



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 9, 2020

To: Humboldt County Planning Commission

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

Subject: **Eight Mad Farmers, Conditional Use Permit**
Application Number 11514
Project Number PLN-11514-CUP
Assessor's Parcel Number (APN) 208-231-004
640 River Road, Mad River (Dinsmore), CA

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	8
Zoning Map	9
Aerial Maps	10
Site Plans	11
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Required Findings	20
Attachment 3: CEQA Addendum	36
Attachment 4: Applicant's Submitted Evidence in Support of the Required Findings	
A: Lake and Streambed Alteration Agreement	Separate
B: Water Resource Protection Plan	Separate
C: Road Evaluations – combined	Separate
D: Biological Survey	Separate
Attachment 5: Referral Agency Comments and Recommendations	73

Please contact Portia Saucedo, Planner, at 707-445-7541 or by email at psaucedo1@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 9, 2020	Conditional Use Permit	Portia Saucedo

Project Description: A Conditional Use Permit (CUP) for an existing 11,182 square foot (SF) outdoor cannabis cultivation operation on a 40-acre parcel. Annual estimated water use is 52,800 gallons. Irrigation water is sourced from an onsite spring. Water storage consists of one (1) 400-gallon tank and ten (10) proposed 5,000-gallon storage tanks. One (1) full-time employee and four (4) to six (6) seasonal employees are proposed. Drying/curing of harvested commercial cannabis will occur on-site within two agriculturally exempt carports. Processing will occur off-site at a licensed third-party facility. Power is provided by solar and generators.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the North and South side of River Road, approximately 0.81 miles west from the intersection of River Road and Country Line Creek Road, on the property known as 640 River Road, Mad River (Dinsmore), CA.

Present Plan Land Use Designations Residential Agriculture (RA20-160), Humboldt County General Plan (GP), Density: 20-160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation with a Special Building Site Combining Zone which requires a 40-acre minimum parcel size (FR-B-5(40)).

Application Number: 11514

Case Number: CUP16-273

Assessor Parcel Numbers: 208-231-004

Applicant

Eight Mad Farmers
PO Box 4801
Arcata, CA 95518

Owner

Seth Adams
PO Box 4801
Arcata, CA 95518

Agent

Omsberg & Preston
Attn: Kim Preston
402 E Street
Eureka, CA 95501

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

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

Major Issues: None.

EIGHT MAD FARMERS
Case Number CUP-16-273
Assessor's Parcel Number 208-231-004

Recommended Commission Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Eight Mad Farmers project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit (CUP) for an existing 11,182 square foot (SF) outdoor cannabis cultivation operation on a 40-acre parcel. The CUP would allow for the continuation of an existing outdoor cannabis cultivation operation located on parcel 208-231-004 which is approximately 40 acres in size in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). Cultivation will consist of one cultivation cycle per year and occur outdoors in one (1) existing 1,560 SF greenhouse, 5,029 SF of existing outdoor cultivation area, and two (2) relocated cultivation areas: 5,658 SF and a retired 495 SF cultivation area to the west of the residence from the adjacent parcel (APN 208-231-003). The total relocation cultivation area from the adjacent parcel is 6,153 SF and will be relocated to a site within the project parcel referred to as "Area A." An additional 1,100 SF is proposed north of Area A to be utilized propagation/nursery space in which artificial lighting will be utilized mid-April through mid-May and will comply with International Dark Sky Standards with full blackout tarps 30 min prior to sunset and 30 min post-sunrise.

The applicant's cultivation has historically occurred on the adjacent parcel on the western side of a fenced that was historically believed to demarcate the property line. An Interim Permit was issued for 5,029 SF on June 26, 2018 that was based on the pre-existing cultivation on the project parcel. The historic cultivation area on the adjacent parcel (APN 208-231-003) was granted the ability to relocate the cultivation from the adjacent parcel to the project parcel and be included in the final permit. Cultivation Area Verification was conducted which showed historic cultivation in the amount of 11,182 SF which is the allowed amount of this Conditional Use Permit.

Annual estimated water use is 52,800 gallons (4.7 gallons per square foot). The applicant uses drip irrigation and a weekly hand watering with liquid nutrients on all cultivation outside the greenhouse. The greenhouse cultivation area is hand watered every other day. Water is sourced from the onsite spring. Water storage currently consists of a 400-gallon water tank that supplies both cultivation and domestic uses. 50,000 gallons of water storage within ten (10) 5,000-gallon storage tanks is proposed. A 2,500-gallon water storage tank is on the project parcel for fire suppression purposes.

The security plan for the project includes locked gates with fencing. The site is never left unattended and there are guard dogs that patrol the site most of the time. All buildings on the project parcel are remained locked.

There are two (2) watercourses on the project parcel: an intermittent Class II tributary to the Mad River that runs north/south along the eastern portion of the project parcel and the Mad River (Class I) that runs east/west along the southern portion of the parcel. All cultivation activities proposed and existing are located more than 100 feet from the unnamed tributary and more than 200 feet from the Mad River and on the north side of River Road. All fertilizers and other cultivation-related products will be properly stored to prevent exposure to precipitation events within the agricultural exempt storage shed.

The site is situated in an area identified by the County as High Geologic Instability. A Professional Engineer conducted a soils investigation and determined that the soils at the site are capable of providing adequate support for the proposed construction as well as for the site's existing structures.

The project parcel access roads were evaluated by a Professional Engineer and determined to be less than equivalent to a Category 4 Standard for the segment of River Road that runs east-west from the Trinity County Line. The engineer's Road Evaluation Report (RER) detailed measures that must be undertaken to ensure safe travel along the road. A condition of approval has been incorporated that requires that the RER measures be completed. The project is accessed from a non-county-maintained road that originates in Trinity County. The Trinity County portion of the access road begins at the first crossing of the Mad River off Highway 36 in onto a US Forest Service Road for approximately 500 feet then branches off to the left to County Line Creek Road. County Line Creek Road is a non-county-maintained private road that is maintained by the residents. A Road Evaluation was completed for this section of road by the property owner, Seth Adams, and supplied the County with maps and photographs to show that the road is equivalent to Category 4 Standards.

The project parcel where cultivation is proposed is in a Federal Aviation Regulation (FAR) Area, and within the County's Airport Compatibility Zone and Airport Zone Building Regulation areas. The site plan shows the entire developed area to be inside airport restriction areas. An Airspace Certification form was submitted by Osmborg and Preston with self-certification on the Federal Aviation Administration (FAA) website showing that all existing and proposed structures do not exceed the notice criterion specified that warrant filing with the FAA. If any additional structures are proposed within the FAR area, the applicant will be required to fill out an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) form with the Federal Aviation Administration. An Airspace Certification Form was submitted to the County for this project October 30, 2018. The County determined that the existing and proposed structures on the project parcel did not penetrate the restricted airspace as specified in County Code Section 333-4.

There are no schools, school bus stops, or places of worship within 600 feet of the cultivation or processing areas. A cultural resources investigation for the project site was conducted by William Rich in September of 2018. The survey, along with historical records searches and correspondence with the Bear River Band Tribal Historic Preservation Officer (TPHO), was documented in a Cultural Resources report that indicated that no historical or archaeological resources were identified on this property. The report recommended inadvertent discovery protocol for any resources discovered during project activities. The TPHO of the Bear River Band of the Rohnerville Rancheria also recommended inadvertent discovery protocol. The project has been conditioned accordingly.

The project parcel is located adjacent to potential Northern Spotted Owl (NSO) habitat (Six Rivers National Forest). The Activity Center is located approximately 1.5 miles from the southernmost cultivation area. Additionally, individual historic NSO sightings have been observed at 0.25 miles and 0.54, and 0.9. Standard conditions and CDFW requested conditions have been included for

the project as follows: prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, and a requirement to leave wildlife unharmed.

A Botanical Survey was completed August of 2019. The results of the survey indicated that there were no special status plants in the project area. A Biological Assessment was completed in October of 2018. The recommendations of the report included: cultivation activities to remain 100 feet or more from both the unnamed tributary to the Mad River and Mad River, all fertilizers and other cultivation-related products be properly stored, generators to be housed within insulated to adhere to the 50 decibel level limit from 100 feet, in the event of any vegetation removal or habitat alteration nesting bird surveys are recommended (generally March 1 through August 31), and conduct seasonally appropriate botanical surveys for rare plants if ground disturbance is planned. Additionally, the Biological Assessment recommended that any proposed construction or maintenance of roads should occur outside of the critical nesting period for Northern Spotted Owls (February 1st through July 8th) or if within, preceded by a protocol level survey of owls. The operation relies on solar panels and generators for electricity. Generator use for the operation is necessary only for fans to dry cannabis in the storage sheds and eventually, a dedicated shed, and shall adhere to the 50 decibel limit from 100 feet.

An environmental review for the proposed project was conducted and based on the results of that analysis, staff believes the existing cultivation activities of the project were previously analyzed in 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. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included in Attachment 3.

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the project is consistent with an existing Mitigated Negative Declaration, as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Case Number PLN-11514-CUP
Assessor Parcel Number: 208-231-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Eight Mad Farmers Conditional Use Permit request.

WHEREAS, Eight Mad Farmers submitted an application and evidence in support of approving a Conditional Use Permit to cultivate and process 11,182 square feet (SF) of outdoor cannabis located on APN 208-231-004; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) 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 Conditional Use Permit (Project Number PLN-11514-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 9, 2020.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings Attachment 2 of the Planning Commission staff report for Project Number PLN-11514-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit Project Number PLN-11514-CUP is approved as recommended and conditioned in Attachment 1 for Project Number PLN-11514-CUP.

Adopted after review and consideration of all the evidence on January 9, 2020.

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

AYES: Commissioners:

NOES: Commissioners:

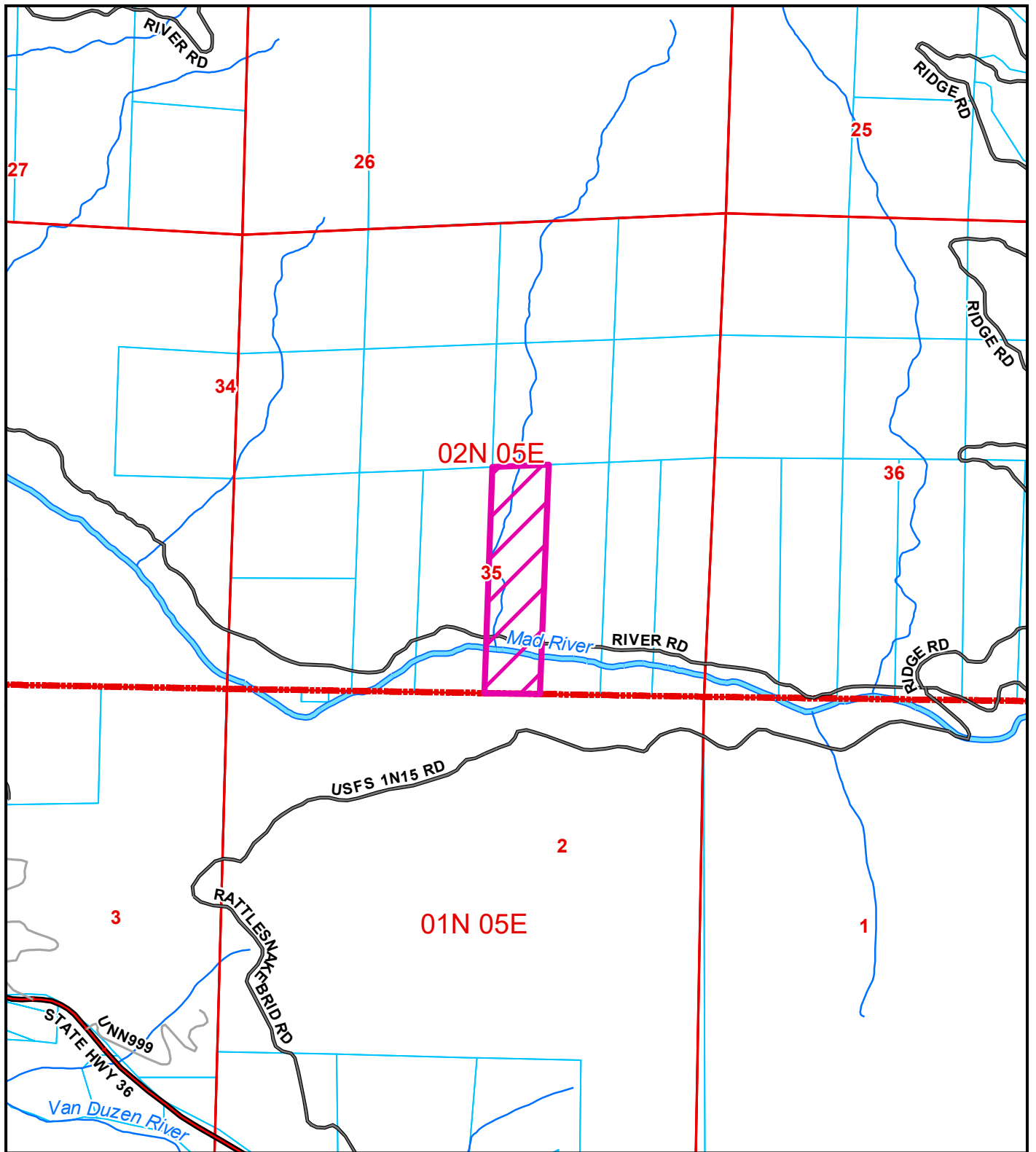
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries

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

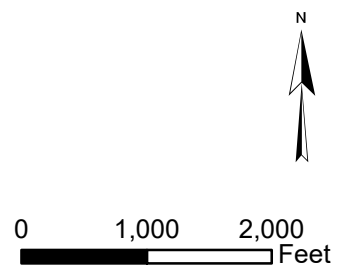
John H. Ford, Director
Planning and Building Department

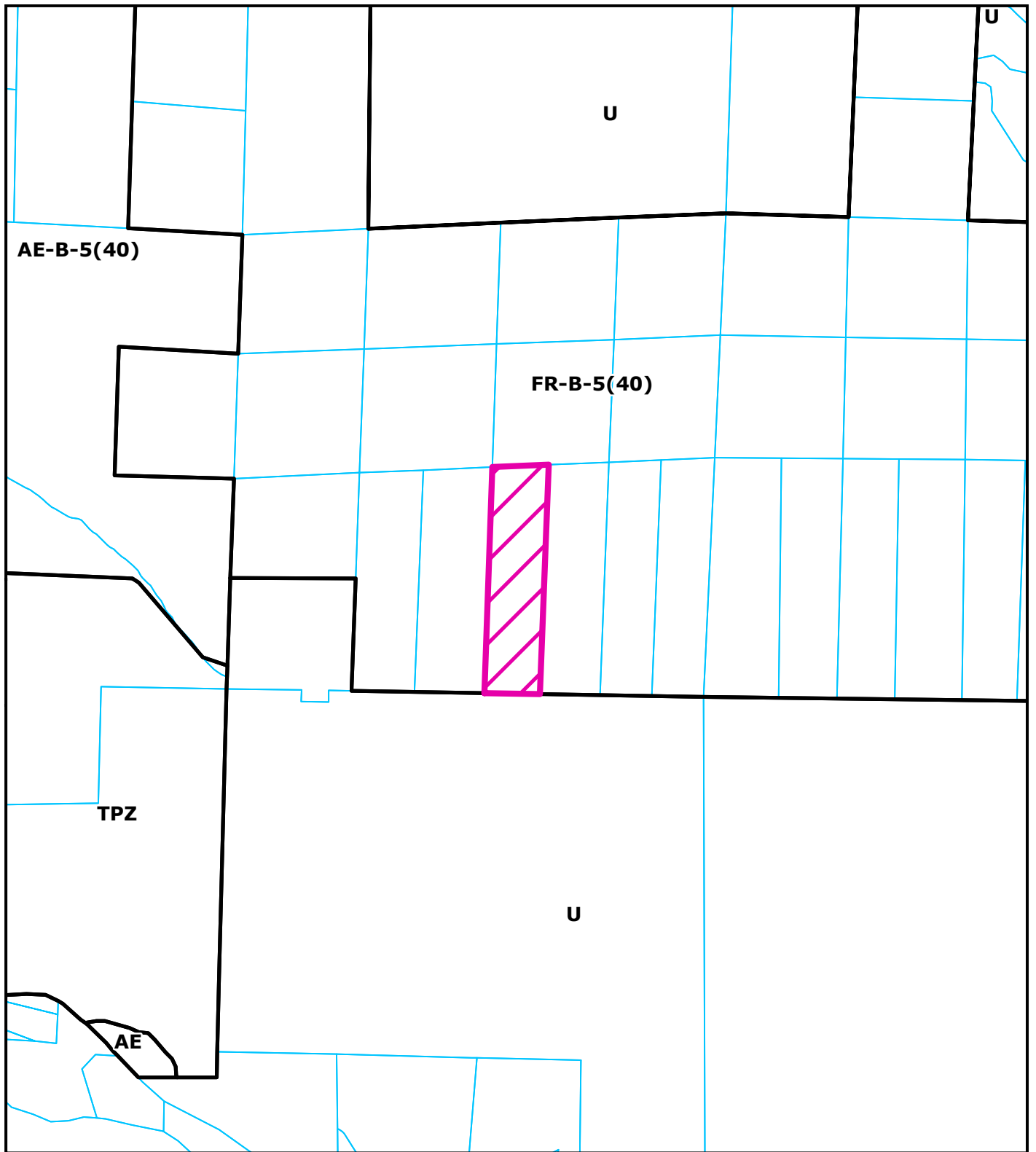


Project Area = 

**TOPO MAP
PROPOSED EIGHT MAD FARMERS
DINSMORE AREA
CUP-16-273
APN: 208-231-004
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

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.

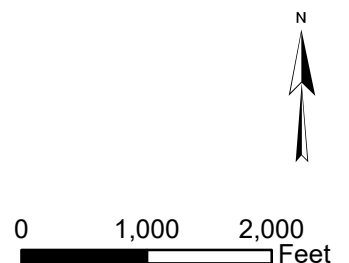


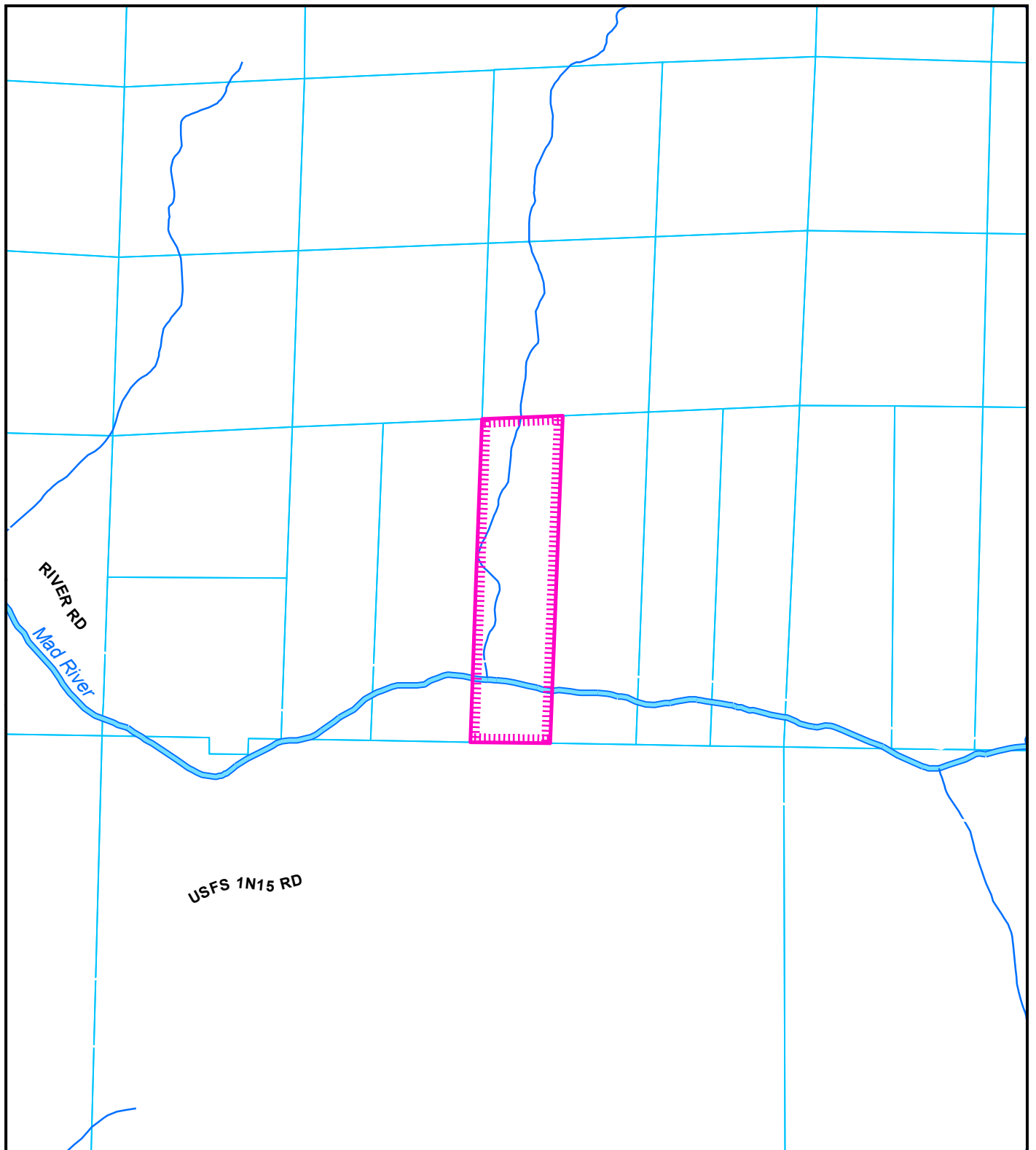


Project Area = 

**ZONING MAP
PROPOSED EIGHT MAD FARMERS
DINSMORE AREA
CUP-16-273
APN: 208-231-004
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**

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.






Project Area = 

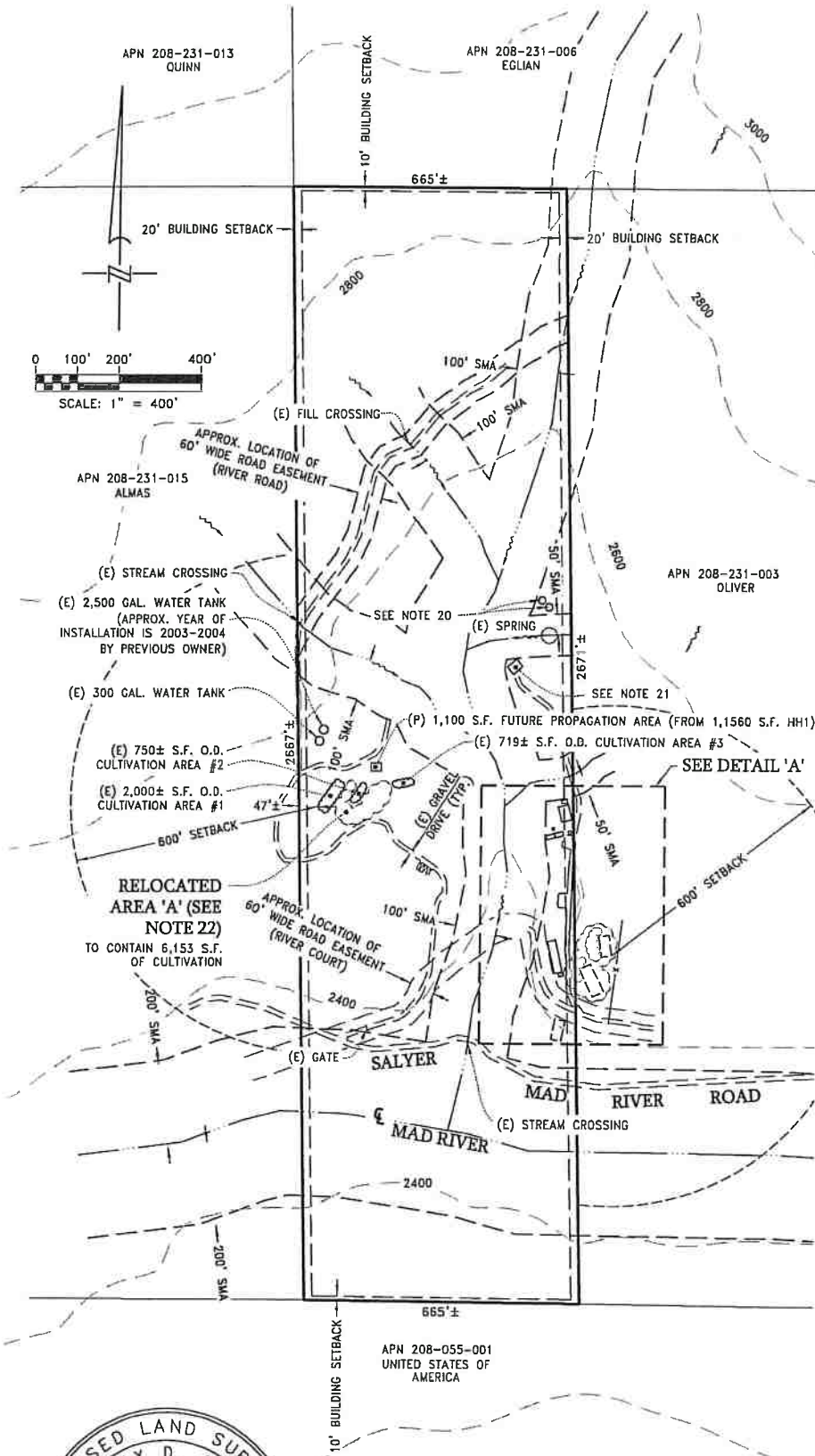
**AERIAL MAP
PROPOSED EIGHT MAD FARMERS
DINSMORE AREA
CUP-16-273
APN: 208-231-004
T02N R05E S35 HB&M (BLAKE MOUNTAIN)**



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

0 1,000 2,000 Feet





K. Preston 10-31-19
KIMBERLY D. PRESTON
P.L.S. 9153
DATE

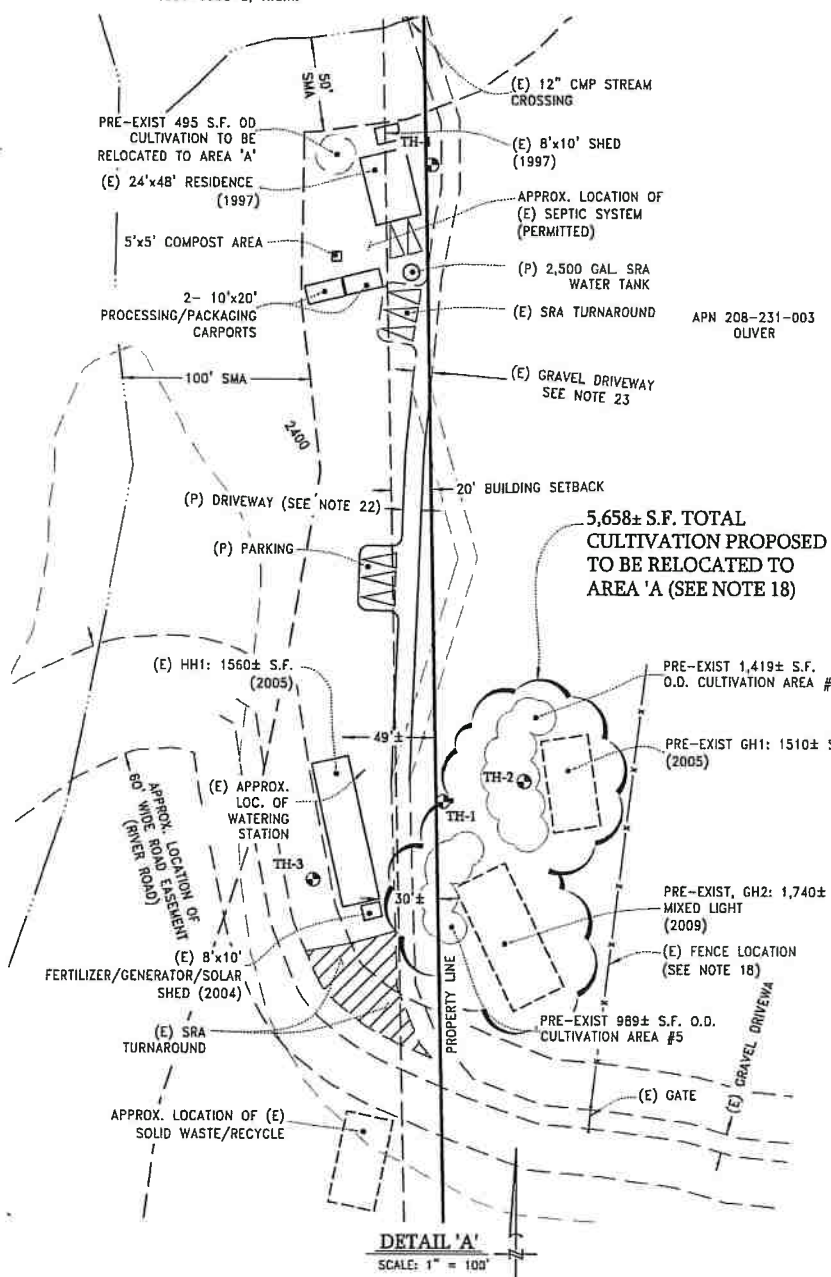
UTILITIES

WATER	ON-SITE SPRINGS
SEWER	ON-SITE
GAS	PROPANE
ELECTRIC	SOLAR/GENERATOR

EASEMENTS AND ENCUMBRANCES NOT SHOWN HEREON

(PER PRELIMINARY REPORT BY HUMBOLDT LAND TITLE COMPANY, DATED JULY 6, 2017)

- #5. RIGHT OF WAY PER BOOK 351 OF OFFICIAL RECORDS, PAGE 166, H.C.R.
- #6. EASEMENTS, RIGHT-OF-WAY AND RIGHTS TO USE AND CONSTRUCT ROADS PER: BOOK 532 OF OFFICIAL RECORDS, PAGE 63; BOOK 691 OF OFFICIAL RECORDS, PAGE 465; BOOK 698 OF OFFICIAL RECORDS, PAGE 64; BOOK 1321 OF OFFICIAL RECORDS, PAGE 639; BOOK 1440 OF OFFICIAL RECORDS, PAGE 525, H.C.R.
- #7-#8. RIGHTS IN CONJUNCTION WITH THE RIGHT TO USE OF WATER SUPPLY AND RIGHT TO DEVELOP TWO OTHER SPRINGS NEAR THAT WATER SOURCE, TOGETHER WITH EASEMENT FOR PIPELINE AND WATER SUPPLY PER: BOOK 576 OF OFFICIAL RECORDS, PAGE 637; BOOK 613 OF OFFICIAL RECORDS, PAGE 178, H.C.R.
- #9. EASEMENT FOR ROAD PER: BOOK 623 OF OFFICIAL RECORDS, PAGE 68; BOOK 687 OF OFFICIAL RECORDS, PAGE 92; BOOK 971 OF OFFICIAL RECORDS, PAGE 560; BOOK 1097 OF OFFICIAL RECORDS, PAGE 618, H.C.R.
- #11. RIGHTS-OF-WAY FOR INGRESS, EGRESS AND PUBLIC UTILITIES PER: BOOK 1110 OF OFFICIAL RECORDS, PAGE 492, H.C.R.
- #12. AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS PER: BOOK 1196 OF OFFICIAL RECORDS, PAGE 156, H.C.R.
- #13. AN EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER: BOOK 1322 OF OFFICIAL RECORDS, PAGE 609, H.C.R.
- #14. AN EASEMENT FOR THE RIGHT TO TAKE AND REMOVE WATER AND THE RIGHT OF INGRESS AND EGRESS TO CONSTRUCT, MAINTAIN, REPAIR AND REMOVE ANY AND ALL FACILITIES AND APPURTENANCES NECESSARY FOR THE PURPOSE OF STORING AND TRANSPORTING WATER PER 1991-6088-2, H.C.R.



LEGEND

SYMBOL	INDICATES
	DIRECTION OF SURFACE WATER RUNOFF
	PARKING LOCATIONS
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
APPROX.	APPROXIMATE
GAL.	GALLON
S.F.	SQUARE FEET
MIN.	MINIMUM
O.D.	OUTDOOR
HH	HOOPHOUSES
GH	GREENHOUSE
(YEAR)	YEAR CONSTRUCTED/INSTALLED
SMA	STREAMSIDE MANAGEMENT AREA
H.C.R.	HUMBOLDT COUNTY RECORDS
	2800 CONTOUR AT 200 FOOT INTERVALS
	SPRING
	EXISTING CREEK OR STREAM
	EXISTING FENCE LOCATION
	SEWAGE DISPOSAL TEST HOLE LOCATIONS (BY OTHERS)

NOTES

1. THIS PLOT PLAN, FOR APN 208-231-004, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF AGRICULTURAL (AL20), AND IS CURRENTLY ZONED FORESTRY RECREATION (FR-B-5(40)).
3. THIS PLAN IS BASED ON THAT AMENDED RECORD OF SURVEY FILED IN BOOK 26 OF SURVEYS, PAGE 141, AND FIELD SURVEYING BY OMSBERG & PRESTON, DATED 12/02/2016.
4. THE PROPERTY IS CURRENTLY DEVELOPED WITH ONE (1) RESIDENCE, TWO (2) SHEDS, ONE (1) HOOPHOUSE, AND SEVERAL OUTDOOR CULTIVATION AREAS. BUILDING PERMIT APPLICATION FOR A.O.B. SINGLE FAMILY RESIDENCE, SHED, THREE HOOPHOUSES AND GRADING PERMIT WERE APPLIED FOR BY A.M. BAIRD ENGINEERING & SURVEYING.
5. THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
6. CONTOURS SHOWN HEREON ARE AT 200 FEET INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
7. THE APPROXIMATE LOCATION OF MAD RIVER, TOGETHER WITH ITS 200 FEET "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON. NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
8. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
9. THE SITE IS NOT LOCATED WITHIN A FLOOD ZONE.
10. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
11. SEWAGE DISPOSAL FOR THE EXISTING RESIDENCE IS ON-SITE, AND WAS PERMITTED OCTOBER 23, 1997; SEPTIC TANK IS LOCATED SOUTH OF THE RESIDENCE. SEWAGE DISPOSAL TESTING, DESIGN AND REPORT FOR THE SITE'S AGRICULTURAL OPERATIONS HAS BEEN PREPARED BY A.M. BAIRD ENGINEERING & SURVEYING.
12. WATER FOR THE PARCELS IS FROM ON-SITE SPRING LOCATED NORTH OF THE RESIDENCE, AS SHOWN HEREON. ALL WATER SOURCES IS/WILL BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORBEARANCE PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN HARD TANKS.
13. A SOILS REPORT HAS BEEN PREPARED BY A.M. BAIRD ENGINEERING & SURVEYING, WHICH DETAILS THE SITE'S SPECIFIC GEOTECHNICAL RECOMMENDATIONS.
14. ACCESS TO THE SITE IS VIA US HIGHWAY 36 FROM SLAYER MAD RIVER ROAD, A COUNTY ROAD, 6 MILES OFF HIGHWAY 36.
15. THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
16. PROCESSING CURRENTLY DONE ON-SITE AT EXISTING CARPORTS NEAR THE RESIDENCE. FUTURE PROCESSING TO BE OFF-SITE.
17. THERE IS 1 YEAR-ROUND EMPLOYEE, AND 6-8 DURING THE TRIMMING PEAK SEASON.
18. PROPERTY OWNERS BELIEVED THIS FENCE LINE REPRESENTED THE PROPERTY LINE, AND CROPS WERE PLANTED BASED ON ITS LOCATION. THE OFF-SITE PRE-EXIST CULTIVATION HAS BEEN REMOVED AND IS PROPOSED TO BE RELOCATED AS SHOWN.
19. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
20. EXISTING 400 GAL. WATER TANKS ONE (1) DOMESTIC, ONE (1) MICRO-HYDRO (APPROXIMATE YEAR OF INSTALLATION IS 2003-2004 BY PREVIOUS OWNER).
21. FUTURE BUILDING SITE AND TEN (10) 5,000 GAL. WATER TANKS.
22. MINOR (500± C.Y.) OF GRADING WILL BE NEEDED TO ACCOMMODATE THE RELOCATION OF THE CULTIVATION FROM THE OLIVER PARCEL AND TO RELOCATE A SMALL PORTION OF THE DRIVEWAY. A GRADING PERMIT WILL BE OBTAINED PRIOR TO ANY PROPOSED GRADING BEING CONDUCTED.
23. EXISTING GRAVEL DRIVEWAY WIDTH AND SLOPE VARIES:
MIN DRIVEWAY WIDTH = 10'
MAX DRIVEWAY SLOPE = 15%

OWNER / APPLICANT

SETH ADAMS
P.O. BOX 4801
ARCATA, CA 95518
(707) 601-6694

APPS #11514

APN 208-231-004

PLOT PLAN

for
SETH ADAMS

In the unincorporated area of Humboldt County
Section 35, T2N, R5E, M.B.&M.



DESIGNED BY:	K.D.P.	DATE:	09/21/16
DRAWN BY:	C.W.B.	DATE:	09/21/16
CHECKED BY:	KIMBERLY D. PRESTON	DATE:	10/29/19

SCALE	AS SHOWN
JOB NO.	16-1914
SHEET	OF
1	1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant, **within 30 days following the effective date of project approval**, shall submit photo evidence to California Department of Fish and Wildlife (CDFW) and the County documenting that all imported soil and operation-associated refuse is fully contained and setback a minimum of 150 feet from watercourses and/or wet areas.
2. 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 #4 – 13. 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.
3. The approved building plans shall meet all applicable fire codes, including emergency access, signing and building numbers, emergency water standards, fuel modification standards, a fire hydrant below the water tanks, and fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. If applicable, prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified professional. The plan shall identify the cubic yards of all grading that has been done and any proposed grading. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
5. 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.
6. The applicant shall, within 30 days following the execution of the final permit, submit photo evidence to CDFW and the County documenting that all imported soil and operation-associated refuse is fully contained and setback a minimum of 150 feet from watercourses and/or wet areas.
7. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all of their

requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]

8. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
9. The applicant shall contact the local fire service provider (Southern Trinity Volunteer Fire Department and USDA Forest Service) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials including fuel. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
11. The applicant shall complete all road improvements for River Road and the unnamed private access road as specified in the Road Evaluation Report (RER) prepared for Eight Mad Farmers by David Nicoletti dated November 29, 2018. Road improvements shall occur outside of the critical nesting period for Northern Spotted Owls (February 1st through July 8th) or if within, preceded by a protocol level survey of Northern Spotted Owls.
12. The applicant shall provide a noise containment structure for the on-site generator, to ensure that noise from the generator does not exceed 50 decibels at 100 feet. All construction shall occur outside of the critical nesting period for Northern Spotted Owls (February 1st through July 8th) or if within, preceded by a protocol level survey of Northern Spotted Owls.
13. 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.
14. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these

conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
4. Oak woodland removal is prohibited within 150 feet of all structures related to cannabis operation.
5. Comply with the terms specified in the final Lake and Streambed Alteration Agreement May 9, 2019 (LSA#: 1600-2019-0010-R1).
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control 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.
7. The environmental impacts of improper waste disposal are significant and well documented. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking, hindrance to navigation, and physiological impacts such as stress and increased blood pressure and respiration. All generators/fans on the parcel shall have a cumulative noise impact of no more than 50 decibels measured from 100 feet.
9. Any existing on-site lighting or proposed lighting upgrades in the future, shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
10. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.

11. 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.
12. 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.
13. 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.
14. 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).
15. 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.
16. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
17. 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.
18. 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).
19. Proper storage and/or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide is required. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.

22. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
24. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
25. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
26. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
27. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

Performance Standards for Cultivation and Processing Operations

28. Pursuant to the MCRSA, 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."
29. 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).
30. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
31. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;

- (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
32. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
33. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

35. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any

clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA
36. 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; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state 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.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant

to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #25 of the On-Going Requirements /Development Restrictions, above.

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

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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 State CEQA Guidelines have been made.

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

1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program. The following table documents 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, Open Space Plan, and 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 (RA20-160): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density is 20-160 acres/unit</p>	<p>The Applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 11,182 square feet of outdoor area on lands designated as Residential Agriculture. Intensive agriculture and agriculture product processing are allowable use types for this designation.</p> <p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site from a series of non-County maintained roads that originate in Trinity County. The project parcel access roads within Humboldt County were evaluated by a Professional Engineer and determined to be less than equivalent to a Category 4 Standard for the segment of River Road that runs east-west from the Trinity County Line into Humboldt County: Salyer Made River Road. The engineer's Road Evaluation Report (RER) detailed measures that must be undertaken to ensure safe travel along the road. A condition of approval has been incorporated that requires that the RER measures be completed. The Trinity County access roads were evaluated by the applicant and a Road Evaluation Reports were submitted as evidence of a category 4 equivalent access road to the project site. The Trinity County portion of the access road begins at the first crossing of the Mad River off Highway 36 in onto a US Forrest Service Road for approximately 500 feet then branches off to the left to County Line Creek Road. County Line Creek Road is a non-county-maintained private road that is maintained by the residents. A Road Evaluation was completed for this section of road by the property owner, Seth Adams, and supplied the County with maps and photographs to show that the road is equivalent to Category 4 Standards.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, however, the project will not preclude any future residential development if in conformance with the General Plan and Zoning designations. The project site does contain an existing single-family residence which will remain. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space</p> <p>Chapter 10 Public Lands Section 4.7</p>	<p>Goals and policies contained in this chapter present a framework of goals and policies for use and protection of all the natural resources and open space assets of the county, including agricultural production.</p> <p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans.</p>	<p>Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p> <p>The project is adjacent to public lands (Six Rivers National Forest) which is managed by the United States Forest Service, but cultivation activities are located more than 600 feet from the National forest.</p>
<p>Conservation and Open Space</p> <p>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 is located within an Open Space Action Program because the project site is planned Residential Agriculture (RA) and zoned Forest Recreation (FR). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the FR zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project site does not contain any observations of sensitive species. There is a Northern Spotted Owl Activity Center located approximately 1.5, miles from the southernmost cultivation area. Additionally, individual historic NSO sightings have been observed at 0.25 miles and 0.54, and 0.9. The noise produced by the project generators was measured and found to be within the limits imposed by the CMMLUO. Referral comments from CDFW requested the following which have been included in the project conditions: prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, requirement to leave wildlife unharmed. These requirements have been incorporated into the conditions of approval for the project.</p>
<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>The applicant retained William Rich, MA, RPA for the preparation of a Cultural Resources Investigation for the Project site. A records search was conducted, consultation with the Native American Heritage Commission and local Native American tribal representatives was conducted; and intensive pedestrian field survey of the entire Project area was conducted. The TPO of the Bear River Band of the Rohnerville Rancheria was contacted during the investigation. The report finds that no historical or archaeological resources were identified as a result of the investigation. The project was referred to the TPO of the Bear River band of the Rohnerville Rancheria. The TPO requested inadvertent archaeological discovery protocol for the project.</p> <p>The standard inadvertent archaeological discovery language was included as an ongoing Condition of Approval for this permit.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 11,182 sf outdoor cultivation on an approximately 40-acre parcel. The project is located on lands that are only accessible via private roads and is not located in proximity to any scenic highway or roadway. The outdoor cultivation does not include the use of artificial light and the project will not create new sources of light and/or glare. However, a 1,100 square-foot propagation/starts area is proposed which will use supplemental lighting. The CMMLUO requires that mixed-light cultivation activities 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. Compliance with these requirements have been added as conditions of approval to the proposed project.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Pacific Watershed Associates for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified the operation as meeting all of the Standard Conditions #1, #2, #5, #9, and #10. Completion of the mitigation measures identified in the WRPP is a Condition of Approval of this permit. Completing these measures will ensure that this project conforms to the requirements of the General Plan.</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 Water Resources Protection Plan (WRPP) states that the site has an existing permitted Onsite Wastewater Treatment System (OWTS) and meets the NCRWQCB's Standard Condition 11 relating to OWTS.</p>
<p>Noise Chapter 13</p>	<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 subject parcel is located in an area that requires special noise attenuation measures due to the presence of special-status, threatened, or endangered wildlife in the surrounding Six Rivers National Forest. The operation relies on solar panels and generators for electricity. Generator use for the operation is necessary only for fans to dry cannabis in the storage sheds and eventually, a dedicated shed. Noise created from the generators was reported to comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 which limits the combined decibel level for all noise sources to 60 decibels at the property line. The project has been conditioned to restrict the cumulative noise released from generators/fans to be no more than 60 decibels measured from 100 feet.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-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 site is situated in an area identified by the County as High Geologic Instability. A Professional Engineer conducted a soils investigation and determined that the soils at the site are capable of providing adequate support for the proposed construction, as well as the existing structures onsite. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. Additional erosion control measures that shall be implemented have been identified in the Water Resource Protection Plan. These measures are a condition of approval of this permit.</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 subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 2,560 feet above mean sea level, is outside the areas subject to tsunami run-up.</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</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject parcel is located within an area with a very high and high fire hazard severity ratings. The property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant shall demonstrate compliance with these standards as part of receiving their building permit. The project has one (1) dedicated 2,500-gallon water storage tank located on site, as well as an emergency vehicle turnaround. This, as well as continued conformance to all other fire safe requirements are added as conditions of approval to the project.</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>To implement this policy, conditions of approval for the project require the applicant to contact the local fire service provider (Southern Trinity Volunteer Fire Department and USDA Forest Service) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

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>Airport Safety</p>	<p>Land use and development in the vicinity of airports shall minimize exposure to unsafe noise and aircraft hazards.</p>	<p>The project site is located near the Dinsmore airport within the County's Airport Compatibility Zone and Airport Zone Building Regulation area. An Airspace Certification Form was submitted to the County on October 30, 2018. The County determined that the existing and proposed structures on the project parcel did not penetrate the restricted airspace as specified in County Code Section 333-4.</p> <p>The project site is also within the Federal Aviation Regulation Area (FAR 77); however, staff completed the Notice Criteria Tool on the Federal Aviation Administration (FAA) website. Given the location of the project and the height of the proposed structures, no waiver is required from the FAA as the project does not exceed the Notice Criteria.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>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> <p>Sources of greenhouse gas (GHG) emissions may include vehicle trips to the site and use of a generator. The applicant states that approximately one (1) full time employee four (4) to six (6) seasonally employees needed at peak operational periods. Carpooling would be utilized by employees to minimize the quantity of GHG emissions from vehicle trips. The quantity of greenhouse gas emissions generated from the project is expected to be less than significant.</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.	<p>The subject parcel known as APN 208-231-004 is a legal parcel shown as Parcel 144 on Amended Record of Survey showing a portion of the Timberline Ranch Estates which map is on file in the Recorder's Office of Humboldt County, California, in Book 26 of Surveys, Pages 135-143 inclusive, recorded on March 21, 2007.</p> <p>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.</p>
§314-7.3 Forestry Recreation (FR) §314-17.1 "B" Combining Zone	<p>Forestry Recreation (FR-B-5(40)): Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>B - Special Building Site: Intended to be combined with any principal zone in which lot area and yard requirements should be modified. In B-5 zones, minimum parcel size is determined as specified on zoning maps designating in any such zone.</p>	<p>The applicant is seeking a Conditional Use Permit for an existing 11,182 square foot cannabis cultivation operation on a property zoned FR-B-5(40). 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.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	40 acres	The subject parcel is approximately 40 acres.
Maximum Ground Coverage	None specified	Less than 25,000 square feet, ~1.5%
Minimum Lot Width	200 feet	680 feet
Maximum Lot Depth	None specified	2600 feet
Setbacks Front: 20 feet Rear: 20 feet Side: 10 feet SRA setback from all property lines: 30 feet		Front, east property line: ~25 feet. Rear, west property line: ~47 feet. Side, south property line: ~580 feet. Side, north property line: ~1500 feet.
Max. Building Height	35 feet	Less than 35 feet
§314-61.1 Streamside Management Area (SMA)	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.	Streamside management areas have been identified in the project parcel and all project operations are outside of the required buffers.
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	The cultivation is operated by the owner and one (1) full time employee and four (4) to six (6) seasonal staff, who drive to the site daily. The site plan does indicate designated parking areas, sufficient space is available for six (6) vehicles.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	In FR zoning districts on parcels one acre or larger, outdoor and mixed-light cultivation may be permitted.	The Cultivation Area verification by the Planning Division confirms evidence of 11,182 sq. ft. of cultivation prior to January 1, 2016. In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being greater than one acre in size and the cultivation area being greater than 10,000 square feet outdoor.
§314-55.4.8.2	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.	No observed conversion has occurred since the adoption of the CMMLUO. No trees are proposed to be removed as part of the project.
§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 Planning Department, Eight Mad Farmers, the applicant, holds no other permits 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.	The applicant will use a licensed third-party processor.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the site was filed with the Planning Division on November 23, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows that 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.	The applicant sources irrigation and domestic water from a jurisdictional on-site spring that has been registered with the North Coast Regional Water Quality Control Board. Applicant must forbear each year between May 15 th and October 31 st , per the standard condition #5 of the Water Resource Protection Plan (WRPP) and has been added as a condition with specifications defined within the final Lake and Streambed Alteration Agreement filed May 9, 2019 with the California Department of Fish and Wildlife.
§314-55.4.11.d Performance Standards- Setbacks	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).	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops or places of religious worship. A response from the Tribal Historic Preservation Officer did not identify any nearby Tribal Cultural Resources. Conditions of approval have been included related to inadvertent discovery protocol.
§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	34. As discussed above the primary power source for the project existing solar power, with backup portable generators. The large parcel, and interior location of project activities prevents the generator noise from being heard by neighbors. A sound analysis of the generators was reported by the applicant that demonstrates that the generators meet the noise performance standards and specifies additional secondary containment on the loudest model in use. There is a Northern Spotted Owl Activity Center located approximately 1.5, miles from the southernmost cultivation area. Additionally, individual historic NSO sightings have been observed at 0.25 miles and 0.54, and 0.9. Referral comments from CDFW requested the following which has been included in the project conditions: To avoid disturbance, the construction of noise containment structures for all generators/fans on the parcel shall result in cumulative noise released being no more than 60 decibels measured from 100 feet.

§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 November 23, 2016.
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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 all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause 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 and is not in a Housing Opportunity Zone. The project does not involve housing, but does not limit the ability of the parcel to be developed for residential uses if in conformance with the General Plan and Zoning designations. It is developed with a residence structure which will remain. The project is in conformance with the standards in the Housing Element.

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

California Environmental Quality Act §15164	Addendum to an EIR or Negative Declaration.	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 a Conditional Use Permit for the approval of existing outdoor cultivation, and a Special Permit for a setback reduction from public lands, eventual on-site processing, and appurtenant propagation facilities. The environmental document on file includes detailed discussions of all the relevant environmental issues.
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ATTACHMENT 3

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 208-231-004, 640 River Road, Mad River, *County of Humboldt*

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

November 26, 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 Conditional Use Permit (CUP) for an existing 11,182 square foot (SF) outdoor cannabis cultivation operation on a 40-acre parcel. Annual estimated water use is 52,800 gallons. Irrigation water is sourced from an onsite spring. Water storage consists of one (1) 400-gallon tank and ten (10) proposed 5,000-gallon storage tanks. Additionally, one (1) 2,500-gallon water storage tanks is located on project parcel for fire suppression. Cultivation irrigation requires approximately 52,800 gallons (4.7 gallons per square foot) of water annually. Existing water storage complies with the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) water storage requirement of 2,500 gallons. Peak monthly water demand is approximately 12,800 gallons for the months of June through August. Water is applied drip irrigation and supplemental hand water.

Drying/curing of harvested commercial cannabis will occur on-site within two agriculturally exempt carports. According to the operations plan, processing will occur off-site by a licensed third-party processor until such time as a processing facility is permitted. One (1) full time employee is proposed. Power to the site is provided by one solar array and two portable generators.

There are two (2) watercourses on the project parcel: an intermittent Class II tributary to the Mad River that runs north/south along the eastern portion of the project parcel and the Mad River (Class I) that runs east/west along the southern portion of the parcel. All cultivation activities proposed and existing are located more than 100 feet from the unnamed tributary and the Mad River. All fertilizers and other cultivation-related products will be properly stored to prevent exposure to precipitation events within the agricultural exempt storage shed.

There is a Northern Spotted Owl Activity Center located approximately 1.57 miles from the southernmost cultivation area. Additionally, individual historic NSO sightings have been observed at 0.25 miles and 0.54, and 0.9. Prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, requirements to leave wildlife unharmed have all been added in the ongoing conditions of approval. The operation uses solar and generators, and generators are only used for fans associated with drying the cannabis. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation.

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, light, and other standards to limit disturbance to wildlife, compliance with all state agency requirements, and compliance with setback requirements.

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 11,182 square feet outdoor cannabis cultivation and minor improvements necessary to bring the operation into compliance with the CMMLUO, as well as the special permit for a reduction to the required setback to public lands, 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, among other documents:

- A Cultural Resources Investigation Report including APN 208-231-004 by William Rich and Associates September 2018.
- Biological Assessment for APN 208-231-004 prepared by O'Brien Biological Consultants November 2018.

- Botanical Survey Results for APN 208-231-004 prepared by Kyle Wear, Botanical Consultant.
- Final Lake and Streambed Alteration Agreement for APN 208-231-004, May 9, 2019.
- Water Resources Protection Plan for APN 208-231-004, June, 2018.
- Soils report prepared by A.M. Baird Engineering & Surveying, Inc., May 23, 2019.
- Road Evaluation Report prepared by Eight Mad Farmers, April 21, 2017.
- Road Evaluation Report prepared by
- Restoration Plan for APN 208-231-004 prepared by Timberland Resource Consultants, June 12, 2019.
- Operations Plan and Site Plan for Eight Mad Farmers, updated October 31, 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. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Revised October 31, 2019, Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Revised October 31, 2019, Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Required as a Condition of Approval)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Final Lake and Streambed Alteration Agreement May 9, 2019. (Attached separately and on-file)
16. Water Resource Protection Plan, prepared by Pacific Watershed Associates dated June, 2018. (Attached separately and on-file)
17. DEH Worksheet. (on file)
18. Road Evaluation Report prepared by David Nicoletti November 29, 2018 for the Road Segments River Road from the Humboldt/Trinity County line to an Unnamed Road and Unnamed Road from River Road to APN 208-231-004. (Attached separately and on-file)
19. Road Evaluation Report prepared by applicant, dated September 27, 2017 and additional photographs submitted August 29, 2019. (Attached separately and on-file)
20. Road Evaluation Report prepared by applicant, dated November 22, 2019 for the road segment from Hwy 36 to US Forest Service Road (Route 1) to County Line Creek Road and County Line Creek Road to the Humboldt County Line. (Attached separately and on-file)

21. Botanical Survey prepared by Kyle Wear June 2019. (Attached)
22. Biological Survey prepared by O'Brien Biological Consultants November 2018. (Attached separately and on-file)
23. Soils Engineering Geologic R-2 Soils Report prepared by A.M. Baird Engineering & Surveying, Inc. May 23, 2019. (Attached)

Operations Manual & Guidelines
APN 208-231-004 / APPS# 11514
Revised 10/31/19



Project Overview:

This application concerns a cannabis farm which has been in existence since prior to January 1st, 2016. We are seeking a Conditional Use Permit for 11,182 square feet of existing outdoor cultivation. There is one greenhouse and several outdoor cultivation areas, one residence and two storage sheds located at the site. This application is for the permit of 5,029 square feet for which the county of Humboldt has issued an interim permit for but will be amended when the remainder of the 11,182 square feet is approved for relocation into another area of the Adams' property, designated *Relocated Area 'A'*, as shown on the Plot Plan prepared by Omsberg & Preston, revised 10/29/2019.

The residence has a septic system, which was permitted October 23, 1997. A.M. Baird Engineering & Surveying are handling all building permitting for the site's structures. A Soils Report has been prepared by A.M. Baird, on file with the County Planning & Building Department.

Employee Info:

We have one (1) employee year-round. Employee(s) drive themselves to the site, entering from the driveway located on the south eastern part of the eastern property line, and park in provided space(s) located in front of the residence.

1. Description of Water Source, Storage, Irrigation Plan & Projected Water Usage

WATER SOURCE AND STORAGE: Currently water is collected from a year-round spring that was developed by the previous owner prior to my purchase in 2007, which has recently been registered with the

NCRWQCB (North Coast Regional Water Quality Control Board. Currently there is a 400-gallon water tank that supplies the domestic water usage along with the cultivation need. Also, one 2,500-gallon tank for water storage. Working with Pacific Water Associates (PWA) there is a plan to obtain 50,000 gallons of storage that will be collected and filled during the winter months via surface collection and rainwater collection. This storage will be in (10) 5,000 gallon rigid storage tanks.

IRRIGATION PLAN: All of the full sun cultivation is setup on drip irrigation and once a week gets hand watered with liquid nutrients. The greenhouses are hand watered every other day during the hot weather months of July and August.

PROJECTED WATER USAGE: During the hottest months, typically June, July, and August, the most amount of water is used, just under 13,000 gallons per month, as documented with PWA. September drops down to about 8,600 gallons and October drops further to 6,200 gallons. The monthly water usage as recorded with the NCRWQCB is as follows; Jan. 0 gallons, Feb. 0 gallons, March 0 gallons, April 400 gallons, May 800 gallons, June 11,200 gallons, July 12,800 gallons, August 12,800 gallons, Sept. 8,600 gallons, Oct. 6,200 gallons, Nov. 0 gallons, Dec. 0 gallons.

2. Description of Site Drainage, Including Runoff & Erosion Control Measures

SITE DRAINAGE: Of the property's 40 acres, the cultivation area occurs on no more than 2 acres of it. Each site, greenhouse and full term are located on terraced areas that do not have any runoff due to irrigation. The closest garden site to a creek is greater than 100 feet and has forested and grass covered ground to act as a buffer as well.

EROSION CONTROL MEASURES: With the help of PWA, erosion and sediment control measures have been incorporated into the project to divert and minimize the water runoff created by the winter rains, and also an area of runoff created by the westerly neighbor's diversion of

water onto my property. Further measures are to be taken with recommendations from PWA to minimize and eliminate any soil deposition into and creek or stream due to runoff.

Soils Management:

All soil is reused every year and amended each spring in order to rejuvenate its nutrients. After the fall harvest a cover crop is planted in order to protect the environment from any soil run off and to provide added nutrients for the following season.

3. Detail of Measures Taken to Ensure Protection of Watershed & Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT: No cultivation site is located closer than 100 feet to any watercourse, which is acceptable according to PWA. There are forested and undisturbed natural landscape that acts as a buffer between all cultivation sites and the surrounding environment including the site closest to a water source. There has been minimal disruption of the natural environment for the creation of the cultivation sites. Most terraced areas already existed and were clear due to the logging activity that occurred in this area in the 80's and 90's.

4. Protocol for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products Utilized

STORAGE OF FARM PRODUCTS: There is an agricultural exempt storage shed that contains all fuels and oils. Fertilizers are contained in plastic totes with lids. All fertilizers are bought at local supply stores and an emphasis is placed on using natural and organic and OMRI-listed products. Nutrients and pesticides are handled accordingly to labeled instructions.

5. Description of Cultivation Activities

CULTIVATION ACTIVITIES: Roughly 1,100 square feet of the 1,560 square foot greenhouse designated HH1 on said Plot Plan (roughly 10% of the site's 11,182 square feet of cultivation) is used for propagation.

Clones are brought out and grown larger using supplemental light only through middle April to middle May, flowering does not occur under artificial lighting. The hoophouse is used for season extension and light deprivation needs. The greenhouse is used for mothering and doesn't bloom under the light. The areas that are used for full term/full sun cultivation right now total 3,469 square feet and will increase to 9,622 square feet after the relocation is approved. A future 1,100 square foot propagation/starts area is proposed to be located in the area designated *Relocated Area 'A'* on Omsberg & Preston's Plot Plan.

Nutrients and pesticides are handled accordingly to labeled instructions.

Power Info:

Power for the property is mainly solar panels, however we use a Honda EU2000I Portable Inverter Generator, with a remarkably low 53 to 59dB noise level, the Honda EU2000i is super quiet for use virtually anywhere, Q6500 Quiet Power Series 6,500- Watt Gasoline Powered Portable Inverter Generator, which is more than 60% quieter and rated at 58dB and 500 W Hydroelectric. The Honda 6500 is located in a hardy plank sided shed which reduces the decibels to 42-46dB.

6. Processing Plan

PROCESSING: Processing has been done on-site in carports located behind the house by the owners and employees. We provide hand sanitizer, gloves, potable water, and face masks for those involved with the processing. However beginning next year the processing will be done off-site at a certified third party, location to be determined.

The dry rooms are cleaned with environmentally friendly cleaners to remove any contaminants that may exist prior to drying the cannabis.

The cannabis has been hung and dried in storage rooms and temporary structures outside if more room is needed. There is a plan to have a "dry shed" built in order to cure the cannabis all in one central location.

7. Number of cultivation cycles

Approximately 1,100 square feet of the 1,560 square foot greenhouse (designated HH1 on said Plot Plan) is currently used for mothering and cloning only, and cannabis does not bloom under the lights.

Supplemental lighting is used only in the evenings, mid-April to mid-May, to help with the starts. The employee(s) follow the international dark sky standards and cover the propagation arena with blackout tarp(s) from dusk to dawn.

8. Schedule of Activities During Each Month of the Growing & Harvesting Season

Jan-Feb: Start twice a month site visit to monitor water surface management strategies to make sure in place and functioning.

March: Organize and gather clones for the upcoming growing season

April: Set-up central greenhouse with supplemental lighting to house plants for first term greenhouse gets covered at dark so as not to spoil the night sky with artificial lighting

Amend the soil for season's planting

Mid-May: Disperse plants to outdoor areas and plant in their final containers. At this point no supplemental lighting is used anymore. Cut clones for the full term plants.

June: Cleanup overgrowth vegetation from winter. Touch up and drainage areas.

July: Focus on watering for optimal health but also using best methods for water conservation. Watering in early morning and/or early evening.

August: Harvest first round. 7-10 day drying time. Prepare area for processing. Process cannabis

September: Maintain growing plants. Watering diminishes with cooler weather. Start organizing and preparation site for end of season.

October: Watering minimized. Monitor weather and drainage areas with approaching rain. Harvest at end of month. 15 day dry time. Plant cover crop

November: Finish organizing and final cleanup of site.

December: Check in on site a couple times throughout the month to monitor drainage areas. Wind down and relax for the holidays and try to get time off before next season starts.

9. Security Plan

SECURITY PLAN: The main access point to the site is gated and locked at all times, with fencing and natural geography that prohibits entry around the gate. The secondary access to the area of full term plantings is also gated and unable to by bypasses/gone around. Both areas are located well of the main road and are completely fenced. The site is never left unattended and typically has multiple dogs that are also on site most of the time. All buildings have locks and are locked in order to add to security and safety.



Botanical Survey Results

640 RIVER ROAD (APN: 208-231-004)

HUMBOLDT COUNTY, CA

Prepared by:

Kyle Wear
Botanical Consultant
kyle_wear@suddenlink.net

Prepared for:

Seth Adams
P.O. Box 4801
Arcata, CA 95518

Date:

August 2019

documented occurrences on the Blake Mountain USGS quadrangle or adjacent quadrangles; the list may include other taxa known to occur in habitat similar to the project area in Humboldt County (Table 1).

Survey

The botanical survey was conducted by Kyle Wear, M.A. Mr. Wear has over 20 years of experience conducting floristic surveys and other botanical work in northern California.

The survey was floristic in nature and followed methods outlined in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018). The project area was surveyed on June 29, 2019. A survey coverage map is provided in Figure 1. The survey included the areas indicated by the applicant where ground disturbance would likely occur for additional cultivation area. Plant taxonomy generally follows *The Jepson Manual Vascular Plants of California, Second Edition* (Baldwin et al. 2012), however the plant list may include more recent name changes. Plant communities were classified according to *A Manual of California Vegetation, 2nd Edition* (Sawyer et al. 2009).

5. RESULTS AND DISCUSSION

Special Status Plants

No special status plants were encountered in the project area. A list of all plants observed in the project area is provided in Table 2.

Special Status Plant Communities

There are no special status plant communities in the study area. The open habitat where cultivation would occur is generally dominated by non-native grasses and other herbaceous plants. The adjacent forest includes stands of Douglas-fir (*Pseudotsuga menziesii*) intermixed with oaks (*Quercus kelloggii* and *Q. chrysolepis*), tanoak (*Notholithocarpus densiflorus* var. *densiflorus*), and madrone (*Arbutus menziesii*). The stream crossing on River Road is in riparian habitat with a canopy of white alder (*Alnus rhombifolia*).

6. REFERENCES

Baldwin, B. C., D. H. Goldman, D. J. Keil, R. Patterson, and T.J. Roasatti. Eds. 2012. *The Jepson Manual, Vascular Plants of California, Second Edition*. University of California Press. Berkeley, CA.

California Department of Fish and Wildlife (CDFW). 2019. *California Natural Diversity Database (CNDDB)*. <https://www.wildlife.ca.gov/Data/CNDDB>

CDFW. 2018. *California Sensitive Natural Communities List*. <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

1. INTRODUCTION

This report presents the results of a botanical survey conducted on APN: 208-231-004 near Dinsmore. The purpose of the survey was to identify special status plants and plant communities that could be impacted by new commercial cannabis cultivation.

2. DEFINITIONS

Special Status Plants

Special status plants include taxa that are listed under the Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA), in addition to plants that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA). This includes plants with California Rare Plant Ranks (CRPR) of 1A, 1B, 2A, or 2B or other species that warrant consideration based on local or biological significance.

Special Status Plant Communities

Special status plant communities are communities with limited distribution that may be vulnerable to environmental impacts. Natural Communities recognized as sensitive are provided on the CDFW Sensitive *Natural Communities List* (CDFW 2018). The list is based on the vegetation classification in *A Manual of California Vegetation, 2nd Edition* (Sawyer et al. 2009). Natural communities with G or S ranks of 3 or lower are considered sensitive. However, they may not warrant protected under CEQA unless they are considered high quality. Human disturbance, invasive species, logging, and grazing are common factors considered when judging whether the stand is high quality and warrants protection.

3. ENVIRONMENTAL SETTING

Project Location

The parcel is located along River Road approximately 1.6 miles northeast of Dinsmore on the Blake Mountain USGS quadrangle.

Soil, Topography, and Hydrology

The soil types mapped in the project area are derived from sandstone and mudstone parent material (USDA, NRCS 2019). The project area is on a generally south-facing slope. The elevation ranges from approximately 2,400-2,500 feet above sea level. The survey included a single stream crossing on River Road on a tributary to the Mad River.

4. METHODS

Scoping

A list of special status plants that could potentially occur in the project area was generated by consulting the *California Natural Diversity Database* (CDFW 2019) and the *CNPS Inventory of Rare and Endangered Plants* (CNPS 2019). The scoping list includes special status plants with

CDFW. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.

<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

California Native Plant Society (CNPS). 2019. *Inventory of Rare and Endangered Plants*.

<http://www.rareplants.cnps.org>

Sawyer, J.O., T. Keeler-Wolf and J.M Evans. 2009. *A Manual of California Vegetation, 2nd Edition*. California Native Plant Society. Sacramento, CA.

United States Department of Agriculture, Natural Resource Conservation Service (USDA, NRCS). 2019. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov>

Table 1. Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Project Area
<i>Arctostaphylos manzanita</i> <i>ssp. elegans</i>	Konocti manzanita	1B.3	(Jan)Mar- May(Jul)	Chaparral, Cismontane woodland, Lower montane coniferous forest, volcanic	Moderate-Unlikely. Some potential along road, openings.
<i>Astragalus umbraticus</i>	Bald Mountain milk-vetch	2B.3	May-Aug	Cismontane woodland, Lower montane coniferous forest, sometimes roadside	Moderate-High. Potential along roads.
<i>Bensoniella oregona</i>	<i>bensoniella</i>	1B.1, CR	May-Jul	Bogs and fens, Lower montane coniferous forest (openings), Meadows and seeps, mesic	Unlikely. Area lacks wetland habitat.
<i>Buxbaumia viridis</i>	<i>buxbaumia</i> moss	2B.2		Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest, Fallen, decorticated wood or humus	Unlikely. Occurs in higher elevation habitat.
<i>Calycadenia micrantha</i>	small-flowered <i>calycadenia</i>	1B.2	Jun-Sep	Chaparral, Meadows and seeps (volcanic), Valley and foothill grassland, Roadsides, rocky, talus, scree, sometimes serpentine, sparsely vegetated areas	Unlikely. Marginal habitat at best along road.
<i>Carex arcta</i>	northern clustered sedge	2B.2	Jun-Sep	Bogs and fens, North Coast coniferous forest (mesic)	Unlikely. Area lacks suitable wetland habitat.
<i>Epilobium oreganum</i>	Oregon fireweed	1B.2	Jun-Sep	Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, mesic	Unlikely. Occurs in higher elevation. Area lacks wetland habitat.
<i>Erigeron manipotanicus</i>	Mad River fleabane daisy	1B.2	May-Aug	Lower montane coniferous forest, Meadows and seeps (open, dry),	Moderate. Some potential along roads.

Figure 1. Survey Coverage Map.

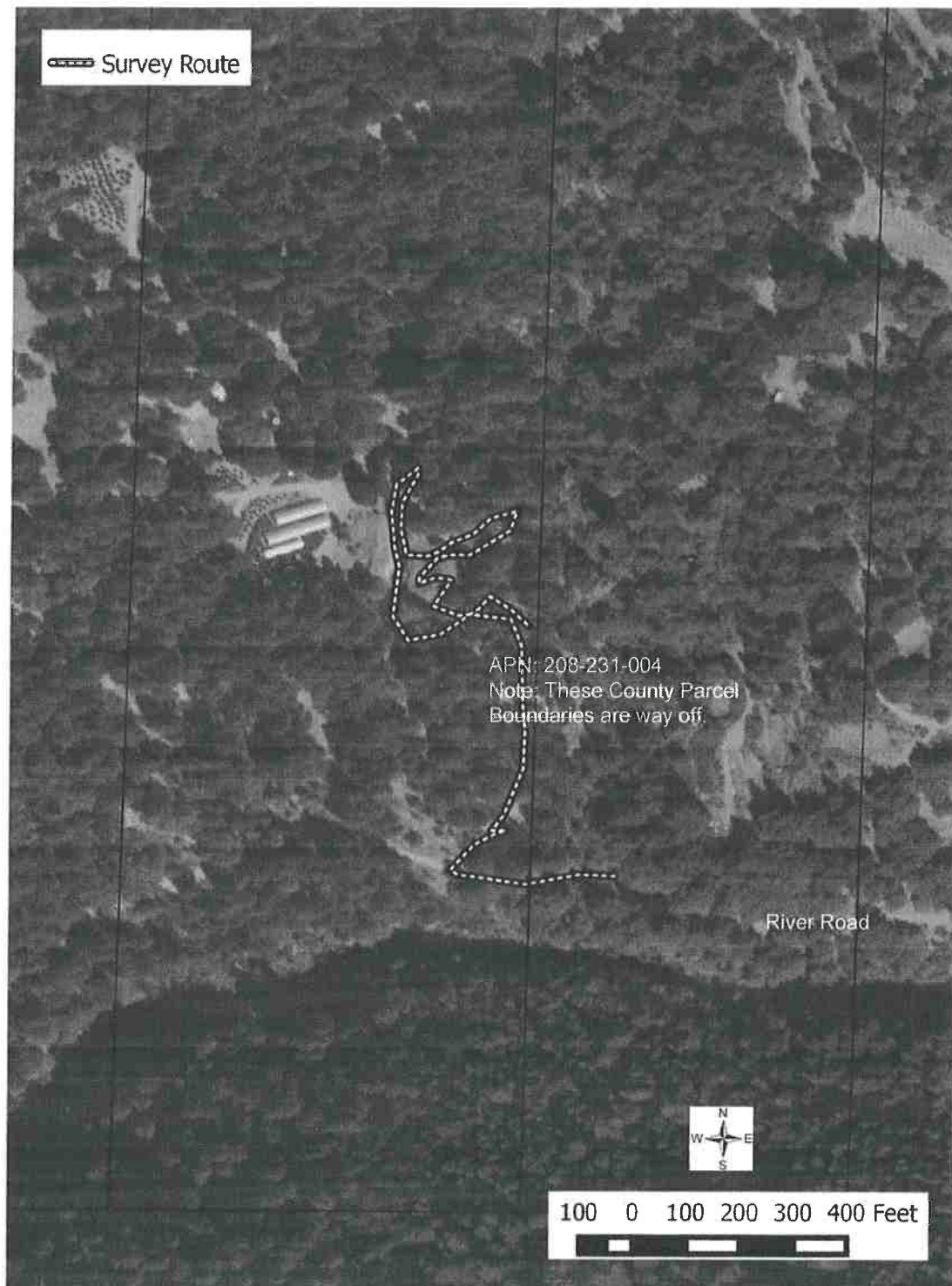


Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Project Area
				open, disturbed areas (road cuts); rocky	Unlikely. Area lacks serpentine, typically higher elevation.
<i>Erythranthe trinitensis</i>	pink-margined monkeyflower	1B.3	Jun-Jul(Aug)	Cismontane woodland, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest, Often serpentine, often roadsides	Unlikely. Area lacks serpentine, typically higher elevation.
<i>Erythronium revolutum</i>	coast fawn lily	2B.2	Mar-Jul(Aug)	Bogs and fens, Broadleafed upland forest, North Coast coniferous forest, Mesic, streambanks	Unlikely. Area lacks typical mesic rock habitat. Small amount of marginal habitat at stream crossing on River Road.
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	1B.2	Apr-Aug	Coastal bluff scrub, Chaparral (openings), Coastal prairie, Valley and foothill grassland	Moderate. Potential in open areas, roadsides.
<i>Harmonia doris-nilesiae</i>	Niles' harmonia	1B.1	May-Jul	Chaparral, Cismontane woodland, Lower montane coniferous forest, usually serpentine, openings, rocky	Unlikely. Area lacks serpentine.
<i>Hosackia yollabollensis</i>	Yolla Bolly Mtns. bird's-foot trefoil	1B.2	Jun-Aug	Meadows and seeps, Upper montane coniferous forest (openings), dry barren exposed slopes, often gravely	Unlikely. Occurs at higher elevation.
<i>Iliamna latibracteata</i>	California globe mallow	1B.2	Jun-Aug	Chaparral (montane), Lower montane coniferous forest, North Coast coniferous forest (mesic), Riparian scrub (streambanks), Often in burned areas	Unlikely. Typically higher elevation. Small amount of marginal habitat at stream crossing on River Road.

Table 1 (Cont.). Special Status Plant Scoping List.

Scientific Name	Common Name	Listing Status	Blooming Period	Habitat	Potential to Occur in Project Area
<i>Kopsiopsis hookeri</i>	small groundcone	2B.3	Apr-Aug	North Coast coniferous forest	Moderate. Potential in forest understory.
<i>Lathyrus biflorus</i>	two-flowered pea	1B.1	Jun-Aug	Lower montane coniferous forest (serpentine)	None. Occurs on serpentine at higher elevation.
<i>Lupinus elmeri</i>	South Fork Mountain lupine	1B.2	Jun-Jul(Aug)	Lower montane coniferous forest	Moderate. Potential along roads and open areas.
<i>Montia howellii</i>	Howell's montia	2B.2	(Jan-Feb)Mar-May	Meadows and seeps, North Coast coniferous forest, Vernal pools, vernal mesic, sometimes roadsides	Unlikely. Road system is too dry.
<i>Piperia candida</i>	white-flowered rein orchid	1B.2	(Mar)May-Sep	Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest, sometimes serpentine	High. Potential along roads and in forest understory.
<i>Sidalcea malviflora</i> ssp. <i>patula</i>	Siskiyou checkerbloom	1B.2	(Apr)May-Aug	Coastal bluff scrub, Coastal prairie, North Coast coniferous forest, often roadcuts	Moderate. Potential along roads and open areas.
<i>Sidalcea oregana</i> ssp. <i>eximia</i>	coast checkerbloom	1B.2	Jun-Aug	Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest	Moderate. Potential along roads and open areas.
<i>Thermopsis robusta</i>	robust false lupine	1B.2	May-Jul	Broadleafed upland forest, North Coast coniferous forest	Moderate. Potential along roads and disturbed areas.

Table 1 (Cont.). Special Status Plant Scoping List.

SPECIAL STATUS PLANT LISTING STATUS

<u>Endangered Species Act (ESA)</u>	<u>California Endangered Species Act (CESA)</u>
FE: Federally Endangered	CE: California Endangered
FT: Federally Threatened	CT: California Threatened
FR: Federally Rare	CR: California Rare

California Rare Plant Ranks

- 1A:** Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
- 1B:** Plants Rare, Threatened, or Endangered in California and Elsewhere
- 2A:** Plants Presumed Extirpated in California, But Common Elsewhere
- 2B:** California Rare Plant Rank 2B: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

Threat Ranks

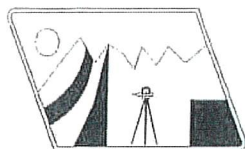
- 0.1:** Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2:** Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3:** Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Table 2. List of Plants Encountered in the Project Area.

Scientific Name	Common Name
<i>Acer macrophyllum</i>	bigleaf maple
<i>Acmispon americanus</i> var. <i>americanus</i>	lotus
<i>Aira caryophyllea</i>	European hairgrass
<i>Alnus rhombifolia</i>	white alder
<i>Anisocarpus madioides</i>	woodland madia
<i>Apocynum cannabinum</i>	Indian Hemp
<i>Arbutus menziesii</i>	Pacific madrone
<i>Avena barbata</i>	slender wild oat
<i>Baccharis pilularis</i>	coyote brush
<i>Bellis perennis</i>	English daisy
<i>Berberis nervosa</i>	dwarf Oregon-grape
<i>Brodiaea elegans</i>	harvest brodiaea
<i>Bromus carinatus</i>	California brome
<i>Bromus hordeaceus</i>	soft chess
<i>Bromus madritensis</i>	foxtail chess
<i>Calocedrus decurrens</i>	incense cedar
<i>Calystegia purpurata</i> ssp. <i>purpurata</i>	purple western morning glory
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Ceanothus integerrimus</i>	deer brush
<i>Centaurea solstitialis</i>	yellow starthistle
<i>Chloroglaum pomeridianum</i>	soaproot
<i>Clarkia</i> sp.	clarkia
<i>Collomia heterophylla</i>	varied-leaf collomia
<i>Conium maculatum</i>	poison hemlock
<i>Corylus cornuta</i> ssp. <i>californica</i>	California hazelnut
<i>Cynosurus echinatus</i>	dogtail grass
<i>Danthonia californica</i>	California oatgrass
<i>Deschampsia elongata</i>	slender hairgrass
<i>Dichelostemma capitatum</i>	blue dicks
<i>Elymus glaucus</i> ssp. <i>glaucus</i>	blue wildrye
<i>Equisetum telmateia</i> ssp. <i>braunii</i>	giant horsetail
<i>Festuca arundinacea</i>	tall fescue
<i>Festuca californica</i>	California fescue
<i>Fragaria vesca</i>	wood strawberry
<i>Helenium</i> sp.	sneezeweed
<i>Hieracium albiflorum</i>	white hawkweed
<i>Holcus lanatus</i>	common velvet grass

Table 2 (Cont.). List of Plants Encountered in the Project Area.

Scientific Name	Common Name
<i>Hypochaeris radicata</i>	hairy cat's-ear
<i>Juncus effusus</i>	common rush
<i>Juncus patens</i>	spreading rush
<i>Lactuca</i> sp.	wild lettuce
<i>Lathyrus polyphyllus</i>	Oregon pea
<i>Leontodon saxatilis</i>	hawkbit
<i>Leucanthemum vulgare</i>	ox-eye daisy
<i>Madia exigua</i>	small tarweed
<i>Microseris laciniata</i>	cutleaf silverpuffs
<i>Notholithocarpus densiflorus</i> var. <i>densiflorus</i>	tanoak
<i>Petasites frigidis</i> var. <i>palmaris</i>	western coltsfoot
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Quercus chrysolepis</i>	canyon live oak
<i>Quercus kelloggii</i>	California black oak
<i>Ribes roezlii</i>	Sierra gooseberry
<i>Rosa</i> sp.	rose
<i>Rubus leucodermis</i>	white-stemmed raspberry
<i>Rubus ursinus</i>	California blackberry
<i>Symphoricarpos</i> sp.	snowberry
<i>Torilis arvensis</i>	rattlesnake weed
<i>Toxicodendron diversilobum</i>	poison-oak
<i>Trichostema</i> sp.	vinegar or turpentine weed
<i>Trifolium</i> sp.	clover
<i>Triteleia laxa</i>	lithurial's spear
<i>Verbena lasiostachys</i>	western verbena
<i>Vicia americana</i> var. <i>americana</i>	American vetch
<i>Vicia sativa</i>	vetch
<i>Viola ocellata</i>	two-eyed violet



A.M. BAIRD

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CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING

SOILS ENGINEERING

Geologic R-2

SOILS REPORT

PREPARED FOR

SETH ADAMS

APN: 208-231-004

640 River Road

MAD RIVER, HUMBOLDT COUNTY, CA

PREPARED BY:



ALLAN M. BAIRD, RCE 23681

May 23, 2019
Job# 19_4520-2

May 23, 2019

Building Official
County of Humboldt Building Department
3015 H Street
Eureka, California 95501

Humboldt County R2 Report: AP# 208-231-004
640 River Rd.
Mad River, CA
Client: Seth Adams; Job# 19_4520-2

INTRODUCTION

At the request of Mr. Adams, A.M. Baird Engineering has reviewed the above referenced lot in Mad River, California for a soil's suitability report. This report is furnished to satisfy the soils criteria as required by Humboldt County for an "R2" Geological Report as pertaining to existing flats for water tanks. Observations of this inspection regarding the site soils and topography are the contents of this report.

SITE LOCATION AND DESCRIPTION

Mad River is located approximately 55 miles east of CA-Highway 101 on CA-36. The site is located at approximately 2,537 feet in elevation above the Pacific Ocean per Google Earth Pro (2019). The parcel is designated as AP# 208-231-004 and is approximately 35.3 acres. Access to the parcel is provided via Salyer Mad River Road. Most of this lot slopes south approximately 50-60% towards River Road, the west side of the parcel slopes downward towards the east, and the east side of the parcel slopes downward towards the west. Each side slopes towards a creek that travels approximately through the middle of the parcel. See Enclosed Site Map

SOIL CONDITIONS

Soil sampling on the parcel revealed approximately four inches of brown topsoil (Munsell color 10 YR 4/3) for TH#1 through TH#3. Subsoil sampling on the parcel revealed approximately two-ft of dark yellowish-brown soil (Munsell color 10 YR 4/6) each hole. All these soils consist of approximately 50% coarse content by weight. There is no indication in the surrounding area of any slumps, faults, or springs that would be detrimental to the building site.

GROUNDWATER

No groundwater or soil mottling was encountered during this soil's investigation.

SLOPE STABILITY AND SURFACE DRAINAGE HAZARDS

The nature of the entire property appears to be stable and should remain stable provided the recommendations given in this report are followed. Areas disturbed during construction activities should be re-vegetated prior to the rainy season. Impermeable surfaces such as driveways and rooftops should be designed to uniformly diffuse runoff

away from structures, and significant quantities of concentrated runoff should not be discharged over slopes greater than 20%.

GEOLOGICAL HAZARDS

This area of California is seismically very active and is subject to earthquakes of large magnitude, which can produce significant ground shaking. This high to very high level of risk of seismic hazard is typical for Mad River.

This parcel is located within two kilometers of the active Type A Grogan Fault, ten kilometers to Eaton Roughs Fault, and within than five miles to the Mule Ridge Fault. In general, there are many sources of large magnitude earthquakes that could potentially affect this project area. These sources include but are not limited to the *Lake Mountain Fault located south-east of the Mad River area, the Fickle Hill Fault located approximately 25 kilometers north-west of the area, the Little Salmon Fault (onshore), the San Andreas Fault (north coast),* and the complex northwesterly oriented fault systems surrounding the Humboldt Bay area (including the Little Salmon, Mad River, Freshwater, and Gorda Fault Zones), and the Cascadia Subduction Zone near Cape Mendocino.

The San Andreas Fault has produced major earthquakes in this area at intervals of approximately 75-150 years. Earthquakes with average magnitudes of 5.8 occur on average every 2 years at varying locations in or near Humboldt County, and geological evidence suggests that the San Andreas Fault is capable of generating magnitudes much higher (7+). This high to very high level of risk of seismic hazard is typical for Northern California, and residents assume this risk when they choose to build in this area. Earthquakes capable of causing intense ground shaking and structural damage can be expected to occur within the design life of the proposed structure (40+ years). Residents should be aware of this inherent risk and should understand that these risks cannot be fully eliminated with engineered design. As required, all structural design should be in conformance with the 2016 California Building Code (CBC) Seismic Design Category (SDC) E (Section 1613A, 2016 CBC). Latitude and Longitude values were taken from the Humboldt County Web GIS website (County of Humboldt, 2019). Site-specific soil parameters were calculated using the U.S. Seismic Design Maps (Table 1) (U.S. Seismic Design Maps, 2019):

Table 1: USGS Ground Motion Parameters	
Latitude	40.504785
Longitude	123.576979
Occupancy Category	II (normal buildings)
Importance Factor, I	1.0
Site Class	D (stiff soil) (default)
Site Coefficients	$F_a=1.0$
	$F_v=1.5$
Mapped Spectral Response Acceleration Parameters	$S_s=1.851$ g (0.2-second spectral response)
	$S_1=0.839$ g (1-second spectral response)
Design Spectral Response Acceleration Parameters	$S_{MS}=1.851$ g (0.2-second period)
	$S_{M1}=NULL$ -SEE SECTION 11.4.8
Design Spectral Response Acceleration Parameters (five-percent damped design spectral response)	$S_{DS}=1.234$ g (0.2-second period)
	$S_{D1}= NULL$ -SEE SECTION 11.4.8
Seismic Design Category (SDC)	E ($S_1>0.75g$)
Peak Ground Acceleration ($S_s/2.5$)	0.7404

FLOOD HAZARDS

The site is within a flood prone area. The hazard for flooding is considered very low, but a significant storm event may change the course of the Mad River. The 100-year flood zone associated with the Mad River runs through the southern portion of the property on the south side of River Road (See enclosed Web GIS map). A USGS documented creek also resides approximately through the middle of the parcel (north to south) that could also change course and alter the current stability. The development in question is not within this zone and not considered prone to flooding. Although considered extremely unlikely, very extreme flooding events can cause rivers/creeks to change course and/or compromise adjacent properties stability or cause erosion that is detrimental to development.

EXISTING GRADING (CUT/FILL)

Evidence of cut and fill was apparent on the property during this site inspection. The grading was done prior to Mr. Adams purchasing the property and no historical grading plan has been reviewed by this office. Our office was contracted to produce a grading report for this property and was provided to the client in 2016.

EARTHQUAKE MOTION HAZARDS

Slope instability, liquefaction, and surface rupture due exclusively to faulting or lateral spreading are not considered consequential as to require specific analysis. Dynamic seismic loading for retaining walls supporting more than 6 feet of backfill and peak ground acceleration for design purposes shall be $S_s/2.5$ and ASCE 7-16 Figure 22-7, unless additional site-specific analysis is provided beyond the scope contained herein.

RECOMMENDATIONS

No expansive soils were encountered during this investigation that require specific recommendations. The soil on this lot can support a load of 1,500 pounds per square foot (psf). Single or multilevel structures are suitable uses for this site, and settlement is not anticipated to be detrimental provided considerations are given to the recommendations presented herein:

- 1) Foundations for any residence should be reinforced and be contained in firm, undisturbed native soil. The foundation should be extended a minimum of 12" **past any topsoil or fill** and into natural undisturbed ground for single-story structures, a minimum of 18" for two-story structures and 24" for three-story structures. Spread footings and foundation walls should be reinforced and be at minimum 12" wide for one-story structures, 18" wide for two-story structures, and 24" for three-story structures. Foundation walls should be a minimum of 7.5" thick for single-story structures, a minimum of 8" for two-story structures, and a minimum of 10" for three-story structures. Foundation footing setbacks to slope breaks shall comply with specifications in Section 1808.7 and Figure 1808.7.1 of the 2016 CBC.
- 2) All surface runoff from developed or paved areas of the lot should be controlled to flow and drain away or be routed in such a manner as to not affect slope stability or the integrity of the foundation soil. Erosion control dissipation devices shall be installed at all locations where water is discharged over slopes greater than 20%.
- 3) All excavation shall be completed in conformance with Section 1804 of the 2016 CBC. Additionally, earthwork grading/excavation shall be conducted during the dry season, unless constructed in conformance with a grading and erosion control plan and with Humboldt County codes and the recommendations in this report.
- 4) All existing and proposed fill and cut slopes are to be re-vegetated to prevent erosion. This is to be done to the satisfaction of local building officials. Existing vegetation beyond the construction area should be left undisturbed if feasible.
- 5) If cutting or grading is to be done at a depth greater than 5 feet, it is recommended that this office be contacted for specific comments and recommendations. Cut and fill under 5 feet should be limited to 2H:1V units' max slope.
- 6) Gutters are to extend along all roof lines and lead to down spouts. In turn, down spouts should lead to pipes carrying roof runoff away from the building site, as well as any fill or foundations that may adversely affect the site soil or adjacent slopes.
- 7) Floor slabs should be reinforced by #3 reinforcing bars at 18" o.c. or #4 reinforcing bars at 24" o.c. each way and be underlain by at least 4" of class 2 aggregate bases with limited fines to act as a capillary moisture break and a vapor barrier. The vapor barrier shall be in direct contact with concrete. Contractor and owner are responsible for determining the extent of waterproofing methods necessary and implementing the appropriate measures as described in recommendation #9 and shall be aware of the current recommendations and guidelines for slabs below grade according to the American Concrete Institute.
- 8) All foundation design and construction shall be in conformance with Chapter 18 of the 2016 CBC. All footings are to meet local requirements for seismic criteria, as required by the 2016 CBC. Seismic design parameters have been included in this report based on

latitude and longitude values taken from the Humboldt County Web GIS website (County of Humboldt, 2019).

9) Any floor space at or below existing grade level that will be used as inhabitable areas or for storage shall be appropriately dampproofed or waterproofed as described in Section 1805 of the 2016 CBC. These appropriate measures at minimum will constitute installation of 6-mil vapor barrier or equivalent against the foundation or retaining wall, along with drain rock a minimum of 12" thick to the bottom of the footing and made to drain by 4" perforated pipe tight-lines to daylight away from the foundation soils. It is recommended that slabs below grade used for living space be underlain with a minimum of 6" of open graded aggregate instead of 4" as described in recommendation #7 for an increased protection from capillary water infiltration. Additional or superior measures may include installation of sub-slab drainage pipes or geo-textile membranes and should be installed according to current standards of practice.

CLOSURE

Based upon the review conducted by this office of the site and surrounding terrain no further geological evaluation is required; therefore, no geotechnical engineer consultation is warranted. This office shall be contacted if subsurface conditions differ significantly from those stated in this report, or if further investigation or inspection is requested by involved agencies.

It has been assumed that observed soils are representative of the entire subsurface conditions on the property in question. If it is found during construction that subsoil conditions differ from those described, the conclusions and recommendations of this report should be considered invalid unless the changes are reviewed, and the conclusions and recommendations are modified or approved in writing. This analysis was conducted in accordance with the standards maintained by professionals in the engineering field, and the findings presented herein are reasonably representative of site conditions and probable site behavior based on this investigation. Due to the inexact nature of many engineering analyses, including those employed during the preparation of this report, there is no guarantee or warranty expressed or implied. Enclosed in this report are site maps, Assessor's Parcel Maps, and geologic maps as referenced.

If you have any questions regarding this report, or to schedule an inspection, please feel free to contact this office at (707) 725-5182.

Sincerely,



Allan M. Baird
Principal, RCE# 23681





OSHDPD

ADAMS

Latitude, Longitude: 40.504785, -123.576979



Google

Salver Mad River Rd

Map data ©2019 Google

Date	5/23/2019, 12:52:35 PM
Design Code Reference Document	ASCE7-16
Risk Category	III
Site Class	D - Stiff Soil

Type	Value	Description
S_S	1.851	MCE_R ground motion. (for 0.2 second period)
S_1	0.839	MCE_R ground motion. (for 1.0s period)
S_{MS}	1.851	Site-modified spectral acceleration value
S_{M1}	null -See Section 11.4.8	Site-modified spectral acceleration value
S_{DS}	1.234	Numeric seismic design value at 0.2 second SA
S_{D1}	null -See Section 11.4.8	Numeric seismic design value at 1.0 second SA
Type	Value	Description
SDC	null -See Section 11.4.8	Seismic design category
F_a	1	Site amplification factor at 0.2 second
F_v	null -See Section 11.4.8	Site amplification factor at 1.0 second
PGA	0.852	MCE_G peak ground acceleration
F_{PGA}	1.1	Site amplification factor at PGA
PGA_M	0.937	Site modified peak ground acceleration
T_L	16	Long-period transition period in seconds
S_{sRT}	1.851	Probabilistic risk-targeted ground motion. (0.2 second)
S_{sUH}	2.073	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration
S_{sD}	1.862	Factored deterministic acceleration value. (0.2 second)
S_{1RT}	0.839	Probabilistic risk-targeted ground motion. (1.0 second)
S_{1UH}	0.964	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration.
S_{1D}	0.968	Factored deterministic acceleration value. (1.0 second)
$PGAd$	0.876	Factored deterministic acceleration value. (Peak Ground Acceleration)
C_{RS}	0.893	Mapped value of the risk coefficient at short periods
C_{R1}	0.87	Mapped value of the risk coefficient at a period of 1 s

A.M. BAIRD

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING

Project: ADAMS

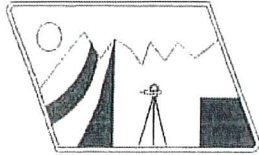
by: DRS

AP#: 208-231-004

Lab Test Date: 5/16/2019

1	1	1	SAMPLE NUMBER
1	2	3	TEST HOLE
2	2	2	Depth (ft)
885	897	850	TOTAL SAMPLE WEIGHT (gm)
424	428.2	425.8	Coarse Weight (gm)
75	75	75	A. Owendry Weight (gm)
10:20	10:24	10:26	B. Starting Time (hr:min:sec)
70.3	70.5	70.5	C. Temp @ 40 sec. (°F)
51	48	47	D. Hydrometer Reading @ 40 sec. (gm/l)
-6.04	-6	-6	E. Composite Correction (gm/l)
44.96	42	41	F. True Density @ 40sec. (gm/l), (D-E)
70.3	70.1	70.1	G. Temp @ 2 hrs. (°F)
29	25	25	H. Hydrometer Reading @ 2hrs. (gm/l)
-6.04	-6.08	-6.08	I. Composite Correction (gm/l)
22.96	18.92	18.92	J. True Density @ 2 hrs. (gm/l), (H-I)
40.1	44.0	45.3	K. % Sand = $100 - [(F/A) \times 100]$
30.6	25.2	25.2	L. % Clay = $(J/A) \times 100$
29.3	30.8	29.4	M. % Silt = $100 - (K + L)$
SANDY CLAY LOAM	SANDY CLAY LOAM	SANDY CLAY LOAM	N. USDA Texture
2	2	2	O. Soil Percolation Suitability Chart Zone
59.9	56.0	54.7	P. Combined % Silt and Clay
47.9	47.7	50.1	Q. Coarse % by weight
6.6	6.6	7.0	R. % Coarse Adjustment*

$$* [(.2)(.00003Q^3+.0006Q^2+.5968Q-.0941)]$$



A.M. BAIRD

ENGINEERING & SURVEYING, INC.

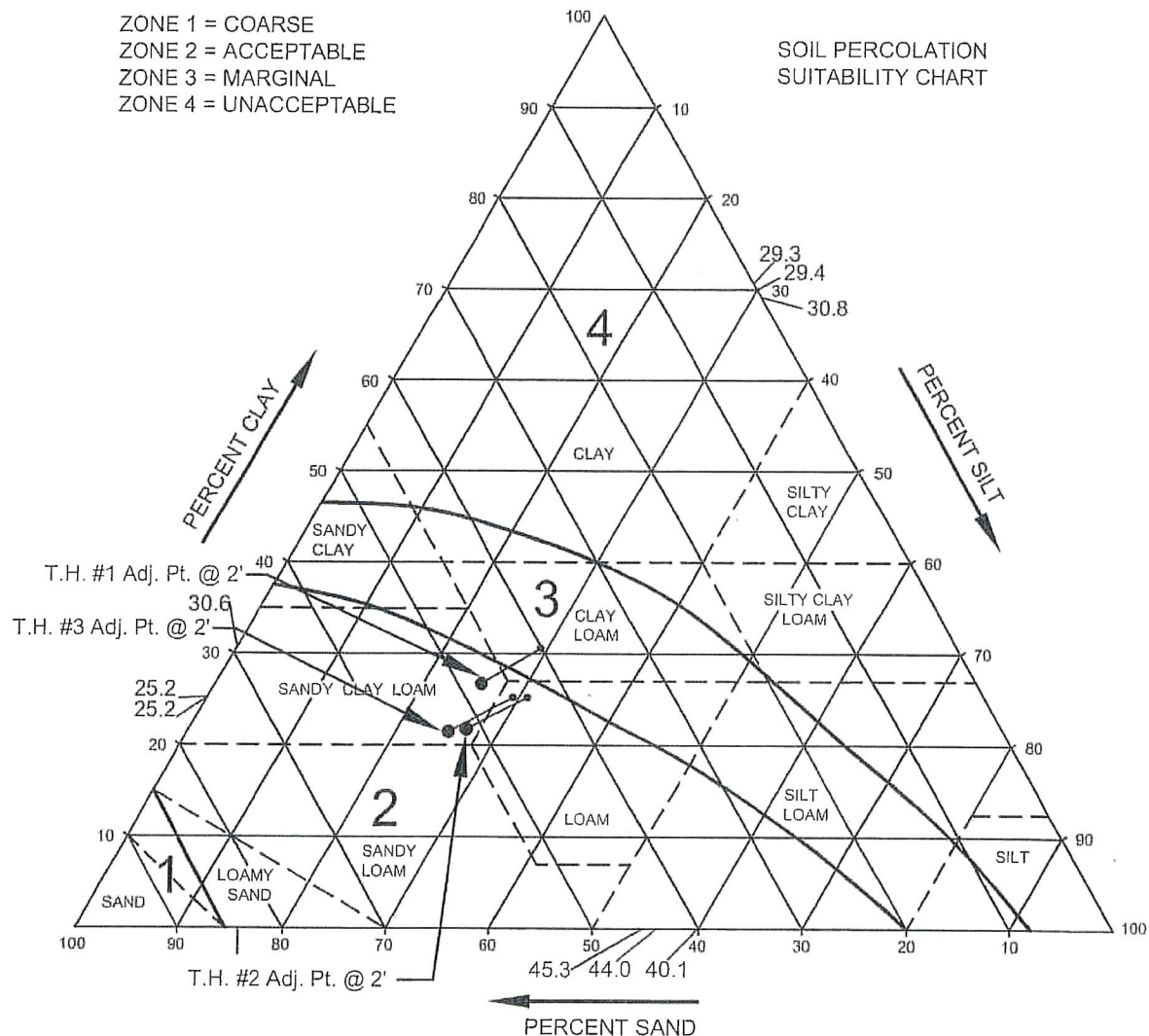
1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581

CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING

CLIENT: ADAMS

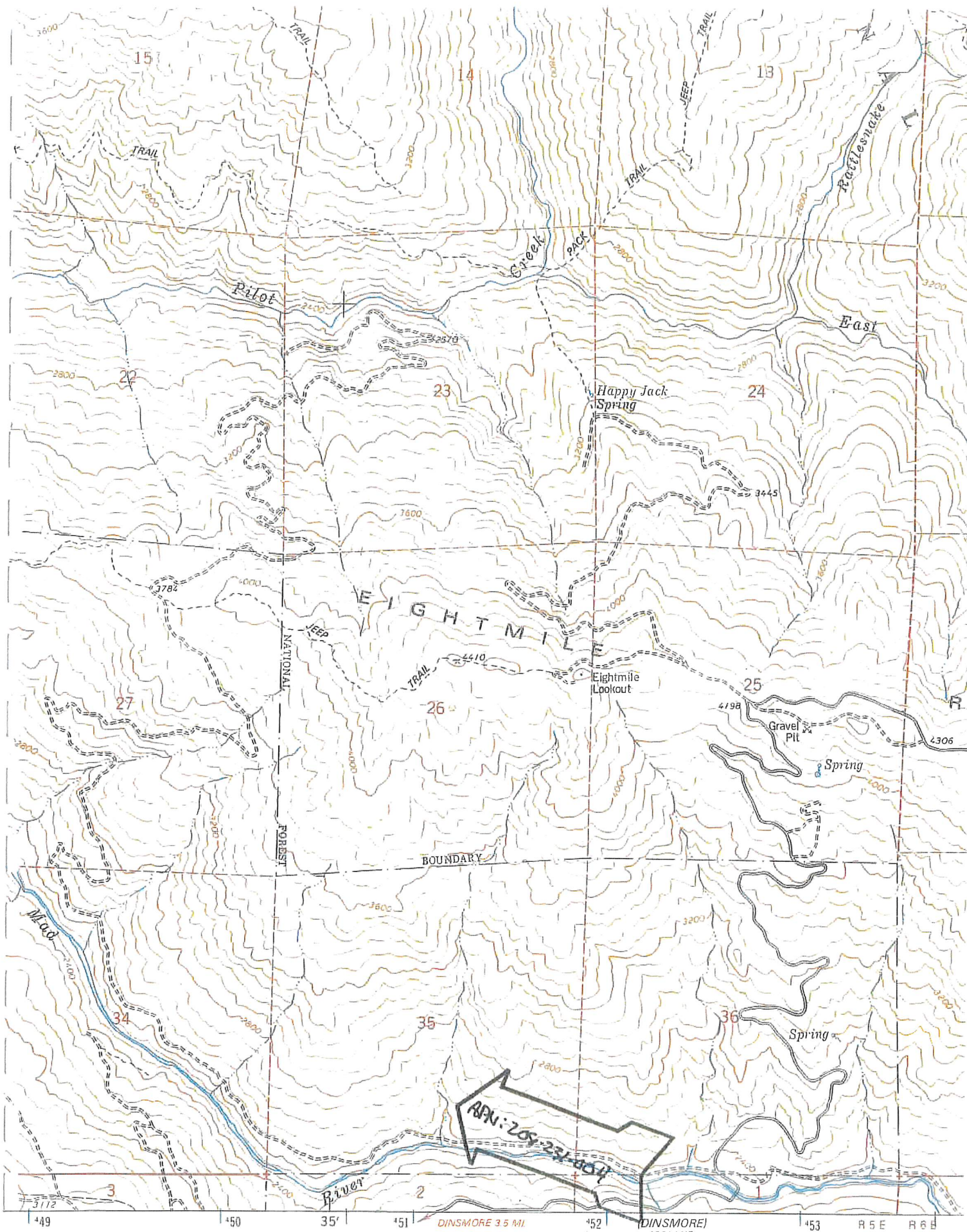
DATE: 5/16/19

APN: 208-231-004



1. COARSE ADJUSTMENT: T.H. #1 @ 2.0' = 6.6%; #2 @ 2.0' = 6.6%; #3 @ 2.0' = 7.0%

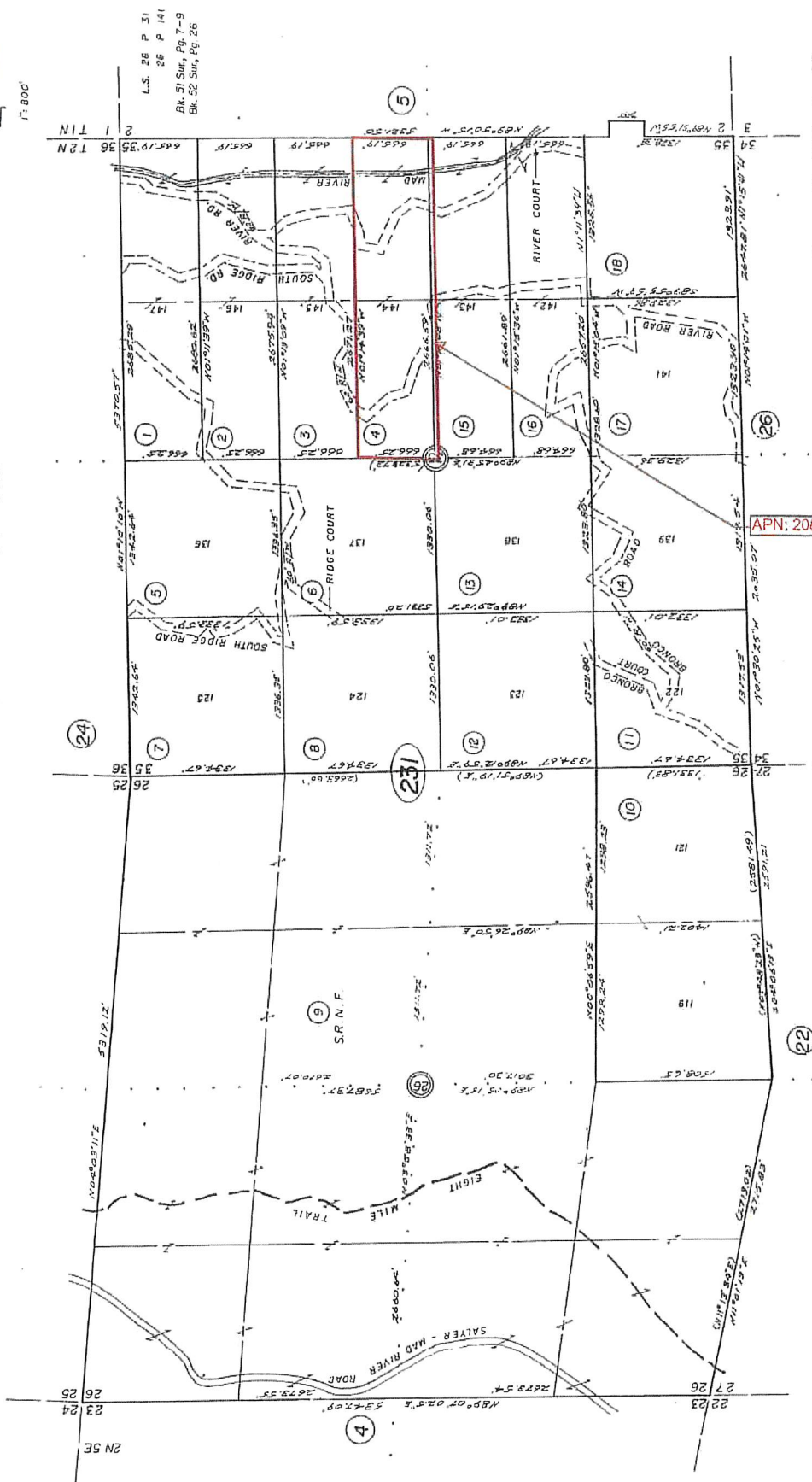
2. BULK-DENSITY ADJUSTMENT: NOT TESTED



urvey

208-23

SECS. 26 & 35, T2N R5E
TIMBERLINE RANCH ESTATES



Assessor's Maps Bk. 208 - Pg. 23
County of Humboldt, Calif.

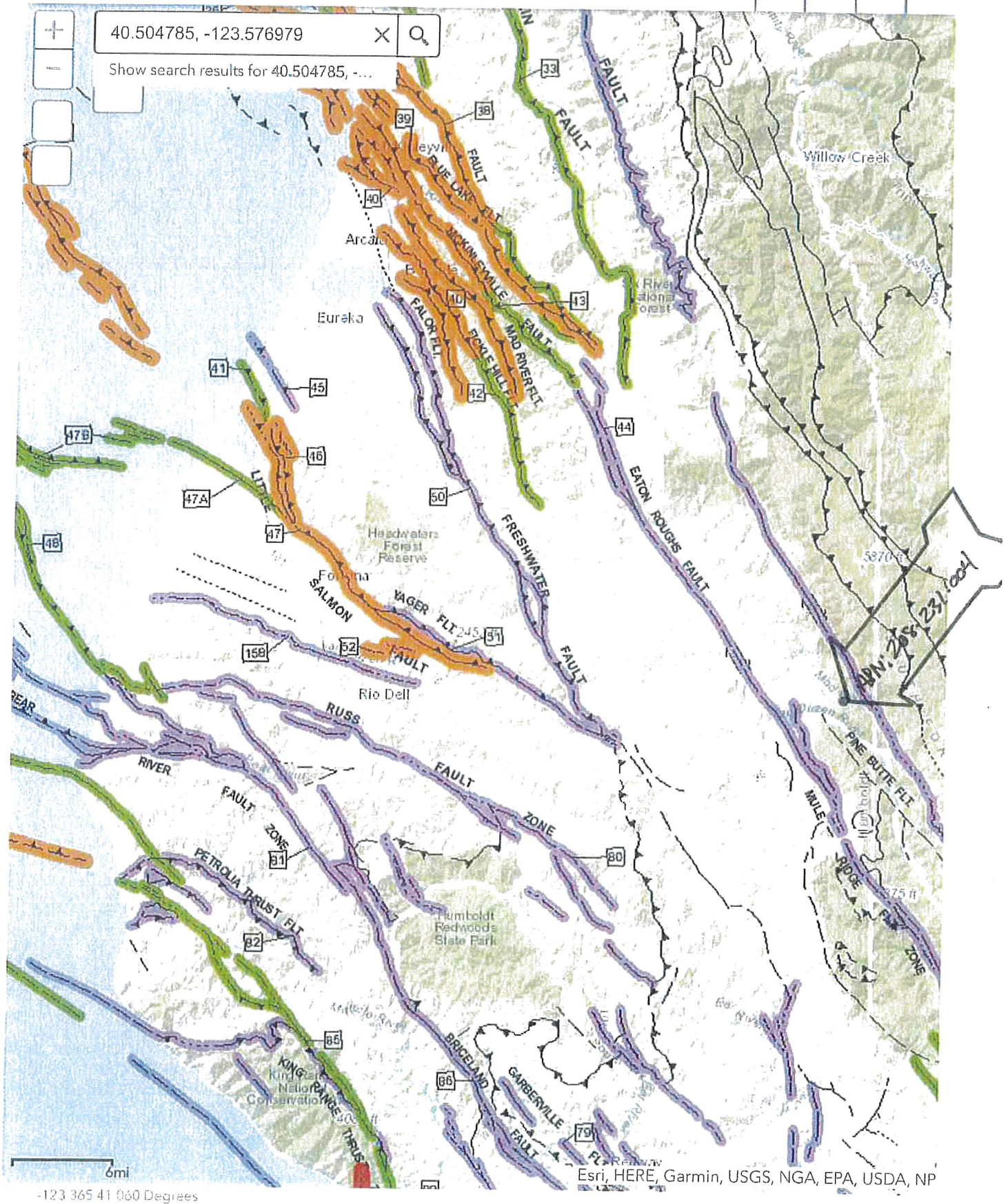
APN: 208-231-000

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles



Fault Activity Map of California (2010)

California Geok 1



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	✓	Other comments	Attached
Public Works Land Use Division	✓	Other comments	Attached
Division Environmental Health	✓	Approval	On file with Planning
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file with Planning
Army Corps of Engineers	✓	Other comments	Attached
Humboldt Bay Municipal Water District	✓	Other comments	Attached
Humboldt County Sheriff	✓	Approval	On file with Planning
CalFire		No response	
County Counsel		No response	
RWQCB		No response	
NCUAQMD		No response	
CA Division of Water Rights		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Trinity Joint Unified School District		No response	
Mad River Jt. Unified School District		No response	
Ruth Lake Community Services District		No response	
US Forest Service		No response	



In Acceler

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

9/28

5/18/2018

PROJECT REFERRAL TO: Building Inspection Division

Seth 707.601.6694

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Army Corps of Engineers, CA Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Trinity County Jt. High School School District, Mad River Jt. Unified School District, Ruth Lake Community Services District

Applicant Name Eight Mad Farmers **Key Parcel Number** 208-231-004-000

Application (APPS#) 11514 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-273

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 6/2/2018

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: _____

DATE: *10/2/18*

PRINT NAME: *Rudy Marenghi*

208-231-004



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11514
Parcel No.: 208-231-004
Case No.: CUP16-273

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____

- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show GH at SE section of parcel as one GH, CA 3 to be relocated, hoop house 1 as to be relocated, GH 1 as to be relocated, CA 4 as to be relocated, solar shed to be relocated, accurate setback from stream to CA at SE end of parcel, fert. shed oriented correctly, hoop house 2 as removed, and show receiving CA sites. Ensure plan of operation coheres with site map.

Name: Rudy Marengli

Date: 10/2/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Eight Mad Farmers		Date: 5/10/19	
APPS No.: 11514	APN: 208-231-004-000	DFW CEQA No.: 2018-0225	Case No.: CUP16-273
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 14,707		

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.

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

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

- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was less than 14,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.

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

- ☒ That access roads leading to the site are assessed by an experienced licensed Professional and that BMP's are implemented within one-year following the execution of this agreement, to prevent sediment delivery to nearby watercourses/wet areas.
- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2019-0010-R1). A final LSA Agreement was executed on May 9, 2019.
- ☒ 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.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 60 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Steelhead Trout (*O. mykiss*), Coastal Rainbow Trout (*O. mykiss irideus*), 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*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



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

5/18/2018

PROJECT REFERRAL TO: Army Corps of Engineers

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Army Corps of Engineers, CA Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Trinity County Jt. High School School District, Mad River Jt. Unified School District, Ruth Lake Community Services District

Applicant Name Eight Mad Farmers **Key Parcel Number** 208-231-004-000

Application (APPS#) 11514 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-273

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 6/2/2018

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: _____
-

DATE: _____ PRINT NAME: _____



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

June 15, 2018

Regulatory Division

SUBJECT: File Number 2018-00244N

Eight Mad Farmers
Attn: Seth Adams
PO Box 4801
Arcata, CA 95518

Dear Mr. Adams:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated May 18, 2018 concerning a proposal by Eight Mad Farmers, to seek out a conditional use permit for an existing 14,707 square foot outdoor cultivation operation. The project is located in the Dinsmore area, on the North and South side of River Road, approximately 0.81 miles West from the intersection of River Road and County Line Creek Road, on the property known as 640 River Road (APN: 208-231-004) in Humboldt County, California. The applicant proposed activities include, drying/curing which will be done on-site in storage rooms and temporary structures. Processing will occur in a proposed space as specified on the site plan. Irrigation water is sourced from a year-round spring and administered via drip irrigation and hand-watering. Water storage is currently in the form of two water tanks. 400 gallon and 2,500 gallon capacities. 50,000 gallon water storage is proposed. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S.; the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including the Mad River and its tributaries and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random

intermediate points. All delineations of wetlands must be conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at Cameron.R.Purchio@usace.army.mil or L.K.Sirkin@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,



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3945565
2018.06.15 14:08:53 -07'00'

Holly Costa
Regulatory North Branch Chief



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

10/12/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Army Corps of Engineers, CA Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Trinity County Jt. High School School District, Mad River Jt. Unified School District, Ruth Lake Community Services District, Humboldt Bay Municipal Water District

Applicant Name Eight Mad Farmers **Key Parcel Number** 208-231-004-000

Application (APPS#) 11514 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-273

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 10/27/2018

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: See attached Letter

DATE: 10/24/18 PLN-11514-CUP (CUP-16-273) Eight Mad Farmers PREPARED BY: John Friedenbach, General Mgr. Page 80



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

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MICHELLE FULLER, DIRECTOR

GENERAL MANAGER

JOHN FRIEDENBACH

October 29, 2018

Planning Commission Clerk
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

RE: Case Number CUP16-273, Key Parcel Number 208-231-004-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-273 submitted by Eight Mad Farmers (Applicant) because the operation poses a potential risk to fish and wildlife, and may threaten water quality of the Mad River Watershed. There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species.

The Applicant seeks a conditional use permit for development and operation of an existing 14,707 square foot cannabis cultivation area (project). The irrigation water will be sourced from a year-round spring. Applicant proposes a 50,000- gallon water storage. Drying, curing and processing will occur on site. The Mad River traverses the Applicant's Key Parcel.

The District requests the County require a full environmental review. The Mad River and other streams run through the project area. Given the size of these operation, and their intention to store riparian water, we encourage the County to request a number of these materials including: Irrigation Plan, Hazardous Materials Site Assessment, Surveys for Biological Resources and Sensitive Habitat, documentation of water use, source, and storage.

I. The Project May Harm Mad River Water Flows and Fish

Mad River is a waterway subject to the protections of the public trust doctrine which establishes a local government responsibility to maintain the flows of the waterway for public use. (*Cal. ex rel. State Lands Com v. Superior Court* (1995) 11 Cal.4th 50, 63 [the beds of navigable rivers are owned by the state in trust for the public.]) The project proposes to source irrigation water from a spring diversion. The spring appears to be a tributary of the Mad River. In addition, the Applicant proposes to increase

its water storage capacity from 2,900 gallons to 50,000 gallons. There is no information as to the source of water for this increase. It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted by the applicant prior to issuing a CUP.

In addition, storm water runoff from the project could carry chemicals and debris into the Mad River, contaminating not only the drinking water source, but also fish and other species in the water bodies.

II. The Project Is Subject to CEQA Review

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant." (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

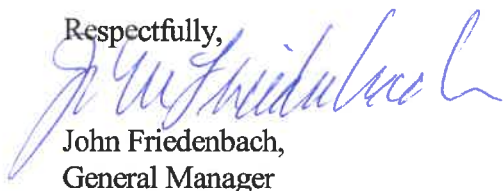
There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit application CUP 18-007 for Cannabis Cultivation Sites, as well as obtaining confirmation from the State Water Board of the Applicant's water rights. Finally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,



John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW

Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory



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, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 09-12-2018

RE:

Applicant Name	<i>Eight Mad Farmers</i>
APN	<i>208-231-004</i>
APPS#	<i>11514</i>
CASE#	<i>CUP16-273</i>

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:

Review Items 2, 6, & 7 on Exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11514

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

☐ YES ☐ NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

☐ YES ☐ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //