



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 16, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Sawyer Bogle**
Record Number: PLN-13285-SP
Assessor's Parcel Number: 081-091-001
627 Boy Scout Camp Road Myers Flat, CA

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Please contact Rodney Yandell, Planner II, at (707) 445-7541, or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 16, 2019	Special Permits	Rodney Yandell

Project Description: A Special Permit for 3,000 square feet (sf) of existing outdoor full-sun commercial cannabis cultivation. Irrigation water for cultivation is supplied by Myers Flat Mutual Water System, Inc. There is one 250-gallon compost tea tank on site. The applicant proposes to obtain plant starts from a licensed nursery. Cannabis will be processed off site at a licensed processing facility. Additionally, the applicant is requesting Special Permit for a reduction to the required 600-foot setback from public lands. There will be two full-time operators. Power will be provided by Pacific Gas and Electric (PG&E).

Project Location: The project is located in the Myers Flat area, on the south side of Boy Scout Camp Road, approximately 975 feet from the intersection of Myers Avenue and Boy Scout Camp Road, on the property known as 627 Boy Scout Camp Road.

Present Plan Land Use Designations: Conservation Floodway (CF), Residential Estates (RE1-5) Avenues Community Planning Area (AVES), Density: 1 to 5 acres per dwelling unit, Slope Stability: Moderate Instability (2)

Present Zoning: Flood Plain (FP)

Record Number: PLN-13285-SP

Assessor Parcel Number: 081-091-001-000

Applicant

Sawyer Bogle
1271 Evergreen Rd.
Redway, CA 95560

Owner

Keith Borges
1338 Main Street
Fortuna, CA 95540

Agent

Mother Earth Engineering
Patricia Lai
920 Samoa Blvd. Suite 203
Arcata, CA 95521

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

Major Issue: None.

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

Sawyer Bogle Special Permit
Record Number: PLN-13285-SP
Assessor's Parcel Number (APN): 081-091-001

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on the evidence in the staff report and adopt the Resolution approving the proposed Sawyer Bogle project subject to the recommended conditions.

Executive Summary

The proposed Special Permit would permit 3,000 sf of existing outdoor full-sun commercial cannabis cultivation. Parcels to the south and west are owned by the California State Parks. The nearest of the two is located approximately 130 feet from the cultivation area; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from Redwood State Park is included as a part of the applicant's request.

The property is accessible from Boy Scout Camp Road, approximately 975 feet southeast from the intersection of Myers Avenue and Boy Scout Camp Road, and approximately 955 feet southwest from the intersection of Orchard Way and Boy Scout Camp Road. Boy Scout Road is maintained privately. The applicant has submitted a Road Evaluation Report developed by Mother Earth Engineering, April 2019 for the section of Myers Avenue, the section of Orchard Way and the portion of Boy Scout Camp Road from Orchard Way that he uses for access, concluding that all road segments meet Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance with Pacific Watershed Associates (PWA) Road Manual standards.

The applicant has relocated the 3,000 sf of pre-existing cultivation to an environmentally superior location on the property per consultation with Mike Atkins, Registered Professional Forester (RPF). The relocation site already had infrastructure to service cultivation. The pre-existing cultivation was located within the Streamside Management Area (SMA) of the South Fork of the Eel River. Per the Preliminary Biological Assessment and Streamside Management Area (SMA) Report developed by Mother Earth Engineering, remediation of the retired cultivation area within the SMA was not recommended. There is photographic evidence within the report exhibiting the retired area as being a pre-existing lawn. Therefore, there is no Special Permit for remediation work within the SMA required for this project.

Two people will be working on site for six months out of the year (June – November). Sawyer Bogle (applicant) and Angela Cook (applicant's fiancé). The operators will have a recreational vehicle (RV) to occupy while on site. Site preparation for cultivation will begin in February of every year, with actual planting starting in June and harvest occurring in October and November. Drying of cannabis will occur in the metal shipping container on site. Processing will occur off-site at a licensed processing facility. A portable toilet will be on site during the cultivation season. The Humboldt County Division of Environmental Health (DEH) requires the applicant to provide invoices, or equivalent documentation confirming the continual use of a portable toilet or provide

an approved means of sewage disposal to serve the needs of the operators, which is included as a condition of project approval. A variety of natural fertilizers and pesticides are used in the cannabis cultivation, such as lemon water and neem-based products as-well as plant waste. All products used are approved for organic farming. All nutrients, pesticides and fungicides are located in a metal shipping container, and contained within water tight, labeled containers in accordance with manufacturer's instructions. Solid waste and recycling will be taken to the Redway transfer station. All plant waste will be composted on site. All soil will be amended with compost, cover cropped, and reused onsite. All fences on the property will be locked. In addition, there are multiple security cameras on the premises.

The anticipated weekly water use for this project is 1,500 gallons (36,000 gallons per year) (12 gallons per square-foot/year), with a drip irrigation system used for cultivation. Irrigation water for cultivation will be supplied by Myers Flat Mutual Water System. No storage tanks other than the compost tea tank are proposed for the project.

The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) was prepared for the property in June 2017, which outlines water protection measures and areas that need to be remediated, including minor improvements to the road regarding drainage and any required remediation of the area within the SMA that was host to the cultivation prior to removal. All cultivation operations will reside outside of the SMA and its associated buffer zone. There is a known Northern Spotted Owl (NSO) activity center within approximately two miles of the project area and the project site is within mapped Marbled Murrelet habitat. Regarding NSO, there are 14 commercial cannabis cultivation applications within a one-mile radius of the project site; however, all of these are further away from the known activity center. Within a one-mile radius of the closest activity center to the project site there are no cannabis cultivation applications. Due to noise and light restrictions that will be applied to both the current project and all other projects in the vicinity, there are no cumulative impacts to the Northern Spotted Owl habitat that are expected to occur. All electricity is supplied by Pacific Gas and Electric (PGE), and no generators are used onsite. As an ongoing condition of approval, any fans or dehumidifiers used for drying of cannabis are to operate at less than 50 decibels at 100 feet from the source.

The cultivation site would be approximately 125 feet from a parcel of land in the Humboldt Redwoods State Park. The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The *HRSPGP* identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The *HRSPGP* states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring

adequate road access. The HRSPGP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, a Water Resource Protection Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail – 1, located over one half of a mile to the northwest. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

Per a conversation between County staff and the California Department of Fish & Wildlife (CDFW) on April 9, 2019 regarding the current and historical site conditions of the parcel, CDFW sent a revised referral response requesting the following four items:

- 1) Prohibition on use of synthetic netting;
- 2) Leave wildlife unharmed;
- 3) All refuse be contained in wildlife proof storage containers;
- 4) Noise released shall be no more than 50 decibels measured from 100ft;

These four items have been made ongoing conditions of approval.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for this staff recommendation of permitting the existing cultivation area and allowing for a reduction to the required 600-foot setback from public lands.

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, Planning Division staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Record Number: PLN-13285-SP
Assessor's Parcel Number: 081-091-001**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Sawyer Bogle Special Permits request.

WHEREAS, Sawyer Bogle submitted an application and evidence in support of approving the Special Permit to permit an existing 3,000 square-foot outdoor cultivation area with offsite processing and a Special Permit to reduce the 600-foot setback for cultivation from State lands managed by the California State Parks; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number: PLN-13285-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on May 16, 2019.

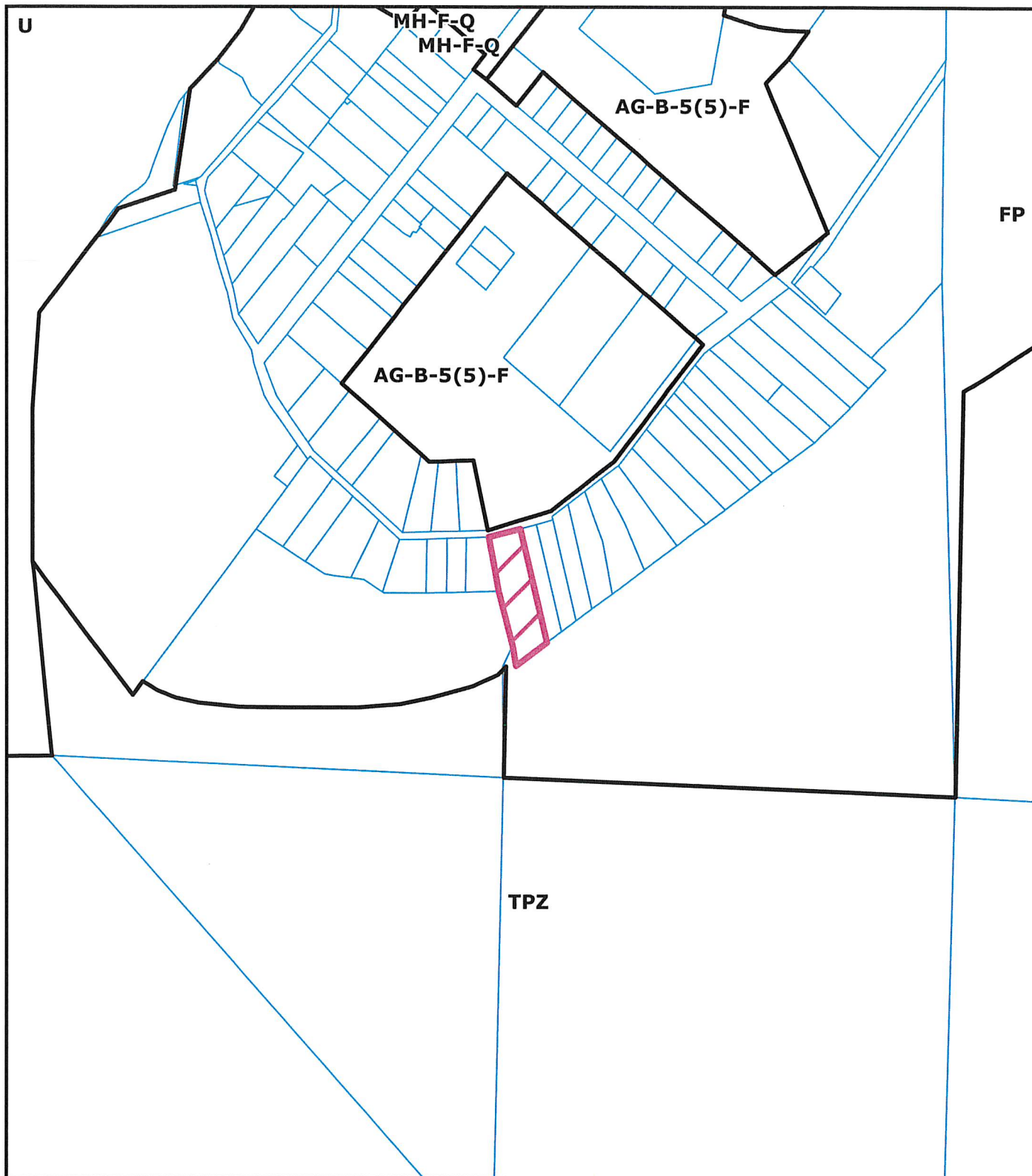
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-13285-SP based on the submitted substantial evidence; and
3. Special Permits Record Number: PLN-13285-SP are approved as recommended and conditioned in Attachment 1 for Record Number: PLN-13285-SP.

Adopted after review and consideration of all the evidence on May 16, 2019.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator
Planning and Building Department



**ZONING MAP
PROPOSED SAWYER BOGLE
MYERS FLAT AREA
SP-17-113**

APN: 081-091-001

T02S R03E S29 S30 HB&M (MYERS FLAT)

Project Area = 

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



0 0.05 0.1
Miles



**AERIAL MAP
PROPOSED SAWYER BOGLE
MYERS FLAT AREA
SP-17-113**

APN: 081-091-001

T02S R03E S29 S30 HB&M (MYERS FLAT)

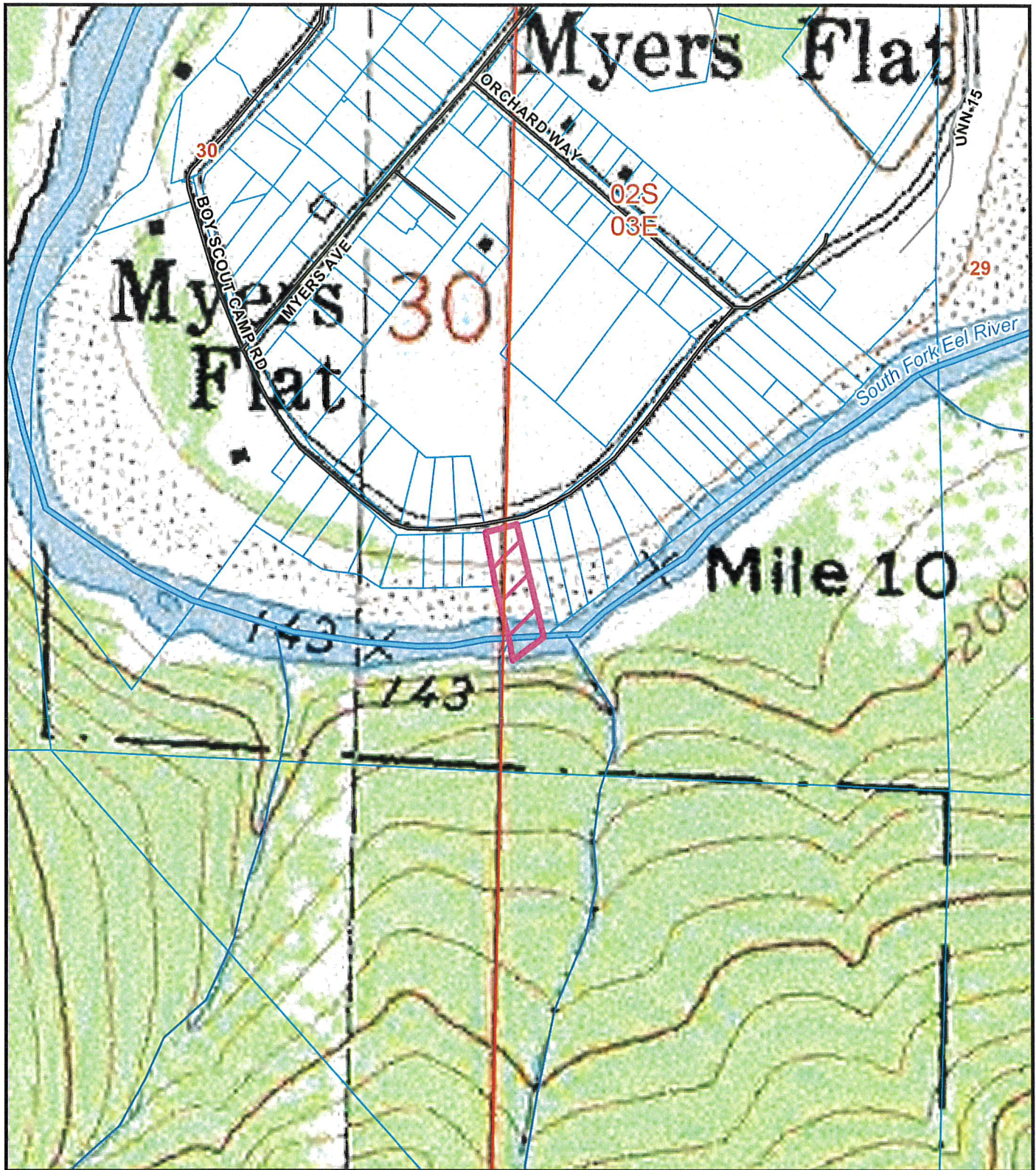
Project Area =



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



0 50 100 200
Feet



**TOPO MAP
PROPOSED SAWYER BOGLE
MYERS FLAT AREA
SP-17-113**

APN: 081-091-001

T02S R03E S29 S30 HB&M (MYERS FLAT)

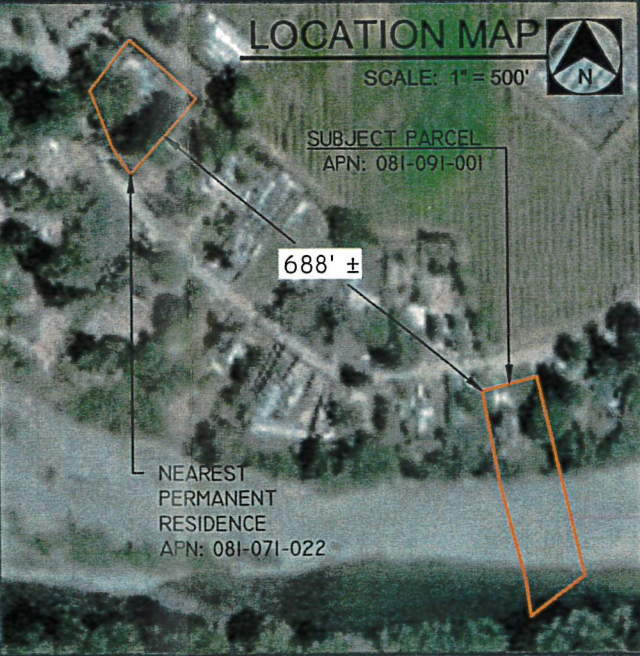
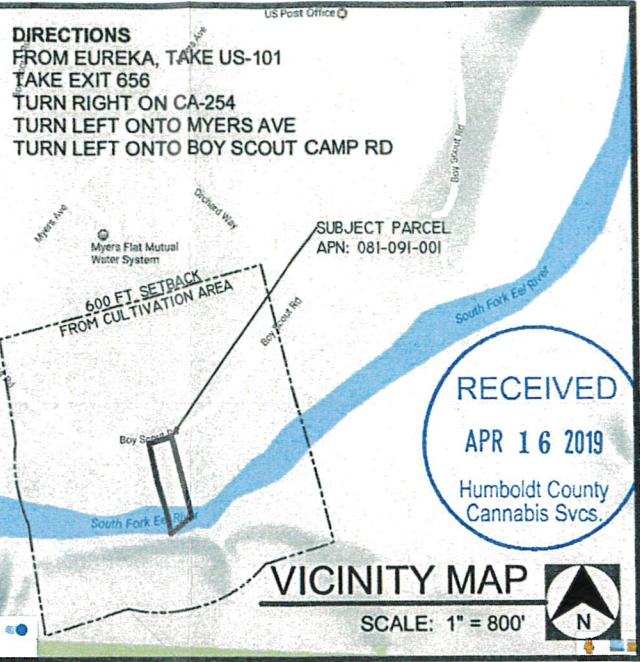
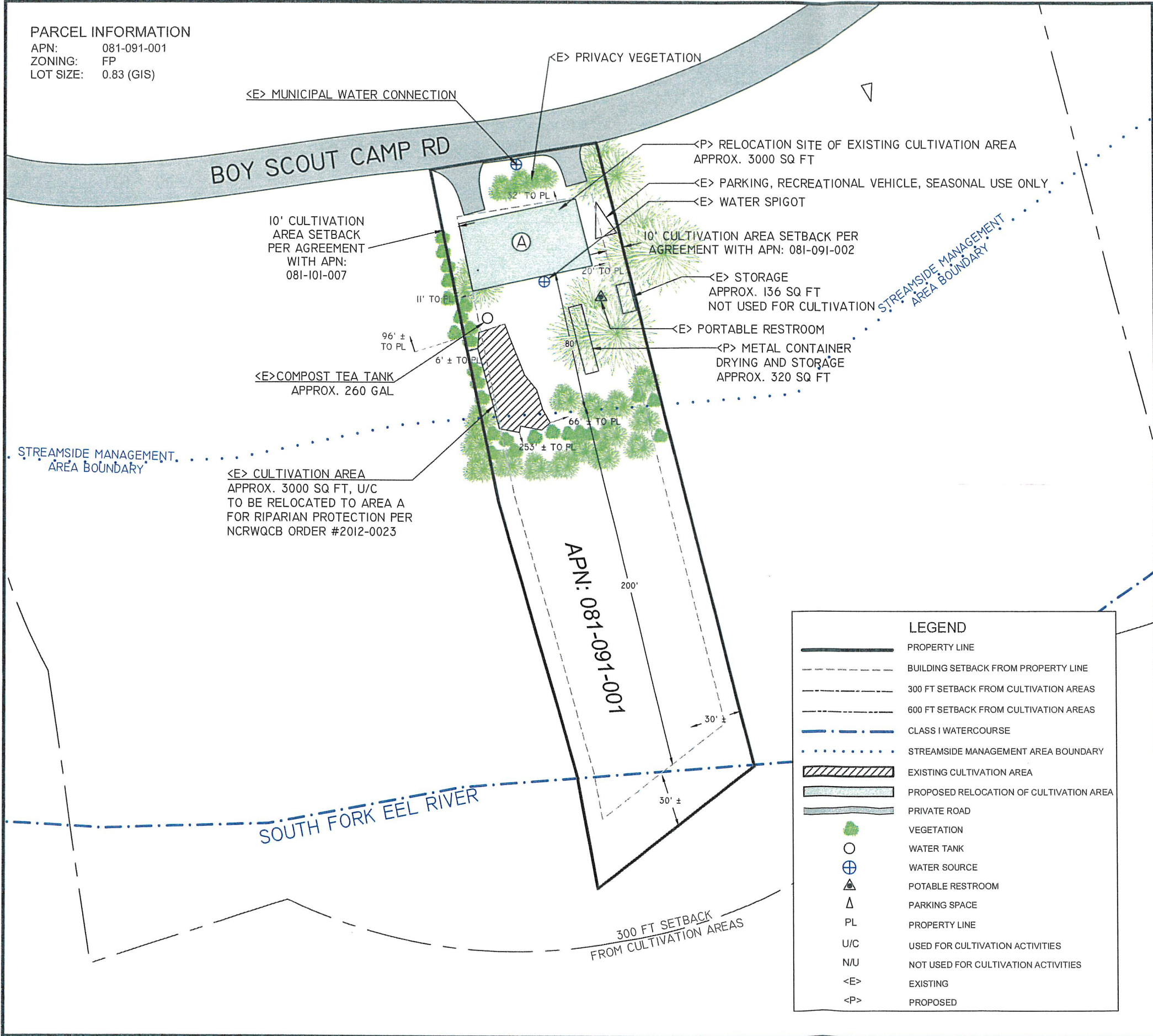
Project Area = 

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



0 0.05 0.1
Miles

PARCEL INFORMATION
APN: 081-091-001
ZONING: FP
LOT SIZE: 0.83 (GIS)



- GENERAL NOTES:**
1. NO GRADING.
 2. NO KNOWN EASEMENTS EXIST ON SUBJECT PARCEL.
 3. SITE SERVED BY MUNICIPAL WATER.
 4. PORTABLE SANITATION SERVICE PROVIDED BY B&B SANITATION SERVICE.
 5. ELECTRICAL SERVICE PROVIDED BY PACIFIC GAS & ELECTRIC CO.
 6. PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
 7. NO KNOWN WATER DIVERSIONS INCLUDING CULVERTS, PONDS, DAMS OR OTHER GROUND DISTURBANCES FROM WATER DIVERSION.
 8. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
 9. SURROUNDING VEGETATION USED TO SECURE PRIVACY OF ONSITE OPERATIONS.
 10. BOUNDARIES AND FUTURE LOCATIONS ARE APPROXIMATE TO APPLICANT'S KNOWLEDGE.

MOTHER EARTH ENGINEERING
820 SANTA BARBARA, SUITE 203
ARCATA, CA 95521 707-833-8391

PLOT PLAN
APN: 081-091-001
ADDRESS: 627 BOY SCOUT ROAD, MYERS FLAT, CA 95554

CULTIVATION PERMIT
APPLICANT: SAWYER WEST BOGLE
ADDRESS: 1271 EVERGREEN RD, REDWAY, CA 95560

JOB NO: 017028
DATE: 06-28-2017
PAPER SIZE: 11" X 17"
DRAWN: OO **CHECKED: PL**
SHEET NO:

1
OF 1

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 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.
2. The applicant shall secure permits for all existing and proposed structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
4. The applicant shall contact the local fire service provider [Myers Flat Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
5. The applicant shall submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.
6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
7. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment

under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].

8. The applicant shall improve the apron from Orchard Way to Boy Scout Camp Road to current standards for a commercial driveway. The applicant shall obtain an encroachment permit from the Department of Public Works prior to the commencement of any work. The apron shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Orchard Way. A letter from that agency indicating approval has been issued will satisfy this condition.
9. The applicant shall adhere to and implement the recommendations for road improvements detailed in the Road Evaluation Report developed by Mother Earth Engineering, April 2019.
10. The applicant shall cause to be formed a road maintenance association for Boy Scout Camp Road with a provision for maintenance of the entirety of the road to its intersection with Orchard Way. If less than 50% of the property owners on Boy Scout Camp Road do not enroll, then this condition of approval is considered achieved. The applicant shall provide to the Planning Division for review as to form the letter inviting owners to join the Boy Scout Camp Road maintenance association. Documentation of delivery of the letter shall be by certified US Mail.
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
13. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
14. Per the Preliminary Biological Assessment and Streamside Management Area (SMA) Report developed by Mother Earth Engineering, Protocol-level surveys shall take place prior to additional site disturbance for any areas where relocation of structures or roads may impact rare or endangered species. Surveys and appropriate protection measure for aquatic species, conducted by a qualified biologist are also recommended for any crossings or points of diversion that are listed for alteration. The applicant shall consult with agency personnel from CDFW if project scope changes or additional areas will be disturbed.
15. Provide a portable toilet to meet the needs of the farm operators. Annual contracts or invoices confirming the use of a portable toilet is required and will be provided to Humboldt county Health and Human Services, Department of Environmental Health (DEH). The portable toilet must not occupy the property outside of the cultivation season.

16. If grading is required for any future development on the site, the applicant is required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD). Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
17. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.
5. 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.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.

7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
12. The recreational vehicle (RV) that is to be used as temporary housing during the cultivation season shall not occupy the site from December 1st to May 31st of any given year.
13. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
14. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
20. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace

Program administered by the Humboldt County Agricultural Commissioner.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

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

25. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

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

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the

- provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
30. 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 55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no more than two (2) years after the date of issuance of a provisional clearance or permit, unless otherwise stipulated under the terms of the individual agreement. The terms of the compliance agreement may be appealed to the Planning Commission, who shall then act as Hearing Officer.
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 #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #25 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to

be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. 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 12 months of the effective date of the permit, whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

ATTACHMENT 2

Required Findings for Approval

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

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

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

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

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Conservation Floodway (CF): Applied to the channels of river and streams, including the areas which carry normal flood waters or the area between existing or planned levees, dikes or other such flood control features, and in which agricultural and limited recreational uses may be desirable or permissible.</p> <p>Residential Estates (RE-1): Lands adjacent to urban areas or rural communities with limited public services, commonly water-only service areas, but suitable for single-family residential use, and clustering is suggested to assist in buffering adjacent resource production or open space uses.</p> <p>Density range is 1-5 acres/unit</p> <p>Avenue of the Giants Community Plan Area (AVES): This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The proposed project includes approximately 3,000 square feet of existing outdoor cannabis cultivation on a 0.83-acre parcel. General agriculture is allowable use type for these designations.</p> <p>The proposed project is within the Myers Flat community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The proposed project will consist of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Myers Flat community. The proposed project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. As such, the proposed project would be consistent with both the General Plan and AVES CPA.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The property is accessible from Boy Scout Camp Road, approximately 975 feet southeast from the intersection of Myers Avenue and Boy Scout Camp Road, and approximately 955 feet southwest from the intersection of Orchard Way and Boy Scout Camp Road. Boy Scout Road is maintained privately. The applicant has submitted a Road Evaluation Report developed by Mother Earth Engineering, April 2019 for the section of Myers Avenue, the section of Orchard Way and the portion of Boy Scout Camp Road from Orchard Way that he uses for access, concluding that all road segments meet Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance with Pacific Watershed Associates (PWA) Road Manual standards. Implementing the recommended improvements in the report are a condition of project approval.</p> <p>The Department of Public Works recommended conditional approval of the proposed project. The applicant is required to obtain an encroachment permit from the Department of Public Works to improve the private road intersection to meet County standards for commercial driveways and visibility. The project is conditioned to adhere to these requirements.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Public Lands Chapter 4.7</p>	<p>Goals and policies contained in this Chapter present a framework of goals and policies for use and protection of all the natural resource and open space assets of the county, including agricultural production.</p> <p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans.</p>	<p>Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p> <p>The project is located adjacent to state lands managed by the California State Parks as Humboldt Redwoods State Park. The adjacent public lands are subject to the <i>Humboldt Redwoods State Park General Plan (GP)</i> adopted October 26, 2001. The project is consistent with the GP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The GP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails.</p> <p>State Parks has reviewed the project and have no concerns at this time.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is included in the Open Space Land Plan because the project site is designated Residential Estates (RE1-5) and Conservation Floodway (CF). None of the cultivation activities occur in the area designated for CF. Cannabis cultivation is an agricultural activity and an allowable use type in these designations, consistent with this policy.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>A preliminary biological habitat assessment was conducted by Mother Earth Engineering on January 10, 2019 for potential listed species and species of concern. Parcel and project areas were scoped using the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) Rare Plant Inventory to determine the extent of project impacts, assess potential habitat for sensitive species and develop guidelines and strategies for mitigation measures, as necessary. The following was concluded: Although the database search resulted in the potential for multiple listed species within the study area, none were observed during initial site evaluation. Areas surrounding the SMA are out of range of project activities with no future projects proposed. Protocol-level surveys prior to additional site disturbance are recommended for any areas where relocation of structures or roads may impact rare or endangered species. Surveys and appropriate protection measure for aquatic species, conducted by a qualified biologist are also recommended for any crossings or points of diversion that are listed for alteration. Consultation with agency personnel from CDFW and USFWS is recommended if project scope changes or additional areas will be disturbed.</p> <p>Requiring protocol-level surveys prior to any future ground disturbing activities is a condition of project approval.</p> <p>The project site is located within approximately two miles of Northern Spotted Owl activity center and the project site is within mapped Marbled Murrelet habitat. Electricity is provided to the parcel by PG&E and no generators are used. A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer</p>
<p>Conservation and Open</p>	<p>Goals and policies contained in this Chapter relate to the</p>	<p>The project was referred to NWIC who indicated that they have no record of a</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; and CU-P2, Native American Tribal Consultation.</p>	<p>cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. Archaeological Research and Supply Company conducted a cultural resources investigation at the project site in April of 2018. The investigation did not identify any archaeological or cultural resources within the project area and concluded that the project is therefore not anticipated to have an adverse effect on significant cultural or archaeological resources.</p> <p>The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project does not involve any lighting for the cultivation or propagation and will have no impacts to scenic resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Mike Atkins of Mad River Properties, Inc. for the preparation of a WRPP. The WRPP describes and addresses the required elements and compliance with the 12 Standard Conditions established by the Order.</p> <p>The WRPP describes two site conditions that require corrective actions, including minor improvements to the road regarding drainage and any required remediation of the area within the SMA that was host to the cultivation prior to removal. Conditions of approval require the applicant to adhere to the recommendations in the WRPP.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The parcel is served by a portable toilet that is serviced once a month. As a condition of approval, the applicant will be required to provide an invoice, or equivalent documentation to the Department of Environmental Health to confirm the continual use of the portable toilet to serve the needs of the farm operators.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The CNDDDB indicates that nearest Northern Spotted Owl (NSO) activity center is approximately two miles from the project site and that the project site is within mapped Marbled Murrelet habitat. However, no generators are used onsite. Instead, PGE supplies on-the-grid power to the property. Any fans or dehumidifiers used in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot distance or at the closest tree line, whichever is closer.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is seismically classified as moderate instability. The cultivation area is located on slopes of less than 5/100. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is within a FEMA mapped 100-year flood zone. The proposed project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Agriculture is an allowable use in flood zones. In addition, the applicant does not propose storage of any fuels or oils on the project site. Domestic solid waste and recycling is stored on site and disposed of at the Redway Transfer Station. Lastly, cultivated vegetation is composted on the site and reused to amend the soil. Therefore, the proposed project will not store hazardous or acutely hazardous materials on site that could be cause environmental harm during a flooding event. Lastly, the project site is not within a mapped dam or levee inundation area. The project site is approximately 17 miles northeast of the coast, and approximately 183 feet above mean sea level, thus, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating and moderate fire severity. The subject property is located within the Myers Flat Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The property is less than an acre in size and is therefore no subject to the 30-foot SRA setback from property lines regarding structures.</p> <p>No employees are required to meet operational needs. The applicant is connected to community service water that can provide water for fire protection in addition to irrigation uses.</p> <p>All applicable referral agencies were referred and did not identify any issues relating to fire hazards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located within the Myers Flat Fire Protection District boundary per the 2016 County Fire Plan per the 2016 County Fire Plan. To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Myers Flat Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>If grading is required for any future development on the site, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 211-384-013 was created by a Grant Deed recorded in Vol 332, Page 480 of Official Records on March 28, 1955. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Flood Plain (FP)	Flood Plain (FP): The principal permitted uses in the Flood Plain zoning designation are general agriculture, nurseries and greenhouses, animal sales, feed yards, temporary recreational vehicle parks, roadside stands, public stables, docks, boat houses, golf courses and shooting ranges.	The applicant is seeking a Special Permit for an existing 3,000 square feet of existing outdoor cannabis cultivation. The proposed use is specifically allowed in this zoning district and under Section 314-55.4.5 of the CCLUO.
Minimum Lot Area:	5 acres	0.83 acres
Minimum Lot Width:	300 feet	100 feet
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks	Front: 20 feet Rear: 20 feet Side: 10 feet	Front: 32 feet Rear: approximately 250 feet Sides: 10 feet
SRA requirements:	SRA: Parcel is less than 1 acre in size and is not subject to the 30 ft requirement	N/A
Max. Building Height:	None specified	N/A

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>The existing cultivation was within the streamside buffer of the South Fork of the Eel River. The cannabis was removed from the SMA 2017 per consultation with Mike Atkins, Registered Professional Forester (RPF). There are no other SMAs on, or near the parcel.</p> <p>The Preliminary Biological Assessment and Streamside Management Area (SMA) Report developed by Mother Earth Engineering did not recommend any remediation of the retired cultivation area within the SMA. There is photographic evidence within the report exhibiting the retired area as being a pre-existing lawn. Therefore, there is no Special Permit for remediation work within the SMA required for this project.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are no employees associated with the requested permit. All work will be conducted by the applicant and the applicant's fiancé. The maximum number of people working on the site would be two.</p> <p>As indicated on the Site Plan, four off-street parking spaces are available on site.</p>
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Sawyer Bogle submitted one application proposing 3,000 square feet of existing cultivation area and is entitled to eight acres. This application is one Special Permit for a 3,000-square-foot cultivation area.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic and cultivation activities have occurred. No tree removal that could constitute a timber conversion has occurred on the property, either prior to or subsequent to the adoption of the CCLUO. No trees are proposed to be removed as part of the project.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The Cultural Resources Study performed by Roscoe and Associates, and the Tribal Historic Preservation Officer who reviewed the study, have indicated that there are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-55.4.6.5.8</p> <p>Myers Flat Community Area</p>	<p>In the Myers Flat Community Area, on any sized parcel, the cultivation area of a Pre-Existing Site may be permitted with a Special Permit, up to a maximum of 3,000 square feet. Expansion is prohibited on parcels less than 1 acre in size. The cultivation area setback requirement specified in Section 55.4.6.4.4(a) shall be reduced to the setbacks applicable to the underlying principal zoning district.</p> <p>The cultivation area setback from residence requirement specified in Section 55.4.6.4.4 (b) shall only apply to permanent residences constructed with approved building permits. Temporary use of an RV for up to 6 months may be permitted in conjunction with cannabis cultivation if permitted pursuant to 314-81.1.1.5.1.</p>	<p>The proposed project is a Special Permit to allow 3,000 square feet of existing outdoor cultivation on a parcel 0.83 acres in size. The Cultivation Area verification by the Planning Division confirms evidence of over 3,000 sq. ft. of cultivation existing prior to January 1, 2016.</p> <p>The cultivation area is setback 32 feet from the front of the parcel, 10 feet from the side of the parcel, and approximately 300 feet from the rear of the parcel and conforms to the underlying zone (FP).</p> <p>Per the plot plan submitted by the applicant, the nearest permitted residence is approximately 688-feet the to northwest on APN 081-071-022.</p> <p>The applicant will utilize an RV as housing during the cultivation season and will not occupy the site between the months of December and May of any given year. Annual removal of the RV is a condition of project approval.</p>
<p>§314-55.4.11</p> <p>Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.12</p> <p>Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-55.4.12.1.8 Performance Standards– Road Systems</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The property is accessible from Boy Scout Camp Road, approximately 975 feet southeast from the intersection of Myers Avenue and Boy Scout Camp Road, and approximately 955 feet southwest from the intersection of Orchard Way and Boy Scout Camp Road. Boy Scout Road is maintained privately. The applicant has submitted a Road Evaluation Report developed by Mother Earth Engineering, April 2019 for the section of Myers Avenue, the section of Orchard Way and the portion of Boy Scout Camp Road from Orchard Way that he uses for access, concluding that all road segments meet Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance with Pacific Watershed Associates (PWA) Road Manual standards. Implementing the recommended improvements in the report are a condition of project approval.</p> <p>The Department of Public Works recommended conditional approval of the proposed project. The applicant is required to obtain an encroachment permit from the Department of Public Works to improve the private road intersection to meet County standards for commercial driveways and visibility. The project is conditioned to adhere to these requirements.</p>

<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>A preliminary biological habitat assessment was conducted by Mother Earth Engineering on January 10, 2019 for potential listed species and species of concern. Parcel and project areas were scoped using the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Rare Plant Inventory to determine the extent of project impacts, assess potential habitat for sensitive species and develop guidelines and strategies for mitigation measures, as necessary. The following was concluded: Although the database search resulted in the potential for multiple listed species within the study area, none were observed during initial site evaluation. Areas surrounding the SMA are out of range of project activities with no future projects proposed. Protocol-level surveys prior to additional site disturbance are recommended for any areas where relocation of structures or roads may impact rare or endangered species. Surveys and appropriate protection measure for aquatic species, conducted by a qualified biologist are also recommended for any crossings or points of diversion that are listed for alteration. Consultation with agency personnel from CDFW and USFWS is recommended if project scope changes or additional areas will be disturbed.</p> <p>Requiring protocol-level surveys prior to any future ground disturbing activities is condition of project approval.</p> <p>The project site is located within approximately two miles of Northern Spotted Owl activity center and the project site is within mapped Marbled Murrelet habitat. Electricity is provided to the parcel by PG&E and no generators are used. A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be</p>
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Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
		no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer
§314-55.4.12.2 Performance Standards– Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
§314-55.4.12.4 Performance Standards– Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.	The proposed project is for 3,000 square feet of existing outdoor cannabis cultivation. Clones are sourced off site from a licensed nursery. Parcels surrounding the subject parcel are zoned FP, AG, TPZ or U, which are considered Resource Production areas. Conditions of approval require that the Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.
§314-55.4.12.5 Performance Standards– Energy Use	All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards: • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.	The power source for the project will be conventional grid power supplied by Pacific Gas and Electric. No generators will be used.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.12.6 Performance Standards– Noise	Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.	As discussed above, while the subject parcel is located within the vicinity of a Northern Spotted Owl (NSO) activity center and is within mapped Marbled Murrelet habitat, no generators are used onsite. Instead, PGE supplies on-the-grid power to the property. Any fans or dehumidifiers use in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot distance or at the closest tree line, whichever is closer.
§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	Water to the site is supplied by Myers Flat Mutual Water System, Inc. The applicant has submitted a will serve letter to the County from Myers Flat Mutual Water System, Inc. Based on the submitted evidence, the project complies with the referenced section.
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	Conditions of approval require the applicant to submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
314-55.4.12.11 Performance Standards – Existing Site Reconfiguration	Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.	The project involves a Special Permit for an existing 3,000 square foot (SF) outdoor cannabis cultivation. The cultivation area was retired and relocated to a more environmentally suitable location outside of the Streamside Management Area (SMA) of the South Fork of the Eel River. This area will not require remediation (see below).
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	The Preliminary Biological Assessment and Streamside Management Area (SMA) Report developed by Mother Earth Engineering did not recommend any remediation of the retired cultivation area within the SMA. The cannabis was removed from the SMA in 2017 per consultation with Mike Atkins, Registered Professional Forester (RPF). There is photographic evidence within the report exhibiting the retired area as being a pre-existing lawn.
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	Conditions of approval require the applicant to submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.
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5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of an existing cultivation, a setback reduction from public lands and restoration work within a Streamside Management Area. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3
CEQA Addendum**

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

***Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018***

APN 081-091-001, 627 Boy Scout Camp Road Myers Flat, CA County of Humboldt

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

May 2019

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for an existing 3,000 square foot (SF) outdoor cannabis cultivation and a Special Permit for a reduction to the required 600-foot setback from public lands. The cannabis was removed from the Streamside Management Area (SMA) in 2017 per consultation with Mike Atkins, Registered Professional Forester (RPF) and relocated to a more environmentally suitable location outside of the SMA of the South Fork of the Eel River. This area does not require remediation. Cultivation activities extend from June to November. The applicant states there will be a maximum of harvest cycle annually.

Water for irrigation is sourced from Myers Flat Mutual Water System, Inc. The applicant estimates 36,000 gallons of water is required for the annual operations. Drying of cannabis will occur in the metal shipping container on site. Processing will occur off-site at a licensed processing facility. There will be two full time operating cultivators.

Power to the site is provided by Pacific Gas and Electric (PG&E). The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. Additionally, the project includes relocation to an environmentally superior location and habitat restoration, both of which are consistent with the original project and the EIR's mitigation measures. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

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

whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

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

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

1. The 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 EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 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 ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet (Attached).
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other

watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not Applicable)

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 onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
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 (CHRIS). (On file)
15. Road Evaluation Report developed by Mother Earth Engineering, April 2019 (Attached)
16. Water Resources Protection Plan (WRPP) developed by Mike Atkins RPF, received July 2017 (Attached)
17. Preliminary Biological Assessment and Streamside Management (SMA) Report developed by Mother Earth Engineering, January 2019. (Attached).



1.0. Operation and Cultivation Plan

1.1. Requirement of Operation and Cultivation plan

In the county code Section 314-55.4.10 subsections (d),(s),(t),(u) the standards and Requirements are state. This Include

- 1.11 - Water Usage - including irrigation, storage, and conservation.
- 1.12 - Water Quality - including erosion control, runoff, and drainage.
- 1.13 - Watershed Protection - Protection of the Habitat and Watershed
- 1.14 -Material Storage - proper storage of pesticides, fertilizer, Solis waste and other products used for Cultivation.
- 1.15 - Processing Practices - Including quality control, employee protection, and sanitation
- 1.16 - Employee safety practice - including hazard prevention measure and emergency Response, occupied living area.
- 1.17 - Security - Includes protocols against criminal activity, prevention of diversion of cannabis for non - medical purpose, and security measures
- 1.18 -Production method January - December .
- 1.19 - land use.
- 1.20 - energy use plan
- 1.21.- erosion control plan

1.11. Water Usage - Including irrigation, storage, and conservation

All water used in cultivation is sourced from Myers Flat Mutual Water System. This Sourcing of water allows us access to water for our irrigation all year long. No storage is needed since our source is NOT a surface water diversion. All irrigation is done by drip system, this eliminates over watering which can cause a loss in productivity. Water uses on average is 1500 gallons a week, and 36000 gallons annual when in cultivation production.

1.12. Water Quality - including erosion control, runoff, and drainage

The cultivation takes place on mounds on flat ground, with less than 5 % grade. The less than 5 % grade along with trip line irrigation will make sure runoff is not created.

Vegetative buffer between cultivation area and river and berms are used to slow and spread any water runoff. See biological report for specific species of vegetative.

1.13. Watershed protection of the habitat and watershed

To ensure protection of watershed, Berms, Check Damns, crop rotations with cover crops are used. Minimal animal by-products are added to the soil for cultivation, which minimizes nutrients runoff. A cultivation will occur at least one hundred feet from the river. The parcel falls under TIER 2. see WRPP.

1.14. Material storage - proper storage of pesticides, fertilizers, solid waste and other products used for cultivation

A variety of natural fertilizer and pesticide are used in the cannabis cultivation, such as lemon water and neem based products as well as plant waste. All products used are approved for organic farming. All fertilizer and pesticide are stored in a metal shipping container and locked. None of the cultivation uses chemical based fertilizer or pesticide, however all person applying pesticide will be provide protective suits, glove and face mask, along with ventilation when required. Materials Management Plan

Best Management Practices

Best Management Practices (BMP's) NCRWQCB Order No. R1-2015-0023

Appendix B, are employed when storing, handing, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a metal work shed, and contained within water tight, labeled containers in accordance with manufacture's instruction. Application will be at agronomic rates and will be tracked and reported with the annual monitoring and reporting form submitted to the NCRWQCB. Working employees or company members are responsible for application and will be trained to handle, mix, apply, or dispose of the pesticides/fungicides with proper hand, eye, body and respiratory protection in accordance with the manufacturer's recommendations. All BMPs will be practiced by the applicant and employees. BMPS Attached as Exhibit D for Applicant and Employees to follow. Solid waste will be transported to Redway transfer station, Conservation camp rd Redway ca 95560. Green waste is put back into soil after weighed and documented.

1.15. Processing Practices - including quality control and employee protection, and sanitation

All workers are given access to gloves, masks, clean water.

There will be a portable toilet for employees

onsite bathroom and a portable sink to wash hands and hold the grey water.

Both the portable toilet and portable sink will be pumped by a local sanitation company (BNB) at least twice a month or more as needed. All BMPs will be used by the applicant and employees.

1.16. Employee safety practice - including hazard prevention measures and emergency response, occupied living area .

Two employees will be on site for six month out of the year June - November . Sawyer Bogle and Angela Cook. The employees will have a recreational vehicle to occupy while on site. A 1998 Fleetwood terry R.v. Information is posted in cultivation area with contact information for the on site manger, emergency responder and poison control. along with fire extinguisher and first Aid.

1.17. security- includes protocols against criminal activity, prevention of diversion of cannabis for non medical purpose, and security measures .

All fences are locked. there multiple security cameras on premises. Entire cultivation site is inclosed with locked fence to prevent unauthorized access.

1.18. Production Method January - December

- January - No production
- February - On the 14th or when moon is in second quarter, plant seed in four inch soil blocks for germination.
- March - Maintaining health of seed starts / prep soil with organic matter, hay compost, grasses, wood mulch.
- April - Maintaining heath of seed starts / sex seed for determination of female / male percent with light manipulation.
- May - Maintain health of seed start. Transplant seeds into six inch soil blocks
A licensed plant nursery that has obtained Distributor self Transport licensed will supply and delivery to the parcel for clones or seed starts.
- June - After the summer solstice on June 21, seeds / clones will be planted in the ground for remainder of season
- July - Maintain cultivation area, check for leaks on waterlines and mulch more for water conservation.
- August - Stake up and tie plants to bamboo harvested, from the yard. Manicure plants for air flow and general heath.
- September - Maintain health of cultivation area. Prepare drying area wipe with bleach and dry container.
- October - Maintain health of cultivation area. Harvest certain cultivars that show signs of full maturity
- November - Finish harvest, hang in metal container / dry shed on bamboo racks for approximately 7-14 days after drying have licensed distribution collect product for further processing, or harvest and have a licensed contractor fresh .freeze product for distribution. after harvest prepare soil and spread cover crops and implement soil remediation
- December - No propagation

1.19. Land use

The Site has a Land Use Designation of Conservation Flood Plain Recreation (CFR (AVES)) as described in the Humboldt County General Plan- Volume 1. Framework Plan (FERK). The parcel is zoned Flood Plain (FP). The Majority of the surrounding parcels are zoned Flood Plain (FP) or Agriculture General (AG)

1.20. Energy Use Plan

The site is located in an area served by Pacific Gas & Electric for electrical power. There is a 100amp electrical panel with outlets for power usage. The cultivation will use power from PG&E for the shop, ventilation and lighting for working in low light conditions. Usage will vary from 200KWh a month to 700KWh a month.

Applicant plans to install solar in the future and will apply later for any permits to install solar and reduce usage from PG&E.

1.21. Erosion Control Plan

All operations will follow erosion and sediment control BMP's covered in Appendix B of the NCRWQCB Order No. R1-2015-0023. The BMP's are designed to prevent, contain and reduce sources of sediment. The WRPP being developed will also include corrective actions to reduce the sediment delivery, including applying straw to bare ground & appropriate storage of mulch piles and spoils in a designated location away from watercourse. BMP specifications will follow the NCRWQCB Best Management Practices for Discharge of Waste Resulting from Cannabis Cultivation and Associated Activities for Installation and maintenance specifications.



MOTHER EARTH ENGINEERING

920 Samoa Boulevard Suite 210, Arcata, CA 95521 | tel: 707.633.8321 | web: www.motherearthengineering.com



Date: 4/16/2019
Subject: Road Evaluation Technical Memorandum
APN: 081-091-001
App #: 13285
Applicant: Sawyer Bogle



16 April 2019

Overview

This memo documents the road evaluation assessment completed by Mother Earth Engineering on 4/10/2019 for Boy Scout Camp Road in Myers Flat. Weather conditions were sunny and clear on the day of the assessment, with approximately 3.3 inches of cumulative rainfall in the ten days preceding the site visit. Access roads to the property were evaluated for both functional capacity and hydrologic features as stipulated in section 55.4.12.1.8 of the County Ordinance and the PWA Road Manual.

Functional Capacity

All road segments evaluated meet Category 4 standard or equivalent. The road evaluation reports for each road segment are found in the Attachments. Please also refer to the site map in Attachment B.

Myers Road is paved with striped centerline and maintained by State/County. Orchard Way is paved and is maintained by State/County.

Boy Scout Camp Road is an unpaved, private road and meets Category 4 standard equivalent based on the observations and data collected during site visit. An approximately 0.18-mile segment of the private road was evaluated. This segment of Boy Scout Camp Roads is generally 20 feet in width with excellent visibility with no pinch points observed. This segment of road services 16 parcels and using a conservative overestimate of average 4 trips per day per parcel, the Average Daily Traffic (ADT) of the road is estimated at 65. Because the ADT is less than 400, the road is considered very low volume. Even if each parcel averaged 10 trips per day (highly unlikely), the ADT for the road segment would still be far below the threshold of 400.

Description of Boy Scout Camp Road Segment

The following measurements were taken along Boy Scout Camp Road at intervals of 500 feet and 440 feet respectively. See Attachment A and B for reference.

- Point A: 22' wide road, 1' wide SE shoulder, 3' wide NW shoulder
- Point B: 19' wide road, 4' wide SE shoulder, 2' wide NW shoulder
- Point C: 20' wide road, 2' wide SE shoulder, 2' wide NW shoulder



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Hydrologic Assessment of Road Segment per PWA Road Manual

The segment of Boy Scout Camp Road is very flat. The road was observed to be hydrologically disconnected, however drainage and road improvements are recommended due to large potholes observed on the segment, in order to meet PWA Road Manual Standards. As shown in the attached photos, ponding and puddles were observed in multiple locations. Adequate vegetative buffers were also observed. These buffers appeared sufficient to attenuate sediment and runoff. No evidence of sediment delivery to watercourses or threats to water quality were observed.

Recommendations

The evaluated road segment of Boy Scout Camp Road needs to be recontoured to eliminate ponding and puddles observed. The following improvements are recommended to bring road segment into compliance with PWA Road Manual Standards:

- Reshape road prism. The road prism shall be crowned to assure proper drainage and prevent ponding.
- Road surface shall be rocked as feasible.
- Existing roadside ditches shall be cleaned out and maintained regularly.
- Where feasible, ditches shall be installed in areas that do not currently have roadside runoff conveyances. Ditch relief conveyances shall be installed at appropriate intervals. And, at the outlet of these ditch relief conveyances, rock armoring and/or other energy dissipation and stormwater attenuation measures shall be installed.

Conclusion

All road segments meet Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance to PWA Road Manual standards.



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Attachment A

Point A



Figure 1: Photos detailing road conditions at Point A.



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Point B



Figure 2: Photos detailing road conditions at Point B.

Point C

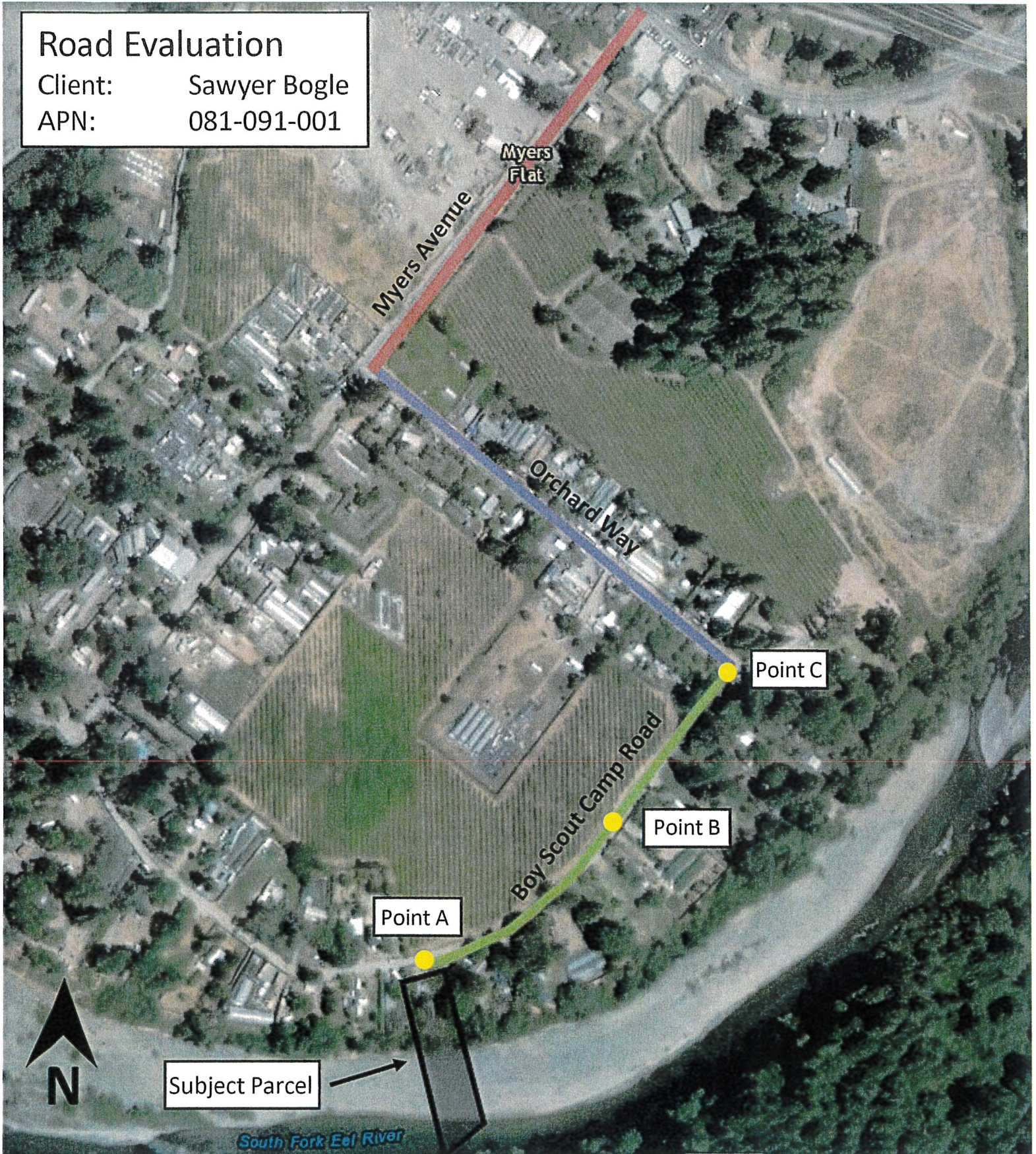


Figure 3: Photos detailing road conditions at Point C.

Road Evaluation

Client: Sawyer Bogle

APN: 081-091-001



**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

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

Applicant Name: Sawyer Bogle APN: 081-091-001

Planning & Building Department Case/File No.: 13285

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

From Road (Cross street): State Highway 254

To Road (Cross street): Orchard Way

Length of road segment: 0.19 miles Date Inspected: 4/10/2019

Road is maintained by: ☐ County ☒ Other State (C6D010)
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

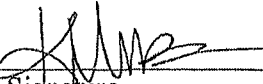
Box 1 ☒ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

16 April 2019
Date

Kendra Myers
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: Sawyer Bogle APN: 081-091-001

Planning & Building Department Case/File No.: 13285

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

From Road (Cross street): Myers Avenue

To Road (Cross street): Boy Scout Camp Road

Length of road segment: 0.2 miles Date Inspected: 4/10/2019

Road is maintained by: ☐ County ☒ Other State (6D020)
(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

16 April 2019
Date

Kendra Miers
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: Sawyer Bogle

APN: 081-091-001

Planning & Building Department Case/File No.: 13285

Road Name: Boy Scout Camp Road (complete a separate form for each road)

From Road (Cross street): Orchard Way

To Road (Cross street): Project Site

Length of road segment: 0.18 miles Date Inspected: 4/10/2019

Road is maintained by: ☐ County ☒ Other private

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

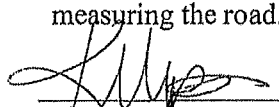
Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

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


Signature

16 April 2019
Date

Kendra Miers
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: Boy Scout Camp Road Date Inspected: 4/10/2019 APN: 081-091-001
From Road: Orchard Way (Post Mile N/A) Planning & Building
To Road: property (Post Mile N/A) Department Case/File No.:
13285

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.)

1

ADT: 50

Date(s) measured: 4/10/2018

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

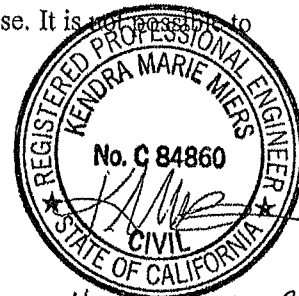
☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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



Signature of Civil Engineer

16 April 2019
Date



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.

Water Resource Protection Plan
For

APN 081-091-01



Submitted to:

California Regional Water Quality Control Board -
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, California 95403

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the Applicant, Sawyer West (Mr. Beans Veganix), by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of reviewing soil maps (Department Of Conservation and California Department of Forestry), Geomorphic Features Related to Landslides Map (North Coast Watersheds Mapping) The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant

Methods (Cont.)

Roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision LB of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015- 0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Identified Sites Requiring Remediation:

Point (s)	Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority For Action	Time Schedule for Completion of Permanent BMP	Completion Date.
A	Area of Road Riling along access drive way	A(1)		Maintain Armored and stable running surface	2	11/15/2017	
B	Existing Cultivation Site approximately 83 feet North from South Fork of Eel River Class I Watercourse	A(3)		Maintain Vegetated Riparian Area South of Cultivation Site, grass seed and straw mulch any disturbed areas with SMA with native seeds, maintain stable fills, Do not disturb existing SMA, Drain run off from site of Cultivation to Boy Scout Camp Road to North	1	11/15/2017	

Treat Priority: The time frame for treatment of the site. (1) would indicate a very high priority with treatment being planned to occur immediately. (2) would indicate a high priority site with treatment to occur prior to the start of the winter period (Nov. 15). (3) would indicate a moderate priority with treatment being planned to occur within a year 1, or prior to the winter period (Nov. 15) of the 2nd season of operations. (4) would indicate a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of -3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Inspection Personnel Contact Information:

Sawyers West
627 Boy Scout Road
Myers Flat, CA 95504

Monitoring Plan Reporting Requirements

Order No. R 1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted

to: North Coast Regional Water Quality Control Board,
5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Water Resource Protection Plan
Assessment of Standard Conditions
for
APN 001-720-41

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

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.

Road assessment revealed one location (Point A,) where poor road drainage could potentially result in sediment delivery to a stream. Please note that currently sediment discharge appears to be dissipating prior to delivery into nearby waterways but road correction are necessary to comply with the BMP's listed in this order.

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

Road assessment revealed one location (Point A,) where poor road drainage could potentially result in sediment delivery to a stream. Please note that currently sediment discharge appears to be dissipating prior to delivery into nearby waterways but road correction are necessary to comply with the BMP's listed in this order.

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.

N/A

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.

Road assessment revealed one location (Point A,) where poor road drainage could potentially result in sediment delivery to a stream. Please note that currently sediment discharge appears to be dissipating prior to delivery into nearby waterways but road correction are necessary to comply with the BMP's listed in this order.

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.

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

Stock Piled materials are stored in areas that are located in excess of 80 feet for receiving watercourses.

Note: Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel.
(http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

2. Stream Crossing Maintenance

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

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

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.

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.

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

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."

3. Riparian and Wetland Protection and Management

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 a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or 2 watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board 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 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.

Buffers shall be maintained at natural slope with native vegetation.

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.

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.

Existing Cultivation Site approximately 83 feet North from South Fork of Eel River Class I Watercourse

Maintain Vegetated Riparian Area South of Cultivation Site, grass seed and straw mulch any disturbed areas with SMA with native seeds, maintain stable fills, Do not disturb existing SMA, Drain run off from site of Cultivation to Boy Scout Camp Road to North

4. Spoils Management

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

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

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.

Soil spoils or spent soil are contained in the cultivation area outside of 80 feet from a watercourse. This site is not wet or unstable, or where slope stability could be adversely affected. The spoil piles are not adjacent to wetlands and/or watercourses. The soil spoils covered with black visqueen tarp or are straw mulched and grass seeded in the winter time.

5. Water Storage and Use:

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, in-stream flow requirements and/or needs in the watershed, defined at the scale of a HUC-126 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

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.

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

Water is applied using no more than agronomic rates.

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.

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

N/A- The Site is serviced by City Municipal Water

Note: 2) At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied. 3) If infeasible to install a critical dip, an alternative solution may be chosen. 4) Alternative Site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

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 off-stream 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.

The landowner irrigates at an agronomic rate, which does not produce runoff. An inspection of the Cultivation sites revealed no sign of overwatering.

7. Fertilizers and Soil Amendments

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 shall be applied and used per packaging instructions and/or at proper agronomic rates.

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

All products associated with this process are labeled properly and according to the landowner applied according to the label and are stored at the designated storage building

Note: 5 Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers. 6 See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>. 7 "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

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 labeling 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.

According to the landowner the cultivation at the site uses no chemicals.

9. Petroleum products and other chemicals

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.

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 ..

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

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

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.

petroleum products and chemicals are stored in the designated storage locker adjacent to the home site.

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.

Garbage and refuse is intermixed with plant wastes in the plant waste spoils. Per BMP 137 & 141 this garbage and refuse shall be collected, contained, and disposed of at an appropriate facility, including for recycling where available.

11. Refuse and human waste

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.

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.

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

Garbage and refuse is presently accumulated for short term storage within the developed area and is periodically loaded and taken to licensed disposal facility. However, the wind is blowing garbage around the developed area and leaching could potentially occur and therefore BMP 141 is recommended to be followed.

Note: Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

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.

Mitigation measures are listed in the Water Resource Protection Plan and also noted above in the document.



Preliminary Biological Assessment and Streamside Management (SMA) Report for Sawyer Bogle

APN 081-091-001

January 2019

Prepared for:
Sawyer Bogle

Prepared by:



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Appendix A: Maps

Appendix B: Field Photos

Appendix C: Database Results



1.0 Introduction

1.1 Purpose and Need

This document was prepared to provide preliminary assessment of the biological resources under the jurisdiction of the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), the Regional Water Quality Board (RWQCB), and the Humboldt County Streamside Management Area guidance (SMA) for the 0.83-acre parcel managed by Sawyer Bogle.

2.0 Regulatory Background

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

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

2.2 Regional Water Quality Control Board (RWQCB)

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

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

2.3 California Department of Fish and Wildlife

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

Because the CDFW includes streamside habitats under its jurisdiction that, under the federal definition, may not qualify as wetlands on a project site, its jurisdiction may be broader than that of the USACE. Riparian forests in California often lie outside the plain of ordinary high water regulated under Section 404 of the CWA, and often do not have all three parameters (wetland hydrology, hydrophytic vegetation, and hydric soils) sufficiently present to be regulated as a wetland.

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

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

2.4 Humboldt County-Streamside Management Area

"Streamside Management Areas" (SMAs) [Section 3432(5) of the Humboldt County 1984 General Plan] are defined in the Humboldt County General Plan (Page G-8) and include a natural resource area along both sides of streams containing the channel and adjacent land. Updates to the SMA guidance for cannabis activities are defined in the Environmental Impact Assessment Biological Resources Section¹.

Project applicants proposing development activities within a SMA or wetland areas are required to include a site-specific biological report prepared consistent with these regulations. The written report prepared by a qualified biologist is subsequently referred to CDFW for review and comment. If required, after agency review of the preliminary habitat assessment, protocol level surveys will be completed per recommendations by the Final Environmental Impact Report (FEIR) amendments to the Humboldt County Code Regulating Commercial Cannabis Activities².

2.5 Additional Laws and Policies

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

3.0 Environmental Setting

3.1 Project Location

The project area is located at 627 Boy Scout Camp Road in Myers Flat (Section 29, T2S, R3E) in Humboldt County, California. The project is located on a 0.83-acre parcel within the U.S. Geological Survey's (USGS) Myers Flat 7.5-minute quadrangle map. The parcel is zoned Flood Plain (FP) and the land-use code is conservation-floodway, residential-estates 1-5³. Elevation is approximately 155-184 feet above sea level. (See Appendix A *Figure 1*)

¹ <https://humboldt.gov/DocumentCenter/View/58840/Section-311-Biological-Resources-Revised-DEIRPDF>

² Final Environmental Impact Report :Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities. January 2018. Prepared by Ascent Environmental. Accessed via <https://humboldt.gov/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR6omb-PDF>. Accessed [January 2019]

³ Humboldt County GIS Desktop Version link: <http://webgis.co.humboldt.ca.us/HCEGIS2.o/> Accessed [January 9, 2019].



3.2 Soil, Topography, Hydrology

The parcel is primarily composed of Pepperwood-Shivelyflat, 0 to 2 percent slopes (187). The Pepperwood-Shivelyflat complex consist of very deep, somewhat poorly to moderately well drained soils formed in alluvium derived from mixed sedimentary sources. These soils are on flood plain steps in mountain river valleys. Mean annual precipitation is about 1500 millimeters and the mean annual temperature is about 13 degrees C. The soil has a udic soil moisture regime. Pepperwood soils occur on linear to slightly convex positions on flood plain steps and natural levees, and Shivelyflat soils are on linear to slightly concave positions on flood plain steps in mountain river valleys⁴.

The project area is flat with <10% slope and draining south towards South Fork Eel River. The property is located in the Lower South Fork Eel River watershed and Canoe Creek-South Fork Eel River subwatershed with an average annual precipitation of 68.27 inches⁵. The South Fork Eel River flows approximately 200 feet south of project areas through the southernmost portion of the property with no other blue-line streams mapped on USGS layers. The area is mapped as possessing low levels of instability in the Humboldt County GIS database.

4.0 Methods

On January 10, 2019 Mother Earth Engineering Staff Biologist Risa Okuyama conducted a site visit to survey project areas to evaluate potential habitat and record observed, biological resources. The study area includes areas of direct and indirect impact of cultivation and potential habitat for special status-species. The study area was scanned for wildlife sign including tracks, scat, tree habitat (cavities, nests scrapes or accumulated vegetation). Full floristic surveys and/or protocol-level surveys were not conducted in the study area.

4.1 Limitations

Given the timing of this assessment during the mid-winter months, not all potentially occurring special-status plant or wildlife species could be entirely ruled out. The purpose of the site visit was to assess potential habitat associated with the study area and not a protocol level survey. Timing of the field visit did not coincide with ideal survey seasons based on phenology and life history cycles for all potential species.

Based on the timing of the survey, all plant species growing within the study area may not have been observed due to varying flowering phenologies and life forms, such as bulbs, biennials, and annuals. Other potentially dominant species within vegetation communities on site may be present during other times of the year. Therefore, the present study is not floristic in nature. A floristic study not only requires every plant observed to be identified to a level necessary to determine their regulatory status, it also necessitates a sufficient number of site visits spaced throughout the growing season within the blooming periods of all plant species, including common taxa, to ensure a complete inventory is obtained (CNPS 2001, CDFW 2018, USFWS 2000). Some of the plant species identified in this report are tentative due to the absence of morphological characters, resulting from immature reproductive structures or seasonal desiccation, which is required to make species-level determinations.

⁴ Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [January 9, 2019]

⁵ Caltrans Water Quality Planning Tool available at: <http://svctenvims.dot.ca.gov/wqpt/wqpt.aspx>.



5.0 Results and Discussion

5.1 Vegetation

The parcel is mapped as an herbaceous habitat dominated by annual grasses⁶. The site has been altered with remnant patches of native annual and perennial grassland species mixed with introduced and invasive species including *Hypochaeris radicata* (hairy cat's-ear), *Poa secunda* (wild bluegrass), *Cynodon dactylon* (scutch grass), *Plantago lanceolata* (English plantain), *Eschscholzia californica* (California poppy), *Cyperus eragrostis* (tall flatsedge), *Hedera helix* (English ivy), *Paspalum distichum* (knot grass), *Vinca major* (greater periwinkle), *Trifolium sp.* (clover), *Raphanus sp.* (radish), *Geranium molle* (dove's foot crane's bill), *Geranium pusillum* (small-flowered crane's-cill), *Sonchus asper* (spiny sowthistle), and *Claytonia perfoliate* (miner's lettuce).

Few trees stand in the parcel as shade cover such as *Sequoia semperviren* (coast redwood) and *Pinus contorta* (shore pine). *Salix lasiolepis* (arroyo willow) and other *Salix* species serve as riparian buffer between project area and the Eel River. Much of the vegetation on the parcel has been introduced and planted for personal cultivation and ornamental purposes such as *Bambus sp.* (bamboo) for privacy fencing and setback buffers, *Melissa officinalis* (lemon balm), *Symphytum officinale* (common comfrey), *Rosmarinus officinalis* (rosemary), *Fragaria sp.* (strawberry), *Vaccinium ovatum* (evergreen huckleberry) and a variety of fruit trees.

5.2 Wetlands and SMA areas

The study area does not appear to contain sufficient hydrology or hydrophytic vegetation to support wetland features. Soil pits were not dug due to lack of wetland hydrology indicators. The topography of the site is such that water does not remain within the study area for enough time to develop wetland hydrology indicators. The current cultivation area is at least 50+ feet north of the South Fork Eel River's Streamside Management Area buffer.

5.3 Northern Spotted Owl

No Northern Spotted Owl (NSO) or associated habitat was observed within the study area. The parcel is in an open area with very few stands of trees to provide NSO habitat. Generally, the NSO prefers older forests with high, multilayered, multispecies canopy closure with large conifer overstory trees, large snags, large logs, and trees with deformities like broken tops to nest and roost in⁷. The forested area across the South Fork Eel River may contain mature trees, dense canopy and snags that characterize NSO habitat. The nearest NSO Activity Center, HUM0976, was observed in 1999 and is approximately 2.23 miles south west from the property (See Attachment A Figure 5).

5.4 CNDDDB and other Database Results

The CNDDDB BIOS and RareFind, as well as California Native Plant Society (CNPS) databases, were scoped both before and after the field visit to determine what protocol-level surveys would be required for the project, as well as to search for reference sites or known occurrences in or around the project area. Scoping results are included in Appendices to this report. Though no rare or sensitive plant species were observed on the site in any database, *Rana boylei* (foothill yellow-legged frog) and two (2) species of bumble bees, *Bombus caliginosus*

⁶ CALVEG habitat type accessed at <https://www.ecoatlas.org/regions/ecoregion/klamath-north-coast> Accessed [January 14, 2018]

⁷ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10406>

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(obscure bumble bee) and *Bombus occidentalis* (western bumble bee), have been observed in the Myers Flat area⁸⁹.

Foothill yellow-legged frog

Habitat & Distribution

Foothill yellow-legged (*Rana boylei*) is typically found in streams with sufficient flow and rock substrates. This species requires at least some cobble substrate to lay eggs. Unlike most other ranid frogs in California, this species is rarely found far from permanent water. At the day of the assessment, no foothill-yellow legged frogs or habitat were observed within the parcel project area. However, there is suitable habitat at the southernmost portion of the parcel, along the banks of the South Fork Eel River. Protocol-level surveys could be conducted to verify these observations.

Western Bumble Bee

Habitat & Distribution

Bombus occidentalis are generalist foragers and have been reported visiting a wide range of flowering plants such as *Ceanothus*, *Centaurea*, *Chrysothamnus*, *Cirsium*, *Geranium*, *Grindellia*, *Lupinus*, *Melilotus*, *Monardella*, *Rubus*, *Solidago*, and *Trifolium*. Since this species has a short tongue, they generally forage at open flowers with short corollas. Habitat for *B. occidentalis* is described as open grassy areas, urban parks, gardens, chaparral, shrub areas and mountain meadows (Williams *et al.* 2014). Despite habitat suitability, no western bumble bees or nests were observed within the parcel at the day of the assessment.

Obscure Bumble Bee

Habitat & Distribution

Bombus caliginosus inhabit open grassy coastal prairies and meadows. This species of bumble bee has a medium-long tongue who forages on plants that include *Ceanothus*, *Cirsium*, *Clarkia*, *Keckiella*, *Lathyrus*, *Lotus*, *Lupinus*, *Rhododendron*, *Rubus*, *Trifolium*, and *Vaccinium* (Williams *et al.* 2014). Despite habitat suitability, no obscure bumble bees or nests were observed within the parcel at the day of the assessment.

5.5 Potential Direct and Indirect Impacts

The potential direct, indirect, and cumulative effects of the land clearing, residential development, and cultivation activities include removal of vegetation and canopy cover, disturbance and compaction of soil, alteration of hydrologic regime, sedimentation and erosion, increase in invasive species, and noise, visual, and air quality impacts. The project area on the property is established with no future projects or expansion proposed.

In general, the site was well maintained and impacts were minimal. Solid waste pollution or other discharge into terrestrial habitats and aquatic habitats along South Fork Eel River were not observed. Road traffic, noise, dust and visual impacts typically observed on cannabis farms were also minimal. Agency personnel from CDFW and USFWS can further analyze the potential impacts and provide

⁸ California Natural Diversity Database (CNDDDB) Rarefind and Bios Commercial Subscription (Accessed via <http://https://www.wildlife.ca.gov/data/cnddb/maps-and-data>)

⁹ California Native Plant Society (CNPS) Inventory or Rare or Endangered Plants (Accessed via <http://www.rareplants.cnps.org/advanced.html>)



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Appendix A



Maps

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Aerial Parcel Map



Figure 1: Aerial Map of the property area with survey area circled in green.

Topographic Parcel Map

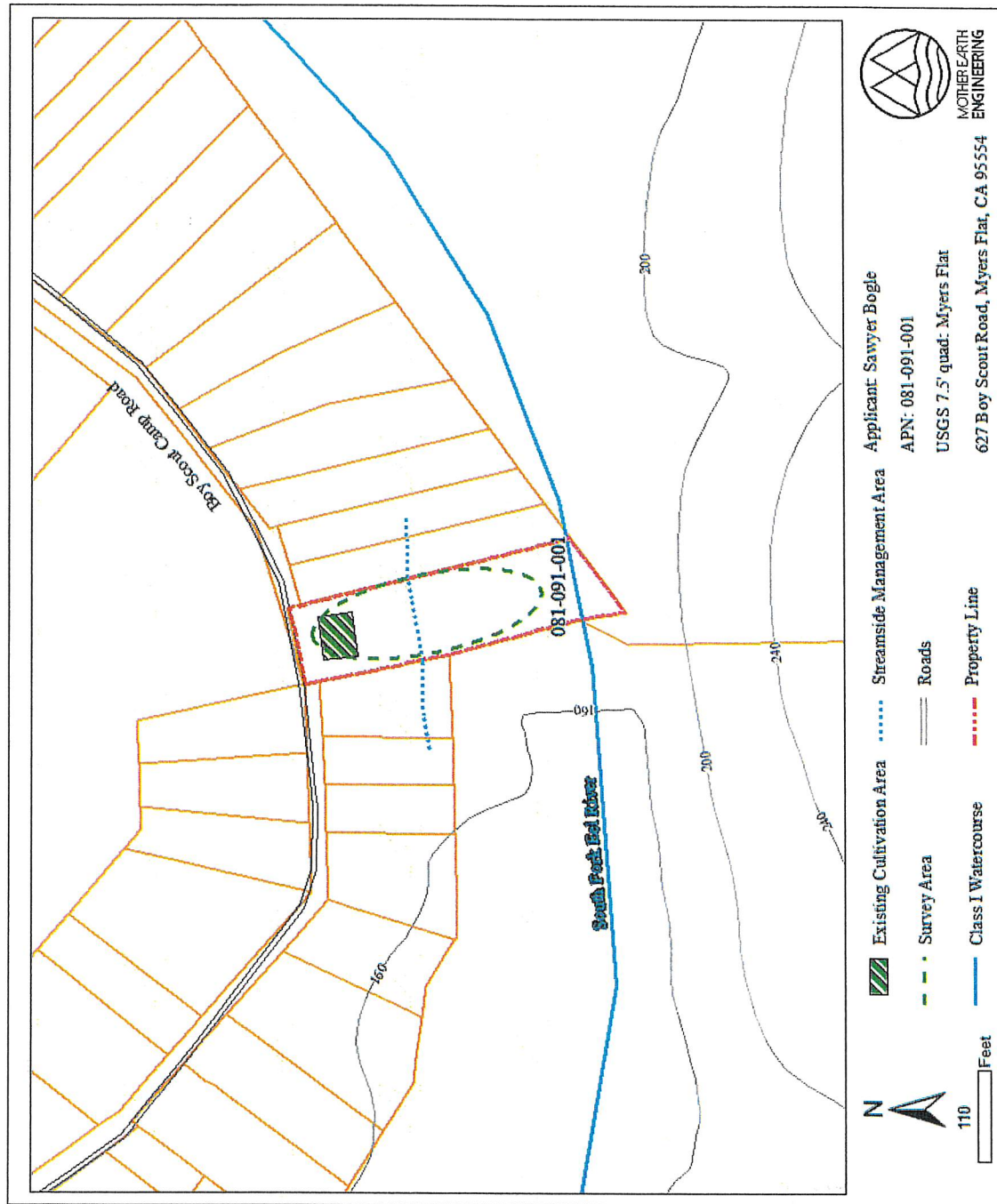


Figure 2: Topographic Map of property area with survey area circled in green.

Locator Map

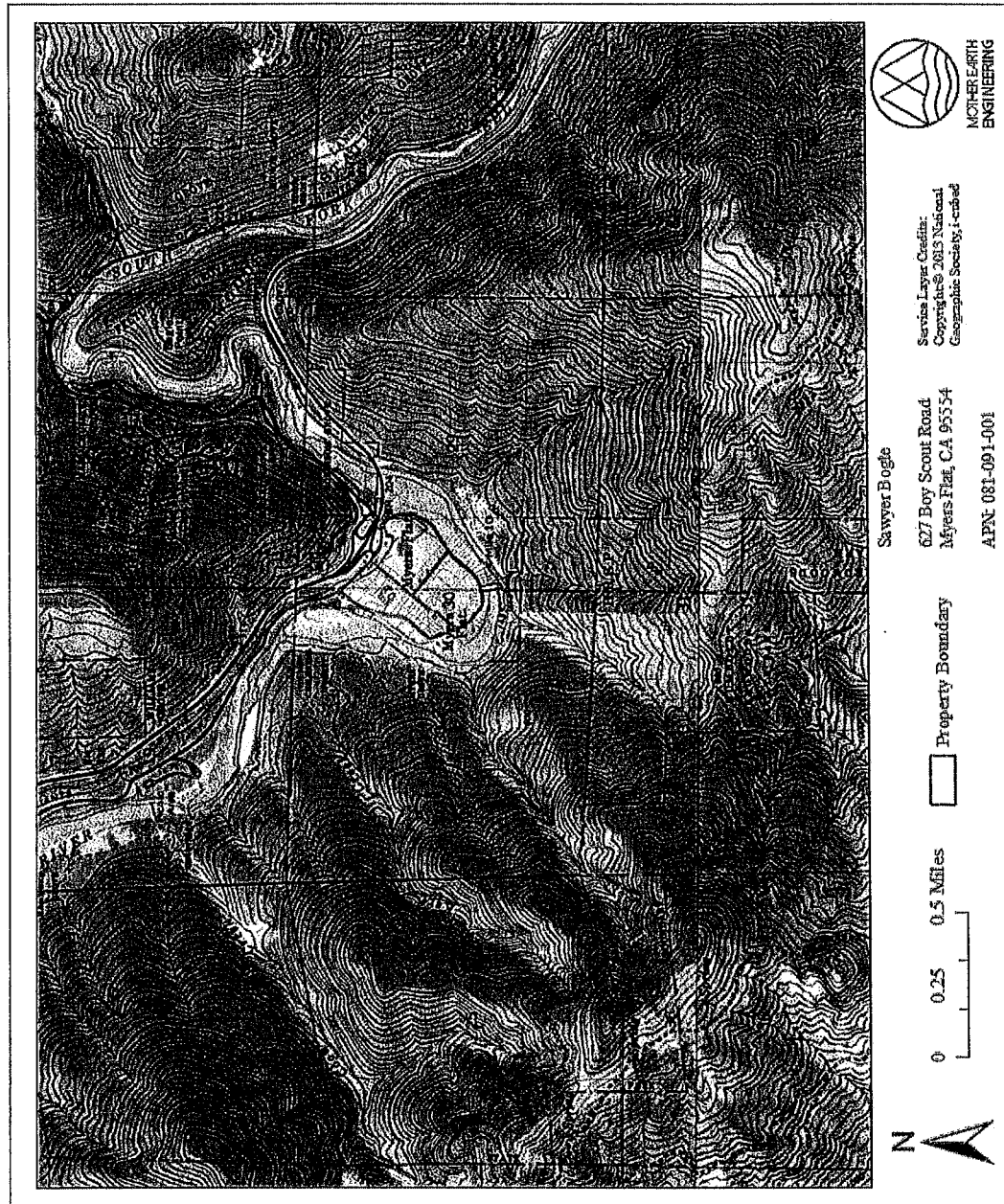


Figure 3: Locator Map of the property highlighted in red.

Map of Project Area

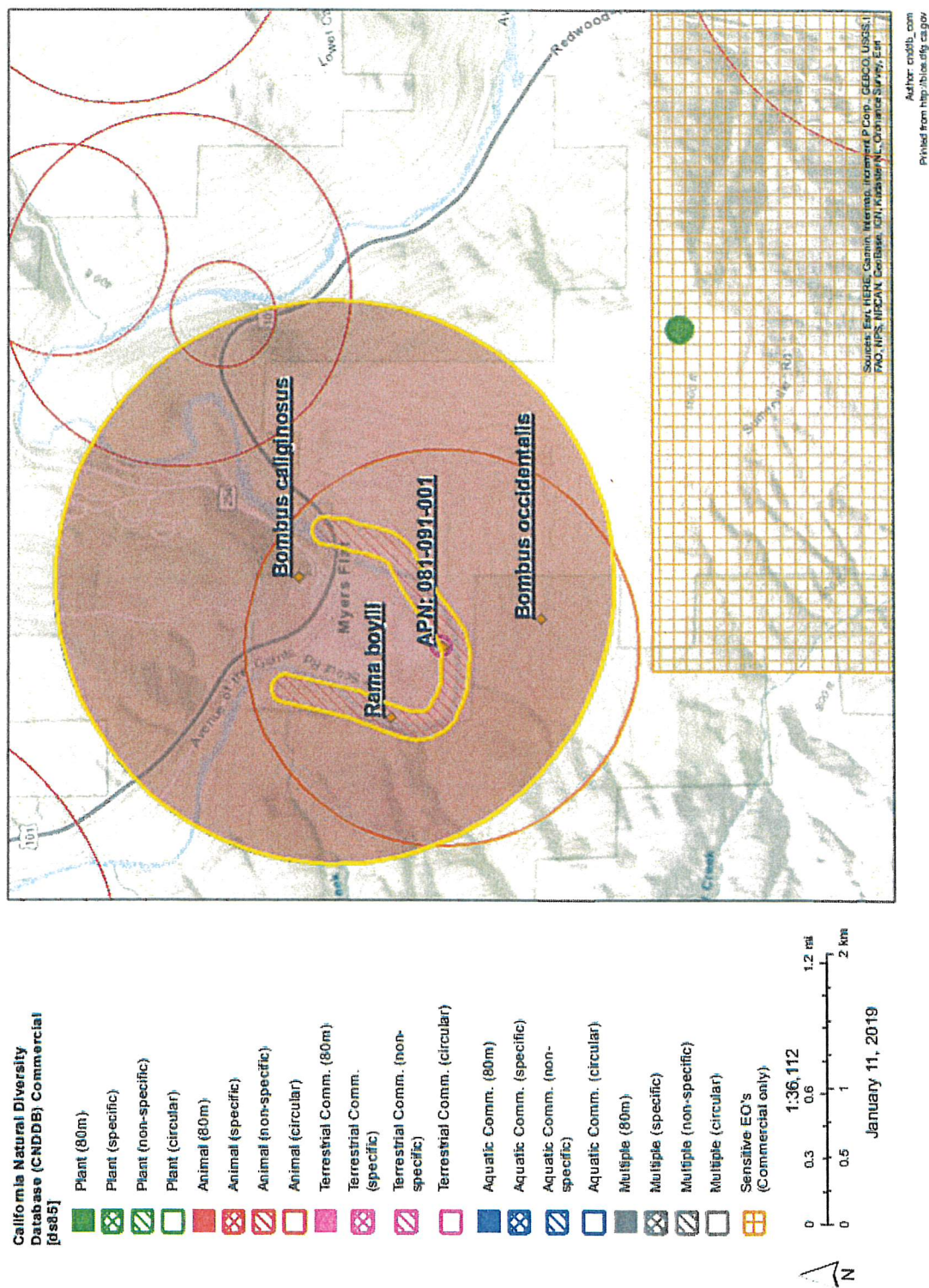


Figure 4: CNDDB Map of rare plant and sensitive animal species observed within 0.7 miles of the property project area.

Spotted Owl Map of Project Area

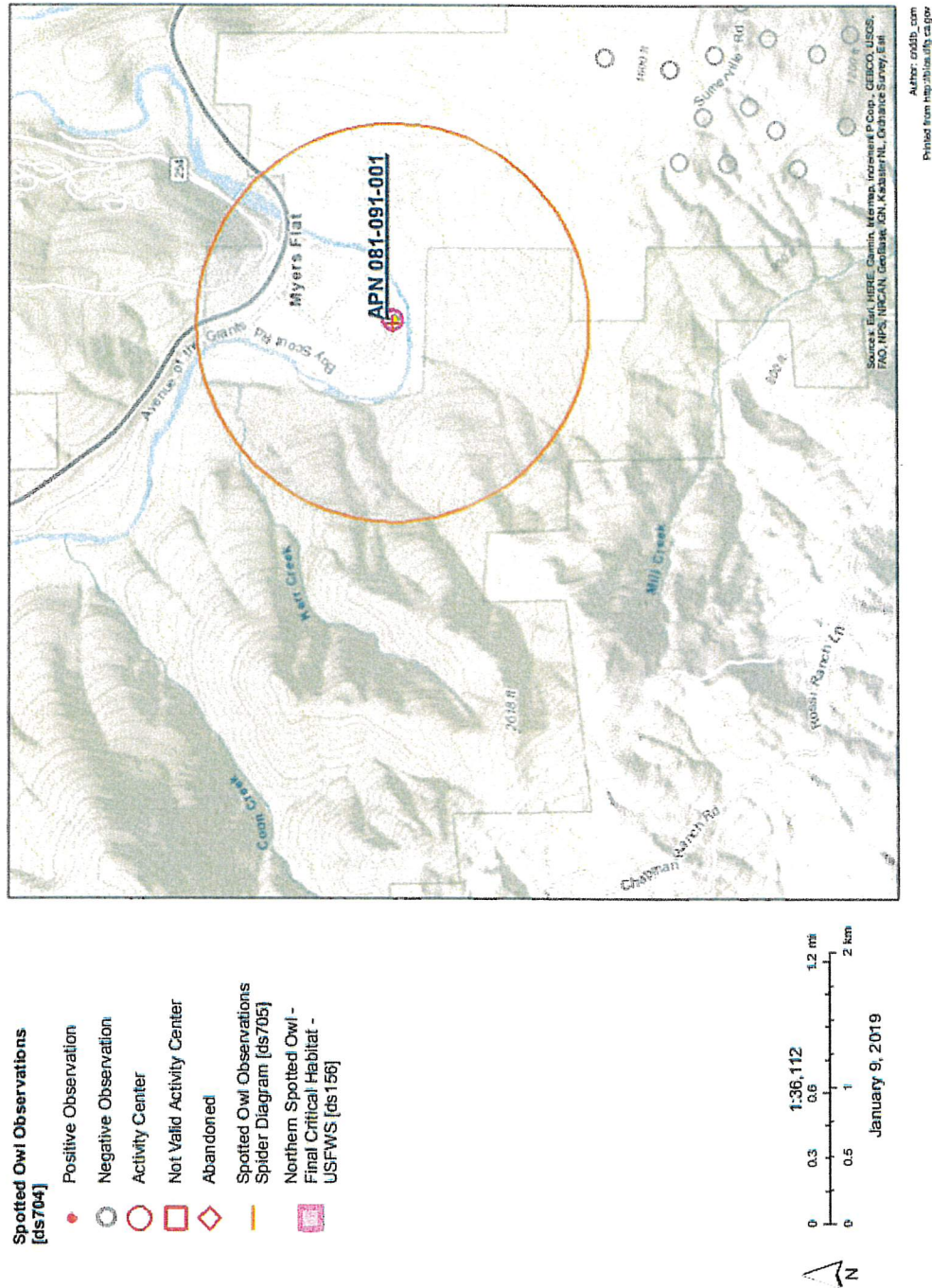


Figure 5: Map of Northern Spotted Owl observations within 0.7 miles of the property project area. No observations occurred within the 0.7-mile radius.

Appendix B



Photos

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Picture 1: View of the current cultivation area.



Picture 2: View of the former cultivation area and surrounding vegetation.



Picture 3: View of South Fork Eel River.



Picture 4: *Vinca major* (bigleaf periwinkle) is an invasive vine that quickly takes over habitat of native plant communities.

Appendix C



Database Results

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Table 1-CNDDDB and CNPS nine-quad database results for the Myers Flat USGS 7.5' quadrangle January 2019.

Animals

Scientific Name	Common Name	Fed	Cal	CRPR	Habitats	GenHab	MicroHab	Habitat Present
<i>Ascaphus truei</i>	Pacific tailed frog	None	None	--	Aquatic Klamath/North coast flowing waters Lower montane coniferous forest North coast coniferous forest Redwood Riparian forest	Occurs in montane hardwood-conifer, redwood, Douglas-fir & ponderosa pine habitats.	Restricted to perennial montane streams. Tadpoles require water below 15 degrees C.	Yes
<i>Bombus caliginosus</i>	obscure bumble bee	None	None	--		Coastal areas from Santa Barbara county to north to Washington state.	Food plant genera include Baccharis, Cirsium, Lupinus, Lotus, Grindelia and Phacelia.	Yes
<i>Bombus occidentalis</i>	western bumble bee	None	None	--		Once common & widespread, species has declined precipitously from central CA to southern B.C., perhaps from disease.		Yes
<i>Brachyramphus marmoratus</i>	marbled murrelet	Threatened	Endangered	--	Lower montane coniferous forest Oldgrowth Redwood	Feeds near-shore; nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz.	Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas- fir.	Unlikely
<i>Emys marmorata</i>	western pond turtle	None	None	--	Aquatic Artificial flowing waters Klamath/North coast flowing waters Klamath/North coast standing waters Marsh & swamp Sacramento/San Joaquin flowing waters Sacramento/San Joaquin standing waters South	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft. elevation.	Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg- laying.	Yes

					coast flowing waters South coast standing waters Wetland				
Martes caurina humboldtensis	Humboldt marten	None	Candidate Endangered	--	North coast coniferous forest Oldgrowth Redwood		Occurs only in the coastal redwood zone from the Oregon border south to Sonoma County.	Associated with late- successional coniferous forests, prefer forests with low, overhead cover.	No, unlikely
Pandion haliaetus	osprey	None	None	--	Riparian forest		Ocean shore, bays, freshwater lakes, and larger streams.	Large nests built in tree- tops within 15 miles of a good fish-producing body of water.	Yes
Rana aurora	northern red-legged frog	None	None	--	Klamath/North coast flowing waters Riparian forest Riparian woodland		Humid forests, woodlands, grasslands, and streamsides in northwestern California, usually near dense riparian cover.	Generally near permanent water, but can be found far from water, in damp woods and meadows, during non-breeding season.	Yes
Rana boylei	foothill yellow- legged frog	None	Candidate Threatened	--	Aquatic Chaparral Cismontane woodland Coastal scrub Klamath/North coast flowing waters Lower montane coniferous forest Meadow & seep Riparian forest Riparian woodland Sacramento/San Joaquin flowing waters		Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats.	Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Yes

Plants

Scientific Name	Common Name	Family	Lifeform	CRPR	GRank	SRank	Habitat	Micro Habitat	Habitat present
<i>Calamagrostis foliosa</i>	leafy reed grass	Poaceae	perennial herb	4-2	G3	S3	Coastal bluff scrub, North Coast coniferous forest	rocky	Yes
<i>Castilleja litoralis</i>	Oregon coast paintbrush	Orobanchaceae	perennial herb (hemiparasitic)	2B.2	G3	S3	Coastal bluff scrub, Coastal dunes, Coastal scrub	sandy	Not coastal
<i>Ceanothus gloriosus</i> var. <i>exaltatus</i>	glory brush	Rhamnaceae	perennial evergreen shrub	4-3	G4T4	S4	Chaparral		yes
<i>Clarkia amoena</i> ssp. <i>whitneyi</i>	Whitney's farewell-to-spring	Onagraceae	annual herb	1B.1	G5T1	S1	Coastal bluff scrub, Coastal scrub		Not coastal
<i>Coptis laciniata</i>	Oregon goldthread	Ranunculaceae	perennial rhizomatous herb	4-2	G4?	S3?	Meadows and seeps, North Coast coniferous forest (streambanks)	Mesic	Yes
<i>Epilobium septentrionale</i>	Humboldt County fuchsia	Onagraceae	perennial herb	4-3	G4	S4	Broadleafed upland forest, North Coast coniferous forest	sandy or rocky	Yes
<i>Erigeron biolettii</i>	streamside daisy	Asteraceae	perennial herb	3	G3?	S3?	Broadleafed upland forest, Cismontane woodland, North Coast coniferous forest	rocky, mesic	Yes
<i>Erythronium revolutum</i>	coast fawn lily	Liliaceae	perennial bulbiferous herb	2B.2	G4G5	S3	Bogs and fens, Broadleafed upland forest, North Coast coniferous forest	Mesic, streambanks	Yes
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	Polemoniaceae	annual herb	1B.2	G5T3	S2	Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland		Yes

<i>Lasthenia californica</i> ssp. <i>macrantha</i>	perennial goldfields	Asteraceae	perennial herb	1B.2	G3T2	S2	Coastal bluff scrub, Coastal dunes, Coastal scrub	Not coastal
<i>Lathyrus palustris</i>	marsh pea	Fabaceae	perennial herb	2B.2	G5	S2	Bogs and fens, Coastal prairie, Coastal scrub, Lower montane coniferous forest, Marshes and swamps, North Coast coniferous forest	Likely
<i>Lilium rubescens</i>	redwood lily	Liliaceae	perennial bulbiferous herb	4.2	G3	S3	Broadleafed upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest	No
<i>Listera cordata</i>	heart-leaved twayblade	Orchidaceae	perennial herb	4.2	G5	S4	Bogs and fens, Lower montane coniferous forest, North Coast coniferous forest	Likely
<i>Lycopodium clavatum</i>	running-pine	Lycopodiaceae	perennial rhizomatous herb	4.1	G5	S3	Lower montane coniferous forest (mesic), Marshes and swamps, North Coast coniferous forest (mesic)	Not likely
<i>Mitella caulescens</i>	leafy-stemmed mitrewort	Saxifragaceae	perennial rhizomatous herb	4.2	G5	S4	Broadleafed upland forest, Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest	Likely
<i>Montia howellii</i>	Howell's montia	Montiaceae	annual herb	2B.2	G3G4	S2	Meadows and seeps, North Coast coniferous forest, Vernal pools	Yes
<i>Packera bolanderi</i> var. <i>bolanderi</i>	seacoast ragwort	Asteraceae	perennial rhizomatous herb	2B.2	G4T4	S2S3	Coastal scrub, North Coast coniferous forest	Yes

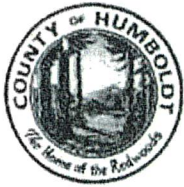
<i>Piperia candida</i>	white-flowered rein orchid	Orchidaceae	perennial herb	1B.2	G3	S3	Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest	sometimes serpentinite	Yes
<i>Pityopus californicus</i>	California pinefoot	Ericaceae	perennial herb (achlorophyllous)	4.2	G4G5	S4	Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest	mesic	Yes
<i>Pleuropogon refractus</i>	nodding semaphore grass	Poaceae	perennial rhizomatous herb	4.2	G4	S4	Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest, Riparian forest	Mesic	Yes
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	Malvaceae	perennial herb	4.2	G3	S3	Broadleafed upland forest, Coastal prairie, Coastal scrub, North Coast coniferous forest, Riparian woodland	Often in disturbed areas	Yes
<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	Malvaceae	perennial rhizomatous herb	1B.2	G5T2	S2	Coastal bluff scrub, Coastal prairie, North Coast coniferous forest	often roadcuts	Likely
<i>Usnea longissima</i>	Methuselah's beard lichen	Parmeliaceae	fruticose lichen (epiphytic)	4.2	G4	S4	Broadleafed upland forest, North Coast coniferous forest	On tree branches; usually on old growth hardwoods and conifers	Not likely

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Health and Human Services Environmental Health Division	✓	Conditional approval	Attached
CAL-FIRE	✓	Conditional approval	Attached
California Department of Fish and Wildlife	✓	Conditional approval	Attached
Northwest Information Center	✓	Recommend study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
California State Parks – Humboldt Redwoods State Park	✓	No concerns at this time	Attached
Myers Flat Mutual Water System		Approval	Attached
Myers Flat FPD		Approval	Attached
Supervising Planner		No response	
Southern Humboldt Unified School District		No response	



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

M



7/26/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Southern Humboldt Joint Unified School District, Sinkyone Tribal Council

Applicant Name Sawyer Bogle **Key Parcel Number** 081-091-001-000

Application (APPS#) 13285 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-767

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 8/10/2017

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 notes

DATE: 8-1-17

PRINT NAME: Patricia



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44189

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☐ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: All structures involved in cannabis
activity's will require Building permits, Please
provide construction plans and must meet
all ADA requirements.

Name: Patrick Metzger

Date: 8-1-17

Note: Remember to take photographs and then save them to the Planning's application number.



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Planner II, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 04/08/2019

RE:

Applicant Name	SAWYER BOGLE
APN	081-091-001
APPS#	PLN-13285-SP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 1/07/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13285

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

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

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

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

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

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

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

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)**

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

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



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

**PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division**

Project Referred To The Following Agencies:

17/18-0147

Building Inspection Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Southern Humboldt Joint Unified School District, Sinkyone Tribal Council

Applicant Name Sawyer Bogle **Key Parcel Number** 081-091-001-000

Application (APPS#) 13285 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-767
SP17-113

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

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

DISTRIBUTED

Response Date: 9/28/2017 **Recommendation By:** Benjamin Dolf



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

- ☒ The Department has no comment at this time.
- ☐ Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of Items attached.
- ☐ Recommend denial.
- ☐ Other comments.

	Date:	Name:
Forester Comments:	1/24/19	Tim Meyers

--	--

Battalion Chief Comments: Date: Name:

[illegible]

Summary:

--



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Sawyer Bogle		Date: 4-9-19	
APPS No.: 13285	APN: 081-091-001	DFW CEQA No.: 2017-0348	Case No.: SP17-113
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 3,000	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

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 comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- ☐ Recommend Approval. The Department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions below.
- ☐ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

Please note the following information and/or requested standard conditions of Project approval:

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, 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. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Foothill Yellow-legged Frog (*Rana boylei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

Yandell, Rodney

From: Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>
Sent: Wednesday, April 24, 2019 2:04 PM
To: Yandell, Rodney
Subject: RE: 13285 Staff Report and Site Plan

Hello Rodney,

State Parks has reviewed the Staff Report and Site Plan and has no concerns at this time.
Thank you,

Shannon Dempsey

North Coast Redwoods District

CA State Parks

707.445.5344 office

707.498.8478 mobile

From: Yandell, Rodney <RYandell@co.humboldt.ca.us>
Sent: Wednesday, April 17, 2019 2:54 PM
To: Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: 13285 Staff Report and Site Plan

Shannon,

Please see attached Staff Report and Site Plan for your review. We are hoping to notice this project for public hearing no later than 4/25/19.

Please submit any comments or recommendation directly to me.

Thank you,



Rodney Yandell

Planner II

Cannabis Services Division

Planning and Building Department

707.268.3732



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

1/11/2019

Project Referred To The Following Agencies:

Environmental Health, Cal Fish & Wildlife, Supervising Planner, School District, Intertribal Sinkyone Wilderness Council,
Building Inspections, NWIC, Bear River Band, ~~Myers Flat CSD~~, Myers Flat FPD, CalFire

Applicant Name Sawyer Bogle **Key Parcel Number** 081-091-001-000

Application (APPS#) PLN-13285-SP Historic Planning **Assigned Planner** Rodney Yandell

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: 1/26/2019

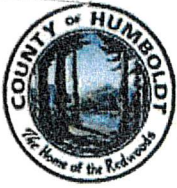
Planning Commision Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

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

Other Comments: _____

DATE 12 Jan 2019 PRINT NAME: Mary Whitmore



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

1/11/2019

Project Referred To The Following Agencies:

Environmental Health, Cal Fish & Wildlife, Supervising Planner, School District, Intertribal Sinkyone Wilderness Council, Building Inspections, NWIC, Bear River Band, Myers Flat CSD, Myers Flat FPD, CalFire

Applicant Name Sawyer Bogle **Key Parcel Number** 081-091-001-000

Application (APPS#) PLN-13285-SP Historic Planning **Assigned Planner** Rodney Yandell

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.

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

Return Response No Later Than: 1/26/2019

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

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

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

Other Comments: _____

DATE: 17 Jan 2019 PRINT NAME: Mary Whitmore