearance Certificates.

WHEREAS, The Apartment, LLC, submitted an application and evidence in support of approving a Special Permit, two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility, in accordance with Humboldt County Code Section 314-55.4.7 and 314-55.4.8.2 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO);

WHEREAS, the application will also support a Conditional Use Permit for the use of a non-paved access road without a centerline stripe, and a Conditional Use Permit for a new 5,120 square foot boarding-house (labor camp) for employee housing in the AG zone;;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 21, 2021, and reviewed, considered, and discussed the application for a Special Permit, two Zoning Clearance Certificates, and two Conditional Use Permits, and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: The application is for a Special Permit for Non-Flammable Manufacturing, and Infusion. The Project also includes two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities. The project will take place within two proposed structures totaling 14,000 square feet. The applicant is proposing to host Distribution and Offsite Processing activities within a 12,000-square-foot building. Non-flammable Manufacturing and Infusion will take place within a proposed 2,000-square-foot structure. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. The applicant anticipates 60,000 gallons of water will be required for cannabis activities annually. Water tank storage onsite proposed totals 30,000 gallons and, with an additional 2,500-gallon water tank for fire suppression. There will be seventeen (17) full-time employees required annually for operations and seventeen (17) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project also involves a Conditional Use

Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 *Locational Criteria*, which states that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. An additional Conditional Use Permit is also requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AG zone.

EVIDENCE: Project File: PLN-2020-16774

2. FINDING: CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company dated August 2021, concluded no archeological resources were identified. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

FINDINGS FOR SPECIAL PERMIT, ZONING CLEARANCE CERTIFICATES, AND CONDITIONAL USE PERMITS

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

EVIDENCE

- a) Agriculture Processing and Labor Camps are use types permitted in the Agricultural Grazing (AG) and Timberland (T) land use designations. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zoning which the site is located.

EVIDENCE

- a) Processing, and Distribution are principally permitted in the Agriculture Exclusive (AE).
- b) Manufacturing involving non-flammable extraction is allowed with a Special Permit in AE Zones.
- c) The Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) Zone is intended to be applied to areas of the County in which minor generation and distribution facilities are the desirable predominant uses.
- d) The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 Locational Criteria, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard.
- e) A Conditional Use Permit is requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone.
- f) Humboldt County Code Sections 314-55.4.7 and 314-55.4.8.2 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO), allows for Processing facilities, Manufacturing facilities, and Wholesale Distribution facilities on a parcel developed as Agricultural use. The application is for a Special Permit and two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility on parcel zoned for industrial uses. Humboldt County Code Section 313-7.1 allows for a Labor Camp on a parcel zoned AE with a Conditional Use Permit.

5. FINDING

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

EVIDENCE

- a) The CCLUO allows for a Special Permit and two Zoning Clearance Certificates for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility to be permitted in areas zoned Agriculture Grazing (AG) (HCC 314-55.4.7 and 314-55.4.8.2).
- b) The configuration of APNs 211-362-013 and 211-363-012 combined comprise one legal parcel as described in Notice of Lot Line Adjustment Certificate of Subdivision Compliance 1997-20712.
- c) The project will obtain water from a proposed one-million-gallon rainwater catchment pond a proposed groundwater well. In the event that the well cannot be determined to be hydrologically disconnected from surface waters by a qualified geologist or engineer, water will be provided by rainwater catchment only.
- d) The property is accessed via Barnum Road from Dyerville Loop Road. The applicant submitted a *Road Evaluation Report* prepared by Omsberg & Preston dated September 21, 2021. The report concludes Dyerville Loop Road, a County maintained road, is maintained along the gravel section, is of adequate width to support the proposed development, and meets the intent of the County's Category 4 Road Standards. The road was found to have an 18 to 25-foot travel way

throughout, with adequate turnout placement and distribution, The one (1) neck-down point observed was found to have intervisible site distance on approach from either direction. The report also concluded no threat to biological resources and water quality along the unpaved portion of Dyerville Loop Road was observed, therefore, no improvements are being recommended.

- e) The location of the processing, manufacturing and wholesale distribution activities will take place in proposed facilities which will comply with all setbacks required in Section 314-55.4.6.4.4. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The processing, manufacturing and wholesale distribution activities and the conditions under which they may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis activities.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving processing, manufacturing and distribution activities on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed commercial cannabis activities is more than 300 feet from the nearest off-site residence.
- d) A proposed one-million-gallon rainwater catchment pond, a proposed well and an existing unpermitted well.
- e) The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and is zoned heavy industrial.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Apartment, LLC, Conditional Use Permits, Special Permit, and Zoning Clearance Certificates, Record No. PLN-2020-16774 subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on October 21, 2021.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

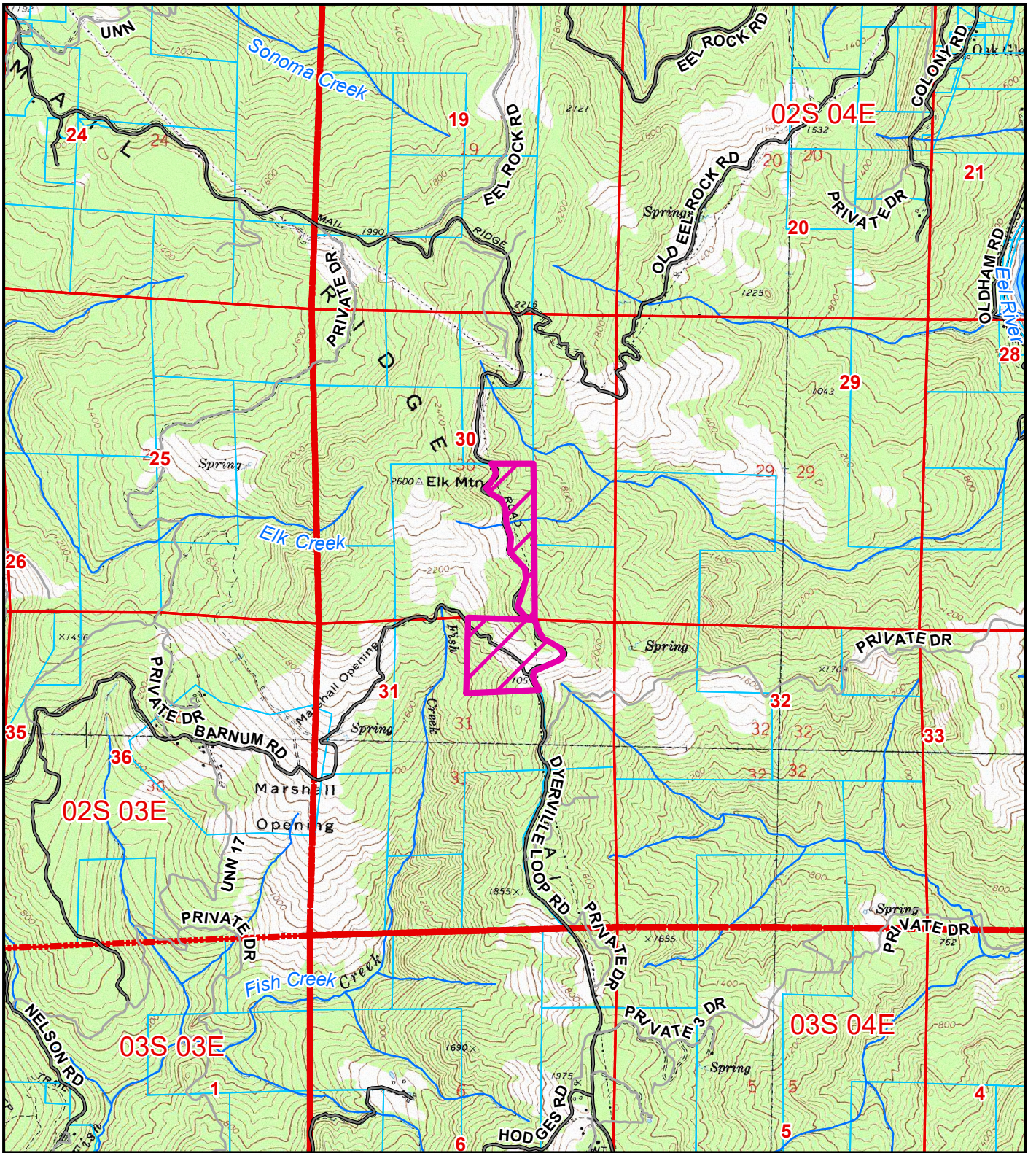
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John H. 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 H. Ford, Director,
Planning and Building Department

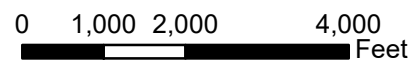


**TOPO MAP
 PROPOSED THE APARTMENT LLC
 MYERS FLAT AREA
 PLN-2020-16774**

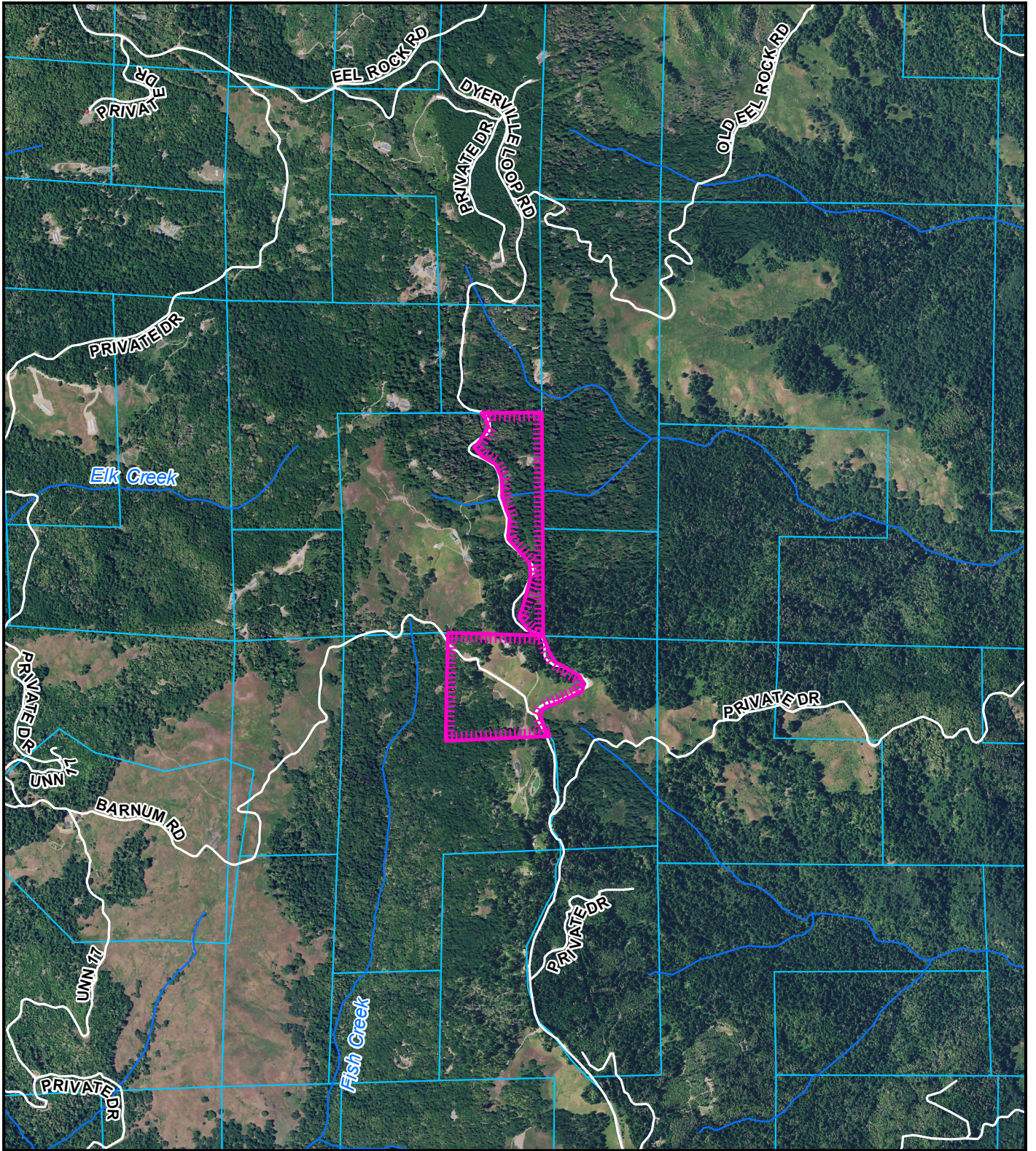
APN: 211-363-012; ET AL.

T02S R04E S30; S31 HB&M (MYERS FLAT)


Project Area = 


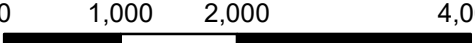


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

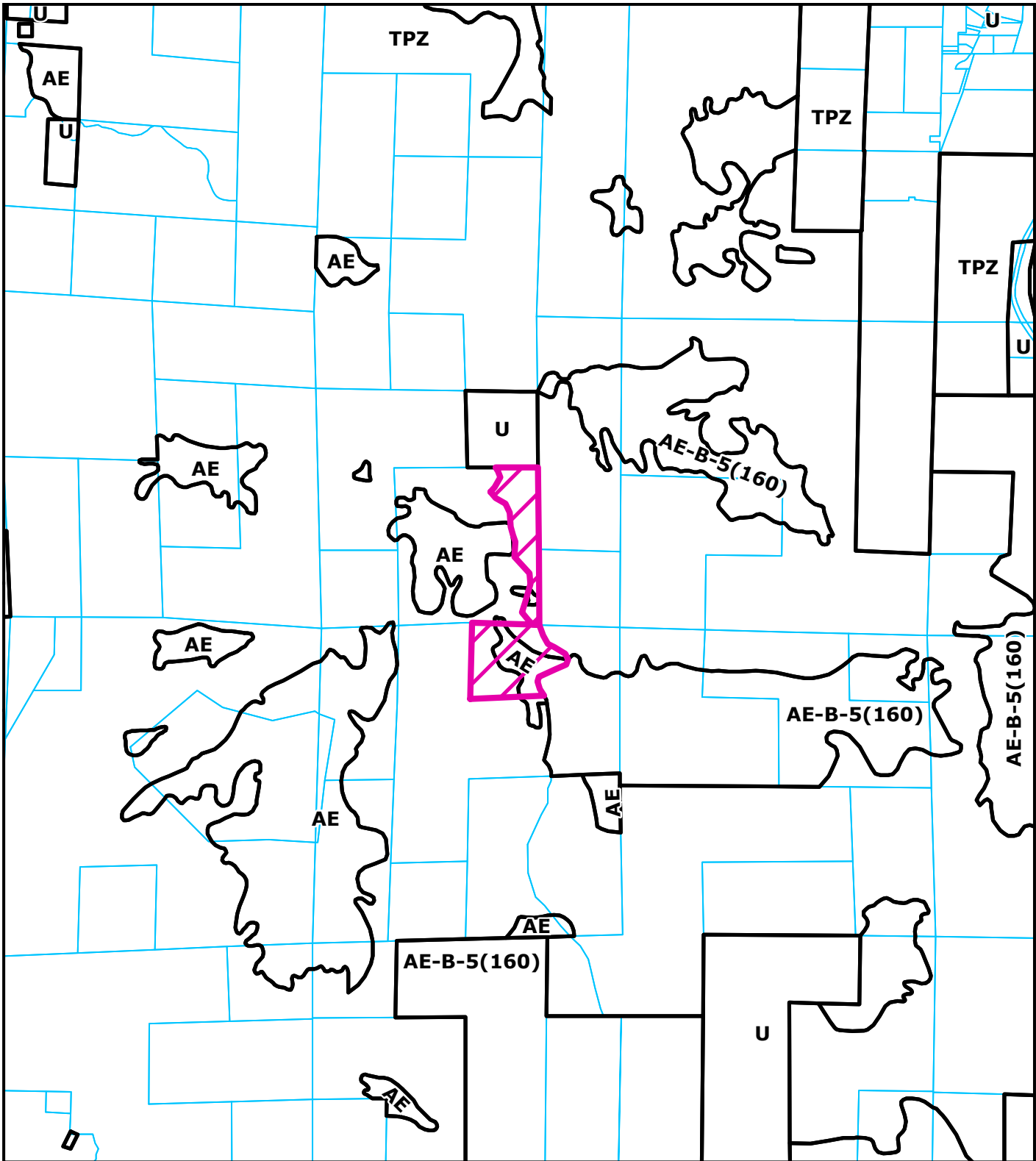


**AERIAL MAP
 PROPOSED THE APARTMENT LLC
 MYERS FLAT AREA
 PLN-2020-16774
 APN: 211-363-012; ET AL.
 T02S R04E S30; S31 HB&M (MYERS FLAT)**


Project Area = 


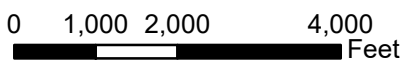

 0 1,000 2,000 4,000
 Feet

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



ZONING MAP
PROPOSED THE APARTMENT LLC
MYERS FLAT AREA
PLN-2020-16774
APN: 211-363-012; ET AL.
T02S R04E S30; S31 HB&M (MYERS FLAT)

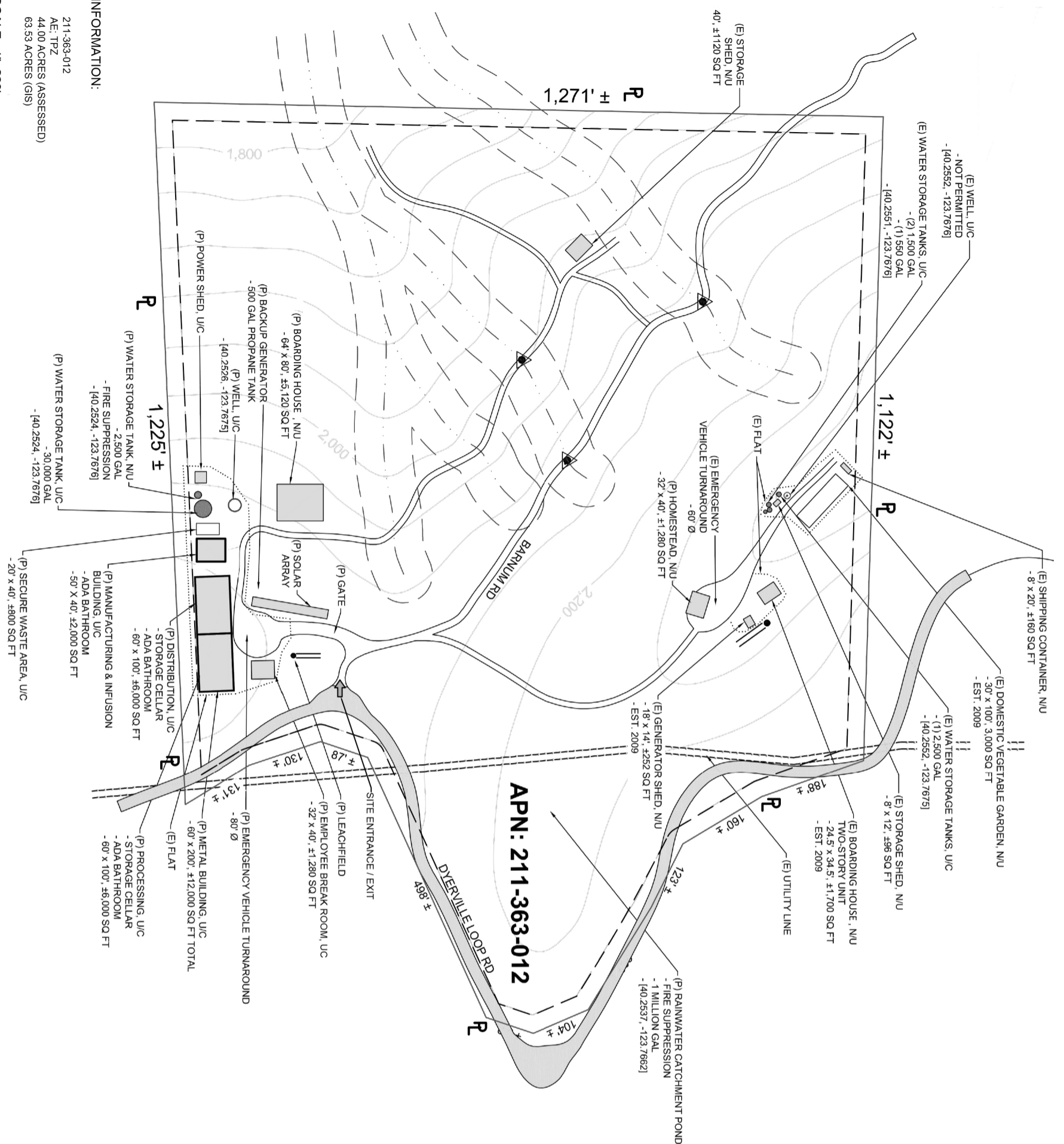
Project Area = 

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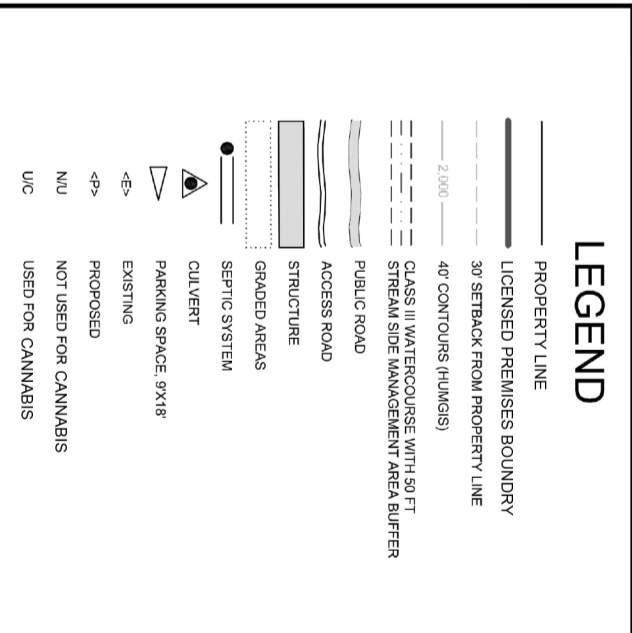
APN: 211-363-012
 ZONING: AE, TPZ
 LOT SIZE: 44.00 ACRES (ASSESSED)
 63.53 ACRES (GIS)
 SCALE: 1"=200'

PARCEL INFORMATION:



PROPERTY USAGE KEY

| | |
|---------------|--------------|
| DISTRIBUTION | 6,000 SQ.FT. |
| PROCESSING | 6,000 SQ.FT. |
| MANUFACTURING | 2,000 SQ.FT. |
| BREAK ROOM | 1,280 SQ.FT. |
| SECURE WASTE | 800 SQ.FT. |



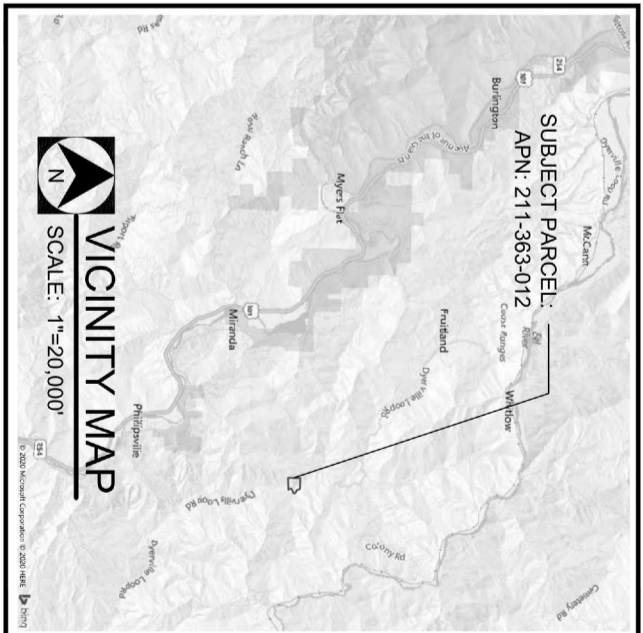
DIRECTIONS TO SITE

FROM MERS FLAT, CA:

1. HEAD NORTHEAST ON CA-254 S. AVENUE OF GIANTS, 1.8 MILES.
2. TURN LEFT ONTO ELK CREEK ROAD, 2.7 MILES.
3. TURN RIGHT ONTO DYERHILL LOOP ROAD, 5.4 MILES.
4. TURN RIGHT ONTO BARNUM ROAD, ARRIVED AT PROPERTY.

GENERAL NOTES

1. NO CULTIVATION AREAS ON PROPERTY
2. LOCATIONS OF PROPERTY LINES, ROADS, FEATURE LOCATIONS AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED
3. ALL COORDINATES SHOWN REFERENCE THE WGS84 GEODETIC DATUM



SITE PLAN
 APN: 211-363-012
 SITE ADDRESS: 4601 BARNUM ROAD, MIRANDA, CA, 95553

STATE CANNABIS LICENSING
 APPLICANT: PAUL MITCHELL - THE APARTMENT LLC.
 MAILING ADDRESS: 9200 W. SUNSET BLVD. #600, LOS ANGELES, CA., 90069

SHEET NAME:
SITE PLAN

PAGE:
1 OF 4

NOT FOR CONSTRUCTION

October 21, 2021

ATS MANAGEMENT GRP LLC.
 9200 W. SUNSET BLVD # 600
 LOS ANGELES, CA 90069

| NO. | REVISION | DATE |
|-----|----------|------|
| | | |
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| | | |

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit, Special Permit and Zoning Clearance Certificates is conditioned on the following terms and requirements which must be satisfied before site development or initiation of operations.

Section 1: Development Restrictions

1. The project shall be developed and operated in accordance with the Operations Plan dated September 3, 2021 prepared by The Apartment, LLC, and project site development plans.
2. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
3. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
4. The applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.
5. Prior to initiating commercial cannabis processing, manufacturing, and distribution activities or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
6. 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 release of the Building Permit and initiation of operations. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. Prior to initiating operation the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.
8. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
10. Prior to operations, the applicant shall have a licensed geologist or engineer evaluate the existing and proposed well in order to determine if the wells are hydrologically connected to any surface waters. If the wells are found to be hydrologically connected the operation shall utilize rainwater catchment only for all of the water needs.
11. The applicant shall either provide evidence of a permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the existing well was installed prior to February 1973.
12. The applicant shall ensure all fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.
13. The applicant shall gravel the surface at the location of Dyerville Loop Road where it meets Barnum Road for a minimum width of 20 feet and a length of 50 feet where it intersects the

County Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches. Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Exemption (NOE) will be prepared and filed for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

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

1. All components of 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. Commercial cannabis activities shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
3. 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.
4. 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 County Code Section 55.4.6.4.4(c).
5. Maintain enrollment in Tier 1 or 2 certification with the NCRWQCB Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

6. 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).
7. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
8. Pay all applicable application, review for conformance with conditions and annual inspection fees.
9. The use of monofilament netting for all uses for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
10. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. The burning of excess plant material associated with the processing of commercial cannabis is prohibited.
13. 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.
14. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
15. The Master Log-Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (METRC).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. 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).
27. 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.
28. 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:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) 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.
29. 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.
30. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the 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 Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.5.8 of the CCLUO.

31. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #30, 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.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO 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:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
 34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. This 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 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 Humboldt County Code.
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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2
CEQA Addendum**

**CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

*Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2015102005), January 2016*

APN's 211-363-012 & 211-362-013, on both sides of Barnum Road, approximately 300 feet southwest from the intersection of Barnum Road and Dyerville Loop Road, on the property known as 4601 Barnum Road, Miranda, California, County of Humboldt

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

October 2021

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts for new cultivation operations. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modification is for an operation which involves a Conditional Use Permit, Special Permit and two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility. An additional Conditional Use Permit is also requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone. The project will take place within two (2) proposed structures; one 12,000-square-foot structure and one (1) 2,000-square-foot structure. There will be seventeen (17) full-time employees required annually for operations and seventeen (17) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The activities are proposed consistent with the CCLUO and the environmental analysis that was completed for the CCLUO.

Water for irrigation will be provided by a proposed one-million-gallon rainwater catchment pond a proposed well, an existing unpermitted well, and a proposed well. The applicant anticipates approximately 60,000 gallons of water will be required annually for manufacturing and infusion activities. The applicant is proposing 30,000 gallons of hard storage with an additional 2,500-gallon tank for fire suppression. The applicant will also be utilizing the proposed one-million-gallon rainwater catchment pond as source of water storage, for a total of 1,032,500 gallons of proposed water storage onsite.

The applicant is proposing thirty-four (34) employees. There will be two (2) full time employees staffed for non-volatile manufacturing activities, five(5) full time employees staffed for distribution activities, and three (3) full time employees staffed for processing activities. The applicant is also proposing seventeen (17) seasonal employees to assist with processing and two (2) seasonal employees to assist with non-flammable manufacturing activities and infusion during peak of operations.- The applicant is proposing to develop one (1) 5,120-square-foot boarding house (labor camp) for employee housing and one 1,280-square-foot employee break room. The applicant is also proposing to utilize one (1) existing 1,120-square-foot boarding house. The employee housing will allow for less road use and provide additional parking areas for the full-time employees.

The project is located in the Bear River and Sinkyoune Aboriginal Ancestral Territories. The applicant submitted a Cultural Resources Investigation prepared by Archaeological and Supply Company dated August 2021. According to the Investigation there were zero (0) historic or prehistoric era resources located during the survey. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

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

- o Operations Plan for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by the applicant, September 2021.
- o Site Plan for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by ATS Management Group, LLC, September 2021.
- o Energy Budget for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by Morroni Energy Consulting, September 2021.
- o Cultural Resources Investigation for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by Archaeological and Supply Company, August 2021.
- o Biological Reconnaissance Assessment for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by Mother Earth Engineering, June 2020.
- o Road Evaluation Report and Addendum for The Apartment, LLC; APN's 211-363-012 & 211-362-013, September 2021; prepared by Omsberg & Preston.

Other CEQA Considerations

Staff suggest no changes to the revised project

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit a new cannabis distribution; cannabis manufacturing using non-volatile solvents; and a commercial processing operation that will be conducted in compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

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

1. The name, contact address, and phone number(s) of the applicant. (Application form **on file**)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (**On file**)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for commercial cannabis activities 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 commercial cannabis activities is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached in Maps Section**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of commercial cannabis activities (processing; manufacturing using non-volatile solvents; and a distribution), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
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. 2019-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Not applicable)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (Condition of Approval).

9. If the source of water is a well, a copy of the County well permit, if available. (Conditioned)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (**On file**)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.3 (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. (Not applicable)
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. Energy Budget prepared by Morroni Energy Consulting (MEC) dated September 3, 2021. (**Attached**)
16. Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated June 2020. (**Attached**)
17. Road Evaluation Report and Addendum prepared by Omsberg & Preston dated September 21, 2021. (**Attached**)

Distribution, Processing, Non-Flammable Manufacturing, and Infusion Operations Plan

Updated 9/03/2021

1 DESCRIPTION OF DISTRIBUTION, PROCESSING, NON-FLAMMABLE MANUFACTURING, INFUSION & OPERATIONS

The site is in Miranda with two proposed structures totaling 14,000 sq. ft. The distribution and processing area will evenly split a 12,000 sq. ft. structure. Adjacent to it will be a 2,000 sq. ft structure for non-flammable manufacturing and infusion.

2 structures are proposed for on-site boarding, one existing 1,120 sq. ft. residence, one proposed 5,120 sq. ft. structure.

Distribution operations will take place in a 6,000 sq. ft. secure facility. Which will be sectioned off into purchasing, selling, operations, and storage. The purchasing area will have a separate secure entrance for transport to make deliveries. This area will be designated for product to be purchased. The selling area will consist of a show room where buyers can look at samples of product. The operations area will consist of offices for brands with a packaging area. It will have its own secure pick up area for transport.

Processing operations will take place in a 6,000 sq. ft secure facility. Which will be for hand and machine trimming only. The delivery area will have a separate secure entrance for transport to make deliveries. The main floor will consist of management offices and trimming stations. It will have its own secure pick up area for transport.

Non-Flammable manufacturing and Infusion operations will take place in a self-standing 2,000 sq. ft structure. Flower material will be processed using nonflammable methods including but not limited to water, ice, pressure, and heat.

2 LOCATION AND CAPACITY OF WATER STORAGE FACILITIES

Water Source: All water is obtained by rain catchment tanks/pond a proposed well and an unpermitted existing well.

The proposed rainwater catchment pond is to be sited on a ridge top outside of streamside management areas and have a total minimum capacity of 1M gal. This pond is to be used for fire suppression purposes. A grading permit will be approved by the Humboldt County Building Department before pond construction begins.

The proposed well will be constructed by a licensed driller and permitted by Humboldt County Department of Health and Human Services Division of Environmental Health.

Projected Water Use: Estimated water use is 60,000 gallons per year to be used only for manufacturing and infusion. Projected water use is shown by month in Table 1. Water usage will be recorded monthly.

Table 1: Projected Water Use by month

| Projected Water Use in Gallons | | | | | | | | | | | | |
|--------------------------------|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|--------|
| Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
| 5k | 5k | 5k | 5k | 5k | 5k | 5k | 5k | 5k | 5k | 5k | 5k | 60,000 |

Water Storage: Water for cannabis facility and fire protection is to be stored on site in minimum 1,000,000-gallon pond. The total hard tank storage capacity is projected to be 30,000 gallons and an additional 2,500 gal. tank to be used for fire suppression.

6,050 gal. of hard tank storage are installed at the homestead residence, 2,500 gal. shall be reserved for fire protection, 3,550 gal. will be used for domestic purposes.

Water Management: Water is distributed by gravity, where possible, and by solar powered electric pumps.

3 STORM WATER MANAGEMENT PLAN

Site Description: The property is located on ridgeline land and ranges from 1800 feet to 2120 feet above mean sea level, surrounded by fir, montane hardwood-conifer, grassland and other species. The land is characterized as having relatively flat grades on the east side of the property with steeper grades located on the west. The *HumGIS Relative Slope Stability* layer designates the area as having moderate instability. Most of the property and drains east towards Fish Creek with a narrow portion of the east side of the property draining east towards an unnamed Tributary of Brock Creek. Fish Creek eventually flows into the South Fork Eel River and Brock Creek flows into Eel River. The climate can be generalized by a pattern of high-intensity rainfall in the late fall until the early spring and hot, dry summers. Mean annual precipitation is approximately 68.8 inches. Soils within the property are primarily composed of Yorknorth-Witherell complex at 30% to 50% slopes.

Once fully operational the site will contain approximately 19,560 sq. ft. of impermeable surfaces as described in table 2. The approximate sizes of the homestead residence and guest house are not yet known and are unaccounted for in the above area of impermeable surfaces. Pending further consultation with architects and contractors the footprint of these structures will be determined and the planning department will be updated accordingly.

Table 2: Inventory of proposed impermeable surfaces

| Facility | Impermeable Area (sq. ft.) |
|---|-----------------------------------|
| Processing & Distribution Building | 12,000 |
| Non-Flammable and Infusion Manufacturing Building | 2,000 |
| Boarding House | 1,280 |
| Boarding House | 5,120 |
| Break Room | 1,280 |
| Generator Shed | 160 |
| Total | 21,840 |

The site will contain approximately 0.5 mi. of private access roads. These roads are to be regraded and rocked; no drainage structures currently exist on the road. No Stream crossings exist on the portions of the road utilized for commercial cannabis activities. A single ditch relief culvert is located at the ingress of the property on Barnum road, the outlet is partially plugged and is to be replaced.

Runoff and Erosion Control Measures:

The development of this site will require an engineered grading plan. This plan shall detail all required sediment runoff and erosion control measures. The applicant will follow all measures prescribed in this document.

In general, proposed buildings will be equipped with drain and gutter systems discharging onto well vegetated areas outside streamside management areas. Discharge points will be armored with energy dissipating structures to disperse concentrated flow and prevent erosion and sediment delivery. Storm water runoff will be directed to well vegetated areas with low to moderate slopes outside of streamside management areas allowing ample opportunity for sediment filtration and infiltration of water into ground water.

The private access road is to be regraded, out sloped where feasible, and rocked.

Once developed all areas of disturbed earth at the site will be seeded with native erosion control grass seed mix and mulched at a rate on 2 tons per acre.

Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and shall consist of erosion prevention measures and sediment capture measures including:

- Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection.
- Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, professionally installed silt fences, and sediment settling basins.

Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land. Maintenance of all erosion protection and sediment capture measures is required year-round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities

For areas outside of riparian setbacks or for upland areas, the applicant shall ensure that rock placed for slope protection is the minimum amount necessary and is part of a design that provides for native plant revegetation. If retaining walls or other structures are required to provide slope stability, they shall be designed by a Qualified Professional.

The applicant shall monitor erosion control measures during and after each storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation, and repair or replace, as needed, ineffective erosion control measures immediately.

The applicant shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, the applicant shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting

4 WATERSHED + HABITAT PROTECTION

All areas proposed for commercial cannabis activities are located outside of streamside management areas, sediment laden water discharged from these areas will have ample opportunity to be filtered through vegetation prior to entering a surface water course.

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

A Biological Reconnaissance Assessment has also been prepared for this application detailing potential impacts of site development and operation.

5 MATERIALS MANAGEMENT PLAN

The Apartment, LLC shall maintain a self-haul waste area and a compost area on site. Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and discourages wildlife from interacting with waste materials. Non-compostable solid waste and recyclables derived from the operations shall be placed in the self-haul waste area and periodically transported to a local transfer station. Solid waste may include, but is not limited to household trash, product packaging and consumables. All waste plant material will be composted on site.

The applicant shall keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of petroleum products, hazardous materials, and other substances which may degrade waters of the state. The cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and immediately initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

The applicant shall have a storage area for petroleum or other liquid chemicals (including diesel, gasoline, oils, etc.). All such storage areas shall comply with the riparian setback Requirements, be in a secured location in compliance with label instructions, outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife. All storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage. Storage tanks and containers must be of suitable material and construction to be compatible with the substances stored and conditions of storage, such as pressure and temperature.

The applicant shall only keep hazardous materials in their original containers with labels intact and shall store hazardous materials to prevent exposure to sunlight, excessive heat, and precipitation. The applicant shall provide secondary containment for hazardous materials to prevent possible exposure to the environment. Disposal of unused hazardous materials and containers shall be consistent with the label.

The applicant shall only mix, prepare, apply, or load hazardous materials outside of the riparian setbacks.

Storage Area: Trash and recycling are stored in wildlife proof containers adjacent to buildings and are disposed of regularly.

Removal Frequency: Trash is removed from site once a week or more as needed.

Disposal Facility: Redway transfer station.

Fuel: Diesel will be used on site for equipment and generators.

The applicant shall only refuel vehicles or equipment outside of riparian setbacks. The applicant shall inspect all equipment using oil, hydraulic fluid, or petroleum products for leaks prior to use and shall monitor equipment for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) and vehicles not in use shall be located outside of riparian setbacks. Spill and containment equipment appropriate for the conditions at and near the site (e.g., oil spill booms if surface water could be impacted by a spill, sorbent pads, etc.) shall be stored onsite at all locations where equipment is used or staged.

The applicant shall store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.

Spill Cleanup Plan: Spill kits shall be in an Agricultural Chemical and Fertilizer storage shed for immediate use to clean up any agricultural chemical or petroleum product spills. Discharger will maintain spill kits by restocking whenever any materials are used, deteriorated, or expired.

The following procedure is to be used in the event of a hazardous material spill:

I. **Risk Assessment:** The moment a spill occurs and throughout the response, risks will be determined that may affect human health, the environment, and property. The spilled material and quantity released will be determined.

II. **Selection of Personal Protective Equipment:** The appropriate Personal Protective Equipment (PPE) is selected to safely respond to the spill will be determined. MSDS and literature from Chemical and PPE manufacturers will be used to make this determination. If there is uncertainty of the danger and the spilled material is unknown, the worst will be assumed, and the highest level of protection will be implemented.

III. **Spill Confinement:** As quickly as possible the spill area will be confined. Use of contained absorbents such as socks and booms will be implemented. Priority will be given to stop the flow of the liquid before it has a chance to contaminate a water source. Spill kits will be used to facilitate a quick, effective response.

IV. **Stopping the Source:** After the spill has been confined, the source of the spill will be stopped. This may simply involve turning a container upright or plugging a leak from a damaged drum or container. Putty, barrel patches, and cone plugs will be used to stop leaks. Material will be transferred from the damaged container to a new one.

V. **Incident evaluation and cleanup implementation:** Once the spill has been confined and the leak has been stopped, the incident will be assessed and a plan of action for implementing the spill clean-up will be developed. Pillows and mat pads will be used to absorb the remainder

of the spill. Once the absorbents are saturated, they will be considered hazardous waste and disposed of accordingly.

VI. **Decontamination:** Site, personnel and equipment will be decontaminated by removing or neutralizing the hazardous materials that have accumulated during the spill. This may involve removing and disposing of contaminated media such as soil that was exposed during the spill incident.

6 SEWAGE DISPOSAL PLAN

Two septic systems are proposed for the site. One septic system is existing and located near the existing residence to be used as boarding. The second shall be located adjacent to the area proposed for commercial cannabis development. An engineering firm has been retained to design and permit the systems. Processing, distribution, and manufacturing/ infusion facilities will be equipped with ADA restrooms.

7 DISTRIBUTION PLAN

Distribution Practices: Distribution shall take place in a 6,000 sq. ft. space and is indicated on the plot plan.

All distribution methods utilized will comply with all industry, county, and state rules and guidelines.

All work surfaces and equipment maintained in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew to be strictly followed.

Distribution operations include the following Practices:

- (1) Distribution operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Distribution operations will implement protocols which prevent packaging contamination and mold and mildew growth on cannabis.
- (3) Employees handling cannabis will have access to facemasks and gloves in good operable condition as applicable to their job function.
- (4) Employees will wash hands sufficiently when handling cannabis or use gloves.

Inventory Control Processes and Procedures:

- (1) METRC shall be used to track inventory throughout the distribution facility. The Facilities inventory control process includes tracking of all incoming products, including the name and state license number of the cultivator, the testing lab data (as applicable), the strain, the suppliers product tracking identification data, and bill of lading from the transport company.
- (2) All incoming raw materials will be assigned a unique batch number that can be cross-referenced to the above referenced data and stays with the product through the distribution process and to final sale to our authorized customer.
- (3) All outgoing product will be tracked by SKU, batch number, invoice, and shipping documents; unless the product is not for sale and will be destroyed. The process for the documenting product to be destroyed is described separately in this manual.
- (4) The methodologies for tracking and inventory control may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

Product Quality Control and Packaging:

- (1) In addition to meeting all State and local requirements for product quality control, the standard procedures for operation will include the following:
 - a. Samples of all products will be screened and tested by an independent State licensed and/or locally permitted licensed laboratory for pesticides, mold, and other undesirable qualities prior to distribution.
 - b. Documentation of all lab test results will be kept on file.
 - c. Packaging and labeling will meet California regulations

Access Control:

All Entrances to the facility will be restricted by an access control system capable of identifying authorized personal. The system will also be capable of limiting personnel access to the appropriate locations within the facility depending on the persons job and responsibilities, and limit facility access to certain times and days as appropriate. 24 hour access to the facility by emergency responders (Fire Department) will be provided via Knox Box.

Staffing + Staff Screening Processes

The facility will require 10 full time employees.

All candidates for staff will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a violent criminal history or a history of drug abuse will be screened from employment.

Customer Screening Process, Registration, and Validation Process and Procedures.

The Facility is for the purpose of distribution and all the products will be sold to state licensed facilities on a wholesale basis. As this is the case, the facility will not be open to the public and not accept visitors without a specific pre-authorized business purpose. Only authorized representatives of state licensed customer facilities and appropriately licensed vendors will be allowed to enter the facility and be near the product, but in all cases shall be supervised. Any other vendors or maintenance workers allowed in the facility will be at all times escorted and sequestered from the finished raw and finished products.

Days and Hours of Operation

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

Hours of operation will typically be from 5 AM to 5 PM; eight hours per work shift. Commercial activities such as shipping and receiving will be limited to 5AM to 5PM.

Employee Safety Practices: Distribution operation implements best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be following standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

Domestic water shall be sourced from an onsite well.

Distribution facilities shall be equipped with ADA bathrooms and connected to a permitted septic system.

Increased Road Use:

Estimated eight trips per day during peak operations and four trips per day during normal operations. No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties are anticipated for distribution activities.

Boarding: Employees will have on-site boarding available

Distribution Schedule

| Month | Activities |
|--------------|---|
| January | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| February | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| March | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| April | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| May | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| June | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| July | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| August | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| September | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| October | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| November | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |
| December | Buy, Sell, Oversee Testing, Weigh, Package, Transport Product |

8 PROCESSING PLAN

Processing Practices:

Processing shall take place in a 6,000 sq. ft. building and is indicated on the plot plan. It will be a secured area with controlled access.

All processing methods utilized will comply with all industry, county, and state rules and guidelines.

All work surfaces and equipment maintained in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew to be strictly followed. The climate of the processing room is incredibly important. Climate control minimizes the introduction of harmful bacteria, mold, and mildew. The moisture level of the cannabis product should not go up or down after leaving the curing phase. The temperature and humidity in the processing room will be controlled so that the targeted moisture content at the end of curing is maintained throughout the processing cycle. Controlling humidity and the temperature is vital.

When raw cannabis product is brought from storage, it's taken to the processing room where a team of people prepare it. Below are the best practices for setup of the environment to ensure optimal cannabis processing.

Processing operations include the following Processing Practices:

- 1) Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- (3) Employees handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function.
- (4) Employees will wash hands sufficiently when handling cannabis of use gloves. They will also wear hair nets, masks, and a clean Tyvek suit.
- (5) To prevent respiratory issues an air filtration system will be in operation during processing of the raw cannabis materials to remove and or other particles and contaminates.
- (6) Lean manufacturing and minimal motion should be practiced to complete tasks. Every person on the processing team should minimize the motions they go through to accomplish their assigned task.

Processing Cannabis:

- (1) A manager will be responsible for the removal of bins from the locked storage room. Said individual will open bin examine content for proper level of moisture. If the content is deemed ready for trimming this individual will weigh bin content, then remove it from storage and bring into processing room. Here it will be this person's job to remove trimmable cannabis from stalk and branches then deliver material to trimmers. Stalk, branches, and large waste material will be weighed, toted, and returned to locked storage area. This material will be used for secondary manufacturing or disposed of. Trimmers remove the leaf from bud. Trimmers use precise strategic cuts to minimize the agitation and movement in the trimming process. Finished product and waste product (leaf) is routinely collected by managers, weighed then stored in locked area awaiting packaging.
- (2) Trimming may also be done by trimming machines.
- (3) Packaging falls into two different categories:
 - (1) Packaging of finished cannabis buds will be in appropriate quantities by weights. The filled packaging will be vacuumed sealed and placed into the secured storage area.
 - (2) Temporary packaging of all trim will be bagged for use in secondary manufacturing and put back into locked storage. Packaging operations will be supervised by the manager.

(4) Weights of raw and finished cannabis, as well as by-product, will be entered into the inventory track and trace system, the inventory management process reconciles the raw material weight to the finished weight and by-product weight.

Inventory Control Processes and Procedures:

- (1) METRC shall be used to track inventory throughout the processing facility. The Facilities inventory control process includes tracking of all incoming products, including the name and state license number of the cultivator, the testing lab data (as applicable), the strain, the suppliers product tracking identification data, and bill of lading from the transport company.
- (2) All incoming raw materials will be assigned a unique batch number that can be cross-referenced to the above referenced data and stays with the product through the distribution process and to final sale to our authorized customer.
- (3) All outgoing product will be tracked by SKU, batch number, invoice, and shipping documents; unless the product is not for sale and will be destroyed. The process for the documenting product to be destroyed is described separately in this manual.
- (4) The methodologies for tracking and inventory control may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

Access Control:

All Cannabis deliveries will be received at the facility from a State and/or locally permitted licensed distribution/ transport company; and all cannabis infused products will be transported to State licensed and/or locally permitted licensed cannabis wholesale, distribution, or manufacturing companies by State licensed and/or locally permitted licensed transport company.

Transport:

All Entrances to the facility will be restricted by an access control system capable of identifying authorized personal. The system will also be capable of limiting personnel access to the appropriate locations within the facility depending on the persons job and responsibilities, and limit facility access to certain times and days as appropriate. 24 hour access to the facility by emergency responders (Fire Department) will be provided via Knox Box.

Staffing + Staff Screening Processes:

The facility will require 5 full time employees and 15 seasonal employees during peak operations.

To the maximum effect allowed by California and federal employment law, candidates with a violent criminal history or a history of drug abuse will be screened from employment.

Customer Screening Process, Registration, and Validation Process and Procedures:

The Facility is for the purpose of distribution and all the products will be sold to State licensed facilities on a wholesale basis. As this is the case, the facility will not be open to the public and not accept visitors without a specific pre-authorized business purpose. Only authorized representatives of state licensed customer facilities and appropriately licensed vendors will be allowed to enter the facility and be near the product, but in all cases always supervised. Any other vendors or maintenance workers allowed in the facility will be at all times escorted and sequestered from the finished raw and finished products.

Days and Hours of Operation:

The facility is not open to the public and will not accept visitors without a specific business purpose. Hours of operation will typically be from 9 AM to 9 PM; eight hours per work shift. Commercial activities such as shipping and receiving will be limited to 10AM to 4PM.

Employee Safety Practices:

Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be following standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Safe Drinking Water, Toilets, and Sanitary Facilities:

At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

Domestic water shall be sourced from an onsite well.

Processing facilities shall be equipped with ADA bathrooms and connected to a permitted septic system.

Increased Road Use:

Estimated eight trips per day during peak operations and four trips per day during normal operations. No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties are anticipated for processing activities.

Boarding: Employees will have on-site boarding available

Processing Schedule

| Month | Activities |
|--------------|--|
| January | Drying / Curing / Trimming / Packaging |
| February | Drying / Curing / Trimming / Packaging |
| March | Drying / Curing / Trimming / Packaging |
| April | Drying / Curing / Trimming / Packaging |
| May | Drying / Curing / Trimming / Packaging |
| June | Drying / Curing / Trimming / Packaging |
| July | Drying / Curing / Trimming / Packaging |
| August | Drying / Curing / Trimming / Packaging |
| September | Drying / Curing / Trimming / Packaging |
| October | Drying / Curing / Trimming / Packaging |
| November | Drying / Curing / Trimming / Packaging |
| December | Drying / Curing / Trimming / Packaging |

9 NON-FLAMMABLE MANUFACTURING AND INFUSION PLAN

Non-Flammable Manufacturing and Infusion Practices:

Shall take place in a 2,000 sq. ft. space and is indicated on the plot plan.

All manufacturing methods utilized will comply with all industry, county, and state rules and guidelines.

All work surfaces and equipment maintained in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew to be strictly followed.

Manufacturing operations include the following Practices:

- (1) Manufacturing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Manufacturing operations will implement protocols which prevent packaging contamination and mold and mildew growth on cannabis.
- (3) Employees handling cannabis will have access to facemasks and gloves in good operable condition as applicable to their job function.
- (4) Employees will wash hands sufficiently when handling cannabis or use gloves.

Cannabis Water-Based Concentrate and Infusion Production:

- (1) The packaged and manufactured products produced by the facility will include a changing and evolving variety of cannabis based and infused products of varying forms and types, including but not limited to packaged flowers, infused edibles, oils, chewables, and other cannabis products.
- (2) The facility will ensure that all equipment, counters and surfaces used in the production of a Concentrate is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds and fungi and can be easily cleaned.
- (3) The facility will ensure that any room in which dry ice is stored or used in the processing Marijuana into a Concentrate is well ventilated to prevent against the accumulation of dangerous levels of CO₂.
- (4) The facility will ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by each employee engaged in the production of a Concentrate.

Inventory Control Processes and Procedures:

- (1) METRC shall be used to track inventory throughout the manufacturing and infusion facility. The Facilities inventory control process includes tracking of all incoming products, including the name and state license number of the cultivator, the testing lab data (as applicable), the strain, the suppliers product tracking identification data, and bill of lading from the transport company.
- (2) All incoming raw materials will be assigned a unique batch number that can be cross-referenced to the above referenced data and stays with the product through the distribution process and to final sale to our authorized customer.
- (3) All outgoing product will be tracked by SKU, batch number, invoice, and shipping documents; unless the product is not for sale and will be destroyed. The process for the documenting product to be destroyed is described separately in this manual.
- (4) The methodologies for tracking and inventory control may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

Transport:

All entrances to the facility will be restricted by an access control system capable of identifying authorized personal. The system will also be capable of limiting personnel access to the appropriate locations within the facility depending on the persons job and responsibilities, and also limit facility access to certain times and days as appropriate. 24 hour access to the facility by emergency responders (Fire Department) will be provided via Knox Box.

Staffing + Staff Screening Processes:

The facility will require 2 full time employees and 2 seasonal employees during peak operations.

To the maximum effect allowed by California and federal employment law, candidates with a violent criminal history or a history of drug abuse will be screened from employment.

Customer Screening Process, Registration, and Validation Process and Procedures:

The Facility is for the purpose of distribution and all the products will be sold to State licensed facilities on a wholesale basis. As this is the case, the facility will not be open to the public and not accept visitors without a specific pre-authorized business purpose. Only authorized representatives of state licensed customer facilities and appropriately licensed vendors will be allowed to enter the facility and be near the product, but in all cases always supervised. Any other vendors or maintenance workers allowed in the facility will be at all times escorted and sequestered from the finished raw and finished products.

Days and Hours of Operation:

The facility is not open to the public and will not accept visitors without a specific business purpose. Hours of operation will typically be from 9 AM to 5 PM; eight hours per work shift. Commercial activities such as shipping and receiving will be limited to 10AM to 4PM.

Employee Safety Practices:

Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be following standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Health and Safety:

- (1) All processing and food (Edible Marijuana-Infused Product) employees will have adequate knowledge of, and will be professionally trained in, food safety as it relates to their assigned duties.
- (2) There will be at least one food safety certified employee at the facility responsible for setting policy and providing training to employees. The

certified employee need not be present at the food facility during all hours of operation.

- (3) The employee will be responsible for ensuring that all employees who handle, or have responsibility for handling harvested marijuana, have sufficient knowledge to ensure the safe preparation of the product. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties.

Sanitary Conditions:

The Facility will take all reasonable measures and precautions to ensure the following:

- (1) That any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with Marijuana and Marijuana-Infused Product will be excluded from any operations which may be expected to result in contamination until the condition is corrected.
- (2) Hand-washing facilities will be adequate and convenient and be furnished with running water at a suitable temperature. Hand-washing stations will be in the Facility and where good sanitary practices require employees to wash or sanitize their hands and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.
- (3) That all persons working in direct contact with Marijuana and Marijuana-Infused Product will conform to hygienic practices while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness.
 - b. Washing hands thoroughly in an adequate hand-washing area(s) before starting work and at any other time when the hands may have become soiled or contaminated.
 - c. Refraining from having direct contact with Marijuana and Marijuana-Infused Product if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.

- (4) That litter and waste are carefully removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marijuana and Marijuana-Infused Products are exposed.
- (5) That floors, walls, and ceilings of the processing and manufacturing areas are constructed in such a manner that they may be adequately cleaned, and each is kept clean and in good repair.
- (6) That there is adequate lighting in all areas where Marijuana and Marijuana Infused Product are stored, and where equipment or utensils are cleaned.
- (7) That there is adequate screening or other protection against the entry of pests. Rubbish will be disposed of to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests.
- (8) That fixtures and other facilities are maintained in a sanitary condition.
- (9) That toxic cleaning compounds, sanitizing agents, and other chemicals will be identified, held, stored and disposed of in a manner that protects against contamination of Marijuana or Marijuana-Infused Product and in a manner that is in accordance with any applicable local, state or federal law, rule, regulation or ordinance.
- (10) That Marijuana and Marijuana-Infused Product that can support the rapid growth of undesirable microorganisms are held in a manner that prevents the growth of these microorganisms.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

Domestic water shall be sourced from an onsite well.

Manufacturing and infusion facilities shall be equipped with ADA bathrooms and connected to a permitted septic system.

Increased Road Use:

Estimated one trip per day normal operations. No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties are anticipated for processing activities.

Boarding: Employees will have on-site boarding available

Manufacturing Schedule

| Month | Activities |
|--------------|-----------------------------|
| January | Manufacturing and packaging |
| February | Manufacturing and packaging |
| March | Manufacturing and packaging |
| April | Manufacturing and packaging |
| May | Manufacturing and packaging |
| June | Manufacturing and packaging |
| July | Manufacturing and packaging |
| August | Manufacturing and packaging |
| September | Manufacturing and packaging |
| October | Manufacturing and packaging |
| November | Manufacturing and packaging |
| December | Manufacturing and packaging |

10 PARKING PLAN

There shall be a total of 17 parking spaces, one parking space for every two employees per Ordinance No. 2599, amending sections 314-55.4, 314-55.3.11.7, 314-55.3.7 and 314-55.3.15 of Title III, Division 1, Chapter 4, Section 55.4.6.12.14, part f.2 of the Humboldt County Code. The expected maximum number of employees on site is 34; therefore, there shall be 17 parking spaces for The Apartment operations. The parking area shall include a firetruck turnaround area as defined in Title III, Division 11, Chapter 2, Section 3112-7 of the Humboldt County Code.

11 ENERGY PLAN

100% of all energy will be renewable. A generator will be utilized ONLY in an emergency.

The Apartment Distribution, Processing, Non-Flammable and Infusion will conform to energy performance standards listed in Ordinance No. 2599, amending sections 314-55.4, 314-55.3.11.7, 314-55.3.7 and 314-55.3.15 of Title III, Division 1, Chapter 4, Section 55.4.12.5.1 of the Humboldt County Code.

The entire facility will utilize energy efficient LED Lighting. All structures will conform to the strictest energy efficient standards.

12 SECURITY PLAN

- (1) Solar Lighting- Motion sensor lighting is installed around the facilities such that the site can be monitored efficiently.

- (2) Alarm- There is an informal community watch in place in the neighborhood. Alarm systems shall be installed at the processing facility, distribution facility, non-flammable manufacturing/infusion facility.
- (3) Access Control- Entrance to the site is restricted by a locked gate and located at the end of the road.
- (4) All products will be stored in locked locations. The security measures will secure cannabis against diversion by protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility and by surveillance monitoring of personnel and visitors when near the product. Strict inventory control measures will also be engaged to prevent and detect diversion.
- (5) CCTV all property
- (6) Secure Key fobs to enter facilities
- (7) Security fence around commercial operations
- (8) Natural barriers and location
- (9) Security always onsite 24/7/365
- (10) All finished product will be locked in the storage room.

13 LIGHTING POLLUTION CONTROL PLAN

Security lighting will be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

Facility and vicinities shall be self-inspected twice annually at nighttime during artificial light use period to assure the continued effectiveness of light containment measures. The Dark Sky Monitoring Form is included in the Appendix.

14 NOISE SOURCE ASSESSMENTS AND MITIGATION PLAN

Generators located on site and will be in insulated generator sheds. Combined decibel level for all noise sources at the property line shall be no more than 60 decibels. Noise shall be monitored monthly to assure that noise dampening measures remain effective. The Noise Monitoring Form is included in the Appendix.

Appendix

1 THE APARTMENT DARK SKY MONITORING FORM

Self-inspection to be conducted after dark, twice annually when supplemental artificial lighting is in use.

Name: _____

Date: _____

Time: _____

Walk perimeter of greenhouses.

Is light visible? No Yes

If yes describe:

Observe cultivation area from road.

Location of observation:

Observation approximate distance from cultivation areas:

Is light visible? No Yes

If yes describe:

Other Notes/Observations:

2 THE APARTMENT NOISE MONITORING FORM

Self-inspection to be conducted monthly.

Name: _____

Date: _____

Time: _____

Combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels.

Is decibel reading at 60 decibels or under at property lines? No Yes

 If no, describe mitigation measures to ensure noise management at property line:

(Fill If Applicable)

Location of generator shed:

Decibel reading at generator shed:

Decibel reading at 100 feet away (in clear sight; no obstruction):

 Is decibel reading 50 decibels or under? No Yes

 If no, how far away until 50 decibels or under (in clear sight; no obstruction)?

(Fill If Applicable)

Location of second generator shed:

Decibel reading at generator shed:

Decibel reading at 100 feet away (in clear sight; no obstruction):

 Is decibel reading 50 decibels or under? No Yes

 If no, how far away until 50 decibels or under (in clear sight; no obstruction)?

Other Notes/Observations:

9.3.2021

Submitted to: The Apartment

The Apartment

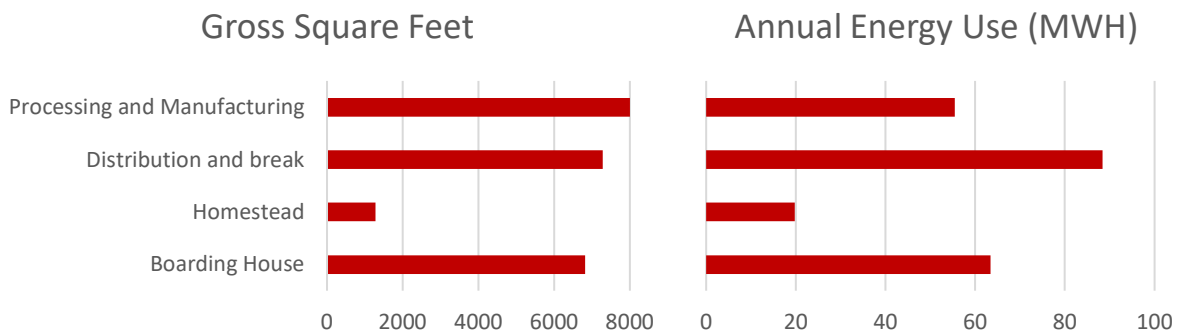
Energy Budget

Conceptual off-grid, 100% renewable energy supply plan for 4601 Barnum Rd, Miranda, CA 95553, including energy demand, supply, and storage analysis.

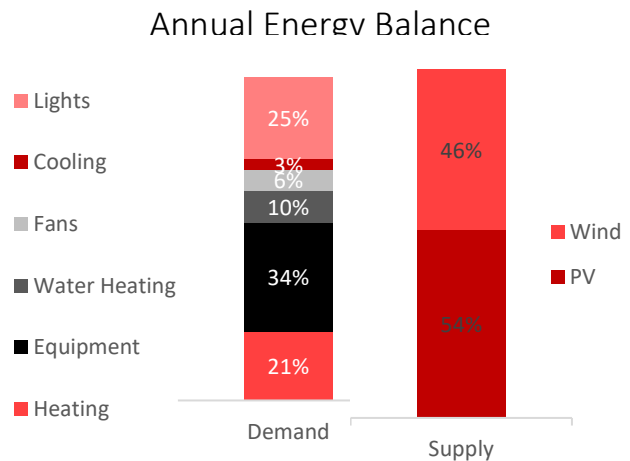
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At a Glance



| Fast Facts | |
|---------------------|----------------------------------|
| Installed PV | -250 kW |
| GHG Saved | -57 tons CO2 |
| | -11 commuter cars |
| Less Precious Metal | -5% fewer batteries ¹ |



The energy system design for 4601 Barnum Rd consists of 1500 m² or approximately 250 kW of installed PV and a single 100 kW wind turbine. Demand peaks in winter and consists of mostly heating load. Extended periods of little sun and wind create the need for 800 kWh of storage, which is provided in 4601 Barnum Rd by lithium-ion batteries. The system is sized so as not to ever use the generator.

¹ Estimate of required battery capacity made using contractor estimate tool

Demand

4601 Barnum Road is located in Miranda, California. Miranda has a favorable climate for buildings. It reaches a maximum sustained temperature of 33°C for a few days each summer, and sees a mild winter, with January as the coldest month and minimum temperatures reaching not much below 4°C. With the mild climate necessitating little cooling, the heating load is expected to account for the peak load on this property, as it is slated to be all-electric.

The profile of the energy demand and some aspects of the energy supply for this property were attained, as is customary, through typical meteorological year data. There are a couple thousand weather stations around the U.S., for which temperature, humidity, solar radiation, and other metrics have been measured for years and aggregated through painstaking research into an hourly weather profile which adequately represents the variance which could be seen in this climate. These files are not just a single year's measurements, they are a compilation of many years' data which has been put together to average out season-level anomalies, but also keep any peaks which could appear in a few years timeframe. Because of the availability of this data, one must choose a weather station which adequately represents the climate of the property in question, which is sometimes but not necessarily the closest geographically.

Climate zones can be used to estimate which weather station's data fits the property in question most accurately. California has been divided up into relatively small climate zones, each of which have approximately the same weather and climate characteristics throughout. The Napa Valley Airport weather station data has been chosen to represent the climate at the property because it occupies the same climate zone and is one of the closest stations, geographically.

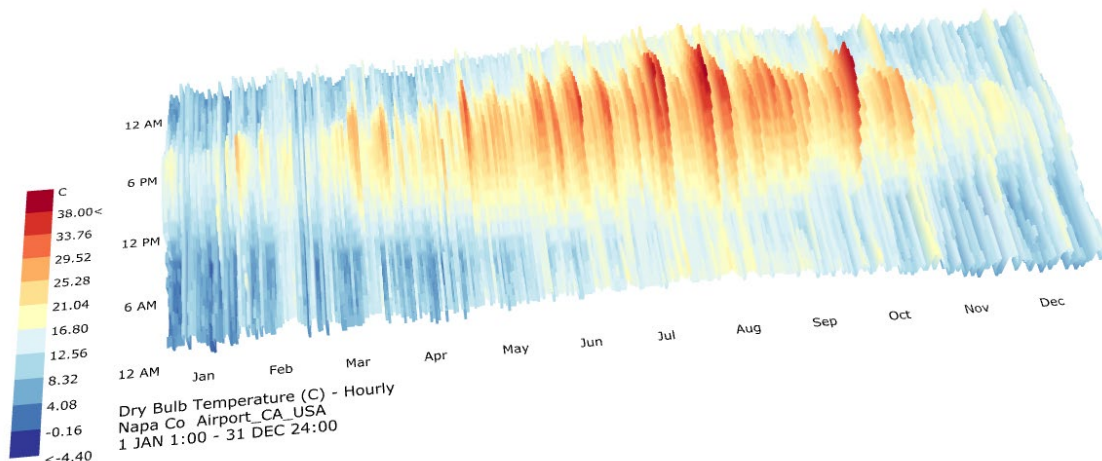


Figure 1. Outside temperatures on-site

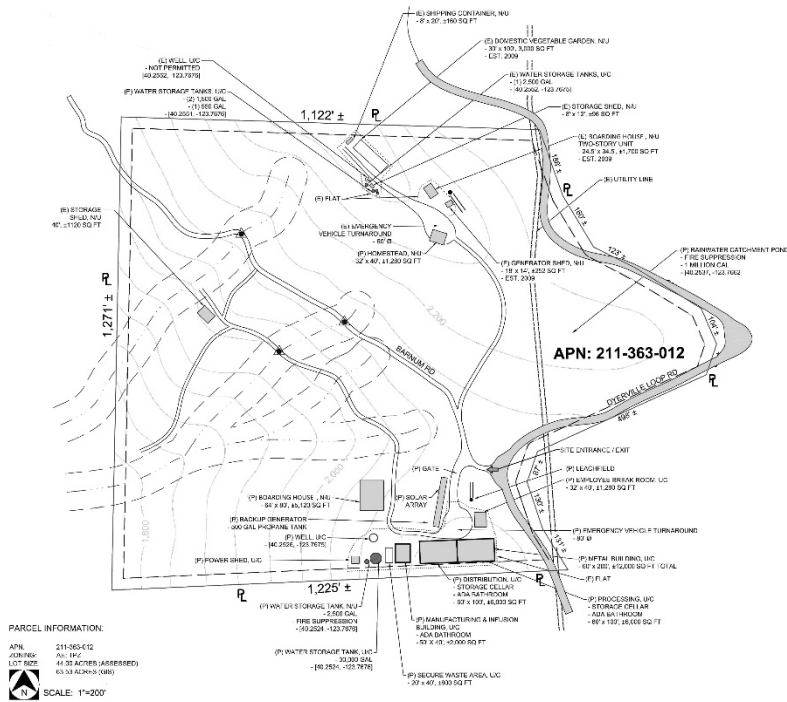


Figure 2. Site Map

4601 Barnum Rd. consists of a main 12,000 ft² metal building which houses distribution and processing for the cannabis facility. Half of the floor area of this building is expected to be distribution operations, with activities such as purchasing, selling, a showroom, and a packaging area taking place there. The other half of the floor area of this building is dedicated to processing operations, with mostly trimming activities taking place inside. There is a small employee break area, two boarding houses, and a homestead also on the property and included in the analysis.

To derive the expected building load, National Renewable Energy Laboratory’s research on load profiles was leveraged. Square footage was aggregated along similar space types, and the corresponding load profile was used for each type of activity. These types and the sum of their load profiles are shown in the figures below. For the processing and manufacturing areas, equipment types and quantities are known. In the case of this load, the load profile was scaled by peak power draw of the known equipment and a diversity factor was added to account for different usage times.

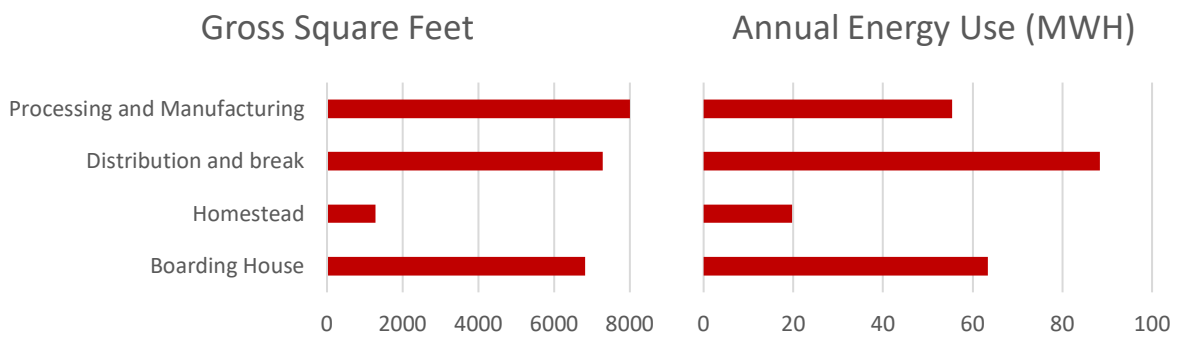


Figure 3. Energy demand by type and end use

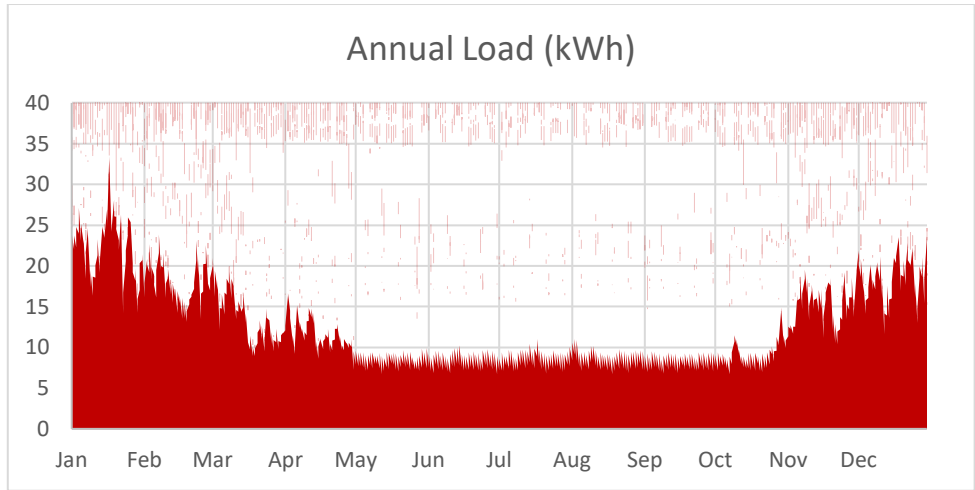


Figure 4. Annual load

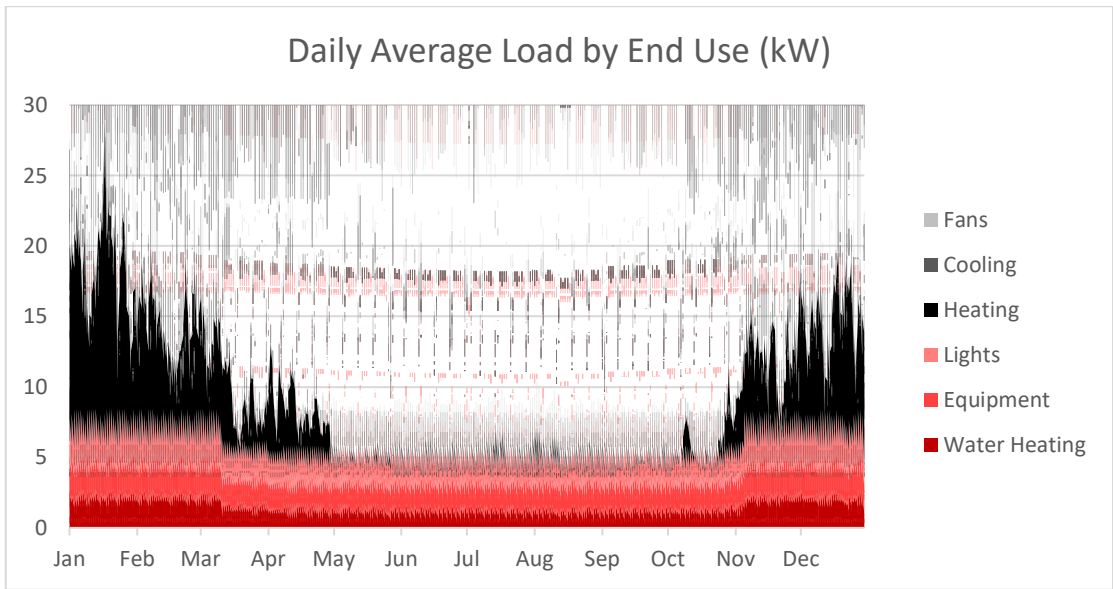


Figure 5. Annual demand by end use

The yearly peak load, which translates to the design conditions for our supply system before storage is considered, takes place in the coldest month of the year. This is subject to change depending on what technology is chosen to meet the heating loads in the building, but due to the stage of the design, this analysis assumes a mix of heat pumps and electric strip heating. This dependency is addressed in more detail in the conclusion section.

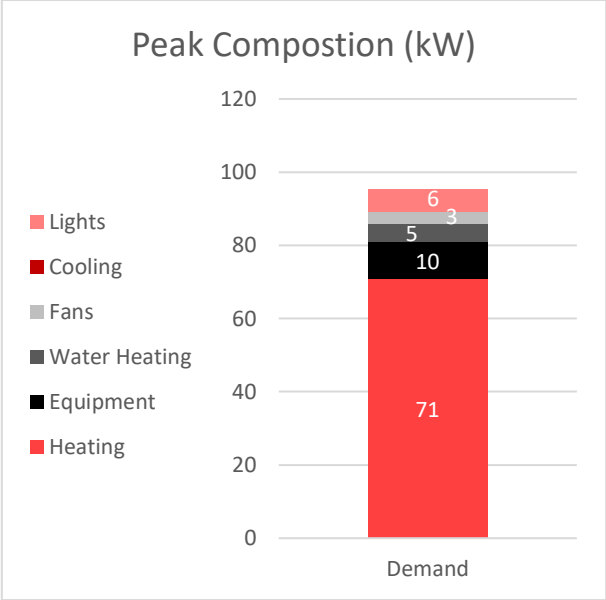


Figure 6. Peak Energy Demand Breakdown

Supply

4601 Barnum Rd. finds itself in Miranda, CA, in California climate zone 2. Solar resource on site is average, with little potential production in the winter months of November to February, marginal production in October and March, and substantial availability during the Summer. Peak solar resource lasts from 11:00 a.m. to 3:00 p.m. during the summer, but 10-14 hours of total sun per day during the winter. In the winter, the little solar resource available is around from 10:00 a.m. to 4:00 p.m.

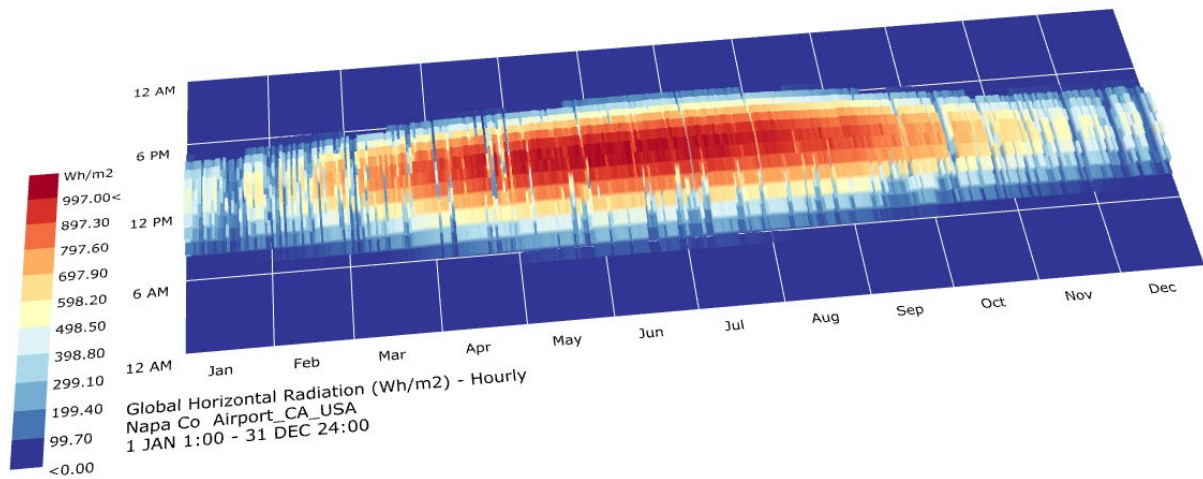


Figure 7. Solar energy availability

Wind resource on-site is also average to low, compared to the rest of California, as shown in the map of annual average wind speed from NREL below. Wind resource is relatively constant throughout the year, with the most abundant days distributed through the winter, but higher constant availability during summer afternoons and evenings.

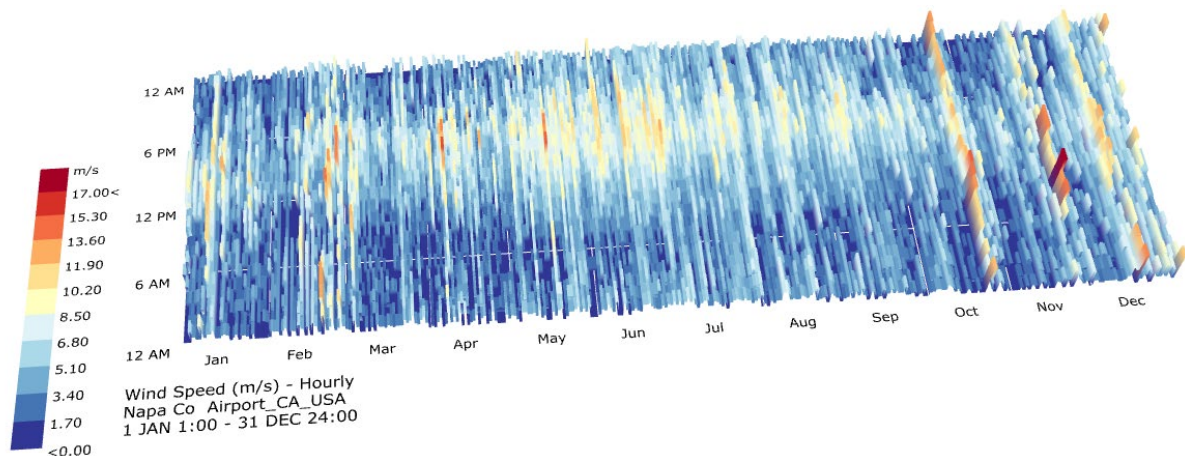


Figure 8. Wind energy availability

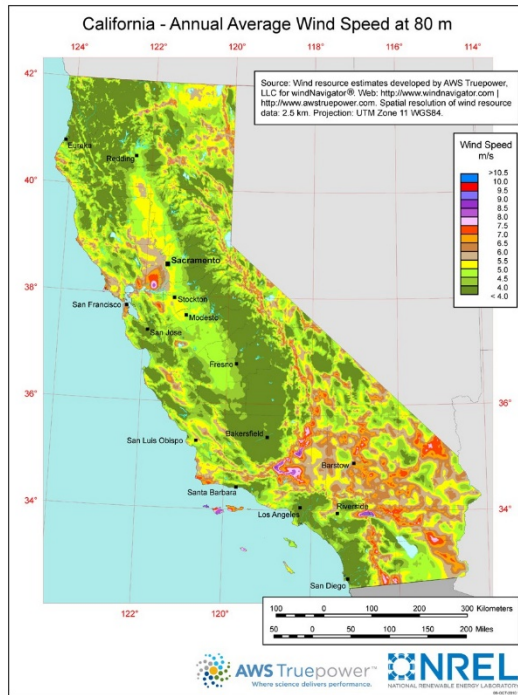


Figure 9. California annual average wind speed

All peak load conditions occur in the Winter, so that must be considered when choosing a supply system. Wind energy was chosen as a strong contributor to the supply mix because of the year-round availability, even in Winter. To analyze supply systems, NREL’s System Advisory Model program was used.

The off-grid nature of the property has wide-reaching implications on the design of the supply systems. Off-grid energy supply systems must consider the time aspect of supply vs. demand of energy and must provide more generation capacity to be able to charge energy storage systems when they are available, so that the storage systems can discharge when the supply systems are not available. This creates a balance between storage system capacity and supply system capacity.

Table 1. Supply system specifications

| | Installed Capacity (kW) | Estimated Cost ² |
|-------------------|-------------------------|-----------------------------|
| Ground-mounted PV | 215 | \$527,250 |
| Wind | 100 | \$160,000 |

² Cost is estimated based on past installation in California, listed by DoE

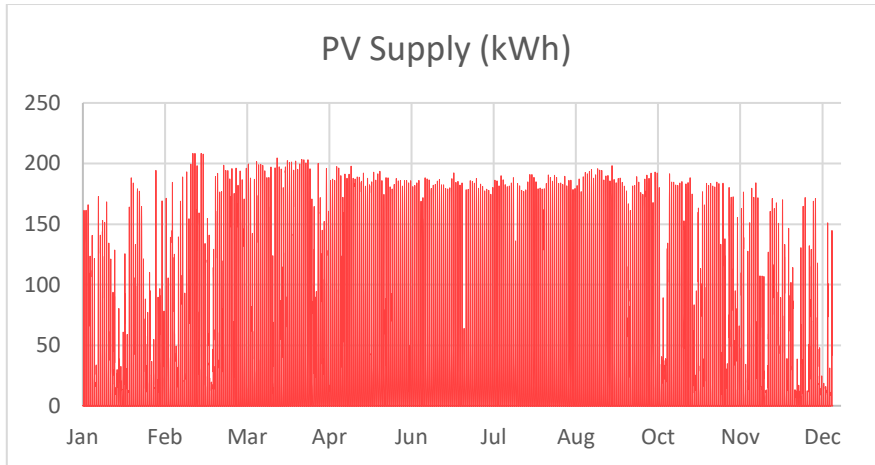


Figure 10. PV Production

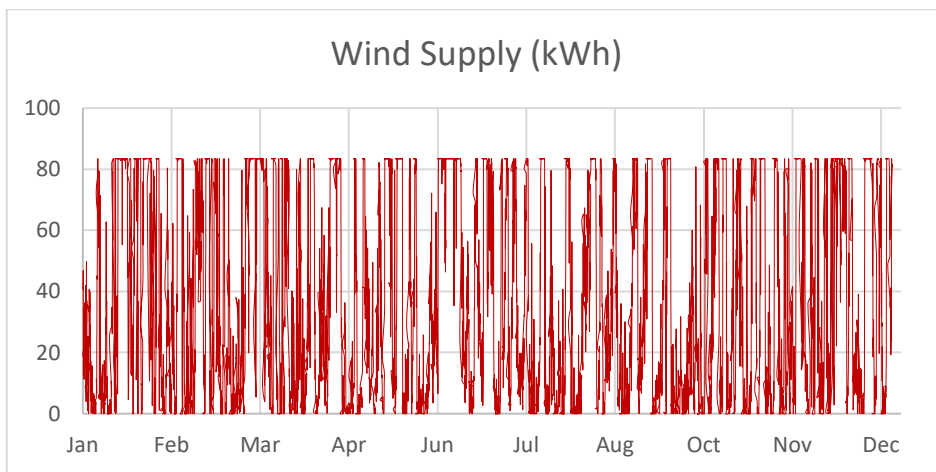


Figure 11. Annual supply capacity

Storage

There are several constraints on energy supply at 4601 Barnum Rd which prevent the energy generation from being exactly at the time of demand, even after bringing in considerable wind generation. For this reason, lithium-ion batteries are necessary – to bridge the time gap between supply and demand.

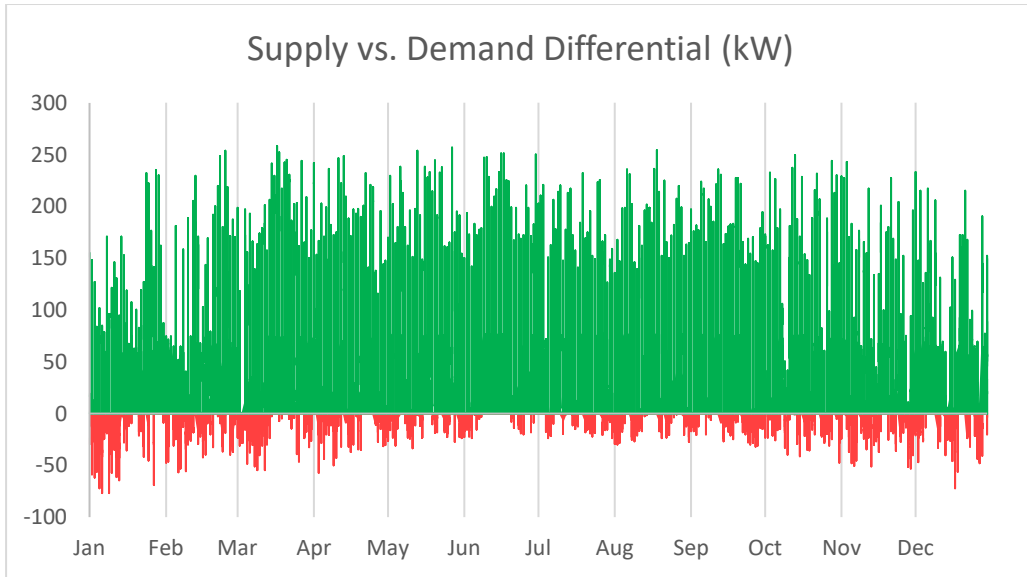


Figure 12. Supply and demand mismatch

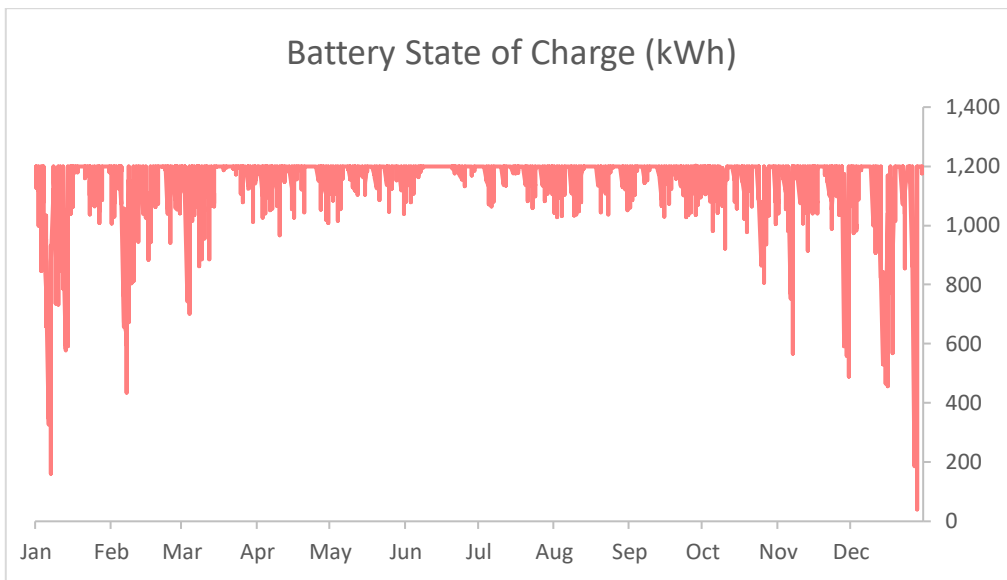


Figure 13. Energy storage utilization

| | <i>Installed Capacity (kWh)</i> | <i>Estimated Cost³</i> |
|-------------------------|-------------------------------------|---------------------------------------|
| <i>Li-ion Batteries</i> | 1200 | \$168,000 |

The design of an off-grid energy system requires tradeoffs. Often, one or two weeks per year dictate how much supply and storage capacity needs to be installed. This system is sized to allow every hour of expected demand to be met, as seen by the state of charge never dropping to zero in the graph above. This estimation is very sensitive to demand. In a design revision, 400 additional kWh of battery capacity is required to prevent a backup generator to run.

³ Cost is estimated based 2021 Li-ion battery costs per kWh from *The Economist*

The capacity of the battery pack was chosen to minimize the use of the cobalt and lithium, which carry human rights implications due to their mining and processing.

Conclusions

There are infinite options for supply and storage systems at this property. This report is a conceptual stage estimation of what is required. Future designers and planners for this property should take into consideration the following items for the energy system:

1. If heat pumps are chosen to meet the heating load throughout the facility, some supply or storage capacity can be saved because this directly reduces the more influential energy demand in the peak periods.
2. If cost or other concerns constrain the capacity of the supply system to be installed, a similar result can be attained by trading supply capacity for storage capacity and vice versa.
3. The system is sized so that the backup generator should never be used.



**ROAD EVALUATION REPORT
DYERVILLE LOOP ROAD
MYERS FLAT, CALIFORNIA
APN 211-363-012**

Prepared for:
ATS Managementgrp, LLC

Prepared by:
OMSBERG & PRESTON
402 E Street
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September 21, 2021
(Job. No. 21-2235)



Kimberly D. Preston, P.E.
R.C.E. 62665



Introduction:

A road evaluation for a segment of Dyerville Loop Road, a public access road leading to APN 211-363-012, was conducted on September 15, 2021, by Tyler Martin, EIT, of Omsberg & Preston. This evaluation was undertaken to determine if the road network used to access the project site meets the intent of the County’s Road Category 4 standard.

Background:

Dyerville Loop Road is a County maintained road providing access to the Fruitland Ridge and Oak Glen areas of Humboldt County. The parcel in question is located at the junction of Barnum Road and Dyerville Loop Road, and directly abuts Dyerville Loop Road. The segment of road in question (see Figure 1) is unpaved and has no center line stripe. The purpose of this road evaluation report was to assess the road along this portion to ensure that it meets standards appropriate for the project needs. The pathway to the site from Highway 101 is through Myers Flat to Elk Creek Road and then to the intersection of Dyerville Loop Road and Elk Creek Road.

Mile post markers (MP) begin from the parcel in question and proceed north, ending at the intersection of Dyerville Loop and Eel Rock Road. The road segment analyzed is approximately 1.3 miles in length, and was found to have one (1) neck-down point.

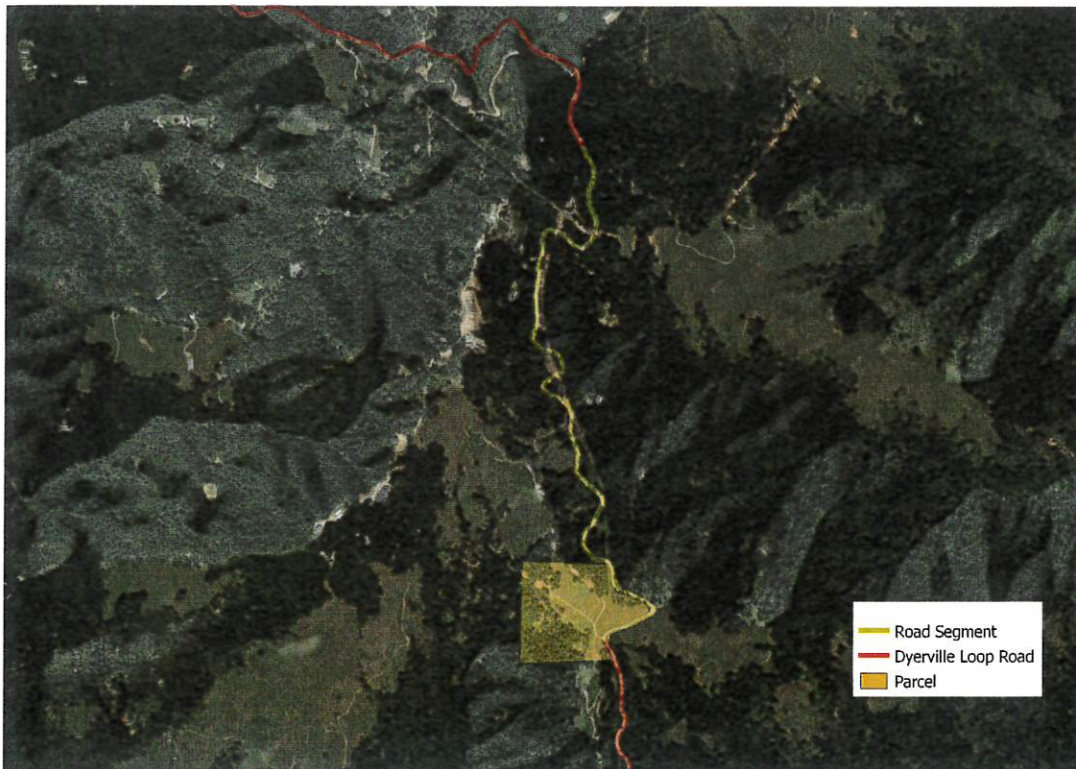


Figure 1: Route Map showing the segment of Dyerville Loop Road evaluated by this Report

Findings:

Estimated Adjusted Daily Traffic (ADT)

The estimated ADT for this segment of Dyerville Loop Road is under 400 vehicles per day.

Sight Distance

Sight distance is adequate throughout the length of road evaluation. There were 16 turnarounds found along the segment of road analyzed that are sufficient for emergency vehicles, passing, and emergency stops.

Road Drainage

The road is outsloped for most of its length and has a total of seven (7) culverts along the segment in question. The culverts were not blocked and were found in good condition. Five (5) of them are ditch relief culverts and two (2) provided for small streams that flow under the road through 36-inch culverts.

Assessment of culvert design is not part of this report. Culverts are only analyzed as they apply to road-side drainage. No watershed or flow related analysis of the culverts was performed.

Conclusion:

Dyerville Loop Road, a County maintained road, is well maintained along this gravel section, is of adequate width to support the proposed development, and meets the intent of the County's Category 4 Road Standards. The road was found to have an 18 to 25-foot travel way throughout, with adequate turnout placement and distribution. The one (1) neck-down point observed was found to have intervisible site distance on approach from either direction.

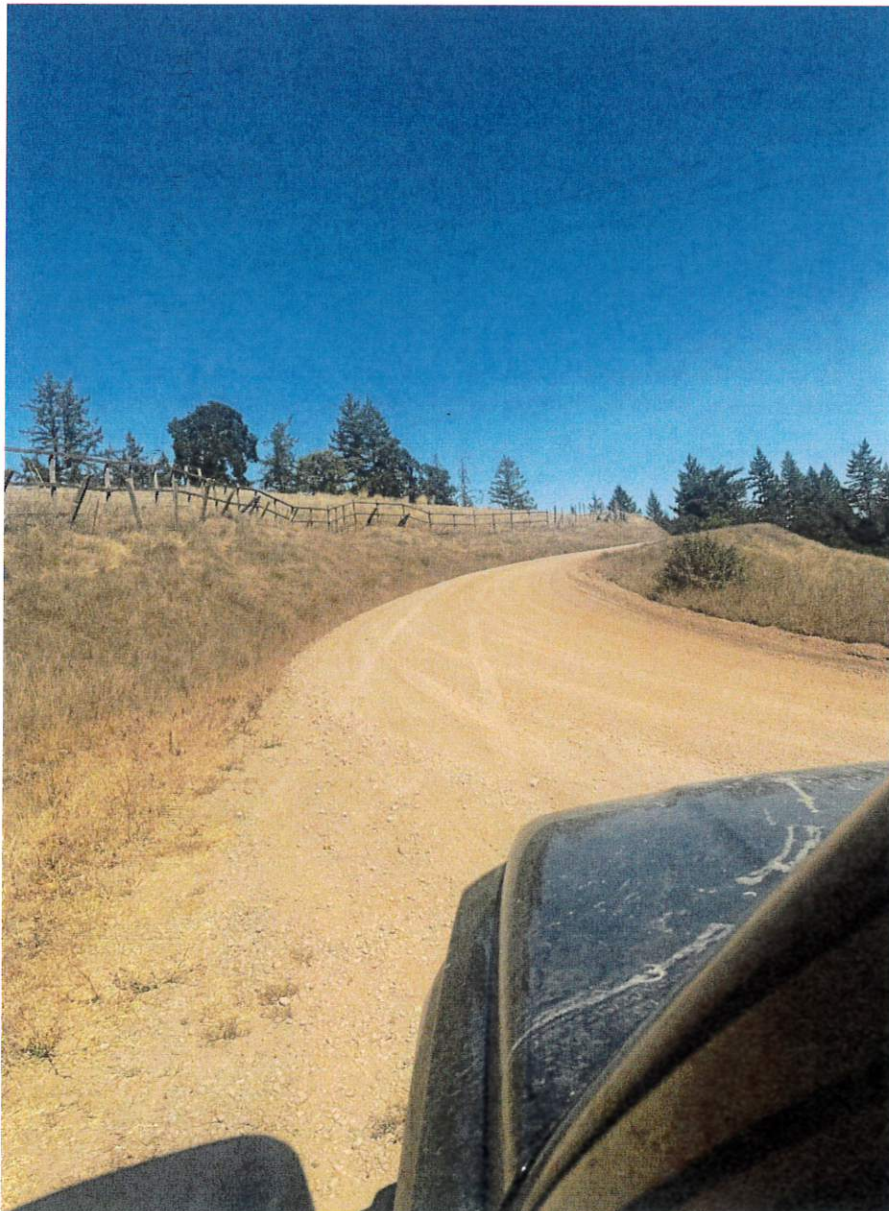
Road Evaluation – Supporting Imagery

Dyerville Loop Road

(From September 15, 2021 Road Evaluation)

(All photos are looking North along Dyerville Loop Road)

Mile 0.0 (At the intersection of Barnum and Dyerville Loop, at APN 211-363-012): 25-foot wide road prism with adequate visibility & sight distance.



Mile 0.1 (Dyerville Loop Road): 0+25+0=25-foot wide road prism with excellent visibility & sight distance.



Mile 0.2 (Dyerville Loop Road): 0+25+0=25-foot wide road prism with excellent visibility and sight distance.



Mile 0.3 (Dyerville Loop Road): 0+25+7=32-foot wide road prism with excellent visibility and sight distance; 7-foot wide RH turnout.



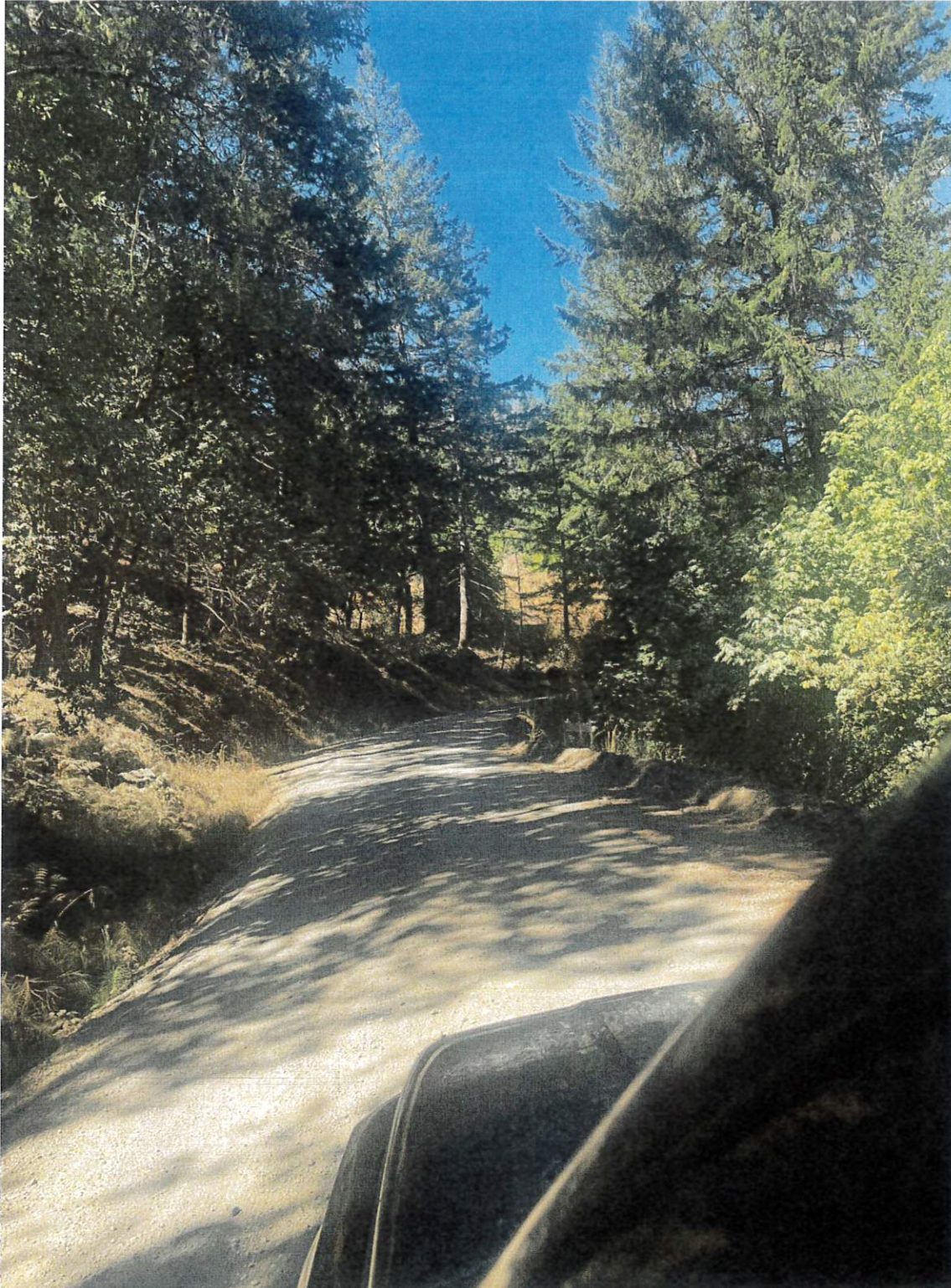
Mile 0.4 (Dyerville Loop Road): 0+20+0=20-foot wide road prism with excellent visibility and sight distance.



Mile 0.5 (Dyerville Loop Road); 0+25+10=35-foot wide road prism with excellent visibility and sight distance; 10-foot wide turnout.



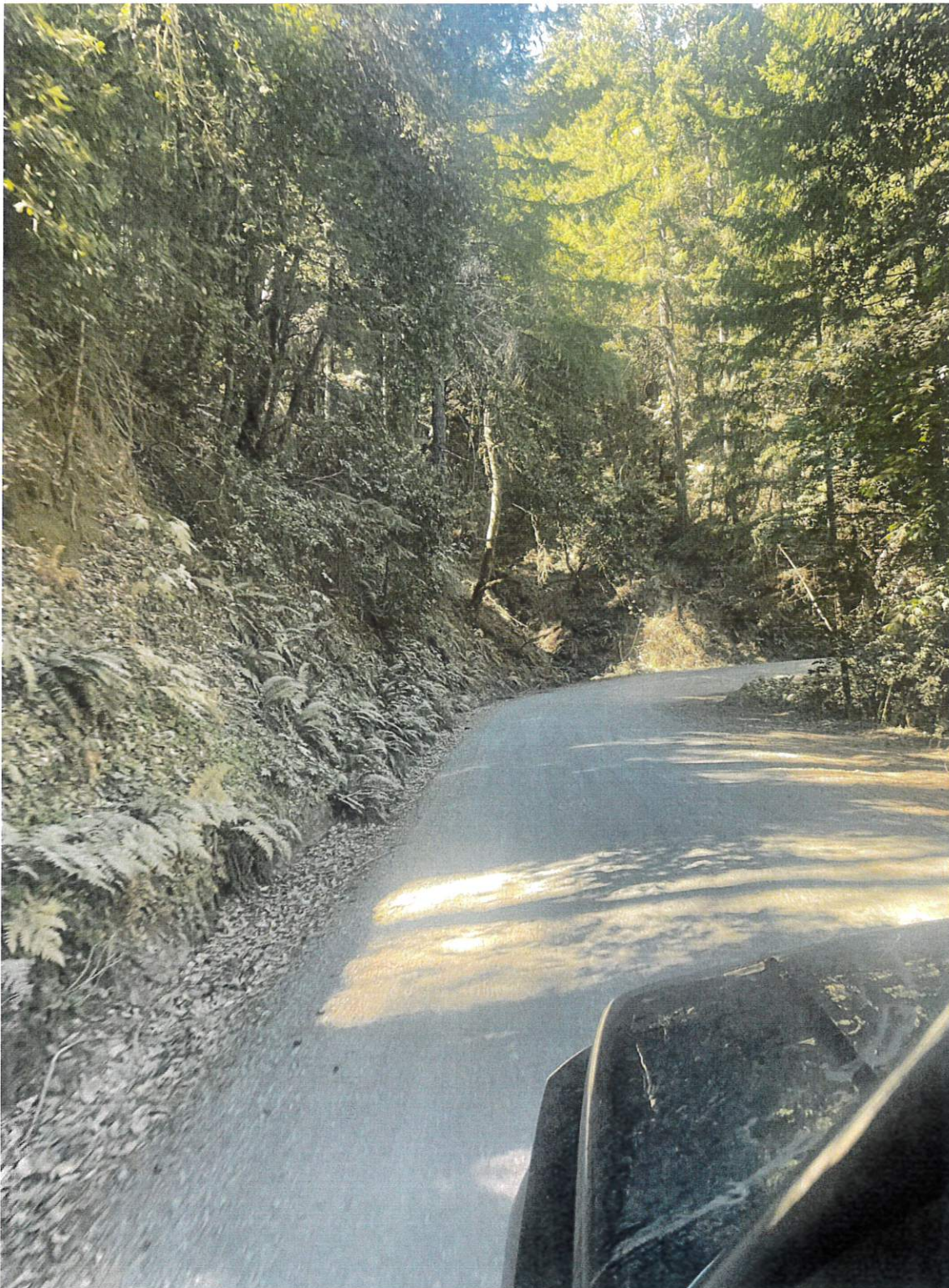
Mile 0.6 (Dyerville Loop Road); 0+18+0=18-foot wide road prism with excellent visibility and sight distance; road necks down to one lane but visibility is good from either side of neck down.



Mile 0.7 (Dyerville Loop Road); 0+25+25=50-foot wide road prism with excellent visibility and sight distance; 25-foot wide turnout.



Mile 0.8 (Dyerville Loop Road); 0+25+7=32-foot wide road prism with excellent visibility and sight distance; 7-foot wide turnout.



Mile 0.9 (Dyerville Loop Road); 0+25+0=25-foot wide road prism with excellent visibility and sight distance.



Mile 1.0 (Dyerville Loop Road); 0+25+0=25-foot wide road prism with excellent visibility and sight distance.



Mile 1.1 (Dyerville Loop Road); 0+25+0=25-foot wide road prism with excellent visibility and sight distance.



Mile 1.2 (Dyerville Loop Road); 0+25+8=33-foot wide road prism with excellent visibility and sight distance; 8-foot wide turnout.



Mile 1.3 (Dyerville Loop Road); 0+25+0=25-foot wide road prism with excellent visibility and sight distance; road is paved.



**ROAD EVALUATION ADDENDUM
DYERVILLE LOOP ROAD
APN 211-363-012**

September 24, 2021

PROTECTIONS FOR WATER QUALITY AND BIOLOGICAL RESOURCES

As Dyerville Loop Road is a County-maintained road, this addendum will only include the status of the road and will not include recommendations for improvements. It is assumed that any improvements are the sole responsibility of the County of Humboldt.

Current Status: Dyerville Loop Road is currently well-constructed with respect to water quality. All inboard ditches are vegetated and/or rocked, and outlet through ditch relief culverts at regular intervals. The road showed no signs of water damage, and all water structures are functioning as intended. Two stream crossings were found along the stretch of road evaluated, and the culverts associated with them were sized correctly by the County at the time of installation. For all areas of the road that are not served by inboard ditches, the road is outloped at an appropriate grade, and drains to well-vegetated soils.

No threat to biological resources were found to exist, as none of the streams are fish-bearing, and all opportunities for sediment transport are well-mitigated by the structures in place along the road length in question.

Conclusion: It is our opinion that there exists no threat to water quality or biological resources along this stretch of Dyerville Loop Road, which is a County maintained-road, therefore, no improvements are being recommended at this time.



Kimberly D. Preston, R.C.E. 62665





Biological Reconnaissance Assessment

APN: 211-363-012

June 2020

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Appendix A: Maps

Appendix B: Field Photos

Appendix C: Database Results

Executive Summary

Mother Earth Engineering staff biologist Risa Okuyama conducted a preliminary biological habitat assessment on June 18, 2020 for potential listed species and species of concern at subject property, APN: 211-363-012. The purpose of this assessment is to provide an evaluation of the project site, discuss current site conditions, and assess any potential project impacts to biological resources within the Study Area.

The applicant, The Apartment, LLC, is currently applying for a distribution, processing, and non-volatile manufacturing permit at the subject parcel at APN: 211-363-012 under the Humboldt County's CMMLUO. No cultivation is proposed at this site. Proposed development includes a 12,000 sq. ft metal building for processing, storage and distribution, a 2,000 sq. ft. manufacturing building, a 1 million gallon rainwater catchment dedicated for fire protection, solar array, homestead and employee housing. The project site is located in an existing, open, flat with slopes less than 5% on the southern side of the parcel (*Appendix A, Figure 1*). No trees are to be removed for the proposed development. The primary source of water for this project site will be supplied by a 30,000 gallon rainwater catchment tank with supplemental water from an existing groundwater well and an additional proposed well. Energy at this site will be supplied by solar power array with generators on-site for emergency use.

The Study Area was walked and examined for existing habitat types, riparian areas, current vegetation composition, and project impacts on potentially present listed species. Based on historical imagery, the project site is a naturally open flat composed of annual and perennial grasses and forbs. There are four (4) ephemeral watercourses that drain west into Fish Creek, a tributary to the Eel River. All projects are outside streamside management area setbacks.

The site inspection did not yield any observations of rare, sensitive, or special status plant species. Due to the non-native species composition and level of disturbances, proposed project activities at this site will not result in significant negative impacts to special-status plant species or communities.

The surrounding forest of the existing project site is a mixed hardwood coniferous forest with no dense, or mature stands to suit northern spotted owl (NSO) habitat. The site investigation did not yield any positive sighting or evidence of NSO habitation in the area. Proposed project activities do not require tree removal. Due to lack of preferred mature, coniferous forest habitat, project activities do not take place within potential nesting habitat, will not alter or modify any existing NSO habitat and have a low probability of negatively affecting the species.

Although no nesting habitat will be altered, potential impacts from proposed project activities include light and noise pollution. The applicant, The Apartment, LLC, has agreed to adhere to International Dark Sky Standards, keep all project-related noise less than 50 dBA at 100-foot distances, not to use rodenticides, utilize heavy equipment outside of the critical bird nesting season (February – July), and ensure that any and all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored with secondary containment in an enclosed structure. The project site on the property did not contain ideal habitat for mature coniferous forest wildlife species, such as the Humboldt marten. Project activities within the Study Area will not modify any existing sensitive habitat and have a low probability of negatively affecting any listed species. Should development of wooded areas become necessary, Mitigation Measure 3.4-1e of the CCLUO MMRP shall be implemented.

Additional consultation with agency staff including the California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), Humboldt County and US Fish and Wildlife Service (USFW) will continue throughout the project application, if necessary, and protocol-level surveys will be conducted, if required.

1. Introduction

1.1 Purpose and Need

The purpose of this assessment is to provide an evaluation of existing biological resources on site and assess any potential project impacts to biological resources, specifically to rare or endangered species, within the project Study Area. This document was prepared to provide a preliminary assessment of the biological resources under the jurisdiction of the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), the Regional Water Quality Board (RWQCB), and the Humboldt County Streamside Management Area guidance (SMA) for the 44-acre property on which The Apartment, LLC proposes to operate a commercial nursery, distribution, processing and non-volatile manufacturing business.

1.2 Project Description

The applicant, The Apartment, LLC, is currently applying for a distribution, processing, and non-volatile manufacturing permit at the subject parcel at APN: 211-363-012 under the Humboldt County's CMMLUO. All cannabis related activities are referred to as "projects" throughout the duration of this assessment. The "Study Area" includes areas that are used for cannabis related activities, such as cannabis infrastructure and related land disturbance.

The project site is located in an existing, open, flat with 5% slopes on the southern side of the parcel (*Appendix A, Figure 1*). No cultivation is proposed at this site. Proposed development includes a 12,000 sq. ft metal building for processing, storage and distribution, a 2,000 sq. ft. manufacturing building, a 1 million gallon rainwater catchment dedicated for fire protection, solar array, homestead and employee housing. No trees are to be removed for the proposed development. The primary source of water for this project site will be supplied by a 30,000 gallon rainwater catchment tank with supplemental water from an existing groundwater well and an additional proposed well. Energy at this site will be supplied by solar power with generators on-site for emergency use.

1.3 Project Location

The project area is located at 4601 Barnum Road in the Miranda area (Section 31, Township 2 South, Range 4 East) of Humboldt County, California (*Appendix A, Figure 1*). The project is located on APN: 211-363-012 within the U.S. Geological Survey's (USGS) Myers Flat 7.5-minute quadrangle map. The parcel is zoned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) and classified as Agriculture (AG) and Timberland (T) under the current general plan. Proposed development will only take place within the section of the parcel designated as AE. The parcel elevation ranges from 1,800 to 2,240 feet above sea level. Project related areas range in elevation from 2,100 to 2,120 feet. The USDA Forest Service CALVEG ("Classification and Assessment with Landsat of Visible Ecological Groupings") system classifies the property and project area as Annual Grassland (AGS), Douglas Fir (DFR) and Montane Hardwood Conifer (MHC).

2. Environmental Setting

2.1 Soil

According to the NRCS Web Soil Survey, the soil type on the property is composed of four (4) soil complexes: the Yorknorth-Witherell complex, 30 to 50 percent slopes (662) generally under the grassland areas, the Sproulish-Canoecreek-Redwohly complex 30 to 50 percent slopes (574) generally under the mixed hardwood conifer forests,

the Tannin-Wohly-Rockyglen complex 30 to 50 percent slopes (405) generally on the ridgeline, and a sliver of Tannin-Wohly complex, 9 to 30 percent slopes (407) adjacent to the project site¹.

The project area is primarily situated within the Yorknorth-Witherell complex. The Yorknorth series, which comprise 70% of the complex, consists of very deep, moderately well-drained soils formed in material weathered from chlorisitc schist and other sedimentary and metamorphic rocks. This complex is typically associated with annual and perennial grassland species such as ripgut brome, wild oat, California oatgrass, blue wildrye, medusahead, rat-tail fescue, common sheep sorrel, hairy catsear, burclover and pennyroyal. Landscapes dominated by these soils have intermittent springs, slips, and hummocky relief (*Appendix A, Figure 3*).

2.2 Topography

The property is situated on a generally southeast facing aspect approximately 1,800 to 2,240 feet above sea level. The area is mapped as possessing moderate levels of instability in the Humboldt County GIS database. The project site is an existing flat is at a peak on the Mail Ridge south of Elk Mountain in elevation ranging from 2,100 to 2,120 feet.

2.3 Hydrology

There are no fish-bearing streams on site. There are four (4) intermittent watercourses that drain west into Fish Creek, a tributary to the Eel River. The parcel is in the Eel River Hydrologic unit, Lower South Fork Eel River watershed and the Butte Creek – South Fork Eel River subwatershed (180101060405). According to Caltrans, the average annual precipitation for this area is 61.38 inches².

3. Methods

Mother Earth Engineering staff biologist Risa Okuyama conducted a site visit on June 18, 2020 to survey project areas and evaluate potential impacts on sensitive habitat and record observable, biological resources. The Study Area, represented with a red line on the site map, includes areas of direct and indirect impact of current cultivation and potential habitat for special status plant and wildlife species. (*Appendix A, Figure 1*).

Approximately three (3) field hours were spent conducting a habitat assessment for listed species and species of concern. With wandering transects, the Study Area was scanned for rare plants and wildlife signs including tracks, scat, tree habitat (cavities, nest scrapes or accumulated vegetation).

The following equipment was used to record field measurements:

- Suunto PM5/360PC Clinometer with percent and degree scales to measure slopes
- Garmin Rino 755t GPS Navigator to record GPS points within +/- 3 meter accuracy.
- Bushnell PowerView Binoculars
- 100 ft Measuring Tape

Before field visits occurred, the site was remotely evaluated for potential habitat value to protected, endangered, threatened, rare, and sensitive species by Geographic Information Systems (GIS), the California Natural Diversity Database (CNDDB) RareFind and BIOS, and the California Native Plant Society Rare Plant Inventory (CNPS). Other resources used include:

- The Jepson Manual, 2nd Edition (Baldwin et al. 2012)
- A Manuel of California Vegetation (Sawyer et al. 2009)

¹ NRCS Web Soil Survey available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

² Caltrans Water Quality Planning Tool available at: <http://svctenvims.dot.ca.gov/wqpt/wqpt.aspx>.

- U.S. Fish & Wildlife Service’s National Wetlands Inventory
- NRCS Web Soil Survey
- U.S. Fish & Wildlife’s IPaC Database
- iNaturalist

Within one (1) mile of property project areas, the following species have been historically observed in the CNDDDB database (Table 1/ Appendix A, Figure 2). The localized CNDDDB 9-Quad area of Myers Flat was queried to generate occurrences of special-status animal species (Appendix C, Table 3).

Table 1. CNDDDB list of historically observed species within one (1) mile of the project site.

| Scientific Name | Common Name | Date Surveyed | Status |
|--------------------------------|---------------------------|---------------|-------------------------|
| <i>Aquila chrysaetos</i> | Golden Eagle | 2007 | State – Fully Protected |
| <i>Falco peregrinus anatum</i> | American peregrine falcon | 1996 | State – Fully Protected |

3.1 Limitations

All plant species growing within the Study Area may not have been observed due to varying flowering phenologies and life forms, such as bulbs, biennials, and annuals. Other potentially dominant species within vegetation communities on site may be present during other times of the year. Some of the plant species identified in this report are tentative due to the absence of morphological characters, resulting from immature reproductive structures or seasonal desiccation, which is required to make species-level determinations.

4. Results and Discussion

4.1 Vegetation

Only the areas in the Study Area of the parcel were surveyed. The project site is characterized as a previously disturbed, open flat of a ridge top with 3% slopes. The tree layer in the surrounding forest of the Study Area consisted of *Pseudotsuga menziesii* (Douglas fir), *Quercus garryana* (Oregon white oak), *Arbutus menziesii* (madrone), *Notholithocarpus densiflorus* (tanoak), and *Acer macrophyllum* (bigleaf maple). The shrub layer in the Study Area is sparse, but species in other areas of the property included species such as *Polystichum munitum* (western sword fern), *Rubus leucodermis* (whitestem raspberry), *Rubus armeniacus* (himalayan blackberry), *Baccharis pilularis* (coyote brush) and *Toxicodendron diversilobum* (pacific poison oak). The herbaceous layer at the project site were typical of highly disturbed areas with a mix of mostly nonnative and some native species, such as *Holcus lanatus* (velvet grass), *Taeniatherum caput-medusae* (medusahead grass), *Rumex acetosella* (common sheep sorrel), *Erodium cicutarium* (redstem stork’s bill), *Trifolium sp.* (clover), *Vicia sativa* (common vetch), *Plantago lanceolata* (ribwort plantain), *Lolium perenne* (perennial ryegrass), *Linum lewisii* (Lewis’ flax), *Hypochaeris radicata* (hairy cat’s ear), *Briza maxima* (quaking grass), *Cirsium sp.* (thistle), *Cynosurus echinatus* (bristly dogtail grass), *Geranium sp.* (geranium), *Fragaria vesca* (woodland strawberry), and *Galium aparine* (bedstraw). Due to the non-native species composition and level of established disturbances, project activities at this site will not result in significant negative impacts to special-status plant species or communities.

4.2 Wetlands and Streamside Management Areas (SMAs)

Only the areas in the Study Area were surveyed. A preliminary scoping of the property in the National Wetland Inventory³ (NWI) and the Humboldt County GIS database shows no wetland systems and SMA setback mapped within the subject parcel. On the day of assessment, the project site did not contain any indications of hydrology or hydrophytic vegetation that would support a wetland. However, there are four (4) intermittent streams greater than 50 feet from the edge of the project site. All projects are outside riparian and streamside management area setbacks.

4.3 Special Status Species

The CNDDB BIOS and RareFind, as well as California Native Plant Society (CNPS) databases, were queried both before and after the field visit to search for reference sites or known occurrences in or around the project area. Scoping results for the nine (9) USGS 7.5 min quadrangles of Myers Flat are included in Appendix C of this report. Other literature and databases used for consultation to evaluate potential unique biological communities and special-status species include but not limited to:

- USDA’s Ecoregion Classification system
- California’s Vegetation Classification and Mapping Program (VegCamp)
- U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IpaC)
- National Marine Fisheries Service California Species List Tool (NOAA 2019)
- CalFlora database
- CNPS Inventory of Rare and Endangered Vascular Plants of California online inventory (CNPS)
- CDFW CNDDB/Spotted Owl Viewer online database
- *The Jepson Manual, Vascular Plants of California* Second Edition (Baldwin et al. 2012)
- NRCS Websoil Survey
- *A Manual of California Vegetation* Second Edition (Sawyer et al. 2009)

Impacts to special-status animals, including the Northern Spotted Owl, are evaluated in the following section based on their likelihood to occur in the area due to habitat needs and natural life history. The following Humboldt County listed EIR special-status wildlife species (Table 2) have the potential to occur in the Study Area⁴⁵.

Table 2. Humboldt County listed DEIR special status species with potential to occur in the Study Area.

| Scientific Name | Common Name | Taxon Group | Regulatory Status |
|--------------------------------|----------------------------|-------------|---|
| <i>Aquila chrysaetos</i> | Golden eagle | Bird | State – Fully Protected |
| <i>Falco peregrinus anatum</i> | American peregrine falcon | Bird | Federal – Delisted State – Delisted, Fully Protected |
| <i>Astragalus agnicidus</i> | Humboldt County milk-vetch | Plant | State Rare Plant Rank – 1B.1 |

³ National Wetland Inventory mapper available at: <https://www.fws.gov/wetlands/data/Mapper.html>

⁴ California Natural Diversity Database (CNDDB) Rarefind and Bios Commercial Subscription (Accessed via <http://https://www.wildlife.ca.gov/data/cnddb/maps-and-data>)

⁵ California Native Plant Society (CNPS) Inventory or Rare or Endangered Plants (Accessed via <http://www.rareplants.cnps.org/advanced.html>)



| | | | |
|--|-----------------------|-------|------------------------------|
| <i>Gilia capitata ssp. pacifica</i> | Pacific gilia | Plant | State Rare Plant Rank – 1B.2 |
| <i>Sidalcea malviflora ssp. patula</i> | Siskiyou checkerbloom | Plant | State Rare Plant Rank – 1B.2 |
| <i>Tracyina rostrata</i> | Beaked tracyina | Plant | State Rare Plant Rank – 1B.2 |

*California Rare Plant Ranks:

- 1A – Plant species presumed extirpated in California and either rare or extinct elsewhere
- 1B – Plant species considered rare or endangered in California and elsewhere
- 2A – Plant species presumed extirpated in California but common elsewhere
- 2B – Plant species considered rare or endangered in California but more common elsewhere
- 3 – Plant species that need more information
- 4 – Plant species of limited distribution

*Threat Ranks:

- 0.1 – Seriously threatened
- 0.2 – Moderately threatened
- 0.3 – Not very threatened

4.3.1 Mammals

Special-status wildlife species, such as *Pekania pennanti* (west coast fisher) and *Martes caurina humboldtensis* (Humboldt marten) typically require late-successional to old-growth coniferous forests and canopy for suitable habitat. The project site is on an open, previously disturbed grassland area with no suitable habitat for mature coniferous forest wildlife species. However, in order to prevent negative impacts, the applicant shall implement best management practices and not use rodenticides, keep project-related noise at a minimum, and ensure that any and all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored in an enclosed structure or device.

4.3.2 Birds

***Aquila chrysaetos* (Golden eagle)**

Species description: The golden eagle is one of the largest and fastest raptors of North America and are fully protected by the state of California. Habitat ranges widely from open mountains, foothills, coastal prairie, cismontane woodland, coniferous forests, tundra, desert and grasslands. Nesting sites include cliff ledges and large, open trees in open areas (Carnie, 1954). The golden eagles are known to nest in Humboldt County, including near the Mad, Eel, Bear and Mattole Rivers.

Potential impact: Low. There is no ideal nesting habitat but there is potential foraging habitat within and near the Study Area. No large rock outcrops or cliff-walled canyons were observed in the surrounding area to support nesting habitat. The CNDDDB does not identify any known golden eagle sites within the subject parcel boundaries. Project activities do not take place within potential nesting habitat and have a low probability of negatively affecting the species. Should further development resulting in disturbance of nesting habitat become necessary, Mitigation Measure 3.4-1d of the CCLUO MMRP should be implemented.

***Falco peregrinus anatum* (American peregrine falcon)**

Species description: The American peregrine falcon is a fully protected species by the State of California. They are the largest falcon over most of the continent with long, pointed wings, and a long tail. They can be observed

throughout North America but most commonly along coasts. They perch and nest on water towers, cliffs, and other human made structures. Nest consists of a scrape or a ledge in an open site.

Potential impact: Low. Due to their widespread habitat suitability and distribution, there is potential for habitat near and within Study Area. However, current cultivation activities do not take place within potential nesting habitat and have a low probability of negatively affecting the species. No large rock outcrops were observed in the surrounding area to support nesting habitat. Should further development resulting in disturbance of nesting habitat become necessary, Mitigation Measure 3.4-1d of the CCLUO MMRP should be implemented.

***Strix occidentalis caurina* (Northern spotted owl)**

Species description: The Northern Spotted Owl (NSO) is a medium-sized dark brown owl with a barred tail, irregular white spots on head, neck, back, and underparts. The NSOs are Federally listed under the Endangered Species Act in 1990 and State listed as threatened in California and Oregon. NSOs are relatively long-lived owls living 20 years or more and extend from southwest British Columbia through the Cascade Range, to coastal ranges of California. They do not build their own nest, but instead seek naturally occurring nest sites such as broken-top trees, large snags, tree cavities, debris accumulations or nests built by other wildlife (USFW, 2006). Nesting and roosting habitat consists of structurally complex forests that also include variable-aged stands and hardwood forest components. Foraging habitat is composed of a variety of vegetation types and dispersal habitat consists of stands with adequate tree size and canopy to provide protection and foraging opportunities (USFW, 2006).

Potential impact: Low. The surrounding forest of the existing project site is a mixed hardwood coniferous forest with no dense, or mature stands to suit NSO habitat. The nearest positive observation occurred in 2004, is approximately 350 feet southeast of the existing project site and is associated with the activity center HUM0803. The site investigation did not yield any positive sighting or evidence of NSO habitation in the area. New cultivation activities do not require tree removal. Due to lack of preferred mature, coniferous forest habitat, project activities do not take place within potential nesting habitat, will not alter or modify any existing NSO habitat and have a low probability of negatively affecting the species.

Although no nesting habitat will be altered, potential impacts from project activities include light and noise pollution. The applicant, The Apartment, LLC, has agreed to adhere to International Dark Sky Standards, keep all project-related noise less than 50 dBA at 100-foot distances, utilize heavy equipment outside of the critical bird nesting season (February – July) and ensure that any and all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored with secondary containment in an enclosed structure. Should development of wooded areas become necessary, Mitigation Measure 3.4-1e of the CCLUO MMRP shall be implemented.

4.3.3 Fish

No fish bearing watercourses flow through the subject property. However, two (2) unnamed intermittent streams flow into Fish Creek, a tributary to the South Fork Eel River. According to the UC Davis Center for Watershed Sciences PISCES database, the Butte Creek subwatershed is known to host fish species such as *Oncorhynchus tshawytscha* (California Coast Fall Chinook salmon), and *Oncorhynchus mykiss irideus* (Northern California coast winter & summer steelhead)⁶. They are California Species of Special Concern and Federally Threatened. Declines in fish populations have been linked to habitat degradation from poor timber harvest practices, mining operations, excessive sport harvesting, road construction and increased sedimentation from poor land management practices.

⁶ Fish species by Humboldt County watersheds found:

<http://calfish.ucdavis.edu/location/?ds=697&reportnumber=1294&catcol=4703&categorysearch=Humboldt>

Potential impact: Low. There are no perennial, fish-bearing streams within subject property. Suitable habitat for state and federally listed anadromous salmonids are presumed present within the flowing waters of the South Fork Eel River south of the property. All project activities are outside riparian setbacks. Should further development resulting in disturbance to or loss of special-status fisheries become necessary, Mitigation Measure 3.4-2 and 3.8-5 of the CCLUO MMRP shall be implemented.

4.3.4 Reptiles and Amphibians

There are no perennial watercourses that flow within the subject parcel. All drainages are intermittent or ephemeral with little to no canopy coverage for adequate aquatic habitat for listed non-fish species, such as the yellow-legged frog (*Rana boylei*), tailed frog (*Ascaphus truei*), or southern torrent salamander (*Rhyacotriton variegatus*).

4.3.5 Plants

***Astragalus agnicidus* (Humboldt County milk-vetch)**

Species description: The Humboldt County milk-vetch is a perennial herb that is native to California with a California Rare Plant Rank of 1B.1 and Endangered. *A. agnicidus* is in the pea family (Fabaceae) and is threatened by non-native competition, habitat alteration, grazing, road maintenance, construction, and logging. Habitat for the milk-vetch includes openings, ridgelines, disturbed areas, sometimes roadsides in broad-leaved upland forests and north coast coniferous forests. This milk-vetch blooms from April to September in elevation ranging from 525 to 2,198 feet.

Potential impact: Low. While disturbed, open habitat is present in the Study Area, the potential for negative impact is low due to the level of established disturbance at the project site. A reconnaissance-level survey of the project site did not yield any observations of this species. Protocol level surveys were not conducted at this time.

***Gilia capitata ssp. pacifica* (Pacific gilia)**

Species description: The Pacific gilia is an annual herb that is native to California with a California Rare Plant Rank of 1B.2. *G. capitata ssp. pacifica* is in the Polemoniaceae family and is threatened by development, road construction and logging. Habitat for the Pacific gilia includes coastal bluff scrubs, coastal prairies, chaparrals, and valley and foothill grasslands. This gilia blooms from April to August in elevation ranging from 0 to 5500 feet.

Potential impact: Low. While the habitat is present in grassland habitats, the potential for negative impact is low due to the level of established disturbance at the project site. A reconnaissance-level survey of all project areas did not yield any observations of this species. Protocol level surveys were not conducted at this time.

***Sidalcea malviflora ssp. patula* (Siskiyou checkerbloom)**

Species description: The Siskiyou checkerbloom is a perennial rhizomatous herb that is native to California with a California Rare Plant Rank of 1B.2. The Siskiyou checkerbloom is in the Malvaceae family and is threatened by development, road construction, grazing and logging. Habitat for the checkerbloom includes road cuts in coastal bluff scrubs, coastal prairies, chaparrals, and valley and foothill grasslands. This checkerbloom blooms from April to August in elevation ranging from 50 to 2,900 feet.

Potential impact: Low. While the habitat is present in grassland habitats, the potential for negative impact is low due to the level of nonnative annual and perennial species dominating the meadows. A reconnaissance-level survey of all project areas did not yield any observations of this species. Protocol level surveys were not conducted at this time.

***Tracyina rostrata* (Beaked tracyina)**

Species description: The beaked tracyina is an annual herb that is native to California with a California Rare Plant Rank of 1B.2. *T. rostrata* is in the aster family (Asteraceae) and is threatened by non-native competition and grazing. Habitat for the beaked tracyina includes chaparrals, valley and foothill grasslands, open, grassy meadows within oak woodland and grassland habits. This milk-vetch blooms from May through June in elevation ranging from 295 to 2,592 feet.

Potential impact: Low. Habitat is present in the Study Area. However, the potential for negative impact is low due to the level of established disturbance at the project site. A reconnaissance-level survey of the project site did not yield any observations of this species. Protocol level surveys were not conducted at this time.

5. Regulatory Background

5.1 U.S. Army Corps of Engineers (USACE)

The USACE Regulatory Branch regulates activities that may discharge dredged or fill materials into “waters of the U.S.” under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This permitting authority applies to all “waters of the U.S.” where the material (1) replaces any portion of a “waters of the U.S.” with dry land or (2) changes the bottom elevation of any portion of any “waters of the U.S.”. These fill materials include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in these waters. The selection of disposal sites for dredged or fill material is done in accordance with guidelines specified in Section 404(b)(1) of the CWA, which were developed by the U.S. Environmental Protection Agency (USEPA).

5.2 Regional Water Quality Control Board (RWQCB)

The RWQCB is the primary agency responsible for protecting water quality in California through the regulation of discharges to surface waters under the CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The RWQCB’s jurisdiction extends to all “waters of the State” and to all “waters of the U.S.,” including wetlands (isolated and non-isolated).

Section 401 of the CWA provides the RWQCB with the authority to regulate, through a Water Quality Certification, any proposed, federally permitted activity that may affect water quality. Among such activities are discharges of dredged or fill material permitted by the USACE pursuant to Section 404 of the CWA. Section 401 requires the RWQCB to provide certification that there is reasonable assurance an activity with the potential for discharge into navigable waters will not violate water quality standards. Water Quality Certification must be based on findings that the proposed discharge will comply with water quality standards, which contain numeric and narrative objectives found in each of the nine RWQCBs’ Basin Plans.

5.3 California Department of Fish and Wildlife

The CDFW has jurisdictional authority over wetland resources associated with rivers, streams, and lakes pursuant to the California Fish and Game Code (§§1600–1616). Activities of state and local agencies, as well as public utilities that are project proponents, are regulated by the CDFW under Section 1602 of the California Fish and Game Code.

Because the CDFW includes streamside habitats under its jurisdiction that, under the federal definition, may not qualify as wetlands on a project site, its jurisdiction may be broader than that of the USACE. Riparian forests in California often lie outside the plain of ordinary high water regulated under Section 404 of the CWA, and often do

not have all three parameters (wetland hydrology, hydrophytic vegetation, and hydric soils) sufficiently present to be regulated as a wetland.

However, riparian forests are frequently included within CDFW regulatory jurisdiction under Section 1602 of the California Fish and Game Code.

The CDFW jurisdictional limits are not as clearly defined by regulation as those of the USACE. While they closely resemble the limits described by USACE regulations, they include riparian habitat supported by a river, stream, or lake regardless of the presence or absence of hydric and saturated soils conditions. In general, the CDFW extends jurisdiction from the top of a stream bank or to the outer limits of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place within or near a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish and other aquatic plant and/or wildlife species. It also includes watercourses that have a surface or subsurface flow that support or have supported riparian vegetation.

5.4 Humboldt County-Streamside Management Area

“Streamside Management Areas” (SMAs) [Section 3432(5) of the Humboldt County 1984 General Plan] are defined in the Humboldt County General Plan (Page G-8) and include a natural resource area along both sides of streams containing the channel and adjacent land. Updates to the SMA guidance for cannabis activities are defined in the Environmental Impact Assessment Biological Resources Section⁷.

Project applicants proposing development activities within a SMA or wetland areas are required to include a site-specific biological report prepared consistent with these regulations. The written report prepared by a qualified biologist is subsequently referred to CDFW for review and comment. If required, after agency review of the preliminary habitat assessment, protocol level surveys will be completed per recommendations by the Final Environmental Impact Report (FEIR) amendments to the Humboldt County Code Regulating Commercial Cannabis Activities⁸.

5.5 Additional Laws and Policies

In addition to the above-mentioned policies, numerous other policies exist to protect wetlands, waters and biological resources including the California Environmental Quality Act (CEQA), California Endangered Species Act (CESA) and the Z’berg-Nejedly Forest Practice Act.

6. Conclusion and Discussion

Mother Earth Engineering staff biologist Risa Okuyama conducted a preliminary biological habitat assessment on June 18, 2020 for potential listed species and species of concern at subject property, APN: 211-363-012. The purpose of this assessment is to provide an evaluation of the project site, discuss current site conditions, and assess any potential project impacts to biological resources within the Study Area.

The applicant, The Apartment, LLC, is currently applying for a distribution, processing, and non-volatile manufacturing permit at the subject parcel at APN: 211-363-012 under the Humboldt County’s CMMLUO. The

⁷ <https://humboldt.gov/DocumentCenter/View/58840/Section-311-Biological-Resources-Revised-DEIRPDF>

⁸ Final Environmental Impact Report: Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities. Prepared by Ascent Environmental. Accessed via <https://humboldt.gov/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR60mb-PDF>.

project site is located in an existing, open, flat with slopes less than 5% on the southern side of the parcel (*Appendix A, Figure 1*). Proposed development includes a 12,000 sq. ft metal building for processing, storage and distribution, a 2,000 sq. ft. manufacturing building, a 1 million gallon rainwater catchment dedicated for fire protection, solar array, homestead and employee housing. No trees are to be removed for the proposed development. Water for this project site will be supplied by a permitted groundwater well. Energy at this site will be supplied by solar power with generators on-site for emergency use.

The Study Area was walked and examined for existing habitat types, riparian areas, current vegetation composition, and project impacts on potentially present listed species. Based on historical imagery, the project site is a naturally open flat composed of annual and perennial grasses and forbs. There are four (4) intermittent watercourses that drain west into Fish Creek, a tributary to the Eel River. All projects are outside SMA setbacks.

The site inspection did not yield any observations of rare, sensitive, or special status plant species. Due to the non-native species composition and level of disturbances, proposed project activities at this site will not result in significant negative impacts to special-status plant species or communities.

The surrounding forest of the existing project site is a mixed hardwood coniferous forest with no dense, or mature stands to suit northern spotted owl (NSO) habitat. The site investigation did not yield any positive sighting or evidence of NSO habitation in the area. Proposed project activities do not require tree removal. Due to lack of preferred mature, coniferous forest habitat, project activities do not take place within potential nesting habitat, will not alter or modify any existing NSO habitat and have a low probability of negatively affecting the species.

Although no nesting habitat will be altered, potential impacts from proposed project activities include light and noise pollution. The applicant, The Apartment, LLC, has agreed to adhere to International Dark Sky Standards, keep all project-related noise less than 50 dBA at 100-foot distances, not to use rodenticides, utilize heavy equipment outside of the critical bird nesting season (February – July), and ensure that any and all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored with secondary containment in an enclosed structure. The project site on the property did not contain ideal habitat for mature coniferous forest wildlife species, such as the Humboldt marten. Project activities within the Study Area will not modify any existing sensitive habitat and have a low probability of negatively affecting any listed species. Should development of wooded areas become necessary, Mitigation Measure 3.4-1e of the CCLUO MMRP shall be implemented.

Recommendations

- It is recommended that the applicant continue to implement best management practices and not use rodenticides, keep project-related noise at a minimum, adhere to International Dark Sky Standards and ensure that any and all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored with secondary containment in an enclosed structure.
- It is recommended to utilize heavy equipment outside of the critical bird nesting season (February – July).

Additional consultation with agency staff including the California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), Humboldt County and US Fish and Wildlife Service (USFW) will continue throughout the project application.

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Appendix A



Maps

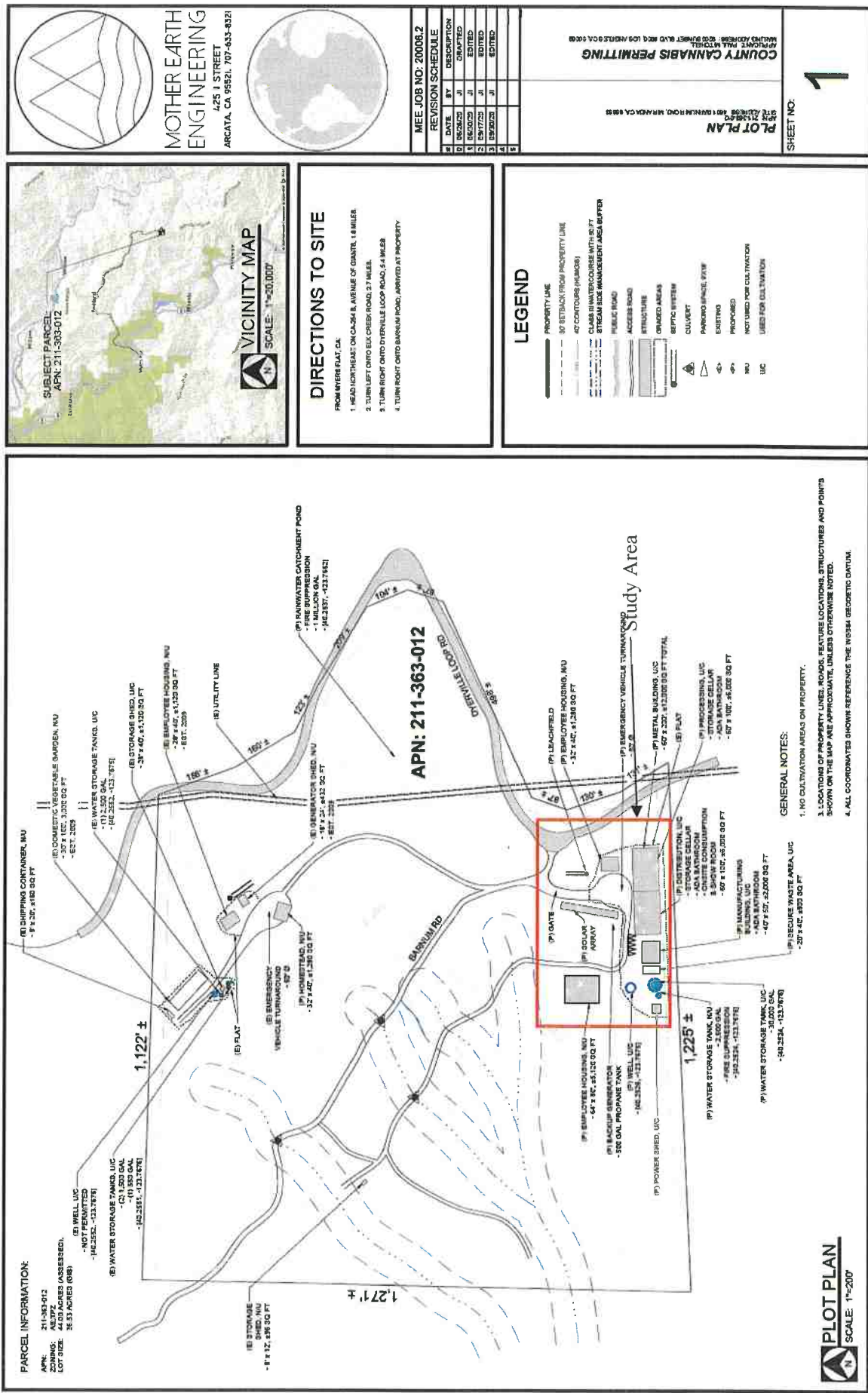


Figure 1: Plot Plan of the subject property with the Study Area outlined in red. All projects are outside SMA setbacks.



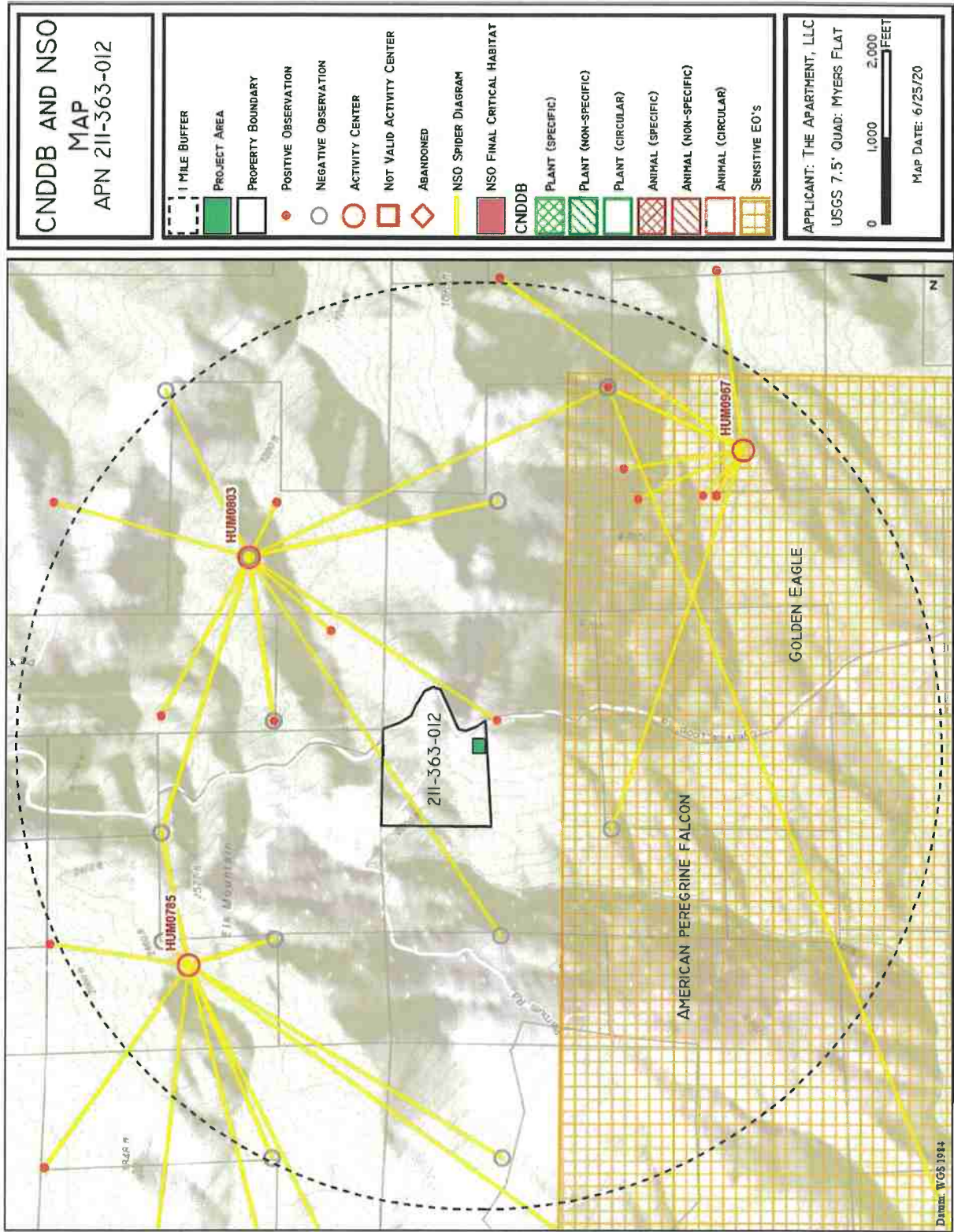
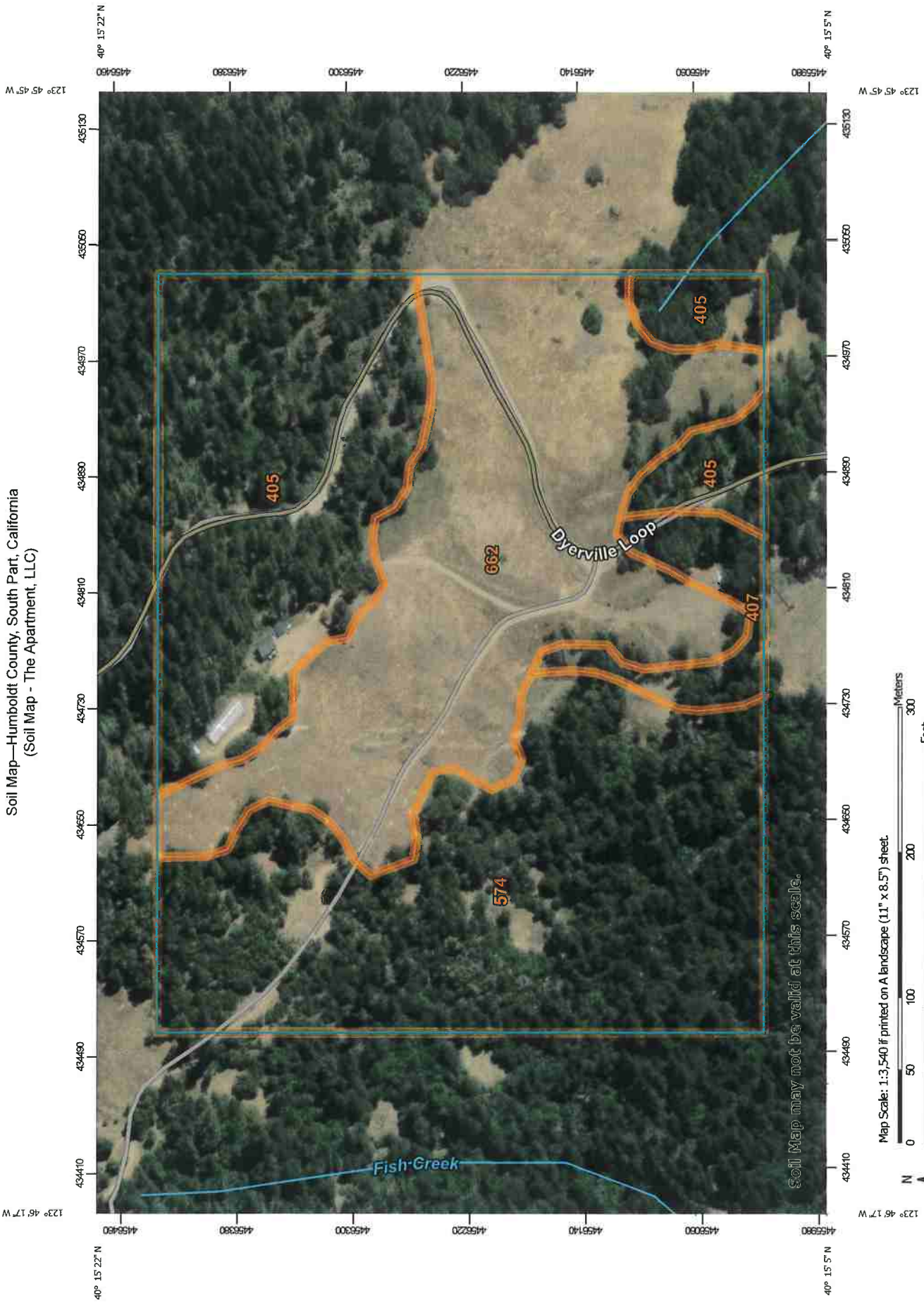


Figure 2: CNDDDB and Northern Spotted Owl (NSO) observations within 1 mile of the project site.



Soil Map—Humboldt County, South Part, California
(Soil Map - The Apartment, LLC)



MAP LEGEND

- Area of Interest (AOI)
- Soils
- Area of Interest (AOI)
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features
 - Blowout
 - Borrow Pit
 - Clay Spot
 - Closed Depression
 - Gravel Pit
 - Gravelly Spot
 - Landfill
 - Lava Flow
 - Marsh or swamp
 - Mine or Quarry
 - Miscellaneous Water
 - Perennial Water
 - Rock Outcrop
 - Saline Spot
 - Sandy Spot
 - Severely Eroded Spot
 - Sinkhole
 - Slide or Slip
 - Sodic Spot
- Water Features
 - Streams and Canals
- Transportation
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads
- Background
 - Aerial Photography
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Humboldt County, South Part, California
Survey Area Data: Version 8, Sep 17, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Nov 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Map Unit Legend



| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------------|----------------|
| 405 | Tannin-Wohly-Rockyglen complex, 30 to 50 percent slopes | 15.0 | 27.6% |
| 407 | Tannin-Wohly complex, 9 to 30 percent slopes | 2.1 | 4.0% |
| 574 | Sproullish-Canoecreek-Redwohly complex, 30 to 50 percent slopes, warm | 18.8 | 34.8% |
| 662 | Yorknorth-Witherell complex, 30 to 50 percent slopes | 18.3 | 33.7% |
| Totals for Area of Interest | | 54.2 | 100.0% |

Appendix B





Photos

| | |
|--|--|
| <p>Picture No. 1</p> |  |
| <p>June 18, 2020</p> | <p>☉ 342°N (T) LAT: 40.252251 LON: -123.766592 ±16ft ▲ 2120ft</p>  |
| <p>Description:</p> <p>Site of the proposed manufacturing and distribution buildings looking North.</p> | <p>Proposed cultivation area MEE</p> <p>P. Mitchell - Miranda site 18 Jun 2020, 10:16:16</p> |

| | |
|---|--|
| <p>Picture No. 2</p> |  |
| <p>June 17, 2020</p> | <p>☉ 185°S (T) LAT: 40.252668 LON: -123.766784 ±16ft ▲ 2106ft</p>  |
| <p>Description:</p> <p>Southern view of the proposed site.</p> | <p>Proposed cultivation area MEE</p> <p>P. Mitchell - Miranda site 18 Jun 2020, 10:23:14</p> |



| | | | |
|---|--|--|--|
| <p>Picture No. 3</p> | | <p>16292–16420 Dyerville Loop Rd, Myers Flat CA 95554 1°N (T) 40.252542°, -123.766847° ±16ft ▲ 2093ft</p> | |
| <p>June 17, 2020</p> | |  | |
| <p>Description:</p> <p>The site for the proposed employee housing space drains west with 15% slopes.</p> | | <p>Proposed nursery GH 15% MEE</p> <p>Mitchell - Miranda 18 Jun 2020, 11:10:02</p> | |

| | | | |
|--|--|--|--|
| <p>Picture No. 4</p> | | <p>16292–16420 Dyerville Loop Rd, Myers Flat CA 95554 347°N (T) 40.252704°, -123.766445° ±16ft ▲ 2099ft</p> | |
| <p>June 17, 2020</p> | |  | |
| <p>Description:</p> <p>View of the proposed leach field northeast of the proposed project site.</p> | | <p>Proposed leach field 43x90 18% MEE</p> <p>Mitchell - Miranda 18 Jun 2020, 12:16:18</p> | |



Appendix C



Database Results

Table 3 - CNDDDB and CNPS nine-quad database results for the Myers Flat USGS 7.5' quadrangle

Animals

| Scientific Name | Common Name | Taxon Group | Federal Status | State Status | General Habitat | Micro Habitat | Habitat Present in Study Area |
|---------------------------------|-----------------------------|-------------|----------------|--------------|--|--|---|
| <i>Ascaphus truei</i> | Pacific tailed frog | Amphibians | None | None | Occurs in montane hardwood-conifer, redwood, Douglas-fir & ponderosa pine habitats. | Restricted to perennial montane streams. Tadpoles require water below 15 degrees C. | No |
| <i>Rana aurora</i> | northern red-legged frog | Amphibians | None | None | Humid forests, woodlands, grasslands, and streambanks in northwestern California, usually near dense riparian cover. | Generally near permanent water, but can be found far from water, in damp woods and meadows, during non-breeding season. | No |
| <i>Rana boylei</i> | foothill yellow-legged frog | Amphibians | None | Endangered | Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. | Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis. | No |
| <i>Rhyacotriton variegatus</i> | southern torrent salamander | Amphibians | None | None | Coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats. Old growth forest. | Cold, well-shaded, permanent streams and seepages, or within splash zone or on moss-covered rocks within trickling water. | No |
| <i>Taricha rivularis</i> | red-bellied newt | Amphibians | None | None | Coastal drainages from Humboldt County south to Sonoma County, inland to Lake County. Isolated population of uncertain origin in Santa Clara County. | Lives in terrestrial habitats, juveniles generally underground, adults active at surface in moist environments. Will migrate over 1 km to breed, typically in streams with moderate flow and clean, rocky substrate. | No |
| <i>Accipiter cooperii</i> | Cooper's hawk | Birds | None | None | Woodland, chiefly of open, interrupted or marginal type. | Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river floodplains; also, live oaks. | No nesting habitat but potential foraging habitat |
| <i>Accipiter striatus</i> | sharp-shinned hawk | Birds | None | None | Ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats. Prefers riparian areas. | North-facing slopes with plucking perches are critical requirements. Nests usually within 275 ft of water. | Yes |
| <i>Aquila chrysaetos</i> | golden eagle | Birds | None | None | Rolling foothills, mountain areas, sage-juniper flats, and desert. | Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas. | No nesting habitat but potential foraging habitat |
| <i>Brachyramphus marmoratus</i> | marbled murrelet | Birds | Threatened | Endangered | Feeds near-shore; nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz. | Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas-fir. | No |

| Scientific Name | Common Name | Taxon Group | Federal Status | State Status | General Habitat | Micro Habitat | Habitat Present in Study Area |
|--|---|-------------|----------------|----------------------|--|--|-------------------------------|
| <i>Empidonax traillii brewsteri</i> | little willow flycatcher | Birds | None | Endangered | Mountain meadows and riparian habitats in the Sierra Nevada and Cascades. | Nests near the edges of vegetation clumps and near streams. | No |
| <i>Falco peregrinus anatum</i> | American peregrine falcon | Birds | Delisted | Delisted | Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. | Nest consists of a scrape or a depression or ledge in an open site. | Yes |
| <i>Pandion haliaetus</i> | osprey | Birds | None | None | Ocean shore, bays, freshwater lakes, and larger streams. | Large nests built in tree-tops within 15 miles of a good fish-producing body of water. | Yes |
| <i>Riparia riparia</i> | bank swallow | Birds | None | Threatened | Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. | Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole. | No |
| <i>Oncorhynchus mykiss irideus</i> pop. 36 | summer-run steelhead trout | Fish | None | Candidate Endangered | No. Calif coastal streams south to Middle Fork Eel River. Within range of Klamath Mtns province DPS & No. Calif DPS. | Cool, swift, shallow water & clean loose gravel for spawning, & suitably large pools in which to spend the summer. | No |
| <i>Oncorhynchus tshawytscha</i> pop. 17 | chinook salmon - California coastal ESU | Fish | Threatened | None | Federal listing refers to wild spawned, coastal, spring & fall runs between Redwood Cr, Humboldt Co & Russian River, Sonoma Co | | No |
| <i>Atractelmis wawona</i> | Wawona riffle beetle | Insects | None | None | Aquatic; found in riffles of rapid, small to medium clear mountain streams; 2000-5000 ft elev. | Strong preference for inhabiting submerged aquatic mosses | No |
| <i>Bombus caliginosus</i> | obscure bumble bee | Insects | None | None | Coastal areas from Santa Barbara county to north to Washington state. | Food plant genera include <i>Baccharis</i> , <i>Cirsium</i> , <i>Lupinus</i> , <i>Lotus</i> , <i>Grindelia</i> and <i>Phacelia</i> . | Yes |
| <i>Bombus occidentalis</i> | western bumble bee | Insects | None | Candidate Endangered | Once common & widespread, species has declined precipitously from central CA to southern B.C., perhaps from disease. | | Yes |
| <i>Arborimus pomom</i> | Sonoma tree vole | Mammals | None | None | North coast fog belt from Oregon border to Sonoma County. In Douglas-fir, redwood & montane hardwood-conifer forests. | Feeds almost exclusively on Douglas-fir needles. Will occasionally take needles of grand fir, hemlock or spruce. | No |
| <i>Corynorhinus townsendii</i> | Townsend's big-eared bat | Mammals | None | None | Throughout California in a wide variety of habitats. Most common in mesic sites. | Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance. | No |
| <i>Erethizon dorsatum</i> | North American porcupine | Mammals | None | None | Forested habitats in the Sierra Nevada, Cascade, and Coast ranges, with scattered observations from forested areas in the Transverse Ranges. | Wide variety of coniferous and mixed woodland habitat. | Yes |

| Scientific Name | Common Name | Taxon Group | Federal Status | State Status | General Habitat | Micro Habitat | Habitat Present in Study Area |
|-------------------------------------|-------------------------|-------------|----------------|--------------|--|---|-------------------------------|
| <i>Lasiurus blossevillii</i> | western red bat | Mammals | None | None | Roosts primarily in trees, 2-40 ft above ground, from sea level up through mixed conifer forests. | Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging. | Yes |
| <i>Martes caurina humboldtensis</i> | Humboldt marten | Mammals | None | Endangered | Occurs only in the coastal redwood zone from the Oregon border south to Sonoma County. | Associated with late-successional coniferous forests, prefer forests with low, overhead cover. | No |
| <i>Myotis volans</i> | long-legged myotis | Mammals | None | None | Most common in woodland and forest habitats above 4000 ft. Trees are important day roosts; caves and mines are night roosts. | Nursery colonies usually under bark or in hollow trees, but occasionally in crevices or buildings. | No |
| <i>Myotis yumanensis</i> | Yuma myotis | Mammals | None | None | Optimal habitats are open forests and woodlands with sources of water over which to feed. | Distribution is closely tied to bodies of water. Maternity colonies in caves, mines, buildings or crevices. | Yes |
| <i>Pekania pennanti</i> | fisher - West Coast DPS | Mammals | None | Threatened | Intermediate to large-tree stages of coniferous forests and deciduous-riparian areas with high percent canopy closure. | Uses cavities, snags, logs and rocky areas for cover and denning. Needs large areas of mature, dense forest. | No |
| <i>Noyo intersepta</i> | Ten Mile shoulderband | Mollusks | None | None | Found in coastal dunes, coastal scrub, and riparian redwood forest habitats. | | No |
| <i>Emys marmorata</i> | western pond turtle | Reptiles | None | None | A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. | Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying. | No |

| Scientific Name | Common Name | Family | Lifeform | CRPR | Blooming Period | GRank | SRank | Habitat | Micro Habitat | Habitat present in Project Site |
|--|----------------------------|---------------|--|------|-------------------------|-------|-------|---|---|---------------------------------|
| <i>Kopsiopsis hookeri</i> | small groundcone | Orobanchaceae | perennial rhizomatous herb (parasitic) | 2B-3 | Apr-Aug | G4? | S1S2 | North Coast coniferous forest | | No |
| <i>Lathyrus glandulosus</i> | sticky pea | Fabaceae | perennial rhizomatous herb | 4-3 | Apr-Jun | G3 | S3 | Cismontane woodland | | Yes |
| <i>Lilium kelloggii</i> | Kellogg's lily | Liliaceae | perennial bulbiferous herb | 4-3 | May-Aug | G3 | S3 | Lower montane coniferous forest, North Coast coniferous forest | Openings, roadsides | No |
| <i>Lilium rubescens</i> | redwood lily | Liliaceae | perennial bulbiferous herb | 4-2 | Apr-Aug (Sep) | G3 | S3 | Broadleafed upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest | Sometimes serpentine, sometimes roadsides | No |
| <i>Listera cordata</i> | heart-leaved twayblade | Orchidaceae | perennial herb | 4-2 | Feb-Jul | G5 | S4 | Bogs and fens, Lower montane coniferous forest, North Coast coniferous forest | | No |
| <i>Lycopodium clavatum</i> | running-pine | Lycopodiaceae | perennial rhizomatous herb | 4-1 | Jun-Aug (Sep) | G5 | S3 | Lower montane coniferous forest (mesic), Marshes and swamps, North Coast coniferous forest (mesic) | often edges, openings, and roadsides | No |
| <i>Mitella caulescens</i> | leafy-stemmed mitrewort | Saxifragaceae | perennial rhizomatous herb | 4-2 | (Mar) Apr-Oct | G5 | S4 | Broadleafed upland forest, Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest | mesic, sometimes roadsides | No |
| <i>Montia howellii</i> | Howell's montia | Montiaceae | annual herb | 2B-2 | (Jan-Feb) Mar-May | G3G4 | S2 | Meadows and seeps, North Coast coniferous forest, Vernal pools | vernally mesic, sometimes roadsides | No |
| <i>Packera bolanderi</i> var. <i>bolanderi</i> | seacoast ragwort | Asteraceae | perennial rhizomatous herb | 2B-2 | (Jan-Apr) May-Jul (Aug) | G4T4 | S2S3 | Coastal scrub, North Coast coniferous forest | Sometimes roadsides | No |
| <i>Piperia candida</i> | white-flowered rein orchid | Orchidaceae | perennial herb | 1B-2 | (Mar) May-Sep | G3 | S3 | Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest | sometimes serpentine | No |

| Scientific Name | Common Name | Family | Lifeform | CRPR | Blooming Period | GRank | SRank | Habitat | Micro Habitat | Habitat present in Project Site |
|--|---------------------------|--------------|----------------------------------|------|-------------------|-------|-------|--|--|---------------------------------|
| <i>Pityopus californicus</i> | California pinefoot | Ericaceae | perennial herb (achlorophyllous) | 4.2 | (Mar-Apr) May-Aug | G4G5 | S4 | Broadleaved upland forest, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest | mesic | No |
| <i>Pleuropogon refractus</i> | nodding semaphore grass | Poaceae | perennial rhizomatous herb | 4.2 | (Mar) Apr-Aug | G4 | S4 | Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest, Riparian forest | Mesic | No |
| <i>Sanicula tracyi</i> | Tracy's sanicle | Apiaceae | perennial herb | 4.2 | Apr-Jul | G4 | S4 | Cismontane woodland, Lower montane coniferous forest, Upper montane coniferous forest | openings | Yes |
| <i>Sidalcea malachroides</i> | maple-leaved checkerbloom | Malvaceae | perennial herb | 4.2 | (Mar) Apr-Aug | G3 | S3 | Broadleaved upland forest, Coastal prairie, Coastal scrub, North Coast coniferous forest, Riparian woodland | Often in disturbed areas | Yes |
| <i>Sidalcea maliflora</i> ssp. <i>patula</i> | Siskiyou checkerbloom | Malvaceae | perennial rhizomatous herb | 1B.2 | (Apr) May-Aug | G5T2 | S2 | Coastal bluff scrub, Coastal prairie, North Coast coniferous forest | often roadcuts | No |
| <i>Tracyina rostrata</i> | beaked tracyina | Asteraceae | annual herb | 1B.2 | May-Jun | G2 | S2 | Chaparral, Cismontane woodland, Valley and foothill grassland | | Yes |
| <i>Usnea longissima</i> | Methuselah's beard lichen | Parmeliaceae | fruticose lichen (epiphytic) | 4.2 | -- | G4 | S4 | Broadleaved upland forest, North Coast coniferous forest | On tree branches; usually on old growth hardwoods and conifers | Yes |

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

| Referral Agency | Response | Recommendation | Location |
|--|-----------------|--------------------------|-----------------|
| Building Inspection Division | ✓ | Approved with Conditions | Attached |
| Division Environmental Health | ✓ | Approved with Conditions | Attached |
| Public Works, Land Use Division | ✓ | Approved with Conditions | On file |
| CalFire | ✓ | Note | Attached |
| Sheriff | ✓ | Approved | On file |
| NWIC | ✓ | Note | On file |
| California Department of Fish & Wildlife | | No response | |
| Southern Humboldt JT | | No response | |
| Bear River Band | ✓ | Approved with Conditions | On file |
| North Coast Regional Water Quality Control Board | | No response | |
| Intertribal Sinkyone Wilderness Council | | No response | |
| District Attorney | | No response | |
| AG Commissioner | | No response | |

M/W/F ROSS

3/24



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



1/29/2021

Project Referred To The Following Agencies:

AG Commissioner, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name The Apartment, LLC **Key Parcel Number** 211-362-013-000

Application (APPS#) PLN-2020-16774 **Assigned Planner** Chris Alberts 707-268-3771

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: 2/13/2021

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

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

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

Other Comments: _____

DATE: 3 24-21 PRINT NAME: Ross Eskra



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-16774 APN: 211-362-013

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

- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
- All grading including ponds and roads,
 - Location of any water course including springs,
 - All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - _____
 - _____
- Existing operation appears to have expanded as follows: _____

- Proposed new operation has already started.
- Development is near a wet area. If yes, distance from development: _____
- Development is near a Steam side Management Area (SMA). If yes, distance from development: _____
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.

Other Comments: Metal storage on map at SE development site,

Name: Ross Eskra

Date: 3-24-21

Note: Please take photographs and save them to the Planning Accela record number. Updated 1/21

N/A



metal storage \emptyset on map



Development site



view N from SE site



storage shed on W side of property

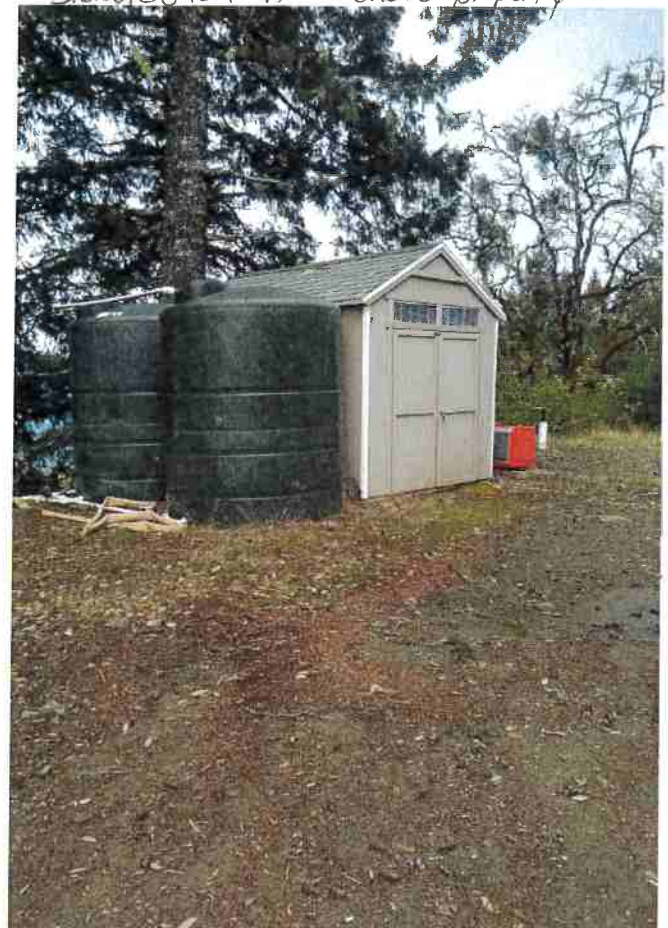


larger than depicted on map





Storage shed at N end of property



Well



Metal storage at N end of property





Division 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

Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Individuals preparing a CMM Permit Application are encouraged to provide information addressing the items listed below, as applicable, to assist DEH with a timely review. If the requested information is already provided in a complete operations manual submitted to the Planning Division, provide the page and section numbers where it is located.

Name of Business: The Apartment LLC
Site Address: 4601 Barnum Rd. Miranda, CA 95553
APN: 211-363-012

Primary Contact Person: Paul Mitchell
Phone: (323) 240-4427
Email: theapartment@mail.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)
Distribution, Processing, Non Flammable Manufacturing (year round)

Wastewater (page ___ section ___)

- Connected to public sewer No Onsite waste water system Proposed
- Number of Employees: average 16 peak operations: 31
- Hours of Operation/shifts per day: average 8 peak operations: 8
- Additional flow from processing: 150 GPD. Description of effluent Wastewater from cannabis manufacturing & Infusion. Effluent shall not contain hazardous materials
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.
Restrooms/ Manufacturing Facility. 1 Proposed septic, 1 existing unpermitted septic.

Water Source (page ___ section ___)

- Describe and show the water source(s) available on the property and what they serve.

| | |
|---|---|
| <input type="checkbox"/> Public Water System | <input type="checkbox"/> Approved Surface |
| <input checked="" type="checkbox"/> Well Permit Number(s): <u>1 proposed</u> | Water/Description _____ |
| <input checked="" type="checkbox"/> Unpermitted Well | <input type="checkbox"/> Unapproved Surface |
| <input type="checkbox"/> No Existing Water Source | Water/Description _____ |
| <input type="checkbox"/> Spring | <input type="checkbox"/> Other: <u>Rain Catchment</u> |
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: 164 GPD for manufacturing and infusion

Consumer Protection (page ___ section ___)

- List/Describe any food production or service: N/A
- Describe and show on site plan, any existing or proposed kitchen infrastructure: N/A

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (page ___ section ___)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): Generator,Hvac,Fans,Heaters

- Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
- List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?); Provide amounts and storage method(s): Diesel (1000 gal.),Propane (1000 gal.)
Motor oil (2 gal.). All fuels to be stored in a fully enclosed facility w/ secondary containment
- List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s):
Household Cleaners (bleach, alcohol), 10 gal each. Stored in fully enclosed facility w/ secondary containment
- List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): N/A
_____ *Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (page ___ section ___)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: Plant Material,Plastic, Cardboard, Household Trash

- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): Fenced area for composting organic material and covered bins for solid waste disposal.
- Describe waste removal plan including frequency and destination
 - Garbage (1x/week) Twice A Week
 - Recycling(x/month) Twice A Week (avoid nuisances including odors and vermin.)
 - Hauling via Garbage/Recycling Service: _____ or Self Haul XXX
- Preferred permitted solid waste/recycling facility: Redway Transfer Station

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Chris Alberts, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01/24/2021

| | | |
|------------|-----------------------|--------------------------|
| RE: | Applicant Name | THE APARTMENT LLC |
| | APN | 211-363-012 |
| | APPS# | PLN-2020-16774 |

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted road evaluation reports, dated 11/04/20, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, “No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual.” Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16774

COUNTY ROADS- PROXIMITY OF FARMS:

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

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //