



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: March 3, 2022

To: Humboldt County Planning Commission

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

Subject: **5 Star Cali, LLC Conditional Use Permit**
Record Number PLN-11181-CUP
Assessor's Parcel Number (APN) 208-271-010
2291 Bear Creek Road, Dinsmore

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	10
Aerial Map	11
Site Plans	12
Attachments	
Attachment 1: Recommended Conditions of Approval	13
Attachment 2: CEQA Addendum	20
Attachment 3: Applicant's Evidence in Support of the Required Findings	24
a Cultivation and Operations Plan (2020)	26
b Water Resources Protection Plan (2016)	33
c Notice of Applicability with the State Water Board	52
d Road Evaluations (2)	57
Attachment 4: Referral Agency Comments and Recommendations	73

Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date March 3, 2022	Subject Conditional Use Permit	Contact Jordan Mayor
--------------------------------------	--	--------------------------------

Project Description: 5 Star Cali, LLC seeks a Conditional Use Permit for an existing 17,100-square-foot (SF) cannabis cultivation operation consisting of 9,600 SF of mixed-light cultivation occurring in eight greenhouses, and 7,500 SF of existing outdoor cultivation in an area to be relocated on the 40-acre (assessed) parcel. Three existing nursery buildings will support 1,300 SF of ancillary plant propagation. Irrigation water is sourced from an existing 255,000-gallon rain catchment pond. An additional seven onsite high-density polyethylene storage tanks with a capacity of 28,000 gallons bring the existing available water storage to 283,000 gallons. An estimated 250,000 gallons of water will be used per growing season for irrigation. Drying will occur in an existing onsite structure and processing would occur offsite at a licensed facility. Power is provided by two onsite generators, but an alternative energy system is to be developed in order to partially eliminate reliance on generator electricity within 5 years of project approval. The parcel is developed with an existing 875-SF dwelling and a 375-SF carport.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the east and west sides of Bear Creek Road, approximately 0.21 mile north from the intersection of Coyote Flat Road and Bear Creek Road, on the property known as 2291 Bear Creek Road (APN: 208-271-010).

Present Plan Land Use Designations: Residential Agriculture (RA) Density: 40 acres per unit; Slope Stability: High instability (3)

Present Zoning: Forestry Recreation (FR-B-5(40))

Record Number: PLN-11181-CUP

Assessor's Parcel Number: 208-271-010

Applicant

5 Star Cali, LLC
1771 Riverbar Road
Fortuna, CA 95540

Owner

Jerome Gordon
1933 Magical Lane,
Kissimmee, FL 34744

Agents

Brittany Massaro
Humboldt Logistics
PO Box 457
Scotia, CA 95565

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

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

Major Issues: None

Recommended Commission Action

1. Describe the application as a public hearing; and
2. Request that staff present the project; and
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to take the following actions:
Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the 5 Star Cali, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: 5 Star Cali, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 17,100-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Residential Agriculture (RA) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR). The cannabis cultivation operation consists of 9,600 SF of mixed-light cultivation in eight existing greenhouses on two flats, and 7,500 SF of full-sun outdoor cultivation proposed to be relocated away from two fire-safety water storage ponds to an area to the west. 1,300 SF of immature plant cultivation in three existing nurseries is proposed. The operation anticipates two harvests will occur for a growing season that extends from February through October. The parcel is developed with an existing single-family dwelling (875 SF), carport (375 SF), yurt, and nutrient storage sheds.

Drying of harvested cannabis will occur in existing outbuildings. All buildings and historic grading shall be permitted as a condition of approval (**COAs #A6-8**). Processing would occur offsite at a licensed facility. The facilities are owner-operated, and there are no additional employees at this time. Power for the cultivation operations is provided by two generators: one Multiquip 45-kilowatt generator and one Honda EU3000. The generators are used as needed and are operational for service 5 months per year (March-August) and they will be registered with the North Coast Air Quality Management District, as needed, as a condition of approval (**COA #A9**). There are 2,500 gallons of diesel fuel stored on the property. An alternative energy system is to be developed in in order to reduce or eliminate reliance on generator electricity within 5 years of project approval (**COA #A10**). The cultivation and operation areas are secured with a locked security gate. A large portion of the property is fenced, and cultivation sites are fenced for wildlife exclusion. All cannabis and cannabis materials are secured in locked locations. One or more persons reside onsite 24 hours a day, 7 days a week.

The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project, the total number of approved permits in this Planning Watershed would be 61, and the total approved acres of cultivation would be 23.57.

Water Resources

Water for irrigation is provided by an existing 255,000-gallon rain catchment pond established in 2006 and 28,000 gallons of onsite storage tanks for a total of 283,000 gallons of stored water. Drip irrigation will be used with supplemental hand watering, mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates. Water shall not percolate below root zone. An estimated 250,000 gallons of water will be used per growing season for irrigation. Domestic and drinking water is provided from an onsite well. Water usage (domestic and irrigation) to be recorded monthly and reported annually pursuant to North Coast Regional Water Quality Control Board (NCRWQCB) Investigative Order No. R1-2019-0023 (**COA #A11**). The Division of Environmental Health referral response dated April 2018 recommends no processing be approved until the project provides site suitability evidence necessary to permit any existing or proposed wastewater treatment

system, and that the existing well used for domestic purposes be destroyed or permitted; these have been made conditions of approval (**COA #A12**). Two additional ponds are onsite that are used only for emergency fire protection. One existing 7,500-SF cultivation area is adjacent to one of these ponds and is proposed to be relocated further west, outside the buffer area of this perennial pond.

A Water Resource Protection Plan (WRPP) was prepared by Mother Earth Engineering, Inc. in November 2016 and a Site Management Plan will be developed as required by the State Water Resources Control Board Order WQ 2019-001-DWQ for Tier 1 and 2 Dischargers. All recommended conditions set forth in the WRPP, including the recommended corrective actions, are made a condition of approval (**COA #A13**). The WRPP identified three culverts that drain vegetated gullies on the ridge-top site as properly sized but in need of rock armoring. The California Department of Fish and Wildlife (CDFW) in a referral response dated 8/22/17 identified irrigation water as potentially coming from a hydrologically connected pond and recommended that the applicants provide additional information and inquire whether a Lake and Streambed Alteration Agreement (LSAA) is needed from CDFW. The planner believes that the hydrologically connected pond in question is shown as the 150,000-gallon fire protection pond on the 2021 site plan, which is not being used for irrigation. Regardless, obtaining a final LSAA or obtaining a notification that one is not needed from CDFW for the three culverts and irrigation pond is made a condition of approval (**COA #A14**). Although Humboldt County's WebGIS shows no mapped streams, the Site Plan prepared by Mother Earth Engineering shows three Class III watercourses with associated 50-foot Streamside Management Area (SMA) buffers. However, planner analysis of 2019 Google Earth imagery indicate the mixed-light greenhouses in cultivation area 1 are 25 to 30 feet from the centerline of clearly visible watercourses. As a result, the applicant is conditioned to have a qualified professional map and categorize the adjacent water course and to move existing and proposed cultivation areas outside of any required SMA buffers (**COA #A15**). SMA buffer reductions may be allowed without a Special Permit in consultation with CDFW (Humboldt County Code 314-61.1.7.6.3.2).

Biological Resources

No Biological Assessment has been prepared for the project. There are no California Natural Diversity Database (CNDDDB) mapped sensitive species onsite and although the nearest northern spotted owl (NSO) activity center is located approximately 0.77 mile south of the cultivation sites, lands surrounding the site are heavily forested; thus, there is high potential for NSO habitat. Per the applicant, two generators are onsite, and these will meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11(o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Based on CNDDDB, the project is within the vicinity of mapped Oregon goldthread (*Coptis laciniata*) and American peregrine falcon (*Falco peregrinus anatum*). Further, the upland grasslands where relocated cultivation is proposed could contain sensitive natural communities (i.e., *Danthonia californica* Alliance). As a result, a seasonally appropriate, special-status botanical survey report prepared by a qualified botanist is required prior to any future construction preparation or other ground-disturbing site development as a condition of approval. The botanical report is to be filed with County Planning for approval prior to ground disturbance or issuance of building and grading permits for the proposed relocation of 7,500 SF of outdoor cannabis as a condition of approval (**COA #A16**).

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat and avoid heavy equipment operations during the NSO critical period (March 15–July 31) or perform protocol-level surveys prior to initiating that work (**COA #A17**). Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. William Rich and Associates prepared a Cultural Resource Investigation in January 2021 and reported finding no historical cultural resources on the subject property. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard Inadvertent Discovery language and this has been incorporated with the conditions to protect cultural resources and tribal cultural resources.

Airspace Certification

An airspace certification has been submitted to the County verifying that the project is in compliance with County Code Section 333-4 for building height limits.

Access

The project is located in Humboldt County, in the Dinsmore area, on the east and west sides of Bear Creek Road, approximately 0.21 mile north from the intersection of Coyote Flat Road and Bear Creek Road, on the property known as 2291 Bear Creek Road (APN: 208-271-010). Road Evaluation Reports were prepared by the applicant for Bear Creek Road, Dinsmore Road, and Van View Road, which indicate that all roads are developed to the equivalent of a road category 4. Bear Creek Road is maintained by an informal neighborhood road association. Additional evidence and photo-documentation from a second Road Evaluation Report prepared for a parcel on this same road (Mamba Humboldt Logistics) prepared by the agent was also evaluated and deemed to strengthen the determination that the road is developed to the equivalent of a road category 4 standard.

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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.

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

Resolution Number 22-

Record Number PLN-11181-CUP

Assessor's Parcel Number: 208-271-010

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approving the 5 Star Cali, LLC, Conditional Use Permit.

WHEREAS, 5 Star Cali, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of 9,600 SF of mixed-light cultivation and 7,500 SF of existing outdoor cultivation, with appurtenant propagation and drying activities; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **March 3, 2022**, and reviewed, considered, and discussed the application for a Conditional Use 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:** The application is a Conditional Use Permit to allow 17,100 SF of cannabis cultivation consisting of 9,600 SF of mixed-light cultivation, 7,500 SF of full-sun outdoor cannabis, and 1,300 SF of ancillary nurseries. Power is provided by two generators until a renewable energy plan can be developed and implemented. Water for irrigation is provided by a 255,000-gallon rain catchment pond and 28,000 gallons of plastic tank storage.

EVIDENCE: a) Project File: PLN-11181-CUP

2. FINDING: **CEQA.** The requirements of CEQA have been met. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
c) A Water Resources Protection Plan was prepared by Mother Earth Engineering, Inc. to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and a Site Management Plan will

be developed as required by the State Water Resources Control Board Order WQ 2019-001-DWQ for Tier 1 and 2 Dischargers.

- d) No Biological Assessment has been prepared for the project and proposed relocation of some cultivation areas has the potential to affect sensitive natural communities. As a result, a special-status botanical assessment report prepared by a qualified botanist is required prior to any future construction preparation or other ground-disturbing site development as a condition of approval and if present, all sensitive species shall be avoided.
- e) The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. William Rich and Associates prepared a Cultural Resource Investigation in January 2021 and reported finding no historical cultural resources on the subject property. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard Inadvertent Discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.
- f) Road Evaluation Reports were prepared by the applicant for Bear Creek Road, Dinsmore Road, and Van View Road, which indicate that all roads are developed to the equivalent of a road category 4. Public Works conditionally approved the project.
- g) An airspace certification has been submitted to the County verifying that the project is in compliance with County Code Section 333-4 for building height limits.

FINDINGS FOR CONDITIONAL USE 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 and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing Forest Recreation (FR) zone in which the site is located.

EVIDENCE

- a) The FR Zone is intended to be applied to forested areas of the county in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use.
- b) All general agricultural, nursery, and greenhouse uses are principally permitted in the FR Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to

43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,600 SF of mixed-light cultivation and 7,500 SF of outdoor cultivation on a 40-acre (assessed) parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration as shown as Parcel 98 of Timberline Ranch Estate shown in Book 26, Page 135-143. A grant deed recorded June 20, 2017, is on file.
- c) The project will obtain water from a non-diversionary water source, a 255,000-gallon rain catchment pond and 28,000-gallons of water storage.
- d) A Road Evaluation Report was completed by the applicant in 2018. The Evaluation addressed Bear Creek Road, Dinsmore Road, and Van View Road and was found to be functionally appropriate for the expected traffic.
- e) The cultivation of cannabis will not result in the net conversion of timberland.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or tribal cultural resource.

6. FINDING

The cultivation of 17,100 SF of 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 site is located on a road that has been determined by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the county where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use that may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) Water for irrigation is provided by a 255,000-gallon rain catchment pond and 28,000 gallons of plastic tank storage.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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 that may be approved in each of the County's Planning Watersheds.

EVIDENCE The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project, the total approved permits in this Planning Watershed would be 61 permits, and the total approved acres would be 23.57 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 Conditional Use Permit for 5 Star Cali, 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

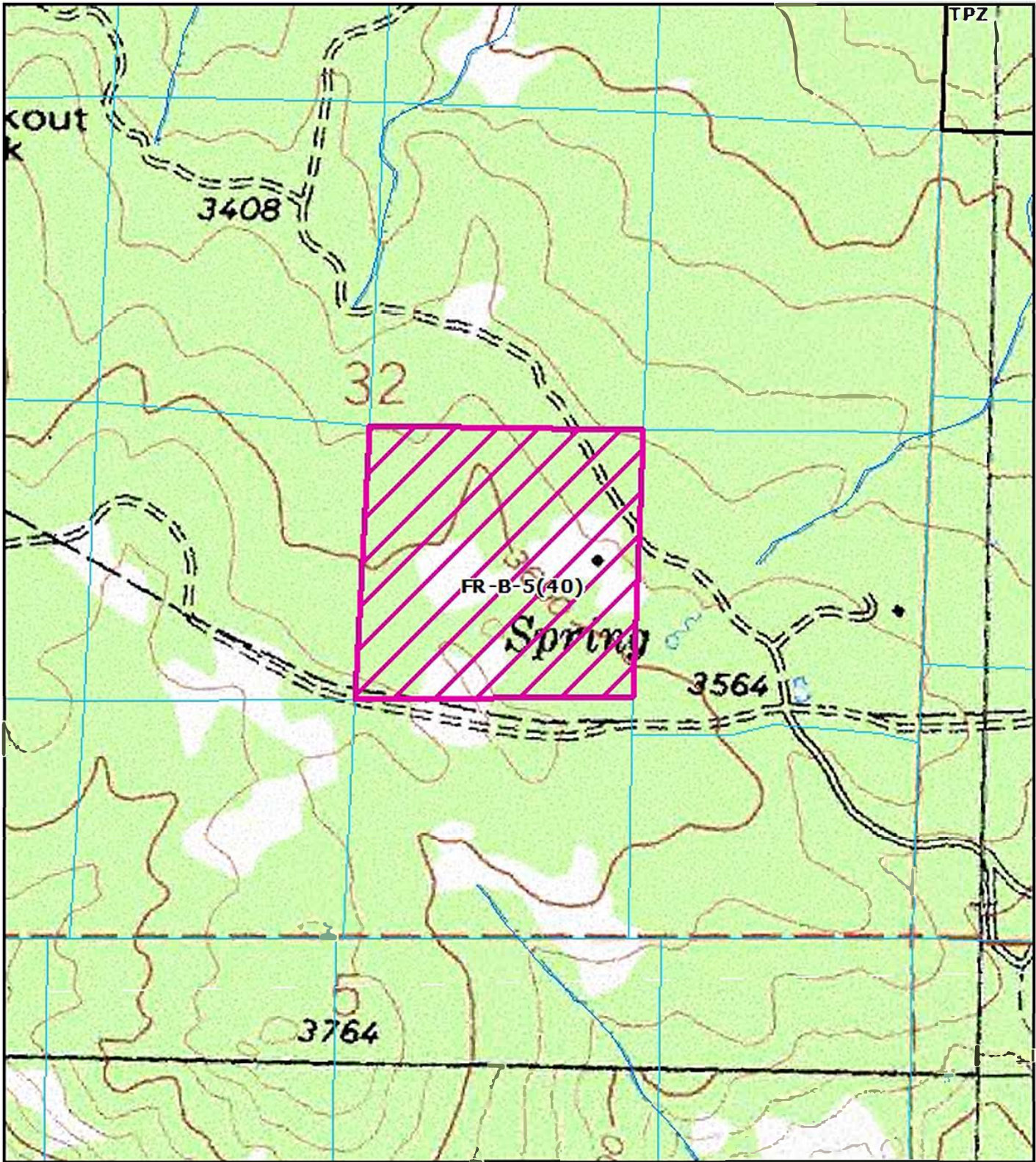
Adopted after review and consideration of all the evidence on **March 3, 2022**.

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

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

I, John 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



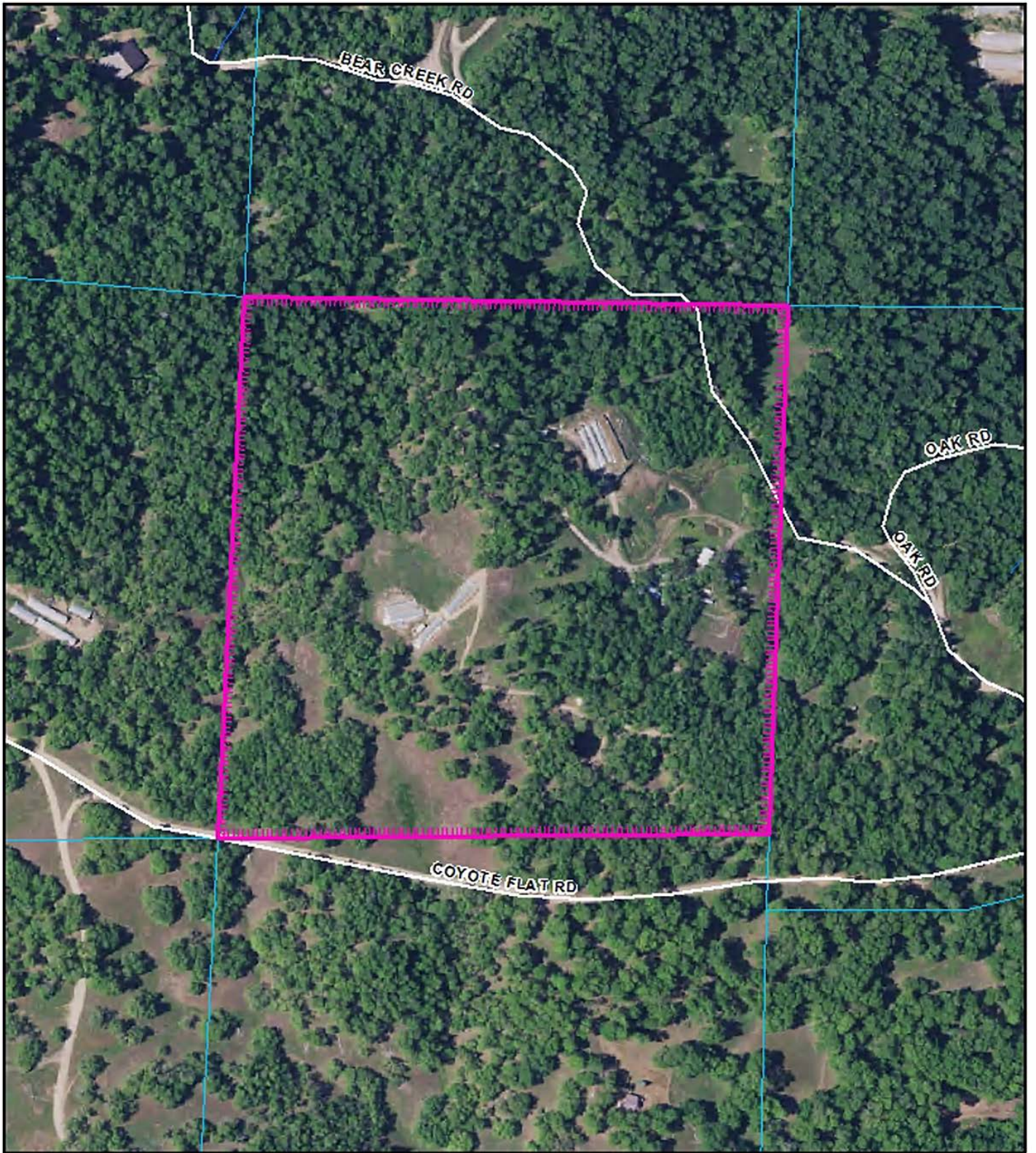
**TOPO & ZONING MAP
 PROPOSED 5 STAR CALI LLC
 DINSMORE AREA
 CUP-16-172**

**APN: 208-271-010
 T02N R05E S32 HB&M (SHOWERS MTN)**

Project Area = 

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

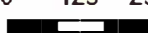




AERIAL MAP
PROPOSED 5 STAR CALI LLC
DINSMORE AREA
CUP-16-172
APN: 208-271-010
T02N R05E S32 HB&M (SHOWERS MTN)

Project Area = 



0 125 250
 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.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. 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 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 California Environmental Quality Act Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. 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.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading

related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

9. All diesel generators will be registered, if necessary, with the North Coast Unified Air Quality Management District as stationary sources. Furnishing the operating permits or correspondence shall satisfy this condition.
10. The applicant shall work toward developing an alternative energy source on the parcel within 5 years of project approval that is capable of supplying 80% of the energy demands of the cultivation operation including, all mixed-light and nursery interior lighting, fans, dehumidifiers, and water pumps used for irrigation. An energy consumption plan and monitoring evidence illustrating the alternative power source installed, shall be provided to County Planning for approval.
11. The applicant shall install water monitoring device on each source—the rainwater catchment pond and storage tanks—to monitor water used for cannabis irrigation and domestic use separately.
12. The applicant shall abide by the recommended water quality and erosion prevention measures detailed in the Water Resources Protection Plan (WRPP) prepared for the site in November 2016 by Mother Earth Engineering or any subsequent Site Plan prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board 2019 Cannabis Cultivation Policy. A letter or similar communication from the State Water Resources Control Board verifying that all their requirements have been met will satisfy this condition.
 - a. WRPP Recommendations: Replace ditch relief culvert labeled Culvert D.
 - b. Install rock armoring around inlets and outlets of Culverts A, B, and C to reduce erosion and scouring, and sediment delivery to Class III watercourses.
 - c. Install secondary containment that exceeds all volumes of petroleum (gasoline and diesel) storage tanks/containers.
 - d. Maintain petroleum spill-kit onsite.
 - e. Clean up and properly dispose of legacy trash onsite from previous owners (junk vehicles, appliances, scrap metal, etc.)
13. The California Department of Fish and Wildlife (CDFW) in a referral response dated 8/22/17 identified irrigation water as potentially coming from a hydrologically connected pond and recommended that the applicants provide additional information and inquire whether a Lake and Streambed Alteration Agreement (LSAA) is needed from CDFW. The County planner believes that the hydrologically connected pond in question is shown as the 150,000-gallon fire protection pond on the 2021 site plan which is not being used for irrigation. Regardless, obtaining a final LSAA or obtaining a letter from CDFW indicating that a LSAA is not needed for the three culverts and irrigation pond is required.
14. Planner analysis of 2019 Google Earth imagery indicate the mixed-light greenhouses in cultivation area 1 are 25 to 30 feet from the centerline of clearly visible watercourses. As a result, the applicant is conditioned to have a qualified professional map this course crossings (and any adjoining wetlands) and to move existing and proposed cultivation areas outside of any required Streamside Management Area (SMA) buffers or provide substantiated evidence that an SMA buffer reduction would afford the same protection of the aquatic resource in accordance with Humboldt county Code 314-61 – SMA and wetlands ordinance. Reductions may be allowed without a Special Permit in consultation with CDFW (61.1.7.6.3.2).
15. The applicant shall provide a special-status habitat assessment report prepared by a qualified botanist prior to any future construction preparation or other ground-disturbing site development involved with the proposed outdoor cannabis relocation effort. The biological survey report is to be filed with County Planning for approval prior to ground disturbance or issuance of building and grading permits.

16. The applicant shall avoid the northern spotted owl breeding season (March 15–July 31) when operating any heavy machinery which exceeds 50 decibels at the nearest forested habitat.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
18. 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 Humboldt County Code and available at the Planning Division.

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

1. The combination of background, generator, and greenhouse fan or other operational equipment noise must not result in the harassment of northern spotted owl as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11(o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The light source used in the mixed-light and nursery greenhouses should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
3. 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.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.

9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. The applicant shall maintain enrollment in Tier 1 or 2 certifications 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.
17. Comply with the terms of any applicable LSAA (1600 or 1602) Permit obtained from CDFW.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection, if applicable.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
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 program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - 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.
28. 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;
 - (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. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

29. All cultivators shall comply with the approved processing plan as to the following:
 - 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
30. Term of Commercial Cannabis Activity Use Permit. Any Commercial Cannabis Cultivation Use Permit issued pursuant to the CMMLUO shall expire 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.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the 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 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 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 Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. 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.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and

e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 208-271-010; 2291 Bear Creek Road, Dinsmore
County of Humboldt**

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

February 2022

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less-than-significant level.

5 Star Cali, LLC seeks a Conditional Use Permit for an existing 17,100-square-foot (SF) cannabis cultivation operation consisting of 9,600 SF of mixed-light cultivation occurring in eight greenhouses, and 7,500 SF of existing outdoor cultivation in an area to be relocated on the 40-acre (assessed) parcel. Three existing nursery buildings will support 1,300 SF of ancillary plant propagation. Irrigation water is sourced from an existing 255,000-gallon rain catchment pond. Existing available water storage is 283,000 gallons in a combination of the rain catchment pond and seven onsite high-density polyethylene storage tanks with a capacity of 28,000 gallons. An estimated 250,000 gallons of water will be used per growing season for irrigation. Drying will occur in an existing onsite structure and processing would occur offsite at a licensed facility. Power is provided onsite by two generators. An alternative energy system is to be developed in order to reduce reliance on generator electricity within 5 years of project approval. The parcel is developed with an existing 875-SF dwelling and a 375-SF carport.

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. William Rich and Associates prepared a Cultural Resource Investigation in January 2021 and reported finding no historical cultural resources on the subject property. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard Inadvertent Discovery language. The upland grasslands where relocated cultivation is proposed could contain sensitive natural communities (i.e., *Danthonia californica* Alliance). As a result, a special-status botanical assessment report prepared by a qualified botanist is required prior to any future construction preparation or other ground-disturbing site development as a condition of approval.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project-related noise does not harass nearby wildlife, which will limit impacts on biological resources as a result of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (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 MND 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 MND 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 MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 17,100 SF of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND 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:

- Plot Plans prepared by Mother Earth Engineering, dated 1/24/20, received 3/2/20.
- Cultivation and Operations Plan dated 1/24/20.
- Water Resources Protection Plan prepared by Mother Earth Engineering, dated November 2016, received 3/2/20 under the Water Quality Control Board North Coast Region Order No. R1-2015-0023.
- Road Evaluation Report prepared by the previous owner dated 1/20/19, received 3/2/20.
- Road Evaluation Report prepared for Mamba Humboldt Logistics dated 6/7/18.
- Airspace Certification Form received 3/2/20.
- Notice of Applicability (WDID:1_12CC402606) - Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ dated 6/8/18.
- Notice of Applicability for Coverage under the State Water Resources Control Board Cannabis Cultivation Policy Cannabis General Water Quality Certification, and Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements dated 10/7/21.
- Cultural Resources Investigation prepared by William Rich and Associates dated January 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
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 MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. (Plot Plans prepared by Mother Earth Engineering, dated 1/24/20, received 3/2/20 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan dated 1/24/20 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Resources Control Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent (NOI) and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (WRPP – **Attached**. Notice of Applicability for Coverage under the State Water Resources Control Board Cannabis Cultivation Policy Cannabis General Water Quality Certification, and Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements dated 10/7/21 – **Attached**)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Condition of Approval)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report prepared by the previous owner dated 1/20/19, received 3/2/20. (**Attached**)
17. Road Evaluation Report prepared for Mamba Humboldt Logistics dated 6/7/18. (**Attached**)

Cultivation and Operations Plan

PROJECT OVERVIEW

This existing permit application was initiated by Sha-Boom LLC in 2016.

4 Ponds LLC purchased the property from Sha-Boom and took possession of the parcel in August 2017.

Levy Lyew of 5 Star Cali, LLC purchased the property from 4 Ponds LLC and took possession of the APPLICATION in November, 2018.

The site is located in the Bear Creek area near Dinsmore off of State Highway 36, and is classified Tier 2, as defined in the NCRWCQB Order No. R-12015-0023. The total cultivation area is approximately 16,030 sq ft (including 1,330 of immature plant cultivation) and the slopes of the cultivation areas are less than 15%.

1 WATER

Water source + Storage:

The irrigation water source is from one (1) existing irrigation pond established in 2006 totaling 255,000 gallons and on-site storage tanks.

Existing on-site water storage totals 285,000 gal., this consists of the one pond (255,000 gal.) and seven (7) HDPE tanks with a total capacity of 28,000 gallons.

Irrigation Plan:

Drip irrigation with supplemental hand watering, mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates. Water shall not percolate below root zone.

Projected Water Usage:

An estimated 250,000 gallons of water is used per growing season for irrigation. Water usage to be recorded monthly and reported annually to the Water Board pursuant to NCRWQCB Order No. R-12015-0023.

Month	Estimated Irrigation Water Use (gal)
January	0
February	0
March	10,000
April	15,000
May	25,000
June	35,000
July	35,000
August	35,000



September	30,000	
October	20,000	
November	20,000	Total Estimated Usage (gal)
December	0	225,000

2 SITE CHARACTERISTICS

Drainage, Runoff, and Erosion Control Measures:

The site has well-draining soils and buffers of natural vegetation are maintained around all cultivation areas, as well as the majority of the parcel.

Site is maintained to be in compliance with State Water Resources Control Board (SWRCB) conditions and best practical treatment and controls (BPTCs) for cannabis cultivation as outlined in the General Order.

All runoff sources are maintained so that they are hydrologically disconnected, as feasible.

Periodic inspections are conducted and recorded during wet and dry weather for drainage, runoff and evidence of erosion. Corrective measures and/or improvements are implemented as necessary.

Cultivation is located within enclosed greenhouses and in small outdoor beds. Cultivation in greenhouses prevents soil erosion, discharge, and provides an additional buffer between the cultivation activities and watercourses. Cultivation in outdoor beds is sited on stable flats with ample vegetative buffer between these areas and nearby watercourses.

3 WATERSHED + HABITAT PROTECTION

Applicant is enrolled in the SWRCB Order WQ-2017-0023. Pursuant to the program, a Site Management Plan will be implemented to ensure watershed and habitat protection.

Applicants conduct wet-weather road inspections periodically during the rainy season to minimize sediment discharge.

The parcel has three (3) existing rainwater catchment irrigation ponds established in 2006 totaling 360,000 gallons ($\pm 150,000$ gal, $\pm 40,000$ gal and $\pm 170,000$, respectively), which helps to assure watershed and habitat protection with respect to water consumption.

The property was previously a site of timber harvest operations and the applicant is committed to land stewardship which includes mitigating the legacy impacts of previous logging.

The applicant will remove trash, debris and wrecked cars that accumulated on the property through previous ownership, as well as equipment and debris associated with timber harvest operations that occurred on the property. The goal is to have the legacy trash clean-up effort completed by the Fall of 2020.

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored in appropriate containers, within walled areas with nonporous floor or covered and contained against inclement weather so they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat maintained around all areas of human activity. The majority of parcel is undeveloped and conserved in a wild state.

Cultivation areas will be maintained to prevent nutrients from leaving the site at all times; during the growing season and post-harvest.

4 STORAGE + HAZARDOUS MATERIALS

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination. All hazardous material products shall be used and stored in appropriate containers, within a walled area protected from inclement weather with a nonporous floor to prevent spillage from entering the riparian setbacks or waters of the State. All hazardous material product usage is in accordance with the label instructions.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes shall be stored in appropriately contained locations as described previously to guard against entry or transport into surface waters, leaching into groundwater, or transported the surrounding environment.

Spill kits shall be located in all generator sheds as well as the Propane/Gasoline Storage Area for immediate use to clean up any agricultural chemical or petroleum product spills. Discharger will maintain spill kits by restocking whenever any materials are used.

Spill response shall adhere to the following procedures;

- 1) **Risk Assessment:** The moment a spill occurs and throughout the response, risks will be determined that may affect human health, the environment, and property. The spilled material and quantity released will be and determined.
- 2) **Selection of Personal Protective Equipment:** The appropriate Personal Protective Equipment (PPE) is selected to safely respond to the spill will be determined. MSDS and literature from Chemical and PPE manufacturers will be used to make this determination. If there is uncertainty of the danger and the spilled material is unknown, the worst will be assumed and the highest level of protection will be implemented.
- 3) **Spill Confinement:** As quickly as possible the spill area will be confined. Use of contained absorbents such as socks and booms will be implemented. Priority will be given to stop the flow

- of the liquid before it has a chance to contaminate a water source. Spill kits will be used to facilitate a quick, effective response.
- 4) Stopping the Source: After the spill has been confined, the source of the spill will be stopped. This may simply involve turning a container upright or plugging a leak from a damaged drum or container. Putty, barrel patches, and cone plugs will be used to stop leaks. Material will be transferred from the damaged container to a new one.
 - 5) Incident Evaluation and Cleanup Implementation: Once the spill has been confined and the leak has been stopped, the incident will be assessed and a plan of action for implementing the spill clean-up will be developed. Pillows and mat pads will be used to absorb the remainder of the spill. Once the absorbents are saturated they will be considered hazardous waste and disposed of accordingly.
 - 6) Decontamination: Site, personnel and equipment will be decontaminated by removing or neutralizing the hazardous materials that have accumulated during the spill. This may involve removing and disposing of contaminated media such as soil that was exposed during the spill incident.
 - 7) Reporting: All notifications and paperwork required by local and governmental guidelines for reporting spill incidents will be completed.

Fuel:

There is approximately 2500 gal of diesel fuel storage capacity on-site, stored in three (3) 500 gal and one (1) 1000 gal tanks. All fuel storage shall be stored in secondary containment and in compliance with SWRCB BPTCs.

5 SOLID WASTE/RECYCLING

Refuse and garbage are stored in a location and manner that prevents discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in contractor bags in an outbuilding prior to removal.

Disposal Facility: Van Duzen transfer station.

Waste Soil/ Growth Media: All soil is amended and reused.

6 DESCRIPTION OF CULTIVATION ACTIVITIES

Mixed Light: Existing greenhouse, mixed light cultivation totaling 9,600 sq ft.

IDSA Standards: The mixed light cultivation greenhouses and operations are in compliance with the International Dark Sky Association standards. All greenhouses and operations are covered with blackout tarps to prevent nocturnal light emission. No artificial light will escape at a level that is visible from neighboring properties.

Outdoor: Existing outdoor cultivation total area of approximately 7,500 sq ft

Immature Plant: Existing 1,330 sq ft of immature plants area.

7 SCHEDULE OF ACTIVITIES

Electrical Power: Electricity for the cultivation operations is provided by two generators; one Multiquip 45 kW generator and one Honda EU3000. The Multiquip generator runs at 66 dB's at a distance of 23 feet (<https://www.multiquip.com/multiquip/DCA45SSIU4F.htm>). The Honda EU3000 generator runs at 57 dB's at a distance of 23 feet, however the generator is housed in an enclosure, effectively reducing the decibel level at 23 feet by 20 dB's (powerequipment.honda.com/generators/models/eu3000is).

Using the inverse square law for noise level reduction, the operating noise levels were estimated to be 53.2 dB's at 100 feet and 24.2 dB's at 100 feet respectively. Generator noise was determined by using manufacturer specifications and standard machine noise level reduction estimates found at Engineering ToolBox, (2008). Machine Noise Level Reduction. [online] Available at:

https://www.engineeringtoolbox.com/machines-sound-level-reduction-d_1411.html [Accessed December 11, 2019].

Generator Noise Reduction Estimates						
Generator Make & Model	Power Output (kW)	dB's at R1	Reductions (dB)	R1 (ft)	R2 (ft)	dB's at R2
MQ 45 kW	45	66	0	23	100	53.2
Honda 3000 EU	3	57	20	23	100	24.2

Generator is used as needed and is online for service five months per year (Mar- Aug). Solar power system to be developed in future to reduce reliance on generator electricity.

Jan- Site preparation

Feb-Mar- Clones purchased from dispensary and nursed in propagation room using generator electricity.

Mar-May- Vegetation in small hoopouses with CFL using generator electricity.

late May-Oct- Flowering in primary greenhouses with no artificial lighting.

Aug- 1st harvest. On-site processing

Sep/Oct- 2rd harvest. On-site processing.

Oct-Dec- Clean up, preparation, site improvements, winterize.

8 PROCESSING PLAN

Processing Practices: Crops are harvested then dried in an outbuilding. Machine trimming with supplemental hand trimming and/or potential offsite processing at licensed 3rd party facility.

Any and all processing methods utilized will comply with all industry, county, and state rules and guidelines as they become available.

Location: On-site processing may occur in barn outbuilding or in a temporary structure, or processing may occur offsite at a third party facility.

Staffing

The facilities are owner operated. There are no employees at this time.

Days and Hours of Operation

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

Working Hours of Operation: Monday-Friday 7:00am to 7:00pm

Safety Practices:

Farm is applicant-operated. There are no employees at this time.

Cultivation and processing operations implement best practices to the highest degree feasible. The operation will follow all safety protocols and safety training pursuant to County and State regulations and guidance. Furthermore, all safety practices will be in compliance with standards set forth by the County and State.

Domestic/ Drinking Water: Domestic and drinking water provided from on-site well.

Toilet, Handwashing, and On-site Wastewater Facilities: Toilet, handwashing, and shower hot water facilities are located inside of the bathhouse structure. Wastewater is treated on-site with a septic system.

Increased Road Use: No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties.

Parking: There are six parking spaces (see plot plan for location)

On-site Housing: None. No employees at this time.

9 SECURITY PLAN

The cultivation and operations area is located behind a locked gate. Large portion of property is fenced. All cultivation sites are fenced for wildlife exclusion. One or more persons reside on-site 24hrs a day, 7 days a week. All cannabis and cannabis associated materials are secured in locked locations.

Water Resource Protection Plan

November 2016



Prepared for:

Levy Lyew

5 Star Cali, LLC

Prepared by:



661 G Street Arcata, California 95521
707-633-8321 | motherearthengineering.com

Liability Waiver

As a condition of approval for enrollment into the Water Quality Order R1-2015-0023 for the cultivation, processing, manufacture, or distribution of cannabis, the owner or permittee shall indemnify and hold harmless Mother Earth Engineering, Inc. and its agents and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use. As the preparer, Mother Earth Engineering, Inc. is not responsible for any water quality violations.

I/we agree to be responsible to the stated terms and conditions of the Order, and release Mother Earth Engineering, Inc., its employees, contractors, and consultants from any defense costs, including attorneys' fees or other loss connected with any legal challenge which may arise from implementation of said Order.

Discharger Printed Name: _____

Signature: _____ Date: _____

WRPP prepared by: Mother Earth Engineering, Inc.
661 G Street
Arcata, CA 95521
(707) 633-8321

WRPP prepared on: November 2016

Signature: _____ Date: _____

Kendra Miers, PE

Summary

APN 208-271-010	County Humboldt	Zoning FR
Site Address 2291 Bear Creek Rd Dinsmore, CA 95526	Lot Size 44 acres	HUC-12 180101020302
Date August 15, 2016	Time 7:00-3:00pm	Weather Conditions Sunny, clear
Site WDID	Tier Classification Tier 2	Total Cultivation Area Approx. 17,000 sq ft

Summary:

The site is located in the Bear Creek area near Dinsmore off of State Highway 36, and is classified Tier 2 as defined in the NCRWCQB Order No. R-12015-0023. The total cultivation area is approximately 17,100sq ft and the slopes of the cultivation areas are less than 15%.

The irrigation water source for this property is rainwater which is collected in one (1) catchment pond constructed by a previous owner. The rainwater pond collect in excess of an estimated 255,000 gallons of precipitation annually and is used for irrigation.

Site Assessment of Standard Conditions

1. Site maintenance, erosion control and drainage features

a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

The parcel is located approximately 2 miles down Bear Creek Road which is maintained by an informal neighborhood road association.

The access roads contained on the property are in good to fair condition and appeared to be in good repair.

b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

Access roads onsite appeared to have adequate drainage. The site is predominantly gently sloping (>15%) and characterized by open grassy areas. The native vegetation provides naturally vegetated buffers for runoff and no apparent erosion was observed during site visit.

- **Inspect access roads on property periodically during wet weather to assure adequate drainage and erosion minimization.**

c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

No unstable slopes were observed during site assessment. All graded flats were surrounded by vegetated buffers of native grasses and appeared to have sufficient drainage.

d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

All roads, clearings, fill prisms, and terraced areas appear to be hydrologically disconnected from surface waters to the highest degree feasible.

e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

Observed failed ditch relief culvert (Culvert D) on road near property boundary.

➤ **Replace ditch relief culvert – Culvert D as shown on site map**

f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

All stockpiled construction materials observed were stored on flat ground, away from slopes and appeared to be well secured so as to prevent their transport to receiving waters.

2. Stream Crossing Maintenance

a. Culverts and stream crossings shall be sized to pass the expected 100- year peak streamflow.

Three culverts were observed on the property (Culverts A, B, C on site map). Culvert D is a ditch relief culvert located on Bear Creek Road a few hundred feet away from the eastern property boundary. Culverts A, B, and C provide drainage for vegetated gullies upslope of Class III watercourse channels and are sized to pass the expected 100-year flow.

b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.

Culverts A, B, and C are expected to pass the 100-year flow. Culvert inlets and outlets are inspected periodically and kept clear of debris.

c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.

N/A

d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.

Inlets and outlet of Culverts A, B, and C were observed to have some scouring.

- **Install rock armor around culvert outlets to reduce erosion, scouring, and sediment transport.**

e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.

All culverts were observed to align to the natural drainage grade and flow path to maximum feasibility.

f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.

Culvert A appeared to have adequate ditch relief in the event of culvert plugging during storm event. Observe Culvert A during wet weather to assure adequate alternate drainage at road crossing and incorporate mitigation measures if road drainage does not appear to be sufficient.

3. Riparian and Wetland Protection and Management

a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

All watercourses are located at a distance greater than 200 feet from all cultivation areas. The property is located on the upper portion of open, grassy slopes and characterized by natural, vegetated swales that flow into Class III watercourse

channels that begin at Bear Creek Road. All cultivation areas are located in at a distance greater than 50 feet from these swales.

b. Buffers shall be maintained at natural slope with native vegetation.

Buffers are at natural slope with native vegetation and will be maintained at these conditions.

c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.

The buffers meet the minimum 50' clearance for Class III watercourses.

d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

Cultivation activities are conducted such that they present a low potential risk for adverse impacts to the riparian area. All cultivation areas are buffered by native vegetation, primarily grasses, and are located in areas where the natural slopes are between 10%-20%. Watering rates do not produce runoff and plants are irrigated using harvested rainwater.

4. Spoils Management

a. Spoils shall not be stored or placed in or where they can enter any surface water.

No spoils were observed onsite during site assessment.

b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

N/A

c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

No spoils were observed onsite during site assessment and discharger has been informed of proper spoils management protocol to implement in case of future road and other maintenance.

5. Water Storage and Use:

a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

All irrigation water onsite comes from rainwater catchment via ponds.

b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

Rainwater is irrigation source, drip irrigation to be implemented in the 2017 growing season.

c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

No surface water diversion occurs at this site.

d. Water is applied using no more than agronomic rates.

Water is applied at agronomic rates.

e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

No surface water diversion occurs at this site.

f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to ensure integrity and to prevent release into waters of the state in the event of a containment failure.

The retention ponds and their overflow culverts are designed, maintained, and periodically inspected so as to ensure their integrity.

6. Irrigation Runoff

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing offstream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

Only sufficient water is applied when irrigating. The cultivation practices utilized do not produce irrigation runoff.

7. Fertilizers and Soil Amendments

a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

Fertilizers and soil amendments are stored in outbuildings located in flat, stable areas and present a very low risk of nutrient or contaminant transport.

b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

All fertilizers and amendments are applied per instructions or at proper agronomic rates.

c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

Buffers of native vegetation are maintained around all cultivation areas. Irrigation practices do not produce runoff. Post-harvest soil beds are mulched with straw to prevent nutrient and soil transport.

8. Pesticides/Herbicides

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters. (See also Appendix E.)

Unknown

9. Petroleum products and other chemicals

a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

Diesel is stored onsite in metal storage tanks designed for that purpose. There is approximately 2500 gal of diesel storage capacity on site.

b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

No secondary containment was observed for diesel storage.

- **Install secondary containment that exceeds the volume of the largest storage container.**

c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

N/A

d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

Petroleum spill cleanup kit was not available onsite at the time of site assessment.

- **Maintain a petroleum spill kit onsite and inspect storage tanks and secondary containment periodically.**

e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

N/A

10. Cultivation-related wastes

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

Cultivation-related wastes are collected and properly stored so long as they remain onsite. Inorganic wastes are taken to the dump. Soil is amended and reused.

Dead/harvested plant waste is either composted or incinerated in a sanctioned burn pile.

11. Refuse and human waste

a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

Domestic sewage is treated onsite via septic tank and leach field system and does not appear to represent a threat to surface and ground water.

b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

Refuse generated during operations is stored properly until it is taken to the dump.

There is a significant amount of legacy trash onsite accumulated by previous owners. The legacy trash includes junk vehicles, appliances, scrap metal, etc. The discharger is making efforts to clean up this large volume of trash and has set a goal to have all legacy trash removed from the site by December 2018.

- **Clean-up trash from previous owners and dispose of at appropriate waste disposal location**

c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

Garbage and refuse are periodically transported to the municipal waste facility in Eureka, CA for disposal.

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3

sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures. These protection and mitigation measures have been developed to prevent or reduce the environmental impacts and represent minimum, enforceable standards by which cleanup activities shall be conducted under this Order.

N/A

Features Needing Improvement

Table 1 below provides a summary of the features needing improvement for this site.

Table 1: A description of one each one point is given with its associated standard condition, proposed BMP implementation, and scheduled completed date.

<i>Map Point</i>	<i>Map Point Description</i>	<i>Associated Standard Condition</i>	<i>Permanent BMP</i>	<i>Priority for Action</i>	<i>Permanent BMP Completion Date</i>	<i>Completion Date</i>
<i>Culvert D</i>	Ditch relief culvert	1.e	Replace Culvert	2	Dec 2017	
<i>Culvert A</i>	Culvert	2.d	Rock armor inlet/outlet	2	Dec 2017	
<i>Culvert B</i>	Culvert	2.d	Rock armor inlet/outlet	2	Dec 2017	
<i>Culvert C</i>	Culvert	2.d	Rock armor inlet/outlet	2	Dec 2017	
<i>Diesel Storage</i>	Fuel storage tanks	9.b	Install secondary containment	1	Dec 2017	
<i>Diesel Storage</i>	Fuel storage tanks	9.d	Maintain petroleum spill kit onsite	1	Dec 2017	
<i>Various</i>	Legacy trash	11.b	Remove and dispose of legacy trash	3	Dec 2018	

Other Measures to be Implemented

Chemical Storage and Use

List of chemicals stored onsite, and information about use (e.g., quantities used and frequency applied).

A chemical storage and use log is included as a part of this document binder. The discharger has been instructed to document information about chemicals used onsite.

Monitoring Element

Monitoring element (see discussion at section I.D.) to ensure that BMPs are being implemented and to evaluate their effectiveness.

Inspection monitoring forms are included as a part of this document binder. Discharger has been instructed to conduct and document pre-season and post-season self-assessments annually.

Water Use

Plan shall record water source, relevant water right documentation, and amount used monthly. Plan must describe water conservation measures and document approach to ensure that the quantity and timing of water use is not impacting water quality objectives and beneficial uses (including cumulative impacts based on other operations using water in the same watershed). Water use will be presumed to not adversely impact water quality under one of the following scenarios:

- No surface water diversions from May 15-Oct 31.
- Water diversion pursuant to a local plan that is protective of instream beneficial uses.
- Other options: (e.g., % of flow present in stream; riffle depth; gage at bottom of Class I stream; AB2121 equations; DFW flow recommendations; promulgated flow objective in Basin Plan).

All water for irrigation is from rainwater catchment provided by the ponds onsite. A water usage log has been included with this binder. Discharger has been instructed to install flowmeters and document all future monthly water use. In order to conserve additional water, discharger will implement drip irrigation beginning in the 2017 growing season.

- **Install flow meters**
- **Use drip irrigation**

The table below provides a summary of the other measures to be implemented in order to comply with NCRWCQB Order No. R-12015-0023.

Table 2: List of record keeping, monitoring, and other measures needed for compliance.

Other measures to be implemented		
Description	BMP procedure	Comments
Install flow meters	Install flow meters for water use and record water use monthly	Use log pages provided and provide additional documentation as needed
Record water use	Read flow meters monthly and record irrigation use by water source	Use log pages provided and provide additional documentation as needed
Implement water conservation measures	Install drip irrigation	Minimize use of hand watering. May also want to mulch exposed soil with straw to reduce evaporation.
Wet weather road inspection	Inspect road during wet weather annually. Observe water and sediment discharge.	Document observations. Apply corrective measures to prevent erosion as needed based on observations.
Pre and post season inspection	Conduct self-assessment twice annually.	Use log pages provided and provide additional documentation as needed.
Keep chemical storage and use logs	List chemicals stored onsite and information about quantities used and frequency applied	Use log pages provided and provide additional documentation as needed
Record annual fertilizer and amendment use	Record lbs or gal of amendments, and fertilizers used by type, product name, nutrient content	Use log pages provided and provide additional documentation as needed



MOTHER EARTH ENGINEERING

661 G Street, Arcata, CA 95521 | tel: 707.633.8321 | web: www.motherearthengineering.com

24 January 2020

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



RE: Levy Lyew
APN: 208-271-010
Notice of Engagement SMP
Permit Application No. 11181

To Whom it May Concern,

This letter is to acknowledge the service agreement between Mother Earth Engineering and Levy Lyew regarding preparation of Site Management Plan (SMP) for the property located at 2291 Bear Creek Rd Dinsmore, CA identified by Humboldt County APN 208-271-010. The SMP will be completed as part of permit application #11181 and at the request of Humboldt County Planning Department.

Due to our impacted schedule, we expect the report to be completed no later than 31, March 2020.

Please feel free to contact me regarding this matter.

Sincerely,

Kendra Miers, PE
Civil/Environmental Engineer
k@motherearthengineering.com

Levy Lyew
Permit Application No. 11181
Well Permit Statement

Well Permit Statement

- The well on the property located at 2291 Bear Creek Rd Dinsmore, CA (APN 208-271-010) is used solely for domestic use.

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION OFFICE
2440 MAIN STREET
RED BLUFF, CA 96080-2356



December 11, 2018

Mr. Phil Zerkel
Mother Earth Consulting
920 Samoa Boulevard, Suite 210
Arcata, California 95521

Dear Mr. Zerkel:

This letter is in response to your request for a Well Completion Report (WCR) received on December 11, 2018, for Humboldt County assessor's parcel number 208-271-010.

The Department of Water Resources (DWR) has performed a search of our records and are unable to locate a WCR that corresponds with the information you provided on the attached request. **Please note the history of ownership, specifically the property owners name at time of drilling, is necessary for us to perform a complete search of our records. If incomplete or inaccurate information is submitted on the request form, DWR cannot say with certainty that we do not have the record.**

If you have any questions or need additional information, you may contact me at (530) 529-7385.

Sincerely,

April Scholzen
Water Resources Technician II
Department of Water Resources

Attachment

June 8, 2018

WDID:1_12CC402606

LEVY LYEW
1771 RIVER BAR ROAD
FORTUNA, CA 95540

Subject: Notice of Applicability - Waste Discharge Requirements Water
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

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

Sincerely,

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

180605_1L-1_12CC402606_LYEW DINSMORE_1B161109CHUM_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, LEYEW DINSMORE, HUMBOLDT COUNTY APN(s) 208-271-010; WDID: 1_12CC402606

LEVY LEYEW (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 29, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC402606**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161109CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

1. FACILITY AND DISCHARGE DESCRIPTION

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

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet), no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the

Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

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

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by August 26, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a *Site Closure Report* at least 90 days prior to termination of activities and include a final MRP report.

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

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

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

cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: *Part A may be completed by the applicant*

Applicant Name: 5 Star Cali, LLC APN: 208-271-010

Planning & Building Department Case/File No.: CUP-16-172

Road Name: Dinsmore Road *(complete a separate form for each road)*

From Road (Cross street): CA State HWY 36

To Road (Cross street): Van View Road

Length of road segment: 0.4 miles Date Inspected: 11/12/18

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

Check one of the following:

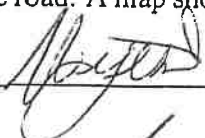
Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

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. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature 

Date 01/30/19

Name Printed Levy Lyew

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: 5 Star Cali, LLC APN: 208-271-010

Planning & Building Department Case/File No.: CUP-16-172

Road Name: Bear Creek Road *(complete a separate form for each road)*

From Road (Cross street): Van View Road

To Road (Cross street): 2291 Bear Creek Road - Property Entrance

Length of road segment: 0.6 miles Date Inspected: 11/12/18

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.

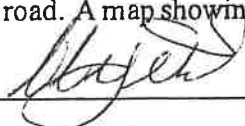
Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature



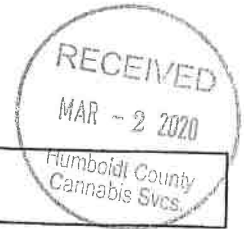
Date

01/30/19

Name Printed

Lewy Lyew

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: *Part A may be completed by the applicant*

Applicant Name: 5 Star Cali, LLC APN: 208-271-010

Planning & Building Department Case/File No.: CUP-16-172

Road Name: Van View Road (complete a separate form for each road)

From Road (Cross street): Dinsmore Road

To Road (Cross street): Bear Creek Road

Length of road segment: 1.1 miles Date Inspected: 11/12/18

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. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature

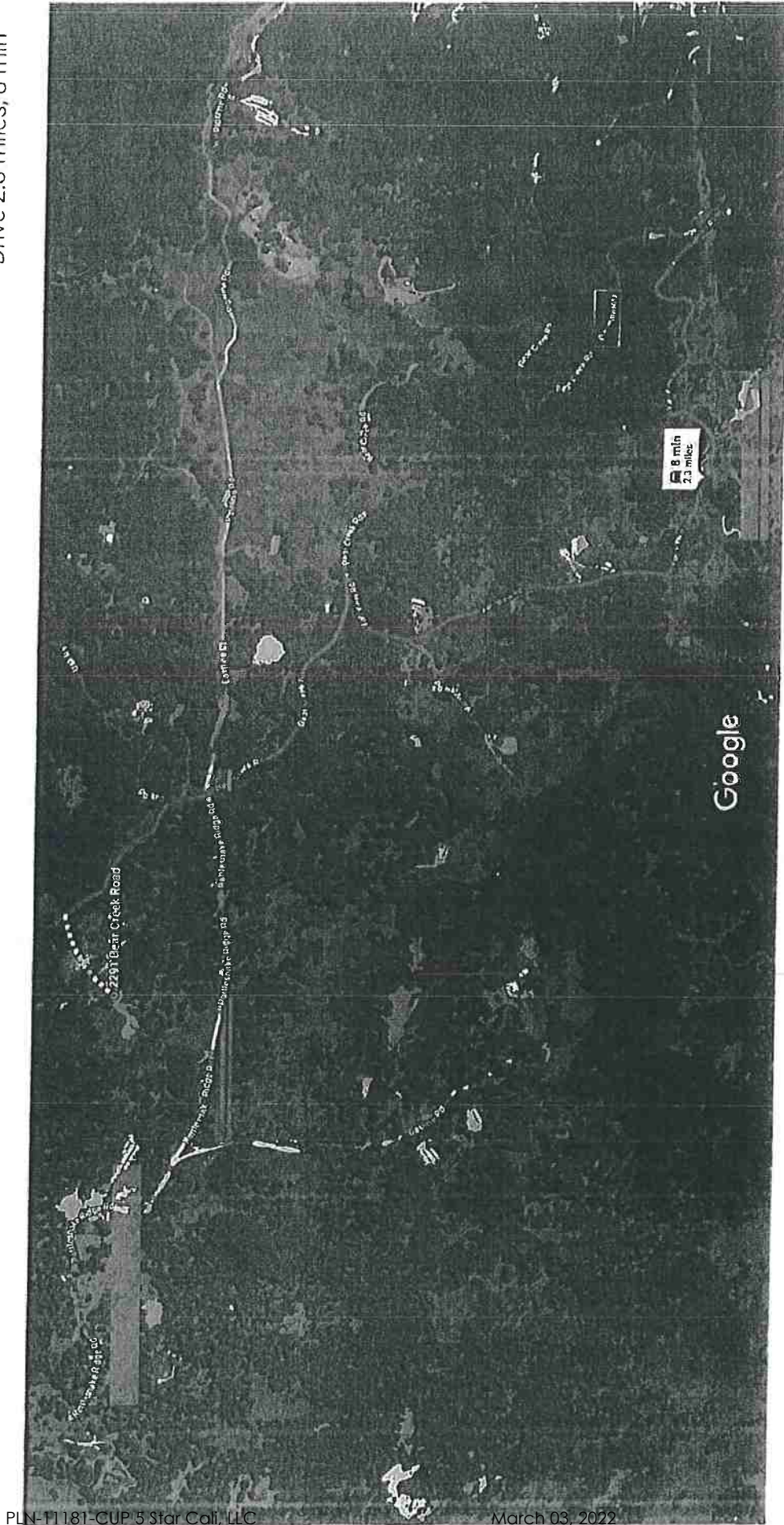
Date

01/30/19

Name Printed

Drive 2.3 miles, 8 min

Google Maps Dinsmore, CA to 2291 Bear Creek Rd, Dunsmuir, CA 96025



Imagery ©2018 Google, Map data ©2018 Google 500 ft

Dinsmore

California 95526

- ↑ 1. Head west on CA-36 W toward Dinsmore Rd 0.2 mi
- ↗ 2. Turn right onto Dinsmore Rd 0.4 mi

↑ 3. Continue onto Van View Rd

↩ 4. Sharp left onto Bear Creek Rd

2291 Bear Creek Rd

Dunsmuir, CA 96025

1.1 mi

0.6 mi

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Mamba Humboldt Logistics APN: 208-251-006

Planning & Building Department Case/File No.: Apps #12949

Road Name: Bear Creek Road *(complete a separate form for each road)*

From Road (Cross street): Highway 36

To Road (Cross street): Oak Road

Length of road segment: 2.6 miles Date Inspected: 6/7/2018

Road is maintained by: County Other Private
(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

6/30/2018
Date

Brittany Massaro

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.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Mamba Humboldt Logistics APN: 208-251-006

Planning & Building Department Case/File No.: Apps #12949

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

From Road (Cross street): Bear Creek Road

To Road (Cross street): Subject Parcel (APN:208-251-006)

Length of road segment: 1.4 miles Date Inspected: 6/7/2018

Road is maintained by: County Other Private
(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

6/30/2018
Date

Brittany Massaro
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.

Road Evaluation Report Documentation

Road

Segments

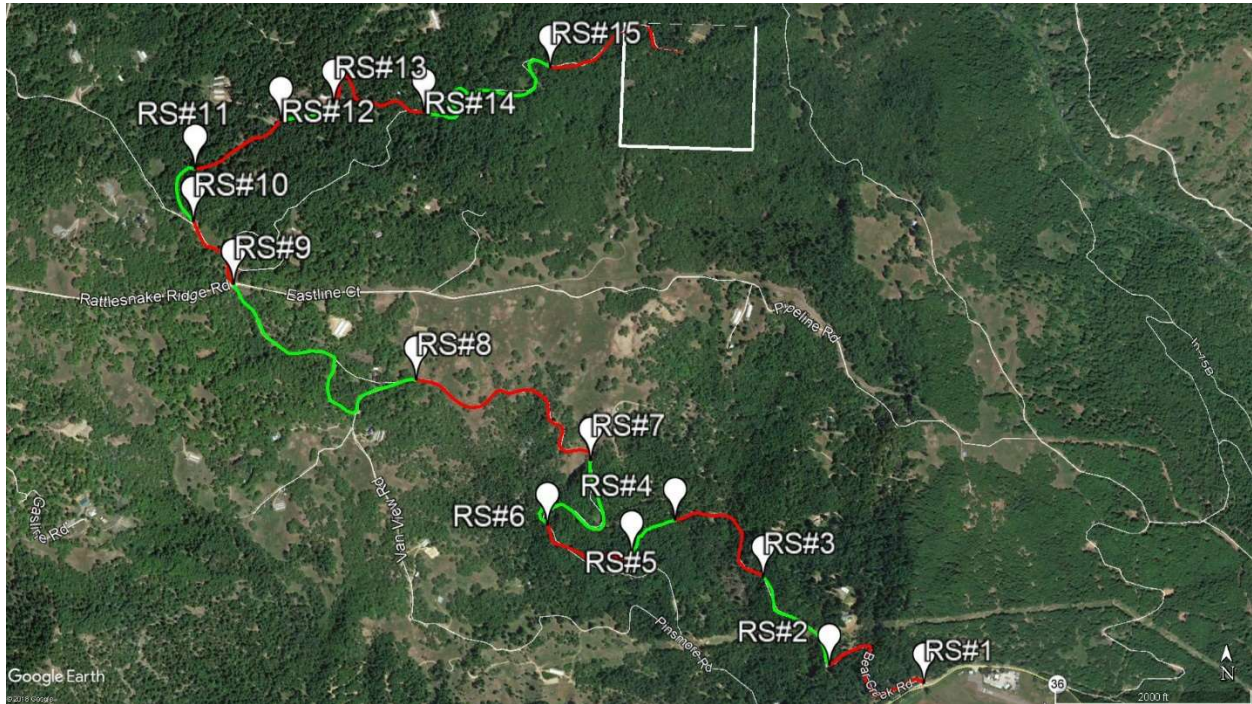


Figure 1: Map of road in segments from Highway 36 Intersection with Bear Creek Road to subject parcel.

RS#1

Length: 0.32 miles

Start: Intersection of Highway 36 and Bear Creek Road

End: 0.32 miles, Bear Creek Road, Intersection with private road

Surfacing: Dirt and gravel

Description: Category 4 Equivalent, no pinch points. Estimated 20' minimum. At least one turnout at approximate mid-point. Forested area with good light penetration from sky.



Figure 2: Image # 6686 at near midpoint of road segment

RS#2

Length: 0.25 miles

Start: 0.32 miles Bear Creek Road, Intersection with private road

End: 0.57 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 20' minimum except one potential pinch point with adequate visibility in both directions. At least one turnout at approximate mid-point. Forested area with good light penetration from sky.

RS#3

Length: 0.26 miles

Start: 0.57 miles Bear Creek Road

End: 0.83 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 20' minimum with no apparent pinch points. Forested area with moderate light penetration from sky.

RS#4

Length: 0.12 miles

Start: 0.83 miles Bear Creek Road

End: 0.95 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 18'-20' minimum with a few apparent pinch points. Visibility appears adequate to allow passing at areas with widened shoulders. Forested area with diffuse light penetration from sky.

RS#5

Length: 0.21 miles

Start: 0.95 miles Bear Creek Road

End: 1.16 miles Bear Creek Road, Near apparent intersection with Dinsmore Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 18-20' minimum with some apparent pinch points located on straight sections of road. Approximately 2 or 3 turnout areas. Forested area with diffuse light penetration from sky.



Figure 3: Image #6762 Typical view of road segment. Note parking/turnout area to the left.

RS#6

Length: 0.31 miles

Start: 1.16 miles Bear Creek Road, Near apparent intersection with Dinsmore Road

End: 1.47 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated 20' minimum with no apparent pinch points. Forested area with moderate to diffuse light penetration from sky.



Figure 4: Image #6780 Typical section of road segment 6.

RS#7

Length: 0.46 miles

Start: 1.47 miles Bear Creek Road

End: 1.93 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated greater than 20' minimum width with no apparent pinch points. Grassy open area with trees.



Figure 5: Image #6800 Typical section of segment 7

RS#8

Length: 0.52 miles

Start: 1.93 miles Bear Creek Road

End: 2.45 miles Bear Creek Road, 4-way intersection with Rattlesnake Ridge Road & Eastline Ct.

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated greater than 20' minimum with no apparent pinch points. Approximately 3 residential driveways along road segment. At least one major turnout along the length of the segment. Lightly forested area with good light penetration from sky.



Figure 6: Image #6820, typical section of road segment 8. Note turn off to the left.

RS#9

Length: 0.15 miles

Start: 2.45 miles Bear Creek Road, 4-way intersection with Rattlesnake Ridge Road & Eastline Ct./Coyote Flat Road

End: 2.60 miles Bear Creek Road, intersection with Oak Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated 20' minimum with no apparent pinch points. Approximately 1 residential driveway near beginning of road segment. Lightly forested area with good light penetration from sky.

RS#10

Length: 0.15 miles

Start: Beginning of Oak Road

End: 0.15 miles Oak Road

Surfacing: Dirt

Description: Borderline Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. Two apparent turnouts to allow vehicles to pass. There is 1 residential driveway near end of road segment. Heavily forested area with diffuse light penetration from sky.



Figure 7: Image #6884 Typical section of road segment 10 in pinch point. Note possible turnout area to the left.

RS#11

Length: 0.18 miles

Start: 0.15 miles Oak Road near residential driveway

End: 0.33 miles Oak Road

Surfacing: Dirt

Description: Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. At least one apparent turnout to allow vehicles to pass. There is 1 residential driveway with cannabis operations near end of road segment. Heavily forested area with diffuse light penetration from sky.



Figure 8: Image #6910. Typical section of road segment 11.

RS#12

Length: 0.11 miles

Start: 0.33 miles Oak Road near residential driveway

End: 0.44 miles Oak Road

Surfacing: Dirt

Description: Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. At least one turnout to allow vehicles to pass. Heavily forested area with diffuse light penetration from sky.



*Figure 9: Image #6919, typical road section of segment 12.
Note turnout area to the left on approach to pinch point.*

RS#13

Length: 0.25 miles

Start: 0.44 miles Oak Road

End: 0.69 miles Oak Road

Surfacing: Dirt

Description: Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. At least one turnout to allow vehicles to pass. One residential driveway near the midpoint of the segment. Heavily forested area with diffuse light penetration from sky.



*Figure 10: Image #6965. Typical section of road segment 13.
Note pinch point ahead with turnout areas to the left and right on approach.*

RS#14

Length: 0.39 miles

Start: 0.69 miles Oak Road

End: 1.08 miles Oak Road

Surfacing: Dirt

Description: Borderline Category 4 equivalent. Road serves only the subject parcel and one additional hunting cabin with little traffic. Estimated 12'-20' minimum with some apparent pinch points. Narrowest sections appear on straight sections with decent visibility. These sections appear to have sufficient turnouts to allow vehicles to pass. Heavily forested area with diffuse light penetration from sky.



*Figure 11: Image #6974. Apparent narrowest road section.
Note flat grassy area to the left to allow vehicles to turnout and pass.*

RS#15

Length: 0.32 miles

Start: 1.08 miles Oak Road

End: 1.40 miles Oak Road

Surfacing: Dirt

Description: Borderline Category 4 equivalent. Road serves only the subject parcel and one additional hunting cabin with little traffic. Estimated 12'-20' minimum with some apparent pinch points. Narrowest sections appear on straight sections with decent visibility. These sections appear to have sufficient turnouts to allow vehicles to pass. Heavily forested area with diffuse light penetration from sky.



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
Ruth Lake Community Services District	✓	Rejection	Attached
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval – Not applicable	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Cal Fire	✓	Standard Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	Coordination meeting notes – on file.
Mad River Joint Unified School District		No Response	
Trinity County Joint Unified School District	✓	Conditional Approval	Attached
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Caltrans District 1		No Response	
Humboldt Bay Municipal Water District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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



6/26/2017

PROJECT REFERRAL TO: Ruth Lake Community Services District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Ruth Lake Community Services District, South Trinity Joint Unified School District, Mad River Joint Unified School District, Trinity County Joint HS School District, Sherrif

Applicant Name 4 Ponds LLC **Key Parcel Number** 208-271-010-000

Application (APPS#) 11181 **Assigned Planner** () - **Case Number(s)** CUP16-172

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 7/11/2017

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

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: How close to school? Where is water coming from? There is no way these ponds will provide enough water for a grow that big. If so, prove it.

DATE: 6-30-2017 PRINT NAME: Don Stewart - General Manager



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

TH



6/26/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Ruth Lake Community Services District, South Trinity Joint Unified School District, Mad River Joint Unified School District, Trinity County Joint HS School District, Sherrif

Applicant Name 4 Ponds LLC **Key Parcel Number** 208-271-010-000

Application (APPS#) 11181 **Assigned Planner** () - **Case Number(s)** CUP16-172

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 7/11/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: See paper work

DATE: 7/11/17

PRINT NAME: Patrick [Signature]



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Planning Referral Comments

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



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

DEH received
6-26-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

16/17-1385

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Ruth Lake Community Services District, South Trinity Joint Unified School District, Mad River Joint Unified School District, Trinity County Joint HS School District, Sherrif

Applicant Name 4 Ponds LLC Key Parcel Number 208-271-010-000

Application (APPS#) 11181 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-172

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

4-27-18/CUPA

Comments:

DEH recommends approval with the following conditions:

1. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. The approval of an unpermitted OWTS described in the provided Cultivation and Operations plan as serving a residence is dependent upon demonstration of site suitability from a Qualified Professional.
3. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
4. One well is described in the Cultivation and Operations Plan provided. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

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

Response Date: 4/26/2018 **Recommendation By:** Joey Whittlesey



DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Werner, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer II *KF*

DATE: 07/28/2017

RE: 4 PONDS LLC, APN 208-271-010, CUP16-172, APPS# 11181

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

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

ROADS: The subject property takes access from non-county maintained road(s) which intersect a publicly maintained road that is not maintained by the County.

The Department recommends that the project be referred to Caltrans for comment on the roads.

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

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

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access. Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

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

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

The subject property is located within the State Responsibility Area.

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

AIRPORT: The subject property is located near the Dinsmore Airport. The Airport is maintained by County of Humboldt. The Department of Public Works assists the Airport Land Use Commission in determining if a project is compatible with the Airport Land Use Compatibility Plan (ALUCP). In Humboldt County, the Airport Land Use Commission consists of the Board of Supervisors (see Board of Supervisors Agenda item for 05/19/1981 *Airport Land Use Commission; Approved Recommendations*). The Department typically reviews three items for compliance with the ALUCP:

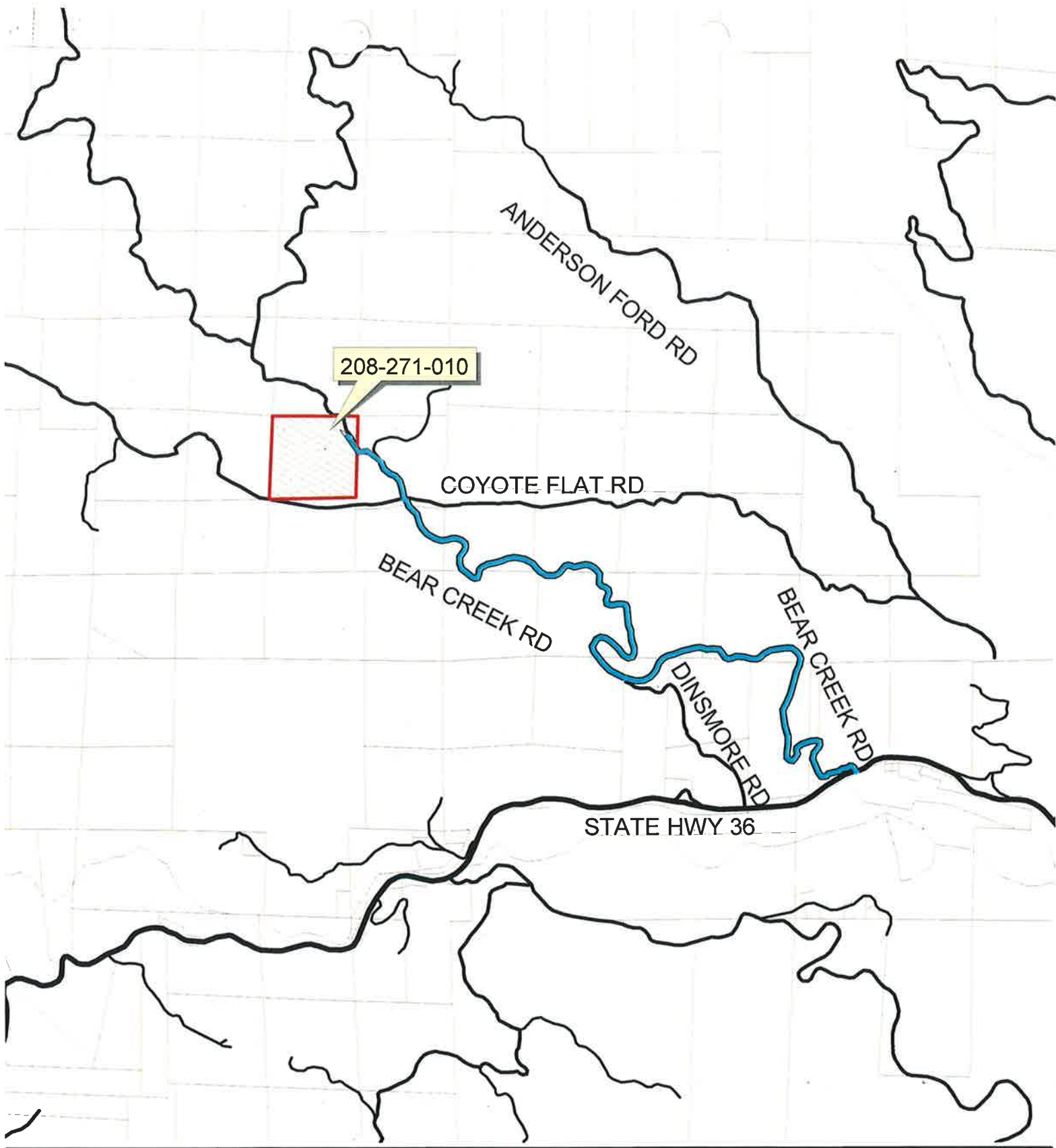
1. **ALUCP compatibility.** The subject property is not located within an Airport Land Use Compatibility Zone.
2. **Avigation Easement/Overflight Easement/Deed Notice.** The project does not require an avigation easement, overflight easement, or deed notice.
3. **Compliance with County Code Section 333-1 et seq. Airport Approach Zone Building Height Limitations.** The subject property is located within the area covered by County Code section 333-1 et seq. Prior to project being presented to the Planning Commission (or Zoning Administrator) for approval, the applicant shall submit evidence that the project complies or will comply with County Code Section 333-4. The Department has a form.

[References: Sections 3291(o)(C) and 3291(6)(E) Humboldt County General Plan, Volume I, Framework Plan, Adopted December 10, 1984; Section 3.3 Airspace Protection, Airport Land Use Compatibility Plan Humboldt County Airports, dated March 1993, adopted January 27, 1998; County Code 333-3 et seq.]

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

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

// END //



Humboldt County Department of Public Works - Land Use Division
 Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: CUP16-172



1000 0 1000 2000 Feet

RF -- 1:24000

- Indicates the project area
- Indicates the access road(s) that need to be evaluated

Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
 PLN-11181-CUP 5 Star Cali, LLC



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

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
 BUSINESS 445-7652
 ENGINEERING 445-7377
 FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
 NATURAL RESOURCES PLANNING 267-9540
 PARKS 445-7651
 ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

ROAD EVALUATION REPORT INSTRUCTIONS

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP) or Special Permit (SP). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: _____ APN: _____

Planning & Building Department Case/File No.: _____

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

From Road (Cross street): _____

To Road (Cross street): _____

Length of road segment: _____ miles Date Inspected: _____

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.

Road Name: _____ Date Inspected: _____ APN: _____
 From Road: _____ (Post Mile _____) Planning & Building
 To Road: _____ (Post Mile _____) Department Case/File No.: _____

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: _____ Date(s) measured: _____

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

(SLAL)

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.



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

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

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

LAND USE 445-7205

AIRSPACE CERTIFICATION FORM INSTRUCTIONS

This certification form is to be completed in order to document that a proposed project is in conformance with County Code 333-1 et seq. and Code of Federal Regulation Title 14 Part 77 imaginary surfaces. In most instances all that will be required is a pre-construction certification. However, in certain circumstances where the Department determines that the proposed structure is close to the imaginary surfaces, the Department may require as-built certification to ensure that the project does not penetrate the imaginary surfaces. In some circumstances, it will be obvious that the proposed structure does not penetrate the imaginary surfaces. An example would be where the proposed project site is substantially lower than the elevation of the runway. In these instances County staff will most likely determine that a certification form is not required. When the location of the project site is questionable, then County staff will require a certification form to be completed.

For a pre-construction certification, the first step is to use USGS quad maps to determine if the tallest point of the structure is closer than 20 feet to the imaginary surface. If it is, a field survey will be required to determine if the proposed structure will be in compliance. The field survey will need to tie the subject property into the same datum as the runway endpoint elevation and will need to be performed by a licensed land surveyor or licensed civil engineer. Otherwise, the certification can be completed using the USGS quad map data to determine compliance.

For projects that are within 5 feet of the imaginary surfaces, a post construction (as-built) certification shall be required and shall be based upon a field survey. Additionally, prior to constructing the structure, applicants are advised to have their project surveyor or engineer survey the elevation of the graded pad to ensure building pad has been graded to the correct elevation. This helps avoid the need to modify the structure due to non-conformance with the grading plan.

SUBMITTAL INFORMATION:

1. Plot plan signed and stamped by a Land Surveyor or Civil Engineer that is drawn to scale and includes the location of the proposed structure in relation to the nearest active runway showing:
 - Perpendicular distance of the proposed structure to the nearest active runway centerline line or centerline prolongation.
 - Ground elevation at the site of the proposed object and ground elevation of the runway endpoint (both on the same datum)
 - Height of the proposed structure including antennas or other appurtenances
2. Calculations signed and stamped by a Land Surveyor or Civil Engineer showing that the proposed structure does not penetrate the imaginary surfaces defined in County Code Section 333-1 et seq. and Code of Federal Regulation Title 14 Part 77.
3. Completed *Airspace Certification Form* signed and stamped by a Land Surveyor or Civil Engineer.
4. If required, FAA Form 7460-1 and the response from the FAA.
5. Submit to Department of Public Works, Land Use Division, Land Development Project Section, 3033 H Street, Room 17, Eureka, CA 95501

REFERENCES:

- County Code Section 333-1 <http://www.humboldt.gov/DocumentCenter/View/1296>
- 14 CFR Part 77 <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>

QUESTIONS:

Call the Land Use Division – Land Development Projects Section at 707.445.7205

// END //

u:\pwrk\landdevprojects\referrals\forms\airspace certification.docx

revised 03/30/2017



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491 NATURAL RESOURCES 445-7741
 BUSINESS 445-7652 NATURAL RESOURCES PLANNING 267-9540
 ENGINEERING 445-7377 PARKS 445-7851
 FACILITY MAINTENANCE 445-7493 ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

AIRSPACE CERTIFICATION FORM

Airport Name: _____ Runway Number: _____

Project Name: _____

Project Address: _____

Project APN: _____

Planning & Building Department Application and Project Numbers: _____

Brief Project Description: _____

Maximum Height of proposed structure above ground level (feet): _____

Closest vertical distance between the structure and the imaginary surfaces (feet): _____

1. Is the proposed project in compliance with County Code Section 333-4 (Height Limits) for the above airport?

Yes No

2. Does the proposed project penetrate any imaginary surfaces defined in 14 CFR Part 77 for the above airport?

Yes No

3. Does the proposed project penetrate any surfaces defined in an aviation/flight easement?

Yes | recording information for easement _____
 No
 Not Applicable; there is no easement of record.

4. This certification is:

Pre-construction (based on plans) Post-construction (based on survey)*

* A post-construction certification based upon a field survey is required when the proposed structure is within 5 feet of the imaginary surfaces.

5. This certification is based upon:

Field survey USGS maps*

*USGS maps shall only be used to demonstrate that the tallest point of the proposed structure is at least 20 feet lower than the imaginary surface. If not, a field survey is required.

6. Status of FAA Form 7460-1:

Approved by FAA without conditions*
 Approved by FAA with conditions*
 Not required; exempt per _____ **

*Attach a copy of all FAA response documents.

** See FAA Form 7460-1 instructions for exemptions.

Attached are signed and stamped calculations and survey data supporting the above statements. I certify that the statements above are true and correct.

Signature of Land Surveyor or Civil Engineer _____

Date _____

COUNTY USE ONLY

Pre-Construction	<input type="checkbox"/> Recommend approval	By: _____ Date: _____
	<input type="checkbox"/> Recommend approval with post-construction certification req'd.	
	<input type="checkbox"/> Recommend denial	
Post-Construction	<input type="checkbox"/> Recommend approval	By: _____ Date: _____
	<input type="checkbox"/> Recommend denial	
Staff certification in lieu of completing form	<input type="checkbox"/> Recommend approval. From observation the maximum height of the proposed structure is located significantly below the imaginary surfaces. (<input type="checkbox"/> Approval is contingent upon FAA approval of Form 7460-1. See Form 7460-1 for guidance on when the form is req'd.)	By: _____ Date: _____

u:\pwrk\landdevprojects\referrals\forms\airspace certification.docx

revised 03/30/2017

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
 Fortuna, CA 95540
 Website: www.fire.ca.gov
 (707) 726-1272



Ref: 7100 Planning
 Date: July 6, 2017

John Ford, Director
 Humboldt County Planning Department
 3015 H Street
 Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: 4 Ponds LLC
APN: 208-271-010-000
Area: Dinsmore
Case Numbers: CUP16-172

Humboldt County Application #: 11181
Type of Application: Conditional Use Permit
Date Received: 6/27/2017
Due Date: 7/11/2017

Project Description: A Conditional Use Permit for 1) 9,900 square feet (SF) of existing mix-light commercial medical cannabis cultivation with two (2) harvests per season; 2) 7,500 SF of existing full sun outdoor commercial medical cannabis cultivation on the subject parcel. Mix-light cultivation occurs in four (4) existing greenhouses clustered in two (2) locations on the subject parcel. Also, ancillary propagation in three (3) outbuildings with a total square footage of 1,330 SF. Irrigation water for cultivation is sourced from rainwater catchment collected in four (4) existing on-site ponds. The estimated storage capacity of the ponds is greater than 460,000 gallons. There is an additional 5,500 gallons of on-site water storage provided by HDPE tanks. The total water storage capacity is approximately 465,500 gallons. Cultivation operations use an estimated 42,000 gallons per month from April to October, for a total of 294,000 gallons per growing season. The ponds provide irrigation water from April until October. Harvested crop is dried in an existing outbuilding. A 40 kW generator provides power from March until August. The generator is housed inside a cinder block structure with noise buffering. Harvested crop will be processed either on-site by hand trimming with supplemental machine and/or an off-site licensed third party facility. There are approximately five (5) employees for a 2-3 week period for each harvest. The property is also developed with a single family residence served by on-site systems.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for

high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Tuesday, August 22, 2017 5:46 PM
To: Planning Clerk
Cc: Bauer, Scott@Wildlife
Subject: 4 Ponds LLC Conditional Use Permit Application-APPS 11181
Attachments: Exhibit A_Draft Bullfrog Management Plan-CEQA_2017_0242.docx

To Whom It May Concern,

Thank you for referring the 4 Ponds LLC Conditional Use Permit application (APPS 11181, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of a CUP for 7,500SF of existing outdoor cannabis cultivation and 9,900SF of existing mixed-light cannabis cultivation on APN: 208-271-010.

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

- The project referral did not indicate whether a biological survey had been conducted on the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize or mitigate project impacts.
- Referral materials state that grading for the pond took place on the parcel in 2006. Aerial imagery suggests that grading for the pond took place on the parcel between 2012 and 2014. CDFW recommends, as a condition of project approval, that the applicant provide evidence of a valid grading permit for this work.
- The referral materials show that there are several unpermitted stream crossings on site that are utilized for cannabis cultivation. CDFW recommends that the county require, as a condition of project approval, that the applicant notify our Department, pursuant to Fish and Game Code 1602, of all unpermitted stream crossings located on the parcel.
- The referral materials show that the applicant will be utilizing mixed-light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a lighting plan demonstrating that the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance.
- The referral materials state that the applicant will be utilizing generators for mixed-light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance. Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. Noise pollution has the potential to impact sensitive species such as the Townsend Big-eared Bat (*Corynorhinus townsendi*), that hunt for food through echolocation.
- The referral materials identify CEQA section 15301, Existing Facilities. CDFW requests further information regarding this classification.
- The referral materials state that water, for cannabis cultivation, will be sourced from a surface water diversion from a hydrologically connected pond. CDFW does not have a record of a Notification of Lake or Streambed Alteration for this diversion. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally

requires notification pursuant to Fish and Game Code 1602. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement.

- CDFW requests information regarding domestic water use associated with this project. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602.
- The referral materials state that there is a constructed pond onsite for the use of cannabis cultivation. CDFW recommends as a condition of project approval, that the applicant provide a bullfrog management plan to the CA Department of Fish and Wildlife (see-attached Exhibit A).
- The referral materials state that the applicant contains 17,400 square feet of existing cannabis cultivation. Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 11,500 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- This project has the potential to affect sensitive fish and wildlife resources including amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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



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



6/26/2017

PROJECT REFERRAL TO: South Trinity Joint Unified School District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Ruth Lake Community Services District, South Trinity Joint Unified School District, Mad River Joint Unified School District, Trinity County Joint HS School District, Sherrif

Applicant Name 4 Ponds LLC **Key Parcel Number** 208-271-010-000

Application (APPS#) 11181 **Assigned Planner** () - **Case Number(s)** CUP16-172

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 7/11/2017

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

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

↑ doesn't work

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: *Light from greenhouses needs to be covered so as not to disturb residents and wildlife - Water usage needs to be monitored as should erosion and pesticide use.*

DATE: 6-30-17

PRINT NAME: Peggy Canale