

**SUPPLEMENTAL INFORMATION
No. 1**

For Zoning Administrator Agenda of:
November 7, 2019

| | | | |
|-----|------------------------|-----------------------|----------------------|
| Re: | Applicant | Bellflower Farms, LLC | Item No.: C-3 |
| | Case Number | SP16-837 | |
| | Assessor Parcel Number | 214-121-012 | |

The following documents are attached: Emails with CDFW regarding project conditions and a timeline of correspondence with the agency.

Also included is an email from State Parks stating that they have no concerns about the project or about approval of the reduced setback.

13245 – Timeline

1. Referred - 3/21/2019
2. Drafted Staff Report – September 2019
3. Received comments from CDFW - 9/24/2019
4. Sent Staff Report to State Parks and received comments 10/8/2019 stating that they had no concerns.
5. Responded to CDFW Comments with additional information 10/25/2019
6. Received second copy of original CDFW Comments with added request for Noise and Light Attenuation Plan – 10/31/2019
7. Responded to CDFW stating that the project was full sun and outdoor with no supplemental lighting and no ancillary nursery and with power from PG&E. Shared conditions already included to address noise impacts – 11/6/2019
8. Received comments from CDFW reiterating request for Noise and Light Attenuation Plan – 11/07/2019.

Welsh, Liza

From: Johnson, Cliff
Sent: Thursday, November 07, 2019 9:26 AM
To: Manthorne, David@Wildlife; Welsh, Liza
Cc: Ryan, Meghan; Bocast, Kalyn@Wildlife; Bauer, Scott@Wildlife
Subject: RE: CDFW Referral Comments: Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012

Dave, We will present your email to the Zoning Administrator however we will not be recommending to modify the condition prior to the hearing today at 10 am because we strongly disagree with your request. I'd suggest you attend the hearing if you would like to raise this issue. This project is full sun outdoor with no processing or propagation on-site and no need for power. Nonetheless the power source for the property (the house) is PG&E. State Parks has reviewed this and felt that their concerns were fully addressed.

Cliff Johnson, Supervising Planner
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
(707) 268-3721

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Thursday, November 7, 2019 8:11 AM
To: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: CDFW Referral Comments: Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012

Liza,
This site is located adjacent (within the setback) of the State Park, so curtailing noise is important. Again, I believe the most valid approach is to request a Noise Attenuation Plan for any generator onsite prior to use. This plan should be submitted to the County in consultation with CDFW. CDFW strongly believes we should have a chance to review and approve these plans. This will help any county staff inspector determine if the attenuation plan has been implemented. After reading many staff reports and conditions of approval from various planning staff, it seems prudent for County staff to take a systematic approach to issues of noise and light by requiring a simple plan. The conditions of approval below seem confusing and difficult to implement or validate. Please confirm that the projects can be modified prior to ZA approval.
Thank you

From: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Sent: Wednesday, November 6, 2019 6:13 PM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: CDFW Referral Comments: Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012

Hi Dave,

This project is for full sun / outdoor cultivation with power provided by PG&E. There is no ancillary nursery and supplemental lighting is not a component of this project. The Staff Report, as published, for this project includes the following conditions pertaining to noise.

Compliance Agreement:

11. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. . If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.

Ongoing:

1. The primary power source is Pacific Gas and Electric (P. G. & E.), but when a project-specific or backup generator is used, a noise containment structure shall be used with the generator. The noise produced by said generators shall not be audible by humans from neighboring residences. The decibel level for generators measured at 100 feet from the generator or at the property line shall be no more than 50 decibels. Sound levels must show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.

Thank you and best wishes,

Liza



Liza Welsh
Planner / Cannabis Services Division
Planning and Building Department
lwelsh@co.humboldt.ca.us
707-445-7541

New Redway Office Hours

Monday and Wednesday, 9:30 am to 3:30 pm
3156 Redwood Dr, Redway (707) 383-4100
Mondays – Building, Current Planning and Code Enforcement
Wednesdays – Building, Cannabis Planning and Long Range Planning

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Sent: Tuesday, October 29, 2019 9:50 AM

To: Welsh, Liza <lwelsh@co.humboldt.ca.us>

Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>

Subject: RE: CDFW Referral Comments: Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012

Hi Liza,

CDFW requests that a Noise and Light Attenuation Plan is required for projects that have requirements to minimize light or noise. CDFW recommends this requirement as a more substantial means to ensure compliance. Please let me know if you have any questions.

Thank you

From: Welsh, Liza <lwelsh@co.humboldt.ca.us>

Sent: Friday, October 25, 2019 5:27 PM

To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>

Subject: RE: CDFW Referral Comments: Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012

Greetings David,

Thank you for your comments on App#13245. We will incorporate them into the Staff Report as follows:

1. Obtaining a State license is required to legally operate, but it is not required to obtain a County permit. The applicant is required to obtain a State license before their next cultivation season.
2. Obtaining an LSA for the domestic water diversion will be a condition of approval if any of the water is to have a nexus to the cannabis cultivating or ancillary features (processing, etc).
3. The water source for the project is a well. See the attached Well Completion Report.
4. **Conditions of approval require noise containment structures for all generators and greenhouse fans.** Noise released shall be no more than 50 decibels measured from 100 feet.
5. Prohibition on the use of synthetic netting is an ongoing condition of approval.
6. Wildlife proof storage containers for all refuse and disposal at an authorized waste management facility is an ongoing condition of approval.

Thank you and best wishes,

Liza



Liza Welsh

Planner / Cannabis Services Division

Planning and Building Department

lwelsh@co.humboldt.ca.us

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From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>

Sent: Tuesday, September 24, 2019 3:57 PM

To: Welsh, Liza <lwelsh@co.humboldt.ca.us>

Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>

Subject: CDFW Referral Comments: Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012

To Whom it May Concern:

Please see the attached comments regarding the subject application, Bellflower Farm (APPS: 13245), CEQA 2019-0154, APN: 214-121-012.

Thank you for the opportunity to comment on this project.

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



California Department of Fish and Wildlife
CEQA: Project Referral Comments

| | | | |
|--|---|-------------------------|--|
| Applicant: Bellflower Farm | | Date: 10/31/2019 | |
| APPS No.: 13245 | APN: 214-121-012 | DFW CEQA No.: 2019-0154 | |
| <input checked="" type="checkbox"/> Existing | Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 9,346 | | |

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

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

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

- ☒ If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of a letter issued by CDFW indicating one is not needed.
- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical,

and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>)

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

- ☒ The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) habitat. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft. CDFW recommends that the applicant be required to submit a Noise and Light Attenuation Plan as needed for review and approval in consultation with CDFW prior to the use of any generators, fans, or artificial light use. CDFW also recommends that no construction or use of heavy equipment during the breeding season (February 1 to July 9), each year. Additionally, CDFW recommends that no ancillary nursery be approved as part of this project.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That photo documentation be provided, indicating the proper containment of all hazardous chemicals/materials within thirty-days, following execution of the final Project permit.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Coast Fawn Lily (*Erythronium revolutum*), Howell's Montia (*Montia howellii*), Maple-leaved Checkerbloom (*Sidalcea malachroides*), Marbled Murrelet (*Brachyramphus marmoratus*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), North American Porcupine (*Erethizon dorsatum*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95503

Welsh, Liza

From: Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>
Sent: Tuesday, October 08, 2019 9:41 AM
To: Welsh, Liza
Subject: RE: Seeking Comments - Bellflower Farm - #13245 - APN 214-121-012

Hello Liza,
State Parks has reviewed the Staff Report for #13245 Bellflower Farm and has no concerns at this time.
Thank you,

Shannon Dempsey

North Coast Redwoods District

CA State Parks

707.445.5344 office

707.498.8478 mobile

From: Welsh, Liza <lwelsh@co.humboldt.ca.us>
Sent: Friday, September 20, 2019 10:35 AM
To: Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>
Subject: Seeking Comments - Bellflower Farm - #13245 - APN 214-121-012

Greetings Shannon,

I am writing to you regarding Bellflower Farms, a cannabis cultivation project located in the Phillippsville area. This applicant has applied for a Special Permit, which will require a reduced setback from Humboldt Redwoods State Park. We anticipate moving the project to decision soon. I have attached the Staff Report prepared for the project for your review. This project was referred to Humboldt Redwoods State Park on 3/21/2019, but we have not yet received a response.

Below is the project description:

A Special Permit for the continued operation of an existing 1,012 square-foot full-sun outdoor cannabis cultivation site and for 8,334 square feet of new cannabis cultivation for a total of 9,346 square feet of full-sun outdoor cannabis cultivation. Water is sourced from a permitted well and stored in three tanks totaling 1,325 gallons. The applicant estimates that they use 80,000 gallons of water per year for cannabis irrigation. Power is provided by Pacific Gas and Electric. There will be one cultivation cycle per year. The project has no employees. Processing will occur in an existing outbuilding, or off site with a third-party processor, as necessary. The project includes a Special Permit for a well on a small parcel and a Special Permit for a reduction in the 600-foot setback from Humboldt Redwoods State Park.

The project is conditioned to attenuate noise, light, and impacts on wildlife. Please let me know if you have any comments, questions, or suggestions on this project.

Thank you and best wishes,

Liza

| *Liza Welsh*



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lwelsh@co.humboldt.ca.us
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