



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 3, 2019

To: Humboldt County Planning Commission

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

Subject: **Honeydew Ranch, LLC, Conditional Use Permit and Special Permit**
Application Number: 12256
Case Numbers: CUP18-030 and SP16-461
Assessor's Parcel Number: 107-272-005
665 Old Hindley Ranch Road, Honeydew area

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Please contact Meghan Ryan, Senior Planner, at 707-445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 3, 2019	Conditional Use Permit and Special Permit	Meghan Ryan

Project Description: A Conditional Use Permit (CUP) for 16,175 square feet of existing mixed light cultivation and a Special Permit (SP) for a 14,000-square-foot proposed wholesale nursery. Currently, there is a 2,800-square-foot processing barn, a 2,100-square-foot storage barn, two 600-square-foot storage sheds, and greenhouses that support the existing Honeydew Ranch, LLC cultivation operations. There is an existing single-family residence on the site; however, no new residential structures are proposed as a part of this project. The subject parcel includes 40.2 acres of prime agriculture soil and can facilitate up to 8.0 acres (20% of total) of Cultivation under the CMMLUO. The project site is proposed as a receiving site for nine currently submitted RRR applications. To support the entire project, an application is on file with the for a 14,000-square-foot proposed nursey, a proposed 5,000-square-foot two-story processing facility to be expanded to 10,000 square feet in the second phase of project development, and a three-million-gallon rainwater catchment pond capable of providing all irrigation water to the various cultivation operations. Both the eight existing and 29 proposed RRR greenhouses, along with the 2 proposed wholesale nursery greenhouses would total 7.55 acres on the 49-acre parcel (15% total lot coverage with all proposed and existing buildings, greenhouses, and pond). Adoption of the Mitigated Negative Declaration prepared for this project will allow the RRR applications to be approved administratively as Zoning Clearance Certificates. There will be up to 23 total employees during peak periods, which includes the 12 to 18 employees associated with the RRR operations. Entrance to the property is through a locked entry gate and all cultivation facilities, including greenhouses and processing building are enclosed in a secure privacy fence. Other security measures include restricted access signs, exterior lighting to light entrances, motion activated security lights, security cameras, and an alarm system. Electricity is provided by P. G. & E. and generator use is limited to power outage events.

Water for domestic and irrigation use is provided by a point of diversion from an unnamed tributary to the Mattole River and a hydrologically connected well that is 60 feet deep. Water storage currently consists of 52,650 gallons of water storage in 23 hard-sided tanks. Approximately 270,000 gallons of water is required for annual operations. The applicant is proposing development of a 3,000,000-gallon rain catchment pond to achieve full forbearance from May 15 – October 31. Power to the site is provided by Pacific Gas and Electric (P. G. & E.) and generator use is limited to power outage events.

Project Location: The project is located in Humboldt County, in the Honeydew area, on the southwest side of Old Hindley Ranch Road, approximately 2,275 feet from the intersection of Mattole Road and Old Hindley Ranch Road, on the property known as 665 Old Hindley Ranch Road, Honeydew within Section 6, in Township 03 South, Range 01 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Agriculture Exclusive (AE), Density: 20 to 60 acres per dwelling unit, Slope Stability: Low Instability (1).

Present Zoning: Agriculture Exclusive (AE), with a Special Building Site combining zone specifying that the minimum parcel size is per the subdivision map of record (B-6).

Record Number: PLN-12256-CUP

Assessor Parcel Number: 107-272-005

Applicant

Honeydew Ranch, LLC
1600 Graystone Terrace, Apt #6
San Francisco, CA 95441

Owner

Atary Yoram
1395 S. Ocean Blvd, #804
Pompano Beach, FL 33062

Agent

Humble Servants of the Mattole
C/O Lesley Doyle
730 7th Street, Suite C
Eureka, CA 95501

Environmental Review: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

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

Major Issues: None.

HONEYDEW RANCH, LLC
Record Number: PLN-12256-CUP
Assessor's Parcel Number: 107-272-005

Recommended Commission Action:

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

Adopt the Mitigated Negative Declaration prepared for the Honeydew Ranch, LLC, project pursuant to Section 15074 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Honeydew Ranch, LLC, project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit for an existing 16,175-square-foot mixed light commercial medical cannabis cultivation and one Special Permit for a proposed wholesale nursery located on Assessor's Parcel Number (APN) 107-272-005, which is approximately 47 acres in size. The applicant is also proposing that the subject parcel be a receiving site for nine retirement, remediation, and relocation (RRR) cannabis cultivation applications. The existing cultivation, proposed wholesale nursery and RRR cultivation together comprise the project as reviewed pursuant to the California Environmental Quality Act (CEQA). Adoption of the Mitigated Negative Declaration prepared for this project will allow the RRR applications to be approved administratively as Zoning Clearance Certificates.

The subject parcel is currently developed with a 2,800-square-foot processing barn, a 2,100-square-foot storage barn, two 600 square-foot storage sheds, and nine greenhouses that support the existing cultivation operations and two approved RRR projects. Total cultivation on the subject parcel at the current time is 56,175 square feet (16,175 square feet of existing cultivation and 40,000 square feet of cultivation authorized by 2 approved Zoning Clearance Certificates). There is an existing single-family residence on the site; however, no new residential structures are proposed as a part of this project.

The subject parcel includes 40.2 acres of Prime Agricultural soil and can facilitate up to 8 acres of Cultivation through the RRR program under the CMMLUO. The RRR project sites that have submitted applications or are preparing an application for submittal to the Humboldt County Building Department for approval of grading plans include cultivation area from four business entities (Mossy Stone Creek Farms, LLC, APN # 222-071-016 and 222-071-024; Mattola Farms, LLC, APN # 221-121-009, 221-121-016, and 221-111-015; Hallowed Ground Farm, LLC, APN # 216-072-009; and, Lina Farms, LLC, APN # 221-081-005 and 221-061-034). The new RRR cultivation would occupy 20% of the prime agricultural soils.

As a result, the project site is proposed as a receiving site for a minimum of nine current RRR applications. To support the entire operation an application is on file with the Humboldt County Planning Department for a 12,000 SF proposed nursey, a proposed 10,000 SF two-story processing facility to be built in two phases (5,000 SF in year 1, 5,000 SF thereafter as the project develops, and a three-million-gallon rainwater catchment pond that would provide all irrigation water to the various existing and RRR cultivation areas. Both the eight existing and 31 proposed new greenhouses would total as much as 8 acres on the 47-acre parcel (18% total lot coverage with all proposed and existing greenhouse, buildings, and pond).

Water for domestic and irrigation use is currently provided by a point of diversion from an unnamed tributary to the Mattole River and a hydrologically connected well that is 60 feet deep. Water storage consists of 10 2,500-gallon, six 1,100-gallon, four 5,000-gallon, and three 350-gallon tanks for a total of 52,650 gallons of hard tank water storage. The applicant has submitted grading plans to Humboldt County Building Department for a proposed 3,000,000-gallon rain catchment pond to achieve full forbearance from summer time diversions, a condition of approval. According to the Cultivation and Operations Plan, approximately 270,000 gallons of water is required for annual operations. An *Initial Statement of Water Diversion and Use* was filed with the State Water Resources Control Board (SWRCB) and a signed Lake and Streambed Alteration (LSAA #1600-2016-0353-R1) was received from the California Department of Fish and

Wildlife for a water diversion from an unnamed spring, a water diversion from an offset well and culvert repair on a Class II stream. Water is diverted for domestic use from the spring and irrigation from the offset well. Peak monthly water demand is 32,000 gallons for the months of July and August, and total annual water demand is estimated at a maximum of 195,000 gallons (per the SWRCB Initial Statement of Water Diversion). Cultivation Areas are irrigated using top-feed hand watering methods allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant.

Per the Cultivation and Operations Plan, stalks are burned and composted or chipped for ground cover and compost. Root balls are hauled away as green waste or composted. Spent potting soil is stored in a contained area with environmental measures in place. Spent soil is covered during winter months and then amended in pots before further use. All packaging from soil amendments and fertilizers will be collected and disposed of at an appropriate facility. Fertilizers and pesticides are currently stored in an agricultural storage structure that meets all requirements for secondary containment. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Trash and recycling containers are located near the processing building in a safe enclosed location to prevent animal intrusion. Solid waste and recycling are hauled off-site to the nearest transfer station at least once per week.

The applicant enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID # 1B16652CHUM). A Water Resource Protection Plan (WRPP) prepared by Six Rivers Construction and Consulting in June of 2018 indicates that all cultivation areas were meeting applicable setback requirements to watercourses, riparian areas or wetlands. The WRPP includes best management practices (BMPs) to meet the requirements within Tier 2 of the NCRWQCB's Order No. 2015-0023. Remediation actions include: place fuel cans in secure location with secondary containment, place fertilizers in secure location with secondary containment, remove all trash and cultivation waste from job site weekly, and install fiber rolls to prevent sediment discharge. In October 2017, the State Water Resources Control Board (SWRCB) approved a statewide cannabis cultivation policy that required those enrolled with the NCRWQCB to migrate to the State Policy no later than July 1, 2019. In addition to enrollment with the State, the applicant is required to submit a Site Management Plan. The applicant is required to enroll in the State Cannabis Cultivation Program with the SWRCB, adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability (once received).

Drying of cannabis is done in the existing drying room which is equipped with ventilation fans and climate control measures. The drying process takes approximately one week then the dried flowers are bucked into manageable buds and processed at the on-site processing facility. The applicant is pursuing development of a 10,000 SF two-story processing facility to be built in phases as the project develops. Once the processing facility is approved and developed the existing 2,800 SF building will no longer be used for any cannabis related activity. The project site includes a permitted septic system with septic tank and leachfields. The septic system is approximately 700 feet from the groundwater well. A condition of approval is included that the system is designed to adequately treat the estimated wastewater discharge volume and strength from the proposed project (including nine RRR sites) and would be reviewed for compliance with the requirements of the NCRWQCB and Humboldt County Division of Environmental Health (DEH). Per the applicant there will be up to 23 total employees during peak periods, which includes the 12 to 18 employees associated with the RRR operations. Entrance to the property is through a locked entry gate and all cultivation facilities, including greenhouses and processing building are enclosed in a secure privacy fence. Other security measures include restricted access signs, exterior lighting to light entrances, motion activated security lights, security cameras, and an alarm system. Electricity is provided by P. G. & E. and generator use is limited to power outage events.

A Road Evaluation Report was completed and signed by a registered Engineer for Old Hindley Ranch Road from Mattole Road to Old Hindley Ranch Road for Application Number 12256. The report concluded that the entire road segment is developed to the equivalent of a Category 4 road standard. According to the County Public Works Department, Category 4 roads can accommodate commercial traffic such as that which would occur from the proposed project. In addition, the Road Evaluation Report concluded that the road is suitable for the traffic associated with the proposed project. Public comments received (see

Attachment 6) state that traffic is constant and the road is worn down, is full of potholes and has bad runoff in the winter. To address the concerns, conditions of approval are included that require the applicant to participate in a road maintenance association and/or pay fair-share costs associated with maintenance, applicant shall submit a traffic management plan prior to commencing processing on-site. The traffic management plan shall include traffic calming measures, but not be limited to the following: posting speed limit signs, road improvements, such as turnouts where the road width is decreased and carpooling options, that may include a shuttle for employees to access the site. A project on APN 107-272-007 was approved by the Zoning Administrator on June 20, 2019, and the same conditions of approval apply to that operation as well.

A Biological Resources Technical Report prepared by Stillwater Sciences in October 2018 indicates that with implementation of Best Management Practices (BMPs), impacts to special-status species would be less than significant and these have been made a condition of approval. A wetland delineation prepared by Stillwater Sciences in January 2018 indicates that the survey area contains 6.27 acres of waters of the U.S. and 0.92 acre of jurisdictional wetlands adjacent to these waters of the U.S. No existing or proposed structures or activities will occur within the setback area surrounding delineated waters and wetland features on the project site.

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from June 17, 2019, to July 16, 2019, at the State Clearinghouse. Comments from the California Department of Food and Agriculture (CDFA) dated July 17, 2019, were received from circulation of the IS/MND and are included in Attachment 6 of this staff report. The IS/MND was revised to clarify the types of licenses the applicant is required to obtain from the CDFA, which include cultivation, processor and nursery licenses. These minor revisions do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of the CEQA Guidelines.

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

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

Staff prepared a more thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Record Number: PLN-12256-CUP
Assessor Parcel Number: 107-272-005**

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

WHEREAS, Honeydew Ranch, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 16,175 square foot of existing mixed light cultivation and a Special Permit for a proposed 12,000-square-foot wholesale nursery on APN 107-272-005. Water for domestic and irrigation uses will be provide by a point of diversion and an existing well. The project includes development of a 3,000,000-gallon rainwater catchment pond that will replace the diversions for irrigation during the forbearance period of May 15 – October 31. Processing will occur on-site in a 10,000-square-foot processing facility. Until the processing facility and associated infrastructure are developed, processing will occur off-site at a licensed processing facility. A maximum of 24 employees are required to meet operational needs. Power is provide by P. G. & E.; and

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

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and Special Permit as well as for additional Retirement, Remediation and Relocation cultivation permits to total just under 8 acres of total cultivation, pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Case Numbers CUP18-030, SP16-461); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on October 3, 2019.

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

1. The Planning Commission adopts the Mitigated Negative Declaration for the Honeydew Ranch, LLC, project; and
2. The Planning Commission makes all of the required findings for approval in Attachment 2 of the Planning Commission staff report for Case Number CUP-18-030 and SP-16-461 based on the submitted substantial evidence; and
3. CUP-18-030 and SP-16-461 are approved as recommended and conditioned in Attachment 1 for Case Number CUP-18-030 and SP-16-461.

Adopted after review and consideration of all the evidence on October 3, 2019.

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

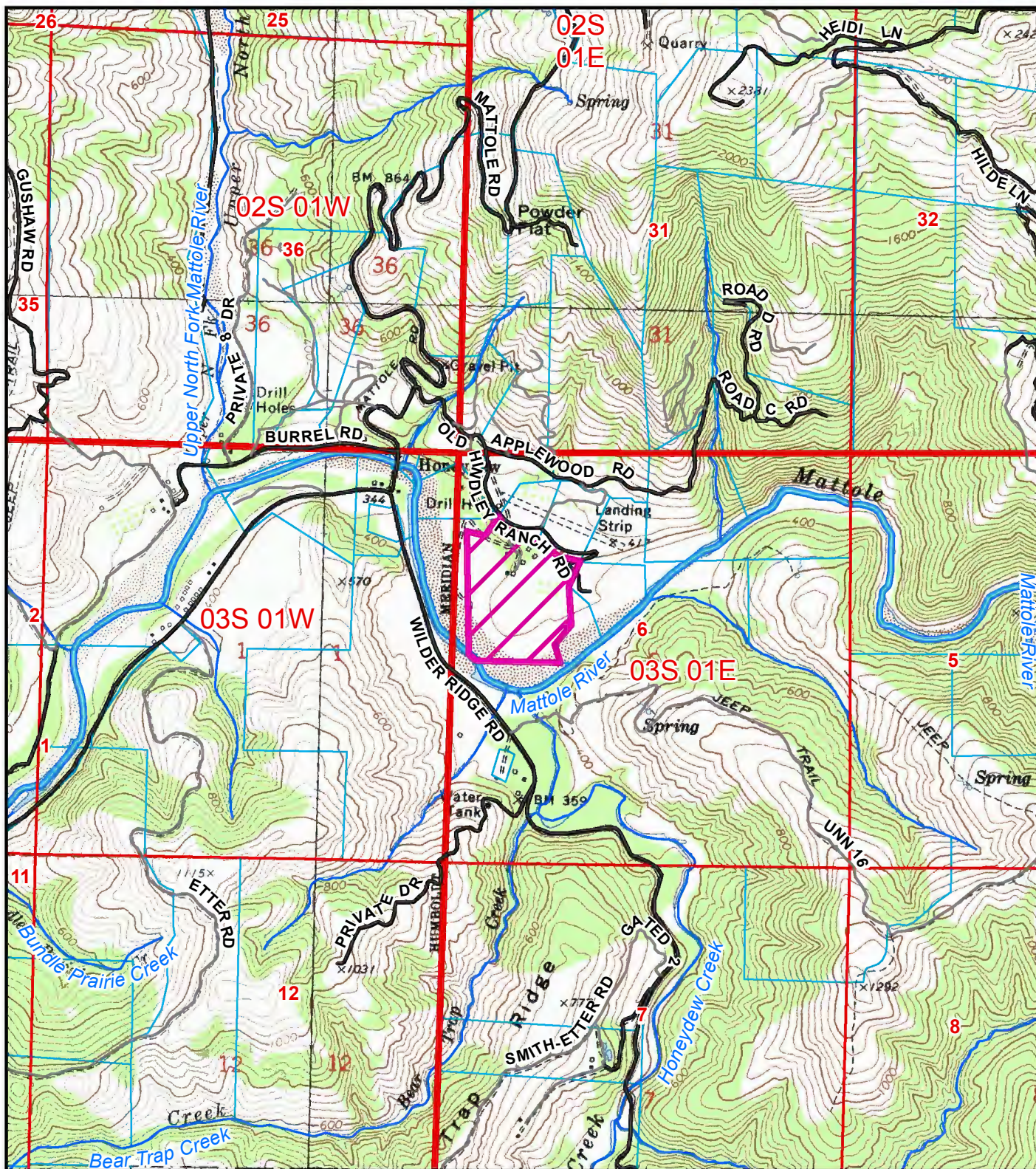
AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

John Ford, Director
Planning and Building Department



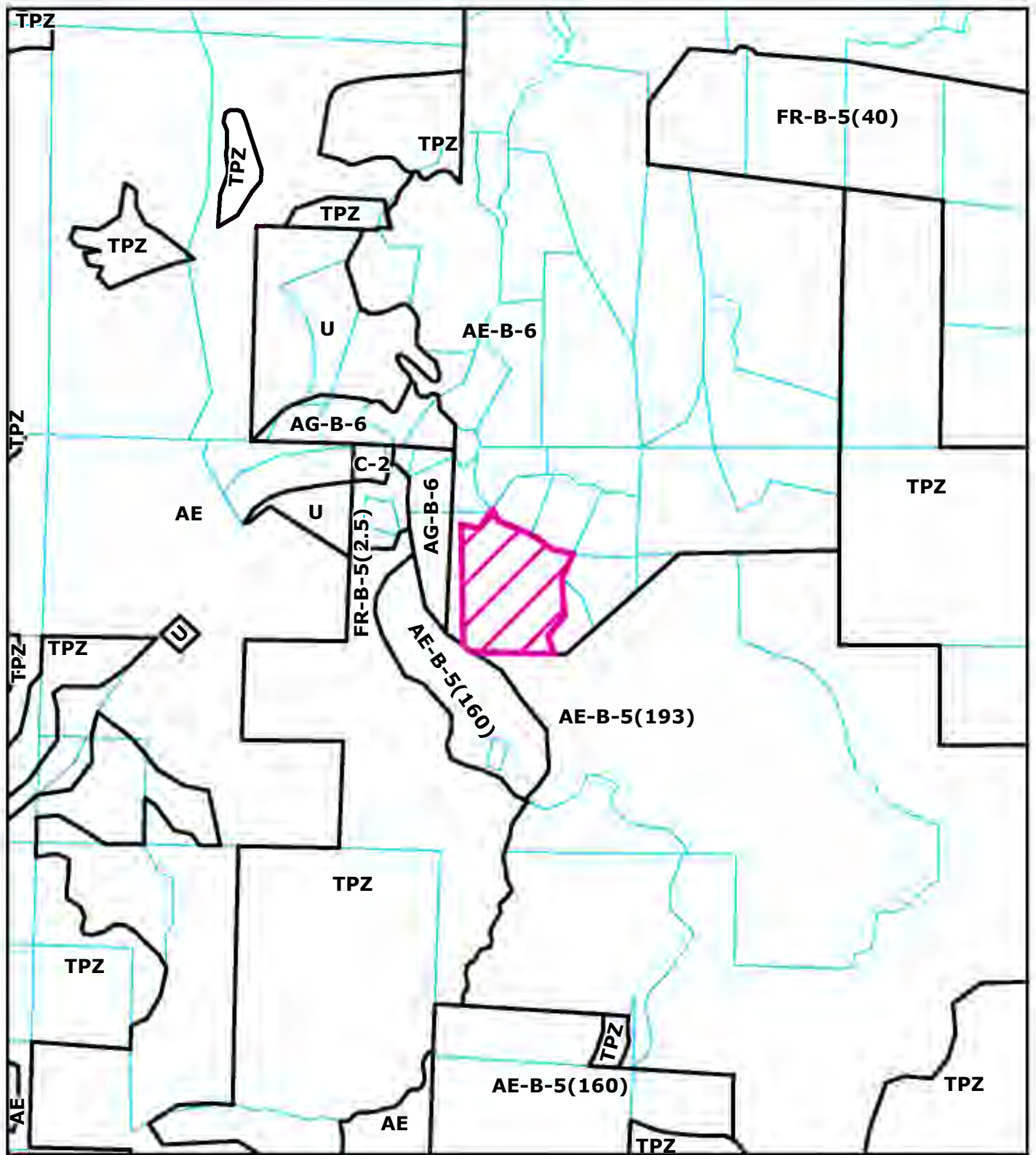
TOPO MAP
PROPOSED HONEYDEW RANCH LLC
HONEYDEW AREA
SP-16-461; SP-16-464
APN: 107-272-005
T03S R01E S6 HB&M (HONEYDEW)

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 1,000 2,000 4,000 Feet





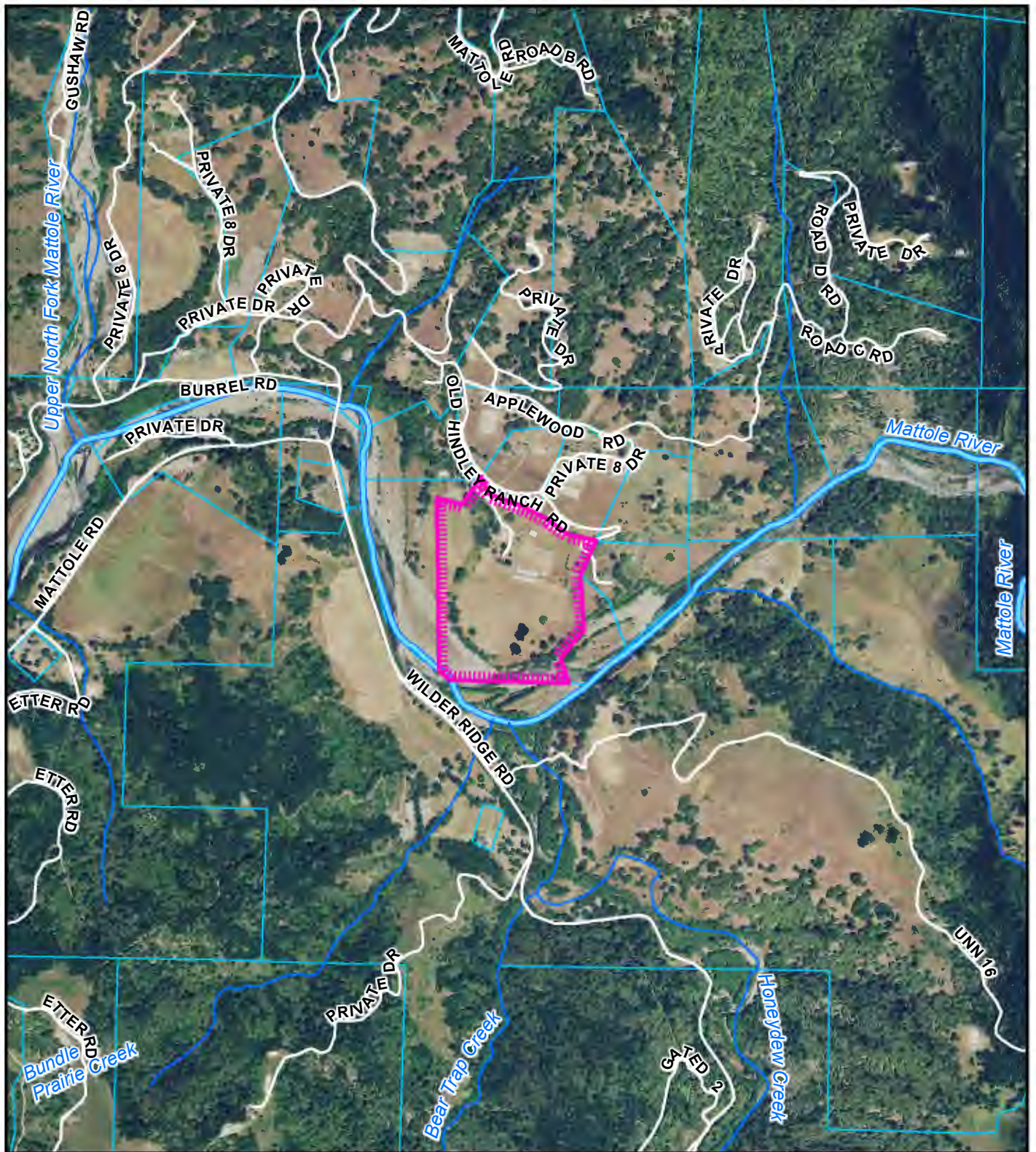
Project Area = 

**ZONING MAP
PROPOSED HONEYDEW RANCH LLC
HONEYDEW AREA
SP-16-461; SP-16-464
APN: 107-272-005
T03S R01E S6 HB&M (HONEYDEW)**

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 1,000 2,000 4,000 Feet

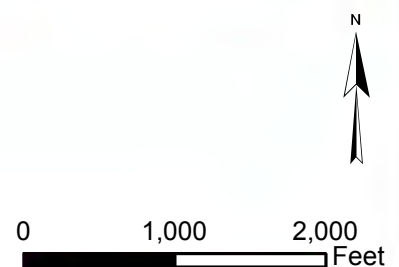




Project Area = 

**AERIAL MAP
PROPOSED HONEYDEW RANCH LLC
HONEYDEW AREA
SP-16-461; SP-16-464
APN: 107-272-005
T03S R01E S6 HB&M (HONEYDEW)**

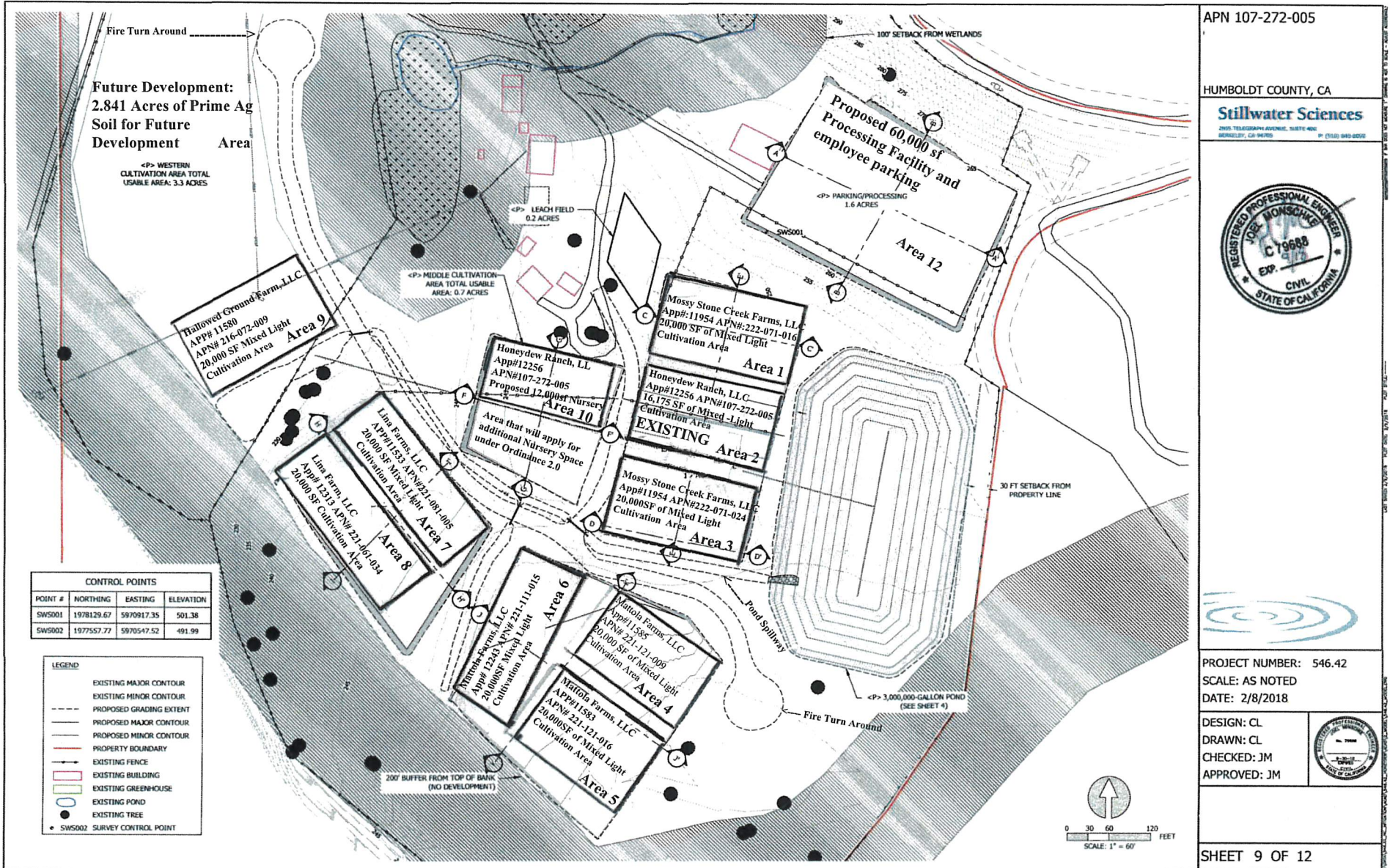
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Honeydew Ranch , LLC

App# 12256 APN#107-272-005

RRR Development Map



Total Acres of Areas 1-3:
1.7 acres Mossy Stone Creek Farm, LLC, & Honeydew Ranch, LLC

Total Acres of Area 4-6:
2.0 acres, Mattola Farms, LLC

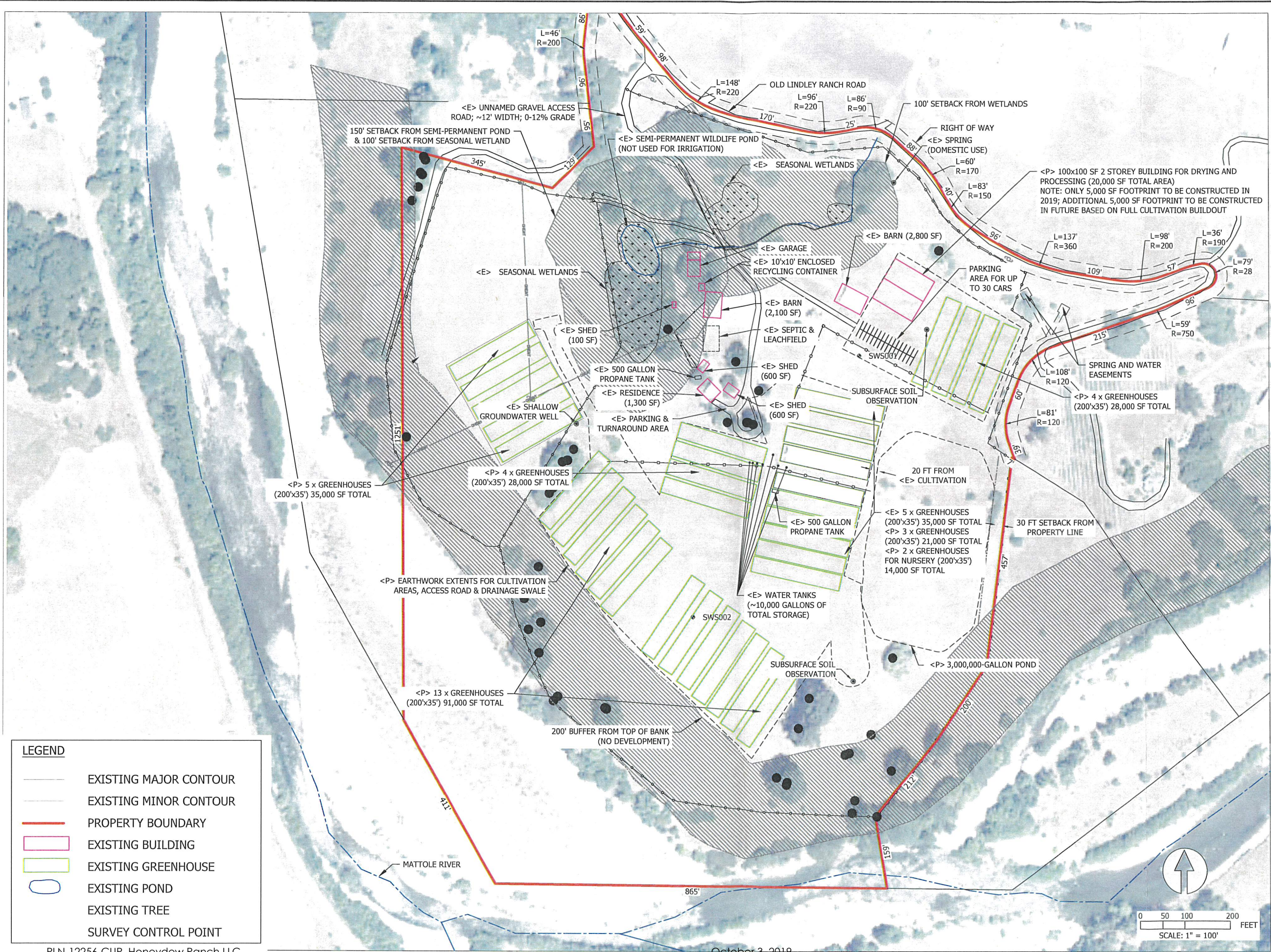
Total Acres of Area 7-8:
1.2 acres. Lina Farms, LLC

Total Acres for 9:
20,000 SF or .459 acres Hallowed Ground, LLC

Total Acres for area 10:
.27 acres of Nursery
.43 acres Proposed Nursery addition
Ordinance 2.0

Total Acres for Area 11:
Future Development:
2.841 acres.

Total Acres for area 12:
1.6 acres 60,000 SF Processing Facility & Employee Parking:



LAST SAVED: 3/19/2019 PLOT DATE: 3/19/2019 PLOT STYLE: PLT01.dwt

SITE PLAN
APN 107-272-005
HUMBOLDT COUNTY, CA

OWNER:
HONEYDEW RANCH LLC
665 OLD HINDLEY RANCH ROAD
HONEYDEW, CA 95545
707-683-6686
HSOM16@HOTMAIL.COM

AGENT:
JOEL MONSCHKE PE
STILLWATER SCIENCES
850 G STREET, SUITE K
ARCATA, CA 95521
707-496-7075
JMONSCHKE@STILLWATERSCI.COM

ENGINEER'S APPROVAL REQUIRED:

UPON COMPLETION OF THE PROJECT, ENGINEER OF RECORD WILL SUBMIT A LETTER OF CERTIFICATION TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT CONFIRMING THAT THE PROJECT MEETS ALL OF THE REQUIREMENTS DETAILED IN THE APPROVED R2 SOILS REPORT, AS WELL AS THE GRADING, EROSION AND SEDIMENT CONTROL PLANS

POND NOTES:

1. <P> 3,000,000 GALLON POND
2. WATER SOURCE TO FILL NEW POND: RAINWATER CATCHMENT
3. WATER USE FOR PROPOSED POND: IRRIGATION & FIRE SUPPRESSION

GRADING QUANTITIES:

EARTHWORK
POND - 16,000 CY CUT/CY FILL
ROADS/SWALES/FLATS - 14,000 CY CUT/CY FILL
(ALL GRADING BALANCED ON SITE)

IMPORTED ROCK QUANTITIES

3" DRAIN ROCK:
FRENCH DRAIN - 100 CY
BACKING ROCK (0.5'Ø TO 1'Ø):
SPILLWAY - 20 CY
DRAINAGE SWALE - 20 CY

TREE REMOVAL
NO TREES TO BE REMOVED

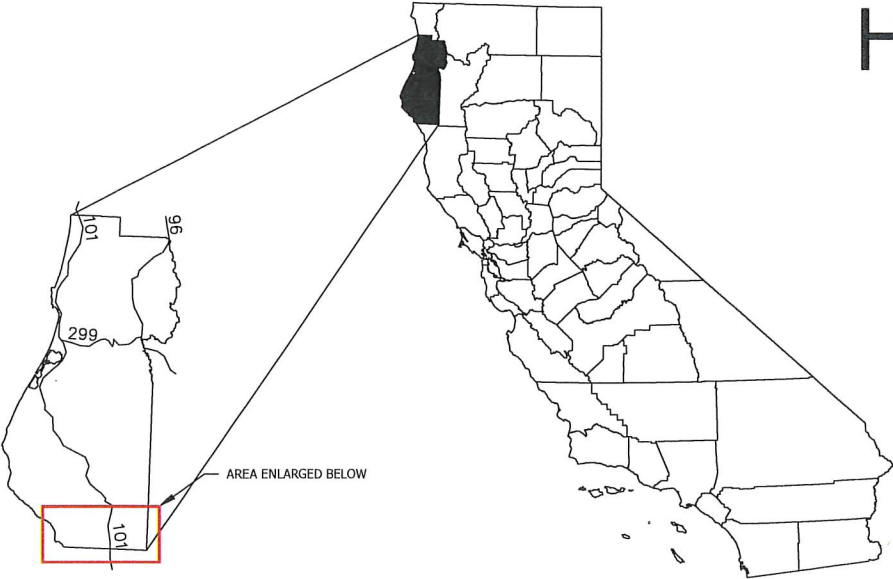
ADDITIONAL NOTES:

1. PARCEL EXTENT TAKEN FROM HUMBOLDT COUNTY GIS AND ASSESSORS PARCEL MAPS; MODIFIED BASED ON FIELD CONDITIONS; APPROXIMATE ONLY.
2. SLOPE DIRECTION AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND UNDERLYING USGS TOPO MAP (40' CONTOUR INTERVALS); SLOPES TYPICALLY RANGE FROM 0% TO 40%.
3. NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF PROPERTY.
4. ALL ROADS AND PARKING AREAS SURFACED WITH GRAVEL, ~16' - 20' WIDTH.

SYMBOL AND ABBREVIATION KEY:

1
12
DETAIL NUMBER
SHEET NUMBER
<P> = PROPOSED
<E> = EXISTING

Sheet List Table	
Sheet Number	Sheet Title
1	TITLE SHEET
2	SITE OVERVIEW



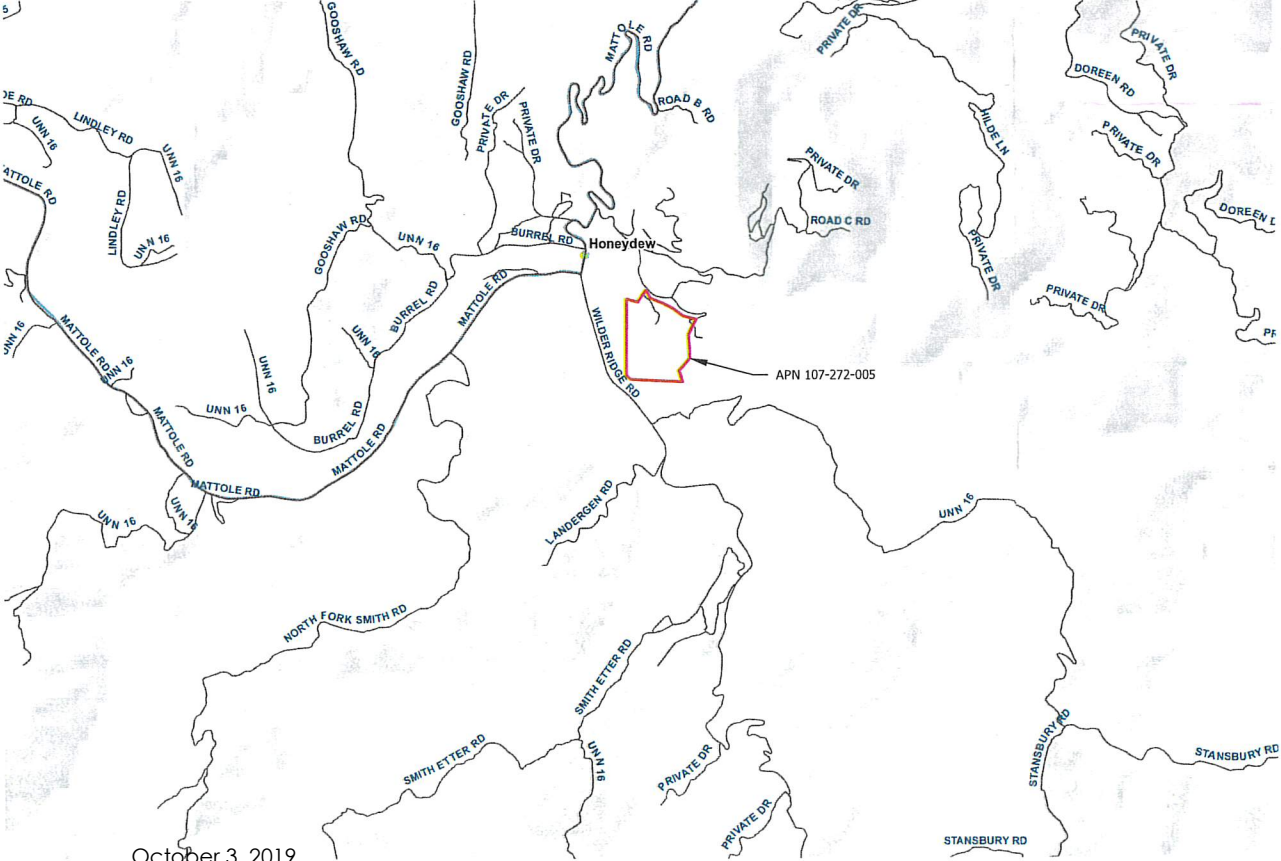
HUMBOLDT COUNTY MAP
NTS

CALIFORNIA MAP
NTS

REGIONAL LOCATION MAP



VICINITY LOCATION MAP



APN 107-272-005
SITE PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences

2855 TELEGRAPH AVENUE, SUITE 400
BERKELEY, CA 94705 P: (510) 848-8098

PROJECT NUMBER: 546.42
SCALE: AS NOTED
DATE: 3/19/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM



TITLE SHEET

SHEET 1 OF 2 Page 14

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-29. 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. No additional cultivation associated with the RRR sites is allowed until the applicant can demonstrate that the proposed rainwater catchment pond was constructed with proper permits and the sufficient rainwater was captured during the 2019 – 2020 rainy season to support cultivation operations in 2020. Upon construction of the rainwater catchment pond, the applicant shall cease use of the point of diversion from the spring-fed pond. Demonstration of the condition being met includes obtaining the appropriate permits from the Building Inspection Division and providing proof, such as photographs and mathematical calculations prepared by a licensed civil engineer that the water captured in the rainwater catchment pond will support the full build out.
3. The applicant shall secure permits for all existing and proposed structures (including greenhouses and processing facility) and grading related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Until then, existing structures used in the cannabis operation are not to be used or occupied until all required permits have been obtained.
4. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Furthermore, construction of farmworker housing will need to comply with Health and Safety Codes 17021.5 and 17021.6. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
5. The applicant shall secure the approval from the Department of Environmental Health that the Onsite Wastewater Treatment System (OWTS) is capable of handling the peak number of employees (24) prior to the issuance of a building permit. Alternatively, the applicant shall design and install a new OWTS or increase the capacity of the existing OWTS to be used for the processing facility. A letter or similar communication from the Department of Environmental Health indicating approval has been issued will satisfy this condition.
6. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets with hand washing stations to serve the needs of cultivation staff prior to annual renewal of the permit until the permitted OWTS has been installed. A letter from those agencies indicating approval has been issued will satisfy this condition.
7. 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.
8. The applicant shall adhere to the following conditions required by the Department of Public Works in

their referral response dated March 5, 2018:

- a. All 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.
 - b. The applicant shall obtain an encroachment permit from the Department of Public Works to pave a minimum width of 20 feet and a length of 50 feet where Old Hindley Ranch Road meets Mattole Road and complete the required improvements. A letter or similar communication from the Department of Public Works stating this work is completed to DPW's satisfaction will complete this condition.
9. In accordance with **Mitigation Measure BIO-1 and HYD-1**, the applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. As part of development of the stormwater system at the project site, the existing 30-inch concrete culvert would be upgraded to a 48-inch CMP to withstand the 100-year peak streamflow. This culvert is currently in disrepair and would be replaced with a larger culvert. After replacement of the culvert pipe, the outlet would be armored with rock to provide energy dissipation and to minimize erosion. All construction would be done during the summer months when the water level is lowest. Construction would follow erosion control best management practices as outlined in the WRPP, CDFW's Streambed Alteration Agreement, and RWQCB Order No. R1-2015-0023. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume. This activity would occur outside of the 200-foot setback from the Mattole River and a minimum 100-foot setback from wetlands and small tributaries. Any removal of riparian vegetation from these maintenance activities would be replaced at a 3:1 ratio at an appropriate location on the project site. This could include the enhancement of existing wetland and riparian areas on the project site. If applicable, a mitigation plan would be prepared and submitted to regulatory agencies for review and concurrence prior to replacement of the culvert. 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 RWQCB. A letter or similar communication from the RWQCB verifying that all of their requirements have been met by the listed dates or the applicant has proven to the satisfaction of the RWQCB 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.]
10. The Biological Resources Technical Report, dated October 2018, indicated that seasonally appropriate surveys for Pacific gilia, the only special-status plant species likely to be present in the grassland habitat, may be required prior to Project implementation to determine if this special status species is present. In accordance with **Mitigation Measure BIO-1**, prior to any proposed grading or further development of the property a qualified botanist shall prepare a seasonally-appropriate botanical surveys. These surveys shall follow the Protocol for Surveying and Evaluating Impacts to Special Status native Plant Populations and Natural Communities (CDFW 2018) and abide by the biological report content and standards described in the Humboldt County Code Sections 314-61.1.17 and 314-61.1.18. Further, bat and nesting bird surveys conducted by a qualified biologist are required to occur for any vegetation clearing that is proposed to occur during the reproductive season (March 1st – September 14th). Furnishing reports of these surveys to CDFW and the County is made a condition of approval. Any special status plant species or Environmentally Sensitive Habitat Associations encountered will be flagged in the field and protected under consultation with CDFW and contain a minimum of 100 feet setbacks from all cultivation areas or appurtenant buildings. No grading, restoration, removal of structures, or development of new structures is allowed until this condition has been met and approved

by CDFW and the Humboldt County Planning Division.

11. In accordance with **Mitigation Measures BIO-1, BIO-2, and BIO-3**, the applicant shall adhere to the measures to protect fish and wildlife resources from the final Lake and Streambed Alteration Agreement, Notification No. 1600-2017-0436-R1, for culvert encroachment and two points of diversion (spring and well). In particular, this shall include: limiting spring water diversion to no more than 200 gallons per day at less than 3 gallons per minute during the period of May 15 to October 30 of any year; to irrigate no more than two acres of cultivation areas using water drawn from the well during the period of May 15 to October 30 in 2018; and, to then limit withdrawal of water from the well to the period of December 15 to May 1 of each year thereafter.
12. In accordance with **Mitigation Measure BIO-2**, once the project commences, the proposed rainwater catchment pond would create a new aquatic environment which may attract, entrap, or impact wildlife. As such the mitigation measures to protect fish and wildlife resources from the water storage pond agreed to in the projects current CDFW streambed alteration agreement (#1600-2017-0436-01) are required to be met as a condition of approval. In addition, any proposed submersible pumps that would be used to transfer water from the rainwater catchment pond to the various parts of the site have the potential to impact wildlife including amphibian or reptile species if not properly screened. To prevent impacts to these species during the term of the project, pumps would be installed that contain screens meeting the CDFW fish screening criteria.
13. In accordance with **Mitigation Measure BIO-4**, any on-site lighting existing in the five existing, the proposed mixed light greenhouses, and the existing nursery greenhouses shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
14. In accordance with **Mitigation Measure BIO-1**, the applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament 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 weaves.
15. In accordance with **Mitigation Measure NOI-1**, the applicant shall enforce the following construction-related noise requirements:
 - a. The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
 - b. No heavy equipment related construction activities shall be allowed on Sundays or holidays.
 - c. All stationary and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.
16. In accordance with **Mitigation Measure PUB-1**, the applicant shall ensure that the applicant implements the detailed security plan contained in the Cultivation and Operations Plan prepared for the project (Six Rivers Construction and Consulting, 2018a). Implementation of the security plan measures would minimize impacts on local law enforcement service provided by the County Sheriff's Department.
17. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt

County Code. The applicant shall schedule a site inspection with the Planning Department within 30 days of the effective date of this permit to conduct a conformance evaluation. If the applicant is unable to show conformance with this condition, no fan or lights are authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.

18. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. If the applicant is unable to show conformance with this condition, no fan or lights are authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
19. No additional cultivation associated with the RRR sites is allowed until the applicant can demonstrate that the proposed rainwater catchment pond was constructed with proper permits and the sufficient rainwater was captured during the 2019 – 2020 rainy season to support cultivation operations in 2020. Upon construction of the rainwater catchment pond, the applicant shall cease use of the points of diversion for irrigation uses. Demonstration of the condition being met includes obtaining the appropriate permits from the Building Inspection Division and providing proof, such as photographs and mathematical calculations prepared by a licensed civil engineer that the water captured in the rainwater catchment pond will support the full build out.
20. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The Applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source. The water use for cultivation is limited to the amount of water available in storage tanks.
21. The applicant shall provide the Planning Department of copy of the Notice of Applicability and Site Management Plan, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. The applicant shall complete and implement all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. 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 SWRCB. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
22. The applicant shall adhere to the Final Lake and Streambed Alteration Agreement (Notification #1600-2016-0272-R1) effective May 18, 2018, by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
23. The applicant shall provide copies of appropriative rights obtained for domestic and irrigation uses from the State Water Resources Control Board. Alternatively, the applicant shall provide a Statement from the State Water Resources Control Board that appropriate rights are not required for the project.
24. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
25. Within 1 year, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Old Hindley Ranch Road and Applewood Road. The necessary steps include sending

notices to all road users of the requirement to form a Road Maintenance Association, and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

26. The applicant shall submit a traffic management plan for review and approval by the Planning Director prior to commencing processing on-site. The traffic management plan shall include traffic calming measures, but not be limited to the following: posting speed limit signs, road improvements, such as turnouts where the road width is decreased and carpooling options, that may include a shuttle for employees to access the site.
27. The applicant shall contact the local fire service provider [Honeydew Volunteer Fire Department] 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 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.
28. That the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016. □The applicant shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
The applicant shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood). The applicant shall comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
29. The property owner 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.
30. The processing facility will only process cannabis cultivated on the subject parcel. This permit does not authorize processing of cannabis cultivated on any other parcel owned by the applicant or cultivated by others.
31. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume.
32. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual

review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

33. 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 \$2,404.75 payable to the Humboldt County Clerk/Recorder (\$2,354.75 for CDFW filing fee and \$50 for County Clerk). If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
34. 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 the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. The applicant shall not use any erosion control and/or cultivation materials that contain synthetic (e.g. plastic or nylon) netting, including photo/biodegradable plastic netting. Geotextiles, fiber roles 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.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. 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.
6. 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.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).

8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (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.
9. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. In accordance with **Mitigation Measure BIO-4**, the noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel (dB) level for generators measured at the property line shall be no more than 60 dB. 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 dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
14. 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.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. 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."
19. 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).
20. 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.

21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

22. 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.

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

24. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute

delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 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.
26. 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.
27. Permittee further acknowledges and declares that:
 - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violation(s) at the earliest opportunity but in no event more than two (2)

years of the date of issuance of the provisional clearance or permit. Plans for curing the violation(s) shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #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 #23 of the On-Going Requirements /Development Restrictions, above.
3. In accordance with **Mitigation Measure CUL-1**, the following provides means of responding to the circumstances of a significant discovery during the cultural monitoring of the final implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped with-in 20 meters (66 feet) of the discovery, per the requirements of CEQA Guidelines Section 15064.5 (f)). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descend-ants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

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 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 send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid 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 \$2,404.75 payable to the Humboldt County Clerk/Recorder (\$2,354.75 for CDFW filing fee and \$50 for County Clerk). If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

Required Findings for Approval

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

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

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

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, the Open Space Plan, and the Open Space Action Plan.

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>Agriculture Exclusive (AE): Applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation.</p> <p>Allowable uses include General Agriculture, Intensive Agriculture, Agriculture & Timber Products, and residential accessory uses.</p> <p>Density range is 20 to 60 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 16,175 square feet of mixed light cultivation and a proposed 12,000-square-foot wholesale nursery on lands designated as AE. Honeydew Ranch, LLC, is also the proposed receiving site for nine Retirement, Remediation, and Relocation (RRR) cannabis cultivation applications to be considered under separate applications. The existing and proposed wholesale nursery and RRR cultivation together comprise the project. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</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-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the subject parcel is off Old Hindley Ranch Road approximately 0.6 miles from a County-maintained public road (Mattole Road). The project was referred to the Department of Public Works that recommend preparation of a road evaluation report and conditional approval. A road evaluation report prepared by the Applicant (see Attachment 4) was submitted indicating that Old Hindley Ranch Road is developed to a Category 4 standard and is adequate to accommodate the proposed use. Conditions of approval require the applicant to adhere to the recommendations conditions from the Department of Public Works, including paving a minimum width of 20 feet and a length of 50 feet where the private road meets Mattole Road. Additionally, the private road intersection will be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).</p> <p>Public comments received (see Attachment 6) state that traffic is constant, and the road is worn down, is full of potholes and has bad runoff in the winter. To address the concerns, conditions of approval are included that require the applicant to participate in a road maintenance association and/or pay fair-share costs associated with maintenance, applicant shall submit a traffic management plan prior to commencing processing on-site. The traffic management plan shall include traffic calming measures, but not be limited to the following: posting speed limit signs, road improvements, such as turnouts where the road width is decreased and carpooling options, that may include a shuttle for employees to access the site.</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>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 located within an Open Space Action Program because the project site has a land use designation of Agriculture Exclusive. General agriculture is a use type permitted in the Agriculture Exclusive land use designation. General agriculture is also a principal permitted use in the Agriculture Exclusive zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</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, and BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The California Natural Diversity Database (CNDDDB) lists Summer-run steelhead trout as a rare or endangered species on the subject parcel as the Mattole River and associated Streamside management Area (SMA) is located in the southern area. The proposed project is located in outside of the Mattole River and associated SMA. The applicant is proposing a 3,000,000-gallon rainwater catchment pond to provide all water during the forbearance period of May 15 – Oct 30 annually and move away from reliance of the points of diversion for irrigation. Use of the rainwater and less diversion of water from the Mattole River for irrigation will improve water quantity for Summer-run steelhead trout. Additionally, the limitations placed on the diversions by CDFW (described below) also improves water quantity for the listed species.</p> <p>The applicant obtained a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (Notification No. 1600-2017-0436-R1). The Final Streambed Alteration Agreement authorizes the use of two points of diversion (spring diversion for domestic use and well for irrigation use) and improvements to an existing stream crossing on the subject parcel (see Attachment 4). The Final Streambed Alteration Agreement limits the spring diversion for domestic use to no more than 200 gallons per day from May 15 to October 30 annually. Water use from the well diversion was did not authorize more than 2 acres of cultivation in 2018. During 2018, there was 56,175 square feet of cultivation between the two approved RRR projects totaling 40,000 square feet and the existing 16,175 square feet of outdoor cultivation. After October 31, 2018, the Final Streambed Alteration Agreement confines water diversion from the well to December 15 through May 1 of each year. The project is conditioned on adhering to the CDFW final Lake and Streambed Alteration Agreement for the project. Water use will be metered to provide a record of actual water use and storage needs and to ensure adherence to forbearance and water limitation requirements. Conditions of approval require the applicant to adhere to the Final Streambed Alteration Agreement issued by CDFW, obtain appropriative water rights and meter water use.</p> <p>The applicant submitted a <i>Preliminary Delineation of Waters and Wetlands for the Honeydew Ranch Property</i> prepared by Stillwater Sciences dated January 2018 (see Attachment 4). The report evaluated the extent of water and wetland resources on the subject parcel and delineate</p>
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		<p>any water of the U.S. that are subject to the U.S. Army Corps of Engineers jurisdiction. The report found 6.27 acres of waters (Mattole River) and 0.92 acres of wetlands adjacent to the Mattole River. Other wetlands on the subject parcel beside the Mattole River, are isolated and had no permanent or seasonal flowing water into the Mattole River. All development associated with the proposed project is located more than 200 feet away from the Mattole River and wetland areas as shown on the site plan. Therefore, the project as proposed will not adversely impact these resources.</p> <p>The nearest Northern Spotted Owl activity center and observations are located over 2 miles west of the project location, however, there is a parcel mapped for potential Marbeled murrelet habitat approximately 2,100 feet to the southeast. Conditions of approval require the applicant to contain all generators to reduce potential noise impacts. Additionally, noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The applicant shall schedule a site inspection with the Planning Department within 30 days of the effective date of this permit to conduct a conformance evaluation. If the applicant is unable to show conformance with this condition, <i>no mixed-light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.</i></p> <p>The applicant submitted a <i>Biological Resources Technical Report for the Honeydew Ranch Project</i> prepared by Stillwater Sciences dated January 2019 (see Attachment 4). The report describes the special-status and/or sensitive biological resources in or with the potential to occur in the project area that may be affected by the proposed project. Starting on Page 27, the <i>Biological Resources Technical Report for the Honeydew Ranch Project</i> recommends several mitigation measures for development to lessen impacts to special-status and/or sensitive biological resources, including, but not limited to use of existing roads for construction, proper maintenance of construction vehicles, floristic surveys for Pacific gilia, implementation of a bullfrog management plan and site development activities outside of the nesting season for several bird species. The recommendations of contained in the <i>Biological Resources Technical Report for the Honeydew Ranch Project</i> were included in the environmental analysis and used as mitigation</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		measures in the Initial Study and Mitigated Negative Declaration of the project. Conditions of approval require the applicant to adhere to and implement the mitigation measures contained in the Initial Study/Mitigated Negative Declaration.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>No known significant archaeological or historic period cultural resources are located in the project area. A Cultural Resources Investigation was conducted by William Rich and Associates in January 2018 which included a pedestrian field survey in June 2017. The survey included the entire area proposed for cultivation and checked for the presence of archaeological deposits, historic features or other cultural resources. No other artifacts, features or other historical resources, as defined in CEQA, Article 4, Section 15064.5 (a), were identified within or adjacent to the project area as a result of the investigation. Although the Cultural Resources Investigation concludes that it would be unlikely to encounter significant buried archaeological materials at this location during implementation of the permit, it is noted that the potential for inadvertent discovery of such resources exists. A condition of project approval has been 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 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related standards: SR-S4, Light and Glare.</p>	<p>The application involves mixed light cultivation in five existing greenhouses and a proposed new wholesale nursery. Additional development would include a total of almost 8 acres of total cultivation through Zoning Clearance Certificates to be considered separately from this permit application. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</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-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The project falls within Tier 2 of the NCRWQCB Order No. 2015-0023 (Order), which requires preparation of a WRPP to protect water quality from cannabis cultivation and related activities. The applicant retained Six Rivers Construction and Consulting for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. According to the WRPP, all standard conditions were scheduled to have been met by October 2018. Conditions of approval require implementing the corrective measures required by the WRPP and maintaining compliance with the State Water Resources Control Board's Cannabis Cultivation Discharge Program.</p> <p>In October 2017, the State Water Resources Control Board (SWRCB) approved a statewide cannabis cultivation policy that required those enrolled with the NCRWQCB to migrate to the State Policy no later than July 1, 2019. In addition to enrollment with the State, the applicant is required to submit a Site Management Plan. The applicant is required to enroll in the State Cannabis Cultivation Program with the SWRCB, adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability (once received). A copy of the Notice of Applicability, Site Management Plan and reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</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>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-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The subject parcel contains an Onsite Wastewater Treatment System (OWTS) for residential use. The applicant is proposing to develop a 10,000-square-foot processing facility that will include bathrooms. The applicant will be required to develop or increase capacity of the existing OWTS to accommodate the processing facility and maximum number of employees on-site at one time. Until the existing OWTS is permitted and the proposed OWTS is installed, the applicant will provide appropriate temporary sanitation facilities such as portable toilets for cultivation staff. Processing is required to occur at a licensed off-site processing facility until both OWTS are permitted by the Department of Environmental Health and installed to the satisfaction of DEH. In addition to the permitting and installation of the OWTS, conditions of approval require the applicant to show continual use of the portable bathroom facilities prior to the annual inspection of the permit. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board that the on-site waste water disposal system is capable of handling the peak number of employees (24) prior to the issuance of a building permit.</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; N-P4, Protection from Excessive Noise.</p>	<p>Power to the site is provided by P. G. & E. and onsite solar. According to the operations plan, the generator is located away from property lines and has a reading of 38.7 decibels at the property line. The subject parcel is not located in an area that requires special noise attenuation measures; however, a condition of approval includes construction related noise mitigation measures to account for project construction and development. The existing and proposed cultivation areas are mixed-light, and generators are only used during power outage events, so there will be minimal noise generated by the existing project. The nearest Northern Spotted Owl activity center and observations are located over 2 miles west of the project location, however, there is a parcel mapped for potential Marbeled murrelet habitat approximately 0.39 miles to the southeast. Conditions of approval require the applicant to contain all generators to reduce potential noise impacts. Additionally, noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The applicant shall schedule a site inspection with the Planning Department within 30 days of the effective date of this permit to conduct a conformance evaluation. If the applicant is unable to show conformance with this condition, no fan or lights are authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.</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>Geologic & Seismic</p>	<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-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The project does not include any proposed structures for human occupation; however, there is an existing residence on site. The cultivation areas occur on graded flats or slopes of 15% or less. The project area is seismically classified as low instability and does not pose a threat to public safety from exposure to natural or manmade hazards. Conditions of approval require the application to obtain permits for all proposed structures and grading.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The proposed cultivation areas within the project site are outside the mapped 100-year flood hazard area. The project site is not within a mapped dam or levee inundation area and, at over seven miles distance from the coast and over 355 feet above mean sea level, 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 for loss of life, property, and natural resources (S-G4).</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 high and moderate fire hazard severity rating. The project site is located within the Honeydew Volunteer Fire Department Response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		There will be a maximum of 24 employees on site during peak operations. The project site contains several existing water tanks and the proposed 3,000,000-gallon pond, which could provide additional fire protection on site. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	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.	To implement this policy, conditions of approval for the proposed project require the applicant to contact the local fire service provider [Honeydew Volunteer Fire Department] 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.
Air Quality Chapter 15	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). Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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 Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 107-272-005 is one separate legal parcel (parcel 19) as shown on Recorded Map in Book 16 of Maps page 125. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agriculture Exclusive (AE)	<u>Agriculture Exclusive (AE):</u> Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.	The applicant is seeking one Conditional Use Permit for an existing 16,175 square feet mixed light cannabis cultivation operation, additional RRR cultivation to be considered as separate Zoning Clearance Certificates, and a Special Permit for a 14,000-square-foot proposed wholesale nursery on property zoned AE. The proposed use is specifically allowed with a Conditional Use Permit and Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	20 acres	47 acres
Maximum Ground Coverage:	35%	18% at total buildout
Minimum Lot Width:	100 feet	1,100 feet
Maximum Lot Depth:	None specified	1,857 feet
Minimum Yard Setbacks:	Front: 30 feet Rear: 20 feet Side: 10% of the lot width on each side but not more than 20' shall be required. SRA: 30 feet, all sides	Front (north): >100 feet Rear (south): >200 feet Side (east and west): >30 feet
Max. Building Height:	None specified	< 35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.</p>	<p>The Mattole River runs along the southern boundary of the project site. Water for domestic and irrigation use is provided by a point of diversion from an unnamed tributary to the Mattole River and a hydrologically connected well that is 60 feet deep. Water storage consists of six 1,100-gallon, 10 2,500-gallon, four 5,000-gallon, and three 350-gallon tanks for a total of 52,650 gallons of hard tank water storage. The applicant has submitted grading plans to Humboldt County Building Department for a proposed 3,000,000-gallon rain catchment pond that will be developed outside of SMAs on the subject parcel.</p> <p>The applicant submitted a <i>Preliminary Delineation of Waters and Wetlands for the Honeydew Ranch Property</i> prepared by Stillwater Sciences dated January 2018 (see Attachment 4). The report evaluated the extent of water and wetland resources on the subject parcel and delineate any water of the U.S. that are subject to the U.S. Army Corps of Engineers jurisdiction. The report found 6.27 acres of waters (Mattole River) and 0.92 acres of wetlands adjacent to the Mattole River. Other wetlands on the subject parcel beside the Mattole River, are isolated and had no permanent or seasonal flowing water into the Mattole River. All development associated with the proposed project is located more than 200 feet away from the Mattole River and wetland areas as shown on the site plan. Therefore, the project as proposed will not adversely impact these resources.</p> <p>The applicant obtained a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (Notification No. 1600-2017-0436-R1). The Final Streambed Alteration Agreement authorizes the use of two points of diversion (spring diversion for domestic use and well for irrigation use) and improvements to an existing stream crossing on the subject parcel (see Attachment 4). The Final Streambed Alteration Agreement limits the spring diversion for domestic use to no more than 200 gallons per day from May 15 to October 30 annually. Water use from the well diversion was did not authorize more than 2 acres of cultivation in 2018. During 2018, there was 56,175 square feet of cultivation between the 2 approved RRR projects totaling 40,000 square feet and the existing 16,175 square feet of mixed light cultivation. After October 31, 2018, the Final Streambed Alteration Agreement confines water diversion from the well to December 15 through May 1 of each year. The project is conditioned on adhering to the CDFW final Lake and Streambed Alteration Agreement for the project. The applicant filed Statements of Water Diversion and</p>
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		Use with the State Water Resources Control Board (SWRCB). Conditions of approval require the applicant to obtain and adhere to terms and conditions of Right to Divert and Use Water for all water stored on-site from a water source within the jurisdiction of the SWRCB. If appropriate water rights are not required, the applicant may alternatively submit a statement SWRCB stating no appropriate water rights are required for the project.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The project site is a non-forested site zoned AE and was reviewed for timberland conversion. It does not appear that timberland conversion has taken place on the subject parcel. No trees are proposed to be removed as part of the project. The project will not result in a conversion of timberland because the project will result in the land being used for agricultural production and no trees will be removed.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned FR.	The proposed action is one Conditional Use Permit for existing 16,175 SF mixed light commercial medical cannabis cultivation and one Special Permit for a proposed 14,000 SF nursery. Aerial imagery on Google Earth indicate that existing cultivation operations on the property began sometime before 2015. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.

§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one Conditional Use Permit for existing cultivation, one Special Permit for a 12,000-square-foot wholesale nursery and 9 Zoning Clearance certificates. If approved, the applicant will hold 3 CMMLUO permits as follows: a Conditional Use Permit, Special Permit and one Zoning Clearance Certificate as the receiving parcel for the 9 RRR retirement sites.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing currently occurs in the existing 2,800 SF processing barn. The applicant is proposing to construct a 2-story, 10,000-square-foot processing facility to process cannabis cultivated onsite. The applicant estimates a maximum of 24 employees are required to meet operational needs. Conditions of approval require the applicant to obtain building and grading permits and develop an Onsite Wastewater Treatment System (OWTS) that can accommodate the peak number of employees on-site at one time. Until the processing facility and OWTS are constructed, processing will occur off-site at a licensed processing facility. Once the processing building is constructed the existing processing barn will no longer be used for cannabis related activities.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Water for domestic and irrigation uses is sourced from a point of diversion from an unnamed tributary to the Mattole River and a hydrologically connected well that is 60 feet deep. The applicant submitted an <i>Initial Statement of Water Diversion and Use</i> in June 2017. Conditions of approval for the project require the applicant to submit a Small Irrigation Use Registration or other application for appropriative rights to the Division of Water Rights, State Water Resources Control Board and obtain an appropriative right for storage of diverted water for irrigation use. The applicant is proposing a 3,000,000-gallon rainwater catchment pond to provide all water during the forbearance period of May 15 – Oct 30 annually.</p> <p>The applicant obtained a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (Notification No. 1600-2017-0436-R1). The Final Streambed Alteration Agreement authorizes the use of two points of diversion (spring diversion for domestic use and well for irrigation use) and improvements to an existing stream crossing on the subject parcel (see Attachment 4). The Final Streambed Alteration Agreement limits the spring diversion for domestic use to no more than 200 gallons per day from May 15 to October 30 annually. Water use from the well diversion was did not authorize more than 2 acres of cultivation in 2018. During 2018, there was 56,175 square feet of cultivation between the approved RRR projects and the existing 16,175 square feet of mixed light cultivation. After October 31, 2018, the Final Streambed Alteration Agreement confines water diversion from the well to December 15 through May 1 of each year. The project is conditioned on adhering to the CDFW final Lake and Streambed Alteration Agreement for the project.</p> <p>Water use will be metered to provide a record of actual water use and storage needs and to ensure adherence to forbearance and water limitation requirements. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.</p>
<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. One outcome of the cultural resources study was that there are no known TCRs present on the site. The site plan shows the project complies with property line setbacks.</p>

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	As discussed above the primary power source for the project will be conventional grid power supplied by P. G. & E with back-up generator power during power outages. Generator use will only occur in emergency situations, so there will be minimal noise generated by the project. According to the operations plan, the generator is located away from property lines and has a reading of 38.7 decibels at the property line. The nearest Northern Spotted Owl activity center and observations are located over 2 miles west of the project location, however, there is a parcel mapped for potential Marbeled murrelet habitat approximately 0.39 miles to the southeast. Conditions of approval require the applicant to contain all generators to reduce potential noise impacts. Additionally, noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The applicant shall schedule a site inspection with the Planning Department within 30 days of the effective date of this permit to conduct a conformance evaluation. If the applicant is unable to show conformance with this condition, no fans or lights are authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 22, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance and the project is not expected to cause significant environmental damage.

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
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 midpoint of the density range specified in the plan designation), except where: 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single-family residence which will remain. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment. The CEQA document includes an analysis of the subject Conditional Use Permit and Special permit, as well as additional cultivation area that may be authorized under subsequent administrative Zoning Clearance Certificates. As a result of the circulation of the draft IS/MND, the County received one comment from the California Department of Food and Agriculture (CDFA). As a result of those comments, the draft document was revised to clarify the license types required from CDFA. These revisions are minor and do not necessitate re-circulation of the IS/MND pursuant to Section 15073.5 of the CEQA Guidelines. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this Conditional Use Permit and Special Permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,404.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2019, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,404.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. This requirement appears as Condition #18 of Attachment 1 (Section 1).

ATTACHMENT 3

**Initial Study and Mitigated Negative Declaration
(CD)**

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 (CD)– Site plan prepared by Stillwater Sciences dated March 19, 2019, and RRR Development Map prepared by Stillwater Sciences dated February 8, 2018)
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 (CD)– Revised Project Description and Operations Plan prepared by Six Rivers Construction & Consulting dated July 2018)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file – Initial Statement of Water Diversion and Use; Condition of Approval - provide copies of Right to Divert and Use Water)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see Operations Plan prepared by Six Rivers Construction & Consulting dated July 2018)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached - Water Resources Protection Plan for APN 107-272-005, June 2018; On file – enrollment documents)
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. (Attached (CD) – Streambed Alteration Agreement Notification No. 1600-2017-0436-R1 dated May 18, 2018; On file – Lake or Streambed Alteration Notification prepared by Stillwater Sciences)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached -Water Well Application dated July 15, 2013 and Well Completion Report August 30, 2013)

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 for APN 107-272-005, May 2018. (Attached)
16. DEH Worksheet. (On file)
17. A Cultural Resources Investigation for Yoram Atary APN 107-272-005 prepared by William Rich and Associates, January 2018. (On file and confidential)
18. A Biological Resources Technical Report, dated October 2018. (Attached - CD)
19. Wetlands and Waters of the U.S. delineation, dated January 2018. (Attached - CD)
20. Topographic Survey prepared by Kolstad Land Surveyors dated December 20, 2017. (Attached - CD)
21. Grading Plan for APN 107-272-005 prepared by Stillwater Sciences dated February 8, 2018. (Attached - CD)
22. Building Plans for APN 107-272-005. (On file)



DIVISION OF ENVIRONMENTAL HEALTH RECEIVED

100 H Street - Suite 100 - Eureka CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

11/12-1231
JUL 15 2013

F&W; TRIBE

WATER WELL APPLICATION CONSTRUCTION - REPAIR - DESTRUCTION

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

RECEIVED
JUN 30 2017
Humboldt County
Planning Division

Instructions:

1. Complete both pages of the application and submit the required fee with the Well Permit application, including Well Driller's signature.
2. The Well Permit will be returned to the property owner by mail when approved by the Humboldt County Division of Environmental Health (DEH).
3. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
4. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
5. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address 665 Old Hindley Ranch Rd. APN 107-272-05
City/State/Zip Honeydew CA 95545
Directions to Site _____

Property Owner Kyle Pullen
Mailing Address P.O. Box 38
City/State/Zip Honeydew CA 95544 Phone 707-497-4950

I hereby grant 'right-of-entry' for inspection purposes _____

Drilling Contractor FISCH DRILLING C - 57 License # 683865

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed and notify them before putting the well into use.

Well Driller Signature: _____

Type of Application:

☒ Construction \$ 365.00
☐ Repair \$116.00
☐ Destruction \$116.00

Estimated Work Dates:

Aug 2013 Start
_____ Completion

Construction:

Estimated Depth (ft.) _____
Diameter (in.) 10
Depth of Seal (ft.) 20
Sealing Material Bentonite

Casing:

Diameter (in.) 5
Material: CL200 PVC

Intended Use:

☒ Domestic - private
☐ Community Supply
☐ Irrigation
☐ Other _____

Type of Sewage System:

☐ Community Sewer
☒ Septic System
Distance from well site to septic system(s) 700'

FOR OFFICE USE ONLY

Fee: \$365.00
Date: 7-15-13
Receipt: 360056
By: DM
Approved by: _____

Permit Number _____

Site Approved By: DES 7/25/13
Site Finaled By: DES 8/6/13
Sealed to Depth of: _____
Seal Observed: ☒ Yes ☐ No
Date Approved: _____

3

File Original with DWR

State of California

Well Completion Report

Refer to Instruction Pamphlet

No. e0186275

Page 1 of 2

Owner's Well Number 1

Date Work Began 08/27/2013

Date Work Ended 8/29/2013

Local Permit Agency Humboldt County E.H.D.

Permit Number 11/12-1232

Permit Date 7/25/13

DWR Use Only - Do Not Fill In.

State Well Number/Site Number

Latitude

Longitude

APN/TRS/Other

Geologic Log

Orientation ☒ Vertical ☐ Horizontal ☐ Angle Specify _____
Drilling Method Direct Rotary Drilling Fluid Bentonite mud

Depth from Surface		Description
Feet	to Feet	Describe material, grain size, color, etc
0	4	Top Soil
4	16	Brown Sand
16	21	Brown Gravel
21	28	Blue Gravel
28	60	Franciscan, Clay & Shale

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SEP 6 2013

HUMBOLDT COUNTY DIVISION OF ENVIRONMENTAL HEALTH

Total Depth of Boring 60 Feet

Total Depth of Completed Well 60 Feet

Well Owner

Name _____
Mailing Address _____
City _____ State _____ Zip _____

Well Location

Address _____
City Honeydew County Humboldt
Latitude _____ N Longitude _____ W
Datum _____ Dec. Lat. _____ Dec. Long. _____
APN Book 107 Page 272 Parcel 05
Township _____ Range _____ Section _____

Location Sketch

(Sketch must be drawn by hand after form is printed.)

North

West

South

Illustrate or describe distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.

Activity

- ☒ New Well
☐ Modification/Repair
☐ Deepen
☐ Other _____
☐ Destroy
Describe procedures and materials under "GEOLOGIC LOG"

Planned Uses

- ☒ Water Supply
☒ Domestic ☐ Public
☐ Irrigation ☐ Industrial
☐ Cathodic Protection
☐ Dewatering
☐ Heat Exchange
☐ Injection
☐ Monitoring
☐ Remediation
☐ Sparging
☐ Test Well
☐ Vapor Extraction
☐ Other _____

Water Level and Yield of Completed Well

Depth to first water 15 (Feet below surface)
Depth to Static _____
Water Level 11 (Feet) Date Measured 08/28/2013
Estimated Yield * 10 (GPM) Test Type Air Lift
Test Length 4.0 (Hours) Total Drawdown 23 (Feet)
*May not be representative of a well's long term yield.

Casings

Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size if Any
Feet to Feet	(Inches)			(Inches)	(Inches)		(Inches)
0	20	10	Blank	PVC Sch. 80	CL200	5	
20	60	10	Screen	PVC Sch. 80	CL200	5	Milled Slots 0.032

Annular Material

Depth from Surface	Fill	Description
Feet to Feet		
0	20	Bentonite Sanitary Seal
20	60	Filter Pack 3/8" Pea Gravel

Attachments

- ☐ Geologic Log
☐ Well Construction Diagram
☐ Geophysical Log(s)
☐ Soil/Water Chemical Analyses
☒ Other Location Map

Attach additional information, if it exists.

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name FISCH DRILLING

Person, Firm or Corporation

3150 JOHNSON ROAD

HYDESVILLE

CA 95547

Signed

Address _____
C-57 Licensed Water Well Contractor

City _____

Date Signed 08/30/2013

State _____

Zip _____

683865

C-57 License Number

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



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

Applicant Name: HONEYDEW RANCH LLC APN: 107-272-005

Planning & Building Department Case/File No.: SP16-461 SP16-464

Road Name: OLD HINDLEY RANCH ROAD (complete a separate form for each road)

From Road (Cross street): MATTOLE ROAD

To Road (Cross street): OLD HINDLEY RANCH ROAD

Length of road segment: .61 miles Date Inspected: 4/27/18

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

Check one of the following:

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

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

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

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

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

Signature

Date

STEVE DOYLE
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.

No re-referral
needed
per PUV
Referral

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: OLD HINDLEY RANCH ROAD Date Inspected: 4/27/18 APN: 107-272-005
From Road: MATTOLE ROAD (Post Mile .42) Planning & Building
To Road: OLD HINDLEY RANCH ROAD (Post Mile .50) Department Case/File No.: SR16461 & 464

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

Number of other known cannabis projects included in ADT calculations:

(Contact the Planning & Building Department for information on other nearby projects.)

ADT: 62

Date(s) measured: 4/27/18 5/1/18 5/8/18

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

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

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

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

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

- A. Pattern of curve related crashes.

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

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

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

- C. Substantial edge rutting or encroachment.

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

- D. History of complaints from residents or law enforcement.

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

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

Check one: ☒ No. ☐ Yes.

- F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

Signature of Civil Engineer

Date

5/8/18

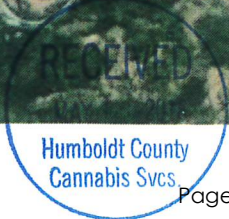
Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

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MAY 11 2018
Humboldt County
Cannabis Svcs.



Humboldt County Web GIS

Planning & Building Department



ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	No comments – site photographs on file. Site inspection occurred March 8, 2018	
Public Works Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Approval	Attached
CA Department of Fish & Wildlife	✓	Conditional approval	Attached
CAL FIRE	✓	Standard Comments	Attached
NWIC	✓	Survey requested	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
Mattole Unified School District	✓	Other Comments, no conflict	Attached
Intertribal Sinkyone Wilderness Council		No response	
California Division of Water Resources		No response	
RWQCB		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff's Office		Comments	On file with Planning



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

9/7/2017

17/18-0619

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SEP 08 2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkiyone Wilderness Council, MATTOLE UNIFIED SCHOOL DISTRICT School District, HCSO

Applicant Name Honeydew Ranch, LLC **Key Parcel Number** 107-272-005-000

Application (APPS#) 12256 **Assigned Planner ()** **Case Number(s)** SP16-461
SP16-464

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

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

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

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

Return Response No Later Than 9/22/2017

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

DISTRIBUTED

3-19-18

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:

3/16/18

PRINT NAME:

Ben Dole

October 3, 2019

PLN-12256-CUP Honeydew Ranch LLC

Page 53

2746



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Honeydew Ranch LLC		Date: 1/17/2019	
APPS No.: 12256	APN: 107-272-005	DFW CEQA No.: 2017-0728	Case No.: SP16-461 CUP18-030
<input checked="" type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 17,000	<input type="checkbox"/> Outdoor (SF): 5,000

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 provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ Conduct a baseline biological survey of the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should develop a nine-quad search and conduct appropriate surveys in all areas that have the potential to be directly and indirectly impacted by the project and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ It appears wetlands may occur onsite. Please include a wetland delineation by a qualified person (i.e. at minimum, successfully completed a 40-hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements).
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0436-R1) has been issued to the applicant.
- ☒ CDFW requests, as a condition of Project approval, all mixed-light structures and associated equipment (e.g. generators, fuel, fans, etc.) be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood, and flooding is a natural and recurring event in river systems. Development in floodplains often eliminates benefits of natural flooding regimes such as deposition of river silts on valley floor soils, and recharging of wetlands. Allowing non-essential development and habitat conversion in floodplains will result in degradation of riverine and riparian habitats and negatively impact the fish and wildlife species that depend upon them. To best protect California's riverine and riparian habitats, CDFW believes it is wise public policy to maintain and restore floodplain functions and to prevent, whenever practicable, the development of residential and commercial structures in areas that are not already protected by existing levee systems. CDFW recommends the project be redesigned to keep permanent structures out of the 100-year floodplain.
- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond(s) onsite. CDFW requests:
 - That the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.
 - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood).
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ 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.
- ☒ 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 Great Blue Heron (*Ardea Herodias*), Chinook Salmon (*Oncorhynchus tshawytscha*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), 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

Ryan, Meghan

From: Ryan, Meghan
Sent: Wednesday, March 13, 2019 12:51 PM
To: Bocast, Kalyn@Wildlife; 'Manthorne, David@Wildlife'
Subject: APPS #12256, Honeydew Ranch, LLC, APN 107-272-005
Attachments: 12256 Honeydew Ranch Biological Resources Technical Report Oct 2018.pdf; 12256 Preliminary Delineation of Waters and Wetlands 1.15.17.pdf; 12256 Site Plan 10.23.18.pdf

Good afternoon, Kalyn and Dave –

I hope you're doing well! Below are responses to the referral comments provided by CDFW for the Honeydew Ranch, LLC, project:

1. Please see attached biological survey.
2. According to the biological survey, no special status plants occur in the project area.
3. Please see attached wetland delineation.
4. All development will be located 200 feet from top of bank of Mattole River. See attached site plan.
5. Based on a review of the site plan, it appears the development is located outside of the 100-year flood plain.
6. Pond construction requests and the remainder of the comments will be added as conditions of approval.

Please let me know if you have any questions or need any additional information.

Thanks,
Meghan



MEGHAN RYAN

Senior Planner
[Planning and Building Department](#)
County of Humboldt
3015 H Street
Eureka, CA 95501
707.445.7541



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7453

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-05-2018

RE:

Applicant Name	HONEYDEW RANCH, LLC
APN	107-272-005
APPS#	12256 SPI6-461, SPI6-464

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

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. Please re-refer the project to the Department when all of the requested information has been provided.

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12256

☐ **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:** OLDHINALEY RANCH RD & MIDDLE 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 //

Exhibit "D"

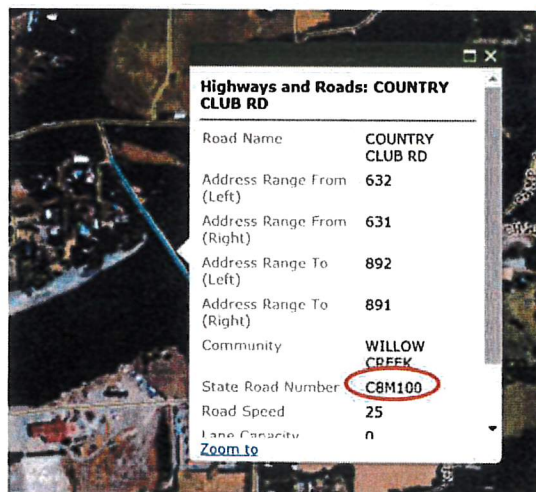
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3M020 Murray Road

F6B165 Alderpoint Road

6C040 Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST" List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"**Road Evaluation Reports**

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

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: September 19, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Honeydew Ranch, LLC
APN: 107-272-005-000
Area: Honeydew
Case Numbers: SP16-461 & SP16-464

Humboldt County Application #: 12256
Type of Application: Special Permit
Date Received: 9/11/2017
Due Date: 9/22/2017

Project Description: Honeydew Ranch seeks two Special Permits one for 5,000 square feet of existing mixed light cannabis cultivation and 5,000 square feet of new cannabis outdoor cultivation and one for a 12,000 square foot nursery. The water source comes from a well. Irrigation water stored in 12 tanks totaling 32,400 gallons. Processing will occur on-site in a 3,800 square foot facility. Power is provided by PG&E.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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



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



9/7/2017

**PROJECT REFERRAL TO: MATTOLE UNIFIED SCHOOL DISTRICT
School District**

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, MATTOLE UNIFIED SCHOOL DISTRICT School District, HCSO

Applicant Name Honeydew Ranch, LLC **Key Parcel Number** 107-272-005-000
Application (APPS#) 12256 **Assigned Planner () - Case Number(s)** SP16-461
SP16-464

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

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

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

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

Return Response No Later Than 9/22/2017 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 attached

DATE: 9/12/17 **PRINT NAME:** Shari Lovett



Mattole Unified School District

P.O. Box 211, 29289 Chambers Road

Petrolia, CA. 95558

Phone# (707) 629-3311

Fax# (707) 629-3575

TO: Humboldt County Planning and Building Department

FROM: Board of Trustees of Mattole Unified School District

SUBJECT: APPS#12256

DATE: September 12, 2017

Mattole Unified School District desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure drug-free campuses, we have adopted board policy 4020 Alcohol-Free Workplace and board policy 5131.6 Alcohol and Other drugs (attached). These policies are maintained and strictly enforced. Mattole Unified School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

With this said, upon inspection and in accord with Ordinance 2559, Section 313 of Chapter 3, Division 1 of Title III of the Humboldt County Code, at this time, the proposed project's cultivation area does not appear to be within 600 feet of a school or school bus stop. The need to add bus stops is subject to change, and it is possible the District may need to add a bus stop at some point which would violate this provision of the County Code. However, at this time, there is no conflict.

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other district workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug and alcohol-free awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace
 - b. The district policy of maintaining drug and alcohol-free workplaces
 - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs and
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations
3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and district policies and practices.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4159/4258/4359 - Employee Assistance Programs)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44065 Issuance of credentials

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

UNITED STATES CODE, TITLE 21

202 schedules I-V

812 Controlled Substances Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1300.1-1300.15 Definitions relating to controlled substances

Policy
adopted: April 3, 3003

MATTOLE UNIFIED SCHOOL DISTRICT
Petalia, California

**DRUG AND ALCOHOL-FREE WORKPLACE
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES
(continued)

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

Exhibit
version: April 3, 3003

MATTOLE UNIFIED SCHOOL DISTRICT
Petalia, California

ALCOHOL AND OTHER DRUGS

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent or designee shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/ discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1020 - Youth Services)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

(cf. 1100 - Communication with the Public)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

(cf. 5137 - Positive School Climate)

The Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

(cf. 1220 - Citizen Advisory Committees)

Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

BP 5131.6(b)

ALCOHOL AND OTHER DRUGS (continued)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

(cf. 4131 - Staff Development)

(cf. 6142.2 - AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention, Referral and Recovering Student Support

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The district shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

(cf. 6142.4 - Learning Through Community Service)

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulations.

(cf. 5145.11 - Questioning and Apprehension)

(cf. 5145.12 - Search and Seizure)

BP 5131.6(c)

ALCOHOL AND OTHER DRUGS (continued)

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
48901.5 Prohibition of electronic signaling devices
48902 Notification of law enforcement authorities; civil or criminal immunity
48909 Narcotics or other hallucinogenic drugs
48915 Expulsion; particular circumstances
49423 Administration of prescribed medication
49480 Notice to school by parent or guardian; consultation with physician
49602 Confidentiality of pupil information
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51210 Areas of study
51220 Areas of study, grades 7 to 12
51260 Elementary and secondary school instruction in drug education by appropriately trained instructors
51262 Use of anabolic steroids; legislative finding and declaration
51264 CDE assistance for inservice training
51265 Gang violence and drug and alcohol abuse prevention inservice
51268 Collaboration to avoid duplication of effort

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions
11053-11058 Standards and schedules
11353.6 Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds
11361.5 Destruction of arrest or conviction records
11372.7 Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program

Legal Reference continued: (see next page)

BP 5131.6(d)

ALCOHOL AND OTHER DRUGS (continued)

Legal Reference: (continued)

11965-11969 The School-Community Primary Prevention Program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
124175-124200 Adolescent family life program (Department of Health Services)

PENAL CODE

13864 Comprehensive alcohol and drug prevention education

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

WELFARE AND INSTITUTIONS CODE

828 *Disclosure of information re minors*

828.1 *Disclosure of criminal records; protection of vulnerable staff & students*

UNITED STATES CODE, TITLE 20

5812 *National education goals*

7101-7143 *Safe and Drug-Free Schools and Communities Act of 1994*

ALCOHOL AND OTHER DRUGS

Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Site administrators shall determine that drug education instructors possess: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7 through 12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

(cf. 6143 - Courses of Study)

The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)

Intervention

The staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

AR 5131.6(b)

ALCOHOL AND OTHER DRUGS (continued)

If the principal or designee knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

However, school staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the principal or parent/guardian only

when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

(cf. 5145.1 - Privacy)

In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

(cf. 5141 - Health Care and Emergencies)

Confiscation of Electronic Signaling Devices

Because electronic signaling devices (beepers, cellular telephones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the device is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)

The Superintendent or designee shall confiscate these devices from students.

(cf. 5144 - Discipline)

Enforcement/Discipline

Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact

AR 5131.6(c)

ALCOHOL AND OTHER DRUGS (continued)

2. Suspension or expulsion in accordance with law or Board policy

(cf. 5144.1 - Suspension and Expulsion/Due Process)

3. Contact with law enforcement authority within one school day of the suspension (Education Code 48902)

In addition, the following actions may be taken:

1. Referral to an appropriate counseling program
2. Transfer/alternative placement
3. Restriction from all extracurricular activities, including athletics, for the length of the semester

(cf. 6145 - Extracurricular and Cocurricular Activities)



Reports

Upon request, the Superintendent or designee shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in the schools and community. Such information shall also be made readily available to the public. (20 USC 7117)

ATTACHMENT 6
Public Comments

Ryan, Meghan

From: Erika Morlan <squeaky.hvfc@yahoo.com>
Sent: Thursday, September 26, 2019 9:55 AM
To: Ryan, Meghan
Subject: Re: Cannabis development on Old Hindley Ranch Road

Thank you for notifying me. And, no I am not well. I will not be protesting this project. The recent approval of the expansion of the industrial commercial cannabis factory right next door to me has convinced me that there is no place for me in this neighborhood anymore. I am putting my homestead on the market and leaving my home of 15 years. I can no longer live with the 24-hour/day noise pollution, the constant traffic, the bullying and ugliness that has taken over my once quiet and peaceful neighborhood.

My heart is broken.

Have a nice day.

Erika Morlan

> On Sep 26, 2019, at 9:05 AM, Ryan, Meghan <mryan2@co.humboldt.ca.us> wrote:

>

> Good morning, Erika -

>

> I hope you are doing well! I wanted to let you know that the Honeydew Ranch, LLC, project is noticed to be heard at the Planning Commission next Thursday, October 3, 2019. The hearing is in the Board of Supervisors Chambers starting at 6pm.

>

> The staff report and CEQA document will be available online at the Humboldt County Planning Commission website by Monday next week. Click on the 'All Agenda and Minutes' link and view the agenda for October 3, 2019. Within the agenda, there is a link to the staff report and supporting documents.

>

> Website:

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fhumboldt.gov.org%2F194%2FPlanning-Commission&data=02%7C01%7Cmryan2%40co.humboldt.ca.us%7C7346ccf72d0d4924841b08d742a25b85%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0%7C0%7C637051137408881764&sd=JrPKzn%2BCwgl%2BLzGwNPBZa%2FveoikMkUoex00iinDS%2Fo%3D&reserved=0>

>

> Please let me know if you have any questions or need any additional information.

>

> Best,

> Meghan

>

> -----Original Message-----

> From: Erika Morlan <squeaky.hvfc@yahoo.com>

> Sent: Tuesday, June 18, 2019 9:40 AM

> To: Ryan, Meghan <mryan2@co.humboldt.ca.us>

> Subject: Cannabis development on Old Hindley Ranch Road

>

> I would like to see a copy of the notice you sent to Roxy Kennedy and Jim Bowdoin regarding the development of the gigantic and hugely inappropriate cannabis farm on 664 Old Hindley Ranch Road in Honeydew. While I do not share a

property line with the parcel in question, it is directly across the road from my parcel and a development this size will profoundly and negatively affect my quality of life. It is utterly irresponsible of the County of Humboldt to even consider projects of this magnitude without consulting with all of the neighbors who will be impacted.

>

> The development of 665 Old Hindley Ranch Road has already begun, without approval from the Planning Department and it is already wreaking havoc on our small residential neighborhood. The parcel is associated with a large Bulgarian crime syndicate that has been involved in multiple law enforcement busts, a foiled kidnapping plot and a gunfight on Wilder Ridge Road. For the County to even consider granting these people a permit is a slap in the face to the folks that actually live here! You must, at the very least, notify all of the neighbors of this proposal.

>

> I am hereby putting the County of Humboldt on notice that the Board of Supervisors and the Planning Department will be held liable if any harm comes to me, my family or my law-abiding neighbors as a result of the cannabis operation on 665 Old Hindley Ranch Road.

>

> If I do not receive a notice from you regarding this proposed project, I will be speaking with my attorney and taking action against the County.

>

> Erika Morlan

> 446 Old Hindley Ranch Road

> Honeydew, CA 95545

Ryan, Meghan

From: Ryan, Meghan
Sent: Tuesday, June 18, 2019 11:58 AM
To: Erika Morlan
Subject: RE: Cannabis development on Old Hindley Ranch Road
Attachments: 12256 Honeydew Ranch, LLC Notice of Intent to Adopt MND.pdf

Hello Erika -

Thank you for contacting me regarding the Honeydew Ranch, LLC project (APPS #12256). The notice that was sent out is attached. The purpose of the notice is to notify property owners within 300 feet of the project location that the Planning Commission will hear the project and review the associated environmental document at a future public hearing. The Initial Study and Mitigated Negative Declaration is posted at the State Clearinghouse (SCH Number 2019069066) and any comments regarding the IS/MND can be directed to me.

To access the IS/MND, here is the link: <https://ceqanet.opr.ca.gov/2019069066/2>

A review of our records shows the attached notice was sent to:

Erika & Joshua I Morlan
PO Box 156
Honeydew, CA 95545

Another notice will be sent out when the project is scheduled to be heard in front of the Planning Commission. A hearing date has not been decided as of today.

Please contact me with any additional questions or concerns regarding this project.

Best,
Meghan

-----Original Message-----

From: Erika Morlan <squeaky.hvfc@yahoo.com>
Sent: Tuesday, June 18, 2019 9:40 AM
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: Cannabis development on Old Hindley Ranch Road

I would like to see a copy of the notice you sent to Roxy Kennedy and Jim Bowdoin regarding the development of the gigantic and hugely inappropriate cannabis farm on 664 Old Hindley Ranch Road in Honeydew. While I do not share a property line with the parcel in question, it is directly across the road from my parcel and a development this size will profoundly and negatively affect my quality of life. It is utterly irresponsible of the County of Humboldt to even consider projects of this magnitude without consulting with all of the neighbors who will be impacted.

The development of 665 Old Hindley Ranch Road has already begun, without approval from the Planning Department and it is already wreaking havoc on our small residential neighborhood. The parcel is associated with a large Bulgarian crime syndicate that has been involved in multiple law enforcement busts, a foiled kidnapping plot and a gunfight on Wilder Ridge Road. For the County to even consider granting these people a permit is a slap in the face to the folks that actually live here! You must, at the very least, notify all of the neighbors of this proposal.

I am hereby putting the County of Humboldt on notice that the Board of Supervisors and the Planning Department will be held liable if any harm comes to me, my family or my law-abiding neighbors as a result of the cannabis operation on 665 Old Hindley Ranch Road.

If I do not receive a notice from you regarding this proposed project, I will be speaking with my attorney and taking action against the County.

Erika Morlan
446 Old Hindley Ranch Road
Honeydew, CA 95545

Ryan, Meghan

From: Ryan, Meghan
Sent: Friday, June 21, 2019 1:26 PM
To: 'Roxy Kennedy'
Subject: RE: 665 Hindley Ranch Road RRR expansion Project

Hi Roxy – Thank you for your comments regarding the Honeydew Ranch, LLC project. I will add them to the file for the record and include them for the Planning Commission when the project moves forward. I will contact you once a hearing date is set.

Please let me know if you have any other questions or need any additional information. I appreciate your time and thank you again for your comments.

Best,
Meghan

From: Roxy Kennedy <hnydew@gmail.com>
Sent: Thursday, June 20, 2019 9:03 AM
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: RE: 665 Hindley Ranch Road RRR expansion Project

Re: Honeydew Ranch, LLC, Conditional Use Permit, Special Permit and Zoning Clearance Certificates: APN 107-272-005; Record Number" PLN-12256-CUP; Apps No. 12256

June 20, 2019

Dear Meghan Ryan, Humboldt Co. Planning & Bldg. Dept., And County Supervisors,

We received a Notice in regard to build up of Cannabis growing at 665 Old Hindley Ranch Rd, Honeydew, owned by Dany David, perhaps in partnership with folks up on Wilder Ridge.

The notice says he plans to build up from the "...the five existing and 31 proposed RRR greenhouses"..., totalling 5.79 acres. As well as various barns and outbuildings for processing, etc.

This is very disturbing to us as it will directly, drastically, and negatively effect our property, family, and neighborhood. We are just over the wire fence from the 8 (not 5) existing HUGE greenhouses now. We have not complained, and don't like to have to complain about our neighbors. **However this is a shocking increase.**

We feel our government is meant to protect us, our home, and our neighborhoods from this type of thing. Why else would we pay for a government?

We believe the amount already going on over there is negatively impacting our once quiet neighborhood in multiple ways. Mr. David told us when he had 5 greenhouses there would be one more, and a large pond. We did not complain then. But that is a lot different than 31 greenhouses. This increase would bring more degradation to the roads, increased noise level, traffic, trash, smell, and water use. Why does it have to be so big?!

ROAD The increased traffic for 8 greenhouses has the road worn way down and it's full of potholes and bad runoff in the winter. I cannot imagine why more would be allowed when they have not cared for the road damage they already cause? Isn't that supposed to be part of the deal these growers are responsible for? Yesterday someone smoothed out the road. *First time we've seen any work on it.* But no rock was added, and it will not last. It is a temporary cosmetic fix for an inspection we suppose.

NOISE The noise level is annoying now, where we once could listen to the sound of the river, we now hear the big fans. But with 31, we would not just be annoyed, we'd be completely engulfed in the noise, unable to escape even in the house.

SMELL When we walk out the back door of our house in the summer, we are hit with the smell of pot. When I work outside on our property at that time of year, I feel sick to my stomach. This proposal would be 4 times worse.

WATER We do not believe the needed water would all come from rain catchment, they would need to draw on the river to feed that much square footage. Why would this be approved when other people in our community with 1-3 small greenhouses are having so much hassling about their small usage of water. It seems confusing and unfair. Will the government allow these big farms to suck the river dry, while hassling the heck out of small homesteaders about modest and sustainable water use?

WORKERS The last concern is about the workers to run this mega farm. The small group over there now seems unable to respect our private property, they have trespassed repeatedly coming over the fence, across our property, to our swimming hole, and littering. When asked if they were told not to, the reply was Yes, but it was too much hassle to walk up to our house to ask if they could swim on our property. When we suggested they have river frontage on the ranch property, the reply was that it was "not as nice". Mr. David has promised this would not happen again, but it has happened after a previous promise. A huge increase in workers would surely increase this problem.

The group being RRR'd have been reported to have shoot outs, crime, trash, and environmental abuses up on Wilder Ridge where they were shut down. Why would you approve them to come down to our neighborhood? Why should bad actors be allowed to move to another area and expand their mischief? Again, please, our government should be protecting us from these abuses of the law and safety.

Please don't think everyone is fine with this happening in our neighborhood. We work and cannot attend various meetings to object. I don't know of a single landowner here who approves of this level of increase. This road has small parcels of land compared to most in this valley. Mostly between 8 and 20 acres. We can tolerate 8 greenhouses next door. 31 would change our quiet rural neighborhood to a loud smelly major industrial zone. Please consider our needs and protect our home. Thank you for the opportunity to tell you our view. Thank you for your consideration. Please don't allow, or encourage, this build up. It is not fair to the rest of us who worked hard many years, raising our families here and expecting to retire with some peace.

Sincerely in distress over this.

Roxy Kennedy & Jim Bowdoin

650/670 Old Hindley Ranch Road, P.O. Box 153, Honeydew, CA 95545 707-629-3313 home, 3634 work



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

July 17, 2019

Meghan Ryan
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for Honeydew Ranch
Cannabis Facility Project (SCH No. 2019069066)

Dear Ms. Ryan:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Humboldt County for the proposed Honeydew Ranch Cannabis Facility Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012, subd. (a)(2).) All commercial cannabis cultivation within the California requires a cultivation license from CDFA. For a complete list of all license requirements contained in the CalCannabis Licensing Program regulations, please visit: https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf.

CDFA certified a Programmatic Environmental Impact Report (PEIR) for its cannabis licensing activities on November 13, 2017. The PEIR can be found at the following link: <https://www.cdfa.ca.gov/calcannabis/PEIR.html>. The PEIR provided an evaluation at a statewide level of the types of impacts expected to be caused by cannabis cultivation, including the cumulative impacts that would be expected under the CalCannabis Cultivation Licensing Program.

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the



IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package they submit to CDFA. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Humboldt County.

CDFA offers the following comments concerning the IS/MND.

Public Agency Approvals and Permits

In the section titled "Other Public Agencies Whose Approval is Required" (IS/MND, p. 5), the IS/MND states that the project proponent is in the process of obtaining a "State of California Commercial Cannabis Activity License." Cultivation of cannabis requires a cultivation license from CDFA. Manufacturing of cannabis products requires a manufacturing license from the California Department of Public Health's Manufactured Cannabis Safety Branch. Distribution of cannabis and/or cannabis products requires a state license from the Bureau of Cannabis Control. The IS/MND would be improved by specifying the types of state licenses that will be required by the appropriate State agency, depending on the activities that will occur at the site.

Acknowledgement of CDFA Regulations

The IS/MND's analysis could benefit by acknowledging that CDFA is responsible for both licensing as well as regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation. Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by CDFA's regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See §8304(c); §8304(g).)
- Air Quality and Greenhouse Gas Emissions (See §8102(s); §8304(e); §8305; §8306.)
- Biological Resources (See §8102(w); §8102(dd); §8216; §8304(a-c); §8304(g).)
- Cultural Resources (See §8304(d).)
- Hazards and Hazardous Materials (See §8102(q); §8106(a)(3); §8304(f); §8307.)
- Hydrology and Water Quality (See §8102(p); §8102(v); §8102(w); §8102(dd); §8107(b); §8216; §8304(a and b); §8307.)

- Noise (See §8304(e); §8306.)
- Utilities and Service Systems (See §8102(s); §8108; §8308.)
- Energy (See §8102(s); §8305; §8306.)
- Cumulative Impacts (related to the above topics).

Conclusion

CalCannabis appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 263-0801 or via e-mail at kevin.ponce@cdfa.ca.gov.

Sincerely,



Lindsay Rains
Licensing Program Manager