



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 18, 2021

To: Humboldt County Planning Commission

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

Subject: **Crossland Management, LLC Conditional Use Permit**
Record Number: PLN-11819-CUP
Assessor's Parcel Number (APN): 317-023-010
1910 Gorden Road, Kneeland Area

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Please contact Megan Acevedo, Planner I, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 18, 2021	Conditional Use Permit	Megan Acevedo, Planner

Project Description: The applicant is seeking a Conditional Use permit for 33,237 ft² of existing full sun outdoor cultivation and 6,000 ft² of existing mixed-light cultivation within five (5) 12'x100' hoop houses. Water is sourced from a groundwater well. Estimated annual water usage for irrigation is 713,000 gallons per year (18.17 gallons/square foot/ year). Existing water storage consists of a total of 40,000 gallons in seven (7) 5,000-gallon hard tanks, and two (2) 2,500-gallon hard tanks designated for fire water suppression. Drying will occur on-site within a 40'x100' proposed structure, and an additional 40'x80' proposed structure. Trimming is proposed to occur within an existing 35'x70' building. A total of three (3) full-time employees and five (5) part-time employees will be required for cultivation related activities. Power is sourced from generators and a solar array is used to power the water pump.

Project Location: The project is located in the Lone Star Junction area, on the northwest and southeast side of Gorden Road, approximately 1.2 miles from the intersection of Showers Pass Road and Gorden Road, on the property known as 1910 Gorden Road, Kneeland.

Present Plan Land Use Designations: Timber Production (T) and Agriculture Grazing (AG); Humboldt County General Plan, High Instability 3.

Present Zoning: Timberland Production Zone (TPZ) and Agriculture Exclusive (AE).

Record Number: PLN-11819-CUP

Assessor's Parcel Number: 317-023-010

Applicant:

Crossland Management, LLC
417 2nd St., Ste. #204
Eureka, CA 95501

Owner:

Hbd Kneeland LLC Co.
c/o Frontera Law Group
15260 Ventura Blvd., Ste. #1400
Sherman Oaks, CA 91403

Agent:

John Schenk
1632 Broadway St. #345
Eureka, CA 95501

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

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

Major Issues: None

Crossland Management, LLC
Case Numbers CUP16-401, PLN-11819-CUP-SP
Assessor's Parcel Number 317-023-010

Recommended Commission Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Crossland Management, LLC project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Conditional Use permit for 33,237 ft² of existing full sun outdoor cultivation and 6,000 ft² of existing mixed-light cultivation within five (5) 12'x100' hoop houses. Water is sourced from a groundwater well. Estimated annual water usage for irrigation is 713,000 gallons per year (18.17 gallons/square foot/year), and the applicant utilizes a drip irrigation system for water conservation method. Existing water storage consists of a total of 40,000 gallons in seven (7) 5,000-gallon hard tanks, and two (2) 2,500-gallon hard tanks designated for fire water suppression. Drying will occur on-site within a 40'x100' proposed structure, and an additional 40'x80' proposed structure. Trimming is proposed to occur within an existing 35'x70' building. A total of three (3) full-time employees and five (5) part-time employees will be required for cultivation related activities, and drinking water will be supplied by potable drinking water from the permitted well. Power is sourced from generators and a solar array is used to power the water pump.

The project was referred to the Building Department on August 30, 2017. A Building Inspection was conducted on October 5, 2017 for the project. Comments from the Building Inspection requested that a revised Site Plan be submitted to show all existing and proposed structures, and recommended approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained. The applicant has submitted an updated Site Plan showing all existing and proposed structures. The project is conditioned to obtain building permits for the five (5) mixed-light greenhouse structures, one (1) proposed 30'x130' appurtenant nursery greenhouse, one (1) 40'x100' proposed Ag Exempt Drying & Processing structure (no trimming), one (1) proposed 40'x80' Ag Exempt Drying & Processing structure (no trimming), two (2) proposed 20'x30' generator sheds, one (1) 8'x20' Ag Exempt Storage Shed, and one (1) 35'x70' Processing structure (trimming). Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

The project was referred to the Department of Environmental Health (DEH) on August 30, 2017, and the department recommended a conditional approval for the project on January 12, 2018. The recommended conditions include: 1) no processing approved until an acceptable site suitability report can establish potential for onsite waste treatment system; and 2) an invoice or equivalent documentation is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. The project includes the proposal of an on-site wastewater system, and an On-Site Wastewater Treatment System Evaluation report was prepared by Mother Earth Engineering in May of 2018. The Applicant is required to have portable toilets available until the final Septic System is permitted and approved by the Department of Environmental Health, and DEH requirements are included in the conditions of approval for the project.

Water for the project is sourced by a permitted well, which has been deemed to be a groundwater well by Fisch Drilling in a letter dated November 22, 2019, and CDFW addressed the well as a groundwater well in the Amendment of Lake or Streambed Alteration Agreement. One water diversion from a shallow well is

used for domestic uses, and is a part of the final LSA agreement with CDFW. The site was historically enrolled in the North Coast Regional Water Quality Control Board for coverage under Order No. R1-2015-0023, WDID: 1B170376CHUM. A Water Resource Protection Plan has been prepared by Timberland Resource Consultants in July 2017. The site has also been enrolled under the State Water Resources Control Board Order WQ 2019-001-DWQ, WDID: 1_12CC418905. All cultivation areas are existing outside of all required buffers under the order. The project is required to have a Site Management Plan prepared for the project to meet State Water Board Compliance, and the applicant is conditioned to supply the department with the final Site Management Plan when available, and to adhere to any maintenance recommended in the report.

According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by CDFW, there are no state listed special-status or threatened species located on the subject parcel. There is one Northern Spotted Owl activity center located near the project location at 0.855 miles, and the parcel may contain suitable habitats for these species. Generators on-site are not to exceed 50 db measured from 100 feet or at the nearest canopy (whichever is closer) and shall not exceed 60 db at any property line. The project must also comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and is conditioned to provide a Noise and Light Attenuation Plan for project activities.

The parcel does contain perennial and seasonal wetland areas. The applicant had a Wetland Delineation report prepared for the project by a qualified biologist. All cultivation areas have been either verified to be outside of the perennial wetland buffer of 150 feet, or have been relocated outside of the buffer. A Biological Assessment has also been prepared by a qualified biologist to assess the projects potential impacts to sensitive biological communities. The report concluded that the projects potential to directly impact water quality is non-significant since the project is pre-existing, and so long as the site operator follows the standard conditions and best management practices outlined in the Lake or Streambed Alteration Agreement and the Water Resource Protection Plan. The report also includes recommendations to perform wetland delineation and floristic survey if any additional ground disturbance is proposed, and to perform Northern Spotted Owl surveys before conducting any operations with the potential to significantly disturb NSO's. The applicant is conditioned to adhere to the recommendations in the Biological Resources Assessment. The applicant has included protocols for Bullfrog Management for the existing ponds on-site, which will have at a minimum, an annual survey for bullfrogs and other invasive aquatic species.

The project was referred to the US Army Corps of Engineers on August 30, 2017. The agency responded on March 23, 2018, stating that all proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33.U.S.C. Section 1344). The project does not propose to discharge dredged or fill material into waters of the United States.

The project was referred to the Humboldt Bay Municipal Water District on October 15, 2018. The agency replied on October 30, 2018, with a standard referral response. The agency expressed concerns regarding the water source for the project, which was originally a point of diversion from the naturally existing pond on-site. The applicant has amended their Lake or Streambed Alteration Agreement with Fish & Wildlife to remove this point of diversion from their agreement and no longer uses the pond as a water source. The applicant had a well drilled in November of 2018, and this is the applicant's sole water source.

The project was referred to the Department of Fish & Wildlife on August 30, 2017 and the department commented on December 19, 2017. Comments for the project included that a Final Lake or Streambed Alteration Agreement (LSA#: 1600-2016-0586) was issued to the applicant, and that the applicant was in compliance with the agreement. They also requested that the project be conditioned to have a minimum of a 200 foot buffer for all mixed-light greenhouses and generators to be located outside of waters of the State. After review it has been determined that all existing and proposed mixed-light greenhouses and generators are located outside of the requested buffer.

The subject property has a Very High and High Fire Hazard Severity Rating, and is located within the State Fire Responsibility Area (SRA). CAL FIRE commented on the project on September 12, 2017 recommending that the applicant add an emergency access, signing and building number, emergency water standards and fuel modification standards. The applicant designated two fire turn-arounds on the Site Plan, and two 2,500-gallon tanks are existing on-site designated for fire water suppression. The applicant also plans to install one additional tank for a future total of 7,500 gallons of fire suppression water storage on-site. No trees have been removed on-site, and no tree removal is proposed for future project activities.

Access to the site is from Kneeland Road connecting to Shower's Pass Road connecting to Gordon Road. Kneeland Road is on the Public Works Department's list of County Maintained Roads that meet or are equivalent to a Road Category 4 standard, from Freshwater Road to Mountain Pass Road. Kneeland Road is non-county maintained for approximately 7.5 miles from Mountain Pass Road to Showers Pass Road. The applicant submitted a Road Evaluation Report self-certifying that Gordon Road was the equivalent to a road category 4 standard.

The project was referred to the department of Public Works on August 30, 2017. The department commented on September 24, 2018, requesting that the applicant submit a Road Evaluation Report for Showers Pass Road and Gordon Road, along with conditions of approval for the project. Conditions for the project include: relocating all fences and gates out of the County right of way so that vehicles will not block traffic when staging to open/close the gate, no materials shall be stored or placed in the County right of way, all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code, and to rock the access road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

The applicant submitted a Road Evaluation Report prepared by a licensed engineer for Showers Pass Road and Gordon Road on June 21, 2019, which states that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified, if the recommendations on the submitted report are completed. The Road Evaluation Report was re-referred to Public Works and a response was received on February 26, 2021, recommending that all of the recommendations on the submitted report be completed. In addition, the Department recommends that the applicant apply for an exception request pursuant to County Code for portions of the road in excess of 16% grade.

The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria, and both required a Cultural Resources Study (CRS). A CRS was completed in May of 2018. As a result of the CRS, it was found that the parcel contained multiple sites of concern. The Bear River Band Tribe requested a site visit to analyze the potential impacts of the project. A site visit was conducted on July 10th, 2019, and as a result the project has been conditioned according to the request and consultation of the Bear River Band Tribe. The project was also found to be within 600 feet of cultural resources. A waiver for the 600 foot setback has been approved by the Bear River Band Tribe with applying the necessary conditions to the project.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). 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-

**Case Numbers CUP 16-401, PLN-11819-CUP-SP
Assessor's Parcel Number: 317-023-010**

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

WHEREAS, Crossland Management, LLC submitted an application and evidence in support of approving a Conditional Use Permit for an existing 33,237 ft² of outdoor and an existing 6,000 ft² of mixed-light cannabis cultivation with a 3,900 ft² ancillary propagation space, on-site drying and trimming. A total of eight (8) employees will be used during peak season; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-11819-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 18, 2021.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-11819-CUP, based on the submitted substantial evidence; and
3. Conditional Use Permit PLN-11819-CUP is approved as recommended and conditioned in Attachment 1 for Case Number PLN-11819-CUP.

Adopted after review and consideration of all the evidence on March 18, 2021.

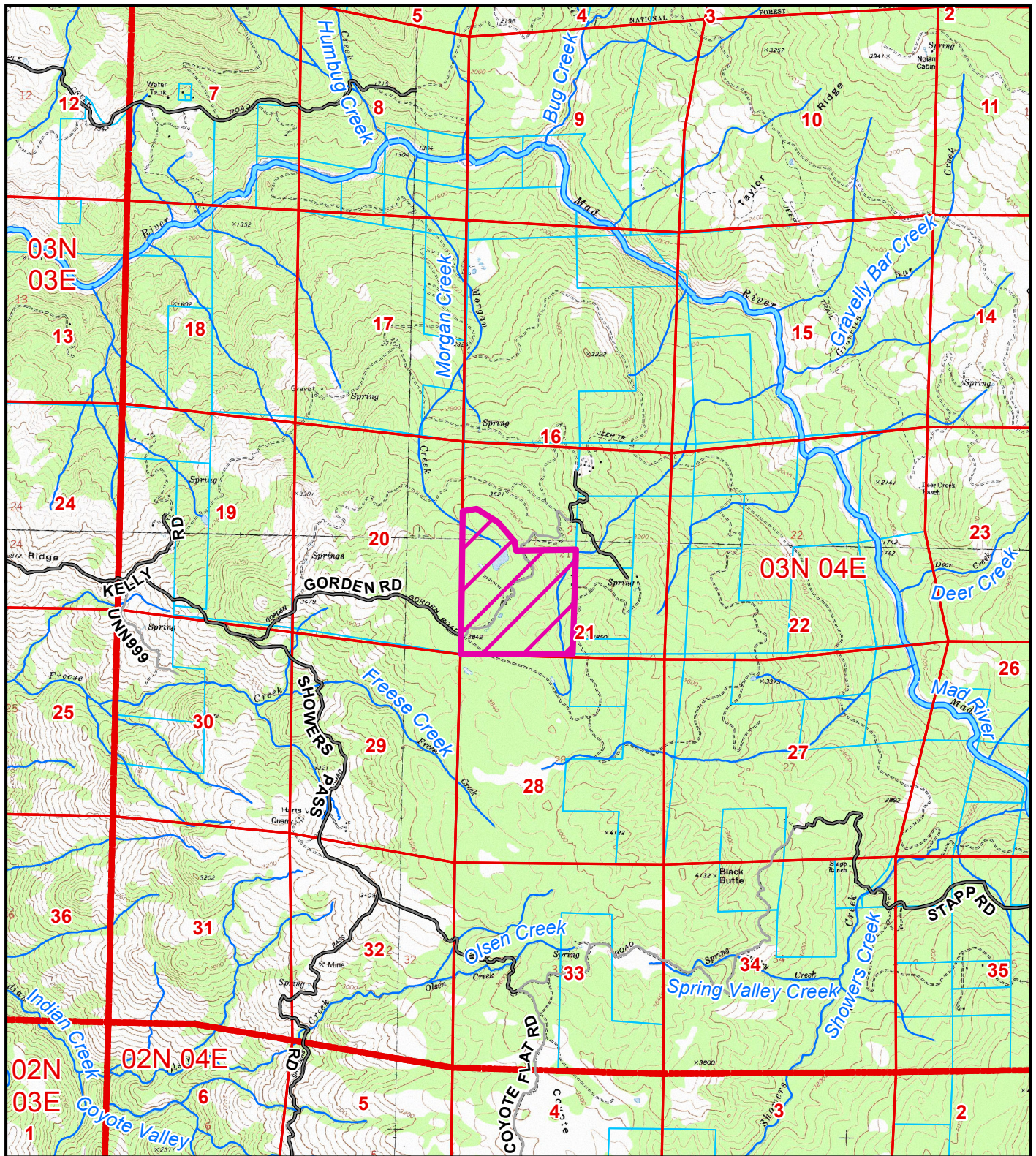
The motion was made by Commissioner ____ and seconded by Commissioner ____.

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

DECISION: Motion carries

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

John Ford, Director
Planning and Building Department

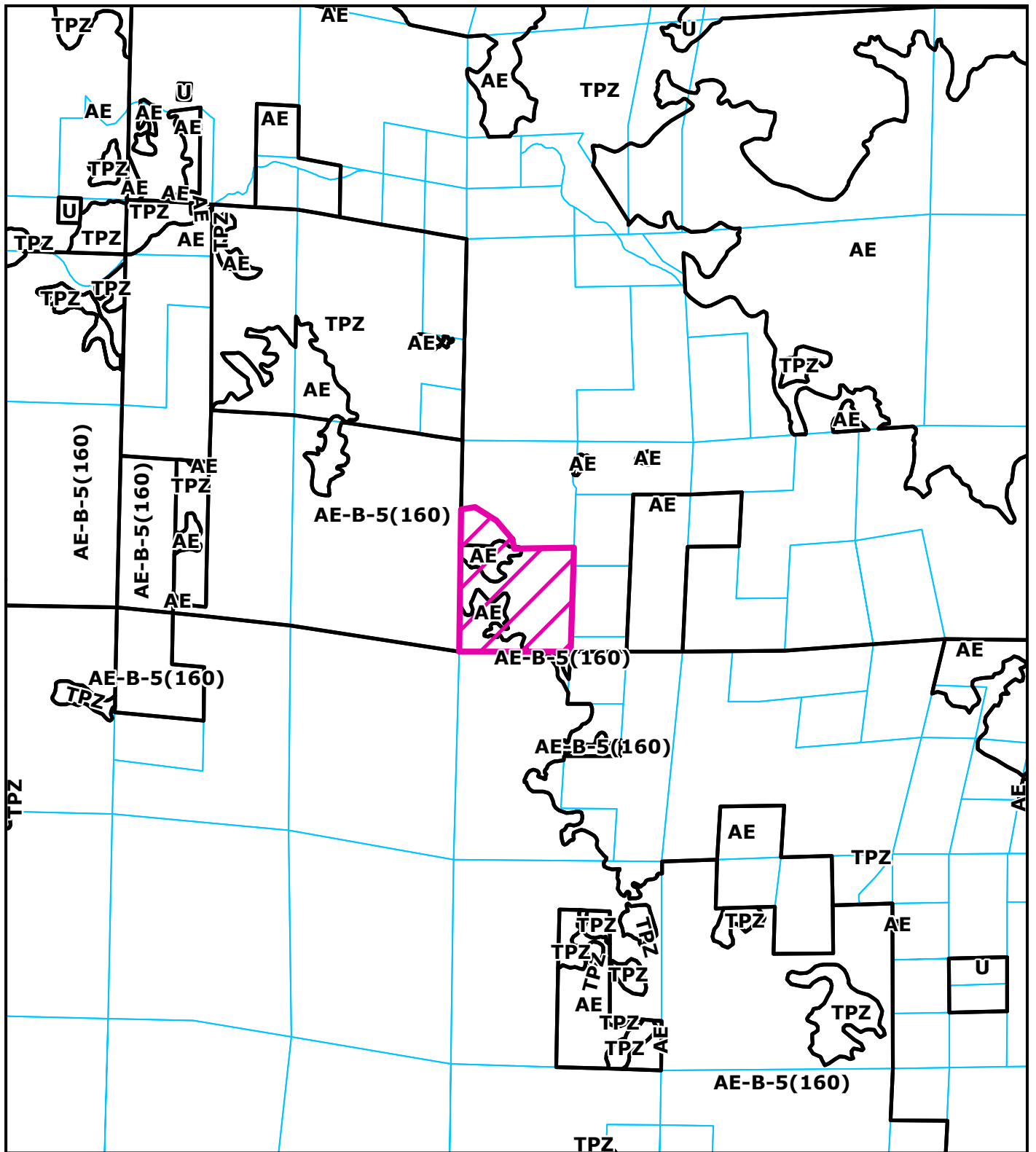


TOPO MAP
PROPOSED CROSSLAND MANAGEMENT LLC
PILOT RIDGE AREA
CUP-16-401
APN: 317-023-010
T03N R04E S21 HB&M (BOARD CAMP MTN)

Project Area = 

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

0 0.375 0.75 1.5
Miles

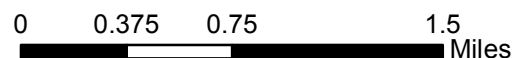


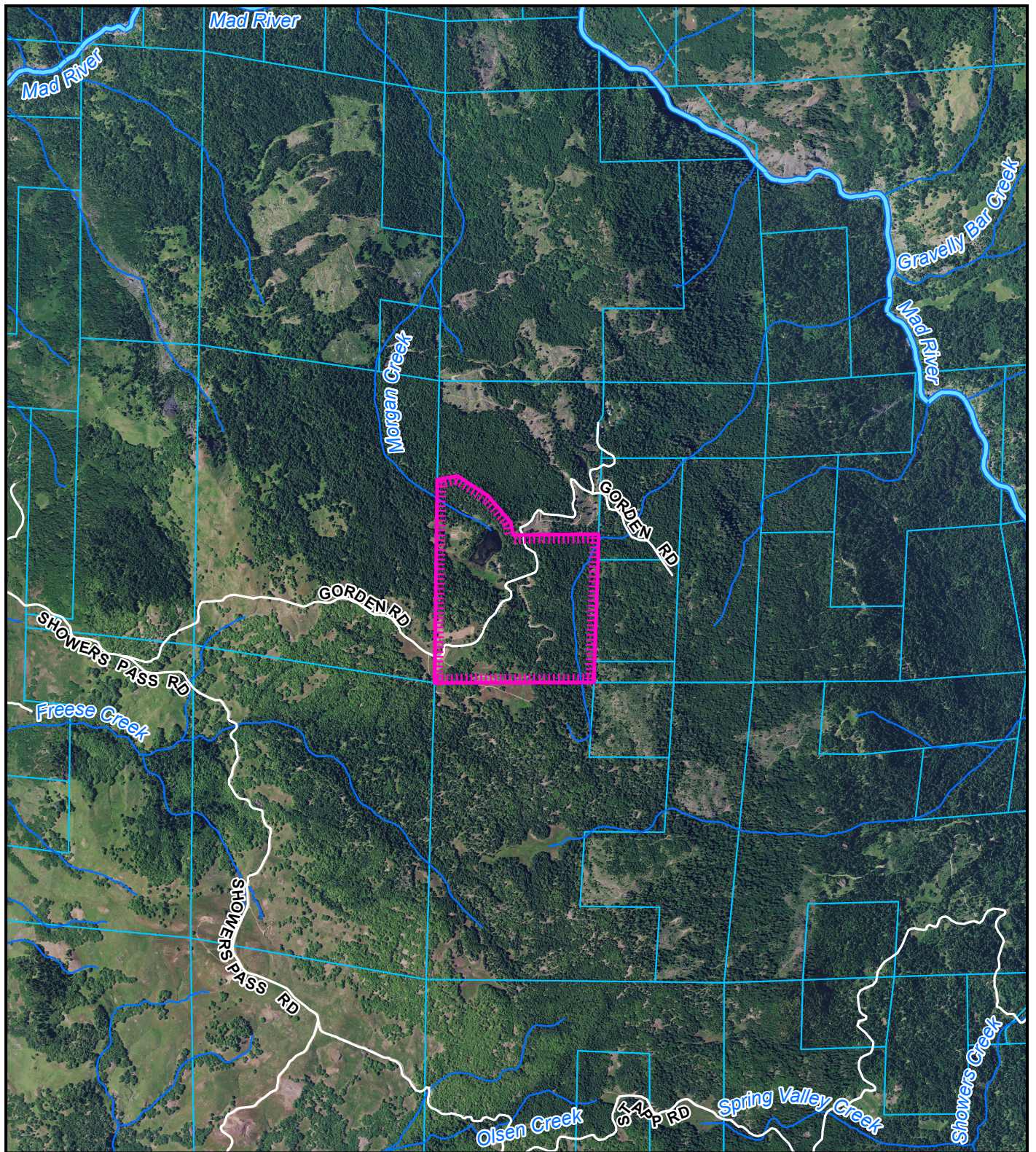
ZONING MAP
PROPOSED CROSSLAND MANAGEMENT LLC
PILOT RIDGE AREA
CUP-16-401
APN: 317-023-010
T03N R04E S21 HB&M (BOARD CAMP MTN)

Project Area = 



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





AERIAL MAP
PROPOSED CROSSLAND MANAGEMENT LLC
PILOT RIDGE AREA
CUP-16-401
APN: 317-023-010
T03N R04E S21 HB&M (BOARD CAMP MTN)

Project Area = 

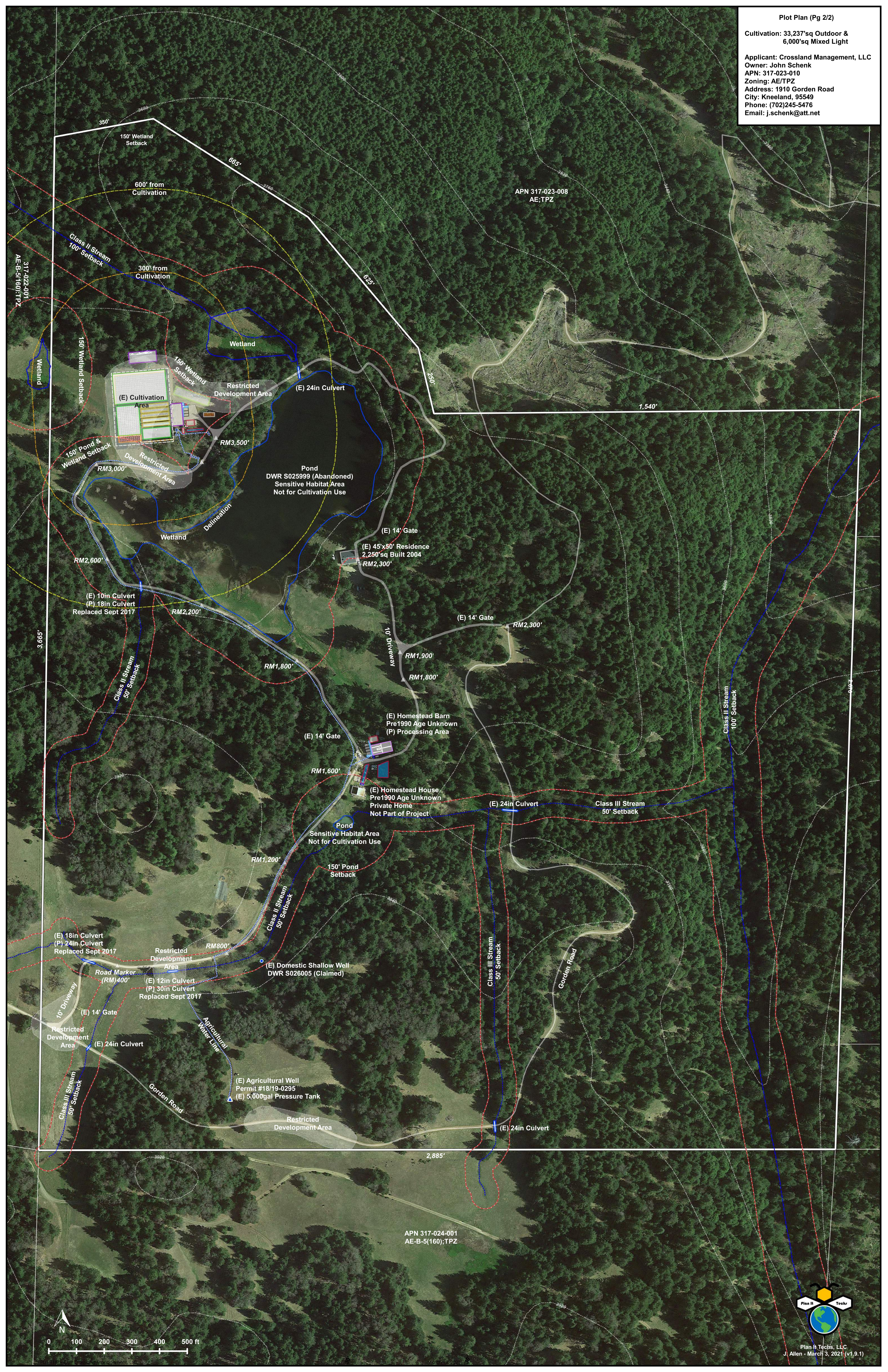
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5 1 Miles



Cultivation: 33,237'sq Outdoor &
6,000'sq Mixed Light

Applicant: Crossland Management, LLC
Owner: John Schenk
APN: 317-023-010
Zoning: AE/TPZ
Address: 1910 Gorden Road
City: Kneeland, 95549
Phone: (702)245-5476
Email: j.schenk@att.net



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A: Development Restrictions

1. **Within 60 days of the effective date of project approval**, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2–10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits and clearances for all structures (including but not limited to: five (5) mixed-light greenhouse structures, one (1) proposed 30'x130' appurtenant nursery greenhouse, one (1) 40'x100' proposed Ag Exempt Drying & Processing structure (no trimming), one (1) proposed 40'x80' Ag Exempt Drying & Processing structure (no trimming), two (2) proposed 20'x30' generator sheds, one (1) 8'x20' Ag Exempt Storage Shed, and one (1) 35'x70' Processing structure (trimming).) Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Until then, existing structures used in the cannabis operation are not to be used or occupied until all required permits have been obtained.
3. The applicant shall execute a Development Plan to limit further ground disturbance activities on the mapped "restricted development areas". The project shall continue to use the geotextile fabric on the cultivation and nursery areas and avoid using materials that penetrate the ground or cause further disturbance to the "restricted development areas". All proposed developments will need to be located outside of the "restricted development areas," excluding the proposed 4,000 ft² drying structure and the proposed 3,900 ft² appurtenant nursery, so long as the development does not exceed agriculture exempt structure standards or increase the current ground disturbance. The proposed building plans will be required to be reviewed by the Planning department.
4. Per the comments from Public Works the applicant shall:
 - a) Relocate all fences and gates out of the County right of way so that vehicles will not block traffic when staging to open/close the gate, and no materials shall be stored or placed in the County right of way.
 - b) All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code,
 - c) 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.
 - d) Complete all recommendations in the submitted Road Evaluation Report for Showers Pass Road and Gordon Road.
 - e) Apply for an exception request pursuant to County Code, for the portions of access road which exceeds 16% grade.
5. The applicant shall secure the approval of the Division of Environmental Health (DEH) for the on-site wastewater disposal system (OWTS) and provided documented use of portable toilets with hand washing stations is required until the permitted OWTS has been installed. A letter from those agencies

indicating approval has been issued will satisfy this condition.

6. The project is required to have a Site Management Plan prepared for the project to meet State Water Board Compliance. The applicant is conditioned to supply the department with the final Site Management Plan when available, and to adhere to any maintenance recommended in the report.
7. The applicant shall provide a Noise and Light Attenuation Plan for the project to show that:
 - a. Generators on-site do not to exceed 50 db measured from 100 feet or at the nearest canopy (whichever is closer), and noise levels shall not exceed 60 db at any property line when operations are occurring.
 - b. That the project complies with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1.
 - c. Northern Spotted Owl (NSO) is assumed to forage on or adjacent to the property and no construction or road grading work will occur in the nesting or denning seasons (February 1 through August 30) unless protocol level surveys and associated biological assessments of the property scientifically demonstrate absence and mitigation measures are agreed upon by the California Department of Fish and Wildlife. Any measures developed by the biologist must be adhered to during the nesting or denning season.
 - d. No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels as measured from the nearest suitable habitat may occur during the nesting or denning season.
8. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
9. The applicant shall contact the local fire service provider (Kneeland Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
12. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Cannabis Regulation and Safety Act (MCRSA), as may be amended from time to time, as applicable to the permit type.
3. As a condition of approval, applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
4. The applicant shall be responsible for obtaining all necessary county and state permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
5. All use of on-site lighting shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
6. The noise produced by any generator used on an emergency-only basis for cannabis drying and curing, shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
7. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
8. 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.
9. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other

Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

10. Maintain enrollment in the appropriate tier of the State Water Resources Control Board Cannabis General Order adopted October 17, 2017, as applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
11. Comply with the ongoing monitoring, and maintenance methods outlined in the applicants Water Resource Protection Plan prepared by Timberland Resource Consultants.
12. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, if applicable.
13. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 7050.5 requires that the County Coroner be contacted immediately by phone at (707) 445-7242. If the coroner determines the remains to be Native American, the coroner will then contact the Native American Heritage Commission to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

14. 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).
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
16. Pay all applicable application, review for conformance with conditions, and annual inspection fees.
17. 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.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. Participate in and bear the costs for permittee's participation in the California's "Metrc" track-and-trace system or any substantially equivalent program that may be subsequently adopted by the State of California, County of Humboldt, or other responsible agency.
21. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

22. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
23. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
24. Use of rodenticides on the property shall be prohibited, as recommended by a site-specific biological resource survey.

C: 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. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

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

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.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

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

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

32. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #31 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.

33. 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.

34. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt 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
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and

III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA

35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- Identifying information for the new Owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - The specific date on which the transfer is to occur; and
 - Acknowledgement of full responsibility for complying with the existing Permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. 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:

- Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
- This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #32 of the On-Going Requirements /Development Restrictions, above.
- The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 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.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

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

General Plan Consistency. The following table documents the evidence proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T): The designation is intended for land that is primarily suitable for growing, harvesting, and production of timber. General agriculture and agriculture and timber products processing are allowed uses within the T designation.</p> <p>Agriculture Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings. General and intensive agriculture and agriculture and timber products processing are allowed uses within the AG designation.</p>	<p>The project is proposing an existing 33,327 ft² outdoor and 6,000 ft² mixed-light cannabis cultivation operation, with a 3,900 ft² ancillary propagation greenhouse. Processing activities will include drying, curing, and trimming to occur on-site. This is an agricultural use that is consistent with the Timberland and Agriculture Grazing land use designations.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is from Kneeland Road connecting to Shower's Pass Road connecting to Gordon Road. Kneeland Road is on the Public Works Department's list of County Maintained Roads that meet or are equivalent to a Road Category 4 standard, from Freshwater Road to Mountain Pass Road. Kneeland Road is non-county maintained for approximately 7.5 miles from Mountain Pass Road to Showers Pass Road. The applicant submitted a Road Evaluation Report self-certifying that Gordon Road was the equivalent to a road category 4 standard.</p> <p>The project was referred to the department of Public Works on August 30, 2017. The department commented on September 24, 2018, requesting that the applicant submit a Road Evaluation Report for Showers Pass Road and Gordon Road, along with conditions of approval for the project. Conditions for the project include: relocating all fences and gates out of the County right of way so that vehicles will not block traffic when staging to open/close the gate, no materials shall be stored or placed in the County right of way, all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code, and to rock the access road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.</p> <p>The Applicant submitted a Road Evaluation</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		Report prepared by a licensed engineer for Showers Pass Road and Gordon Road on June 21, 2019. The Road Evaluation Report was re-referred to Public Works and a response was received on February 26, 2021, recommending that all of the recommendations on the submitted report be completed. In addition, the Department recommends that the applicant apply for an exception request pursuant to County Code for portions of the road in excess of 16% grade.
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	Currently there are two residential structures on site. The project site is not part of the Housing Element Residential Land Inventory, nor is it within the Housing Opportunity Zone. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3). Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.	The proposed project is located within a land use designation which is compatible with adjacent resource production and open space uses. The project can be found consistent with the policies of the Open Space Element because the proposed project is consistent with the allowable uses of the land use designation. The proposed cannabis cultivation – an agricultural product – is located solely within land planned for timberland and agriculture grazing and is surrounded by timberland and agriculture (both which allow General Agricultural uses), consistent with the use of Open Space land for management production of resources.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).	According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by CDFW, there are no state listed special-status or threatened species located on the subject parcel. There is one Northern Spotted Owl activity center located near the project location at 0.855 miles, and the parcel may contain suitable habitats for these species. The parcel does contain perennial and seasonal

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies: BR-P1, Compatible Land Uses; BR-P4, Development within Stream Channels; BR-P6, Development within Streamside Management Areas; BR-P7, Wetlands Identification; BR-P10, Invasive Plant Species.</p>	<p>wetland areas. The applicant had a Wetland Delineation report prepared for the project by a qualified biologist. All cultivation areas have been either verified to be outside of the perennial wetland buffer of 150 feet, or have been relocated outside of the buffer. A Biological Assessment has also been prepared by a qualified biologist to assess the projects potential impacts to sensitive biological communities. The report concluded that the projects potential to directly impact water quality is non-significant since the project is pre-existing, and so long as the site operator follows the standard conditions and best management practices outlined in the Lake or Streambed Alteration Agreement and the Water Resource Protection Plan. The report also includes recommendations to perform wetland delineation and floristic survey if any additional ground disturbance is proposed, and to perform Northern Spotted Owl surveys before conducting any operations with the potential to significantly disturb NSO's.</p> <p>The project does contain mixed-light cultivation areas, and utilizes generators on-site for power source. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. These shielded generators are not to exceed 50 db measured from 100 feet or at the nearest canopy (whichever is closer) and shall not exceed 60 db at any property line. The project is also conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1. As well, the Applicant shall adhere to the recommendations in the Biological Resources Assessment.</p> <p>The project was referred to the Department of Fish & Wildlife on August 30, 2017 and the department commented on December 19, 2017. Comments for the project included that a Final Lake or Streambed Alteration Agreement (LSA#: 1600-2016-0586) was issued to the applicant, and that the applicant was in compliance with the agreement. They also requested that the project be conditioned to have a minimum of a 200 foot buffer for all mixed-light greenhouses and generators to be located outside of waters of the State. After review, it has been determined that all existing and proposed greenhouses and</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		generators are located outside of the requested buffer.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center (NWIC) the Bear River Band of the Rohnerville Rancheria both required a Cultural Resources Study (CRS). A CRS was completed in May of 2018. As a result of that CRS, it was found that the parcel contained multiple sites of concern. The Bear River Band Tribe requested a site visit to analyze the potential impacts of the project. A site visit was conducted on July 10th, 2019, and as a result the project has been conditioned according to the request and consultation of the Bear River Band Tribe.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related policies: SR-S4, Light and Glare.</p>	<p>The project proposes 33,327 ft² of existing outdoor cultivation and 6,000 ft² of existing mixed-light cultivation with a 3,900 ft² ancillary propagation area.</p> <p>Additionally, the project has been conditioned so that all light sources shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water</p>	<p>Water for the project is sourced by a well, which has been deemed to be a groundwater well by Fisch Drilling, and CDFW. One water diversion from a shallow well is used for domestic uses, and is a part of the final LSA agreement with CDFW.</p> <p>The site was historically enrolled in the North Coast Regional Water Quality Control Board for coverage under Order No. R1-2015-0023, WDID: 1B170376CHUM. A Water Resource Protection Plan has been prepared by Timberland Resource</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G7, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>Consultants in July 2017. The site has also been enrolled under the State Water Resources Control Board Order WQ 2019-001-DWQ, WDID: 1_12CC418905. All cultivation areas seem to be existing outside of all required buffers under the order. The project is required to have a Site Management Plan prepared for the project to meet State Water Board Compliance, and the applicant is conditioned to supply the department with the final Site Management Plan when available, and to adhere to any maintenance recommended in the report.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The project includes the proposal of an on-site wastewater system, and an On-Site Wastewater Treatment System Evaluation report was prepared by Mother Earth Engineering in May of 2018.</p> <p>The Division of Environmental Health (DEH) recommended conditional approval of the project. The recommended conditions include: 1) no processing approved until an acceptable site suitability report can establish potential for onsite waste treatment system; and 2) an invoice or equivalent documentation is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. The applicant is required to have portable toilets available until the final Septic System is permitted and approved by the Department of Environmental Health, and DEH requirements are included in the conditions of approval for the project.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures due to the potential presence of special-status or threatened wildlife at the site. The existing cultivation areas are located within greenhouses. The project is powered by two existing generators on-site, and one solar panel is used for the water pump at the well for irrigation. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. These shielded generators are not to exceed 50 db measured from 100 feet or at the nearest canopy (whichever is closer) and shall not exceed 60 db at any property line.</p>
<p>Safety Element Chapter 14</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The project site does not contain areas of historic landslides. The cultivation area occurs on naturally</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Geologic & Seismic	<p>potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>flat areas with slopes less than 15%. Given the relatively flat areas where cultivation areas are located, the proposed project is not expected to be affected by geologic instability or seismic events even though it has mapped high instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. As a condition of approval, the applicant will obtain all grading and building permits from the Building Inspection Division (BID).</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject parcel is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p> <p>According to the Flood Insurance Rate Map (FIRM) Panel No. 06023C1325F, the project site is located within an area of minimal flooding.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property has a Very High and High Fire Hazard Severity Rating, and is located within the State Fire Responsibility Area (SRA). CAL FIRE commented on the project on September 12, 2017 recommending that the applicant add an emergency access, signing and building number, emergency water standards and fuel modification standards. The applicant designated two fire turn-arounds on the Site Plan, and two 2,500-gallon tanks are existing on-site designated for fire water suppression. The applicant also plans to install one additional tank for a future total of 7,500 gallons of fire suppression water storage on-site.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the</p>	<p>To implement this policy, conditions of approval for the project required the applicant to contact the local fire service provider [Kneeland Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Action Plan	local fire agency, including any recommended mitigation.	suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2), other criteria pollutants (AQ-G3), and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies and standards: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

Zoning Compliance and Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel was created in its current configuration by Lot Line Adjustment Case No. LLA09-05. The Notice of Lot Line Adjustment and Certificate of Subdivision Compliance was recorded as document 2010-14533-3 of Official Records on July 8, 2010. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agriculture Exclusive (AE) §314-7.4 Timberland Production Zone (TPZ)	<p>The Agriculture Exclusive zone is intended to be applied in fertile areas where agriculture is the desirable predominant use. All general agricultural uses are principally permitted in this zone.</p> <p>The Timberland</p>	The project is for the cultivation of commercial outdoor cannabis. Commercial cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it as an agricultural use and general agricultural uses are permitted in the AE and TPZ zones, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical and adult use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the AE and TPZ use type classifications. Based on the referenced principally permitted use and the above, a

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
	Production Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting of timber. Accessory agricultural uses and structures are also allowed in the zone.	finding of consistency with the AE and TPZ zoning district can be made for the project.
Minimum Parcel Size	AE: 20 acres TPZ: 40 – 160 acres	The parcel is 193 acres in size.
Maximum Ground Coverage	AE: 35% TPZ: None specified	The cultivation area and other improvements total approximately 3 acres, and the subject parcel is 193 acres which is less than 1% of the parcel.
Minimum Lot Width	AE: 100 feet TPZ: None specified	Approximately 2,904 feet wide
Maximum Lot Depth	AE: None specified TPZ: None specified	Approximately 3,720 feet deep
Setbacks: TPZ Front: 20 feet Rear: 30 feet Side: 30 feet	Setbacks: AE Front: 30 feet Rear: 20 feet Side: 10% lot width, no more than 20 feet	Front: >30 Rear: >30 Side: >30
Setbacks superseded by 30-foot setbacks in SRA area due to Firesafe regulations.		
Max. Building Height	AE: None specified TPZ: None specified	Unknown

314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are six Streamside Management Areas located on the subject parcel. All project components are located at least 150 feet from any SMA on-site.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.	There will be up to eight employees associated with the requested permit. Zoning on the site is AE and TPZ, and the Code is silent as to the parking requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 – Manufacturing).

	<i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i>	Six regular and two ADA compliant parking spaces are designated on the Site Plan for the project; therefore, there is sufficient space on the property for up to eight employees to park.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	No clearing of timber has occurred at the site or is proposed as part of the project.
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On TPZ (on parcels one acre or larger) and AE parcels, existing outdoor and mixed-light cultivation may be permitted with a Use Permit.	The applicant provided evidence of cultivation prior to January 1, 2016 which was confirmed by staff through the Cultivation Area Verification (CAV) process for issuance of the interim permit. The proposed project includes permitting 33,237 ft ² of pre-existing outdoor cultivation and 6,000 ft ² of existing mixed-light cultivation. The cultivation area is consistent with the requirements for the cultivation type, status and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant, Crossland Management, LLC, has no other cannabis activity permit, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The harvested product is dried on-site and additional trimming is proposed to occur within an existing building on-site.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Activity Registration Form was received by the Planning Department on August 17, 2016.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows that all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.c Performance Standards- Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Irrigation water is sourced from a groundwater well, and domestic water is sourced from a point of diversion (POD) from a spring on the parcel. The diversion for domestic uses has been included in the Final Lake or Streambed Alteration Agreement with the California Department of Fish & Wildlife. A total of seven (7) 5,000-gallon tanks are existing on-site for water storage. A total of 713,000 gallons is anticipated to be used per season, and the applicant is required to install a meter on the groundwater well and take measurements to calculate the amount of water used for irrigation.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs). For publicly owned lands managed for open space and/or wildlife habitat purposes, a setback of less than 600 feet may be allowed with a Special Permit.	The applicant's site plan shows that the cultivation area is not within 600 feet of any school, school bus stop, church or other place of religious worship, or public parks. The project has been found to be within 600 feet of cultural resources. A waiver for the 600 foot setback has been approved by the Bear River Band Tribe with applying the necessary conditions to the project.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	Electricity is provided by two generators on-site. Shielding of generators, nursery lights, and other auditory disturbances are made conditions of approval to avoid harassment of Northern Spotted Owls with historic activity centers located approximately 0.86 miles away. Mitigation conditions are included to avoid noise and light pollution, and to limit the construction season to outside of special-status nesting seasons; therefore, the project will conform to the referenced standard.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 14, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. The project site currently contains one housing unit. The project will not preclude any future residential development if allowed by the General Plan and Zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, authorization of the spring diversion and well that supplies water to irrigate cannabis crops, three appurtenant nurseries to raise immature plants and on-site processing activities. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 317-023-010, 1910 Gorden Road, Kneeland, County of Humboldt

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

April 2019

Background

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

The modified project involves a Conditional Use permit for 33,237 ft² of existing full sun outdoor cultivation and 6,000 ft² of existing mixed-light cultivation within five (5) 12'x100' hoop houses. Water is sourced from a groundwater well. Estimated annual water usage for irrigation is 713,000 gallons per year (18.17 gallons/square foot/ year). Existing water storage consists of a total of 40,000 gallons in seven (7) 5,000-gallon hard tanks, and two (2) 2,500-gallon hard tanks designated for fire water suppression. Drying will occur on-site within a 40'x100' proposed building, and an additional 40'x80' proposed building. Trimming is proposed to occur within an existing 35'x70' building. A total of three (3) full-time employees and five (5) part-time employees will be required for cultivation related activities. Power is sourced from generators and a solar array is used to power the water pump.

The site was historically enrolled in the North Coast Regional Water Quality Control Board for coverage under Order No. R1-2015-0023, WDID: 1B170376CHUM. A Water Resource Protection Plan has been prepared by Timberland Resource Consultants in July 2017. The site has also been enrolled under the State Water Resources Control Board Order WQ 2019-001-DWQ, WDID: 1_12CC418905. All cultivation areas seem to be existing outside of all required buffers under the order. The project is required to have a Site Management Plan prepared for the project to meet State Water Board Compliance, and the applicant is conditioned to supply the department with the final Site Management Plan when available, and to adhere to any maintenance recommended in the report.

According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by CDFW, there are no state listed special-status or threatened species located on the subject parcel. There is one Northern Spotted Owl activity center located near the project location at 0.855 miles, and the parcel may contain suitable habitats for these species. Generators on-site are not to exceed 50 db measured from 100 feet or at the nearest canopy (whichever is closer) and shall not exceed 60 db at any property line. The project must also comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and is conditioned to provide a Noise and Light Attenuation Plan for project activities. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. The applicant is conditioned to adhere to the recommendations in the Biological Resources Assessment. The applicant has included protocols for Bullfrog Management for the existing ponds on-site, which will have at a minimum, an annual survey for bullfrogs and other invasive aquatic species.

The applicant shall execute a Development Plan to limit further ground disturbance activities on the mapped “restricted development areas”. The project shall continue to use the geotextile fabric on the cultivation and nursery areas, and avoid using materials that penetrate the ground or cause further disturbance to the “restricted development areas”. All proposed developments will need to be located outside of the “restricted development areas,” excluding the proposed 4,000 ft² drying structure and the proposed 3,900 ft² appurtenant nursery, so long as the development does not exceed agriculture exempt structure standards or increase the current ground disturbance. The proposed building plans will be required to be reviewed by the Planning department.

The project was referred to the department of Public Works on August 30, 2017. The department commented on September 24, 2018, requesting that the applicant submit a Road Evaluation Report for Showers Pass Road and Gordon Road, along with conditions of approval for the project. Conditions for the

project include: relocating all fences and gates out of the County right of way so that vehicles will not block traffic when staging to open/close the gate, no materials shall be stored or placed in the County right of way, all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code, and to rock the access road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Notice of Applicability for proof of enrollment in State Water Board Order.
- Water Resource Protection Plan prepared by Timberland Resource Consultants.
- Wetland Delineation Report prepared by Timberland Resource Consultants.

- Cultural Resource Investigation Report.
- Biological Resource Assessment prepared by Timberland Resource Consultants.
- Amendment of Lake or Streambed Alteration Agreement (No. 1600-2016-0586-R1).
- Road Evaluation Reports dated May 8, 2019 prepared by a qualified engineer.
- On-Site Wastewater Treatment System Evaluation prepared by Mother Earth Engineering.
- Well Completion Report.
- Groundwater well determination letter dated November 22, 2019, by Fisch Drilling.
- County GIS.
- Site Plan and Cultivation & Operations Plan for Crossland Management, LLC.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

10. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
11. 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.
12. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached separately as attachment 4a)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Applicability filed with the State Water Resources Control Board Order WQ 2019-0001-DWQ. (Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Amendment of LSAA No. 1600-2016-0586-R1 Attached)
9. If the source of water is a well, a copy of the Well Completion Report, if available. (On File)
10. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)
11. Consent for 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 314-55.4.8.2.3 of the County Code, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under Senate Bill 18 (Burton) and Assembly Bill 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 (see Informational Note #3 for examples of resources). Examples of mitigation 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. Water Resources Protection Plan prepared by Timberland Resource Consultants.
(Attached separately as attachment 4b)
16. Wetland Delineation Report prepared by Timberland Resource Consultants.
(Attached separately as attachment 4c)
17. On-Site Wastewater Treatment System Evaluation Report prepared by Mother Earth Engineering.
(On file)
18. Cultural Resource Investigation prepared by William Rich and Associates. (On file)
19. Road Evaluation Reports prepared by a qualified engineer. (Attached separately as attachment 4d)
20. Biological Assessment prepared by Timberland Resource Consultants. (On file)
21. Groundwater Well Determination letter from Fisch Drilling. (Attached)



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
619 2nd Street
Eureka, CA 95501
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
Charlton H. Bonham, Director



May 21, 2019

Walter Sommers
Crossland Management LLC
417 2nd Street, Suite 204
Eureka, CA 95501

Subject: Amendment of Lake or Streambed Alteration Agreement
Notification No. 1600-2016-0586-R1
Sommers Water Diversion and Stream Crossings Project

Dear Walter Sommers:

On February 19, 2019, the Department of Fish and Wildlife (Department) received your request to amend Lake or Streambed Alteration Agreement 1600-2016-0586-R1 (Agreement) and the required fee in the amount of \$447.25 for a "minor" amendment. Your request to amend the Agreement includes changing the project description to remove Point of Diversion-3 (POD-3) covered under the existing Agreement. Water will no longer be diverted from POD-3. The water supply for this project will now be sourced by a permitted groundwater well. All other conditions in the Agreement remain in effect unless otherwise noted herein.

If you have any questions regarding this matter, please contact Senior Environmental Scientist Specialist David Manthorne at david.manthorne@wildlife.ca.gov or (707) 441-5900.

Sincerely,

Scott Bauer
Senior Environmental Scientist Supervisor

cc: David Manthorne



Conserving California's Wildlife Since 1870



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLES H. BONHAM, Director



June 2, 2017

Mr. Walter Sommers
417 2nd Street, Suite 204
Eureka, CA 95501

Subject: Draft Lake or Streambed Alteration Agreement
Notification No. 1600-2016-0586-R1
Sommers Water Diversion and Stream Crossings Project

Dear Mr. Sommers:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

Conserving California's Wildlife Since 1870

Mr. Sommers
June 2, 2017
Page 2 of 2

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf.

If you have any questions regarding this letter, please contact Senior Environmental Scientist Specialist David Manthorne at david.Manthorne@wildlife.ca.gov or (707) 441-5900.

Sincerely,



Scott Bauer
Senior Environmental Scientist Supervisor

cc. Chris Carroll
Timberland Resource Consulting
carroll@timberlandresource.com

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2016-0586-R1

Unnamed Tributaries to Morgan Creek, Tributary to the Mad River and the Pacific Ocean

Mr. Walter Sommers
Sommers Water Diversion and Stream Crossings Project
7 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Walter Sommers (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 14, 2016, with revisions submitted on April 7, 2017, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accept its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Mad River watershed, approximately 10.7 miles northeast of the town of Bridgeville, County of Humboldt, State of California. The project is located in Section 21, T3N, R4E, Humboldt Base and Meridian; in the Showers Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 317-023-10; latitude 40.6233 N and longitude 123.7394 W.

PROJECT DESCRIPTION

The project is limited to seven encroachments (Table 1). Three encroachments are for water diversion from unnamed tributaries to Morgan Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and

maintenance of the water diversion infrastructure. Three other proposed encroachments are to upgrade undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with a new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The last encroachment is to armor the pond spillway to minimize erosion.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Point of Diversion (POD-1)	40.6187, -123.7432	Water diversion from a shallow groundwater well
Point of Diversion (POD-2)	40.6196, -123.7420	Water diversion from a shallow well adjacent to a Class II pond
Point of Diversion (POD-3)	40.6230, -123.7440	Water diversion from a pond/lake
Crossing-1	40.6186, -123.7455	Replace existing 18" diameter culvert with a minimum 24" diameter culvert
Crossing-2	40.6185, -123.7443	Replace existing 12" diameter culvert with a minimum 30" diameter culvert
Crossing-3	40.6224, -123.7449	Replace existing 10" diameter culvert with a minimum 18" diameter culvert
Pond Outfall	40.6201, -123.7449	Armor pond outflow with rip rap to minimize erosion

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

loss or decline of riparian habitat;
direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;

- impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on December 14, 2016, with revisions received on April 7, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization: POD1 and POD-2. No more than 200 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from each POD. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis.
- 2.6 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.7 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.

- 2.8 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 Biological Assessment of Impoundment (Pond/Lake). A biologist shall inspect the pond and evaluate the fish species located within the pond. The Permittee shall submit a Biological Assessment Report by October 1, 2017. The report shall include the following at a minimum: 1) The procedure for biological evaluation, 2) Photographs of fish species identified in the pond, and 3) Photographs of species found in the pond. CDFW will review the Biological Assessment and evaluate whether actions will be required to remove invasive fish species at this location.
- 2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.11 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.13 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the

California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

- 2.16 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.17 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.18 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired immediately.
- 2.19 Work Completion. The proposed work shall be completed by no later than **October 1, 2017**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 2.20 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.21 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.22 Culvert Installation.

2.22.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.22.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

2.22.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.22.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.22.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.

2.23 Rock Armor Placement.

2.23.1 No heavy equipment shall enter the wetted stream channel.

2.23.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.23.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.23.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.24 Project Inspection. The Project shall be inspected by Timberland Resource Consulting or a licensed engineer to ensure that the stream crossings were

installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2017**.
- 3.2 Biological Assessment Report. A **Biological Assessment Report** (condition 2.10) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31, 2017**.
- 3.3 Work Completion. A **Notice of Work Completion** shall be submitted to CDFW within 7 days of project completion.
- 3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.24) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Walter Sommers
417 2nd Street, Suite 204
Eureka, California 95501
315-523-1291
wperk@rcest1860.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0586-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including

its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse

disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Walter Sommers



Walter Sommers

6-7-17

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer

Senior Environmental Scientist Supervisor

Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, June 2, 2017

North Coast Regional Water Quality Control Board

September 24, 2019

WDID:1_12CC418905

WALTER SOMMERS
417 2ND STREET SUITE 204
EUREKA, CA 95501

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

2019.09.25 10:17:50 PDT

On Behalf Of
Water Boards

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

190924_2L_1_12CC418905_1B170376CHUM_Crossland_Management_LLC_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, WALTER SOMMERS, HUMBOLDT COUNTY APN(s) 317-023-010-000

Walter Sommers (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 27, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC418905**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B170376CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 24, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us

HBD Kneeland LLC Co 15260 Ventura Boulevard STE 1400 Sherman
Oaks, CA 91403



3150 JOHNSON RD.
HYDESVILLE, CA.
(707) 768-9800
dave@fischdrilling.com



November 22, 2019

John Schenk
HBD Kneeland, LLC
1632 Broadway #345
Eureka, CA. 95501

HBD Kneeland, LLC
1910 Gorden Road
Kneeland, CA. 95549

Results of site review of HBD Kneeland, LLC property, APN 317-023-010. The well site in question is located 1910 Gorden Road, on parcel 317-023-010 this well was completed November 6 2018.

The well was completed in the Franciscan Sandstone; the well was drilled into perched bedrock aquifer with no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer.

Considering the depth of the well, it appears to falls within guidelines of a non-jurisdictional well of similar depth in the surrounding area.
Any questions please call (707)768-9800.

Thank You,

David Fisch
Fisch Drilling

3150 JOHNSON RD. • HYDESVILLE • 95547
PHONE: 707-768-9800 • FAX: 707-768-9800

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	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
CAL FIRE	✓	Conditional Approval	Attached
Department of Fish & Wildlife	✓	Conditional Approval	On file
Humboldt Bay Municipal Water District	✓	Other Comments	Attached
NWIC	✓	Conditional Approval	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Army Corps of Engineers	✓	Approval	On file
Humboldt County Sheriff	✓	Approval	On file
RWQCB		No Response	
CA Division of Water Rights		No Response	
County AG Commissioner			
North Coast Unified Air Quality Management District		No Response	
Humboldt County Agricultural Commissioner		No Response	
Bridgeville School District		No Response	
Kneeland Fire Protection District		No Response	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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



Building Division's Referral Comments for Cannabis Operations:

Application No.: 44590
Parcel No.: 317-023-010
Case No.: 11819



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

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

☒ Other Comments: add (include) all greenhouse structures on plot plan (12 new)

Name: Ian Mion

Date: 10/5/17

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



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

8/30/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff's Department, Kneeland Fire Protection District, Bridgeville Elementary School District, Fortuna Union High School District, Division of Water Rights

Applicant Name Crossland Management, LLC **Key Parcel Number** 317-023-010-000

Application (APPS#) 11819 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-401

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 9/14/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

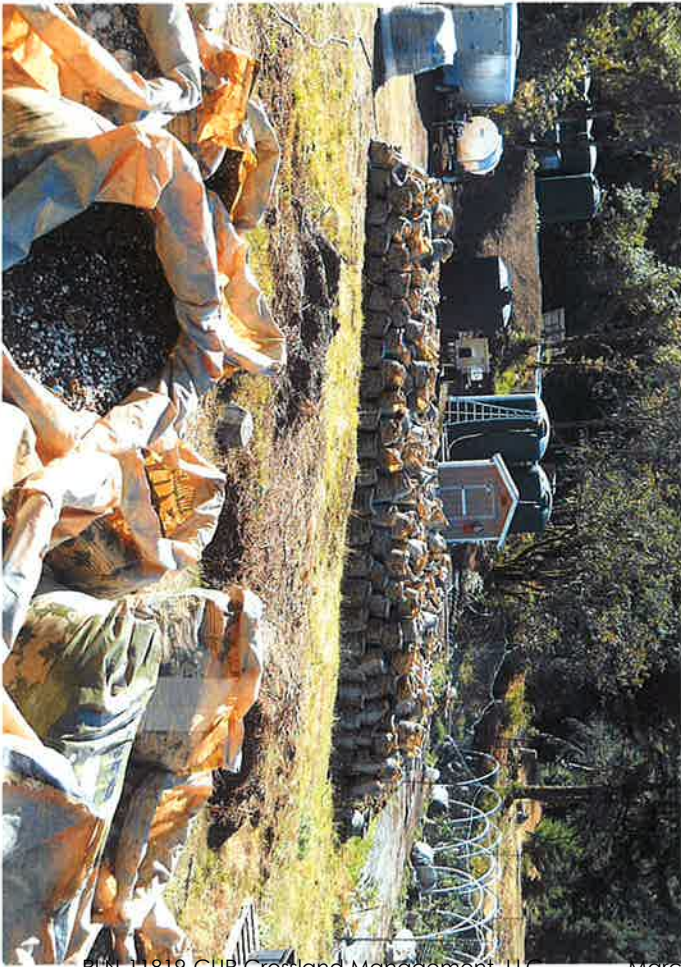
☐ Recommend Denial. Attach reasons for recommended denial.

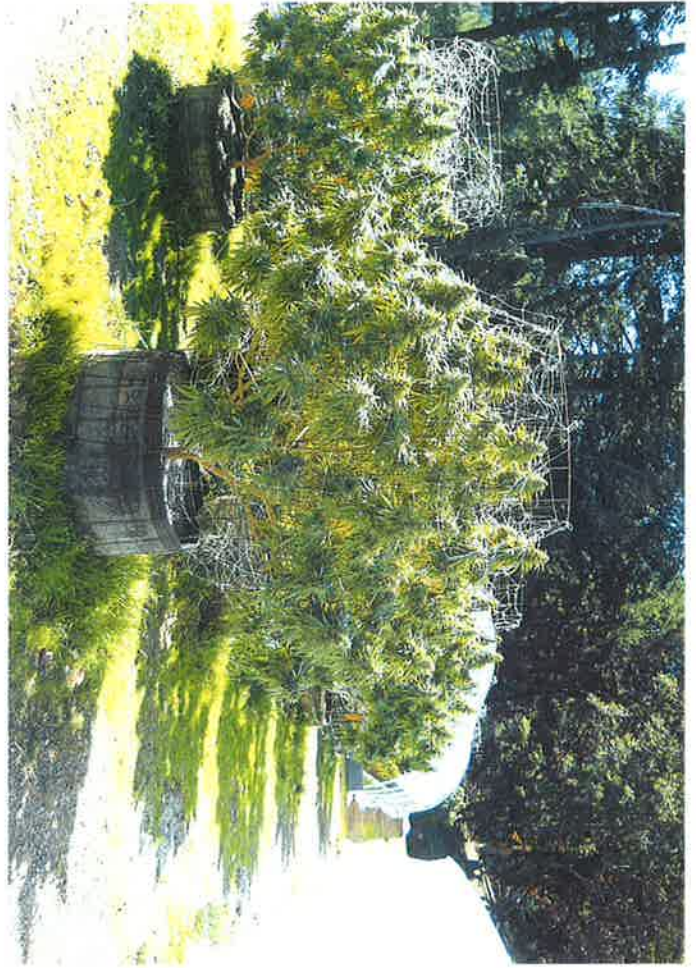
☐ Other Comments: revise plot plan to show new greenhouses

DATE: _____ PRINT NAME: _____

317-023-010











DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 9-24-2018

RE:

Applicant Name	Crossland Management LLC
APN	317-023-010
APPS#	11819
CASE#	CUP16-401

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



The Department's recommended conditions of approval are attached as **Exhibit "A"**.



Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**



Additional review is required by Planning & Building staff for the items on **Exhibit "C"**.
No re-refer is required.

Road Evaluation Reports(s) are required; See **Exhibit "D"**.
No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11819☒ 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:

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

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

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

☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

Exhibit "B"**Additional Information is Requested**

(All checked boxes apply)

APPS # 11819

Please re-refer the project to the Department when all of the requested information has been provided.

**COUNTY ROADS- MISSING/INCOMPLETE ROAD EVALUATION REPORT(S)**

Road Evaluation Report(s) for the following County maintained road(s) were not provided:

Road Name	Part B Road Evaluation Report Required?
SHOWERS PASS RD (pm 40-17.0)	<input checked="" type="checkbox"/> YES
GORDEN RD	<input checked="" type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES

The Department cannot recommend approval of the project until the Road Evaluation Report(s) adequately address the County road(s).

**COUNTY ROADS- INADEQUATE ROAD EVALUATION REPORTS:**

The Department cannot support the proposed recommendations within the *Road Evaluation Reports* for the following County maintained roads:

The Department cannot recommend approval of the project until the *Road Evaluation Reports* adequately addresses the County road. The applicant's civil engineer is advised to contact the Department for details.

**COUNTY ROADS- ON-SITE PARKING & INTERNAL TRAFFIC CIRCULATION PLAN:**

The Department has reviewed the proposed on-site parking area(s) and internal traffic circulation plan(s) pursuant to County Code Section 313-109.1.3.2.5 (Coastal) and 314-109.1.2.2.5 (inland). The Department cannot support the proposed parking area and traffic circulation plan. The applicant must submit a realistic parking plan to the Department for review.

// END //

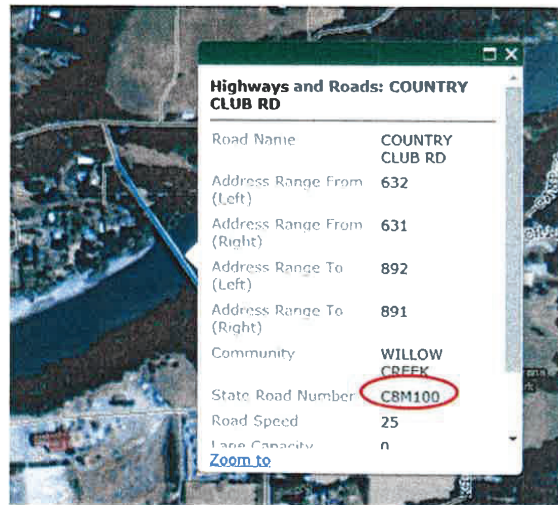
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A 3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Price Creek Road	3G075	Blue Slide Creek Rd to PM 2.0
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Shelter Cove Road	C4A010	All
Showers Pass Road	6G010	PM 0.0 to PM 4.0 and PM 17.0 to PM 19.1
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
Price Creek Road	3G075	P.M. 2.0 to P.M. 3.45
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Showers Pass Road	6G0100	P.M. 4.0 to P.M. 17.0
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



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

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

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MANAGEMENT 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS 445-7421

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Acevedo, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 02/26/2021

RE:

Applicant Name	CROSSLAND MANAGEMENT LLC
APN	317-023-010
APPS#	PLN-11819-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Cannabis Services on June 21, 2019, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department recommends that all the recommendations on the submitted report to be completed.

In addition, the Engineer has stated that portions of the access road exceed 16% grade. 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." In addition, the Engineer is recommending that the excessive road grade sections not be surfaced with asphalt concrete. The Department recommends that the applicant apply for an exception request pursuant to County Code. The Department can support grades in excess of 16%. [reference: County Code sections 3111-9 and 3112-5]

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11819

☒ **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.

- 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 //



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



DEH received
8-30-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff's Department, Kneeland Fire Protection District, Bridgeville Elementary School School District, Fortuna Union High School School District, Division of Water Rights

17/18-0531

Applicant Name Crossland Management, LLC **Key Parcel Number** 317-023-010-000

Application (APPS#) 11819 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-401

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

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

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

DISTRIBUTED
1-12-18

*

2746

Laney, Megan

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Tuesday, September 12, 2017 5:21 PM
To: Planning Clerk
Subject: FW: 317-023-010 Crossland Management, LLC



Chris Ramey
Battalion Chief, Fire Planning
CAL FIRE
Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Lee, Bo@CALFIRE
Sent: Tuesday, September 12, 2017 3:00 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: 317-023-010 Crossland Management, LLC

Reviewed by B1213. Recommend:

- Emergency access
- Signing & building numbers
- Emergency water standards
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244



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

10/15/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff's Department, Kneeland Fire Protection District, Bridgeville Elementary School School District, Fortuna Union High School School District, Division of Water Rights, Humboldt Bay Municipal Water District

Applicant Name Crossland Management, LLC **Key Parcel Number** 317-023-010-000

Application (APPS#) 11819 **Assigned Planner** Zsafia Odry (707) 268-3727 **Case Number(s)** CUP16-401

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 10/30/2018

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: See attached letter

DATE: 10/30/18

PRINT NAME: John Friedenbach, General Manager



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO Box 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

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GENERAL MANAGER

JOHN FRIEDENBACH

October 30, 2018

Planning Commission Clerk
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

RE: Case Number CUP16-401, Key Parcel Number 317-023-010-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-401 submitted by Crossland Management, LLC (Applicant).

The Applicant seeks a conditional use permit for an existing 43,560 SF outdoor and mixed-light operation of a commercial cannabis facility and construction of a two-story 5,600 SF processing facility (project). The irrigation water will be sourced from a 6-acre lake on site. Total water usage is estimated at 713,00 gallons during the 180-day growing season. One of the projects maps shows a water storage pond for emergency water supply. The pond appears to be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained.

I. The Project Is Prohibited in TPZ

The project is located in a Timberland Production Zone (TPZ). Expansion of pre-existing cultivation site permits is specifically prohibited in TPZ's. TPZ is a special zoning designation affording superior protection to timberland preserves. (Humboldt County Code, § 314-7.1; Government Code, § 51101, 51102.) These areas are devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. (Humboldt County Code, § 314-7.4; Government Code, § 51110, subd. (b).) The Cannabis Ordinance provides "[e]xpansion of Pre-Existing Cultivation Sites is prohibited where located within the [Commercial Timberland (TC)] or TPZ." (Humboldt County Code, § 55.4.6.5.)

The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. Given the size of these operations, we encourage the County to request an Irrigation Plan for documentation of water use, source, and storage.

II. The Project May Be Subject to CEQA Review

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, environmental review should be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, “taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant.” (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

For the above reasons, the District requests the Planning Department require environmental review of Conditional Use Permit application 16-401 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,



John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW
Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory