



BCOUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 17, 2019

To: John H. Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Jeffrey English Special Permits**
Record Number: PLN-10932-SP
Assessor's Parcel Number: 221-171-039
1050 Mattole Canyon Creek Rd, Eftersburg area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 17, 2019	Special Permits	Keenan Hilton

Project Description: A Special Permit for an existing 7,000-square-foot outdoor cannabis cultivation operation. The applicant is proposing the relocation of 3,000 square feet of cultivation, decreasing the project footprint, removing cultivation from steep slopes and increasing the distance between cultivation and water courses. Water for irrigation is provided by two spring diversions and rainwater catchment. The two spring diversions were installed prior to the effective date of the Streamside Management Areas and Wetlands Ordinance. There is currently 44,000 gallons of water storage. The Applicant proposes to construct a rainwater catchment pond with a 200,000-gallon capacity to minimize reliance upon or completely replace the spring diversions. Drying occurs in existing, on-site, temporary carport structures, with trimming and other processing occurring at a licensed, third-party facility. The project would require four resident-operators. Power is provided by a solar array and two generators. The proposed project includes a Special Permit for activity within the Streamside Management Area to allow for restoration of historic cultivation sites that require the relocation.

Project Location: The project is located in the Ettersburg area, on the east and west side of Mattole Canyon Creek, at the intersection of Road D Road, Private Drive, and Mattole Canyon Creek, on the property known as 1050 Mattole Canyon Creek Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 40 acres/unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-10932-SP

Assessor Parcel Number: 221-171-039

Applicant

Jeffrey English
PO Box 26
Redway, CA 95560

Owner

Harold & Rhonda English
PO Box 26
Redway, CA 95560

Agent

Harold & Rhonda English
PO Box 26
Redway, CA 95560

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

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

Major Issues: None.

JEFFREY ENGLISH

Record Number: PLN-10932-SP

Assessor's Parcel Number: 221-171-039

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report and adopt the Resolution approving the proposed Jeffrey English project subject to the recommended conditions.

Executive Summary:

Jeffrey English (Applicant), seeks approval of a Special Permit for an existing 7,000 square foot (sf) outdoor cultivation operation located on a on Assessor's Parcel Number (APN) 221-171-039, which is approximately 38 acres in size. The parcel is currently developed with one single family residence and agriculture accessory structures. The existing cultivation areas consist of three cultivation sites. Power to the site is provided by a solar system, a 6,500-watt Honda generator and a 2,000-watt Honda generator. The applicant proposes full relocation of 2,000 sf of cultivation from the area labeled "Site D" on the Site Plan and the relocation of 1,000 sf of cultivation from the steep slopes at Cultivation Site #3 consistent with the Water Resource Protection Plan (WRPP) and Relocation Plan prepared by Stillwater Sciences. . The applicant proposes full sun cannabis cultivation at Cultivation Site #3. The applicant proposes light deprivation cultivation with a maximum of two harvests per year at Cultivation Sites #2 and #3. The applicant proposes a 96-sf appurtenant nursery. There are several sheds on-site that are used for cultivation related materials, however none is over 120 sf and thus they do not require permitting. Drying occurs in two carport structures which are subject to building division permitting. Further processing would occur offsite. The site is served by a permitted On-site Wastewater Treatment System (OWTS). There are two additional small structures adjacent to the cultivation area used to house an inverter for the solar system that provides power to the site and a structure used to house a backup Honda model 6500 V-Pro generator. Four resident-operators would be required for the operation.

Irrigation water is currently sourced from two points of diversion, both unnamed tributaries to Mattole Canyon Creek. Both diversions were initiated in 1974, prior to the effective date of the Streamside Management Area and Wetland Ordinance (SMAWO) and thus are not subject to an after-the-fact Special Permit for their continued use. The applicant proposes to construct a 200,000-gallon capacity rainwater catchment pond. The applicant anticipates that annual water demand would be approximately 175,000 gallons (25 gallons/sf). The pond would reduce or eliminate the need for the surface water diversion. There is currently 44,000 gallons of water storage in hard-sided tanks, bringing total proposed water storage to 244,000 gallons for the entire parcel. The applicant obtained a Right to Divert Water (Certificate Number H100385) from the State Water Resource Control Board (SWRCB) that allows for diversion and storage of water from the two points of diversion on springs that are tributary to Mattole Canyon Creek for irrigation, aesthetic purposes and fire protection purposes. The applicant obtained a Final Streambed Alteration Agreement from the Department of Fish and Wildlife (CDFW) (Notification Number: 1600-2016-0356-R1) for four points of diversion. The agreement stipulates that the two points of diversion used for irrigation only be used when water is present at the surface. The applicant has installed water flow meters in accordance with applicable regulations. Ongoing conditions of

approval require the ongoing compliance with SWRBC and CDFW regulations and require that water meter records be made available during annual inspections of the site.

The applicant has proposed restoration activities at multiple sites on the parcel. A Registered Professional Forester (RPF) prepared a report including recommendations for how to bring unpermitted timberland conversion into conformance with the Forest Practice Act and the Forest Practice Rules. The RPF observed approximately 0.87 acres of converted timberland for cultivation-related purposes. Converted areas at Cultivation Sites #1 & #2 include portions within the county Streamside Management Area (SMA). A condition of approval for the project is the restocking of those converted areas within the SMA pursuant to the recommendations included in the RPF report. There was a subsequent conversion of approximately 0.12 acres after 2016. Conditions of approval require that the applicant provide an addendum to the Evaluation of Timberland Conversion prepared by an RPF specifically addressing the approximately 0.12 acres of timberland converted after 2016. The addendum must contain discussion of the habitat values present at the site including the number and species of trees removed, must recommend restoration and re-forestation of 0.12 acres of the parcel (likely at "Site D"), and shall include monitoring and reporting components to ensure success of the recommended remedial actions. The report shall be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife.

The application proposes relocation of cultivation from "Site D" and Cultivation Site #3 to Cultivation Site #1 and Cultivation Site #2. Registered Professional Engineer (PE) Joel Monschke of Stillwater Sciences prepared relocation and restoration plans for both sites. The relocation would decrease the project footprint, increase distance between cultivation and streams and remove cultivation from steep slopes. According to the assessments of both the RPF and PE, "Site D" is regenerating with conifer and hardwood species. The addendum to the RPF may include further restoration actions at this site to bring the project into conformance with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The restoration plan for Cultivation Site #3 recommends recontouring with hand tools, spreading of native grass seed and mulching to control potential erosion. Conditions of approval require that the applicant provide substantial evidence that the recommendations of the restoration plans have been completed and that all cultivation related materials including planks, bags and soil have been removed.

There are Bureau of Land Management lands approximately 1 mile north of the parcel that are managed for the creation and maintenance of Marbled Murrelet habitat. The nearest Northern Spotted Owl activity center is located approximately 1.23 miles from the cultivation area. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator, fan and dehumidifier noise at or below 50 decibels or ambient at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. Conditions of approval require the development and implementation of a lighting plan in accordance with International Dark Sky Association standard lighting zone 0.

Access to the parcel is provided by Mattole Canyon Creek Road, Dutyville Rd and the County-Maintained Ettersburg-Honeydew Rd. The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately-maintained portion of the access road (see Attachment 4). The applicant provided a self-certified Road Evaluation Reports supported by photo documentation. The reports indicate, and county analysis of aerial imagery confirms, that the roads are developed to offer the functional capacity of a category 4 roadway.

The requirements of the biological report for the activity within the SMA were satisfied by CDFW review of the diversion during the LSAA process, and the biological assessment included in the RPF report. All suggested measures from both documents are included in the conditions of project approval. Additionally, ongoing conditions of approval require that snags, living trees and other components of the overstory would be retained in the operation of the existing diversion. Conditions of Approval require that all restoration work within the SMA is implemented with erosion controls pursuant to §BR-S8 and BR-S9 of the Humboldt County General Plan.

CDFW requested 6 items after reviewing the project:

- 1) CDFW suggests the following Specifications for the construction and maintenance of the proposed rainwater catchment pond:
 - a. The pond shall be built to hold only the amount of water necessary for the operation.
 - b. The pond shall include an overflow spillway that promotes dispersal, that allows for a minimum of two feet freeboard and that will withstand 100-year flood event.
 - c. The pond shall include several exit ramps made of solid material with no greater than 2:1 slope, fixed securely at the upslope end to prevent wildlife entrapment.
 - d. The applicant shall comply with the standard CDFW Bullfrog Management Plan
 - e. Fish Stocking shall be prohibited without written permission from the CDFW
- 2) Project related noise shall not exceed 50 dB at 100 feet, and all generators and fans will be contained within structures.
- 3) Seasonal roads shall not be used by motorized vehicles between Nov. 15 and April 15 each year.
- 4) The applicant shall not use monofilament netting.
- 5) The applicant shall leave wildlife unharmed.
- 6) The applicant shall always store refuse in a wildlife-proof storage container and dispose of it at an authorized waste management facility.

Items 1, 4, 5 and 6 are included as Conditions of Approval as suggested. To address item 2 the applicant already keeps the generator on-site in a containment structure. The performance standard that noise produced by the generator and fans shall not exceed 50 dB or ambient levels and 100 feet or the edge of habitat (whichever is closer) is a condition of project approval that must be demonstrated within 60 days of the effective date of the permit. This 50-dB performance standard must be met for the life of the project.

To avoid impacts on biological resources affected by lights, conditions of approval also require that within 60 days of the effective date of the permit the applicant must prepare and submit a lighting plan in conformance with International Dark Sky Association Standard Lighting Zone 0 for the onsite nursery. This lighting plan must be followed for the life of the project.

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

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

conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

**Record Number PLN-10932-SP
Assessor Parcel Number: 221-171-039**

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

WHEREAS, Jeffrey English submitted an application and evidence in support of approving a Special Permit to continue 7,000 square feet (SF) of existing outdoor cannabis cultivation on APN 221-171-039; and

WHEREAS, Jeffrey English submitted an application and evidence in support of approving a Special Permit to allow for restoration work within the streamside management area of several Class II streams; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-10932-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 17, 2019.

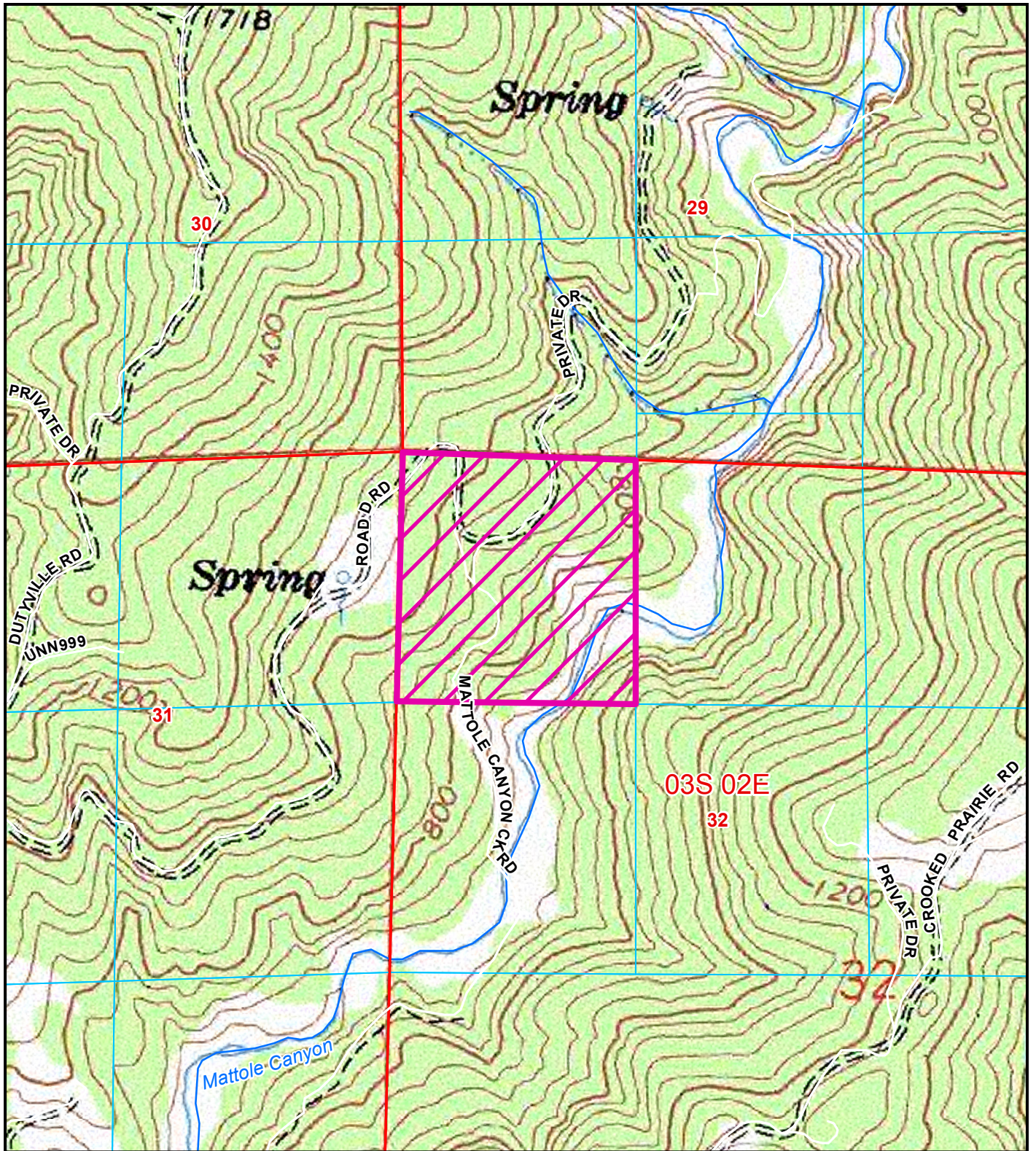
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report of Record No. PLN-10932-SP based on the submitted substantial evidence; and
3. Special Permit PLN-10932-SP is approved as recommended and conditioned in Attachment

Adopted after review and consideration of all the evidence on October 17, 2019.

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

John Ford
Zoning Administrator
Planning and Building Department



**TOPO MAP
PROPOSED JEFFREY ENGLISH
ETTERSBURG AREA
SP-16-108**

APN: 221-171-039

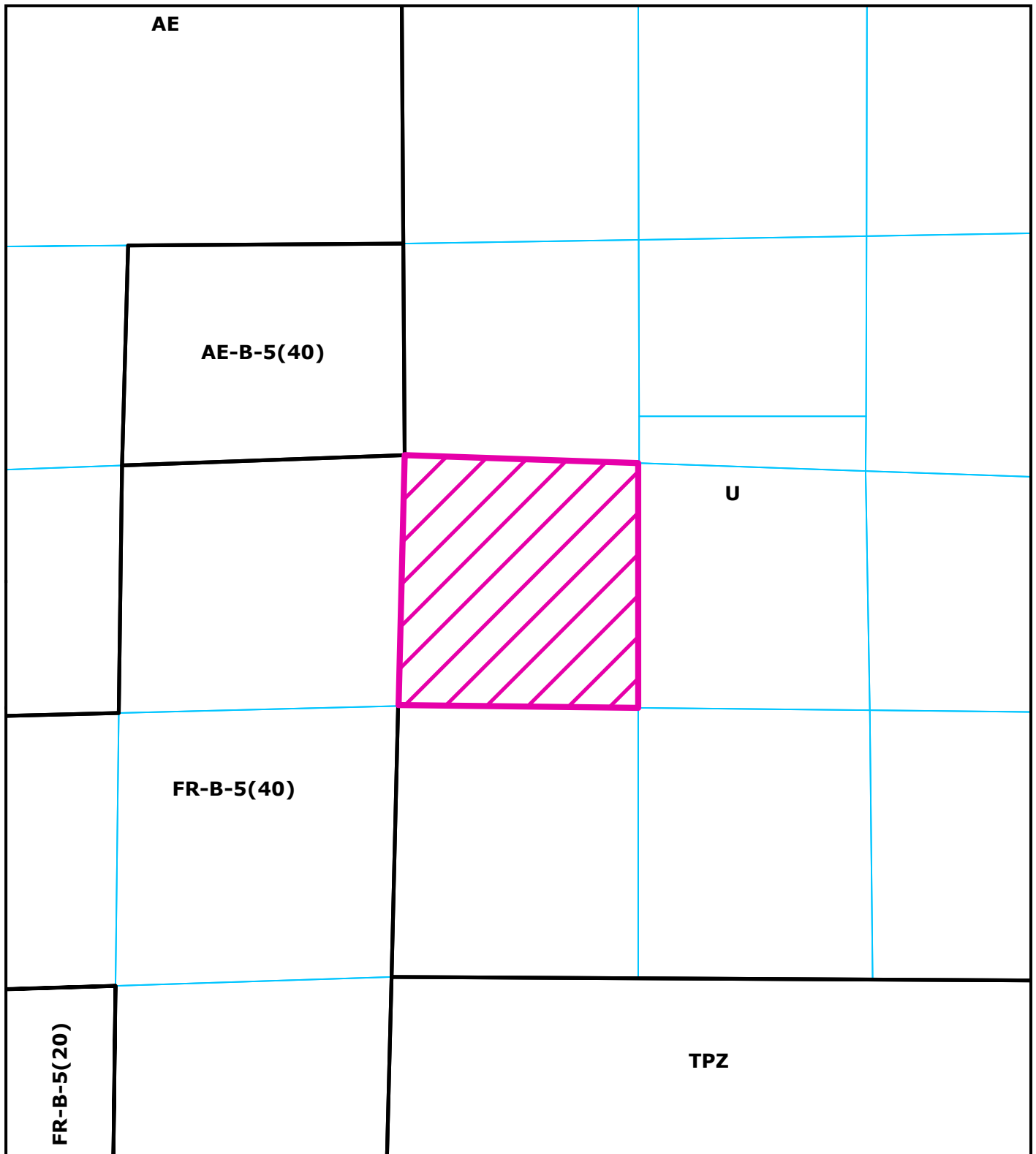
T03S R02E S32 HB&M (ETTERSBURG)

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.



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Feet



**ZONING MAP
PROPOSED JEFFREY ENGLISH
ETTERSBURG AREA
SP-16-108**

APN: 221-171-039

T03S R02E S32 HB&M (ETTERSBURG)

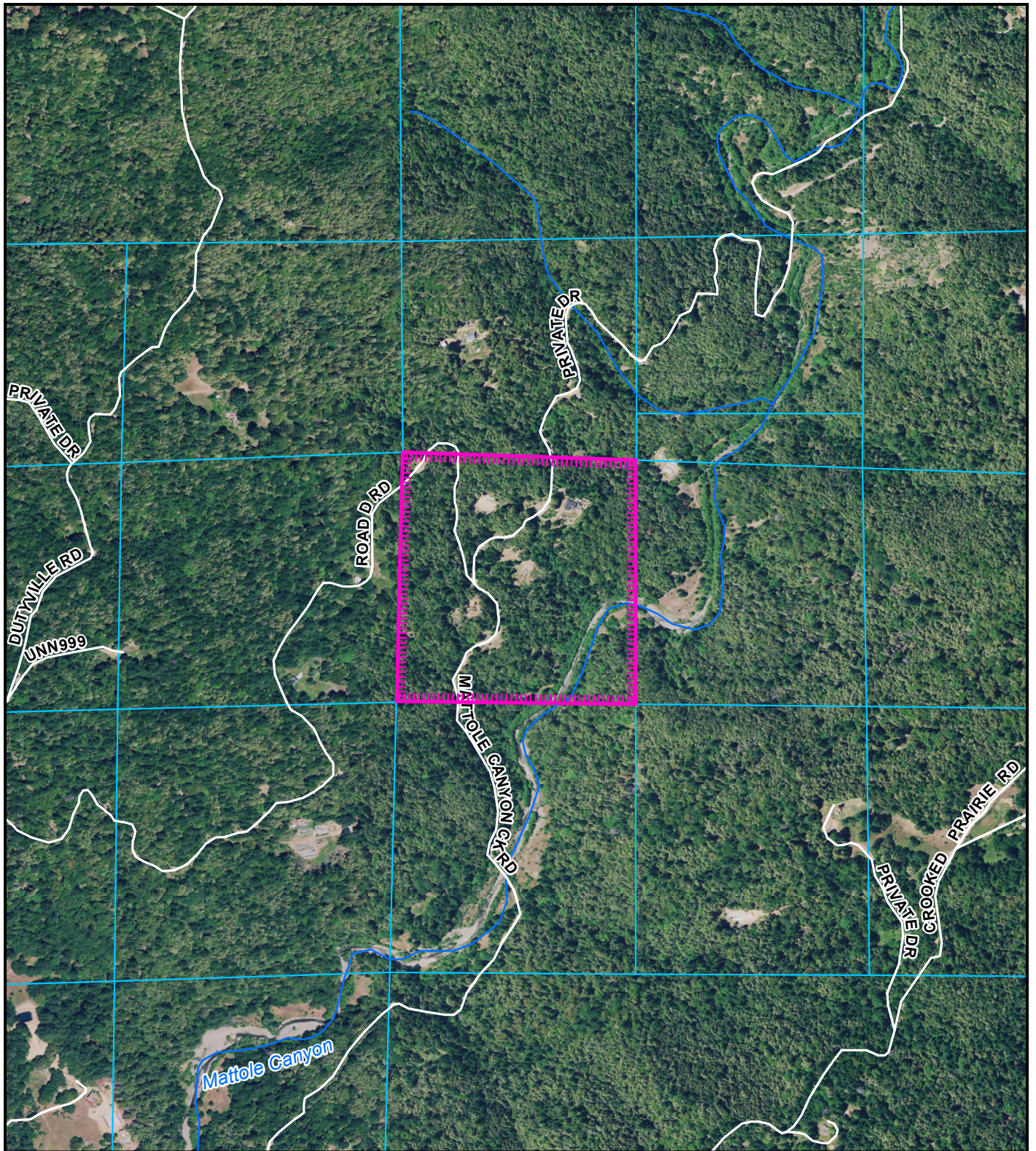
Project Area =



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**AERIAL MAP
PROPOSED JEFFREY ENGLISH
ETTERSBURG AREA
SP-16-108**

APN: 221-171-039

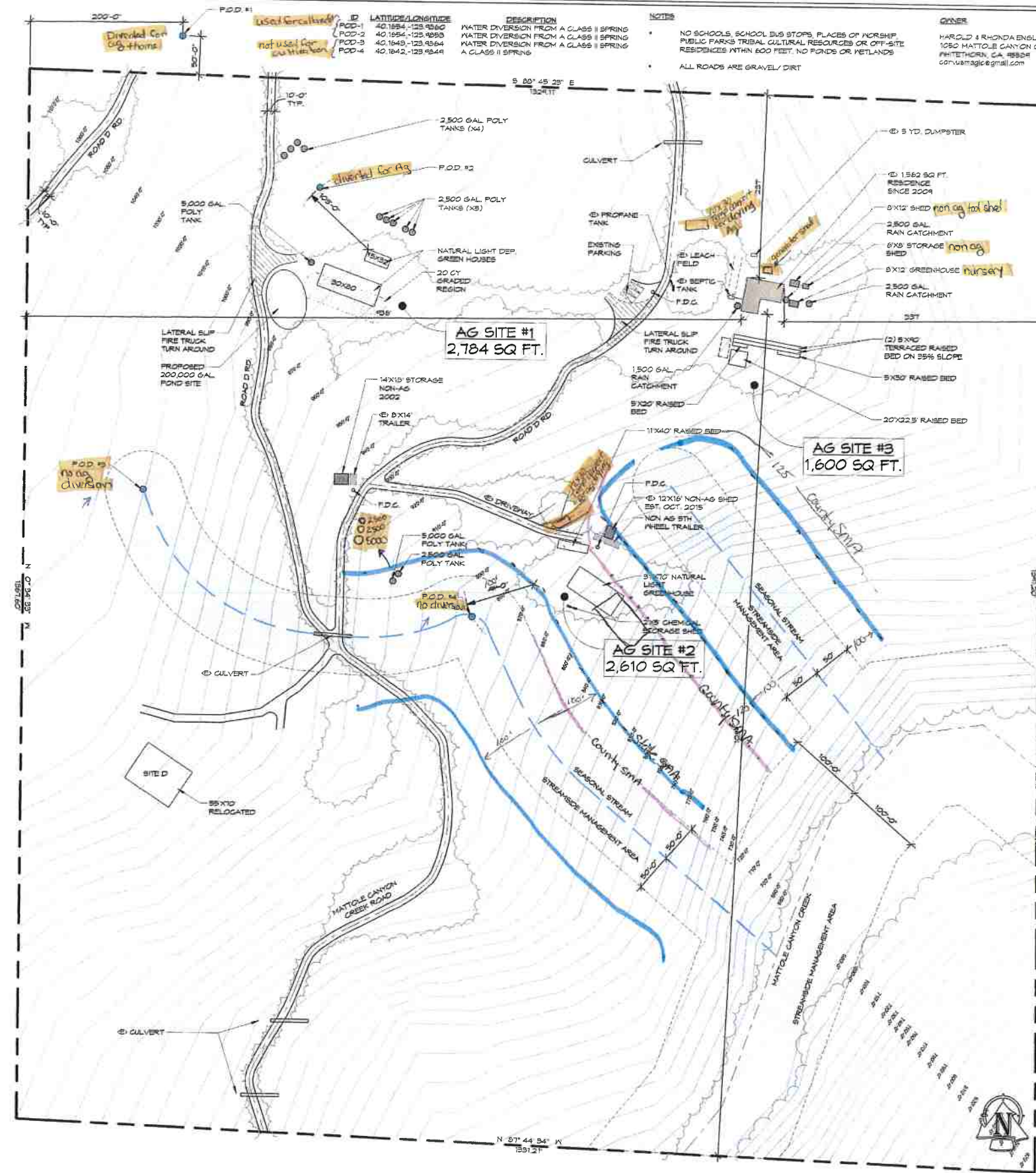
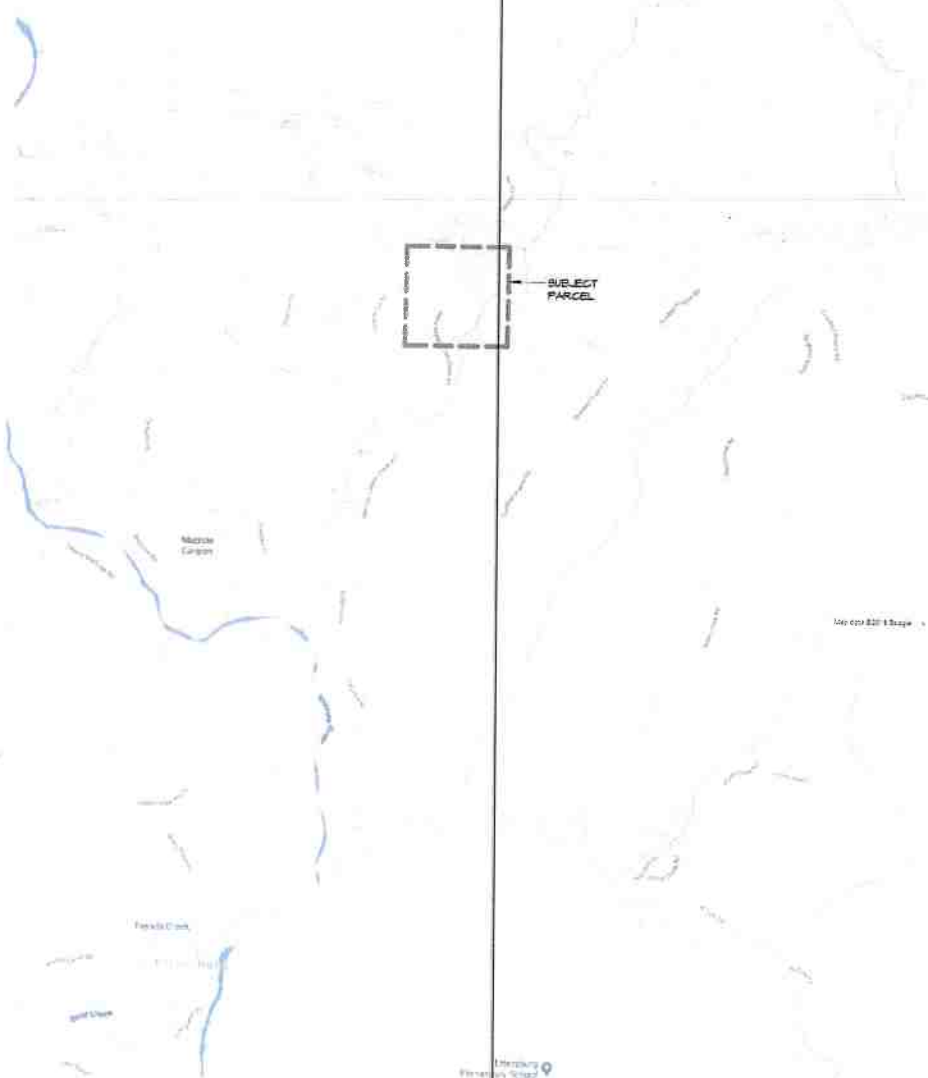
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Project Area = 

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**HAROLD & RHONDA
ENGLISH**

190 MATTOLE CANYON CREEK RD
JUPITER, FL 33458
407 271-1710

SHEET NAME

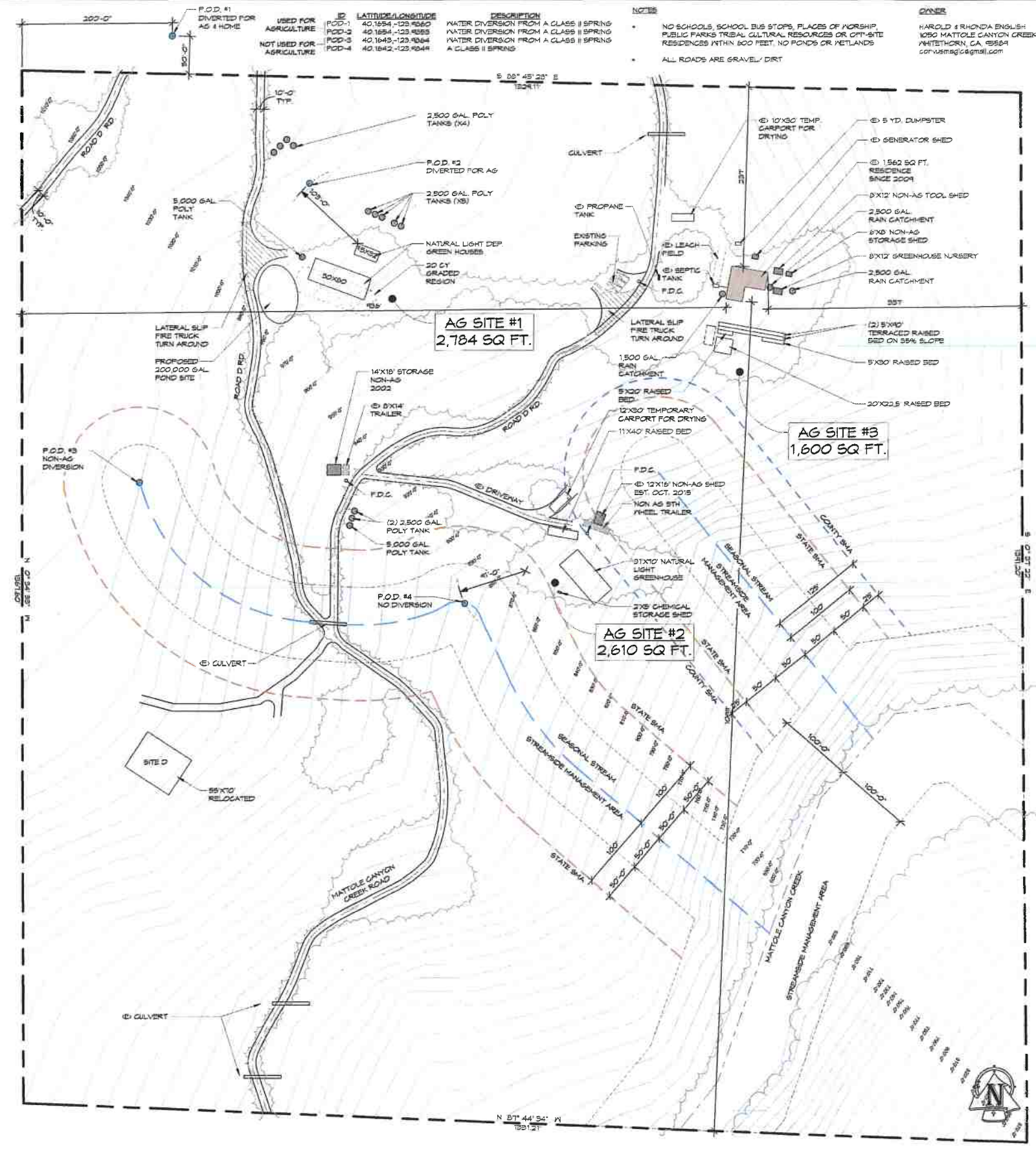
SITE PLAN

RECEIVED
MAY 14 2019
Humboldt County
Planning Division

<u>SHEET NUMBER</u>	
A1.1	
DATE:	4/5/2019
DRAWN BY:	JCG
CHECKED BY:	DJC
HAROLD & RHONDA CASH	
IS20.00	



SUBJECT PARCEL



REVISIONS	

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HAROLD & RHONDA ENGLISH
SHEET NAME
SITE PLAN
1058 MATTOLE CANYON CREEK RD
WHITETHORN, CA 95889
APR 22 11:09 AM

RECEIVED
MAY 14 2019
Humboldt County
Planning Division

SHEET NUMBER
A1.1
DATE: 5/14/2019
DRAWN BY: JCG
CHECKED BY: DJC
HAROLD & RHONDA ENGLISH
Page 13

2 LOCATION MAPS
NOT TO SCALE
PLN-10982-SP Jeffery English

1 SITE PLAN
1" = 80'-0"

October 17, 2019

10932

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL 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 #6-16. 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. Within 60 days of the effective date of project approval, the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
3. Within 60 days of the effective date of project approval, the applicant shall provide 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 \$750.00), to 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.
4. Within 60 days of project approval, the applicant shall submit an addendum to the cultivation and operations plan consisting of a lighting plan for the ancillary nursery demonstrating conformance with the International Dark Sky Association standards for lighting zone 0.
5. Within 60 days the applicant shall provide substantial evidence that maximum noise levels from generators, fans and dehumidifiers do not exceed 50 decibels or ambient levels at 100 feet, or the edge of the habitat, whichever is closer. A report shall be submitted including a site diagram showing the location of all noise-producing elements of the project and the location where the measurements of the decibel levels were taken. The report shall be prepared using a professional grade decibel reader and shall include both dB-A and dB-C measurements.
6. The applicant shall secure permits or exemptions from the Building Division for the hoop structures, the carports, and grading associated with the flats and proposed rainwater catchment pond. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A copy of the finalized inspection record card or equivalent shall satisfy this condition.
7. The applicant shall provide substantial evidence or County staff will perform an inspection to confirm that all restoration work outlined in the Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants dated October 9, 2018, and the restoration plans prepared by Stillwater Sciences has been completed in accordance with the recommendations pursuant to §BR-S8 and BR-S9 of the Humboldt County General Plan, and that all cultivation-related materials have been removed from the sites.

8. The applicant shall provide an addendum to the Evaluation of Timberland Conversion prepared by a Registered Professional Forester (RPF) specifically addressing the approximately 0.12 acres of timber land converted after 2016. The addendum shall contain discussion of the habitat values present at the site including the number and species of trees removed and shall include monitoring and reporting components to ensure success of the recommended remedial actions. The report shall be submitted for approval to the Planning Department and will be evaluated in consultation with the California Department of Fish and Wildlife.
9. The applicant shall submit a letter or similar communication from an RPF confirming that the plan that was approved by the Humboldt County Planning Department was executed as proposed.
10. The following specifications for the construction and maintenance of the proposed rainwater catchment pond shall be incorporated in the plan:
 - a. The pond shall be built to hold only the amount of water necessary for the operation.
 - b. The pond shall include an overflow spillway that promotes dispersal, that allows for a minimum of two feet freeboard and that will withstand 100-year flood event.
 - c. The pond shall include several exit ramps made of solid material with no greater than 2:1 slope, fixed securely at the upslope end to prevent wildlife entrapment.
 - d. The applicant shall propose measures to comply with the standard CDFW Bullfrog Management Plan
 - e. The applicant shall propose no fish stocking without written permission from the CDFW
11. The applicant shall provide a copy of SWRCB and/or CDFW written confirmation that the pond is not connected to surface water OR the applicant shall apply for a modification to add the hard tank storage necessary to follow the forbearance period, provide water right documentation, and provide a copy of a signed amendment to the 1600 agreement.
12. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
13. The applicant shall provide the Planning Department of copy of 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. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
14. The applicant shall provide substantial evidence that the intersection of Dutyville Road and Ettersburg-Honeydew Road has been improved by paving Dutyville Road to a minimum of twenty feet in width and fifty feet in length and bringing the intersection into conformity with the Sight Visibility Ordinance. A copy of the approved encroachment permit and/or photos of the improvements would satisfy this condition.
15. The applicant shall contact the Telegraph Ridge Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
16. The applicant shall provide substantial evidence that cannabis processing is occurring at a

licensed third-party facility.

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 Cultivation and Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
2. The applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all the requirements as set forth by other regulatory agencies.
3. The applicant shall retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
4. The applicant shall retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
5. Applicant shall not use monofilament (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. The applicant shall make available the water meter records of the current and previous year for review during annual inspections by planning division staff.
7. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
8. The noise produced by any generator, fan, dehumidifier, pump or any other noise producing element of the project shall not exceed 50 decibels at 100 feet from the noise source or at the edge of habitat, whichever is closer.
9. Applicant shall comply with the standard CDFW Bullfrog Management Plan and report to CDFW on an annual basis to demonstrate compliance.
10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. All snags, living trees and other components of the overstory shall be retained in the operation of the existing diversion.
12. Access road shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles.

13. The applicant shall acquire any permits or perform any reporting forms necessary to achieve compliance with the Hazardous Materials program of the Humboldt County Environmental Health Division, a Certified Unified Program Agency (CUPA).
14. The applicant shall contain the lights used in the ancillary nursery meeting the International Dark Sky Standard Lighting Zone 0.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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).
20. 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.
21. The applicant shall adhere to the terms and conditions of the Right to Use and Divert Water (Certificate #H100385) issued by the State Water Resource Control Board and comply with all applicable terms.
22. The applicant shall adhere to the Final Lake and Streambed Alteration Agreement (Notification #1600-2016-0356-R1) effective June 29, 2017, by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
23. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.

24. 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).
25. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
26. 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.
27. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
29. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

30. 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."
31. 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).
32. 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; and,
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
33. 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; and
 - (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.
34. 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; and
 - IX. On-site housing, if any.
35. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.
36. If the inspector or other County official determines that the permittee(s) or site do not comply with the conditions of approval, the inspector shall serve the SP 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.

37. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
38. 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.
39. 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 Commercial Cannabis.
40. 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. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
2. 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 of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
3. 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

4. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

5. 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.
6. 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.

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 Special Permit:

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

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>Residential Agriculture (RA): This designation is intended for large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The project entails the outdoor cultivation of 7,000 square feet (SF) of existing outdoor cannabis cultivation and a Special Permit for work within a Streamside Management Area on an approximately 38-acre parcel. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>The property is accessed via approximately 1.7 miles of private roads known as Mattole Canyon Road and Dutyville Road leading to the County-maintained Ettersburg-Honeydew Road. In a memorandum dated 11/1/2017 Public Works requested a Road Evaluation Report be prepared for the private roads providing access to the subject parcel and that the intersection of Dutyville Road be paved to a minimum width of 20 feet and a minimum length of 50 feet and that the intersection be maintained in accordance with the Sight Visibility Ordinance at its intersection with Ettersburg-Honeydew Road. The applicant provided a self-certified roadway evaluation with supporting photo documentation indicating that the entire road segment is developed to the equivalent of a road category 4 standard. Conditions of approval include compliance with intersection visibility standards and improving the intersection of Dutyville Road and Ettersburg-Honeydew Road. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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>
<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 project can be found consistent with the Conservation and Open Space Element because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program (see Biological Resources Section 10.3 for additional discussion).</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas; BR-P6, Development within Streamside Management Areas; BR-P7, Wetland Identification.</p>	<p>There are no mapped Special Status species on the subject parcel. A Timberland Conversion Evaluation prepared by Timberland Resource Consultants included a biological assessment that indicated no rare or endangered species were encountered, though the report notes that potential habitat may exist on the parcel (see Attachment 4). The nearest Marbled Murrelet habitat is approximately 0.96 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 2.27 miles west of the cultivation area with an observation on the adjacent parcel, approximately 1.30 miles northwest from the cultivation area. Power to the subject parcel is provided by a generator. Conditions of approval require construction of noise containment structures for all generators on the parcel. Noise released from each generator containment structure will be no more than 50 decibels measured from 100ft or the edge of habitat, whichever is closer. Conditions of approval also require the project complies 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. No artificial lighting in the propagation greenhouse is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards. Project conditions regarding mitigation of generator noise and light are designed to prevent direct or indirect impacts to spotted owl or marbled murrelet species into the future. There is an additional condition of approval (per recommendation by CDFW) that the applicant not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. This will minimize the risk of ensnaring and strangling wildlife.</p> <p>There is one Class III and three Class II streams on the subject parcel. All proposed cultivation activities occur outside of the Streamside Management Area (SMA) of the watercourses.</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		remove cultivation from slopes of >30% to the flat Ag Site #2. Proposed restoration includes removal of all cultivation related materials, recontouring with hand tools and scattering native seeds and mulching with rice straw.
<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 resource are located in the project area. The project was referred to the Northwest Information Center, Bear River Band of Rohnerville Rancheria and the Intertribal Sinkiyone Wilderness Council. The Northwest Information Center recommended further study of the subject parcel, however, the Bear River Tribal Historic Preservation Officer (THPO) recommended conditional approval. 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 Section relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare</p>	<p>The project involves 7,000 SF of outdoor cannabis cultivation and a 96-square-foot propagation greenhouse. The CMMLUO requires that light sources should 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 Section 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-P42, Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. R1-2015-0023 and the preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant prepared a WRPP (see Attachment 4). The WRPP identified 3 standard conditions from the NCRWQCB's Order No. R1-2015-0023 that were not met. According to a letter from the applicant received November 19, 2018, NCRWQCB staff visited the subject parcel in 2016 and provided recommendations for preparation of the WRPP.</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-G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The residence and accessory structures on the subject parcel are developed with a 1,200-gallon Onsite Wastewater Treatment System (OWTS). Drying will occur on-site while other processing, including trimming, will occur at an off-site licensed facility. The project was referred to the County Division of Environmental Health which recommended approval of the project.</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>The power source for the operation is a 2,000-watt Honda generator, housed in a noise attenuation box. Although his project is for outdoor cultivation, artificial lighting will be used in the nursery during March and April only to grow plant stock. The operations do not require artificial lighting the remainder of the cultivation season. The nearest Marbled Murrelet habitat is approximately 0.96 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 2.27 miles west of the cultivation area with an observation on the adjacent parcel, approximately 1.30 miles northwest from the cultivation area. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Because the applicant is reorganizing full sun cultivation into greenhouses, conditions of approval require the applicant to install the solar power system to reduce reliance on generators before the relocation occurs. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting.</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 to S-G2)</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The parcel has no mapped historic landslides and is rated to have moderate seismic instability rating and historic landslides. Conditions of approval require the applicant obtain grading permits for all existing (flats) and proposed (rainwater catchment pond) development from the Building Inspection Division.</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; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The entire project site is outside the mapped 100-year flood hazard zone. The project site is not within a mapped dam or levee inundation area.</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>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. (S-G4)</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel has a high fire hazard severity rating. The parcel is within the response area of the Telegraph Ridge Fire Protection District and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CalFire reviewed the project and provided standard comments regarding compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and Cannabis cultivation. The Humboldt County Fire Safe Ordinance 1952 (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas (SRA), including the maintenance of a minimum of 30 feet of defensible space from all parcel boundaries (Section 3115-2).</p> <p>According to the site plan and parcel boundary survey there are no cultivation areas or structures within 30 feet from a parcel boundary. During the peak season, the operation would be operated by four resident-operators. There is approximately 44,000 gallons of water storage on-site and the proposed project includes development a 200,000-gallon water storage pond. Both irrigation water sources can be used for fire protection in an emergency situation.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located within the Telegraph Ridge Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, 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.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the 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 subject parcel (APN 221-171-039) is one legal parcel as determined by Determination of Status (DS) 18-004. 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.
§314-7.4 Unclassified (U)	General agricultural uses are principal compatible uses.	The applicant is seeking a Special Permit for an existing 7,000-square-foot outdoor cannabis cultivation operation on a property zoned U. The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area	6,000 SF (0.14 acre)	38.5 acres
Maximum Ground Coverage	40 percent	<40%
Minimum Lot Width	50 feet	1,255 feet
Maximum Lot Depth	Three times the [maximum] width	1,312 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required. SRA: 30 feet, all sides	Front: 675 feet Rear: 230 feet Sides: 275 feet, 370 feet
Max. Building Height	None specified	N/A

<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 (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>There two Class III watercourses that become Class II on the parcel. There is also a spring that is a wet area supporting aquatic life and thus requires a 100-foot setback. No cultivation activities occur within 100 feet of these watercourse and wet areas. Water for irrigation use is sourced from two points of diversion, which were developed in 1974 according to the <i>Initial Statements of Water Diversion and Use</i> submitted to the State Water Resources Control Board (SWRCB).</p> <p>The applicant proposes the construction of a 200,000-gallon rainwater catchment pond. The pond is required to be constructed off-stream to avoid impacts to Streamside Management Areas.</p> <p>The requirements of the biological report for the activity within the SMA were satisfied by CDFW review during the LSAA process, and the biological assessment included in the RPF report. The potential impacts associated with the diversion were considered in the finalized LSAA for the parcel. As such, conditions of approval require the Applicant to comply with all terms of the CDFW LSAA# 1600-2016-0456-R1. The conditions agreed to in the LSAA are held as conditions of approval. Conditions of approval include the restoration of areas within the SMA that were converted and graded for cannabis cultivation.</p>
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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 Timberland 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 a forested site zoned U and was reviewed for timberland conversion. A review of Google Earth imagery shows that timberland conversion occurred on the subject parcel prior to 2014. The applicant retained Timberland Resource Consultants to prepare a Timberland Conversion Evaluation, which is dated October 9, 2018 (see Attachment 4). The report found that 0.87 acres of timberland was converted (without necessary permits) for cannabis cultivation. In one area conversion occurred between October 2015 and May 2016. The report also recommends that 3,000 square feet of cannabis be relocated to an environmental superior location as the cultivation is occurring within Streamside Management Areas (SMAs) and on steep slopes. A <i>Restocking Plan</i> for APN 221-171-039 was prepared by Timberland Resource Consultants dated October 11, 2018. The report describes site preparation, planting, seedling and planting instructions for regeneration of timberland. Conditions of approval require the applicant to adhere to and implement the recommendations contained in the Timberland Conversion Evaluation and the Restocking Plan for APN 221-171-039. Conditions of approval also require the restoration include the 0.12 acres of timberland that was converted after January 1, 2016. Upon completion, a Registered Professional Forester (RPF) or County shall verify that the subject parcel was restocked as described.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development.	The proposed action is a Special Permit for 7,000 SF of existing outdoor cultivation on APN 221-171-039, which is a 37-acre parcel zoned U. A review of TerraServer imagery in September 2015 found the 7,000 square feet was cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special 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, Jeffrey English, the applicant, holds only this cannabis activity application, and is entitled to four. This application is for one permit.

§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.	Cannabis has historically occurred on-site in several carports. Conditions of approval require that within two years of the approval of this permit all processing activities shall occur in a licensed commercial facility, whether on-site or off-site.
§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.
§314-55.4.11.c Performance Standards-Water	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>There are two points of diversion on the subject parcel for irrigation use. The applicant estimates 146,625 gallons of water are required to meet operational needs. There is currently 37,500 gallons of hard-sided tank storage and 6,500 gallons rainwater catchment totaling 44,000 gallons of water storage. The applicant submitted an Initial Statements of Water Diversion and Use to the State Water Resources Control Board (SWRCB) for the points of diversion in unnamed streams that are tributaries to Mattole Canyon Creek. The applicant obtained a Right to Divert Water (Certificate Number H100385) from the SWRCB that allows for diversion and storage of water for the points of diversion on Mattole Canyon Creek for irrigation, aesthetic and fire protection uses. The water diversions cannot exceed 0.51-acre-feet annually between January 1 – December 31. Diversions are required to follow the restrictions in the State Cannabis Policy that allows for diversion typically between December 1 and March 31. The applicant obtained a Final Streambed Alteration Agreement from the Department of Fish and Wildlife (CDFW) (Notification Number: 1600-2016-0356-R1) for both points of diversion (and an additional two points of diversion used for domestic uses). Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW.</p> <p>The Applicant proposes to construct a rainwater catchment pond with a 200,000-gallon capacity to reduce reliance upon or completely replace the spring diversions.</p>

<p>§314-55.4.11.d and §314-55.4.8.2.1.4 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>On eligible parcels under 5 acres in size, the cultivation area must be set back at least 300 feet from existing residences on adjoining parcels.</p>	<p>The cultivation area is more than 600 feet from known schools, school bus stop, churches, parks, or TCRs. The Southern Humboldt Joint Unified School District has not responded to the project referral. The applicant's site plan shows that the cultivation area conforms to the 30-foot setback for all neighboring parcels. The THPO of the Bear River Band has indicated that there are no known cultural resources on the site.</p>
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§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	The power source for the operation is a 2,000-watt Honda generator, housed in a noise attenuation box. Although his project is for outdoor cultivation, artificial lighting will be used in the nursery during March and April only to grow plant stock. The operations do not require artificial lighting the remainder of the cultivation season. The nearest Marbled Murrelet habitat is approximately 0.96 miles to the northeast. The Nearest Northern Spotted Owl activity center is located 2.27 miles west of the cultivation area with an observation on the adjacent parcel, approximately 1.30 miles northwest from the cultivation area. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Because the applicant is reorganizing full sun cultivation into greenhouses, conditions of approval require the applicant to install the solar power system to reduce reliance on generators before the relocation occurs. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting.
§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.

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 reviewing referral agencies have approved (or conditionally approved) the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance; and the proposed 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.	The property was not included in the 2014 Housing Inventory. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, an appurtenant nursery, on-site processing and an agricultural diversion from a Class III stream. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN 221-171-039, 1050 Mattole Canyon Creek Road, Etnersburg, County of Humboldt

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

September 2019

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Special Permit for 7,000 square feet of outdoor cannabis cultivation. Cultivation activities extend year-round with cultivation occurring between April and November with site maintenance occurring year-round. There will be a maximum of one full sun and two light deprivation cultivation cycles annually. Water for irrigation will be provided by a two points of diversion from unnamed tributaries to Mattole Canyon Creek and a proposed 200,000-gallon rainwater catchment pond. There would be a total of 244,000 gallons of water storage provided by hard-sided tanks and the pond. The projected water usage is about 175,000 gallons. Drying of the harvested product will take place on-site and processing will occur at a licensed, off-site processing facility. A maximum of four people will be on-site during peak operations. The power sources are a solar array and two generators.

The project site contains riparian habitat associated with tributaries to Mattole Canyon Creek, which is tributary to the Mattole River. The project includes restoration of previously used cultivation sites and converted areas within the county streamside management area. All approved cannabis cultivation activities would occur outside of the required stream setbacks. The nearest lands managed for Marbled Murrelet habitat is approximately 1 mile to the north. The Nearest Northern Spotted Owl activity center is located approximately 1.23 miles from the cultivation area. Artificial lighting is used in the appurtenant nursery and must be fully shielded. The applicant has enrolled with the North Coast Regional Water Quality Control Board Wastewater Discharge Program as a Tier 2 discharger. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria. The applicant expects approximately four trips a day.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 7,000 square foot outdoor cultivation, on-site processing activities, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies (see Attachment 4 for a complete listing of supporting documentation):

- Cultivation Relocation and Remediation Plans prepared by Stillwater Sciences dated March 2019 and November 2018
- Grading Plan prepared by Stillwater Sciences dated September 2018
- Evaluation of potential timberland conversion prepared by Timberland Resource Consultants dated October 2018
- Streambed Alteration Agreement prepared by the California Department of Fish and Wildlife dated December 2016
- Right to Divert and Use Water (Certificate #H100385)
- Water Resources Protection Plan (WRPP) prepared by the applicant dated November 2018
- Road Evaluation Report prepared by the applicant dated April 2019
- DEH Worksheet prepared by the applicant dated June 2017
- Site Plan prepared by Cleek Co dated May 2019
- Cultivation and Operations Plan prepared by the applicant dated January 2019

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 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. (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 - Site Plan dated May 14, 2019)
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 - Cultivation and Operations Plan received January 28, 2019)
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. (Right to Use and Divert Water Certificate No. H100385; On file – Initial Statement of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
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. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Notification of Tier 2 Enrollment dated May 27, 2016 and Water Resource Protection Plan prepared by the applicant dated November 19, 2019; 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 – Streambed Alteration Agreement Notification No. 1600-2016-0356-R1 dated December 27, 2016)

9. If the source of water is a well, a copy of the County well permit, if available. (N/A)
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. (Attached - Evaluation of Potential Timberland Conversion prepared by Timberland Resource Consultants dated October 9, 2018, and Restocking Plan for APN 221-171-039 prepared by Timberland Resource Consultants dated October 11, 2019)
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. (N/A)
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 prepared by the applicant dated May 1, 2019. (Attached)
16. Rationale for Cultivation Area Relocated prepared by Stillwater Sciences dated November 14, 2018 & March 21, 2019 (Attached)
17. Individual Sewage Disposal System Permit Application dated July 8, 2009. (On file)

18. Grading Plans for APN 221-171-039 prepared by Stillwater Sciences February 7, 2018.
(Attached)
19. Correspondence from Mattole Restoration Council dated March 22, 2007, and August 15, 2007, regarding improvements to the subject parcel

Operations Management Procedures and Responsibilities

Winterization Protocols

- A. Prior to winter rains operations management will insure that:
 - 1. all disturbed areas have been stabilized and erosion control methods are in place including necessary wattle, ground covers, diversion bars etc.
 - 2. all soils are covered and loose items (pots, bags, etc.) are covered and secure.
 - 3. Mulching plant waste covered.
 - 4. Secure fuels, petroleum products, fertilizers and amendments in designated storage areas.
 - 5. Check to ensure that culverts are clear and ready for heavy rains.
- B. At the onset of winter, operations management will ensure that:
 - 1. Roads and culverts are checked during any rain event of .5 inch/day.
 - 2. Check efficiency of diversion bars and sediment capture methods.
 - 3. Check for indication of soil erosion.
- C. Records of operations management will be responsible for maintaining winter inspection records.
 - 1. Storm check records, recording rainfall and date of inspections with notes regarding efficiency of diversion bars, sediment capture or indication records.
 - 2. note any deficiencies in standard conditions not met with appropriate corrective measures to be taken.

Water Management

- A. Operations management will be responsible for all aspects of water management procedures including:
 - 1. fill all poly water storage tanks during the months of January and February (tanks cannot be filled at a rate greater than gal/min per CDFW agreement.
 - 2. Check springs (pod 1 and pod 2) prior to filling poly storage tanks to remove debris, clean intake and remove any silt build up by hand.
 - 3. Check springs daily during growing season to insure bypass flow per CDFW agreement. These inspections must be entered and dated in the Bypass flow and flow measurement log.
 - 4. Flow measurements for pod's 1 & 2 must be performed weekly to insure flow rate does not exceed 1gal/min per CDFW agreements. Inspections must be noted and dated in Bypass flow and flow measurements log.
 - 5. Daily recording of water uses for pods 1,2 &3 must be maintained at each metered site.
 - 6. Operations management will determine from water use records ideal time and amounts of water storage release.
 - 7. During daily routine check for leaks, check timers and drip system for proper operation and efficiency of water use and check storage tank float valves for proper function.

Forbearance Requirements

1. Forbearance requirements will be met with the construction of a 150,000 gal. rain catchment pond. Pond will be entirely rain catchment and will not use spring diversion or any form of water channeling.
2. Rain catchment in three poly tanks (2500gals and 1500gals) currently supply 6500gals of storage at site #3.

Fertilizing & Amendments

1. All fertilizers and amendments will be applied according to directions.
2. All fertilizers and soil amendments use will be recorded in Fertilizer and Amendments log at each site. Product, application rate, date of application and water use must all be recorded.
3. Insure proper storage of all fertilizers and amendments.
4. Mountain and update Safely Data Sheets on all products used.

Fertilizing schedule for site #3 as follows

1. January – February apply nitrogen in the form of organic alfalfa pellets.
2. July – August apply tea of molasses and organic bloom products every other week.

Fertilizing schedule for site #1 and #2 as follows

1. General Hydroponics feed will be giving for first few weeks until flower starts at which point Roots organic feed will be giving until harvest. All feeding is done once per week.

Planting schedules:

Site #1 Plants go in first week of April and harvested end of June-first week July and replanted same week and harvested last week of September – first week October.

Site #2 Plants go in first week of April and harvested end of June-first week July and replanted same week and harvested last week of September – first week October.

Site #3 Seed starts mid-January plants harvested September – October.

Integrated Pest Management (IPM)

1. Operation management will insure that weed clearing in and around grow areas will be accomplished as needed.
2. Inspect for pest at all sites during daily routines.
3. Green cleaner and Plant Therapy will be sprayed as much as every three days to once a week as needed for bug control.

Cultivation Plan

Currently 2600 sf of 6981 sf total is grown from seed in an outdoor natural light condition at site #3. Seed is soaked two days before planting into seed trays. This process is started mid-January. If more than one seed variety is used a 7-10 day separation of seed starting occurs. Approximately six weeks later female plants are placed in the ground. Mature plants are harvested late August to early October depending on seed variety and weather conditions.

The remaining 4381 sf is grown in greenhouses at site 1&2. Greenhouses use no artificial light through they are tarped (light dep) so two grow cycles are accomplished these cycles are April to June and June to August.

Waste Management

1. All plants waste is put through a chipper and the chipped material is placed behind straw bales for composting. Compost is covered prior to rain events.
2. All garbage that cannot be composted or recycled is placed in a dumpster and transported to refuse disposal.

Configuration of cultivation at 7000 sf

A. Site #1 will remain as 2 greenhouses.

(1) greenhouse $30 \times 80 = 2400$ sf

(1) greenhouse = 384 sf

Site #1 will total = 2784 sf

B. Site #2 will remove all grows except

(1) greenhouse existing at $13 \times 55 = 715$ sf

(1) greenhouse existing at 18×70 will be reduced to $18 \times 49 = 882$ sf

Both will be outside of 100' SMA = 1597 sf

Site #2 will be reduced to 1597 sf.

c. Site #3 will retain these existing raised beds:

(2) $5 \times 90 = 900$ sf

(1) $5 \times 20 = 100$ sf

(1) $5 \times 30 = 150$ sf

(1) $25 \times 40 = 1000$ sf

(1) 25×30 bed = 750 sf will be reduced to 450 sf = 2600 sf

Site #3 will be reduced to 2600 sf

Site #1 = 2784

Site #2 = 1597

Site #3 = 2600

= 6981 sf

Looking Forward

Minor relocation from site #3 to site #2.

1. We would like to remove entirely the 25×40 (1000 sf) raised bed and the remaining 450 sf of the previous 25×30 raised bed at site #3 and relocate this 1450 sf to site #2.

2. If this relocation is approved site #3 will consist of:

(2) 5x 90 raised beds 900 sf

(1) 5 x 20 raised bed 100 sf

(1) 5 X 30 raised bed 150sf

Site #3 would then be 1150 sf

3. If this relocation is approved site #2 will be rebuilt into 3 greenhouses outside of the 100' SMA. These greenhouses will measure

(1) 18 x 55 990 sf

(1) 18 x 65 1170 sf

(1) 18 x 50 900 sf

Site #2 would then be 3060 sf

New configuration will be:

Site #1 2784

Site #2 3060

Site #3 1150

6994 sf total

Note: 1. We hope to rebuild all greenhouses using (aluminum) framing.

2. Relocating will move 1450 sf off a 35- 40-degree slope to a current ag area on a 1-2-degree slope. Relocation should also lower overall water use by converting large thirsty deep-rooted outdoor plants to smaller more water conserving greenhouse plants. A qualified professional will be hired to examine this relocation.

*Site map shows cultivation at roughly 9200 sf as first approval by county planners. We are now asked to reduce to 7000 sf which we are now in the process of reconfiguring with the county. An update map will be produced when configuration is agreed upon.



March 21, 2019

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



RE: Cultivation Relocation and Remediation for Apps # 10932; APN 221-171-039; English Property

Dear Humboldt County Planning Department Staff:

I am the consultant for the landowner of APN 221-171-039. Over the past month, I have conducted several site visits and worked closely with the landowner to fine-tune the proposed cultivation area footprint on the property to minimize environmental impacts.

I recommend the following:

- 1) Consolidate existing cultivation at Site #2 into one 31 feet wide x 52 feet long greenhouse (1,612 SF) that is located on an existing flat and maximizes the setbacks from two adjacent tributaries including greater than 100 feet from the tributaries and greater than 50 feet from the top-of-banks.
- 2) Move 1,000 SF of existing cultivation that is currently located on a slope >30% steepness from Site #3 to flat ground at Site #2. This will involve adding 18 feet of length to the proposed greenhouse at Site #2 for an additional 558 SF (Total greenhouse to be 31 feet wide x 70 feet long with total area of 2,170 SF), and creating a small raised bed measuring 11 feet x 40 feet (440 SF) to the northwest of the proposed greenhouse. Note that all relocated cultivation meets setbacks described in my first recommendation above.

No significant grading is necessary to remediate the historic cultivation area at Site #3. The cultivation area at Site #3 proposed for relocation consists of terraces constructed along the 30% slope with fence posts and wooden planks. Therefore, remediation efforts should remove all cultivation-related materials including posts, planks, irrigation supplies, and any other cultivation-related materials. This material should be either incorporated into new agricultural activities on the property or disposed of at an appropriate off-site refuse disposal facility. After removal of the posts, planks and other materials, the area should be smoothed with hand tools and any bare ground should be seeded with native grass seed and mulched with rice straw.

Following this proposed relocation and remediation, cultivation area on the property will include:

- Site #1 Area: 2,784 SF
- Site #2 Area: 2,610 SF
- Site #3 Area: 1,600 SF
- Total Cultivation Area 6,994 SF

2855 Telegraph Avenue
Suite 400
Berkeley, CA 94705
510.848.8098

279 Cousteau Place
Suite 400
Davis, CA 95618
530.756.7550

850 G Street
Suite K
Arcata, CA 95521
707.822.9607

895 Napa Avenue
Suite B-4
Morro Bay, CA 93442
805.570.7499

555 W. 5th Street
35th Floor
Los Angeles, CA 90013
424.302.3910

108 NW Ninth Avenue
Suite 202
Portland, OR 97209
503.267.9006

Please feel free to contact me with any additional questions.

Sincerely,



Joel Monschke PE
(707) 496-7075
jmonschke@stillwatersci.com



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Harold English APN: 221 171 039
Planning & Building Department Case/File No.: 10932
Road Name: Mattole Canyon Creek Rd (complete a separate form for each road)
From Road (Cross street): Dutyville
To Road (Cross street): Ellensburg / Honeydew Rd
Length of road segment: 1 mile miles Date Inspected: 4/30/19
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

Harold E English
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.



10932 221-171-039

2019-015573

Recording Requested by:
County of Humboldt
Planning and Building Department

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY

FILE COPY

Pages: 4

Recording Fee: \$ 22.00

Tax Fee: \$0

Clerk: sc Total: \$22.00

Sep 09, 2019 at 10:49:34

*** CONFORMED COPY ***

Return to:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501-4484

DECLARATION OF ROAD MAINTENANCE ASSOCIATION ANNEXATION

In matters pertaining to the "**Lower Matole Canyon Association**", a road maintenance association (RMA) created by document recorded in **Volume 1566, of Official Records, Page 520**, Humboldt County Recorder's Office, and pursuant to the provisions allowed for under Article IX "Annexation" of said document, this declaration is made by the following parties (hereinafter collectively referred to as "Declarants"): as active participants of said RMA and representing a majority of the owners entitled to vote, **Colum P. Coyne and Monica A. Coyne**, present-day owners of Assessor's Parcel No. 221-171-005 (said lands being the same as those lands identified as Parcel 1 on Parcel Map No. 1528, as filed in Book 13 of Parcel Maps, page 72), and **Harold E. English and Rhonda M. English, Trustees of the English Family Trust**, owners of record of the real property in the County of Humboldt, State of California, which is described in the **Unconditional Certificate of Subdivision Compliance**, recorded as **Instrument No. 2019-015572** of Official Records, Humboldt County Recorder's Office (hereinafter referred to as the "Property") (said lands being the same as those lands identified as Parcel 2 on Parcel Map No. 1528, as filed in Book 13 of Parcel Maps, page 72), incorporated and made a part hereof for the purpose of annexing the Property to a road maintenance association known as the "**Lower Matole Canyon Association**",

WITNESSETH:

WHEREAS, this annexation was approved by majority vote of the Owners of said road maintenance association; and

WHEREAS, the Properties will be served by and benefited by the maintenance, repair, and construction of the common road easement; and

WHEREAS, the term "common road easement" as used herein shall mean the easement and right of way particularly described as **Mattole Canyon Creek Road** (20 feet wide), and shown on **Parcel Map No. 1528, as filed in Book 13 of Parcel Maps, page 72**, Humboldt County Recorder's Office, incorporated and made a part hereto.

PLN-10982-SP

Jeffery English

NOW, THEREFORE, it is declared and agreed as follows:

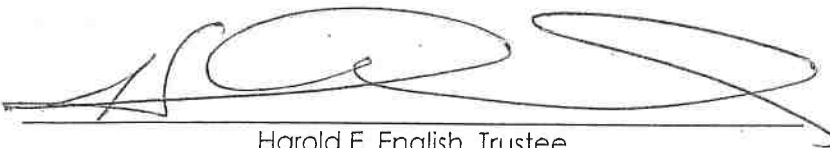
(1) The Property shall be annexed to the "Lower Matole Canyon Association" and shall be subject to the benefits as well as burdens of the Declaration of Road Maintenance Association recorded as Volume 1566 of Official Records, page 520, Humboldt County Recorder's Office. The restrictions, covenants, and conditions therein contained shall run with the real property and be binding upon all parties having any right, title, or interest in the properties, or any part thereof, their heirs, successors, and assigns and shall inure to the benefit of each Owner thereof.

IN WITNESS WHEREOF, this instrument is executed this 28th day of August, 2019.

ALL PROPERTY OWNERS OF RECORD MUST SIGN. ALL SIGNATURES MUST BE NOTARIZED
DECLARANTS


Colum P. Coyne


Monica A. Coyne


Harold E. English, Trustee


Rhonda M. English, Trustee

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 28th day of August, 2019, before me, M. Markham

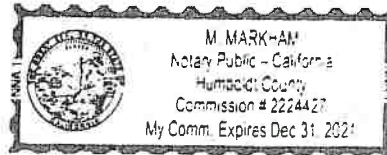
Notary Public, personally appeared **Colum P. Coyne** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.



Signature



(seal)

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 28th day of August, 2019, before me, M. Markham

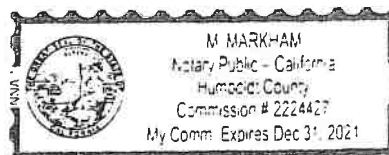
Notary Public, personally appeared **Monica A. Coyne** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.



Signature



(seal)

CERTIFICATE OF ACKNOWLEDGMENT


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 9th day of September, 2019, before me, M. Markham
Notary Public, personally appeared **Harold E. English** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.


Signature



(seal)

CERTIFICATE OF ACKNOWLEDGMENT


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

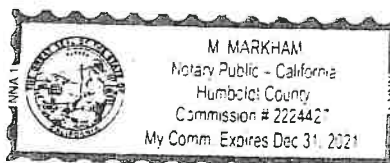
STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 9 day of September, 2019, before me, M. Markham
Notary Public, personally appeared **Rhonda M. English** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.


Signature



(seal)



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com



October 9, 2018

Jeffrey English
P.O. Box 26
Redway, CA 95560

Re: APN 221-171-039
Application #10932

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application (Apps #10932) for APN 221-171-039. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated areas contained within the application on October 8, 2018. The RPF exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

Project Location

APN: 221-171-039

Acreage: 38 acres

Legal Description: Portions of NW ¼ of NW ¼ of Section 32;
Township 3 South, Range 2 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Ettersburg

Humboldt County Zoning: Unclassified

Site Address: 1050 Mattole Canyon Creek Road

Landowner/Timber Owner: Harold E & Rhonda M English

Project Location (Cont.)

The project is located in the Ettersburg area on the property known as 1050 Mattole Canyon Creek Road.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property consists of second growth tanoak, madrone and Douglas-fir with clear evidence of past logging of old growth Douglas-fir. Review of 1968 aerial imagery reveals signs that the timbered portions of the property and surrounding areas were recently harvested (within approximately 10 +/- years) as evidenced by truck roads, skid roads, landings, and distinct timber/vegetation type changes. Several large debris slides/inner gorge failures located adjacent to Mattole Canyon Creek are visible on the 1968 imagery, which were likely triggered by the 1964 flood in combination large scale logging of the old growth within the watershed. Increment borings of second growth Douglas-fir trees surrounding the conversion area revealed a stand age of approximately 40-50 years old. Review of more recent historic imagery from 1972 to 2016 reveals no signs of additional timber harvest entry. Moreover, no timber harvesting plans have been recorded by Cal Fire (Watershed Mapper v2 http://egis.fire.ca.gov/watershed_mapper/). The current landowners have owned and lived on the property since the 1970's.

Project Description

Four cultivation sites were inspected during the field assessment within APN 221-171-039. The following table lists the inspected sites and their acreages; see detailed site descriptions below.

Cultivation Site/Associated Area	Total Acreage	Converted?	Converted Acreage
Cultivation Site 1	0.25	Yes	0.25
Cultivation Site 2	0.40	Yes	0.40
Cultivation Site 3	0.10	Yes	0.10
Cultivation Site 4	0.12	Yes	0.12
Total	0.87		0.87

Cultivation Site 1

Review of 1993 aerial imagery reveals that the site was formerly timbered. The eastern portion of the cultivation site was initially developed between 2005 and 2006. By 2009, the site was approximately half-way developed. The site was fully developed to its present size and configuration between 9-18-2015 and 5-28-2016 per Terra Server imagery. The cultivation activities observed at this site impede the use of this space for current timber growth and harvesting, and the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 2

Review of 1993 aerial imagery reveals that the site was formerly timbered. Incremental development, which appears to have included timber harvesting and conversion, occurred from 2005-2014. The site was fully developed to its present size and configuration between 10-26-2015 and 5-28-2016 per Terra Server imagery. The cultivation activities observed at this site impede the use of this space for current timber growth and harvesting, and the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 3

Review of 1968 aerial imagery reveals that the home site occupies what appears to be an old log landing. Subsequent imagery from 1993 and 1998 shows this area grassy or perhaps brushy/shrubby but not stocked with hardwoods and conifers like adjacent timbered areas. By 2005 some development and/or clearing appears to have occurred, and the home is first visible in 2009. The home site appears to have remained relatively unchanged from 2009-present. The home site is not used directly for cultivation related

Project Description (Cont.)

activities and therefore the landowner have not converted the single use of this space from timber production to cannabis cultivation. The cultivation site itself, which is located within the footprint of the developed area surrounding the residence, occupies an otherwise landscaped area. This area would likely never be a managed timber stand due to its proximity to the house and requirements for defensible space. Nevertheless, the cultivation activities observed at this site impede the use of this space for current timber growth and harvesting, and the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Cultivation Site 4

Review of 1993 aerial imagery reveals that the site was formerly timbered. The cultivation site was initially developed between 2005 and 2006 and was fully developed to its present size and configuration by 2009. No cultivation activities are occurring at this site. The Applicant is proposing to relocate and restore this site per their WRPP. The RPF observed natural conifer and hardwood regeneration throughout the site. In the absence of any major soil disturbance this site will meet the minimum stocking standards of 14CCR 912.7(b)(1) within 5 years. Past cultivation activities observed at this site impede the use of this space for current timber growth and harvesting, and the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

The opening to the east is not used for cannabis cultivation. Per the landowner, it has historically been used for housing farm animals until a recent sudden oak death outbreak. Beginning in late 2014, tanoak trees growing around the periphery of the site were dying and falling causing damage to fencing and infrastructure. The landowner has been clearing out dead trees from late 2014 to present, which can be seen on Terra Server. This site is not used directly for cultivation related activities and therefore the landowner has not converted the single use of this space from timber production to cannabis cultivation.

Timberland Conversion Summary

TRC observed 0.87 acres of timberland conversion for cultivation-related purposes.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

Timberland conversion has occurred within a Watercourse and Lake Protection Zone (WLPZ) at two locations as described below.

Cultivation Site 1 is slightly located within the WLPZ of a Class II spring. Based upon slope steepness (0-30%) the Forest Practice Rules would have required a 50-foot WLPZ. However, per the Humboldt County General Plan, the Grading and Open Space Ordinance would have applied to this project thus requiring County review and sign off. Consequently, a Stream Management Area of 100-feet would have been required. The cultivation area is outside of the 100-foot WLPZ but portions of the graded flat are located within the 100-foot WLPZ. The RPF recommends restoration of the portion of the site located within the 100-foot WLPZ per the WRPP (if proposed), and re-planting with conifers per the attached Restocking Plan. The restocking of the converted portion of the WLPZ is required to mitigate potential impacts to water quality and timberland productivity.

Cultivation Site 2 is located within the WLPZ of a Class II spring and Class II watercourse. Based upon varying slope steepness's (0-50+%), the Forest Practice Rules would have required a 50-foot to 100-foot WLPZ. However, per the Humboldt County General Plan, the Grading and Open Space Ordinance would have applied to this project thus requiring County review and sign off. Consequently, a Stream Management Area of 100-feet would have been required. Portions of the cultivation area and graded flat are located within the 100-foot WLPZ. The RPF recommends restoration of the portion of the site located within the

Limitations and Considerations for Timberland Conversion Activities (Cont.)

100-foot WLPZ per the WRPP (if proposed), and re-planting with conifers per the attached Restocking Plan. The restocking of the converted portion of the WLPZ is required to mitigate potential impacts to water quality and timberland productivity.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 6) Full slash and woody debris treatment may include any of the following:
 - a) Burying;
 - b) Chipping and spreading;
 - c) Piling and burning; or
 - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.
- 8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

Untreated logging slash, logs, and woody debris was observed at Cultivation Site 1, which requires treatment.

923.4. Construction and Reconstruction of Logging Roads and Landings.

Cultivation Site 1 was not constructed per 14CCR 923.4(h), which states:

Waste organic material, such as uprooted stumps, cull logs, accumulations of limbs and branches, and unmerchantable trees, shall not be buried in logging road or landing fills. Wood debris or cull logs and chunks may be placed and stabilized at the toe of fill to restrain excavated soil from moving downslope.

Portions of the fill slope located on the southeastern side of Cultivation Site 1 are intermixed with stumps, logs, and woody debris. Furthermore, the fill is perched, over-steepened, and therefore potentially unstable. Treatment of this "unstable fill" requires removal of all buried woody material (stumps, logs, limbs, chunks, etc.) and subsequent treatment per 14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris. The fill shall be reconstructed and thoroughly compacted in approximately one-foot lifts. The fills shall be no greater than 65 percent (1.5:1, horizontal to vertical) unless properly engineered.

Limitations and Considerations for Timberland Conversion Activities (Cont.)

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDDB) on October 11, 2018 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the subject property. No sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area, though potential habitat may exist on the property. The query of the CNDDDB-NSO Database revealed no known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius BAA surrounding the property.

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) and the RPF observed symptoms, signs, and evidence of oak mortality. The conversion area did not appear to include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Chris Carroll, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces.

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

In summary, a total of 0.87 acres of unauthorized timberland conversion has occurred within APN 221-171-039. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property do not comply with the California Forest Practice Act and the California Forest Practice Rules. The following recommendations are required to bring the project into compliance:

Cultivation Site 1:

1. Restoration and re-planting of conifers within the portions of the graded flat located within the Class II spring's 100-foot WLPZ per the attached Restocking Plan.
2. Treatment of logging slash, logs, and woody debris.
3. Treatment of unstable fill and reconstruction of the fill slope.

Cultivation Site 2:

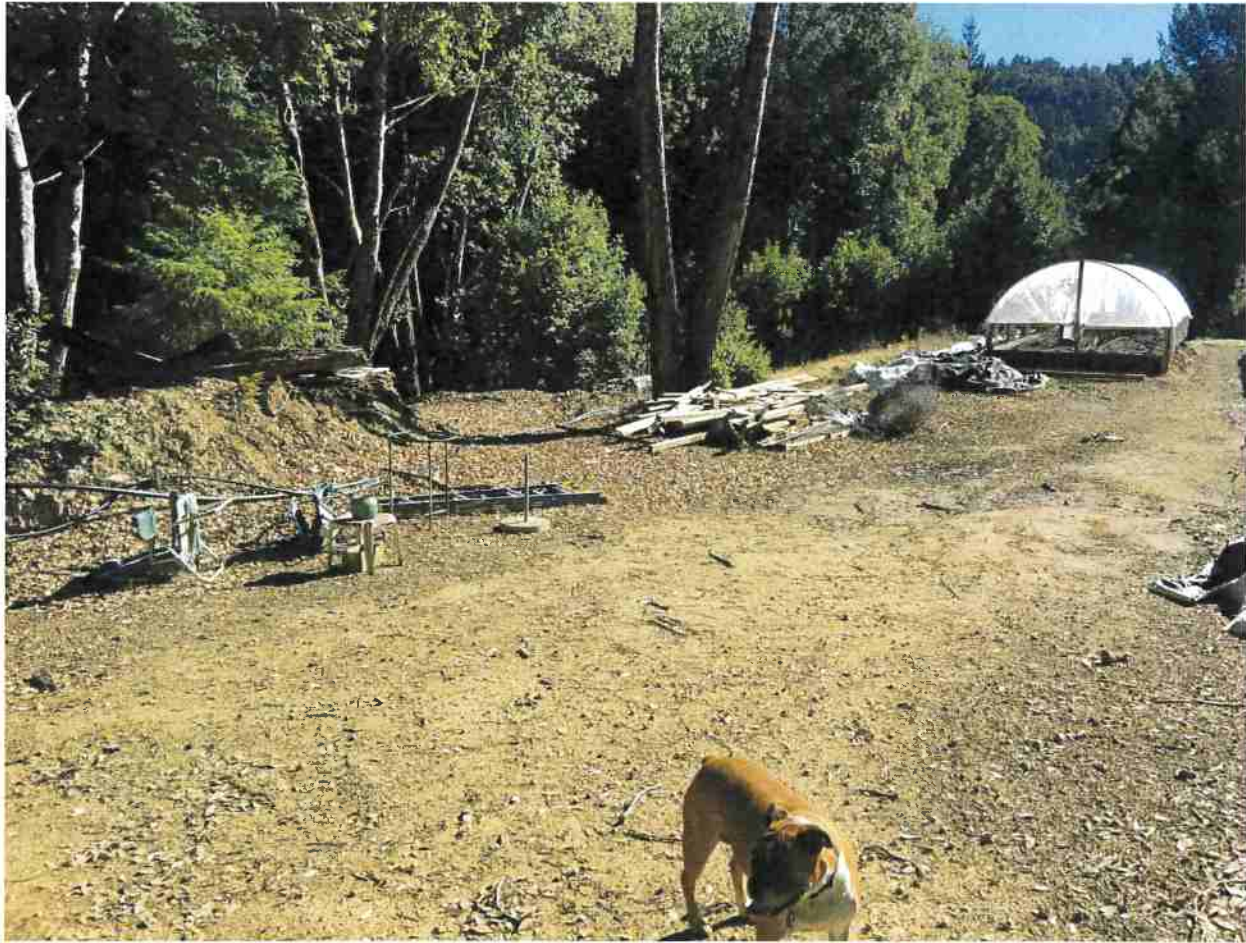
1. Restoration and re-planting of conifers within the portions of the graded flat located within the Class II spring's 100-foot WLPZ per the attached Restocking Plan.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: Portion of Cultivation Site 1 located within the Class II WLPZ. Photo date 10-8-2018.

Pictures



Picture 2: Untreated slash located at southern end of Cultivation Site 1. Photo date 10-8-2018.

Pictures



Picture 3: Unstable fill located at Cultivation Site 1. Photo date 10-8-2018.

Pictures



Picture 4: Cultivation Site 1. Photo date 10-8-2018.

Pictures



Picture 5: Cultivation Site 1. Photo date 10-8-2018.

Pictures



Picture 6: Cultivation Site 4. Photo date 10-8-2018.

Pictures



Picture 7: Cultivation Site 2. Photo date 10-8-2018.

Pictures



Picture 8: Cultivation Site 2. Photo date 10-8-2018.

Pictures



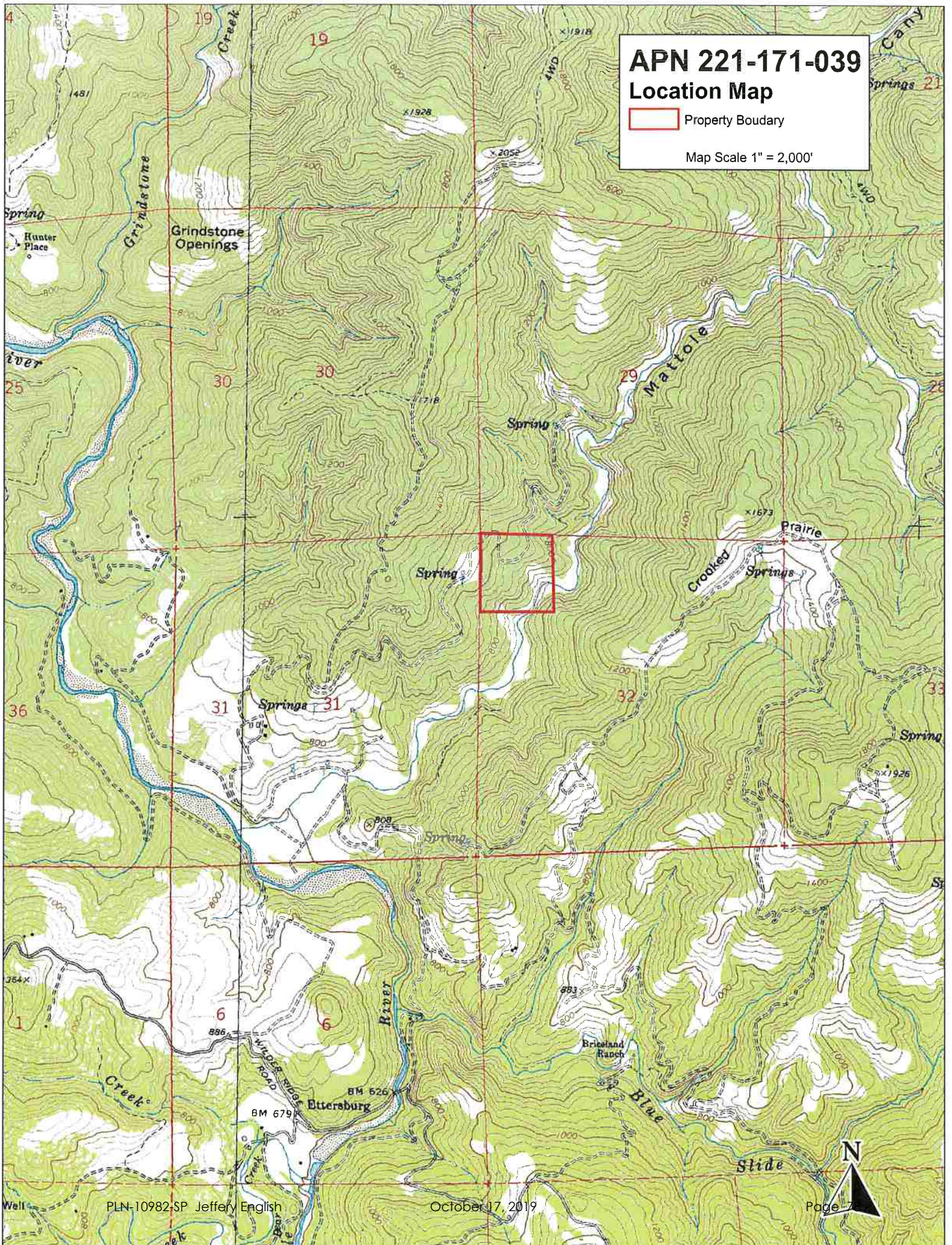
Picture 9: Cultivation Site 3. Photo date 10-8-2018.

APN 221-171-039

Location Map

 Property Boudary

Map Scale 1" = 2,000'












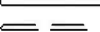



APN 221-171-039

Conversion Evaluation Map

NORTH

Map Scale 1" = 100'
S32, T3S, R2E, HB&M

- | | |
|--|---|
|  Property Boudary |  Class II Spring |
|  Cultivation Related Timberland Conversion |  Class II Watercourse |
|  Non-cannabis Related Timberland Conversion |  Class III Watercourse |
|  Cultivation Site to be Relocated and Restored |  Mattole Canyon Creek |
|  Stream Management Area |  Mattole Canyon Creek Road |
|  Perched and Unstable Fill |  Permanent Rocked Road |
| |  Residence |

CS #1

CS #3

CS #2

CS #4

PLN-10982-SP Jeffery English

October 17, 2019

Page 7

APN 221-171-039

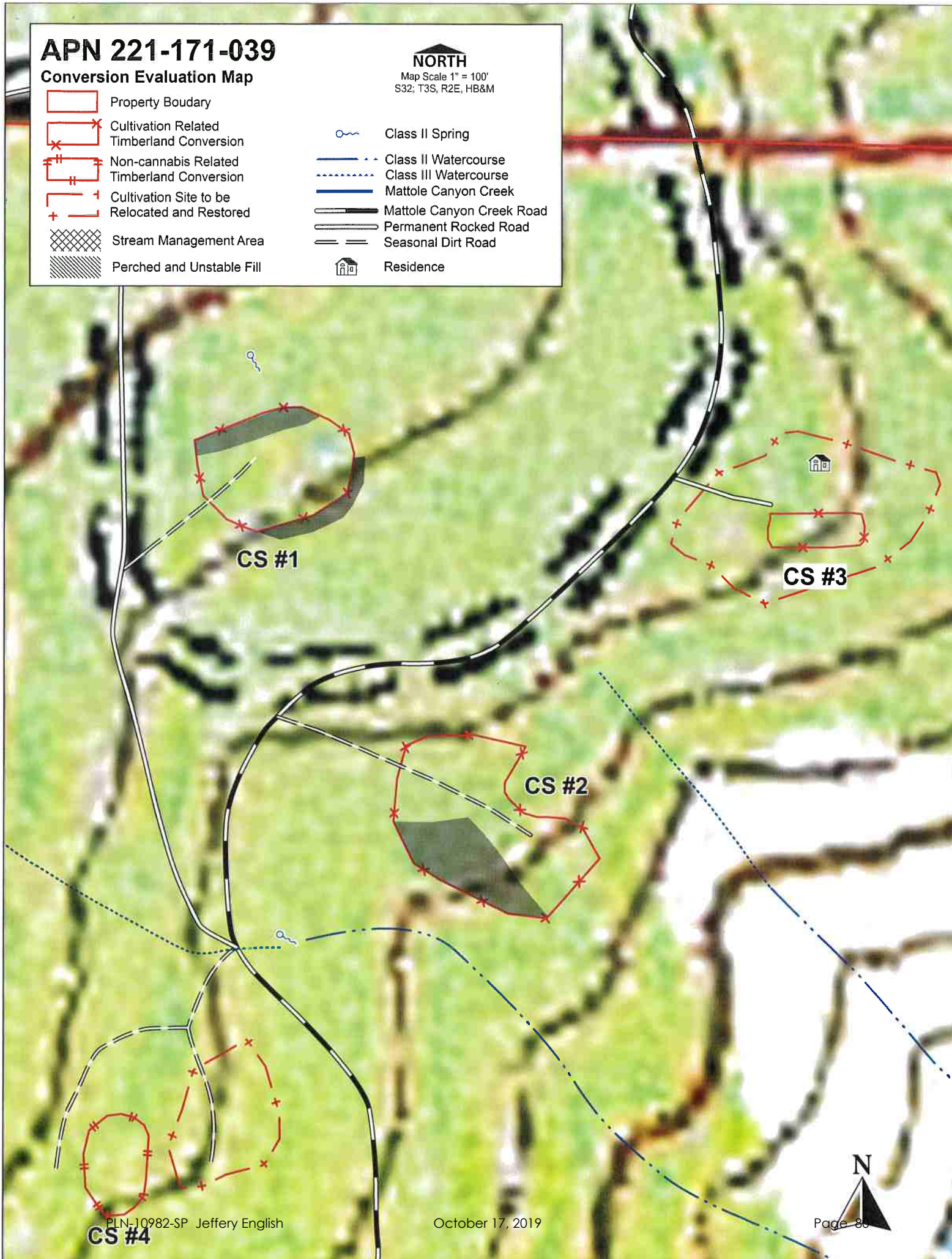
Conversion Evaluation Map

NORTH

Map Scale 1" = 100'
S32; T3S, R2E, HB&M

- Property Boundary
- Cultivation Related Timberland Conversion
- Non-cannabis Related Timberland Conversion
- Cultivation Site to be Relocated and Restored
- Stream Management Area
- Perched and Unstable Fill

- Class II Spring
- Class II Watercourse
- Class III Watercourse
- Mattole Canyon Creek
- Mattole Canyon Creek Road
- Permanent Rocked Road
- Seasonal Dirt Road
- Residence












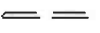



APN 221-171-039

Conversion Evaluation Map

NORTH

Map Scale 1" = 100'
S32, T3S, R2E, HB&M

- | | |
|--|---|
|  Property Boundary |  Class II Spring |
|  Cultivation Related Timberland Conversion |  Class II Watercourse |
|  Non-cannabis Related Timberland Conversion |  Class III Watercourse |
|  Cultivation Site to be Relocated and Restored |  Mattole Canyon Creek |
|  Stream Management Area |  Mattole Canyon Creek Road |
|  Perched and Unstable Fill |  Permanent Rocked Road |
| |  Residence |

CS #1

CS #3

CS #2

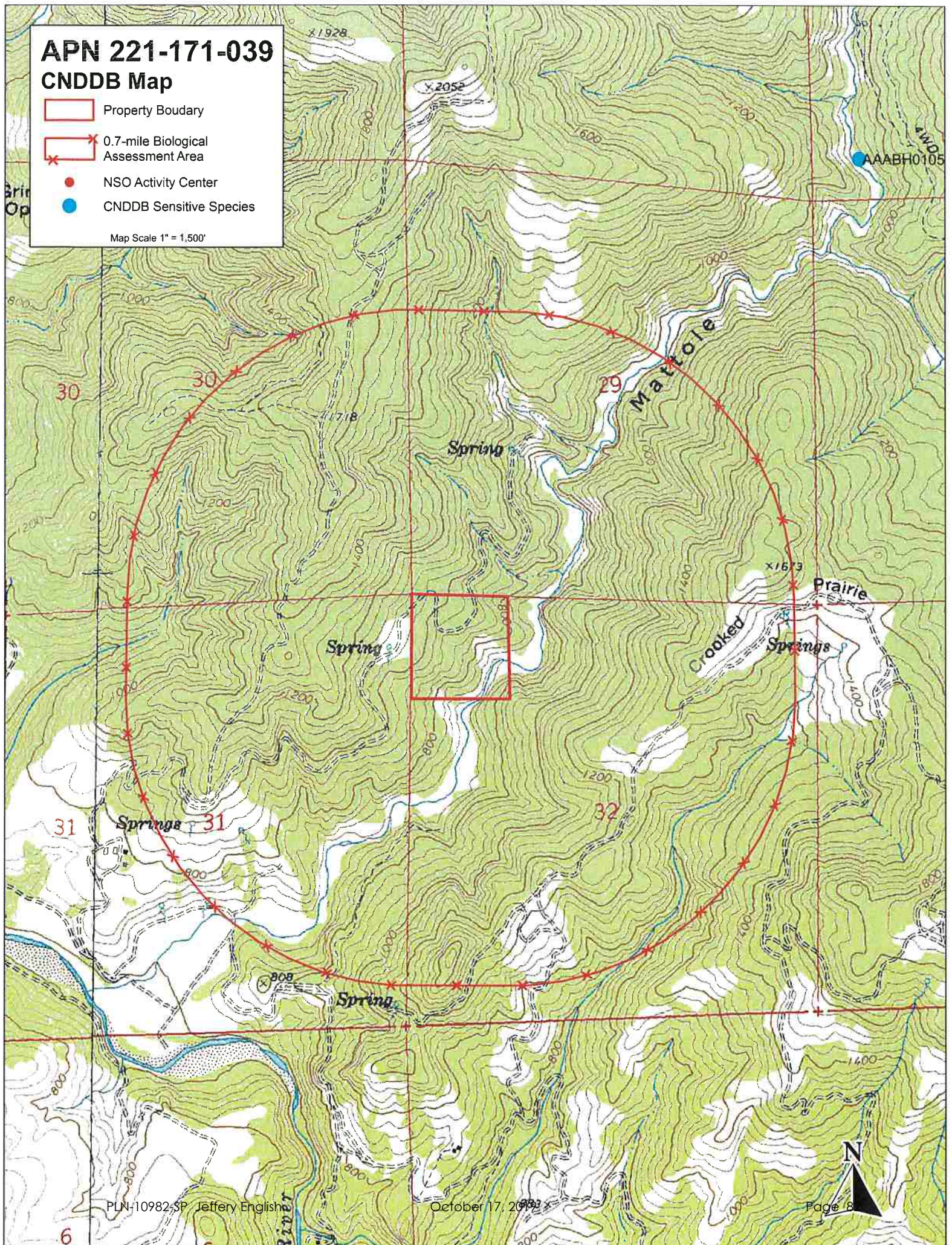
CS #4

APN 221-171-039

CNDDDB Map

- Property Boundary
- 0.7-mile Biological Assessment Area
- NSO Activity Center
- CNDDDB Sensitive Species

Map Scale 1" = 1,500'





RESTOCKING PLAN

FOR

APN 221-171-039

October 11, 2018

165 South Fortuna Blvd
Fortuna, CA 95540
707-725-1897
707-725-0972 Fax
trc@timberlandresource.com

Regeneration Plan

Site Preparation: Site preparation is a widely used method to facilitate the establishment of a desirable stand of trees. Site preparation activities remove or reduce competing vegetation, reduce or remove unwanted trees and logging debris, and prepare the soil to promote the growth and survival of desired tree species. There are many methods of site preparation that fall under either chemical or mechanical site preparation. The primary objective is to have an area suitable for planting and establishing a new stand of trees. If heavy equipment is available, the RPF recommends subsoiling/ripping the planted sites. Subsoiling/ripping is a mechanical site prep method for heavy soils on cutover or agricultural lands that have a compacted layer at or below the soil surface that limits root growth and development. Subsoiling/ripping increases aeration and water-holding capacity of compacted soils and breaks up root restricting hardpans and/or traffic pans.

Planting: The RPF recommends planting Douglas-fir and/or redwood seedlings at a spacing no less than 10 feet by 10 feet or 435 trees per acre. If deer browsing is expected (landowner's local knowledge), then the density can be slightly increased to account for mortality and/or damage. The area's to be planted include the WLPZ portion of Cultivation Site 1, WLPZ portion of Cultivation Site 2, and Cultivation Site 4 (at landowner's choice).

Seedlings: Most conifer seedlings that come from the nursery are usually available in two forms; bareroot seedlings and containerized seedlings. Bareroot seedlings are essentially stock whose roots are exposed at the time of planting. Bareroot seedlings are grown in nursery seedbeds and lifted from the soil in which they are grown to be planted in the field. Containerized seedlings are grown in a variety of hard-walled vessels or in peat pots from seed. Given the conditions of the site and the higher survival rate associated with containerized stock, the RPF recommends using containerized seedlings if available. Seedling care and handling is extremely important to ensure post planting survival. For long-term storage (more than 3 days) store at 33-36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days) store below 42 degrees Fahrenheit. At the planting site take care to not let the roots dry out and avoid exposure to the sun or warmer temperatures.

Planting Instructions:

1. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen, or during unusually warm periods.
2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
4. Pack the soil down firmly around the seedling to remove any air pockets.
5. See Appendix A-D for illustrations for correct planting techniques.

6. The RPF recommends acquiring conifer seedlings from Green Diamond Resource Company's nursery in Korb. Contact Glen Lehar @ 707-668-4439. Indicate the elevation and geographic area of the planting site and he will recommend the appropriate stock.

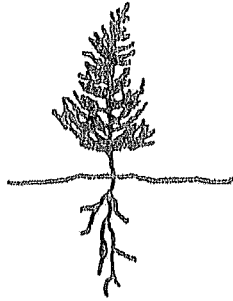
Sincerely,



Chris Carroll, RPF# 2628
Timberland Resource Consultants

APPENDIX A

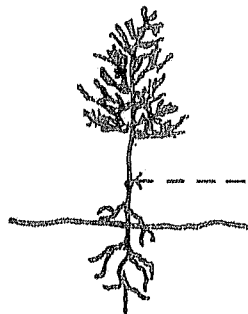
CORRECT METHOD OF SEEDLING PLANTING



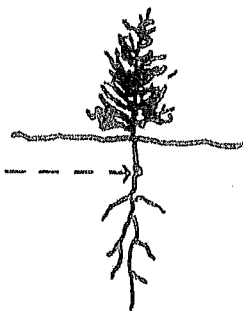
- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

ERROR IN PLANTING

Too shallow



Too Deep

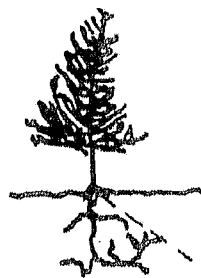


Root Collar

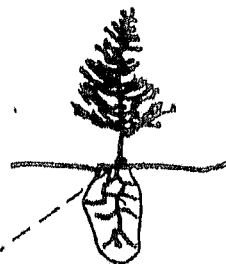
- Hole not deep enough.
- Root collar and upper roots exposed.
- Roots dry out.

- Hole is too deep.
- Root collar buried.

J or L Roots



Air Pockets



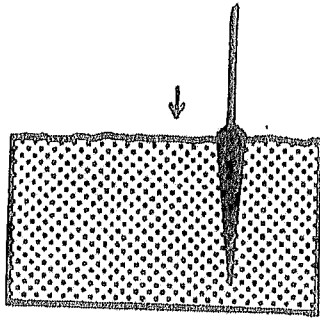
Hole is not deep enough — planting in rocky soil.
Roots cannot effectively take up water.
Tree not wind-firm.

Root Collar

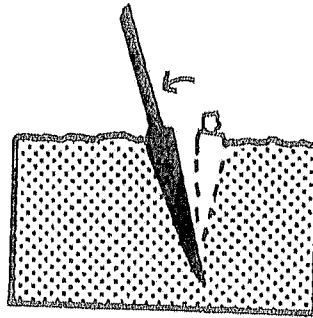
- Soil not firmly packed around roots.
- Air pocket forms.
- Roots dry out.

APPENDIX B
PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.

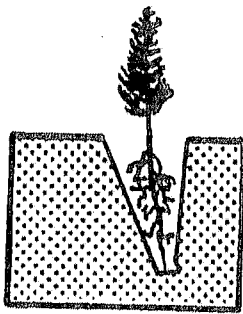


2. Pull flat bar backward to open hole.

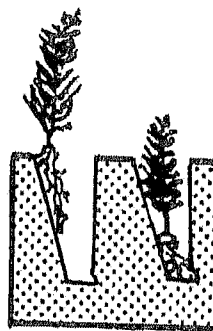


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct

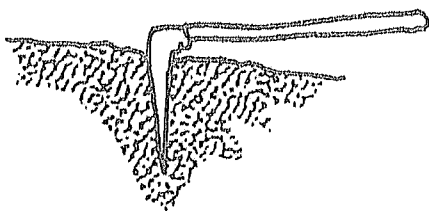


Incorrect

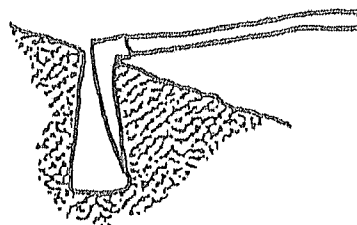


APPENDIX C
PLANTING WITH A HOE

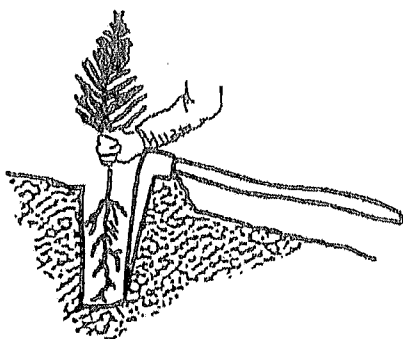
1. Swing hoe to get full penetration.



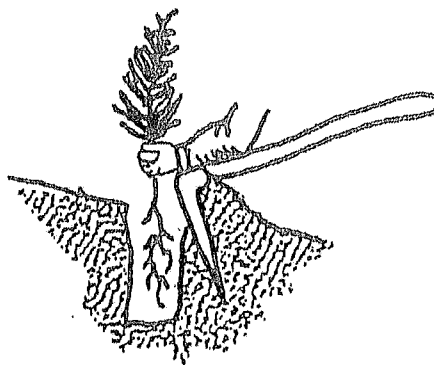
2. Lift handle and pull up to widen hole.



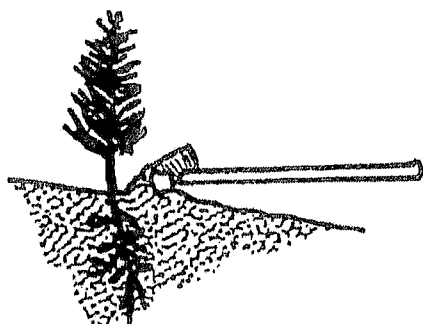
3. Place seedling while using hoe to hold back soil.



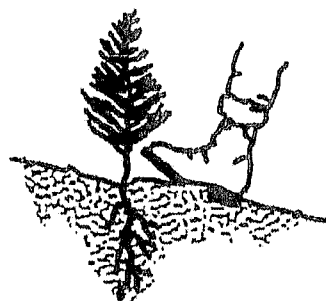
4. Use hoe to pack soil at bottom of hole.



5. Use hoe to pack soil at top hole.



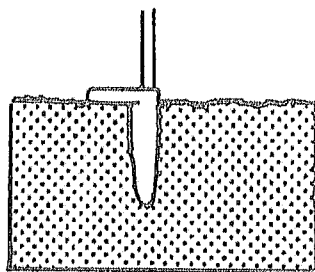
6. Firm soil around seedling with feet.



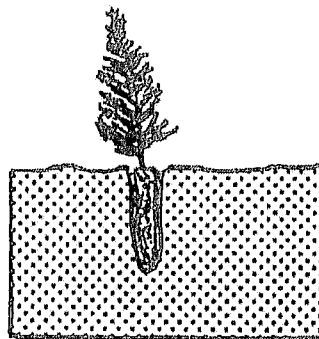
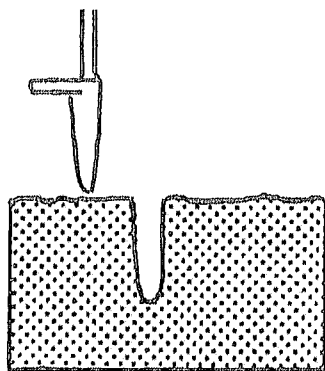
APPENDIX D

PUNTING WITH A PLUG BAR

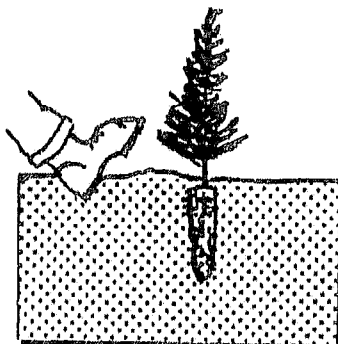
1. Insert plug bar straight down until plug bar footrest is level with ground.



2. Remove plug bar and place seedling in hole.



3. Firm soil around seedling with heel of boot.





STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H504490

CERTIFICATE H100385

Right Holder: *Harold English*
1050 Mattole Canyon Creek Rd
Redway, CA 95560

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 11/30/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Unnamed Stream	Mattole Canyon Creek	40.165405	-123.985269	Humboldt	221-171-039
POD 1	Unnamed Spring	Unnamed Stream	Mattole Canyon Creek	40.165962	-123.986267	Humboldt	221-161-035

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic, Fire Protection	Humboldt	221-171-039	0.13774

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/02/2019.

The place of use is shown on the map filed on 01/02/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.51 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.9 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable
PLN-10982-SP Jeffery English
October 17, 2019
Page 90

conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 01/02/2019 08:57:54

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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	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Request Road Evaluation Report, request improvement of intersection with county road	Attached
Division Environmental Health	✓	Approval	Attached
CalFire	✓	Comments	Attached
Telegraph Ridge Fire Protection District	✓	Approval	Attached
CA Department of Fish and Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further study recommended	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Agricultural Commissioner		No response	
District Attorney		No response	
RWQCB		No response	
Sheriff's Office		No response	
Southern Humboldt Joint School District		No response	



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

11/7/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Telegraph Ridge Fire Protection District Fire Protection District, Humboldt County Sheriff, Southern Humboldt Unified School District School District, Sinkyone Tribal Council

Applicant Name Jeffrey English Key Parcel Number 221-171-039-000

Application (APPS#) 10932 Assigned Planner Keenan Hilton (707) 268-3722 Case Number(s) SP16-108

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 11/22/2018

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: _____
-

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

From: [Hilton, Keenan](#)
To: [Planning Clerk](#)
Subject: FW: Jeffrey English 221-171-039 10932
Date: Tuesday, September 25, 2018 8:56:21 AM
Attachments: [image001.png](#)

Please add to file, efile, accelera (if possible)

Thanks!
Keenan

From: Manthorne, David@Wildlife [mailto:David.Manthorne@wildlife.ca.gov]
Sent: Monday, September 24, 2018 12:10 PM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Cc: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Subject: RE: Jeffrey English 221-171-039 10932

Hi Keenan,

The applicant has 4 springs. Spring 1 and 2 are clearly connected and require forbearance. Springs 3 and 4 are not connected clearly on the surface and have limited habitat for critters. CDFW permitted use of springs 3 and 4 at 100 gpd. CDFW does not regulate by whether a spring flows off the property (Division of Water Rights definition), only by minimizing impacts to fish and wildlife species. Either way, I believe Mr. English needs more water storage for his project.

Thanks

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

From: Bauer, Scott@Wildlife
Sent: Monday, September 24, 2018 11:55 AM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Subject: FW: Jeffrey English 221-171-039 10932

I believe this one is yours. Can you respond to Keenan?

Scott

From: Hilton, Keenan <>
Sent: Friday, September 21, 2018 11:25 AM
To: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Subject: Jeffrey English 221-171-039 10932

Hi Scott,

I was looking at the LSAA for the subject parcel (1600-2016-0356-R1), and I have a question. In the Agreement there are multiple references to a Class II spring. I believe this means that it is wet year round. The applicant claims that the water does not connect with streams on-site, that it is a fully contained spring. Can you confirm that this is the case?

Thank you for the assistance,
Keenan



Keenan Hilton
Planner, Cannabis Services Division
[Planning and Building Department](#)
707.268.3722



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



17/18-0130

7/24/2017

JUL 24 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, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Telegraph Ridge Fire Protection District Fire Protection District, Humboldt County Sheriff, Southern Humboldt Unified School District School District, Sinkyone Tribal Council

Applicant Name Jeffrey English **Key Parcel Number** 221-171-039-000

Application (APPS#) 10932 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-108

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

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

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

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

Return Response No Later Than 8/8/2017

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: _____

DISTRIBUTED

DATE: 9/27/17
PLN-10982-SP Jeffery English

PRINT NAME: Adam Molofsky
October 17, 2019

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ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Senior Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer
DATE: 10-05-2018

RE:

Applicant Name	JEFFREY ENGLISH
APN	221-171-039
APPS#	10932
CASE#	SP16-108

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:

Applicant has submitted a road evaluation report, dated 07 / 06 /2018, with Part A -Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

APPLICANTS REPORT DID NOT INCLUDE ALL ACCESS ROADS USED
TO GET TO THE PROJECT SITE. MISSING EVALUATION FOR
DUTYVILLE RD.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 10932

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 1):
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ COUNTY ROADS- DRIVEWAY (PART 2):
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

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

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 3):
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☐ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☒ COUNTY ROADS- PRIVATE ROAD INTERSECTION: AT ETTERSBUILL/HONEYDUE 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 //