



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 2, 2022

To: Humboldt County Planning Commission

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

Subject: **The Vista 36, LLC Special Permit**
Record Number: PLN-2019-16038
Assessor's Parcel Numbers: 316-313-003 & 316-312-008
Blue Lake Area

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Please contact Augustus Grochau, Planner I, at 707-441-2626 or by email at agrochau@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date June 2, 2022	Subject Special Permit	Contact Augustus Grochau
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Project Description: A Special Permit for 27,000 square feet (SF) of new and existing mixed light cultivation, 5,588 SF of new outdoor cultivation, and 3,200 SF of nursery space. Pre-existing cultivation on the site was 6,000 square feet of mixed-light cultivation. The total cultivation area will be 32,588 SF. The project also includes relocation and remediation of a previously existing cultivation area which was approximately 6,000 square feet on another portion of the legal parcel. The applicant hopes to achieve three (3) harvest cycles annually. Water will be sourced from two (2) wells which were determined to be not hydrologically connected and from a rooftop rainwater catchment system. Four (4) 50,000 gallon water tanks and five (5) 5,000 gallon water tanks are proposed onsite, totaling 225,000 gallons of water storage. An additional 5,000 gallon water tank is designated for emergency fire suppression. The estimated water needed annually for irrigation is approximately 515,468 gallons (14.4 gal/sf/yr on average, including the nursery space usage). Drying, trimming, and processing will occur offsite on a neighboring parcel, which has a project from the same applicant, or at a licensed third-party facility. Operations will utilize up to two (2) full time employees and up to two (2) seasonal employees, totaling a maximum of four (4) employees on site. Portable restrooms will be available onsite for employees. Power will be sourced by PG&E and there is a Honda 2200-Watt Super Quiet Inverter generator available for emergency use only.

Project Location: The project is located in the Blue Lake area, on both sides of Titlow Hill Road, approximately 1,800 feet south from the intersection of State Highway 299 and Titlow Hill Road, on the property known to be in Section 19 of Township 06 North, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit; Residential Agriculture: 20 acres (RA20), Density: 20 acres per unit; 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3)

Present Zoning: Unclassified (U)

Record Number: PLN-2019-16038

Assessor's Parcel Number: 316-313-003 & 316-312-008

Applicant

The Vista 36, LLC
Steven Wick
PO Box 1068
Arcata, CA 95518

Owner

The Vista 36 LLC Co
PO Box 1068
Arcata, CA 95518

Agent

Hively LLC
Stephanie Calderon
PO Box 396
Arcata, CA 95518

Environmental Review: An Addendum to a previously adopted Environmental Impact Report 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

Recommended Planning Commission Action

1. Describe the application as part of the consent agenda;
2. Survey the audience for any member of the public that wishes to discuss the application;
- 3.. If no one requests discussion, make the following motion to approve this project as part of the consent agenda:

1) Find that the Planning Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines; 2) make all of the required findings for approval of the Special Permit; 3) and approve the The Vista 36, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for 27,000 square feet (SF) of new and existing mixed light cultivation, 5,588 SF of new outdoor cultivation, and 3,200 SF of nursery space. Pre-existing cultivation on the site was 6,000 square feet of mixed-light cultivation. The total cultivation area will be 32,588 SF. The project also includes relocation and remediation of a previously existing cultivation area which was approximately 6,000 square feet on another portion of the legal parcel. The applicant hopes to achieve three (3) harvest cycles annually. Water will be sourced from two (2) wells which were determined to be not hydrologically connected and from a rooftop rainwater catchment system. Four (4) 50,000 gallon water tanks and five (5) 5,000 gallon water tanks are proposed onsite, totaling 225,000 gallons of water storage. An additional 5,000 gallon water tank is designated for emergency fire suppression. The estimated water needed annually for irrigation is approximately 515,468 gallons (14.4 gal/sf/yr on average, including the nursery space usage). Drying, trimming, and processing will occur offsite on a neighboring parcel, which has a project from the same applicant, or at a licensed third-party facility. Operations will utilize up to two (2) full time employees and up to two (2) seasonal employees, totaling a maximum of four (4) employees on site. Portable restrooms will be available onsite for employees. Power will be sourced by PG&E and there is a Honda 2200-Watt Super Quiet Inverter generator available for emergency use only.

There will be 27,000 SF of mixed light cultivation in which the applicant hopes to achieve up to three (3) harvests annually. There will be 5,588 SF of outdoor cultivation in two fields which will have one (1) harvest cycle annually. Ancillary propagation is proposed to occur within four (4) 800 SF greenhouses, for a total of 3,200 SF. The applicant shall obtain a permit or acquire agricultural exemptions for all buildings with a nexus to cannabis, including but not limited to four (4) propagation greenhouses and one (1) 270' by 100' mixed light cultivation area.

The project includes remediation of approximately 6,000 square feet of previously existing cultivation area on Assessor's Parcel Number (APN) 316-312-008 which will be relocated to APN 316-313-003. This amount is included in the 32,588 SF total cultivation area. APN 316-312-008 and APN 316-313-003 together comprise one legal parcel. A remediation plan was prepared by Naiad Biological Consulting on November 2nd, 2020, summarizing current conditions and providing recommendations for remediation. The plan does not require re-seeding of the remediation area because the site appears stable and is presently well vegetated.

The site is in an area of High Instability for seismic safety, but there will be no commercial structures on the proposed development. The development will take place on a pre-existing graded flat, which, according to the drainage map prepared by Trinity Valley Consulting Engineers, has slopes between 0 and 15%. The drainage map also determined that the proposed cultivation is all located in the Lower Trinity watershed, rather than the neighboring Redwood Creek impacted watershed. The Lower Trinity planning watershed is not a cannabis impacted watershed, but it is limited to 169 permits and 58 acres

of cultivation maximum, the present quantities at time of writing are estimated to be 60 permits and 23.1 acres.

The cultivation is proposed to be within 300 square feet of an existing residence. The property owner of that residence has submitted a letter which provides consent to waive the setback restriction.

There is a portable toilet onsite, as well as access to two additional portable restrooms on APN 316-313-007 for employee use. The applicant shall annually provide an invoice or equivalent documentation to the Planning Department to confirm the continual use of portable toilets serving the needs of the cultivation staff.

The project is within the jurisdiction of Blue Lake Union School District. A request for comment was sent to them and no response has been received. There do not appear to be any schools or school bus stops within 600 feet of the project.

Water Resources

The project's primary water sources are two wells and a rooftop rainwater collection system. One well is onsite on APN 316-313-003. The other is on APN 316-313-007 and has a deed of easement permitting water use from this well by APN 316-313-003. Both wells have had hydrologic studies prepared by Lindberg Geologic Consulting. According to the studies, these wells are unlikely to be connected to any nearby surface waters, such as Willow Creek, so we are treating them as non-diversionary. The rainwater catchment system is located on the private residence on APN 316-313-007, owned by the same property owner. Additional wells are identified in the cultivation and operations plan, but no studies of these wells have been submitted. They are assumed to be diversionary water sources, so the project is conditioned to restrict the use of these wells so that they are not utilized for any cannabis-related purposes (COA B.4). If evidence suggesting that these wells are non-diversionary is submitted, the Planning Department will review whether each additional well can be added to the project. Water from these sources will be stored in four (4) 50,000 gallon water tanks and five (5) 5,000 gallon water tanks onsite, for a total of 225,000 gallons of water storage. An additional 5,000 gallon water tank is designated for emergency fire suppression. The water needed annually for irrigation is estimated to be approximately 515,468 gallons (14.4 gal/sf/yr on average, including the nursery space usage). Employee drinking water will be brought from offsite periodically and provided in designated shaded break areas. The property owner prepared a Streambed Alteration Agreement to permit water diversion from off site at two encroachments to Willow Creek. These encroachments can only be utilized for domestic uses. No water sourced from diversions will be used for irrigation.

Correspondence with the California Fish and Wildlife Department (CDFW) indicated that the applicant had informed them that all their wells go dry in the summer. Discussion with the applicant regarding this statement determined that only one well went dry in the summer, and that is one of the offsite wells that would not be approved for use on this project. CDFW recommended that the applicant increase their water storage for all their proposed projects and their approved project on a nearby parcel such that any water use for irrigation between April 15th and November 15th may be supported exclusively by storage on site. This project is not conditioned to align with this recommendation, because the basis of the recommendation does not apply, however the applicant does intend to reassess their water storage needs and phase the project's cultivation area based on water tank availability.

Willow Creek passes through the subject parcel. According to the site management plan (SMP) prepared by Natural Resources Management Corporation, Willow Creek is a Class I watercourse. The streamside management area for this watercourse is 150 feet from the edge of the water. All development takes place over 350 feet from the water's edge. According to the site management plan, this portion of Willow Creek was historically converted into an on-stream pond to impound water for domestic and irrigation use. During the winter of 2016 & 2017, the north side of the pond's impoundment failed and has degraded to be the same elevation as the natural channel. The landowner will work to implement immediate and permanent repairs to protect the surrounding environment and restore the stream to its pre-damage condition. The project site is on a ridge 100 feet of elevation above Willow

Creek, outside of the WebGIS demarcated National Wetlands Inventory and Troy Leopardo did not observe any wetlands during his biological reconnaissance survey in March 2020, so it is unlikely that any wetland habitats have potential to be impacted by the proposed project. A protocol-level wetland determination was not performed.

The applicant is not currently cultivating on the project site and is currently enrolled in the State Water Resources Control Board's (SWRCB) (Order WQ 2019-0001-DWQ) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements. The project has prepared a site management plan outlining the measures required to meet the standards of the SWRCB's Order. The applicant shall adhere to the measures and recommendations within the SMP.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 permits and the total approved acres would be 25.84 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Fire Safety

The project is located within the State Responsibility Area in an area designated as High Fire Severity, The applicant has designated a 5,000 gallon water tank for fire suppression.

Biological Resources

A biological reconnaissance survey was conducted in the study area in March 2020 by Troy Leopardo, a qualified biologist. This survey was used to inform the Biological Assessment (BA) prepared by Leopardo Wildlife Associates dated April 17th, 2020.

The project site is near mapped range for certain rare or endangered plant species listed in the California Natural Diversity Database (CNDDDB), but the Biological Assessment concluded that, due to the pre-disturbed nature of the site, the proposed new cultivation development and the remediation of the decommissioned site are unlikely to significantly affect sensitive plant communities. Additionally, invasive plant species were not observed during the biological reconnaissance survey. The BA recommends that the proposed new cultivation areas are surveyed by a qualified botanist. The Cultivation and Operations plan's Invasive Species Management plan identified the invasive Bull Thistle as present on the site, which will be dug up when infestations appear. The site will be mowed regularly to prevent flowering and seed production of any bull thistle. The Invasive Species Management Plan will be modified as necessary if additional invasive species are identified by a qualified botanist.

The nearest northern spotted owl (NSO) activity center is approximately 0.8 miles from the proposed cultivation area. The BA determined that, because the project area has a long history of human disturbance, the area cannot be interpreted as suitable for nesting NSOs. While the surrounding area is preferred habitat for NSOs, the CNDDDB does not indicate any nesting spotted owls within 0.25 miles, nor have any NSOs been reported within the BA's assessment area since 2010. Additionally, no habitat encroachment is proposed to take place, no NSO nesting, roosting, or foraging habitat will be removed as a result of this project. Even if NSOs are present within range of the project, the biologist believes that all the activities associated with the cultivation are unlikely to adversely impact northern spotted owls or any other species with a preference for late mature forest habitat. The project will be connected to PG&E power, so generator use is restricted to emergency use only, and that generator and the

greenhouse fans will not exceed 50 decibels at the edge of the habitat. The project will adhere to International Dark Sky Association standards, so no light shall escape the greenhouses between dusk and dawn.

The subject parcel is within 1.3 miles of several mapped ranges for rare or endangered species listed in the CNDDDB. The BA provides determinations and recommendations for these species, separated by guild. The BA concluded that, due to pre-existing site disturbance and lack of observations, the project will likely have no significant direct impacts to plant or animal communities, however it recommends a seasonally appropriate botanical inspection and, if vegetation removal must take place during nesting or raptor breeding season, conducting bird surveys prior to vegetation removal. A phone conversation with CDFW confirmed the recommendation for a protocol-level botanical survey, requested the survey be approved by CDFW, and requested that, if a special-status species is found, the observation is reported to the CNDDDB. These recommendations have been included in the conditions of approval for the project. An initial botanical field survey was performed on May 13th, 2022, finding no sensitive plant species or habitats, but the survey memorandum notes that another site visit during the bloom period of additional special-status plant species is required before a protocol-level botanical report can be prepared. Given the fact that the elevation of the site is over 2,800 feet, only two special-status plant species had not yet bloomed when the initial field survey was performed and would have a likelihood of occurring on the site, *Eucephalus glabratus* and *Lilium washingtonianum* ssp. *purpurascens*. Neither of these species have nearby mapped ranges, nonetheless the project is conditioned to have an additional botanical survey performed in June or July, during their blooming period, and to submit the protocol-level Botanical Survey with the findings from both site visits. Construction activities shall only commence in the event that no rare, threatened, or special-status species are found onsite. If rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW whether modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives, or if avoidance is not feasible (COA A.7). If avoidance is not feasible, the project is conditioned to be reduced in scale or modified to ensure avoidance occurs.

The project was referred to the California Department of Fish & Wildlife (CDFW) on January 14th, 2020, and no comments were received. On April 15th, a follow-up was sent to CDFW, and a phone discussion took place on May 2nd, 2022, recommending in the condition discussed above, though modifications to the condition were made as more information was obtained. The applicant had submitted an application for a Lake or Streambed Alteration Agreement with CDFW in 2017. The application mentions two existing stream diversions being used for both domestic and irrigation purposes. There are no stream crossings onsite. The applicant shall adhere to the work outlined in the final Agreement.

Noise

Performance Standards required in the CCLUO, per section 55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. Because the power is sourced from PG&E, the project is not expected to raise noise levels. The generator on site will only be used during power outages and, when in use, will produce less than 60 decibels (dba) at 100 feet when in operation. The project is conditioned to prepare a Noise Study to determine ambient noise levels and to not go over three decibels above that noise level for the life of the project.

Energy Plan

The project's power source will be PG&E. All PG&E power will be sourced from renewable energy programs. The parcel is presently not connected to PG&E power. Until connected, no mixed light cultivation can occur, only outdoor will be permissible. If power is required prior to being connected, the nearby parcel, APN 316-313-007, can provide grid power via a permitted easement for access. A Honda EU2200i 2200-Watt 120-Volt Super Quiet Inverter generator is kept onsite for emergency use only.

Tribal Cultural Resource Coordination

The project is located within the ancestral aboriginal territories of the Tsnungwe Council, Hoopa Valley Tribal Council, and the Bear River Band of Rohnerville Rancheria. The project was referred to the Hoopa Valley Tribal Council and Bear River Band tribes on January 14th, 2020, and to the Tsnungwe Council on February 17th, 2022. The project was also referred to the Northwest Information Center (NWIC) on January 14th, 2020. NWIC responded on January 28th, 2020, noting two cultural studies which included the project area in their review, neither of which identified the presence of any cultural resources. NWIC also recommended that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. The Bear River Band commented on January 31st, 2020, confirming that due to the results of the previous surveys, only inadvertent discovery protocols would be recommended. Tsnungwe Council responded on February 18, 2022, stating that the previous surveys would be sufficient. Hoopa Valley Tribal Council has not provided comment. Inadvertent discovery protocols are in place for the project. In the event that cultural resources are encountered during project activities onsite, the applicant shall adhere to inadvertent discovery protocols, halt operations, and contact a qualified archaeologist.

Access & Parking

Access to the site is from a private road which offshoots from what was historically Highway 299, which in turn offshoots from Titlow Hill Road, a paved County-maintained road. The property owner has submitted a formal roadway evaluation prepared by Trinity Valley Consulting Engineers Inc. This evaluation determined that Titlow Hill Road meets the Category 4 standard, old Highway 299 is developed to the equivalent of a Category 4 roadway, and the private road will be able to accommodate the cumulative increased traffic from the project, provided that recommendations are executed. The roadway evaluation recommended clearing brush from the right-of-way on the private driveway to improve visibility. The project was referred to Public Works and comments were received January 27th, 2020. The department recommended conditions of approval for the project, including: all fences and gates shall be relocated out of the County right-of-way with appropriate setbacks, any existing or proposed driveways accessing the project shall be improved to current standards and will require an encroachment permit from the Department of Public Works, surfaced parking lots shall have an oil-water filtration system prior to discharge into any County-maintained drainage facility for stormwater runoff, and all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility). The recommended conditions have been included in the Conditions of Approval for the project that must be met before commencing project activities onsite.

The project anticipates a maximum of four (4) employees during peak season. The current site plan and operations plan designate a total of four (4) parking spaces onsite and no additional parking spaces are needed.

Summary

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Staff recommends that the Planning Commission describe the application as a public hearing, request that staff present the project, open the public hearing and receive testimony, make all the required findings for approval of the Special Permit, and adopt the Resolution approving the application subject to the recommended conditions.

ALTERNATIVES: Several alternatives may be considered: 1) The Planning Commission could elect not to hear this item and put the decision making in front of the Board of Supervisors. Any decision to place this matter before the Board of Supervisors must be done before opening the public hearing on this project; 2) The Planning Commission could elect to add or delete conditions of approval; 3) The Planning Commission could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the

submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

Resolution Number 22-

Record Number PLN-2019-16038

Assessor's Parcel Numbers: 316-313-003 & 316-312-008

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the The Vista 36, LLC Special Permit.

WHEREAS, The Vista 36, LLC, submitted an application and evidence in support of approving a Special Permit for 27,000 square feet of mixed light cultivation, 5,588 SF of outdoor cultivation, and 3,200 SF of nursery space;

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

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on **June 2, 2022**, and reviewed, considered, and discussed the application for Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: A Special Permit for 27,000 square feet (SF) of new and existing mixed light cultivation, 5,588 SF of new outdoor cultivation, and 3,200 SF of nursery space. Pre-existing cultivation on the site was 6,000 square feet of mixed-light cultivation. The total cultivation area will be 32,588 SF. The project also includes relocation and remediation of a previously existing cultivation area which was approximately 6,000 square feet on another portion of the legal parcel. The applicant hopes to achieve three (3) harvest cycles annually. Water will be sourced from two (2) wells which were determined to be not hydrologically connected and from a rooftop rainwater catchment system. Four (4) 50,000 gallon water tanks and five (5) 5,000 gallon water tanks are proposed onsite, totaling 225,000 gallons of water storage. An additional 5,000 gallon water tank is designated for emergency fire suppression. The estimated water needed annually for irrigation is approximately 515,468 gallons (14.4 gal/sf/yr on average, including the nursery space usage). Drying, trimming, and processing will occur offsite on a neighboring parcel, which has a project from the same applicant, or at a licensed third-party facility. Operations will utilize up to two (2) full time employees and up to two (2) seasonal employees, totaling a maximum of four (4) employees on site. Portable restrooms will be available onsite for employees. Power will be sourced by PG&E and there is a Honda 2200-Watt Super Quiet Inverter generator available for emergency use only.

EVIDENCE: a) Project File: PLN-2019-16038

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) The project is conditioned to maintain enrollment in the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, and to follow the measures identified in the Site Management Plan as required to meet compliance with the standard conditions of the Order.
- d) The applicant is required to adhere to inadvertent discovery protocols for archaeological resources.
- e) An Invasive Species Control Plan was prepared for the project, and the applicant is conditioned to adhere to the recommendations within the Plan.
- f) A Biological Reconnaissance Survey Report was prepared by Leopardo Wildlife Associates dated April 17th, 2020. Recommended mitigation measures for the project have been included in the conditions of approval. Leopardo Wildlife Associates concluded that no habitat for Norther Spotted Owl would be removed and that no adverse impacts to the species would occur as a result of the project. A botanical survey was completed by Naiad Biological Consulting which found the site to be unlikely to contain any sensitive or threatened plant species however the project is conditioned to require an additional botanical survey for two species that were not in bloom at the time. The project is further conditioned to require the project to be modified or reduced in scale if those species are found and can not be avoided.
- g) A copy of the Lake or Streambed Alteration agreement was submitted to CDFW on August 14th, 2017. The agreement allows stream encroachments for water diversion on Willow Creek, and the Site Management Plan, submitted February 17th, 2022, identifies off-parcel restoration of Willow Creek's damaged water impoundment. This permit will not allow diversion for irrigation purposes.

FINDINGS FOR THE SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- b) The site is in an area of High Instability for seismic safety, but no commercial structures are proposed on the project site.

According to the drainage map prepared December 2020, all proposed development occurs in areas with slopes of less than 15%.

- c) Willow Creek passes through the subject parcel. The streamside management area for this watercourse is 150 feet from the edge of the water. All development takes place over 350 feet from the water's edge. The project site is on a ridge 100 feet of elevation above Willow Creek, outside of the WebGIS demarcated National Wetlands Inventory and Troy Leopardo did not observe any wetlands during his biological reconnaissance survey in March 2020, so it is unlikely that any wetland habitats have potential to be impacted by the proposed project. A protocol-level wetland determination was not performed.

4. FINDING The proposed development is consistent with the purposes of the existing U zone in which the site is located.

- EVIDENCE**
- a) The Unclassified or U zone is intended to be applied to areas of the County which have not been sufficiently studied to justify precise zoning classifications.
 - b) General agricultural uses are principally permitted in the U zone.
 - c) Humboldt County Code section 55.4.6.1.2 (b) allows cultivation of up to 43,560 square feet of new outdoor and mixed light cannabis cultivation on a parcel over 10 acres, subject to approval of a Special Permit, in AE, AG, FR, and U zones, provided that the U zone is accompanied by a Resource Production or Residential General Plan land use designation. The application for new operation of 32,588 square feet of outdoor and mixed light cultivation on a 21-acre legal parcel is consistent with this.

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

- EVIDENCE**
- a) The CCLUO allows up to 1-acre of new commercial cannabis cultivation to be permitted in areas zoned U, provided that the zone is accompanied by a Resource Production or Residential General Plan land use designation, (HCC 314-55.4.6.1.2 (b)) with a Special Permit.
 - b) The subject parcels combined have been determined to comprise one legal parcel, per LLA-67-78.
 - c) The project will obtain water from non-diversionary water sources.
 - d) Access to the site is from a private road which offshoots from what was historically Highway 299, which in turn offshoots from Titlow Hill Road, a paved County-maintained road. The property owner has submitted road evaluation self-certifications as well as a formal roadway evaluation prepared by Trinity Valley Consulting Engineers Inc. These evaluations determined that Titlow Hill Road meets the Category 4 standard, old Highway 299 is developed to the equivalent of a Category 4 roadway, and the private road will be able to accommodate the cumulative increased traffic from the project, provided that recommendations are executed. It has been determined that the access roads will meet the functional capacity required for the project.
 - e) The slope of the land where cannabis will be cultivated and development is

to occur has slopes of less than 15%.

- f) A Less Than 3 Acre Timber Conversion Exemption was approved April 3rd, 2015 and conversion was completed by December 14th, 2015.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4 (a-f)]. It is more than 30 feet from any property line, more than 600 feet from any school, church or other place of religious worship, Tribal Cultural Resource, or school bus stop, and more than 1,000 feet from any known Tribal Ceremonial Sites. It is not more than 300 feet from any off-site residence or more than 270 feet from any adjacent undeveloped parcel, however the property owners of these parcels and residences have provided express written consent to waive these setbacks.

6. FINDING

The cultivation of 27,000 square feet of new mixed light commercial cannabis and 5,588 square feet of new outdoor commercial cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The private access road and the road which was historically Highway 299 have been evaluated by an engineer and determined to be able to accommodate the cumulative increased traffic from the project, provided that recommendations are executed. The recommendations are incorporated into the Conditions of Approval.
- b) The location of the proposed cannabis cultivation is not more than 300 feet from any off-site residence or more than 270 feet from any adjacent undeveloped parcel, however the property owners of these parcels and residences have provided express written consent to waive these setbacks.
- c) All irrigation water will come from non-hydrologically connected wells and from rainwater catchment.
- d) The project will occur on existing slopes of less than 15%.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

8. FINDING

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE

- b) The project site is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 permits and the total approved acres would be 25.84 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for The Vista 36, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

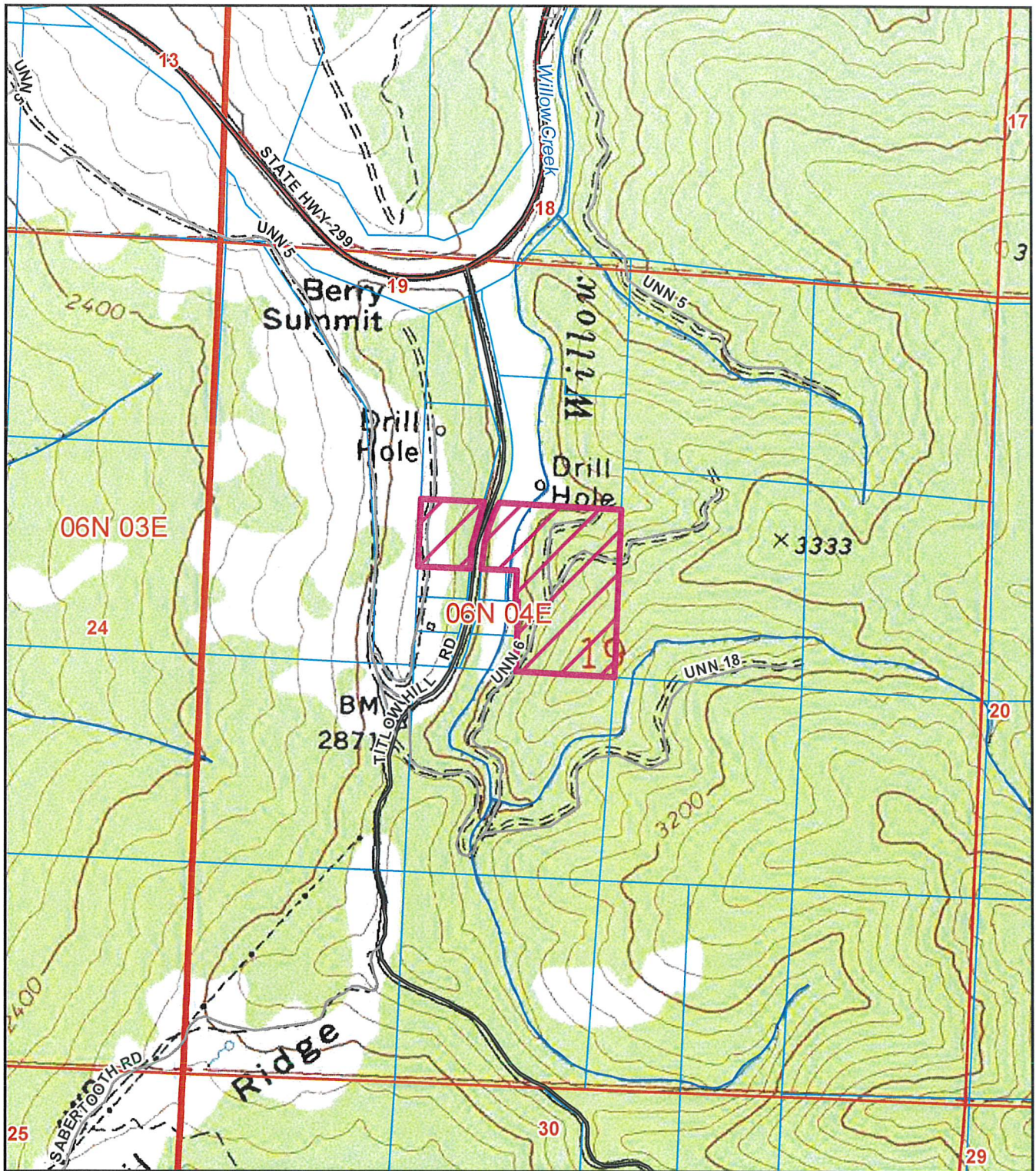
Adopted after review and consideration of all the evidence on **June 2, 2022**.

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

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
DECISION:	

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

 John Ford, Director,
 Planning and Building Department



**TOPO MAP
 PROPOSED THE VISTA 36 LLC
 KORBEL AREA
 PLN-2019-16038**

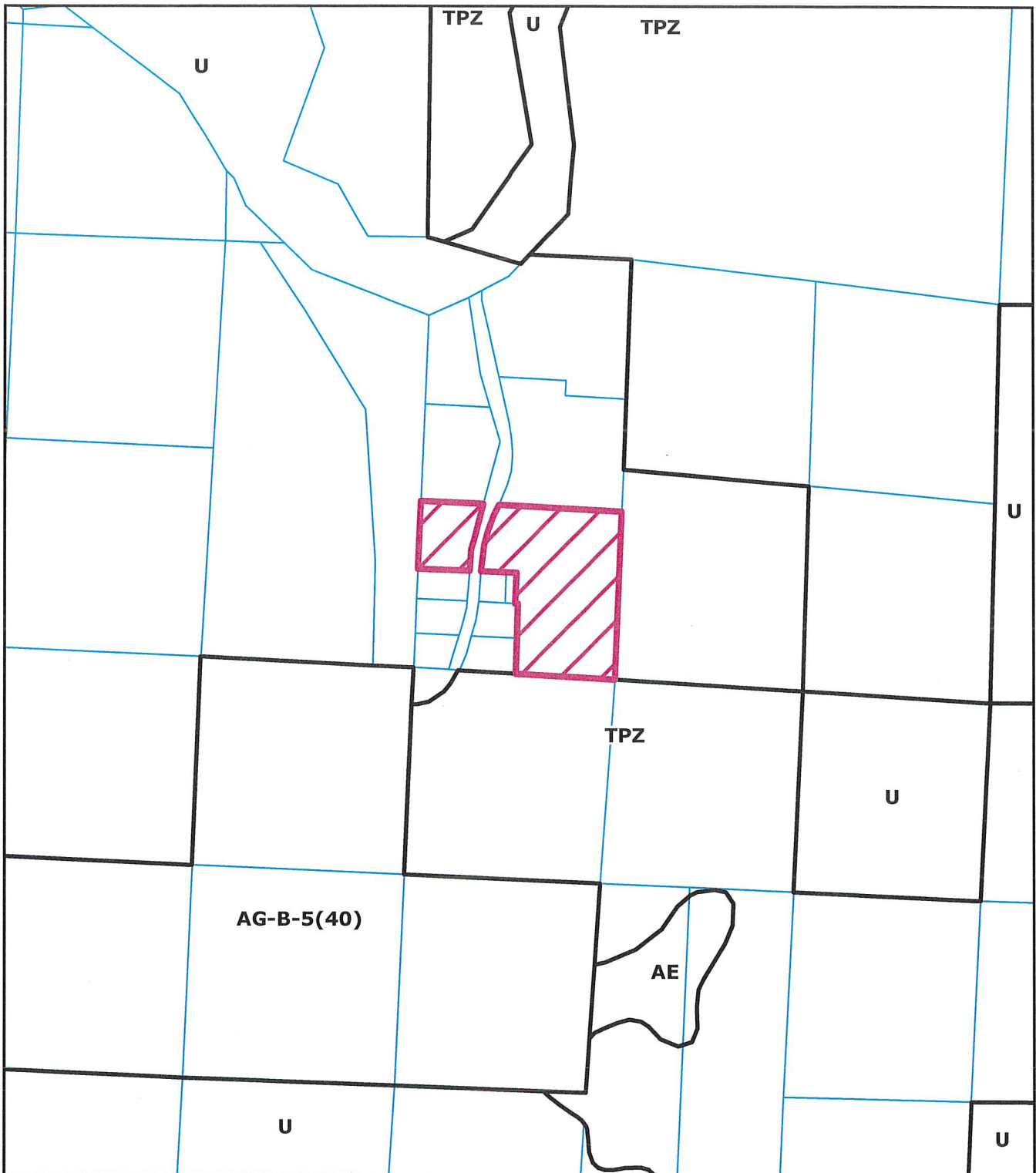
**APN: 316-312-008; ET AL.
 T06N R04E S19 HB&M (LORD-ELLIS SUMMIT)**

Project Area = 





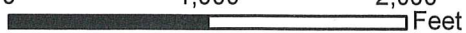
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





ZONING MAP
PROPOSED THE VISTA 36 LLC
KORBEL AREA
PLN-2019-16038
APN: 316-312-008; ET AL.
T06N R04E S19 HB&M (LORD-ELLIS SUMMIT)

Project Area = 


 0 1,000 2,000
 Feet

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



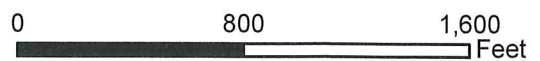
**AERIAL MAP
 PROPOSED THE VISTA 36 LLC
 KORBEL AREA
 PLN-2019-16038**

**APN: 316-312-008; ET AL.
 T06N R04E S19 HB&M (LORD-ELLIS SUMMIT)**

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.



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 PROJECT MAY BEGIN OPERATING

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka.
4. A Notice of 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.
5. The applicant shall secure permits or agricultural exemptions for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to four (4) propagation greenhouses, one (1) 270' by 100' mixed light cultivation area, and any other structures with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the 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.
6. The project shall enroll the site in the SWRCB's General Order (WQ 2019-0001-DWQ), and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur onsite.
7. Prior to construction activities, the applicant shall complete the following pre-construction surveys and the results shall be submitted to the Planning Division showing no presence of any rare, threatened, or special-status species within the proposed development area.
 - a. If loud construction or any vegetation removal will occur between February 1st and August 15th, the completion of bird surveys by a biologist within seven (7) days prior to cultivation activities to address the presence of any migratory or non-migratory birds which may have constructed nests in any of the trees within a proximity to the project and may be impacted by noise disturbance. If a nest is found, the applicant shall consult with CDFW and the Planning Director regarding appropriate actions.
 - b. The project area shall be surveyed between June and July by a qualified botanist for any special-status or invasive plant species, also specifically assessing the potential presence of

Eucephalus glabratus and *Lilium washingtonianum* ssp. *purpurascens*. The botanist shall prepare a protocol-level Botanical Report, including the findings of that survey and the findings of the survey on May 13th, 2022. The report shall be submitted for approval to the Planning Division and CDFW. The applicant shall incorporate any identified invasive plant species into the Invasive Species Management Plan in an addendum to the Cultivation and Operations Plan and submit that addendum to the Planning Division. This condition must be fulfilled prior to initiating cultivation and before any ground disturbance or vegetation removal.

In the event that rare threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW if any modifications to the project design are possible to avoid removal of occupied habitat or any impact to *Eucephalus glabratus* or *Lilium washingtonianum* ssp. *purpurascens* while still achieving project objectives, or if avoidance is not feasible. If avoidance of the animal species is not feasible, a qualified biologist shall monitor the site and no construction activities shall commence until the nest and or den is no longer active and has been cleared. If avoidance of the plant species is not feasible, project objectives will need to be reduced or eliminated to accommodate the species. Any special-status species shall be reported to the California Natural Diversity Database (CNDDDB).

8. During the time of the project's site development, the applicant shall follow procedures for eradicating any invasive species identified in the project's associated Invasive Species Control Plan.
9. Per the recommendation in the Roadway Evaluation, prepared by Trinity Valley Consulting Engineers, Inc in February 2018, any brush shall be cleared from the right-of-way on the private driveway to improve visibility, particularly those identified in the figures within the Roadway Evaluation's figures.
10. Per the comments received from the Department of Public Works, conditions of approval for the roadway include:
 - a. 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 or close the gate. In addition, no materials shall be stored or placed on the County right-of-way.
 - b. Driveways that will serve as access for the proposed project and connect to a County-maintained road shall be improved to current standards for a commercial driveway. The driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County-maintained right-of-way.
 - c. Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County-maintained drainage facility.
 - d. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility).These conditions 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.
11. 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.
12. 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.

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

1. The applicant shall prepare a 24-hour Noise Study recording noise levels from at least three property lines while cannabis activities are not in operation. Project shall not go over three decibels above these ambient noise levels for the life of the project.
2. The applicant shall provide an invoice or equivalent documentation to the Planning Department to confirm the continual use of portable toilets used to serve the needs of cultivation staff. In the event that a cannabis support building with restroom facilities is permitted and constructed, and the restroom facilities are found to meet the needs of the project, the project may choose not to utilize portable toilets for onsite wastewater treatment and shall submit proof of a septic permit to the Planning Division.
3. The applicant shall adhere to the work outlined in the final Streambed Alteration Agreement.
4. The applicant shall only acquire irrigation water from the hydrologically isolated existing wells, identified by Lindberg Geologic Consulting on December 15th and 17th, 2021, on APNs 316-313-003 and 316-313-007 and the rainwater catchment system on APN 316-313-007. If additional water sources are deemed necessary, then additional hydrologic studies will need to be submitted to the Planning Department which will determine whether the water source can be incorporated into the project.
5. Lighting shall be implemented as described in the Cultivation and Operations Plan to conform to International Dark-Sky Association standards. All artificial lighting shall be fully contained within structures such that no light escapes via blackout tarp shielding. Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include, but are not limited to, the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
6. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.5., within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
7. Prohibition on use of synthetic netting for erosion control. To minimize the risk of wildlife entrapment, Permittee shall not use any materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
8. All refuse shall be contained in wildlife proof storage containers at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited.
11. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified

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

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

12. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
13. 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 Deviation from the Plot Plan.
14. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
15. 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.
16. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, as applicable.
17. 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 55.4.6.4.4 (e) or (f).
18. Maintain enrollment in Tier 1 or Tier 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. The revegetation plan prepared in accordance with requirement number 35 from the Site Management Plan, updated on January 16, 2020, and its monitoring data, including photographic documentation, shall be available to be submitted upon request of County staff and/or California Department of Fish and Wildlife staff.
20. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. Pay all applicable application fees, review for conformance with conditions fees, and annual inspection fees.
24. The master logbooks maintained by the permittee to track production and sales shall be available for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to Business and Professions Code section 26051.5(a)(8), the 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."
27. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.

- c. 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.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, 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 noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.5.8.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.
34. 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.
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 CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit

- application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. 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.

ATTACHMENT 2
CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

Commercial Cannabis Land Use Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), May 8, 2018

APNs 316-313-003 & 316-312-008.
Blue Lake, County of Humboldt

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

June 2, 2022

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and onsite consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

Project Description: The modified project includes a Special Permit for 27,000 square feet (SF) of new and existing mixed light cultivation, 5,588 SF of new outdoor cultivation, and 3,200 SF of nursery space. Pre-existing cultivation on the site was 6,000 square feet of mixed-light cultivation. The total cultivation area will be 32,588 SF. The project also includes relocation and remediation of a previously existing cultivation area which was approximately 6,000 square feet on another portion of the legal parcel. The applicant hopes to achieve three (3) harvest cycles annually. Water will be sourced from two (2) wells which were determined to be not hydrologically connected and from a rooftop rainwater catchment system. Four (4) 50,000 gallon water tanks and five (5) 5,000 gallon water tanks are proposed onsite, totaling 225,000 gallons of water storage. An additional 5,000 gallon water tank is designated for emergency fire suppression. The estimated water needed annually for irrigation is approximately 515,468 gallons (14.4 gal/sf/yr on average, including the nursery space usage). Drying, trimming, and processing will occur offsite on a neighboring parcel, which has a project from the same applicant, or at a licensed third-party facility. Operations will utilize up to two (2) full time employees and up to two (2) seasonal employees, totaling a maximum of four (4) employees on site. Portable restrooms will be available onsite for employees. Power will be sourced by PG&E and there is a Honda 2200-Watt Super Quiet Inverter generator available for emergency use only.

Water Resources

The project's primary water sources are two wells and a rooftop rainwater collection system. One well is onsite on APN 316-313-003. The other is on APN 316-313-007 and has a deed of easement permitting water use from this well by APN 316-313-003. Both wells have had hydrologic studies prepared by Lindberg Geologic Consulting. According to the studies, these wells are unlikely to be connected to any nearby surface waters, such as Willow Creek, so we are treating them as non-diversionary. The rainwater catchment system is located on the private residence on APN 316-313-007, owned by the same property owner. Additional wells are identified in the cultivation and operations plan, but no studies of these wells have been submitted. They are assumed to be diversionary water sources, so the project is conditioned to restrict the use of these wells so that they are not utilized for any cannabis-related purposes (COA B.4). If evidence suggesting that these wells are non-diversionary is submitted, the Planning Department will review whether each additional well can be added to the project. Water from these sources will be stored in four (4) 50,000 gallon water tanks and five (5) 5,000 gallon water tanks onsite, for a total of 225,000 gallons of water storage. An additional 5,000 gallon water tank is designated for emergency fire

suppression. The water needed annually for irrigation is estimated to be approximately 515,468 gallons (14.4 gal/sf/yr on average, including the nursery space usage). Employee drinking water will be brought from offsite periodically and provided in designated shaded break areas. The property owner prepared a Streambed Alteration Agreement to permit water diversion from off site at two encroachments to Willow Creek. These encroachments can only be utilized for domestic uses. No water sourced from diversions will be used for irrigation.

The applicant is not currently cultivating on the project site and is currently enrolled in the State Water Resources Control Board's (SWRCB) (Order WQ 2019-0001-DWQ) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements. The project has prepared a site management plan outlining the measures required to meet the standards of the SWRCB's Order. The applicant shall adhere to the measures and recommendations within the SMP.

Biological Resources

A biological reconnaissance survey was conducted in the study area in March 2020 by Troy Leopardo, a qualified biologist. This survey was used to inform the Biological Assessment (BA) prepared by Leopardo Wildlife Associates dated April 17th, 2020.

The project site is near mapped range for certain rare or endangered plant species listed in the California Natural Diversity Database (CNDDDB), but the Biological Assessment concluded that, due to the pre-disturbed nature of the site, the proposed new cultivation development and the remediation of the decommissioned site are unlikely to significantly affect sensitive plant communities. Additionally, invasive plant species were not observed during the biological reconnaissance survey. The BA recommends that the proposed new cultivation areas are surveyed by a qualified botanist. The Cultivation and Operations plan's Invasive Species Management plan identified the invasive Bull Thistle as present on the site, which will be dug up when infestations appear. The site will be mowed regularly to prevent flowering and seed production of any bull thistle. The Invasive Species Management Plan will be modified as necessary if additional invasive species are identified by a qualified botanist.

The nearest northern spotted owl (NSO) activity center is approximately 0.8 miles from the proposed cultivation area. The BA determined that, because the project area has a long history of human disturbance, the area cannot be interpreted as suitable for nesting NSOs. While the surrounding area is preferred habitat for NSOs, the CNDDDB does not indicate any nesting spotted owls within 0.25 miles, nor have any NSOs been reported within the BA's assessment area since 2010. Additionally, no habitat encroachment is proposed to take place, no NSO nesting, roosting, or foraging habitat will be removed as a result of this project. Even if NSOs are present within range of the project, the biologist believes that all the activities associated with the cultivation are unlikely to adversely impact northern spotted owls or any other species with a preference for late mature forest habitat. The project will be connected to PG&E power, so generator use is restricted to emergency use only, and that generator and the greenhouse fans will not exceed 50 decibels at the edge of the habitat. The project will adhere to International Dark Sky Association standards, so no light shall escape the greenhouses between dusk and dawn.

The subject parcel is within 1.3 miles of several mapped ranges for rare or endangered species listed in the CNDDDB. The BA provides determinations and recommendations for these species, separated by guild. The BA concluded that, due to pre-existing site disturbance and lack of observations, the project will likely have no significant direct impacts to plant or animal communities, however it recommends a seasonally appropriate botanical inspection and, if vegetation removal must take place during nesting or raptor breeding season, conducting bird surveys prior to vegetation removal. A phone conversation with CDFW confirmed the recommendation for a protocol-level botanical survey, requested the survey be approved by CDFW, and requested that, if a special-status species is found, the observation is reported to the CNDDDB. These recommendations have been included in the conditions of approval for the project. An initial botanical field survey was performed on May 13th, 2022, finding no sensitive plant species or habitats, but the survey memorandum notes that another site visit during the bloom period of

additional special-status plant species is required before a protocol-level botanical report can be prepared. Given the fact that the elevation of the site is over 2,800 feet, only two special-status plant species had not yet bloomed when the initial field survey was performed and would have a likelihood of occurring on the site, *Eucephalus glabratus* and *Lilium washingtonianum ssp. purpurascens*. Neither of these species have nearby mapped ranges, nonetheless the project is conditioned to have an additional botanical survey performed in June or July, during their blooming period, and to submit the protocol-level Botanical Survey with the findings from both site visits. Construction activities shall only commence in the event that no rare, threatened, or special-status species are found onsite. If rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW whether modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives, or if avoidance is not feasible (COA A.7). If avoidance is not feasible, the project is conditioned to be reduced in scale or modified to ensure avoidance occurs.

The project was referred to the California Department of Fish & Wildlife (CDFW) on January 14th, 2020, and no comments were received. On April 15th, a follow-up was sent to CDFW, and a phone discussion took place on May 2nd, 2022, recommending in the condition discussed above, though modifications to the condition were made as more information was obtained. The applicant had submitted an application for a Lake or Streambed Alteration Agreement with CDFW in 2017. The application mentions two existing stream diversions being used for both domestic and irrigation purposes. There are no stream crossings onsite. The applicant shall adhere to the work outlined in the final Agreement.

Noise

Performance Standards required in the CCLUO, per section 55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. Because the power is sourced from PG&E, the project is not expected to raise noise levels. The generator on site will only be used during power outages and, when in use, will produce less than 60 decibels (dbA) at 100 feet when in operation. The project is conditioned to prepare a Noise Study to determine ambient noise levels and to not go over three decibels above that noise level for the life of the project.

Energy Plan

The project's power source will be PG&E. All PG&E power will be sourced from renewable energy programs. The parcel is presently not connected to PG&E power. Until connected, no mixed light cultivation can occur, only outdoor will be permissible. If power is required prior to being connected, the nearby parcel, APN 316-313-007, can provide grid power via a permitted easement for access. A Honda EU2200i 2200-Watt 120-Volt Super Quiet Inverter generator is kept onsite for emergency use only.

Tribal Cultural Resource Coordination

The project is located within the ancestral aboriginal territories of the Tsungwe Council, Hoopa Valley Tribal Council, and the Bear River Band of Rohnerville Rancheria. The project was referred to the Hoopa Valley Tribal Council and Bear River Band tribes on January 14th, 2020, and to the Tsungwe Council on February 17th, 2022. The project was also referred to the Northwest Information Center (NWIC) on January 14th, 2020. NWIC responded on January 28th, 2020, noting two cultural studies which included the project area in their review, neither of which identified the presence of any cultural resources. NWIC also recommended that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. The Bear River Band commented on January 31st, 2020, confirming that due to the results of the previous surveys, only inadvertent discovery protocols would be recommended. Tsungwe Council responded on February 18, 2022, stating that the previous surveys would be sufficient. Hoopa Valley Tribal Council has not provided comment. Inadvertent discovery protocols are in place for the project. In the event that cultural resources are encountered during project activities onsite, the applicant shall adhere to inadvertent discovery protocols, halt operations, and contact a qualified archaeologist.

Access

Access to the site is from a private road which offshoots from what was historically Highway 299, which in turn offshoots from Titlow Hill Road, a paved County-maintained road. The property owner has submitted a formal roadway evaluation prepared by Trinity Valley Consulting Engineers Inc. This evaluation determined that Titlow Hill Road meets the Category 4 standard, old Highway 299 is developed to the equivalent of a Category 4 roadway, and the private road will be able to accommodate the cumulative increased traffic from the project, provided that recommendations are executed. The roadway evaluation recommended clearing brush from the right-of-way on the private driveway to improve visibility. The project was referred to Public Works and comments were received January 27th, 2020. The department recommended conditions of approval for the project, including: all fences and gates shall be relocated out of the County right-of-way with appropriate setbacks, any existing or proposed driveways accessing the project shall be improved to current standards and will require an encroachment permit from the Department of Public Works, surfaced parking lots shall have an oil-water filtration system prior to discharge into any County-maintained drainage facility for stormwater runoff, and all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility). The recommended conditions have been included in the Conditions of Approval for the project that must be met before commencing project activities onsite.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate impacts of cultivation activities. These include sourcing all power from 100% renewable energy source or purchasing carbon offset credits, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not exceed 3 decibels above ambient noise levels at the property line.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the 27,000 square feet of new and existing mixed light and 5,588 square feet of new outdoor cannabis cultivation with 3,200 square feet of ancillary propagation space is consistent with the impacts identified and adequately mitigated in the original EIR. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project-related impacts to a less than significant level.

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

- Cultivation and Operations Plan received September 16, 2021.
- Site Plan received April 27, 2021.
- A Road Evaluation Report received December 11, 2019.
- A Biological Reconnaissance Survey Report prepared by Leopardo Wildlife Associates dated April 17, 2020.
- Site Management plan received February 17, 2022.
- Hydrologic Studies prepared by Lindberg Geologic Consulting, received December 21, 2021.
- Cultural Resource Investigation Report prepared by Archaeological Research and Supply Company, dated January 2018.

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The current proposed project does not contain substantial changes requiring major revisions to the previous EIR due to involvement of new significant environmental effects nor a substantial increase in the severity of previously identified significant effects.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
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** with Maps)
4. A Cultivation & 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**)
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. (Included in Cultivation Operations Plan, item 4. above)
7. Copy of Notice of Applicability letter for proof of enrollment under in the State Water Resources Control Board (SWRCB) under the General Order WQ 2019-0001-DWQ. (Condition of Approval)
8. A Site Management Plan to show compliance with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ. (On-file)
9. If any onsite or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (On-file)
10. If the source of water is a well, a copy of the County well permit and well completion report, if available. (On-file)
11. 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. (On-file)

12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
13. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not Applicable)
14. 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)
15. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
16. A Biological Assessment Report prepared by Leopardo Wildlife Associates dated April 17, 2020. **(Attached)**
17. A Botanical Survey Report prepared by Naiad Biological Consulting. (Condition of Approval; Initial Study **Attached**)
18. An Invasive Species Control Plan. (Included in Cultivation Operations Plan, item 4. above)
19. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
20. An onsite Remediation Plan prepared by Naiad Biological Consulting received November 18, 2020. **(Attached)**
21. A Less Than 3 Acre Timber Conversion Exemption approved April 2, 2015. **(Attached)**
22. A Roadway Evaluation Report for Titlow Hill Road, old Highway 299, and the private drive, dated February 2018. **(Attached)**
23. A Noise Assessment for ambient noise. (Condition of Approval)
24. A Cultural Resource Investigation Report prepared by Archaeological Research and Supply Company, dated January 2018. (On-file and confidential)



Cultivation Plan
Project Overview

The Vista 36, LLC is seeking approval of a special permit. The Project site is located on legal parcel 316-313-003 and 316-313-008. Parcels are zoned U; GPLU: AL20 (FRWK), on a total of 21 acres. Cultivation activities will take place on key Assessor’s Parcel Number 316-313-003.

The Project sponsor is requesting the approval of a special permit for 32,588 square feet of full term and mixed-light cultivation to be located on APN 316-313-003. Project sponsor is proposing the site be developed in two phases over a five (5) year period. A detailed description of the development phases are outlined below in the Project Phases section.

The Project site has permitted easements allowing cultivation operation related traffic to occur through 520 Titlow Hill Rd (APN 316-312-013) and 540 Titlow Hill Rd (APN 316-313-007).

Location Description

The Project site is located on Titlow Hill Road in Blue Lake CA, in the Southeast quarter of the Northwest quarter of Section 19, Township 6 north, Range 4 east, Humboldt Meridian. Titlow Hill Road (County Route 7K100) runs north to south through both parcels; this is a paved county road that is in good condition. The access road to these parcels is Old Highway 299, which was extended to go through both parcels and is also used to access parcels to the North. Old Highway 299 is a dirt road, reinforced with gravel, that has no issues that require work. The entire section of road on these parcels is flat, with the slope never exceeding 5%. On the eastern side of parcels 316-313-003, running parallel to Willow Creek, there is a two-track road accessed from Titlow Hill Road. This road is used to drive out to the point of diversion in the Willow Creek impoundment. This road is rarely used, runs along the flat flood plain of the creek, and there were no drainage issues identified during previous site visits.

Zoning

The property falls within allowable zoning and property specification requirements of the local jurisdiction’s commercial cannabis program. The property features zoning FRWK and the following characteristics:

- Assessor’s Parcel Numbers: 316-313-003 and 316-312-008
- GIS Acres: 22.37
- Coastal Zone: Not Applicable, Outside of Identified Coastal Area
- 100 Year Flood Zone: Not Applicable, Outside of Identified Flood Zone Area
- Alquist-Priolo Fault Hazard Zone: Not Applicable, Outside of Identified Alquist- Priolo Fault Hazard Zone
- FEMA Firm Flood Rating & Panel Number: Not Applicable
- Slope: >15% in cultivation area

- Relative Slope Stability (Per General Plan Geologic Maps): High/
Moderate Instability

Project Phases

The Project site is proposing two (2) phases of development. If the Project is approved, the Project sponsor estimates phase 2 of the development to span a five (5) year period. Project development phases are outlined below in detail.

Phase 1: The cultivation areas 1 and 2 will be used for full term and cultivation. The two cultivation areas total 32,588 square feet.

Phase 2: Phase 2 of the project includes the transition of a portion of the cultivation footprint into mixed-light use. When the site is connected to Pacific Gas and Electric utility, 27,000 square feet of the cultivation footprint would be transitioned into mixed light use. Areas 1 and 2 will remain full term totaling 5,588 square feet of cultivation.

Cultivation Activities & Schedule

The following tables detail the type of cultivation, dimensions of the cultivation footprint, estimated plants in the cultivation area and a general schedule detailing the stage of maturity of plants will be in during a specific month. Plant totals per year September vary based on genetics.

Phase 1 Detailed Cultivation Area Footprint

Area	Type of Cultivation	Area (Square Feet)
1	Full Term	455
2	Full Term	32,133
P	Propagation	3,200
Total Cultivation Area (SF)		32,588

Phase 2 Detailed Cultivation Area Footprint

Area	Type of Cultivation	Area (Square Feet)
1	Full Term	455
2	Full Term	5,133
3	Mixed Light	27,000
P	Propagation	3,200
Total Cultivation Area (SF)		32,588

Cultivation Schedule

The following table details the annual cultivation schedule organized into the two (2) proposed phases of development for the site. Phase 1 will comprise of one cycle of full term cultivation for each area.

Phase 1 Cultivation Activities Schedule

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	CC	CC	CC	CC	CC	CC/ Veg	Veg	Veg	Veg/ Blm	Blm	Blm/ CC	CC
2	CC	CC	CC	CC	CC	CC/ Veg	Veg	Veg	Veg/ Blm	Blm	Blm/ CC	CC
P	CC	CC	Veg	Veg	Veg	Veg/ CC	CC	CC	CC	CC	CC	CC

(*CC= Cover Crop, Veg= Vegetative Stage of Plant, and Blm= Blooming Stage of Plan)

Phase 2 Cultivation Activities Schedule APN 316-313-003

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	CC	CC	CC	CC	CC	CC/Veg	Veg	Veg	Veg/Blm	Blm	Blm/CC	CC
2	CC	CC	CC	CC	CC	CC/Veg	Veg	Veg	Veg/Blm	Blm	Blm/CC	CC
3	CC	Veg	Veg/Blm	Blm	Veg	Veg/Blm	Blm	Veg	Veg/Blm	Blm	Blm/CC	CC
P	CC	CC	Veg	Veg	Veg	Veg	Veg	Veg	CC	CC	CC	CC

(*CC= Cover Crop, Veg= Vegetative Stage of Plant, and Blm= Blooming Stage of Plan)

Water Source

Overview

The Project site has access to (4) water sources. Agricultural wells are located on contiguous parcels and owned by the same property owner Steven Wick. The Project site will source water from the following:

- A non-hydrologically connected well located on APN 316-313-003.
- The Project site has a water use easement to a non-hydrologically connected well located on APN 316-313-007.
- The Project site has a water use easement to a non-hydrologically connected well located on APN 316-312-013.
- The Project site proposes use of water from a rain water catchment collection system connected to the private residence located on APN 316-313-007.

Water Use Estimates

The Project sponsor estimates water use based on 11 gallons of water per square foot of cultivation. Total estimated yearly water use during Phase 1 is 366,968 gallons. Total estimated yearly water use during Phase 2 is 515,468 gallons. Water estimates are based on the different stages of plant growth and seasonal temperatures. During the summer months and early fall months, the occurrence of moisture loss in soil increases due to warmer temperatures. The Project sponsor estimates that during the colder winter, early spring and late fall months, the use of water will decrease due to colder temperatures and the increase of seasonal rainfall.

Water Storage

Water for the Project is to be stored in ten (10) onsite storage tanks totaling 230,000 gallons to be used for irrigation and emergency applications. Water storage figures are in gallons.

Water Storage Location and Holding Capacity

Water Storage Type	Tank Capacity (gallons)
Tank (Emergency Use)	5,000
Tank	50,000
Tank	50,000
Tank	50,000
Tank	50,000
Tank	5,000
Tank	5,000
Tank	5,000
Tank	5,000
Tank	5,000
Total Storage	230,000

Irrigation Methods

The Project will implement an irrigation system including drip irrigation and/or drip emitter closed loop sourced from the on-site metered water storage tanks. The irrigation system shall be designed to include redundancy (e.g., safety valves) in the event that leaks occur, so that waste of water and runoff is prevented and minimized.

Water Conservation Measures & Irrigation Runoff Management

The Project sponsor will conduct a regularly scheduled inspection for leaks in mainlines, laterals, in irrigation connections, sprinkler heads, or at the ends of drip tape and feeder lines and immediately repair any leaks found upon detection. The cultivation plan includes the minimization of irrigation deep percolation by applying irrigation water at agronomic rates. The Project sponsor will additionally apply a layer of rice straw above the soil to assist in the reduction of moisture evaporation.

Water Budget & Schedule

The following Cultivation Activities Schedule includes the stage of maturity of plants will be in a specific month. The cultivation areas that are intended for mixed-light use have three cycles and cultivation areas intended for full term are proposed to have a total of one cycle per year. The Water Budget table outlines the estimates for the total use of water for the year (12 months) and the estimated plant total per cultivation area. Water use figures are in gallons.

Phase 1 Water Budget APN 316-313-003

Area	Type of Cultivation	Area (Square Feet)	Number of Plants	Water Use (gallons)
1	Full Term	455	25	5,005
2	Full Term	32,133	1,625	353,463
P	Propagation	3,200	1,700	8,500
Total Water Use				366,968

Phase 2 Water Budget APN 316-313-003

Area	Type of Cultivation	Area (Square Feet)	Number of Plants	Water Use (gallons)
1	Full Term	455	25	5,005
2	Full Term	5,133	260	56,463
3	Mixed Light	27,000	4,063	445,500
P	Propagation	3,200	1,700	8,500
Total Water Use				515,468

State Water Resource Control Board Cannabis General Order

Site Enrollment

The Project is currently enrolled in the State Water Resources Control Board Cannabis Cultivation General Order under the WDID 1B161389CHUM. The site's application ID is 404131. The Project is identified as a Tier 2 low risk site.

Measure of Compliance with SWRCB Cannabis Cultivation General Order

The site maintains compliance measures under the SWRCB Cannabis Cultivation General Order, including requirements related to water diversions and waste discharge for cannabis cultivation. The following Requirements apply to any water diversion or waste discharge related to cannabis cultivation.

Record-keeping

1. Water meters will be used to quantify water use for irrigation, domestic, and storage. A photo of the meter reading will be taken monthly to document water use and storage.
2. The business keeps inventories for those materials, documents emergency and training procedures, and maintains hazardous waste disposal records.

Land Development and Maintenance, Erosion Control, and Drainage Features

3. The site will not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply. The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.
4. Finished cut and fill slopes, including side slopes between terraces, shall not exceed slopes of 50 percent and should conform to the natural pre-grade slope whenever possible.
5. The site shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. This requirement does not prohibit driving on established, maintained access roads that are in compliance with this Policy.
6. Cannabis cultivation land development and access road construction shall be designed by qualified professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.
7. The cannabis cultivator shall control all dust related to cannabis cultivation activities to ensure dust does not produce sediment-laden runoff. The cannabis cultivator shall implement

dust control measures, including, but not limited to, pre-watering of excavation or grading sites, use of water trucks, track-out prevention, washing down vehicles or equipment before leaving a site, and prohibiting land disturbance activities when instantaneous wind speeds (gusts) exceed 25 miles per hour. Cannabis cultivators shall grade access roads in dry weather while moisture is still present in soil to minimize dust and to achieve design soil compaction, or when needed use a water truck to control dust and soil moisture.

Construction Equipment Use and Limitations

8. Cannabis cultivators shall employ spill control and containment practices to prevent the discharge of fuels, oils, solvents and other chemicals to soils and waters of the state.
9. Cannabis cultivators shall stage and store equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials in locations that minimize the potential for discharge to waters of the state. At a minimum, the following measures shall be implemented:
 - Designate an area outside the riparian setback for equipment storage, short-term maintenance, and refueling. Cannabis cultivator shall not conduct any maintenance activity or refuel equipment in any location where the petroleum products or other pollutants may enter waters of the state as per Fish and Game Code section 5650 (a)(1).
 - Frequently inspect equipment and vehicles for leaks.
 - Immediately clean up leaks, drips, and spills. Except for emergency repairs that are necessary for safe transport of equipment or vehicles to an appropriate repair facility, equipment or vehicle repairs, maintenance, and washing onsite is prohibited.
 - If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled off-site.
 - Properly dispose of all construction debris off-site. 6. Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. Sweep up, contain, and properly dispose of spilled dry materials.

Erosion Control

10. The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.
11. The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Invasive Pest Plant Council's database, available at: www.cal-ipc.org/paf/. Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.

12. Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality.

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

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

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

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

14. Cultivation sites constructed on or near slopes with a slope greater than or equal to 30 percent shall be inspected for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a qualified professional to design measures to stabilize the slope to prevent sediment discharge to surface waters.

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

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

Access Road/Land Development and Drainage

17. Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at . Existing access roads shall be upgraded to comply with the Road Handbook.

18. Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any access road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.

19. Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.

20. New access road alignments should be constructed with grades (slopes) of 3 to 8 percent, or less, wherever possible. Forest access roads should generally be kept below 12-percent except for short pitches of 500 feet or less where road slopes may go up to 20 percent. These steeper access road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing access roads that do not comply with these limits shall be inspected by a qualified professional to determine if improvements are needed.

21. Cannabis cultivators shall decommission or relocate existing roads away from riparian setbacks whenever possible. Roads that are proposed for decommissioning shall be abandoned and left in a condition that provides for long-term, maintenance-free function of drainage and erosion controls. Abandoned roads shall be blocked to prevent unauthorized vehicle traffic.

22. If site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques¹² as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled

“pillows” in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.

23. Cannabis cultivators shall have a qualified professional design the optimal access road alignment, surfacing, drainage, maintenance requirements, and spoils handling procedures.

24. Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.

25. Cannabis cultivators shall install erosion control measures on all access road approaches to surface water diversion sites to reduce the generation and transport of sediment to streams.

26. Cannabis cultivators shall ensure that access roads are out-sloped whenever possible to promote even drainage of the access road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream.

27. If unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a qualified professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.

28. Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Cannabis cultivators shall use water bars and rolling dips as designed by a qualified professional to minimize access road surface erosion and dissipate runoff.

29. Cannabis cultivators shall only grade ditches when necessary to prevent erosion of the ditch, undermining of the banks, or exposure of the toe of the cut slope to erosion. Cannabis cultivators shall not remove more vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.

30. Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.

31. Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) access road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities.

Drainage Culverts

31. Cannabis cultivators shall regularly inspect ditch-relief culverts and clear them of any debris or sediment. To reduce ditch-relief culvert plugging by debris, cannabis cultivators shall use 15-inch to 24-inch diameter pipes, at minimum. In forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging. Ditch relief culverts shall be designed by a qualified professional based on site-specific conditions.

32. Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a qualified professional.

Stormwater Management Plan

Location, Capacity, and Operation

The site is located just south of Berry Summit, in the Willow Creek watershed. The western edge of the parcels, where all infrastructure is located, is on a natural ridge top so there are no waterways or stream crossings more than 500 feet of any cultivation or cultivation related infrastructure.

The Project site is enrolled in the State Water Resources Control Board under Tier 2 and Low Risk standards.

Drainage Conditions

The main road on the parcel is a gravel road, on the ridge top, with no drainage issues. On the eastern side of the site's parcels, running parallel to Willow Creek, there is a two-track road accessed from Titlow Hill Road. This road is rarely used, runs along the flat flood plain of the creek, and there were no drainage issues.

Analysis of Proposed On-site and Off-site Drainage Flows

There are no current proposed alterations for on-site or off-site drainage flows. Interim erosion prevention and sediment capture measures shall be implemented in the project operations to ensure that the project will retain pre-project drainage conditions. The measures include:

- Erosion prevention measures for any earthwork that uses heavy equipment
- Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection.
- Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins
 - Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land.
 - Maintenance of all erosion protection and sediment capture measures is required year round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.

Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.

Project operations shall cover and berm all loose stockpiled construction materials that are not actively being used as needed to prevent erosion by storm water. The Project operations shall have adequate cover and berm materials available onsite if the weather forecast indicates a probability of precipitation.

Maintenance Schedule

Maintenance for all drainage improvements is scheduled twice a calendar year. The first maintenance will take place during winterization preparation after the finish of the last cultivation cycle in late November or early December. The second maintenance will take place at the start of the new cultivation cycle, after snow melt and large rainfall events.

Invasive Species Management

The site is in process of a Biological Reconnaissance conducted by a qualified professional. There will be potentially new identified invasive species to add to the site's management plan once the final draft of the Biological Reconnaissance has been submitted. Projected submission of the Biological Reconnaissance is late December 2019.

Presence of Invasive Species

Plants. The site has presence of *Cirsium vulgare*, Bull Thistle. This suite of invasive thistles infests native grasslands, roadsides and fields. These species displace native plants and are often noxious to native wildlife and livestock. Mitigation efforts include digging up small infestations if possible. Repeated mowing will prevent flowering and seed production of bull thistle.

Mitigation and Management of Invasive Species

The Project sponsor shall implement an invasive species management plan prepared by a Qualified Biologist for any existing or proposed water storage facilities that are open to the environment. The plan shall include, at a minimum, an annual survey for bullfrogs and other invasive aquatic species. If bullfrogs or other invasive aquatic species are identified, eradication measures shall be implemented under the direction of a qualified biologist, if appropriate after consultation with CDFW (pursuant to Fish and Game Code section 6400). Eradication methods can be direct or indirect. Direct methods may include handheld dip net, hook and line, lights, spears, gigs, or fish tackle under a fishing license (pursuant to Fish and Game Code section 6855). An indirect method may involve seasonally timed complete watering and a drying period of the off-stream storage facility under a Permit to Destroy Harmful Species (pursuant to Fish and Game Code section 5501) issued by CDFW.

The Project sponsor shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Invasive Pest Plant Council's database. Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall.

Materials Management Plan

Cultivation Related Materials and Waste. The Project operations will include the management of materials used in cultivation activities to prevent exposure to any life stage of fish and wildlife or their habitat. The Project sponsor will implement standard operating procedures to secure containment of materials from contaminating soil or entering the riparian setback or waters of the State. To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of all agricultural materials products would be ensured via the use of dedicated areas and containers that are covered water tight.

The Project operations will refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. Agricultural materials and wastes from agricultural commercial operations are regulated by Department of Pesticide Regulation, Humboldt County Division of Environmental Health and California Department of Food and Agriculture.

Any uses of pesticide products shall be in compliance with the State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation. As per the Department of Pesticide Regulation (DPR), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, §6670, Title 3, Division 6, Pesticide and Pesticide Control Operations. General guidelines dictate that chemical are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be store in locked containment within a closed outdoor structure.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides will be made available onsite and posted adjacent to the secure pesticide and agricultural material storage locker.

To minimize infiltration and water quality degradation, Project operations shall manage the irrigation and pesticide, fertilizer and nutrient application of crops consistent with the crop need (i.e., agronomic rate). The Project operations shall not apply pesticide, fertilizer and nutrient applications at a rate that may result in a discharge to surface water or groundwater. The Project operations shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the State, and to minimize leaching of waste constituents into groundwater. Additionally, winterization methods will cover cultivation areas with cover crop to secure soil and soil amendments from discharging into surface water, groundwater, and water ways. For soil disposal sites the Project operations shall revegetate soil disposal sites with a mix of native plant species, cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible and haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.

Plant Materials. Organic plant materials are composted in designated areas identified on premises map. Cultivation-related wastes including empty soil/soil amendment/fertilizer/pesticide bags and containers, plant pots or containers, dead or harvested waste, and spent growth medium shall be stored and/or disposed of at locations where they will not enter surface waters, including leaching of nutrients and/or other chemicals into surface or ground waters.

The Project will handle compost by employing an Enclosed Composting Process which means a composting process where the area that is used for the processing, composting, Stabilizing, and curing of organic materials, is covered on all exposed sides and rests on a stable surface with environmental controls for moisture and air-borne emissions present. Organic materials (soil) are composted in designated areas, covered in tarp above and Below and surrounded by straw wattle. All composting practices are recorded.

Solid Waste Management. The Project sponsor will manage solid waste generated onsite by cultivation activities due to the potential of hazard to any life stage of fish and wildlife or their habitat. The Project sponsor will implement standard operating procedures to secure containment of solid materials from contaminating soil or entering the riparian setback or waters of the State. Common waste products that would be used or generated onsite include:

- Fertilizers
- Fuels
- Household chemicals
- Human trash
- Human waste
- Pesticides/herbicides/fungicides
- Product packaging and containers
- Irrigation tubing
- Pots and similar containers used for propagation and cultivation
- Water bladders or tanks
- Electrical lighting fixtures, wiring and related equipment
- Fencing

All waste products, excluding plant waste, will be contained within a holding structure that is secure from wildlife exposure while waiting to be transported offsite. All solid waste is contained is to be removed no less than once a week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. All waste and/or recycling materials are self-hauled offsite to the fully permitted solid-waste landfill processing Humboldt Sanitation transfer station.

Name of Local Agency: Humboldt Sanitation transfer station
Company Business Address: 2585 Central Avenue McKinleyville, CA 95519
Primary phone number: (707) 839-3285

Hazardous Material Site Assessments and Contingency Plans

Site Assessment

The project has no historical data regarding its development for an industrial or heavy commercial use. Additionally, the site currently does not have any demolition activities are proposed.

The project proposes the installation of agricultural structures in the form of greenhouses and a surrounding fence around the cultivation area perimeter. If at any time during construction, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact Humboldt County Division of Environmental Health. Work shall not recommence until the discovery has been assessed/treated appropriately to the satisfaction of Humboldt County Division of Environmental Health, North Coast Regional Water Quality Control Board, and California Department of Toxic Substances Control (as applicable).

Contingency Plans

Hazard Waste Management. To meet environmental health standards, the project operations will include a maintained list of and description of all completed gases, cleaner, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identified its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc., would be stored in crop pans and within an enclosed area. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUOA) fuel and chemical storage guidelines.

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

- 55 gallons, 500 pounds, or 200 cubic (for 30 days or more at any time during a year)
- Any amount of hazardous waste
- Category I and II pesticides
- Explosives
- Extremely hazardous substances (above planning threshold)

All equipment maintenance performed onsite will be listed and describes as a requirement under the Certified Unified Program Agency (CUPA) guidelines. Upon request, Project sponsor will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

Project operations shall store construction and waste materials outside the riparian setback except as needed for immediate construction needs. Such materials shall not be stored in locations of

known slope instability or where the storage of construction or waste material could reduce slope stability.

Chemical Spill Procedures & Handling Guidelines. Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure. If requested, all equipment maintenance performed onsite would be listed/described. Per from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure. In the event of emergency soils, the incident would be reported to the California Governor's Office of Emergency Services (Cal OES) State Warning Center at:

- (800) 852-7550 OR
- (916) 845-8911

The procedure would follow the Cal OES California Hazardous Materials Spills/Release Notification Guidance and the Environmental Protection Agency's Chemical Spills Prevention and Preparedness web page for the Pacific southwest, Region 9 standards.

Sewage Disposal Plan

The site will provide one (1) port-a-potty restroom facility with access to two (2) additional port-a-potty restroom facilities located on supporting site at 540 Titlow Hill Rd (APN 316-313-007). The sites are part of a contiguous stretch of parcels. The Project sponsor has deeded rights to all contiguous parcels.

The Project sponsor is in process of permitting the residential structure as a commercial structure. The structure is located at the supporting site (APN 316-313-007). Once complete the structure will offer two (2) accessible restrooms including toilet and showering facilities. The septic system associated with the house is a permitted and paperwork is provided in the this section.

Overview of Plumbing and Septic System

The proposed Project location is currently equipped with a septic system that is permitted and plumbed to the main residential structure. Employee(s) would utilize the available port-a-potties for regular use.

Sewage Disposal Plan

The site will schedule cleaning and disposal service for the port-a-potties every two weeks or based on need while the residential structure secures commercial permits for the use of the space as employee housing and break area.

Soil Management

The Soils Management Plan outlines the origin of soil, soil use for clones, preparation of soil for cultivation use, management of soil moisture, cover crop applications, winterization techniques, erosion controls, soil disposal and spoils management. Standard Operating Procedures for soil management will be prepared for each growth stage and significant cultivation cycles of the operation such as winterization, early spring testing, and amendment application (if applicable).

Origin of Soil

The origin of the soil will be of mixed source including onsite soil left from previous the pre-established cultivation site and new soil brought from off-site sources for the proposed cultivation areas and for nursery operations such as the transplant of immature clones. This soil will be tested yearly for viability levels in order to create a plan for both amendment applications and cover crop applications.

Soil for Clones

Plans and specifications will be prepared for clone management. Plans shall include:

- Clones are transplanted into larger receptacles while waiting for appropriate growth before their final transfer directly into established soil located in the greenhouse, hoop houses, and smart pots.
- External soil applications for clones are based on the number of clones as well as the size of receptacle used in transplant.
- Soil use determinations may vary based on the size of clones upon arrival to the cultivation site.

Preparation of Soil for Use

Plans for the establishment of cover crops shall include:

- Seedbed preparation
- Recommended seeding dates
- Seed mixture(s)
- Seeding rates
- Establishment procedure
- Planned rates and timing of nutrient application
- Planned dates and method for destroying cover crop
- Other information pertinent to establishing and managing the cover crop.
- Plans and specifications for the establishment and management of cover crops may be recorded in narrative, logs, or other internal means of record keeping

Managing Soil Moisture

Plans and specifications will be prepared for each area. Plans for the establishment of managing soil moisture shall include:

- Terminate growth of the cover crop sufficiently early to conserve soil moisture for the subsequent crop.
- Cover crops established for moisture conservation shall be left on the soil surface until the subsequent crop is planted.
- In areas of potential excess soil moisture, allow the cover crop to grow as long needed.

Cover Crop Application

Plans and specifications will be prepared for each area. Plans for the establishment of cover crop shall include:

- Plant species, seedbed preparation, seeding rates, seeding dates, seeding depths, and planting methods will be consistent with approved local criteria and site conditions.
- Cover crop species will be selected on the basis of producing high volumes of organic material and or root mass to maintain or improve soil organic matter.
- The species selected will be compatible with the other components of the cropping system.
- Select and manage cover crop species that will produce deep roots and large amounts of surface or root biomass to increase soil organic matter, improve soil structure and increase soil moisture through better infiltration.
- Deep-rooted species provide maximum nutrient recovery.
- Use grasses to utilize more soil nitrogen, and legumes to utilize both nitrogen and phosphorus.
- Mixtures of two or more cover crops are often more effective than planting a single species.
- Avoidance using plants that are on the state's noxious weed or invasive species lists.
- Avoidance of cover crop species that harbor or carryover potentially damaging diseases or insects.
- Cover crops will be terminated by harvest, frost, mowing, tillage, crimping and/or herbicides in preparation for the following crop.
- Cover crop residue will not be burned.
- Cover crops will be present during the time when protection is needed.

- The cover crop will be terminated as late as feasible to maximize plant biomass and still prepare the seedbed for the subsequent crop.
- Cover crops may be sown in the spring or fall for turndown the following spring. Cover crops may also be plowed the year seeded.
- Cover crop calculator will be used to determine the amount of seeding based on the surface area of application. Cultivator will reference the following calculator <http://smallfarms.oregonstate.edu/node/54>
- Plant cover crop in a timely manor to establish a good stand.

Winterization Applications

Plans and specifications will be prepared for each area. Plans for the establishment of winterization applications shall include:

- Soil preparation of the site for the winter months shall take place at the end of the growing season, prior to the winter rains.
- Soil used in cultivation will be covered, or left in beds planted with a cover crop to be amended and reused the following season.
- Any bare soil on the fill sloped of the landing will be covered with straw 2 to 3 inched thick and secured tackifier.
- All nutrients, fuels, and all chemicals will be placed in a secure storage shed
- All cultivation trash and debris will be properly disposed of at Humboldt Sanitation & Recycling
- All drainage or sediment capture features will be inspected for debris, blockages, or any potential for compromised function
- Roads will be monitored to maintain water quality protection

As stated by the Water Code section 13267 the Project sponsor will complete and submit technical monitoring reports monthly until winterization measures have been implemented.

These monthly reports will include:

- Surface water runoff
- Soil erosion control
- Sediment capture
- Stabilization of Disturbed Areas
- Erosion/sediment capture maintenance
- Material(s) storage and spill prevention
- Holding Tank, Septic Tank, or Chemical Toilet Servicing

Erosion Control

Plans and specifications will be prepared for each area. Plans for the establishment of erosion control shall include:

- Cover crop establishment, in conjunction with other practices, will be timed so that the soil will be adequately protected during the critical erosion period(s).
- Plants selected for cover crops will have the physical characteristics necessary to provide adequate protection.
- The amount of surface and/or canopy cover needed from the cover crop shall be determined using current erosion prediction technology.

Soil Disposal and Spoils Management

If soil needs to be replaced, the soils management plan will be updated and stored for records. The determination to dispose of soil and replace it will be made based on the following reasons below. Please note that there is no plan to remove existing soil, this section is written in as an alternative management strategy.

- Cultivation operations shall separate large organic material (e.g., roots, woody debris, etc.) from soil materials.
- Cultivation operations shall either place the large organic material in long-term, upland storage sites, or properly dispose of these materials offsite.
- Cultivation operations shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water.
- Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).
- Cultivation operations shall include the contouring and stabilization stored spoils to mimic natural slope contours and drainage patterns (as appropriate) to reduce the potential for fill saturation and slope failure.
- For soil disposal sites cultivation operations shall:
 - Revegetate soil disposal sites with a mix of native plant species,
 - Cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and
 - Apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible.
- Cultivation operations shall haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.

Processing Plan

Summary of Processing Practices

The processing activities are off-site located on parcels that are contiguous with the Project. The supporting site has permitted easements allowing cultivation operations related traffic to occur through 520 Titlow Hill Rd (APN 316-312-013) and 540 Titlow Hill Rd (APN 316-313-007).

The offsite's processing practices include:

- Harvest
- Drying
- Curation
- Trimming
- Grading
- Bulk Packaging

The Vista 36 LLC will produce specialty agricultural cannabis nursery stock to support the onsite cultivation of high-grade organically produced cannabis flower, biomass, and trim. Cultivation of by products of additional value would be sold to permitted manufacturers (for the processing of extracts, concentrates, and topical products).

Quality Control Practices. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing. Processing operations will include Standard Operations Procedures to prevent processing contamination and mold and mildew growth on cannabis. Employees processing cannabis will be provided Personal Protective Equipment including coveralls, face masks and gloves in good operable condition as applicable to their job function. Employees must wash hands sufficiently when handling cannabis or use gloves. Employees are required to wash hands sufficiently when handling cannabis or use gloves.

Location

The Project will employ offsite processing activities located at adjacent site 540 Titlow Hill Road (APN 316-313-007). All processing will be done in the lower portion of the residential structure in the identified garage areas. There are a total of three garage areas that are to be updated to meet standards for drying, curing, and grading commercial cannabis. One (1) garage space will be updated to allow space for trimming and bulk packaging. Bulk packaging means the preparation of large amounts of cannabis for transferred custody to a licensed distributor. The proposed processing spaces can be identified on the structure elevation provided in the Site Plan of this application.

Summary Employee(s) & Contractors

The site will have two (1) full season/full time employee and will hire four (2) seasonal/temporary employees during peak work flows such as transplant and harvest cycles.

The primary organization currently responsible for the record keeping of employees (both seasonal and permanent) would be The Vista 36. All records maintained by The Vista 36 would be made available upon request.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

- Bureau of Cannabis Control
- California Department of Food & Agriculture
- County Agriculture Commissioner
- County Planning Department
- Department of Industrial Relations
- Department of Labor, Wage, and Hour Division
- Department of Pesticide Regulation
- National & California Agricultural Labor Relations Board
- Occupational Safety & Health Administration
- US Department of Labor

Summary of Employee Safety Practices

The site's cultivation operations will visibly post and maintain an emergency contact list which includes operation manager contacts, human resource manager contact, emergency responder contacts, poison control contacts. The site's Safety practices are based in OSHA Agricultural Occupations.

Heat. Workers exposed to hot and humid conditions are at a high risk of heat illness, especially if they are doing heavy work tasks or using bulky protective clothing and equipment. New workers may also be at greater risk than others if they have not built up a tolerance to hot conditions. Employers must take steps to help workers become acclimated.

Prevention. Heat-related illnesses, while potentially deadly, are easily preventable. When working in hot conditions, remember "WATER, REST, SHADE." Drink water every 15 minutes, even when not thirsty. Wear a hat and light-colored clothing. Rest in the shade. Be sure to watch out for fellow workers and know your location in case you need to call for assistance. Get help right away if there are any signs of illness.

Pesticide Exposure. Pesticides pose risks of short- and long-term illness to farmworkers and their families. Workers who mix, load or apply pesticides (known as pesticide handlers) can be exposed to toxic pesticides due to spills and splashes, defective, missing or inadequate protective equipment, direct spray, or drift. Workers who perform hand labor tasks in areas that have been

treated with pesticides face exposure from direct spray, drift or contact with pesticide residues on the crop or soil.

Pesticides can present a hazard to applicators, to harvesters reentering a sprayed field, to family members due to take-home contamination, and to rural residents via air, ground water and food. Workers may be exposed to pesticides in a variety of ways, including: working in a field where pesticides have recently been applied; breathing in pesticide "drift" from adjoining or nearby fields; working in a pesticide-treated field without appropriate PPE; eating with pesticide-contaminated hands; eating contaminated fruits and vegetables; and eating in a pesticide-contaminated field. Workers may also be exposed to pesticides if they drink from, wash their hands, or bathe in irrigation canals or holding ponds, where pesticides can accumulate.

Pesticide Protection. The Environmental Protection Agency (EPA) oversees pesticide use through the Worker Protection Standard (WPS). The WPS is a regulation for agricultural pesticides which is aimed at reducing the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers. The WPS protects employees on farms, forests, nurseries, and greenhouses from occupational exposure to agricultural pesticides. The regulation covers two types of workers:

- **Pesticide handlers** -- those who mix, load, or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application of pesticides in any way.
- **Agricultural workers** -- those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests. Workers include anyone employed for any type of compensation (including self-employed) doing tasks -- such as carrying nursery stock, repotting plants, or watering -- related to the production of agricultural plants on an agricultural establishment. Workers do *not* include office employees, truck drivers, mechanics, and any others not engaged in handling, cultivation, or harvesting activities.

The WPS contains requirements for pesticide safety training, notification of pesticide applications, use of personal protective equipment, restricted-entry intervals after pesticide application, decontamination supplies, and emergency medical assistance. While EPA covers the use of respirators in the application of pesticides, OSHA's Safety and Health Topic page on Respiratory Protection provides general information on respirator use and OSHA standards that may apply with the use of other chemicals.

Hazard Communication. Chemicals must be properly labeled so farmworkers know the identity and hazards of the chemicals they may be exposed to at work. OSHA has information to assist employers and workers ensure that hazard communication is properly addressed in their workplaces. In addition, certain OSHA standards address hazard communications. As explained in 1910.1200(b)(5)(i), pesticides covered under FIFRA are exempt from the OSHA labeling requirements since EPA regulates these labels.

Respiratory Hazards. Respiratory hazards. Respiratory hazards in barns, manure pits, machinery and silos range from acute to chronic air contaminants. Farmworkers' most common respiratory hazards are bioaerosols, such as organic dusts, microorganisms, and endotoxins and chemical toxicants from the breakdown of grain and animal waste. Inorganic dust, from silicates in harvesting and tilling, is prevalent but less significant.

Changes to farming mechanisms have both improved working conditions and increased exposure to respiratory hazards—mainly due to the increased density in animal confinement.

Vehicle Hazards. Proper operation of farm vehicles can reduce accidents, injuries and fatalities in agricultural operations.

General Vehicle Safety.

Vehicle operation

- Do not allow passengers to ride in the vehicle.
- Remove persons not involved in the activity from the site.
- Shut off vehicle for refueling.
- Park the vehicle whenever there is no driver inside, so that the motor is shut off, the brakes are engaged, the transmission is in park-lock or in gear, the keys are removed, and the attachments are disengaged.
- All farm equipment traveling on any roadway should be equipped with an approved Slow Moving Vehicle (SMV) emblem. Emblems should be clean and in good shape.
- Use a standardized system of hand signals to communicate when noise and or distance does not allow for verbal communication.
- Falling Object Protective Structures (FOPS) should be installed on equipment where the user runs the risk of being struck by falling debris.
- Never tow an implement that is improperly hitched.

Vehicle Storage

- Store away from structures housing livestock-to reduce the likelihood of fire.
- Do not store with fuel storage tanks.
- Do not store with debris.
- Ensure that electrical lines are high enough for vehicles to pass below.
- Ensure there is an easy exit from the storage structure.
- Ensure the storage structure is lockable.
- Ensure the floor surfaces are smooth and clean.
- Remove keys from all vehicles.
- Do not allow non-employees or children into storage structures.

All terrain vehicles (ATVs)

The National Safety Council has developed recommendations for using ATVs. The recommendations include:

- ATVs with an engine size of 70cc to 90cc should be operated by people at least 12 years of age.
- ATVs with an engine size of greater than 90cc should only be operated by people at least 16 years of age.
- Wear appropriate riding gear: DOT, Snell ANSI-approved helmet, goggles, gloves, over-the-ankle boots, long-sleeve shirt and long pants.
- Read owners' manuals carefully.
- ATVs are not made for multiple riders. Never carry anyone else on the ATV.
- Any added attachments effect the stability, operating and braking of the ATV.
- Just because an attachment is available doesn't mean that it can be used without increasing your risk of being injured.
- Do not operate the ATV on streets, highways or paved roads.

Noise. Thousands of workers every year suffer from preventable hearing loss due to high workplace noise levels, and research has shown that those who live and work on farms have had significantly higher rates of hearing loss than the general population. In fact, farming is among the occupations recognized as having the highest risks for hearing loss.

Tractors, forage harvesters, silage blowers, chain saws, skid-steer loaders, grain dryers, squealing pigs and guns are some of the most typical sources of noise on the farm. Studies suggest that lengthy exposure to these high sound levels have resulted in noise-induced hearing loss to farmworkers of all ages, including teenagers. Hearing loss is not as dramatic nor as sudden as an injury from a tractor overturn or machine entanglement, but it is permanent.

Employers can achieve noise reduction in several ways, usually related to the maintenance of the equipment:

- Worn, loose, or unbalanced machine parts can increase decibel levels during operation. Regular lubrication and parts replacement (bearings, mufflers, silencers, etc.), reduce friction and lower noise levels.
- Larger engines that can be operated at lower speeds reduce noise levels, and may even conserve fuel.
- Vibration isolation pads may be installed under the legs of noisy equipment to reduce noise generated by the equipment vibrating on a cement floor.
- Newer chainsaws and leaf blowers have flexible mountings to reduce vibration-induced noise as well.
- Tractor and skid-steers can be purchased with sound reducing cabs and tightly fitted cab doors and windows to reduce how much outside noise reaches the operator.
- Acoustical materials may be installed on walls and ceilings to enclose sound.

In addition, employers may provide workers with personal protective equipment (PPE) but must train them in using the PPE correctly. OSHA's Safety and Health Topics Page on PPE describes proper use of personal protective equipment.

Noise and Hearing Conservation - OSHA's Safety and Health Topics Page on Occupational Noise Exposure provides a comprehensive review of the hazards of noise, the means of protection, as well as OSHA requirements.

Hazardous Equipment and Machinery. Farmworkers routinely use knives, hoes, and other cutting tools; work on ladders; or use machinery in their shops. However, these simple tools can be hazardous and have the potential for causing severe injuries when used or maintained improperly.

- All tools should be maintained in good condition and used according to the manufacturers' instructions.
- Power tools must be properly grounded or double insulated and all guards or shields must be in place.
- Farmworkers should wear the proper personal protective equipment (PPE) and make sure that clothing has no strings or loose ends that could be caught by machinery. Long hair should be tied back to prevent entanglement.
- In addition, shops should be well lit and have clear walkways to eliminate slips, trips and falls.

Sanitization Facilities

As per the CCR, Title 8, §3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1.4) mile or a five (5) minute walk, whichever is shorter. The primary waste facility and septic system is located within the listed guidelines of one-quarter (1.4) mile or a five (5) minute walk from the work site. The site will provide two (2) port-a-potty restroom facilities that will be serviced every two weeks or based on need while the residential structure secures commercial permits for the use of the space as employee housing and break area. Once the residential structure is permitted, there are two accessible restrooms including toilet and showering facilities. The septic system associated with the house is a permitted.

Handwashing Stations are located on site within the processing areas, providing on demand hot water for sanitary purposes.

Overview of Plumbing and Septic System

The proposed Project location is not currently equipped with a septic system. However, the site will provide one (1) port-a-potty restroom facility with access to two (2) additional port-a-potty restroom facilities located on supporting site at 540 Titlow Hill Rd (APN 316-313-007).

The sites are part of a contiguous stretch of parcels. The Project sponsor has deed rights to all contiguous parcels.

The Project sponsor is in process of permitting the residential structure located at the supporting site (APN 316-313-007). Employee(s) would utilize the available port-a-potties for regular use while the structure on adjacent site is permitted for commercial use. Once complete the structure will offer two (2) accessible restrooms including toilet and showering facilities. The septic

system associated with the house is a permitted and associated paperwork is provided in the this section.

Overview of Drinking Water for Employees

Drinking water for employees will be provided in the designate and shaded break area(s). Water will be potable and water storage receptacles will be kept sanitary for use. Water supply is brought from off-site sources to ensure quality. The site will schedule regular drinking water deliveries.

Overview of Road Use

Titlow Hill Road (County Route 7K100) runs north to south through both parcels; this is a paved county road that is in good condition. The access road to these parcels is Old Highway 299, which was extended to go through both parcels and is also used to access parcels to the North. Old Highway 299 is a dirt road, reinforced with gravel, that has no issues that require work. The entire section of road on these parcels is flat, with the slope never exceeding 5%. As the road passes the cabin there is a small swale where rainwater runoff from the cabin flows across the road and infiltrates on the hillside to the West. There is no potential for sediment delivery with this site.

On the eastern side of both parcels, running parallel to Willow Creek, there is a two-track road accessed from Titlow Hill Road. This road is used to drive out to the point of diversion in the Willow Creek impoundment. This road is rarely used, runs along the flat flood plain of the creek, and there were no drainage issues identified during previous site visits.

Access roads have been constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The amount of employees proposed will put minimal amount of increased use on the roads leading to the property and going through the property. The roads will be monitored to observe any impacts from potential increase used and will be addressed with mitigation measures such as filling potholes, managing run-off, etc.

Overview of Onsite Housing

There will be no onsite housing provided to employees.

Parking Plan

The site will provide 4 designated parking spaces for employees, contractors, and deliveries. The designated parking spaces are provided to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations. The off-street parking provided are for any motor vehicles associated with any use or uses on the premises.

Noise Source Assessment

Electricity

The site currently does not have power. Phase 1 of the proposed cultivation activities are outdoor areas, which require little to no power source for operation purposes. If power is needed, the Project site is supported by two options of energy input.

1. Generator Use
2. On grid power supply from adjacent power source located at 316-313-007. The site has a permitted easement allowing access to the adjacent parcel and is owned by the same applicant.

No generator use is required to support the main cultivation operations, however in the event of an emergency, the Project sponsor will employ the use of a Honda EU2200i 2200-Watt 120-Volt Super Quiet Portable Inverter Generator. Associated generator noises will not be audible by humans from neighboring residences.

Farm Vehicle

There are currently no identified noise levels at the property line beyond the use of farm vehicles.

Noise Source Mitigation Plan

In the case of a power outage, the Project Sponsor will ensure that generators used to supply cultivation operations with power will meet the Performance Standards for CMMLUO. The decibel level for generators at the property line shall be no more than 60 decibels. The Project Sponsor will source the Honda EU2200i 2200-Watt 120-Volt Super Quiet Portable Inverter Generators in case of power outage emergencies. The Honda model EU2200i operates at 48 to 57 dBA which meets the specifications listed in the Performance Standards for CMMLUO.

Additionally, all cultivation sites will be enclosed with a fence which will allow for the mitigation of any noise levels associated with cultivation.

Light Pollution Control Plan

The Project site proposes 27,000 square feet of mixed-light cultivation to be contained in auto-dep greenhouses. The lighting design for this Project are within the parameters of the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1. These guidelines will be implemented in order to avoid any light spillage to neighboring properties.

The mixed light cultivation area would use no less than 6 watts per square foot and no more than 25 watts per square foot. The designated mixed light areas using artificial lighting shall employ a shielded greenhouse to be covered in dark plastic material called a light deprivation tarp. This application will shield any potential light from escaping at a level that is visible to neighbors between sunset and sunrise. Routine daily inspections will be scheduled to assess the condition, repairing, and/or replacement (as necessary) of greenhouse plastics used in light shielding methods.



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Biological Assessment for the Vista 36 LLC II Cannabis Cultivation Project

1. INTRODUCTION

This biological resource assessment involves new cannabis cultivation at 540 Titlow Hill Road, about 10.5 miles east of Blue Lake, in Humboldt County. On two adjacent parcels, totaling approximately 21.2 acres, the Vista 36 LLC II (APPS No: 16038) project is located on Berry Summit, in the upper Willow Creek drainage. Under the current County general plan designated as Unclassified (U) and Residential Agriculture (RA 20), outlined in proposed plot plan for APNs 316-313-003 and 316-312-008, this project entails a combined cultivation footprint of 43,560 square feet (sq. ft.). It also involves decommissioning approximately a half acre of pre-existing cultivation in the same watershed.

As such, the landowner has requested that I address potential environmental impacts of proposed cannabis cultivation according to due process. Having consulted on northern California forest-wildlife matters since 1990, I specialize in biological investigations for protected and sensitive species in compliance with State and Federal law. A qualifying "Spotted Owl Expert" (SOE), my [resume](#) also demonstrates extensive knowledge of environmental regulations and policy.

This Biological Assessment (BA) focuses on potential impacts of proposed commercial agricultural activities, pursuant to California Environmental Quality Act (CEQA) statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. Streamlining the investigation, it also incorporates and builds upon (tiers) previously approved environmental documentation.

Specifically, this report considers a Lake or Streambed Alteration Agreement (LSAA) with California Department of Fish and Wildlife (CDFW) and Watershed Resources Protection Plan (WRPP) submitted for previous cultivation on adjacent parcels, but now under the same ownership. Addressed according to the final Environmental Impact Report (EIR) for zoning regulations known as the Commercial Cannabis Land Use Ordinance (CCLUO), also referred to as 2.0, this report summaries pre-approval biological reconnaissance survey (MM) #3441 in this new cultivation project in accordance to MMRP Mitigation Measure

2. PROJECT DESCRIPTION

This commercial cannabis cultivation entails a 43,560 sq. ft. cultivation footprint located in a three-acre conversion cleared under 1-15EX-095-HUM. In addition to 23,100 sq. ft. of mixed light cultivation in eight greenhouses on APN 316-313-003, this project entails a 20,460 sq. ft. outdoor cannabis garden. Furthermore, this BA also analyses impacts associated with decommissioning 18,700 sq. ft. of pre-existing growing on the east bank of Willow Creek on APN 316-312-008, an adjacent recently acquired parcel.

Potential watershed impacts of proposed cannabis cultivation have been addressed in SMP and LSAA. Regarded as adequate for mitigating adverse environmental effects of this project, according to Notification No. 1600-2017-0038-R1, water will be sourced from two encroachments:

“Both encroachments are for water diversion from Willow Creek. Water is diverted for domestic and irrigation. The two encroachments include a well adjacent to a historically constructed on stream pond. In addition, water diversion will be diverted from the pond impoundment located within Willow Creek. Work for the water diversion will include use and maintenance of the water diversion infrastructure.”

Other measures to reduce impacts to watershed resources specified by the LSAA include forbearances that limit the maximum instantaneous diversion rate to 10 gallons per minute (GPM), at any time. Stored onsite, in rigid plastic water tanks, no more than 150 gallons per day shall be diverted from the subject well during the low flow season, May 15 to October 15. Surface water shall not be diverted during this time period.

The landowner is also planning to install additional non-jurisdictional wells. However, with an estimated storage capacity of 160,000 gallons, and maximum estimated yearly water budget of 200,000 gallons, cultivation activities are unlikely to require pulling water from wells during the forbearance period.

Power for this project will eventually be provided from the grid, but in lieu of bringing in electricity, generators will be utilized for fans and incidental lighting. Although State and County definitions for mixed light cultivation differ, proposed mixed light operations will be deferred until connected to the grid. Nevertheless, greenhouses utilizing artificial light will be covered with tarps in adherence to Dark Sky Association guidelines for Lighting Zone 0 and Lighting Zone 1.

As currently proposed, all new cannabis cultivation is located on previously cleared land and will not require grading. Given that decommissioning historical grows are not expected to involve substantial additional ground disturbance, this project will likely not require wildlife pre-construction surveys and/or monitoring. However, if vegetation removal or other project-related improvements requiring heavy equipment is necessary during the nesting season of protected raptors and migratory birds (March 1 through August 15), the permittee will notify and consult with CDFW.

3. ENVIRONMENTAL SETTING

This ownership is located on Berry Summit, at an elevation between 2,800 and 3,000 feet. In the upper Willow Creek watershed, five miles upstream from its Trinity River confluence, although submitted as a new cultivation, it appears medical marijuana has been grown on this subdivision since 2014. It has a long history of logging and grazing.

Classified according to “A GUIDE TO WILDLIFE HABITATS OF CALIFORNIA” (Mayer and Laudenslayer 1988), proposed operation will be conducted in cleared second-growth Douglas-fir forest. Approximately 19 miles from the coast, this project is likely too far inland, and at an elevation above what can be considered as suitable marbled murrelets

(*Brachyramphus marmoratus*). However, located within the range of the northern spotted owl (NSO) (*Strix occidentalis caurina*), the California Natural Diversity Data Base (CNDDDB) reports up to five historical northern spotted owl (NSO) (*Strix occidentalis caurina*) Territories within 1.3 miles; HUM0224, HUM0656, HUM0892, HUM1031 and HUM1034.

Nevertheless, located in a rural residential setting, along a County road, there are no records of NSOs nesting within 0.7 miles of this project. Confirming the absence of suitable NSO nesting habitat within 100 feet of proposed operation, my reconnaissance level survey in March of 2020 did not observe wetlands, invasive exotic plants and/or other sensitive habitats potentially impacted by proposed cannabis cultivation.

4. REGULATORY SETTING

Proposition 64 (the California Marijuana Legalization Initiative) gives each municipality the right to make their own rules. As such, the HCPBD began accepting applications for projects in the Inland Zone, after the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) was adopted by the Board of Supervisors on February 26, 2016. Accordingly:

“It is intended to address the County of Humboldt’s prerogative to license, permit, and control commercial cultivation, processing, manufacturing and distribution of cannabis for medical marijuana as set forth in the MMRSA, including, but not limited to the provisions of Business and Professions Code Sections 19315, 19316, 19320, 19322, 19332, and 19360 and Health and Safety Code Section 11362.777, in conjunction with state licensing requirements, in order to protect the public health, safety, and welfare of the residents of the County of Humboldt, and to reduce or eliminate any adverse environmental effects of existing commercial cannabis cultivation operations in the County of Humboldt, and to prevent adverse environmental effects of any new commercial cannabis activities which may be permitted in the future in accordance with this Section and state law.”

The Commercial Cannabis Land Use Ordinance (CCLUO), as revised on January 11, 2018, limits the maximum allowable cultivation area for outdoor and/or mixed light cultivation to the size of the existing cultivation area prior to January 1, 2016. As per Section 314-55.4.9, Table of Humboldt County Commercial Cannabis Cultivation Permit Types – Inland Zone, the maximum area for an existing cultivation project, on a single parcel ten acres or larger, is 22,000 sq. ft. for mixed-light and 43,560 sq. ft. for outdoor cultivation.

Nevertheless, because the landowners are seeking to expand and consolidate operations to additional parcels, the potential environmental impacts have been addressed in accordance to the Mitigation Monitoring and Reporting Program (MMRP) for new projects, put forth in Exhibit B of CCLUO, as amended on May 8, 2018. Outlined in Performance Standards for Biological Resource Protection (Section 313-55.4.12.1.10 and 314-55.4.12.1.10) of the CCLUO, in addition to a Pre-approval biological reconnaissance surveys, as per MMRP Mitigation Measure (MM) - #3.4-1a, this project may also require the following technical studies:

- *Special-status amphibian survey and relocation/buffers - MM #3.4-1b*
- *Western pond turtle surveys and relocation/buffers - MM #3.4-1c*
- *Nesting raptor surveys and relocation/buffers - MM #3.4-d*
- *Northern spotted owl surveys - MM #3.4-e*
- *Special-status nesting bird surveys/buffers - MM #3.4-1f*
- *Marbled murrelet habitat suitability surveys/buffers - #3.4-1g*
- *Generator Noise Reduction - MM #3.4-1h*
- *American badger surveys and buffers - MM #3.4-1i*
- *Fisher and Humboldt marten surveys and den site preservation/buffer - MM #3.4 1j*
- *Bat Survey and Buffers – MM #3.4-1k*
- *Vole Surveys and relocation/buffers – MM #3.4-1l*
- *Special-status plants surveys – MM #3.4-3a*
- *Invasive plant species removal and management – MM #3.4-3b*
- *Protection of sensitive natural communities, riparian habitat, wetland vegetation – MM #3.4-4*
- *Protection of Waters of the United States. – MM #3.4-5*
- *Retention of Fisher and Humboldt marten habitat features – MM #3.4-6b*

Because the CCLUO intends for these technical studies to be used in subsequent environmental analysis, potential impacts to biological resources have been addressed according to the above performance standards. However, given the CEQA obligation to mitigate impacts during specific project review, determining the potential environmental significance of this project also rely on standards provided under the 1973 Z'berg-Nejedly Forest Practice Act (Public Resources Code Section 4551 et seq.). Hereto referred to as the California Forest Practice Rules (FPRs), these rules provide firmly established thresholds of significance for sensitive biological resources that are functionally equivalent to CEQA.

Other relevant environmental laws include the California Endangered Species Act (CESA), the Federal Clean Water Act (CWA), the Bald and Golden Eagle Protection Act, as well as the California Fish and Game Code. While the USFWS and the National Marine Fisheries Service (NMFS) have authority over federally listed species, and USFWS has statutory authority for enforcing the Migratory Bird Treaty Act (MBTA), implementing CESA is the responsibility of CDFW. Also authorized to comment and make recommendations on CEQA projects; however, as Lead Agency, permitting legal cannabis cultivation in a manner consistent with CEQA and the California Administrative Procedure Act (APA) is ultimately a Humboldt County responsibility.

5. BIOLOGICAL COMMUNITIES

A literature review as per CDFW's List of Special Animals (2018) was conducted to identify floral and faunal communities likely impacted by the proposed cannabis cultivation. Additionally, a query of the CNDDDB was carried out for the area within 1.3 miles of the project. Compatible with the assessment area for evaluating impacts on NSOs, in addition to five historical NSO Territories, and southern torrent salamander (*Rhyacotriton variegatus*), the CNDDDB indicates presence of six special status plants; Bald Mountain milk-vetch (*Astragalus umbraticus*), California globe mallow (*Iliamna latibracteata*), coast fawn lily (*Erythronium revolutum*), giant fawn lily (*Erythronium oregonum*), Oregon goldthread (*Coptis laciniata*) and Tracy's sanicle (*Sanicula tracyi*).

Located on previously cleared sites, this project does not involve additional ground disturbance. Its near hilltop location, on gently sloping ground, more than 100 feet from the closest stream, also lessens environmental concerns. Nevertheless, in accordance to the CCLUO's MMRP, a more complete assessment of floral and faunal communities potentially impacted by proposed cannabis cultivation has been conducted in terms of management guilds.

As such, MMs #3.4-1b, #3.4-1c, #3.4-4 and #3.4-5 have been lumped together and addressed as potential impacts to Aquatic/Wet Site Species, #3.4-d as potential impacts to Bald Eagle, Osprey and Forest Raptor Guild Species, #3.4-e and #3.4-1h as Northern Spotted Owl and Late Mature Forest Guild Species. Furthermore, #3.4-1f as Special-status Nesting Birds, #3.4-1i, #3.4-1j, #3.4-1k, #3.4-1l and #3.4-6b as Forest Mustelids and Other Small Mammals. Lastly, #3.4-3a, #3.4-3b and #3.4-4 have been addressed as Special-status Plants and Exotic Invasive Species.

6. DISCUSSION OF ENVIRONMENTAL IMPACTS

Article 5 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) provide rules for "Preliminary Review of Project and Conduct of Initial Study". Concerned with present plant or animal communities threatened by local elimination, in jeopardy of experiencing substantial habitat reduction, or dropping below self-sustaining levels as a result of proposed project [§15065(a)(1)], CEQA requires that a decision-making body provide substantial evidence of significant environmental effects before empowering lead agency to authorize additional mitigations or alternatives [§15126.4 (a)(3)].

To the best extent possible, such arguments should contain an element of Forecasting (§15144), as well as a degree of Specificity (§15146), and Technical Detail (§15147). Limited to activities which are within the agency's area of expertise [§15096 (d)], comments need to be written in a manner that is meaningful and useful to decision making body and the public [§21003(b)].

"Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence" [§21080(e)(2)].

Biological resources potentially impacted by proposed cannabis cultivation have been discussed with emphasis on CEQA significance, starting with species listed under the ESA, followed by those considered under the CESA, and lastly, non-listed sensitive species. Although potential significant effects to animals with large territories were considered inside 1.3 miles, impacts to species with smaller ranges were evaluated within the appropriate distance from the action area, as specified by the MMRP.

Consequently, this assessment addresses habitat for special-status amphibians within 400' (#3.4-1b), and western pond turtle (*Emys marmorata*) habitat within 200' (#3.4-1c). Potential impacts to nesting raptors has been addressed within 500' (#3.4-1d), and special-status nesting birds within 100' (#3.4-1f). Grasslands suitable for badgers do not occur in association with this project, but the development areas were assessed for fisher and

Humboldt marten habitat (#3.4-1j). Detrimental impacts to special-status bats were considered within 400' (#3.4-1k), and within 200' for special-status voles (#3.4-1l).

Addressed in order of potential significance, environmental impacts have been discussed in terms of potential CEQA significance. Including, (1) occurrence and distribution of the species in relation to the project area, (2) species sensitivity to disturbance, (3) existing baseline conditions and population size, and (4) the species legal status. A species would be dropped from further consideration, if the project area was found to occur outside its range, or vital habitat requirements were absent.

Northern Spotted Owl and Late Mature Forest Guild Species

Northern spotted owls require mature forest patches with permanent water and suitable nesting trees and snags (Zeiner et al. 1990). Although initially believed to be old growth obligate, NSOs commonly occur in younger forest types of northern California (USDA 1994). Rather than habitat encroachment, competition from the closely related, exotic and invasive barred owl (*Strix varia*) is now regarded as the largest threat to the California NSO population (USFWS 2011).

This project area has a long history of human disturbance, including cannabis cultivation, logging and grazing. Thus, it cannot be considered as suitable for nesting spotted owls. The closest NSO Activity Center (AC), HUM1031, is located approximately 0.8 miles to the east, and HUM0224 is about 1.3 miles to the west. Although responses from owls associated with HUM0892, HUM0656 and HUM1034 have also been detected inside the assessment area, these ACs are situated more than 1.3 miles away.

The CNDDDB does not indicate nesting spotted owls within a ¼ mile of proposed cannabis cultivation, and no NSOs have been reported in this assessment area since 2010. Nevertheless, the NSO shares an affinity for mature forest with other sensitive species dependent on the larger, more decadent trees, downed woody debris and lower ambient temperatures characteristic of forest interior conditions. However, effects to these guild species are unlikely, given that no habitat will be removed.

Although the CNDDDB gives no indication of NSOs ever having nested within a ¼ mile of proposed cannabis cultivation, because it is conceivable that disturbance from cannabis cultivation activities could potentially violate the ESA, the potential for incidental take has been assessed as per **"Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (USFWS 2006)"**.

Accordingly, disturbance from forest management activities may reach the level of "take" when at least one of the following conditions are met:

- *Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB)*
- *Project-generated sound, when added to existing ambient conditions, exceeds 90 dB*
- *Human activities occur within a visual line-of-sight distance of 40 m or less from a nest*

Cannabis cultivation does not generate the same type of disturbance as logging, and given that no habitat will be removed, impacts to these guild species are unlikely. However, for the purposes of this assessment, potential harm to NSOs has been assessed according to the 50 decibel (dB) threshold for disturbance at 100 feet, or the edge of habitat, as specified by the CDFW for cannabis cultivation in Humboldt County.

Compliant with measures to reduce generator noise (#3.4-1h), pre-construction surveys for NSOs are not appropriate, because not only may they exasperate conflicts with barred owls, such surveys could also constitute "harassment", a violation of the ESA. Nevertheless, the NSO shares an affinity for mature forest with other sensitive species dependent on the larger, more decadent trees, downed woody debris and lower ambient temperatures characteristic of forest interior conditions. However, as this project does not involve habitat encroachment, and the noise from generators and fans will not exceeded 50 dB at a distance of 100 feet, or edge of habitat, it is unlikely to adversely impact Late Mature Forest Guild Species.

Bald Eagle, Osprey and Forest Raptor Guild

Bald eagles (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*) typically prefer to nest close to streams and rivers. Occupying the same niche as great blue herons; however, golden eagles (*Aquila chrysaetos*) favor large trees and rock faces on prominent ridges associated with grassy meadows. Fully protected, as are all nesting raptors, although the CNDDDB does not record rookeries or other nesting birds of prey within 1.3 miles of this project, northern goshawks (*Accipiter gentilis*) are recorded in the Willow Creek drainage.

No active raptor nests or rookeries were observed in association with this project. However, regularly observed in the Trinity River watershed, the populations of these large birds are generally increasing. Given existing environmental baseline conditions, and that proposed cannabis cultivation does not involve habitat removal, it is reasonable to conclude that this project will not significantly impact these guild species.

Consequently, pre-construction surveys and/or monitoring are not recommended, because proposed cannabis cultivation is unlikely to significantly impact nesting forest raptors and/or herons within 500' of this project. However, if vegetation removal, or other project-related improvements are necessary during the raptor breeding season (February 1 through August 15), a focused survey for active nests shall be conducted by a qualified biologist, no more than seven days prior to the beginning of project-related activities. If a nest is found, the Permittee shall consult with CDFW regarding appropriate actions to comply with the MBTA and Fish and Game Code.

Special-Status Nesting Birds

In addition to the little willow flycatcher, the MMRP (#3.4-1f) identifies bank swallow (*Riparia riparia*), tricolored blackbird (*Agelaius tricolor*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) and western snowy plover (*Charadrius nivosus nivosus*) as Humboldt County special-status birds potentially impacted by commercial cannabis development. However, this project does not offer habitat suitable for these

species. Given that proposed project related activities will be conducted on previously disturbed sites, it can reasonably be concluded that proposed cannabis development will not impact nesting birds.

Nevertheless, if vegetation removal, or other project-related improvements are necessary during the migratory bird breeding season (March 1 through August 15), a focused survey for nests of such birds shall be conducted by a qualified biologist within seven days prior to the beginning of project-related activities. If a nest is found, the Permittee shall consult with CDFW regarding appropriate actions to comply with the MBTA and Fish and Game Code.

Aquatic/Wet Site Guild

Listed as a candidate species under the CESA, foothills yellow-legged frogs (*Rana boylei*) have been observed further downstream in Willow Creek, and they are prolific in the Trinity River. Nevertheless, suitable yellow-legged frog habitat is not present in association with this project, and my reconnaissance survey observed no special-status amphibians. Although western pond turtles (*Actinemys marmorata marmorata*) habitat is not present within 200', southern torrent salamanders, northern red-legged frogs (*Rana aurora*), Del Norte salamander (*Plethodon elongatus*), Pacific giant salamander (*Dicamptodon tenebrosus*) and rough-skinned newt (*Taricha granulosa*) may be present in mesic sites within 400' of this project.

Grouped together based on affinity for water, wet areas and riparian habitat, impacts to special-status fish, amphibian and aquatic reptile species are mitigated by measures implemented as part of the LSAA. Located outside s100-foot Stream Management Area (SMAs), pre-construction surveys and/or monitoring for special-status amphibians are not recommended, as this project cannot reasonably be expected to result in significant impacts to Aquatic/Wet Site Guild Species.

Forest Mustelids and Other Small Mammals

This project area lacks grasslands or open woodlands suitable for American badgers (*Taxidea taxus*), and a pre-approval biological reconnaissance survey did not detect signs of suitable burrows in land cleared for this project. Too far inland to constitute suitable white-footed vole (*Arborimus albipes*) habitat, this project is also outside the geographic range of the Humboldt marten (*Martes americana humboldtensis*). However, fishers are regularly observed in this region, and Douglas-fir stands on this ownership may contain suitable habitat for Sonoma Tree Vole (*Arborimus pomo*). Pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii*) are also special-status bats with ranges coinciding with this project.

Nevertheless, suitable Townsend's big-eared bat roosting habitat does not occur within 400' of this project. No tree voles were observed within 200', and given that all proposed cannabis cultivation activities will be conducted on previously disturbed sites, it can reasonably be concluded that proposed cannabis development will not significantly impact special-status mammals. Thus, pre-construction surveys and/or monitoring are not recommended for fishers, bats and voles.

Special-Status Plants and Exotic Invasive Species

The CNDDDB records six special status plants inside this project's biological assessment area. The closest, Tracy's sanicle was reported on this ownership in 1980. Ranked 4 on the California Native Plant Society's (CNPS) watchlist because of its limited California distribution, it shares this designation with Oregon goldthread. Also detected in association with the nearby Highway 299 corridor, Bald Mountain milk-vetch is ranked 2B by the CNPS. Coast fawn lily and giant fawn lily are other 2B plants located in this area, as is California globe mallow, a CNPS 1B ranked plant.

In accordance to the CNPS, all California Rare Plant Rank 1B and 2B species meet the definitions of the California Endangered Species Act of the California Fish and Game Code, and are eligible for state listing:

"Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125; (c) and/or §15380."

Located on previously developed sites, potential impacts to sensitive botanical communities can reasonably be dismissed in pre-existing cannabis cultivation scheduled to be decommissioned. Although proposed cannabis cultivation does not involve additional ground disturbance of the type that could affect sensitive plant communities in ways that could be CEQA significant, and my reconnaissance survey did not observe plant species classified as invasive by the California Invasive Plant Council, it is recommended that areas proposed for new cultivation be surveyed by a qualified botanist.

7. DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

A determination of the significance of environmental effects caused by a project calls for careful judgment on the part of the public agencies involved. However, not only does CEQA require that potentially harmful impacts be discussed with an emphasis that is in proportion to their severity and probability of occurrence (§15143), those impacts must also be judged against existing baseline conditions. According to the CCLUO, Exhibit A – FINDINGS AND STATEMENT OF OVERIDING CONSIDERATIONS:

"The EIR adopts as its baseline for analysis of impacts the existing environmental conditions that include the legacy of a half century of unregulated cannabis cultivation in remote and environmentally sensitive areas of Humboldt County that unquestionable caused harmful environmental impacts that are documented in the EIR..."

The importance of factoring in current habitat conditions when conducting an ESA "take" analysis is also indicated in [Section 7 USFWS Consultation Handbook](#). However, whereas the ESA prohibits the incidental taking of an individual, without an explicit permit, it is important to consider that CESA differs from the ESA in ways often not acknowledged by State agencies and stakeholders. For whereas the CESA applies both to formally listed and candidate species, it diverges from the ESA in that its definition of "take" is far more limited (Dwyer and Murphy 1995).

Restricted to “*Hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill*”, the CESA has no equivalent to “*harm*” or “*harass*”. Furthermore, the California Fish and Game Code gives CDFW explicit authority to grant incidental take. In other words, incidental take (disturbance) of State listed species is more permissive, providing that it involves an otherwise lawful and fully mitigated activity (Kern 1999). Nevertheless, for the purposes of this biological assessment, potential disturbance to special status species resulting from the project has been assessed in accordance with the threshold for NSO noise disturbance that CDFW recently presented to HCPBD.

In conclusion, because this biological assessment found no plant or animal community potentially impacted by proposed activities in manner that would be CEQA significant, with the exception of a seasonally appropriate botanical inspection, preconstruction surveys and/or biological monitoring for this project may not necessary.

Held to higher environmental standard than other legally permitted land uses, the implementation of the CCLUO has also resulted in severely reducing the harmful effects of illegal growing. Moreover, as other States legalize cultivation, and wholesale cannabis prices continue to fall, cannabis cultivation is likely to gradually decrease in Humboldt County, further alleviating potentially harmful cumulative environmental impacts.

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**EARLY SEASON
PROTOCOL-LEVEL BOTANICAL SURVEY
MEMORANDUM**



Date: May 18th, 2022

To: Vista 36, LLC
540 Titlow Hill Rd.
Blue Lake, CA 95525



From: Mason London, MS Biology
Principal Biologist
Naiad Biological Consulting
PO Box 121
Samoa, CA 95564

RE: Initial Findings for the Early Season Protocol-Level Botanical Survey APN 316-173-032, 316-313-007 and 316-313-003

**Project Description, Surveyors Qualification's and Survey Methods Summary
of Findings and Conclusion**

An initial botanical field survey, with special focus on sensitive and special status plant species and sensitive natural communities, was completed by Robert Anderson on May 13th, 2022.

Robert Anderson is a contracted botanist who has been certified as a Field Botanist (CFB #0039) by the California Native Plant Society, having demonstrated to that he is competent in identifying the native and naturalized plants found throughout California. Robert has experience conducting floristic surveys, enhancing oak woodlands, removing invasive species, and native grassland restoration as well as experience in rare plant identification, propagation and protection. He holds a BS in Biochemistry and Molecular Biology from the University of California, Santa Cruz.

This survey was completed as a measure to assess biological habitat, quality, presence of sensitive and special status species and sensitive communities and the impacts associated with the proposed cannabis cultivation at the project sites located on legal parcel 316-173-032, 316-313-007 and 316-313-003. A list of special-status plants considered to be potentially present within the project site was downloaded from the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB, CDFW, 2022) BIOS, The United States Fish and Wildlife Service Information for Planning and Conservation (IPaC, USFWS 2022) and Calflora Project (Calflora, 2022) for the associated Lord-Ellis Summit 7.5 minute USGS quadrangle and the 8 adjacent quadrangles (Panther Creek, Hupa Mountain, Hoopa, Blue Lake, Willow Creek, Korbel, Maple Creek, Grouse Mtn).

The botanical field survey followed protocols recommended by CDFW and are in accordance with the guidelines established by CNPS from the document Protocols for Surveying and Evaluating Impacts to Species Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018).

Summary of Findings and Conclusion

No sensitive plant species or habitats were encountered during the botanical field survey of the project area. Although no listed species were observed during the field survey, the timing of the survey was outside the blooming period for some listed sensitive species and therefore this botanical field survey may affect the comprehensiveness of the results.

It should be noted that this is not a complete botanical field survey. This is just the results of the initial site visit and more site visits, conducted at the seasonally appropriate time, need to be completed in order to capture all potentially occurring species in bloom, and for this protocol-level botanical survey to be considered complete.

Below are the results of the initial botanical field survey conducted on May 13th, 2022:

Botanical Name	Common Name	Origin
Trees		
<i>Quercus garryana</i>	Oregon White oak	Native
<i>Acer macrophyllum</i>	Big leaved maple	Native
<i>Salix spp.</i>	Willow	Native
<i>Quercus chrysolepis</i>	Canyon live oak	Native
<i>Umbellularia californica</i>	California laurel	Native
<i>Arbutus menziesii</i>	Pacific madrone	Native
<i>Sequoia sempervirens</i>	Coast redwood	Native
<i>Calocedrus decurrens</i>	Incense cedar	Native
Shrubs		
<i>Toxicodendron diversilobum</i>	Poison oak	Native
<i>Ribes roezlii</i>	Seirra gooseberry	Native
<i>Sambucus nigra</i>	Blue elderberry	Native
<i>Ribes sanguineum</i>	Red-flowering currant	Native
<i>Berberis nervosa</i>	Oregon grape	Native
<i>Corylus cornuta</i>	Beaked Hazel	Native
<i>Baccharis pilularis</i>	Coyote brush	Native
<i>Cytisus scoparius</i>	Scotch broom	Cal-IPC: High
<i>Rubus parviflorus</i>	Thimbleberry	Native
Grasses & Graminoids		
<i>Triticum aestivum</i>	Wheat	Non-native
<i>Holcus lanatus</i>	Velvet grass	Cal-IPC: Moderate
<i>Lolium multiflorum</i>	Italian Rye Grass	Non-native
<i>Poa annua</i>	Annual Meadow-Grass	Cal-IPC: Limited
<i>Festuca californica</i>	California fescue	Native
Forbs		

<i>Rubus leucodermis</i>	Blackcap raspberry	Native
<i>Claytonia perfoliata</i>	Miners lettuce	Native
<i>Cardamine nuttallii</i>	Slender Toothwort	Native
<i>Fragaria vesca</i>	Woodland strawberry	Native
<i>Galium aparine</i>	Cleavers	Native
<i>Nemophila parviflora</i>	Small-flowered nemophila	Native
<i>Anaphalis margaritacea</i>	Pearly everlasting	Native
<i>Rubus armeniacus</i>	Himalayan blackberry	Cal-IPC: High
<i>Iris spp.</i>	Iris	Native
<i>Sanicle crassicaulis</i>	Pacific sanicle	Native
<i>Chlorogalum pomeridianum</i>	Wavyleaf soap plant	Native
<i>Scolopos bigelovii</i>	Fetid Adders-tongue	Native
<i>Vancouveria hexandra</i>	Northern Inside-out flower	Native
<i>Symphoricarpos mollis</i>	Creeping snowberry	Native
<i>Trillium ovatum</i>	Pacific trillium	Native
<i>Ranunculus californicus</i>	California buttercup	Native
<i>Rumex acetosella</i>	Sheep sorrel	Cal-IPC: Moderate
<i>Brassica rapa</i>	Rape mustard	Cal-IPC: Limited
<i>Acmispon parviflorus</i>	Small-flowered lotus	Native
<i>Osmorhiza berteroi</i>	Mountain sweet-cicely	Native
<i>Whipplea modesta</i>	Modesty	Native
<i>Lupinus bicolor</i>	Two-Color Lupine	Native
<i>Lonicera hispidula</i>	Pink Honeysuckle	Native
<i>Spergularia rubra</i>	Red sandspurry	Non-native
<i>Matricaria discoidea</i>	pineappleweed	Non-native
<i>Cynoglossum grande</i>	Pacific hound's tongue	Native
<i>Cerastium glomeratum</i>	Sticky Chickweed	Non-native
<i>Trifolium repens</i>	White clover	Non-native
<i>Plantago lanceolata</i>	English plantain	Cal-IPC:Limited
<i>Medicago lupulina</i>	Black medic	Non-native
<i>Cardamine hirsuta</i>	Hairy bittercress	Non-native
<i>Maianthemum racemosum</i>	Plumed Solomon's seal	Native
<i>Maianthemum stellatum</i>	Starry Solomon's seal	Native
<i>Calandrinia ciliata</i>	Red-maids	Native
<i>Erodium cicutarium</i>	Redstem storksbill	Cal-IPC: Limited
<i>Ranunculus repens</i>	Creeping buttercup	Cal-IPC: Limited
<i>Petasites frigidus</i>	Arctic sweet coltsfoot	Native
<i>Lysimachia latifolia</i>	Western Starflower	Native

<i>Prunella vulgaris</i>	Common self-heal	Native
<i>Geranium robertianum</i>	Stinky bob	Non-native
<i>Carduus pycnocephalus</i>	Italian Thistle	Cal-IPC: Moderate
<i>Cirsium vulgare</i>	Bull thistle	Cal-IPC: Moderate
<i>Daucus carota</i>	Queen Anne's Lace	Non-native
<i>Geranium dissectum</i>	Cut-leaved geranium	Cal-IPC: Limited
<i>Lamium purpureum</i>	Purple deadnettle	Non-native
<i>Medicago arabica</i>	Spotted burr-clover	Non-native
<i>Hypericum perforatum</i>	Common St. John's wort	Cal-IPC: Limited
<i>Rumex crispus</i>	Curly dock	Cal-IPC: Limited
<i>Achillea millefolium</i>	Yarrow	Native
<i>Pteridium aquilinum</i>	Bracken fern	Native
<i>Polystichum californicum</i>	California Sword fern	Native
<i>Polypodium glycyrrhiza</i>	Licorice fern	Native
<i>Dichelostemma capitatum</i>	Blue dicks	Native
Mosses		
<i>Dendroalsia abietina</i>	Dendroalsia Moss	Native
<i>Polytrichum juniperinum</i>	Juniper Haircap Moss	Native



ROADWAY EVALUATION

FOR

SITE ACCESS ROAD(S)

Titlow Hill Road

Blue Lake, California 95525

**APNs: 316-313-007, 316-312-009 & 316-173-032 and
316-312-012 & 316-312-011**

CLIENT:

Steven Wick

P.O. Box 1068

Arcata, CA 95518

February, 2018

Josh McKnight, P.E.

Job #1028

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**FIGURE 1: LOCATION MAP
FIGURE 2: ROAD POINTS MAP**

Introduction

Trinity Valley Consulting Engineers (TVCE) was contracted by Steven Wick (Applicant) to perform an evaluation of the access roadways leading to and throughout the above referenced property. This evaluation is in response to the roadway certification required by the County of Humboldt in association with a cannabis cultivation license application. The purpose of this evaluation is to determine the roadway’s adequacy for continued use and potential for effects on stormwater (water quality). The following is a summary of the findings, conclusions, and recommendations.

Project Description

The project is the evaluation of existing roadways used to access two cannabis projects that are connected by location. The purpose of this evaluation is to determine whether the roadways are adequate for the intended use. The roadways are broken up by sections and the descriptions of the roadways and their uses are as follows:

- Road 1 (Titlow Hill Road) is a county road, is a class IV road and is the starting point of the road evaluation.
- Road 2 (Old highway 299) is equivalent to a class IV road and provides access to approximately fifteen (15) parcels and to the private driveway to the connected projects.
- Road 3 (private access) provides access to

In our investigation we did not evaluate the condition of all stream crossing structures or perform hydraulic calculations to determine sizing per Rational or Magnitude and Frequency Methods. We only identified problem locations that have the capability of delivering sediment and limit passage of vehicular traffic.

Roadway Inspections

A Roadway Inspection was performed by TVCE on February 7th 2018. The following is a summary of the observations derived from onsite inspections of these roadways:

Road 1 (Titlow Hill Road). This roadway is a Class IV road and is the starting point of the evaluation.

Road 1	
Roadway Width:	Approximate 20’ width
Shoulder Width:	1-10’
Surface:	Paved
Slope:	2% to 12%
Drainage:	Inboard ditches/Out sloping
Watercourse Crossings:	No water course crossings



This roadway is the starting point of the inspection. Inspection showed the road to be in good condition. The access of Road 2 from Road 1 has good prism and good drainage. See RP 1 and RP 2, **Figure 2** (Road Points Map) and **Attachment 1** (Road Point(s) Descriptions) for location and a more detailed description of impacted areas.

Road 2 (Old Highway 299) Inspection showed these roadways to exhibit the following characteristics:

On Property County Road Access Roadway (#2)	
Roadway Width:	Approximate 16' width
Shoulder Width:	0-10'
Surface:	paved
Slope:	2% to 10%
Drainage:	Inboard ditches/Out sloping
Watercourse Crossings:	No water crossing
ADT	< 400

This roadway was inspected and it appears to be generally in good condition. The road has good drainage. This section of road has good visibility and pullouts every 150 ft. See RP 2 and RP3, **Attachment 2** (Road Points Map) and **Attachment 3** (Road Point(s) Descriptions) for location and a more detailed description of impacted areas.

Road 3 (private access): Road 3 is a private access road that is approximately a half mile long. The road cuts back toward the south from access Road 2 at a slope of approximately 12% climbing to the top of south facing ridge. Once at the top toward the south Road 3 turns to the north along the ridge on its western edge with slopes that range between 0 and 10%. Road 3 provides access to seven Humboldt county assessor parcels. These seven assessor parcels constitute parts of four legal parcels, of which three of the four legal parcels have applications for cannabis projects.

Road 3	
Roadway Width:	14'
Shoulder Width:	1-12'
Surface:	Gravel/Dirt
Slope:	2% to 12%
Drainage:	Inboard ditches/Out sloping
Watercourse Crossings:	No water course crossings
ADT	< 400

These roadways were inspected and appear to be generally in good condition, however there is one steep segment with slopes of 12% where conditions showed signs of rutting formation from excessive water flow due lack of a water bar/rolling dip. Road 3 access from Road 2 has good visibility, the slope is approximately 5% and is a private access road. There are also sections where brush encroaches into the roadway and impedes visibility from turnouts. See RP 4 through



RP 13, **Figure 1** (Road Points Map) and **Attachment 1** (Road Point(s) Descriptions) for location and a more detailed description of impacted areas.

Evaluation

The following is an evaluation of the above referenced roadways based on the noted observations:

Road 1 (Titlow Hill Road):

These roadways are in generally good condition. Frequent water breaks and ditches offers good drainage off of the roadway surface while also providing frequent areas for turnouts. The road is a Category IV road and is the starting point of the evaluation.

Road 2 (old Highway 299):

This roadway is in good condition. Frequent water breaks offers good drainage off of the roadway surface while also providing frequent areas for turnouts. Paved surfacing is adequate. This roadway meets grade standards for a Category IV roadway and is equivalent to a Category IV roadway.

Roadway 3 (Private driveway): Road 3 is a private access road that is approximately a half mile long. The road cuts back toward the south from access Road 2 at a slope of approximately 12% climbing to the top of south facing ridge. Once at the top toward the south Road 3 turns to the north along the ridge on its western edge with slopes that range between 0 and 10%. Road 3 provides access to seven Humboldt county assessor parcels. These seven assessor parcels constitute parts of four legal parcels, of which three of the four legal parcels have applications for cannabis projects. Road 3 access from Road 2 has good visibility, the slope is approximately 5% and is a private access road. There are three sections on Road 3 where brush impleads visibility. The brush should be cleared out of the right of way. (See Figure RP 4 through RP 13).

Drainage: In general Road 1, Road 2 and Road 3 have been constructed to provide adequate drainage.

Stormwater Runoff: There are no stream crossings, therefore the potential of storm water runoff to deliver sediment to nearby watercourses is low.

Roadway Standards: Road 1 is a category 4 road. Road 2 is equivalent to a Category IV road. Road 1 meet grade standard of a category IV road and currently used by residences. Road 3 has good visibility with adequate turnouts for the projects intended use.

Culverts: This road is near the top of a ridge, is out-sloped and has no culverts.



Conclusion

The subject roadways are adequate for the intended uses on this property, and the estimated uses for the other properties which they will serve. Implementation of the following recommendations will provide for the intended use and limit the effects on water quality. Based on our site exploration and observations, it is in our opinion that if our recommendations are implemented as intended, then no further actions will be necessary.

Recommendations

Specific areas identified for maintenance or repair are identified in **Attachment 1**. The following are general recommendations for continued use of these roadways:

Road 1 (Titlow Hill Road): Use of these roadways will primarily be a function of continued maintenance. This should include regular paving, addition of rock surfacing when needed, and maintenance and or replacement of drainage structures and water breaks. The Humboldt County Department of Road Maintenance Division should be contacted at (707) 445-7421 if road conditions require maintenance.

Road 2): Use of these roadways will primarily be a function of continued maintenance. This should include regular patching of pot holes when needed.

Roadway 3 (Private Access): Use of these roadways will primarily be a function of continued maintenance. This should include regular grading to remove ruts, addition of rock surfacing when needed, removal of brush for fire prevention and visibility and maintenance and or replacement of drainage structures and water breaks.

Any road improvement and stream crossing maintenance shall be in accordance with AASHTO, County of Humboldt Road Design Manual, Cafferata et al. (2017), and Weaver et al. (2015).

Limitations

This report, recommendations, and conclusions are solely intended for the site discussed above. The information contained in this report is only intended for use at the stated site using the stated uses. This report should not be used as justification for any other project or site, and only be used for information purposes if referenced and reviewed for other projects. TVCE recognize that the site is in a dynamically active area and conditions can and will change. TVCE has used the best professional judgment to assess the present and future risks to assist the landowner in the proposing development that does not increase the risk to the resources present in the project area or subject the landowner to untenable hazards. If conditions different from those described in this report are encountered during construction/maintenance, the project engineer/contractor/owner should contact this office to review the new conditions and evaluate their bearing on the validity of any recommendations provided herein.



The opinions presented herein have been developed using a degree of care and skill ordinarily exercised, under similar circumstances, by reputable civil engineers practicing in this or similar localities. No other warranty, expressed or implied, is made as to the professional advice included in this report.

Do not apply any of this report's conclusions or recommendations if the nature, design, or location of the project changes. If changes are contemplated, the author of this report should be consulted to review the impact on the applicability of the recommendations in this report. The author of this report is not responsible for any claims, damages, or liability associated with any other party's interpretation or reuse of this report for other projects or at other locations without written consent.

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12/04/2017.





ATTACHMENT 1:

Roadway Evaluation Report

ATTACHMENT 1:

Road Point Descriptions

Road Point(s) Descriptions

Road Points (RP) can be viewed in the figures below with their associated descriptions. RP locations can be viewed on the Road Points Map (Attachment 3) that covers Road 1, Road 2 and Road 3.

County Roadway 1: Titlow Hill Road meets Category IV standards and is the starting point of the road evaluation.



Figure RP 1. Photograph showing the intersection of Road 1 (Titlow hill Road) and Road 2 (Old Highway 299). The Road 2 access point is at mile post markers is 0.55 miles on Titlow Hill Rd. Road 2 is paved, meets Category IV standards.

Road 2 (Old Highway 299): Road 2 has slopes ranging from 0-5%. Road 2 is paved for the first 600 ft. to the point where it provides access to *Road 3*, a private access road. Road 2 is equivalent to a category IV road providing access to approximately fifteen (15) parcels and has an ADT of less than 400.





Figure RP 2. Photograph showing the access of Road 2 from Road 1. The access is paved and is equivalent to a category IV road.



Figure RP 3. Photograph showing the access of Road 3 from the viewpoint of Road 2. This section is approximately 22 ft. wide, is paved, has a slope of around 2% and has a good pullout and visibility to the turn that leads to access to Road 3. Roadway 2 provides access to approximately 15 parcels and has an ADT of less than 400.



Steven Wick- Road Evaluation, Attachment 1
 APNs: 316-313-007, 316-312-009 & 316-173-032 And
 APNs: 316-312-012 & 316-312-011

Road 3 (Private Access): Road 3 is a private access road that is approximately a half mile long. The road cuts back toward the south from access Road 2 at a slope of approximately 12% climbing to the top of south facing ridge. Once at the top toward the south Road 3 turns to the north along the ridge on its western edge with slopes that range between 0 and 10%. Road 3 provides access to seven Humboldt county assessor parcels. These seven assessor parcels constitute parts of four legal parcels, of which three of the four legal parcels have applications for cannabis projects. Road 3 access from Road 2 has good visibility, the slope is approximately 5% and is a private access road (See Figure RP 4).

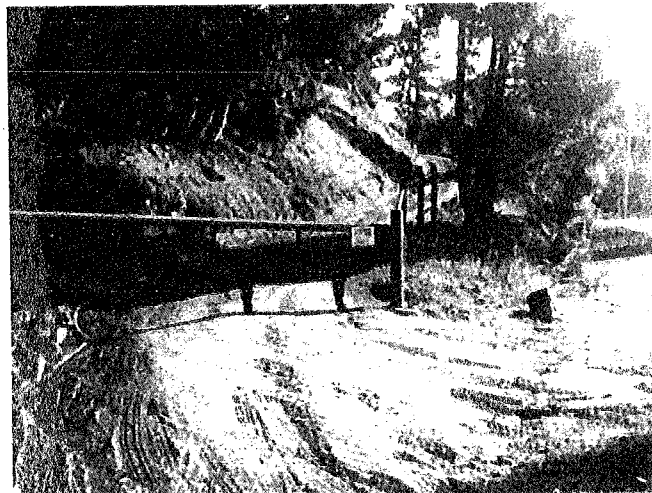


Figure RP 4. Photograph showing the start of Access Road 3 (Private Access) where it intersects with Road 2 (Old Highway 299). The access to Road 3 has good visibility, is dirt and is approximately 12-14 ft. wide with slopes of 5-10%.



Figure RP 5. Photograph showing erosion on the inboard ditch of Roadway 3 (Private Access Road) from approximately 350 ft. up gradient from its start. A rolling dip needs to be installed approximately



Steven Wick- Road Evaluation, Attachment 1
 APNs: 316-313-007, 316-312-009 & 316-173-032 And
 APNs: 316-312-012 & 316-312-011

100 ft. upgradient to relieve excess runoff to the inboard ditch that causes erosion. This section of roadway is rocked, 12-14 ft. wide and has an approximate road slope of 12%.

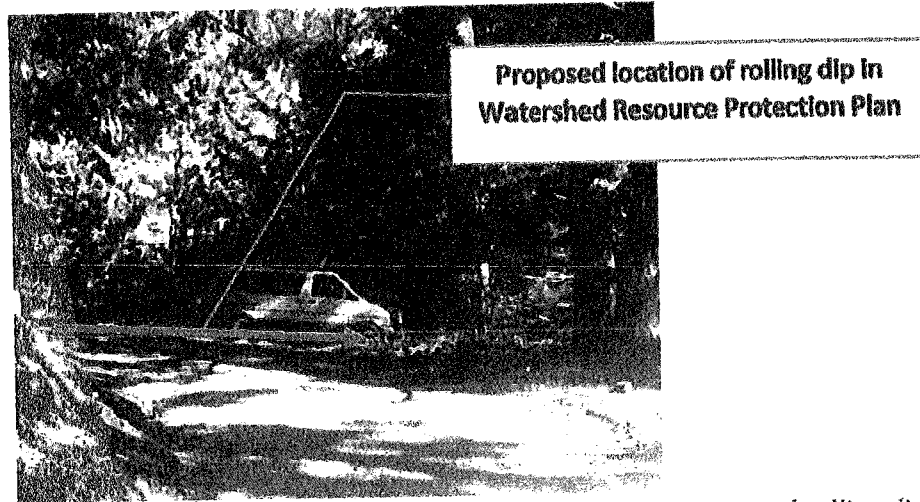


Figure RP 6. Photograph showing the turn to head north along the ridge where a proposed rolling dip needs to be installed. Road 3 where the grade is Approximately 12%. The road width is 12-14 ft. wide with an inboard ditch and with a shoulder width of 1-3 ft. Also shown is the location of a suggested rolling dip. Installing the rolling dip will break up an inside ditch length of 400 ft.

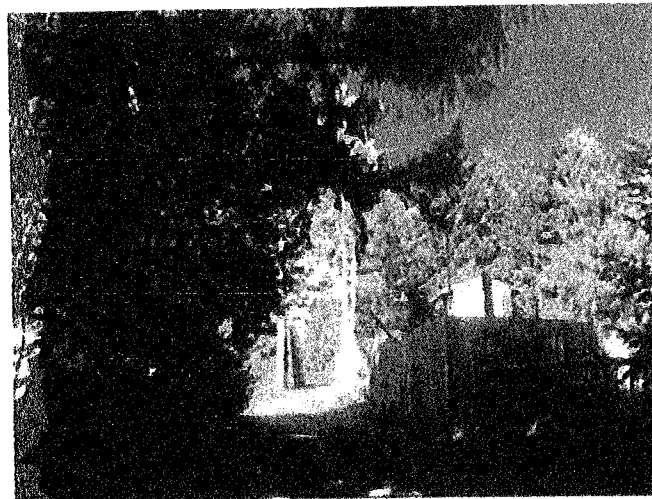


Figure RP 7. Photograph showing the location of Project 1A (south part) and Project 2. Road 3 is 12-14 ft. wide with slopes of approximately 5% and good visibility and pullouts.



Steven Wick- Road Evaluation, Attachment 1
APNs: 316-313-007, 316-312-009 & 316-173-032 And
APNs: 316-312-012 & 316-312-011

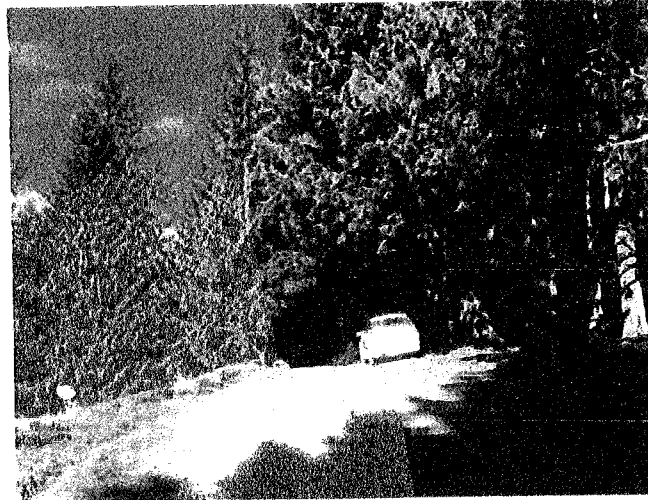


Figure RP 8. Photograph showing Road 3 at the residence for Project 1. The road north of the existing residence needs to be brushed to provide clearance for larger vehicles reduce fire hazard.



Figure RP 9. Photograph showing a pot hole that should be filled. Most of the road is on the western edge of the ridge with runoff draining toward the west to meadowed overland flow. There are no watercourses near Road 3.



Steven Wick- Road Evaluation, Attachment 1
 APNs: 316-313-007, 316-312-009 & 316-173-032 And
 APNs: 316-312-012 & 316-312-011



Figure RP 10. Photograph showing brush encroaching into the road that needs to be removed to provide clearance for larger vehicles reduce fire hazard and provide better visibility.



Figure RP 11. Photograph showing brush encroaching into the road that needs to be removed to provide clearance for larger vehicles, to reduce fire hazard and provide better visibility.



Steven Wick- Road Evaluation, Attachment 1
APNs: 316-313-007, 316-312-009 & 316-173-032 And
APNs: 316-312-012 & 316-312-011



Figure RP 12. Photograph showing brush encroaching into the road that needs to be removed to provide clearance for larger vehicles, to reduce fire hazard and provide better visibility.

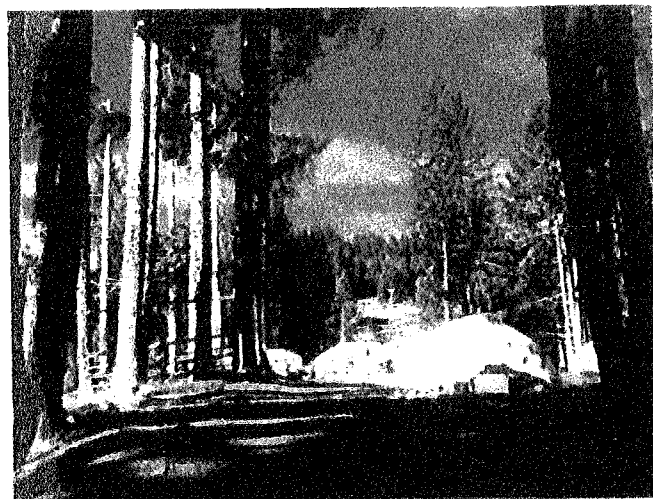


Figure RP 13. Photograph showing the end of Road 3 at its northern extent at Project 1.



Steven Wick- Road Evaluation, Attachment 1
APNs: 316-313-007, 316-312-009 & 316-173-032 And
APNs: 316-312-012 & 316-312-011

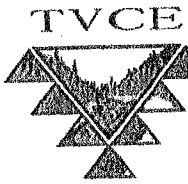
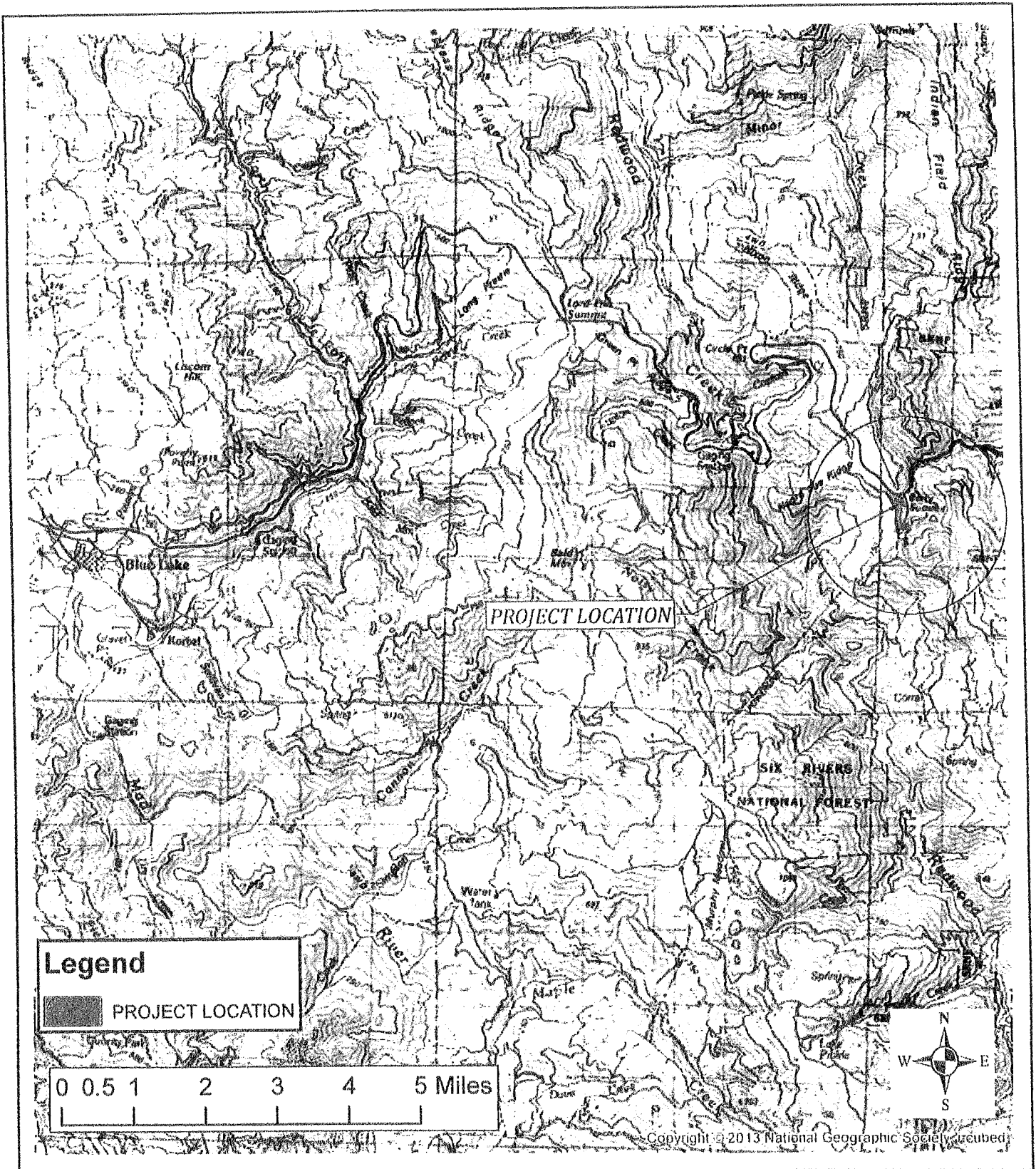



FIGURE 1





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 <p>TVCE The Vista 36, LLC</p>	<p>PROJECT LOCATION MAP</p> <p>APN'S: 316-313-007, 316-177-032 & 316-312-009 AND APN'S: 316-312-012 & 316-312-011</p> <p>ESRI USGS SEAMLESS TOPOGRAPHICAL MAP FOR HUMBOLDT COUNTY</p>	<p>Project: 1028 Steven Wick P.O. Box 1068 Arcata, Ca 95518</p> <p>Project Location Address: 540 Titlow Hill Rd. Blue Lake, Ca 95525</p>
--	--	---

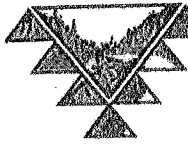
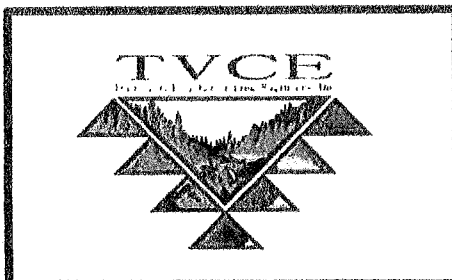
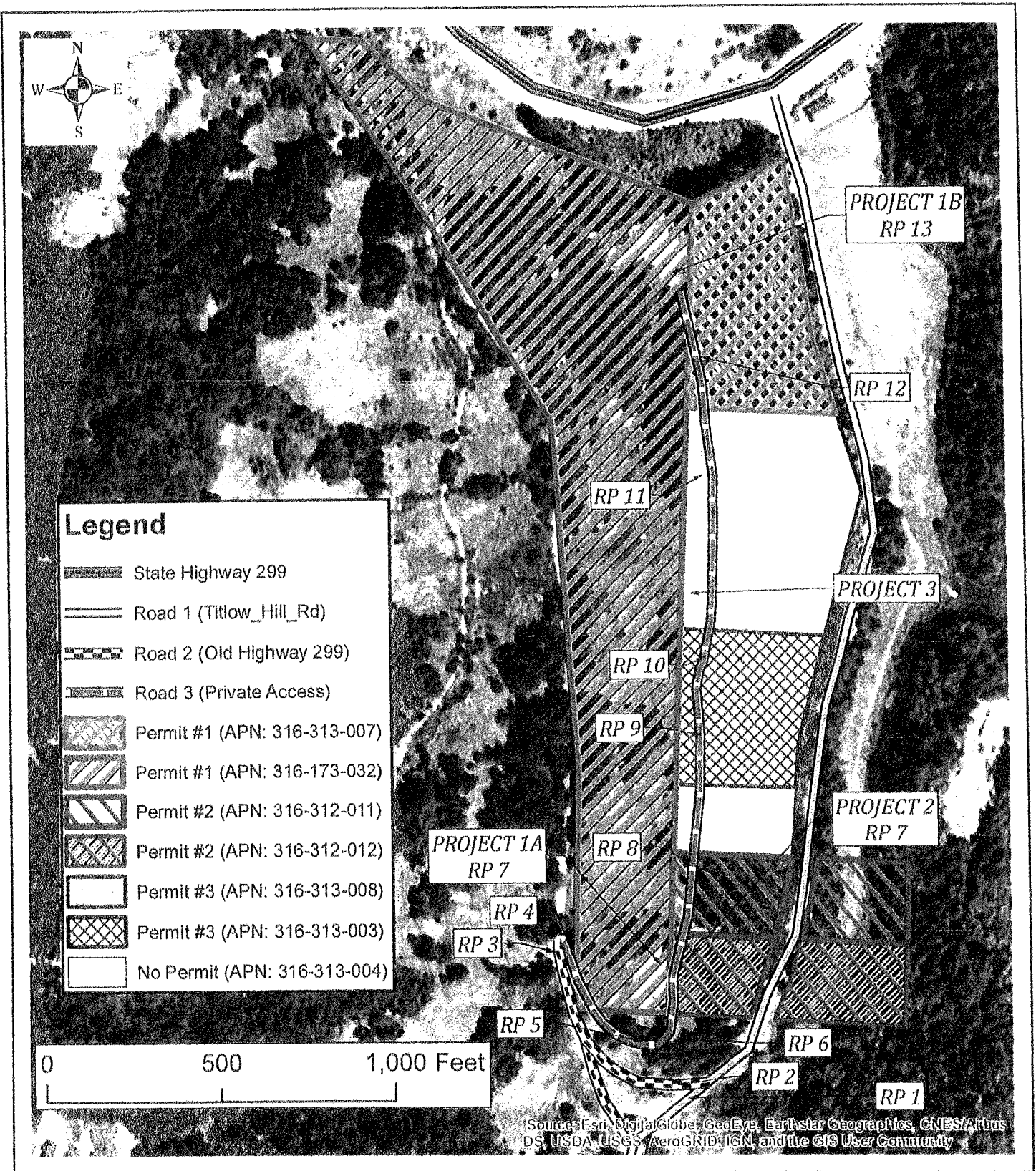


FIGURE 2





Road Points Map

APN'S: 316-313-007,
 316-177-032 & 316-312-009
 AND
 APN'S: 316-312-012 & 316-312-011
 ESRI USGS SEAMLESS TOPOGRAPHICAL
 MAP FOR HUMBOLDT COUNTY

Project: 1028

Steven Wick
 P.O. Box 1068
 Arcata, Ca 95518

Project Location Address:
 540 Titlow Hill Rd.
 Blue Lake, Ca 95525

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

316-313-007, 316-312-009 & 316-173-032 and
APN: 316-312-011 & 316-312-012

Applicant Name: Steven Wick

Planning & Building Department Case/File No.: AA16-521 & ZCC17-077

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

From Road (Cross street): Highway 299

To Road (Cross street): access Road 2

Length of road segment: 0.5 miles Date Inspected: 01/20/2018

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

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

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

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

316-313-007, 316-312-009 & 316-173-032 and

Road Name: access Road 2 (old Hwy 299) Date Inspected: 02/07/2018 APN: 316-312-011 & 316-312-012
 From Road: Titlow Hill Road (Post Mile 0.0) Planning & Building
 To Road: Road 3 (Post Mile 0.1) Department Case/File No.:
AA16-521 & ZCC17-077

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

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

ADT: < 400 Date(s) measured: 02/04/2018

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: No. Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

Signature of Civil Engineer

Date

2/19/18

12/31/18

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

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

316-313-007, 316-312-009 & 316-173-032 and

Road Name: access Road 3 Date Inspected: 02/07/2018 APN: 316-312-011 & 316-312-012
 From Road: access Road 2 (Post Mile 0.0) Planning & Building
 To Road: Project Site 1B (Post Mile 0.5) Department Case/File No.:
AA16-521 & ZCC17-077

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

ADT: < 400 Date(s) measured: 02/07/2018

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: No. Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

Signature of Civil Engineer

Date

2/14/18

12/31/18

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

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
Health & Human Services, Environmental Health Division	✓	Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
Humboldt County Sheriff	✓	Approval	On file
Building Inspection Division	✓	Conditional Approval	Attached
Bear River Band THPO	✓	Comments	On File and Confidential
Tsnungwe Council	✓	Approval	On File and Confidential
Northwest Information Center	✓	Comments	On File and Confidential
CalFire	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Hoopa Valley Tribe		No Response	
Blue Lake Union School District		No Response	
Willow Creek Volunteer Fire Department		No Response	
Humboldt County Counsel		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
North Coast Unified Air Quality Management District		No Response	
Pacific Gas & Electric		No Response	
State Water Resources Control Board: Division of Water Rights		No Response	
US Navy		No Response	



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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Misael Ramos, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01/27/2020

RE:	Applicant Name	THE VISTA 36, LLC
	APN	316-312-008, 316-313-003
	APPS#	PLN-2019-16038

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:

Planning cover sheet and transmittal sheet provide conflicting statements regarding the Key Parcel.

Submitted road evaluation report received December 11, 2019 does not include the parcels listed on this referral. Submitted operations plan and project overview does not included the subject parcels listed above and appears to be for a different application.

Plot Plan does not dimension the County road right of way width for Titlow Hill Road and adjacent slope easement on the east side. In addition, the plot plan does not show the proposed access location to APN 316-312-008, or any parking on the parcel, if required. The Department is unable to review the maneuvering areas of the parking lot per pursuant to County Code Section 314-109.1.2.2.5 and 314-109.1.5.1 until such as an appropriately scaled and dimensioned site plan or parking plan of the area is submitted. An oil water filtration system is required for the drainage leaving the parking area and into any County drainage facility.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16038

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:

Plot Plan does not dimension the County road right of way for Titlow Hill Road and adjacent slope easement on the east side. In addition, the plot plan does not show the proposed access location to APN 316-312-008.

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 //



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

7/1/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, FPD: Willow Creek, RWQCB, NCUAQMD, School District: Blue Lake, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Hoopa Valley Tribe, NWIC, PGE, US Navy, Blue Lake Rancheria

Applicant Name The Vista 36 LLC **Key Parcel Number** 316-312-008-000

Application (APPS#) PLN-2019-16038 **Assigned Planner** Misael Ramos 707-441-2633

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: 7/16/2020

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

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

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

Other Comments: Recommended Approval applicant applies for all ag exempt structures and grading.

DATE: 7/2/2020 PRINT NAME: Misael Mathieson

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

Grochau, Augustus

From: Grochau, Augustus
Sent: Tuesday, May 3, 2022 11:56 AM
To: McDonald, Kelsey@Wildlife
Cc: Van Hattem, Michael@Wildlife
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

Good day Kelsey,

What I'm hearing from your request is a need for progress reports submitted periodically by the applicant, but I don't think we can condition that to that extent. We can, however, include a need to maintain the data and submit it when requested. Please see the condition below:

1. The revegetation plan prepared in accordance with requirement number 35 from the Site Management Plan, updated on January 16, 2020, and its monitoring data, including photographic documentation, shall be available to be submitted upon request of County staff and/or California Department of Fish and Wildlife staff.

It's a fairly clunky sentence, but it gets the job done, in my opinion of my own writing. Please let me know if you have any additional requests or adjustments.

Thank you,



AUGUSTUS GROCHAU

Planner I

[Planning and Building Department](#)

County of Humboldt

Email: agrochau@co.humboldt.ca.us

From: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Sent: Monday, May 2, 2022 5:05 PM
To: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Cc: Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Thank you, Augustus.

I appreciate you addressing my concern about potentially occurring special status plants at the project site.

In reviewing the restoration component of the SMP, I see that it proposes suitable measures for restoring the previously impacted riparian area, including the development of a revegetation plan with five years of monitoring that will be

available to the Water Boards staff upon request. Would submitting this reporting with photo-documentation of the cleanup and restoration planting to CDFW be something that you could add as a condition as well?

Thank you again,

Kelsey McDonald

Environmental Scientist – CESA Specialist
Coastal Conservation Planning
California Department of Fish and Wildlife
619 2nd Street | Eureka, CA

From: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Sent: Monday, May 2, 2022 4:21 PM
To: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Cc: Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good afternoon Kelsey,

I've updated the survey condition as discussed in our call. See the copy below:

1. Prior to construction activities, the applicant shall complete the following pre-construction surveys and the results shall be submitted to the Planning Division showing no presence of any rare, threatened, or special-status species within the proposed development area.
 - a. If loud construction or any vegetation removal will occur between February 1st and August 15th, the completion of bird surveys by a biologist within seven (7) days prior to construction activities to address the presence of any migratory or nonmigratory birds which may have constructed nests in any of the trees within a proximity to the project and may be impacted by noise disturbance. If a nest is found, the applicant shall consult with CDFW and the Planning Director regarding appropriate actions.
 - b. The project area shall be surveyed by a qualified botanist for any special status or invasive plant species during a seasonally appropriate time of year. The botanist shall prepare a protocol-level Botanical Report which shall be submitted for approval to the Planning Division and CDFW. The applicant shall incorporate any identified invasive plant species into the Invasive Species Management Plan in the Cultivation and Operations Plan and submit the addendum to the Planning Division. This condition must be fulfilled prior to initiating cultivation, and, if applicable, before any ground disturbance or vegetation removal.

In the event that rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW, if modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives or if avoidance is not feasible. If avoidance is not feasible, a qualified biologist shall monitor the site and no construction activities shall commence until the nest and/or den is no longer active and has been cleared. Any special status species observations shall be reported to the California Natural Diversity Database (CNDDDB).

I hope this eases your concerns, thank you for commenting,

AUGUSTUS GROCHAU



Planner I
[Planning and Building Department](#)
County of Humboldt
Email: agrochau@co.humboldt.ca.us

From: Grochau, Augustus
Sent: Friday, April 29, 2022 3:15 PM
To: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Cc: Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

Hi Kelsey,

Yes, I can make 3:30 Monday work. What number will I be calling into? Or is that something that gets created at the time the meeting is opened?

Thank you,

AUGUSTUS GROCHAU



Planner I
[Planning and Building Department](#)
County of Humboldt
Email: agrochau@co.humboldt.ca.us

From: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Sent: Friday, April 29, 2022 2:27 PM
To: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Cc: Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

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Hi, Augustus.

Sorry, my Monday morning just got scheduled. Would the afternoon around 3:30pm work for you? If it works for you to call in to the Teams meeting by phone, that would probably be the most convenient for me.

Thank you!

From: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Sent: Thursday, April 28, 2022 11:18 AM
To: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

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Hi Kelsey,

Yes, we can certainly schedule a meeting, but I don't believe we have Microsoft Teams on our systems these days. I remember IT tried to integrate it into our workflow a while back, but it didn't take off, so it was uninstalled. Would Zoom be alright? I know Teams would probably be easier for sharing information.

Does 11:30 on Monday, May 2nd work well for you?

The odds are good that the projects have changed a bit since the original referral in 2019, so I'd be happy to chat and clarify things. In fact, I was reading through the Bio Assessment for 16038 yesterday and was reminded of the differences between the assessment's interpretation of the operations and the final, current version of the proposed operations. Those differences should bring the projects more in line with County code and help reduce the impact, however.

Thank you,



AUGUSTUS GROCHAU

Planner I
[Planning and Building Department](#)
County of Humboldt
Email: agrochau@co.humboldt.ca.us

From: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Sent: Thursday, April 28, 2022 10:48 AM
To: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

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Hi, Augustus.

Could we schedule a Microsoft Teams call to discuss these projects? Based on our records, I think these projects may have changed a bit since they were originally referred to us. I have some availability in the morning on Monday before 10am or after 11am if that would work for you.

Thank you!

From: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Sent: Wednesday, April 27, 2022 11:29 AM
To: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good morning Kelsey,

Just checking in on whether you wanted to provide any comments on PLN-2019-16038. I'm also providing the Biological Review for PLN-2019-16032, because while it still isn't scheduled yet, it sounds like the required document is on its way.

Thank you,

AUGUSTUS GROCHAU



Planner I
[Planning and Building Department](#)
County of Humboldt
Email: agrochau@co.humboldt.ca.us

From: Grochau, Augustus
Sent: Monday, April 18, 2022 12:29 PM
To: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

No, I don't believe so. One of the recommended conditions from either this Bio Report or the Report for the related project was having one prepared prior to any ground disturbance. I believe I added a condition for that on them both, though I'm speaking purely from months-old memory.

From: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Sent: Monday, April 18, 2022 12:25 PM
To: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Moxon, Delilah <DMoxon@co.humboldt.ca.us>
Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Thanks, Augustus!

It would be great if we could figure out the access to the biological reports.

Was there a botanical survey completed for this site?

From: Grochau, Augustus <agrochau@co.humboldt.ca.us>

Sent: Monday, April 18, 2022 11:41 AM

To: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>

Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Moxon, Delilah <DMoxon@co.humboldt.ca.us>

Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Kelsey,

Please see the Bio Report attached. It is on Accela, but it has been uploaded in a way that prevents unauthorized access, so it doesn't show up when accessed publicly. I'm not familiar enough with the confidentiality system to know how to grant access to the 'Biological Resources Assessment – Confidential' category to your logins, but if there's a main '@Wildlife.ca.gov' address, that one may already have access.

I've cc'd Delilah Moxon to either help you out with getting that access, or direct you to the person who can.

Thank you for looking into this,

AUGUSTUS GROCHAU

Planner I

[Planning and Building Department](#)

County of Humboldt

Email: agrochau@co.humboldt.ca.us



From: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>

Sent: Monday, April 18, 2022 11:17 AM

To: Grochau, Augustus <agrochau@co.humboldt.ca.us>

Cc: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>

Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Thank you for referring this to us, Augustus.

I am gathering the documents for review, and the Bio Report is not available on Accela. Would you send that to us? Is there a way to upload Bio Reports (or other potentially sensitive reports) to Accela so that they could only be accessed with a login or something along those lines?

Best,

Kelsey McDonald

Environmental Scientist – CESA Specialist
Coastal Conservation Planning
California Department of Fish and Wildlife
619 2nd Street | Eureka, CA

From: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>

Sent: Friday, April 15, 2022 3:12 PM

To: Grochau, Augustus <agrochau@co.humboldt.ca.us>

Cc: McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>

Subject: RE: Request to Review PLN-2019-16038 and PLN-2019-16032

Thanks Augustus. Kelsey (cc'd) or I will try to take a look next week. -Greg

From: Grochau, Augustus <agrochau@co.humboldt.ca.us>

Sent: Friday, April 15, 2022 3:10 PM

To: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>

Subject: Request to Review PLN-2019-16038 and PLN-2019-16032

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good afternoon Greg,

I'm about to put PLN-2019-16038 on the hearing schedule for May 19th, 2022. This is one of the projects that I mentioned on the phone where I needed one additional item. I remember being just barely satisfied from the Biological Study, so it may be worth a look. APNs: 316-313-003 & 316-312-008

I'm sorry that this might be a tight timeline for you to provide comment on it. I'll note that I can still push the hearing date back 2 weeks or so, it's not set in stone just yet. Are you able to access the Bio Reports via Accela, or would you need me to email them your way?

There is a related project, PLN-2019-16032, on a set of nearby parcels, that also needs one more item, but the applicant is having trouble acquiring it, so it may be a while before it gets scheduled. The project description's all done, though, so it's ready for comment. You don't need to prioritize this one, however. APNs: 316-313-007, 316-173-032, & 316-312-009

The original referrals were sent your way January 14th, 2020, if that's a faster way of finding them for you.

Thank you,

AUGUSTUS GROCHAU

ATTACHMENT 5
PUBLIC COMMENT

From: [Julia Courtney-williams](#)
To: [Planning Clerk](#)
Subject: The Vista 36, LLC Special Permit Blue Lake record #PLN-2019-16038, zoom meeting May 19, 2022 6PM
Date: Friday, May 13, 2022 12:57:35 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Planning Commission:

I am a neighbor to the above-mentioned permit process. I do not know the owners and don't believe I've ever met them. I have 3 issues that I can think of that impact my family and possibly other neighbors.

First, the smell of growing and processing marijuana permeates the entire neighborhood. Re the permit, there will be year round grows which means we will be impacted all year round. I've owned my property since the mid-1970s and lived on it quite a few years since that time, and live on it now. How can it be fair or right for us and all the other neighbors to have to endure pot smells year round? It's been bad enough every Sept-October.

Second, the increased traffic and wear and tear on the private dirt road coming off Titlow Hill Rd on the left a half mile from Highway 299. Several of us have a right of way on this private road. I have taken the initiative to maintain the road as best I can, at my expense. At times I hire contractors to do work I cannot do. Many times I do hand maintenance. One other neighbor has chipped in several times. Otherwise I have paid the cost of getting the road graded every few years, and during our winter storm this year I paid the cost of opening up the road. I've never had any offers of help from this neighbor and the first tenth, at least, of the road I use is impacted by his and his employee traffic. It seems like the owner should be required to gravel/rock the road to help in the maintenance of it.

Third, the noise related to large weekend and longer gatherings related to the cultivation industry greatly impact us and our neighbors. Specifically, loud drumming and "music" with amplifiers that goes on for hours and hours, sometimes 24 hours/day. It seems like since this is related to cultivation there should be an ordinance related to peace and quiet issues. I have no issue with quiet generators, as I don't hear them. (I have a generator). The people who bought property out here and have lived here many years deserve peace and quiet. It should not be lawful for cultivators to be allowed to keep all the neighbors awake for hours and to ruin our peace, tranquility and health.

Thank you for consideration in mentioning these issues.

I have hopes of attending the May 19 meeting via zoom provided I have reception.

Julia Courtney-Williams
PO Box 7354 Eureka CA 95502
resident: 700 Titlow Hill Rd Blue Lake CA 95525
phone: (707)496-5896