

**SUPPLEMENTAL INFORMATION
NUMBER:**

For Planning Commission Agenda of:

Consent Agenda Item	Item Number:
Continued Hearing Item	Item Number:
Public Hearing Item	Item Number:
Department Report	Item Number:
Old Business	Item Number:

Re:

Record Number:

Assessor's Parcel Number (APN):

Area:

Attached for the Planning Commission's record and review is the following supplementary information:

The applicant is working with CDFW and the State Water Board to register the pond as an onstream reservoir to be utilized for water storage.

~~The applicant also has a permitted groundwater well onsite, and in-~~ In the event that the pond cannot be utilized as an onstream reservoir, the applicant is conditioned to utilize rainwater catchment ~~and the groundwater well as the sole source of irrigation water~~ for cannabis cultivation.

Biological Resources

According to the California Natural Diversity Database (CNDDDB), the foothill yellow-legged frog is the only species of concern mapped on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 2.82-miles southeast from the project site and the nearest mapped NSO observation is located approximately 2.43-miles southeast. Marbled murrelet habitat is mapped approximately 2.47-miles southeast from the project site. Staff does not believe the project will have a direct or indirect impact on any endangered or threatened species of concern because the cultivation is existing and the project proposes restoration activities that will result in habitat enhancement. Power for the project will be sourced from solar with a backup generator that will be contained and the combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.

The applicant submitted a *Botanical Survey Report* prepared by Hohman & Associates Forestry Consultants dated October 16, 2019. The survey concluded there were no protected rare or endangered plants identified within the proposed disturbance areas or elsewhere on the Journey Aquarian property. The area consists of grasslands, oak woodlands, and Douglas fir forest. The survey also identified wetlands, including an artificial pond.

The applicant submitted a *Wetland Restoration Plan* prepared by James Regan (Botanist/Wetland Delineator) dated August 2019. According to the survey, an approximate 40-acre area surrounding the pond was surveyed to map the watercourses that could affect the pond and would have been part of the historic hydrologic system. The survey states all mapped watercourses in the subject areas showed at least two of the three primary indicators of Ordinary High Water Mark (OHWM), which include a break in slope, a change in sediment profile, or a change in sediment from fines and organics outside the OHWM and loose gravels and small cobble within (some larger rocks were present when creeks were down-cut or deeply incised). The assessment of historic wetlands and waters impacted by the pond creation was conducted by interpretation of historic aerial imagery and assessment of images in contrast with the current hydrologic regime (wetland and watercourse locations). The results of the assessment concluded 12,454 square feet of wetlands were impacted due to the construction of the pond. The proposed restoration activities will take place in two areas: Restoration Area 1 and Restoration Area 2. Restoration Area 1 is currently composed of a portion of the current pond, access road, and the portions of the area outside of the access road, that are not currently classified as wetland areas. The area covers approximately 18,140 square feet and partially overlays the historic wetland areas. Restoration Area 2 is currently composed of a mix of native and non-native range grasses with small perennial watercourse running down the length. Restoration Area 2 is approximately 6,770 square feet and will extend on both sides of the watercourse between two existing wetland areas. The proposed restoration activities within Restoration Area 1 include altering the current pond outlet to reduce the size of the pond. This action will expose a portion of the ponded area (approximately 10,000 square feet). The road that makes up the current bank of the pond shall be decommissioned and spoils either incorporated into the wetland design or moved offsite. Restoration Area 1 shall also be shaped and graded necessary and potentially ripped and prepped for planting. The final site shape will be shallowly concaved and will allow for water inputs to be retained before moving on to fill the

new pond. The site will be planted with a mix of appropriate native plants suited for wetland habitats in the region. The proposed restoration areas within Restoration Area 2 will include the grading off of current grassland vegetation, shaping the site to a shallow concave topography while allowing the current stream channel to persist, and planting the area with a mix appropriate native plants suited for wetland habitats in the region. The area may be ripped to facilitate planting. Additionally, the restoration plan states there are

34. necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.
35. **The applicant shall avoid the documented archaeological sites. The applicant is required to have a cultural monitor on-site full time during any ground disturbing activities to identify any evidence of tribal cultural resources.**
36. **Groundwater wells are not an approved source of irrigation water for this project.**

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 two (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 one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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.