



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: February 6, 2020

To: Humboldt County Planning Commission

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

Subject: **Rocci Costa, Conditional Use Permit**
Application Number: 12176
Record Number: PLN-12176-CUP
Assessor's Parcel Number (APN): 516-211-025
1734 Warren Creek Rd, Blue Lake Area

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Please contact Elizabeth Moreno Planner II, at 707-445-7245 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 6, 2020	Conditional Use Permit	Elizabeth Moreno

Project Description: Rocci Costa seeks approval of a Conditional Use Permit for 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is for open air cultivation located within the Blue Lake Community Planning Area. The irrigation method is dry farming. The water source for the proposed 1,000 square feet nursery will be rainwater catchment. The applicant will store water in five 5,000-gallon tanks. Processing will occur offsite. The applicant will acquire no employees. The site is served by PG&E.

Project Location: The project is located in the Blue Lake area, at the terminus of Warren Creek Road approximately .45 miles east from the intersection of Blackberry Lane and Warren Creek Road, on the property known as 1734 Warren Creek Road.

Present Plan Land Use Designations: Residential Agriculture (RA5-20), Density: 20 to 5 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Agriculture General (AG)

Application Number: 12176

Record Number: PLN-12176-CUP

Assessor Parcel Number: 516-211-025

Applicant

Rocci Costa
638 W Sonoma St
Eureka, CA 95501

Owner

Rodney Costa
Box 206
Alderpoint, CA 95511

Agent

N/A

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

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

Major Issues: None

ROCCI COSTA
Records Number: PLN-12176-CUP
Assessor's Parcel Number (APN): 516-211-025

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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Conditional Use Permit subject to the recommended conditions.

Executive Summary: Rocci Costa seeks approval of a Conditional Use Permit for 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery on a parcel 5 acres in size. The parcel is lightly developed with an agriculture shed, RV vehicle, a house slab, and a well. The well will be used only for domestic purposes. The applicant will have no employees. The irrigation method is a combination of dry farming and rainwater catchment. The estimated annual water usage is about 25,000 gallons. The applicant will store water in five 5,000-gallon tanks. The applicant, states The site is served by PG&E.

The proposed project is for open air cultivation located within the Blue Lake Community Planning Area. The parcel is located about 200 feet out of the Mad River's 100-year flood zone. The Mad River meanders east, adjacent of the parcel and Leggit Creek runs parallel west to the Mad River and is about 390 feet away the parcel. According to the County's Web GIS, the project is mapped in an area of potential liquefaction. The applicant will conduct a R-2 soils Report and complete the Engineering Geology Report Checklist prior to any ground disturbance.

The site contains an existing 50-foot right-of-way along the northern property line. The existing 30-foot driveway to the neighboring property is not contained within the right-of-way. The applicant proposes to relocate the driveway to be contained within the 50-foot right-of-way. The easement is used by the adjacent neighbor on Parcel APN 516-211-023. The Site Plan illustrates the proposal to move the road and locate the proposed cultivation where the existing road is located. As a condition of approval, before initiating in cannabis cultivation onsite, the applicant shall submit grading plans prepared by a qualified engineer for the relocation of the road and record an easement to ensure that access will continue to be available for APN: 516-211-023.

The project is located within two Northern Spotted Owl activity centers. To the north westside of the project, about 1.18 and 1.32 miles away. As a condition of approval, no lights or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. The operations plan states that the project utilized PG&E and will develop solar for backup power. No generators are proposed.

The project was referred to the Department of Environmental Health (DEH) who recommended that an invoice, or equivalent documentation, is to be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. The project is conditioned as such.

The applicant shall provide the Planning Department of copy of the Site Management Plan developed for

the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Notice of Applicability and the Site Management Plan. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

The California Department of Fish and Wildlife (CDFW) provided comments and asked for additional information regarding the access road, a copy of the Road Evaluation was sent to CDFW on January 21, 2020. CDFW further recommended that applicant submit a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife. The project has been conditioned as such.

Pacific Union School recommended denial of the project. However, no bus stop is located within 600 feet.

The project site is accessed from Warren Creek Road, which .95 mile is a County maintained road. However, The Department of Public Works (PW) has indicated that Warren Creek does not meet category 4 standards due to being quite narrow over most portions of the road and to multiple pinch points that have limited sight distance. The applicant has submitted a Road Evaluation completed by Green Road Consulting dated December 9, 2019. PW provided additional comments on January 6, 2020 regarding the Road Evaluation and recommended, that in order for the road to meet functional capacity, applicant shall install seven turns-outs on Warren Creek Road prior to any commencement of operations, as detailed in the map provided in the referral response. In addition, the applicant shall restrict from the use of wider than a regular pickup to off peak hours, being 9:00 AM to 4:00 PM. As a condition of approval, the applicant is to adhere to the recommendations made by PW. On January 11, 2020 the applicant submitted a revised Road Evaluation to include PW's comments and added two additional turn-outs for a total of nine turn-outs and additional "warning signage" to be installed on Warren Creek Road.

Pursuant to section 55.4.6.7- Zoning Clearance Certificates for Open Air Cultivation submitted under prior ordinance –Provisions for Neighborhood Compatibility Where located in or within one thousand feet (1000') of any incorporated city, Sphere of Influence (SOI) of any incorporated city, Tribal Lands, or within any of the following mapped Community Planning Areas: Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek, Zoning Clearance Certificate applications submitted prior to January 1, 2016 shall be subject to compliance with the following provisions, which are designed to ensure compatibility with surrounding land uses and control of potential nuisance, and are hereby retroactively applicable. In situations where there is public controversy, applicants and operators must choose to comply with one of the following options. a) Demonstrate all areas of open-air cultivation activities maintain setbacks of 600 feet or greater from any residence(s) located on a separately owned parcel and are located 600 feet or greater from any residentially zoned area or applicable Community Planning Area boundary. b) Confine all open-air cultivation activities to Enclosed structures. c) Secure a Conditional Use Permit. In considering the Use Permit request, the Planning Commission shall evaluate whether a reduced setback would result in adverse impacts to surrounding land uses, as well as whether project alternatives or opportunities for additional feasible mitigation exist. The applicant would like to keep the cultivate open air and thus, the applicant has requested a Conditional Use Permit.

On September 5, 2019 the project went before the Planning Commission with a recommendation of denial from Planning Staff. Planning Staff was unable to make the findings that Warren Creek Road was suitable for commercial use. Mr. Costa would not submit a Road Evaluation Report prepared by a qualified professional unless he knew that his Conditional Use Permit would be approved. Specifically, Mr. Costa has stated that he will not enclose his cultivation and would only cause an engineered road evaluation to be prepared if he knew that he would be allowed to operate his cultivation unenclosed. The Planning Commission determined that it would hear the project after the applicant submits a Road Evaluation. Comments from commissioners indicated that odor from the proposed unenclosed cultivation was unlikely to be a cause for denial of the project given that only one residence is located within 600 feet of the site and that no significant concerns regarding odor had been raised at that time. Given the discussion from

the September 5, 2019 meeting and the road evaluation and conditions suggested by the Public Works Department, staff is now recommending approval of the project. Additional concerns that were not presented to the Planning Commission at the September 5, 2019 meeting have been raised by the Warren Creek Road community which must be considered by the Planning Commission. This includes an objection to the project from the family that owns the residence within 600 feet of the proposed cultivation.

The Planning Department has received numerous opposing letters from the community (Attachment 6). The community's concerns include, odor pollution, increase traffic, public safety, and the loss of sense of place and community. One of the main concerns is that the odor from the proposed unenclosed cannabis cultivation will affect the well-established traditions organized by long time community members. Community members have expressed that the community on Warren Creek Road traditionally gather together to celebrate holidays like the Fourth of July, and parade down along Warren Creek Road. The community has raised the concern that odor from the cannabis operation will degrade their quality of life and their ability to enjoy these long-standing community traditions.

The Road Evaluation made its analysis with intention that an employee will live onsite to reduce traffic, however, no proper employee housing has been proposed. The applicant states that there will be no employees, only family members will work on site, however, if additional help is needed, they will contract employees through an agency. Another concern is the Average Daily Traffic car count, may not have been accurate as it was completed during the off season, during Thanksgiving break. The report indicates that the intersection of West End and Warren Creek is 11 feet wide, a very narrow stretch, but that it should be eased by installing a warning sign. Section 3, of the report states that the road shall be widened and that the cost shall be carried out and shared by the road association. However, if a road association or if a road association is not formed and agrees to the recommendations to share the cost, ultimately it will be the applicant's responsibility bear the cost of the turnouts and the signage. Finally, the Road Evaluation, states there are safety concerns if the recommendations to the Traffic Management Plan are not adhered to. The Road Evaluation has been reviewed by the County Public Works Department, who has recommended approval with specific conditions for installation of turnouts to improve traffic safety.

Environmental review for the proposed project was 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 new cannabis operations to prevent and reduce environmental impacts. An addendum to the MND has been prepared for this staff recommendation of permitting the new cultivation operation. The addendum is included as Attachment 3.

This application was initially submitted as a Zoning Clearance Certificate, and would remain a ministerial action without the requirement for public notice if the odor control mitigation from the Commercial Cannabis Land Use Ordinance was implemented. Because this mitigation is not proposed to be implemented, the project is a discretionary action subject to a Conditional Use Permit. Through the public notice required for the Conditional Use Permit, significant concerns regarding public safety, health and welfare have been raised which must be considered by the Planning Commission.

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. However, the significant concerns raised by the neighborhood must be considered by the Planning Commission in determining whether the project can be found not to be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

ALTERNATIVES: The Planning Commission may find that the impacts of unenclosed cannabis cultivation to the Warren Creek neighborhood will be detrimental to the public health, safety, and welfare. Should the Commission decide that the findings to approve the project can not be made, staff recommends adopting a finding that the project is exempt from CEQA pursuant to Section 15270 of the CEQA Guidelines (projects which are disapproved). An alternative motion for consideration is provided below:

Find that the proposed project would be detrimental to the public health, safety, and welfare and that the findings for approval of the proposed project can not be made, find the project exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines, and deny the proposed Conditional Use Permit.

The Planning Commission could also elect to require the applicant to submit further evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings.

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). 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**

**Record Number: PLN-12176-CUP
Assessor Parcel Numbers (APN): 516-211-025**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve the Rocci Costa, Conditional Use Permit.

WHEREAS, Rocci Costa submitted an application and evidence in support of approving a Conditional Use Permit to cultivate 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery cannabis cultivation unenclosed within the Blue Lake Community Planning Area; 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 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 (Case Number PLN-12176-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 6, 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 the findings for approval in Attachment 2 of the staff report for Record Number: PLN-12176-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit PLN-12176-CUP is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-12176-CUP.

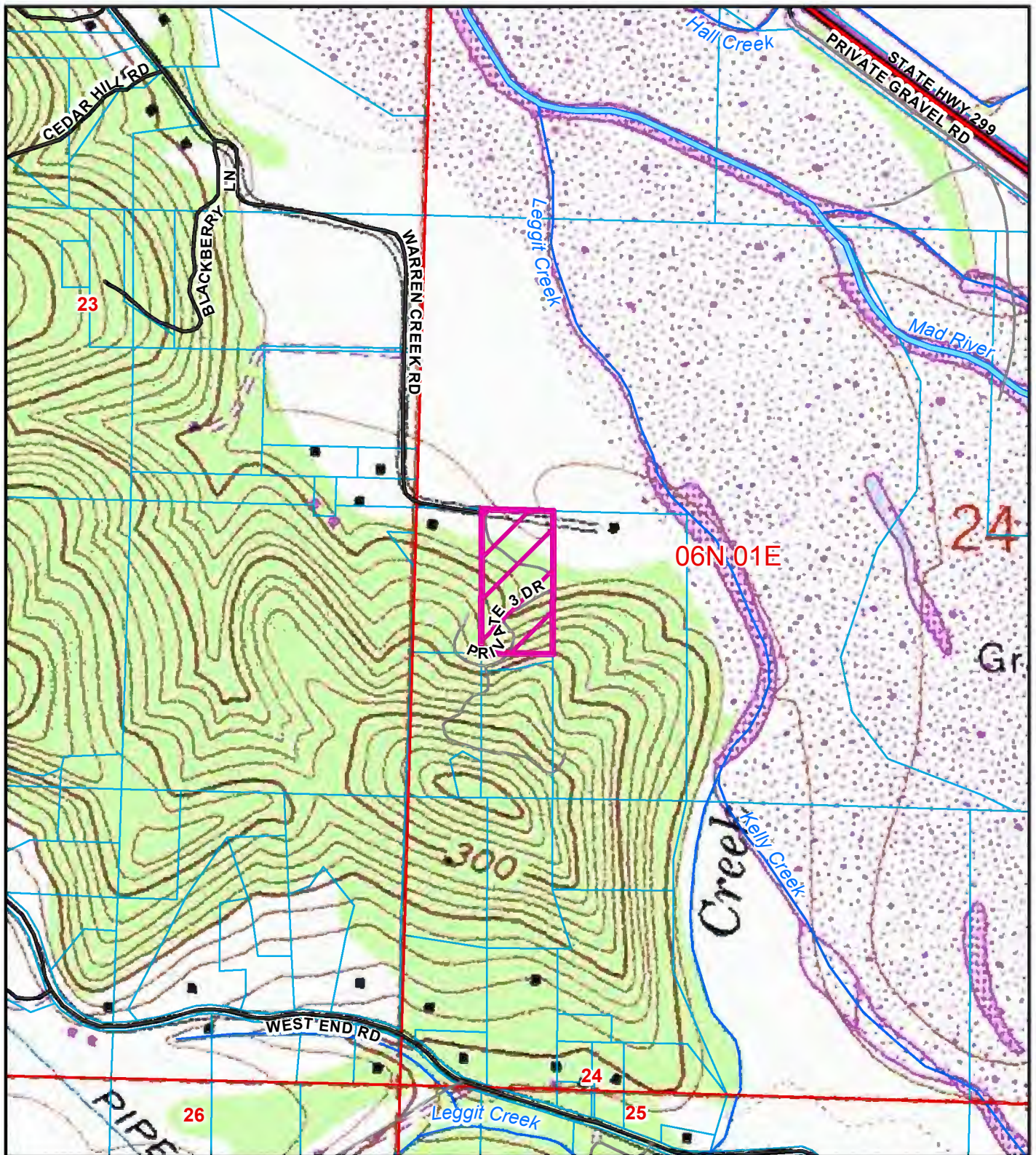
Adopted after review and consideration of all the evidence on February 6, 2020.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

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

John Ford, Director
Planning and Building Department



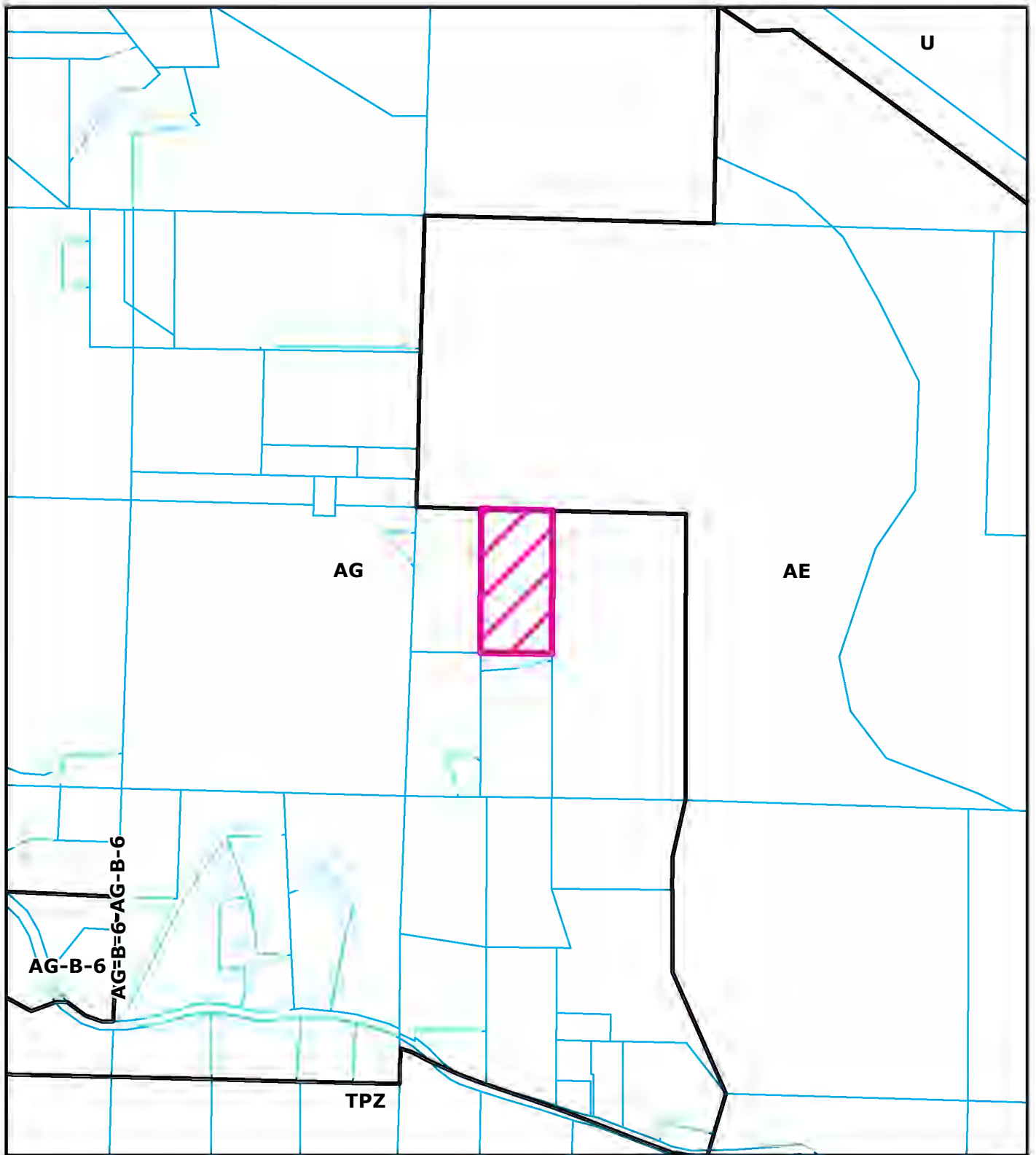
TOPO MAP
PROPOSED ROC SQUATCH FARMS
BLUE LAKE AREA
ZCC-16-369
APN: 516-211-025
T06N R01E S24 HB&M (ARCATA NORTH)

Project Area = 

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

0 800 1,600 Feet






Project Area = 

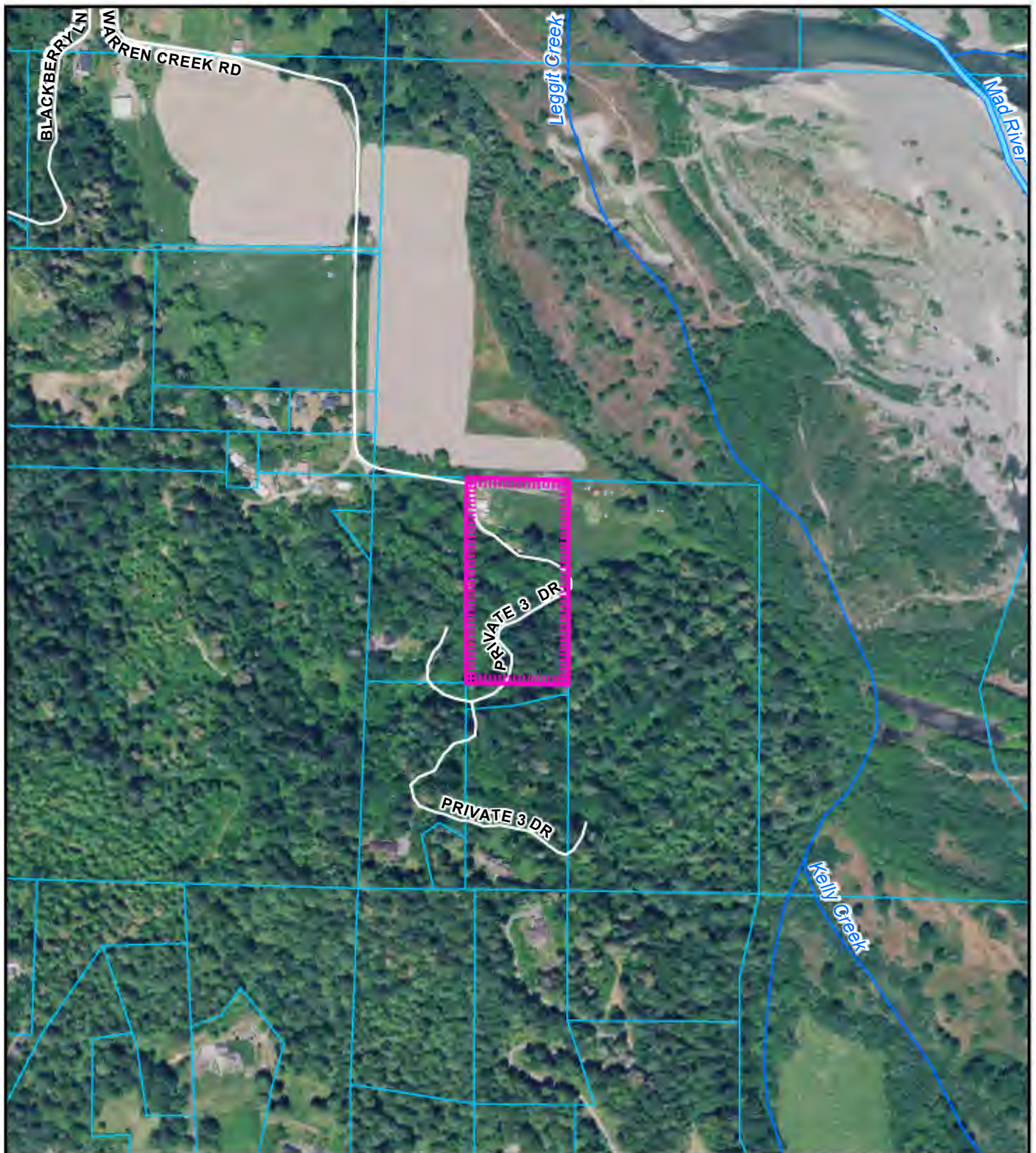
**ZONING MAP
PROPOSED ROC SQUATCH FARMS
BLUE LAKE AREA
ZCC-16-369
APN: 516-211-025
T06N R01E S24 HB&M (ARCATA NORTH)**



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.

0 800 1,600 Feet





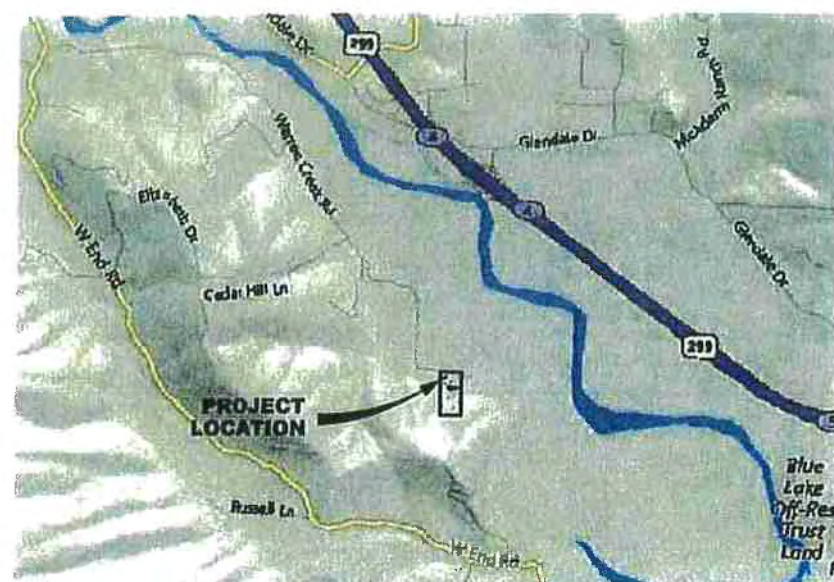
Project Area = 

**AERIAL MAP
PROPOSED ROC SQUATCH FARMS
BLUE LAKE AREA
ZCC-16-369
APN: 516-211-025
T06N R01E S24 HB&M (ARCATA NORTH)**

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.

0 550 1,100 Feet





LOCATION MAP
SCALE: 1" = 3,000'

PROJECT INFORMATION:

PROJECT DESCRIPTION: A ZONING CLEARANCE CERTIFICATE FOR A PROPOSED 10,000 SQUARE FOOT MIXED LIGHT MEDICAL CANNABIS CULTIVATION OPERATION.

APPLICANT: ROC SQUATCH FARMS
ATTN: ROCCI COSTA
638 W. SONOMA STREET
EUREKA, CA 95501
(707) 998-1686 616 32'

PROPERTY OWNER: RODNEY COSTA
P.O. BOX 206
ALDERPOINT, CA 95571

ACRES: 5.01

PLAN: RA5-20

ZONE: AG

NOTES:

1. FOR PLANNING PURPOSES ONLY. NOT FOR CONSTRUCTION.
2. DATA IS APPROXIMATE.
3. SOURCES: CONTOURS FROM NATIONAL ELEVATION DATASET, STREAMS FROM NATIONAL HYDROGRAPHY DATASET, PARCELS FROM HUMBOLDT COUNTY SHAPE FILE, IMAGE FROM BING
4. THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION AREA.
5. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, CHURCHES OR OTHER PLACES OF RELIGIOUS WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
6. GREENHOUSE SIZES ARE APPROXIMATE.
7. APPLICANT TO HAVE PARCEL BOUNDARY AND CONSTRUCTION STAKING DONE PRIOR TO CONCRETE PLACEMENT FOR SETBACK VERIFICATION.
8. PROPOSED WATER STORAGE INCLUDES 7,500 GALLONS FOR SRA WATER STORAGE REQUIREMENTS.

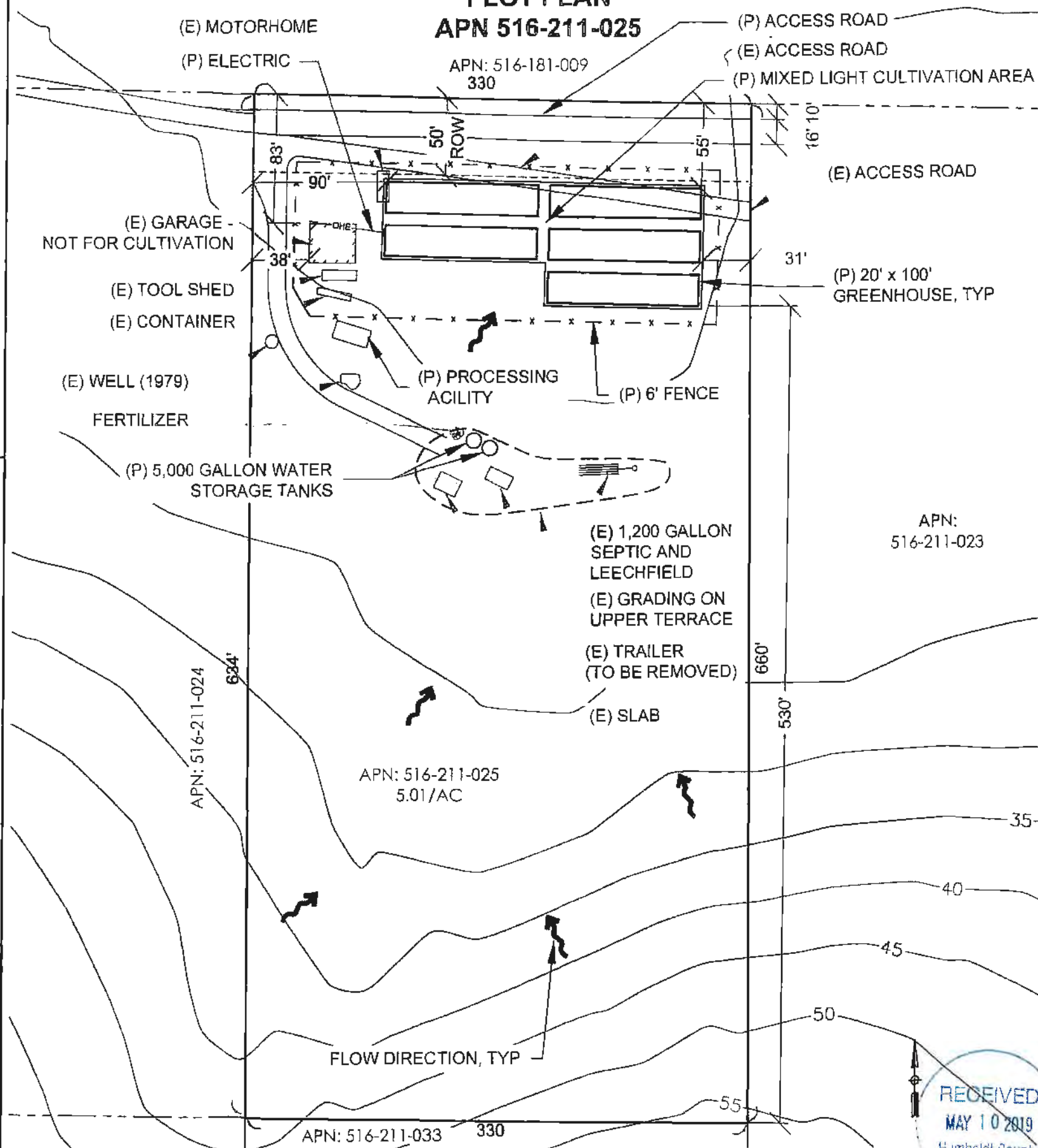
LEGEND:

OHE OVERHEAD ELECTRIC

PPN 12776 COPR Reed Costa

ROC SQUATCH FARMS

PLOT PLAN
APN 516-211-025



SITE MAP
SCALE: 1" = 100'

APN:
516-211-023

APN: 516-211-025
5.01/AC

APN: 516-211-033 330

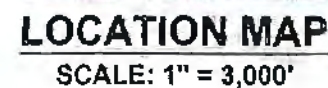
RECEIVED
MAY 10 2019
Humboldt County
Planning Division

NO. HISTORY / REVISION BY DATE

ROC SQUATCH FARMS
PLOT PLAN

1734 WARREN CREEK RD. BLUE LAKE, CA 95521
APN: 516-211-025

DRAWN JDB
CHECK MR
APPROVED MR
DATE 3/31/17
JOB NUMBER 3.31.2017
FIGURE
Page 1 of 2



PROJECT DESCRIPTION: A ZONING
CLEARANCE CERTIFICATE FOR A
PROPOSED 10,000 SQUARE FOOT
OUTDOOR CANNABIS CULTIVATION
OPERATION.

APPLICANT: ROC SQUATCH FARMS
ATTN: ROCCI COSTA
638 W. SONOMA STREET
EUREKA, CA 95501
(707) 614-7887

PROPERTY OWNER: RODNEY COSTA
P.O. BOX 206
ALDERPOINT, CA 95571

ACRES: 5.01

PLAN: RA5-20

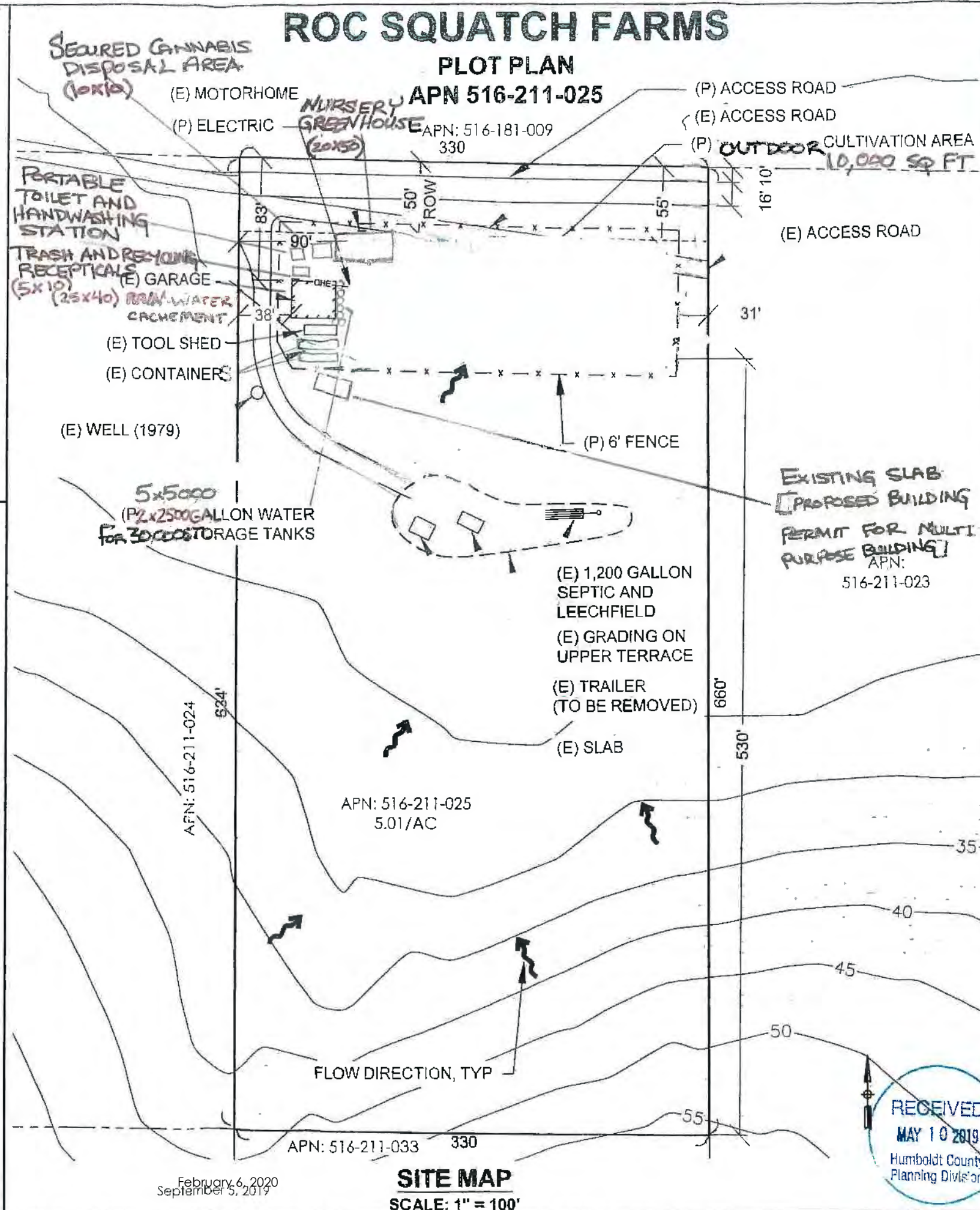
ZONE: AG

1. FOR PLANNING PURPOSES ONLY. NOT FOR CONSTRUCTION.
2. DATA IS APPROXIMATE.
3. SOURCES: CONTOURS FROM NATIONAL ELEVATION DATASET, STREAMS FROM NATIONAL HYDROGRAPHY DATASET, PARCELS FROM HUMBOLDT COUNTY SHAPE FILE, IMAGE FROM BING
4. THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION AREA.
5. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, CHURCHES OR OTHER PLACES OF RELIGIOUS WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
6. GREENHOUSE SIZES ARE APPROXIMATE.
7. APPLICANT TO HAVE PARCEL BOUNDARY AND CONSTRUCTION STAKING DONE PRIOR TO CONCRETE PLACEMENT FOR SETBACK VERIFICATION.
8. PROPOSED WATER STORAGE INCLUDES 2500 GALLONS FOR SRA WATER STORAGE REQUIREMENTS.

— OHE — OVERHEAD ELECTRIC

PLN-12176-CUP Rocci Costa

PLN-12176-CUP Rocci Costa

Humboldt County
Planning Division[illegible]

PROC SQUATCH FARMS PLOT PLAN

734 WARREN CREEK RD. BLUE LAKE, CA 95521
APN: 516-211-025

DRAWN	JOB
CHECK	MR
APPROVED	MR
DATE	3/31/17
JOB NUMBER	3.31.2017
FIGURE	Page 13
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Planning Division

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The applicant shall secure permits for all 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. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
2. Applicant shall install the eight turns-outs and the signage on Warren Creek Road prior to any commencement of operations, as detailed in the map provided Green Road Consultants dated January 2020. In addition, the applicant shall restrict from the use of wider than a regular pickup to off peak hours, being 9:00 AM to 4:00 PM. The operation must strictly follow the Traffic Management Plan, prepared by Green Road Consultants dated January 2020. The applicant shall submit evidence of a road maintenance association was form or evidence of an attempt to form a road maintenance association.
3. Before initiating in cannabis cultivation onsite, the applicant shall submit grading plans prepared by a qualified engineer for the relocation of the road and record an easement to ensure that the people who currently have access will continue to have access.
4. The applicant will conduct a R-2 soils Report and complete the Engineering Geology Report Checklist prior to any ground disturbance.
5. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. No generators are permitted.
6. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Notice of Applicability and the Site Management Plan. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. The applicant is to submit a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife and submit a copy to the Planning Department.
8. A metering device shall be installed and maintained at or near the outlet of all water storage for the nursery. The applicant shall maintain a weekly record of all water used in the nursery. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes.

Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials

9. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
10. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system for a processing building. An invoice, or equivalent documentation, is to be provided to the Department of Environmental Health and the Planning Department to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
11. No employees shall live onsite, unless proper employee housing has been approved.
12. The applicant is to construct a fire turn-around and pull-out area for emergency vehicles and management of trees and vegetation around structures to maintain the required 100-foot defensible space, in addition to installation of a dedicated 2,500-gallon tank with SRA riser and hydrant if required by CAL FIRE. The applicant shall submit a revised Map showing the turn-around and pull-out area for emergency vehicles.
13. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
14. If applicable, the applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
15. 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.
16. 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 MCRSA, as applicable to the permit type.

3. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
4. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
5. 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.
6. 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.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. 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.
9. 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).
10. 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.
11. Comply with the terms of any applicable Lake and Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, including requirements for forbearance period diversion limitations, implementation of a bullfrog abatement program, and water usage reporting.
12. 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.
13. 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).
14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. Pay all applicable application and annual inspection fees.

16. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. There is Northern Spotted Owl habitat in the vicinity, and as such generator and fan noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Spotted Owl habitat, whichever is closer.
17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
21. 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.
22. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
23. 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

24. 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."
25. 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).
26. 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.
27. 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.

28. 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.

29. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation SP 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.

30. 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.

31. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. 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.
33. 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.
34. 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.
35. 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.
36. The access road shall be improved to meet the functional equivalent of a Category 4 road with slopes consistent with Fire Safe Regulation standards as certified by a licensed engineer or County staff. (Not sure yet if we need this for this project. Check the road.

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 Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 and 24 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.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8 Residential Agriculture	Residential Agriculture (RA5-20): This designation is intended for large lots that rely upon on-site water and wastewater systems. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. Primary and Compatible Uses include: Single-family and second residential units, and general agriculture. Density for RA5-20 is one dwelling unit per 5 to 20 acres. .	Rocci Costa seeks approval of a Conditional Use Permit for 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. General agriculture and similar and compatible uses are allowable use types for this designation.
Circulation Chapter 7	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) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	The project site is accessed from Warren Creek Road, which .95 mile is County maintained road. However, The Department of Public Works (PW) has indicated that Warren Creek does not meet category 4 standards and is quite narrow over most portions of the road. There are multiple pinch points that have limited sight distance. The applicant has submitted a Road Evaluation completed by Green Road Consulting dated December 9, 2019. PW provided additional comments on January 6, 2020 regarding the Road Evaluation and recommended, that in order for the road to meet functional capacity, applicant shall install seven turn-outs on Warren Creek Road prior to any commencement of operations, as detailed in the map provided in the referral response. In addition, the applicant shall restrict from the use of wider than a regular pickup to off peak hours, being 9:00 AM to 4:00 PM. As a condition of approval, the applicant is to adhere to the recommendations made by PW. On January 11, 2020 the applicant submitted a revised Road Evaluation to include PW's comments and added two additional turn-outs and additional signage.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development that is consistent the general plan and zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designation and zoning. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</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 contain 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 proposed project site does not contain any known occurrences of sensitive species. However, there are known occurrences within the vicinity, so the project plan has incorporated measures to reduce the potential to impact these species. Within a mile of the proposed cultivation, there are two Northern Spotted Owl Activity Centers. As a condition of approval, no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.</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 subject parcel is located under the aboriginal territories of Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and Wiyot Tribe. The project was referred out to Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and Wiyot Tribe. Blue Lake Rancheria, Bear River Band Rancheria and recommended inadvertent discovery protocol which has been added as a condition of project approval.</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 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project site is not located near any designated scenic highway. The CMMLUO requires that mixed-light cultivation activities comply with International Dark Sky Association standards. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first. 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-G2, 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 applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Notice of Applicability and the Site Management Plan. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</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 irrigation method for the project will be a combination of dry farming and rainwater catchment. The applicant will also use stored rainwater for the proposed nursery. A metering device shall be installed and maintained at or near the outlet of all water storage for the nursery. The applicant shall maintain a weekly record of all water used in the nursery. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.</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 parcel is served by PG&E. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction. The application meets the requirements of zoning, size of cultivation area, setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CMMLUO.</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>Based on the Humboldt County Web GIS, the project site is not located in a mapped Alquist-Priolo fault zone. Geologic hazard maps of the General Plan show the slope instability of the property to be high Instability. The parcel is located in an area of potential liquefaction. As a condition of approval, the applicant will prepare a R-2 soils report and have a geologist make recommendations on soil suitability for development. Any proposed grading and structures will require review and permits from the Building Department.</p> <p>The proposed project is not located in an airport contour area or military training route. The project does not propose to develop any new residential buildings.</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 parcel is located about 200 feet out of the Mad River's 100-year flood zone. The Mad River meanders east, adjacent of the parcel and Leggit Creek runs parallel west to the Mad River and is about 390 feet away the parcel. The project site is within a mapped dam or levee inundation area but is well outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential risk of wildfire.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The parcel is in an area of Very High Fire Hazard rating and within the Blue Lake Fire Protection District. As a condition of approval, the applicant is to construct a fire turn-around and pull-out area for emergency vehicles and management of trees and vegetation around structures to maintain the required 100-foot defensible space, in addition to installation of a dedicated 2,500-gallon tank with SRA riser and hydrant if required by CAL FIRE.</p>

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

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 516-211-025 is a legal parcel created as Parcel 2 of Parcel Map 1342 for Thomas R. Jackson, recorded on July 14, 1978 in Book 11 of Parcel Maps, Page 149. There is no evidence indicating that there have been any subsequent acts to merge or divide the parcel; therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Agriculture General (AG)	Agriculture General (AG): The Agriculture General is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.	Rocci Costa seeks approval of a Conditional Use Permit for 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. General agriculture is specifically allowed in the AG zoning district.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Area	2.5 acres	The subject parcel is approximately 5 acres.
Maximum Ground Coverage	35%	5%
Minimum Lot Width	60 feet	330 feet
Maximum Lot Depth	None specified	666 feet
Setbacks Front: 20 feet Rear: 20 feet Side: 6 feet Fire Safe Standards setback from all property lines: 30 feet		Front, rear, and side property lines: The plot plan shows a 30-foot setback from all property lines. All existing and proposed structures meet the Fire Safe setback requirements.
Max. Building Height	35 feet	<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.	No streamside management areas have been identified on the project site map and all cannabis cultivation are outside of the required buffers. The Mad River meanders east, adjacent of the parcel and Leggit Creek runs parallel west to the Mad River and is about 390 feet away the parcel.
§314-109.1.2.3 Off-Street Parking	Parking Facilities shall be provided for any new building constructed.	No employee is required.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.1	On parcels 5 acres or larger in size, a Zoning Clearance Certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agricultural Soils, in zoning districts RA or AE, on slopes of 15% or less, and with documented current water right or other non-diversionary source of irrigation water (e.g., municipal, public utility, or permitted well), subject to the conditions and limitations set forth in this section.	A Conditional Use Permit for 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. The irrigation method is a combination of dry farming and rainwater catchment. The applicant proposes to install five 5,000-gallon tanks for rainwater catchment.
§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	A review of aerial imagery on the Humboldt County Web GIS shows the parcel has a naturally open area where cultivation and processing operations will be located. No trees have been nor 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.	The applicant is applying for a single CUP for this project. According to records maintained by the Department, this is confirmed.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing will occur offsite.
§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.	The project is for new cultivation.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant proposes to dry farm. The water source for the proposed 1,000 square-foot nursery will be rainwater catchment.
§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 subject parcel conforms to the 600-foot setback for schools, school bus stops, parks, and places of religious worship, and tribal. Pacific Union School recommended denial of the project. However, no bus stop is within 600 feet.

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>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</p>	<p>The primary power source for the project is currently PG&E. The project is located within two Northern Spotted Owl activity centers. As a Condition of Approval, no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction. The application meets the requirements of zoning, size of cultivation area, setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CMMLUO.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 21, 2016.</p>

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project with proposed recommendations from Road Evaluation and processing offsite it 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. The Planning Department has received numerous opposing letters from the community (Attachment 6). The community's concerns include, odor pollution, increase traffic, public safety, and the loss of sense of place and community in particular that the odor from the proposed unenclosed cannabis cultivation will affect the well-established traditions organized by long time community members. Community members have expressed that the community on Warren Creek Road traditionally gathers together to celebrate holidays like the Fourth of July, and parade down along Warren Creek Road. Given that the proposed cultivation is located towards the end of the private road and over 600 feet away from all but one residence, staff believes that the odor from the cultivation will not negatively impact the community.

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
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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 project does not involve housing and does not limit the ability of the parcel to be developed for residential uses. It is developed with a storage shed, which will remain. The project is in conformance with the standards in the Housing Element.
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6. Environmental Impact: The following documents the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted 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 specified that new cultivation would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment

ATTACHMENT 3
CEQA Addendum

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

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

APN 516-211-025 Warren Creek Road, Blue Lake, County of Humboldt

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

February 2020

Background

Modified Project Description and Project History – The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND specified that new cultivation would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

Rocci Costa seeks approval of a Conditional Use Permit for 10,000 square feet of new outdoor cannabis cultivation, and a 1,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. The irrigation method is a combination of dry farming and rainwater catchment. The water source for the proposed 1,000 square foot nursery will also be rainwater catchment. The applicant will store water in five 5,000-gallon tanks, for a total of 25,000 gallons.

Ancillary processing would occur offsite at a licensed processing facility. The applicant will acquire no employees. The site is served by PGE.

The project is located within two Northern Spotted Owl activity centers. As a Condition of Approval, no lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction. The application meets the requirements of zoning, size of cultivation area, setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CMMLUO.

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 new cannabis operations to prevent and reduce environmental impacts.

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;
 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 the 10,000 square feet of commercial cannabis operation, and to construct minor improvements necessary 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.

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 a new cannabis operation on a site that is fully in 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. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
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. (Condition of Approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. DEH Worksheet (on file)
16. Road Evaluation Report prepared for by Green Road Consulting dated January 2020. (Attached)

concerns
from the community

COSTA'S
Response

COSTAS
response

<ol style="list-style-type: none"> 1. The RE does not accurately evaluate the remediations. 2. Why did the engineer decided to count traffic at the that location? 3. The report does not complete as it does not state that the road is a one-way road. 	<ol style="list-style-type: none"> 1. Our understanding is that this has been resolved, per our planner, Elizabeth Moreno. 2. We will leave this to our planner, Elizabeth Moreno, to address. 3. Per the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020, the road is one lane in sections and requires additional turnouts. We will construct the recommended turn outs prior to commencement of operations. 		
<ol style="list-style-type: none"> 1. Concerns moving the existing road to the edge of property line, how will it be improved? 2. Effectiveness of emergency turnouts etc. 3. Increased generator use, noise pollution and fuel delivery and storage. 4. Water for irrigation? 5. Impacts to the Mad River Water Shed. 	<ol style="list-style-type: none"> 1. The existing road goes though prime agricultural land on our property. By moving the road to the edge of the property, we can be most efficient with our space, while still ensuring that neighbors have access to cross the property. Our property will be fully fenced. By making this change, the access road will be in compliance with county regulations. 2. The effectiveness of emergency turnouts will be enhanced by completing the required turnout upgrades per the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020 3. The property already has PG&E Services and the dry farm plan does not require the use of generators or the delivery or storage of fuel. 4. Our farm is compliant with the State Water Board, and as it is a dry farm, there will be very limited irrigation required. Our water storage and catchment adheres to the forbearance rules. 5. Per a review of our application and location by the Fish and Wildlife Department our plan to organically dry farm will have no negative impact to the Mad River Watershed. 		

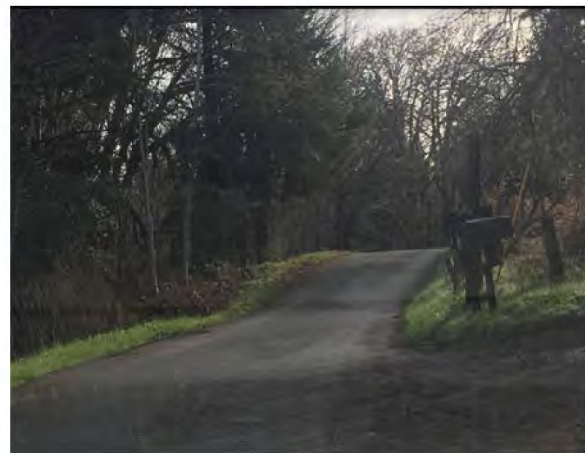
<ol style="list-style-type: none"> 1. The Road is narrow to support commercial uses. 2. No ADU unit allowed unless Warrant Creek rd. was updated. 	<ol style="list-style-type: none"> 1. Our farm borders a much larger commercial farm. While the initial establishment of the farm may require some commercial traffic, we will not require regular commercial services and substantially less than those of our existing neighbor. Per the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020, we will construct the recommended turn outs prior to commencement of operations. 2. Any ADU unit will be 100% compliant. We will update the road as outlined in the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020 		
<ol style="list-style-type: none"> 1. The Road is narrow to support commercial uses. 2. No ADU unit allowed unless Warrant Creek rd. was updated. 	<ol style="list-style-type: none"> 1. Our farm borders a much larger commercial farm. While the initial establishment of the farm may require some commercial traffic, we will not require regular commercial services and substantially less than those of our existing neighbor. Per the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020, we will construct the recommended turn outs prior to commencement of operations. 2. Any ADU unit will be 100% compliant. We will update the road as outlined in the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020 		

<ol style="list-style-type: none"> 1. The Road is narrow to support commercial uses. 2. Increased traffic will impact residents walking and bke riders 	<ol style="list-style-type: none"> 1. Our farm borders a much larger commercial farm. While the initial establishment of the farm may require some commercial traffic, we will not require regular commercial services and substantially less than those of our existing neighbor. Per the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020, we will construct the recommended turn outs prior to commencement of operations. 2. Our intention is to enhance the area with a small and successful family farm that takes into consideration the safety and well being of all family, neighbors and visitors. All vehicles will drive with respect for others on the road. Road safety will also be increased by the road enhancements improving the turnouts and filling all potholes. 		
<ol style="list-style-type: none"> 1. Pollution concerns from pesticides 2. Will PGE be able to provide power? 3. Maintenance of the Road 4. Fire/ emergency access, will it be impacted? 	<ol style="list-style-type: none"> 1. Our farm plan is for an organic dry farm that uses only organic oils for pest control. No conventional pesticides will be used. 2. PG&E services are already established at the location. 3. We will join the road association immediately in Jan 2020. We had not been aware that the land owner, Rodney Costa, was not already a member. In addition, we commit to offering to cover the road costs on behalf of the neighbors on completing the sale of our first harvest in 2020 and ongoing for the duration of our permitted farm. 4. Fire/Emergency access will be positively impacted and enhanced by the road improvements detailed in the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020, which we will complete prior to beginning operations. 		

<ol style="list-style-type: none"> 1. Increased traffic? 2. Road is narrow can't support commercial use. 3. Maintenance concerns. 4. Public safety. 	<ol style="list-style-type: none"> 1. While there would be an increase in traffic to establish operations, after that there should be a negligible increase as we plan to have 1-2 family members on site and little need for additional staff except briefly for planting/harvest. No processing will take place on site. 2. Our farm borders a much larger commercial farm. While the initial establishment of our farm may require some commercial traffic, we will not require regular commercial services and substantially less than those of our existing neighbor. 3. We will join the road association immediately in Jan 2020. We had not been aware that the land owner, Rodney Costa, was not already a member. In addition, we commit to offering to cover the road costs on behalf of the neighbors on completing the sale of our first harvest in 2020 and ongoing for the duration of our permitted farm. 4. Safety and Security for our family, neighbors and staff is of the utmost concern. Our plan outlines the security measures we will take, including fencing the property and installing cameras. 		
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<ol style="list-style-type: none"> 1. Increased traffic 2. Road is narrow can't support commercial use. 3. Maintenance concerns. 	<ol style="list-style-type: none"> 1. While there would be an increase in traffic to establish operations, after that there should be a negligible increase as we plan to have 1-2 family members on site and little need for additional staff except briefly for planting/harvest. No processing will take place on site. 2. Our farm borders a much larger commercial farm. While the initial establishment of our farm may require some commercial traffic, we will not require regular commercial services and substantially less than those of our existing neighbor. 3. We will join the road association immediately in Jan 2020. We had not been aware that the land owner, Rodney Costa, was not already a member. In addition, we commit to offering to cover the road costs on behalf of the neighbors on completing the sale of our first harvest in 2020 and ongoing for the duration of our permitted farm. 		
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Concern:	How applicant will address the concern:	How Staff will address it in the Staff Report:	Contact the neighbor with the resolution
<ol style="list-style-type: none"> 1. Gravel road. The neighbors contribute money to keep the road graveled. 2. Narrow Road. 3. Smell of cannabis will affect the neighborhood. 	<ol style="list-style-type: none"> 1. We will join the road association immediately in Jan 2020. We had not been aware that the land owner, Rodney Costa, was not already a member. In addition, we commit to offering to cover the road costs on behalf of the neighbors on completing the sale of our first harvest in 2020 and ongoing for the duration of our permitted farm. 2. Per the Land Use Memorandum submitted by Robert W Bronkall, Deputy Director on 01/06/2020, we will construct the recommended turn outs prior to commencement of operations. 3. Our closest neighbor is 500 ft away and up wind of our property - the air travels up river from the coast to inland. Neighbors are unlikely to smell any cannabis unless they walk by the property during flowering. Smell abatement by using enclosed greenhouses has the impact of requiring massive fans which generate noise and would negatively impact the neighborhood and wildlife. 	<ol style="list-style-type: none"> 1. Staff will visit and take photos. 	
<ol style="list-style-type: none"> 1. Applicant does not contribute to the maintained of the entire road. 2. The RE did not capture the ADT only capture 7 neighbors, the count should have occurred at the intersection of Warren Creek Rd and West End. 3. The report recommends fixing one pot hole, while there are many more. 	<ol style="list-style-type: none"> 1. We will join the road association immediately in Jan 2020. We had not been aware that the land owner, Rodney Costa, was not already a member. In addition, we commit to offering to cover the road costs on behalf of the neighbors on completing the sale of our first harvest in 2020 and ongoing for the duration of our permitted farm. 2. Our understanding is that this has been resolved, per our county planner, Elizabeth Moreno. 3. When we complete the turnouts prior to starting operations, we will also ensure that all potholes have been fixed as well. 		









ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works Dept	✓	Conditional Approval	Attached
CalFire		No Response	
Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
Blue Lake Rancheria	✓	Conditional Approval	On file with Planning
Wiyot Tribe		No Response	
Pacific Union School District	✓	Denial	Attached



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE

WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Elizabeth Moreno, Planner, Planning & Building Department

FROM: Robert W. Bronkall, Deputy Director *RB*

DATE: 01/06/2020

RE: **COSTA, APN 516-211-025, APPS# PLN-12176-CUP
ROAD EVALUATION RESPONSE**

The Department is aware of issues that have been raised regarding Warren Creek Road. The issuance can be generalized into two categories: maintenance and functional capacity.

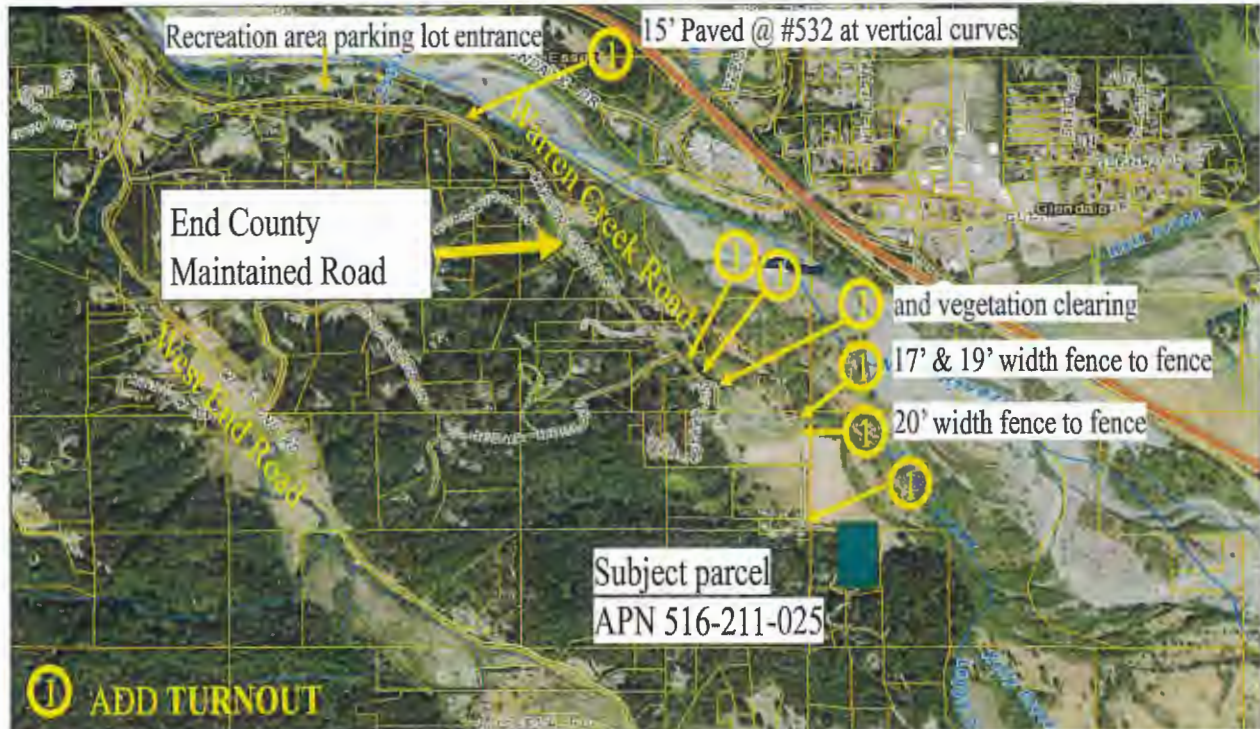
Maintenance: Warren Creek Road is both publicly and privately maintained. The first 0.95 mile of the road is publicly maintained by the County; the balance of the road is privately maintained.

Civil Code Section 845 requires that non-publicly maintained roads be maintained by the easement owners. To facilitate compliance with Civil Code Section 845, the project is required to join an existing Road Maintenance Association or attempt to form one if one does not exist. The Department of Public Works has a handout, which includes a template, to assist neighborhoods in forming Road Maintenance Associations. The handout includes a suggested road maintenance program. However, road maintenance is not a one-size fits all program. For instance, a person with a sports car might want a smooth road while a person with a four-wheel drive pick-up truck doesn't mind pot-hole riddled roads. A road maintenance program is ultimately a balancing act between the level of maintenance that the road users want and how much money the road users are willing to pay for road maintenance. The quality of the maintenance program is dependent on how much the road users are willing to pay: pay more and get better roads; pay less and settle for lower quality roads. It takes a lot of hard work for a neighborhood to come to a consensus on a road maintenance program.

Functional Capacity: Functional capacity is the ability of the road to effectively handle a certain volume of traffic. Warren Creek Road has the functional classification of a Local Road. It is a dead-end road where portions of the road exceed 18 to 20 feet in width and accommodate two-way traffic without the need for turnouts. Other portions of the road are narrow and require turnouts in order to two way traffic to pass each other. For the most part, the narrow portions have inter-visible wide areas, driveways, or turn outs along the road that allow two way traffic to pass. Low volume roads do not necessarily need two separate travel lanes in order to adequately function.

The road also serves a recreation area on Humboldt Bay Municipal Water District and also provides access to the Mad River. The recreation area is located approximately 0.36 miles from the intersection of West End Road. The volume of traffic using the recreational area varies based upon seasonal activities. During a site visit on 12/31/2019 at 11:42 am, 12 vehicles were observed in the parking lot.

The Department evaluated the functional capacity of the road and determined that there are several areas where additional turnouts would improve the functionality of the road by increasing the indivisibility between turnouts. These turnouts are shown on the diagram below. Adding these turnouts will allow traffic to pass without the need for traffic to back up to the nearest turnout, driveway, or wide spot.



Picture: Recommended turnout locations

The Department recommends the following:

1. The applicant shall construct the turn-outs identified in this memo prior to commencement of operations.
2. That the project restricts the use of vehicles wider than a regular pickup truck to off peak hours, being 9:00 am to 4:00 pm weekdays.

END



Applicant: Rocci Costa		Date: 5/10/19	
APPS No.: 12176	APN: 516-211-025-000	DFW CEQA No.: 2017-0456	Case No.: ZCC16-369
<input checked="" type="checkbox"/> New	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 10,000		

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

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

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

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

- ☒ If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- ☒ If the Project requires fill disposal, include the disposal location on the site plan/map.
- ☒ CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife.
- ☒ The Project may have a potentially significant adverse effect on biological resources. The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.

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

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ 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 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



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



8/14/2017

PROJECT REFERRAL TO: Pacific Union School District

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Union School District

Applicant Name Roc Squatch Farms **Key Parcel Number** 516-211-025-000

Application (APPS#) 12176 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-369

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

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

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

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

Return Response No Later Than 8/29/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☒ Other Comments: See accompanying letter

DATE: 13 Sept 2017

PRINT NAME:

Karla K Darnall

Karla K Darnall,
Superintendent / Principal



Pacific Union School District

3001 Janes Road • Arcata, California 95521 • 707/822-4619 FAX 707/822-0129

Karla K. Darnall
Superintendent/Principal
Alyse Eckenrode
Associate Principal
Board Of Trustees
Jason Barr
Karan Collenberg
Chris Emmons
Dirk Luoma
Ted Weller

September 13, 2017

Via Email

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA. 95501
Email: PlanningClerk@co.humboldt.ca.us

Re: Roc Squatch Farms, Application 12176, Case Number ZCC16-369, Key Parcel Number 516-211-025-000

To Whom This Concerns,

Pacific Union School District ("District") desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure a drug-free campus, we have adopted Board Policy 4020, "Drug and Alcohol-Free Workplace," and Board Policy 5131.6, "Alcohol and Other Drugs." These policies are maintained and strictly enforced. Pacific Union School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

You have asked the District to recommend an action as to the proposal. The proposal for approval of the above-referenced application raises concerns for the District. The proposed business, which may be legal in Humboldt County, is not legal on a federal level. As such, the District cannot "recommend" approval of a permit to engage in illegal activity without risking federal consequences, including, but not limited to, jeopardizing its federal funds. Further, the District does not wish to restrict its own ability to add a bus stop within 600 feet of this location should such a need arise in order to serve our students.

You also asked if the proposed location is within 600 feet of a school bus stop. At this time, this location is further away than 600 feet from the closest existing bus stop.

Sincerely,

Karla Darnall, Superintendent
Pacific Union School District



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

DEH received
8-14-17

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

17/18-0338

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Union School District

Applicant Name Roc Squatch Farms **Key Parcel Number** 516-211-025-000

Application (APPS#) 12176 **Assigned Planner** Elizabeth Moreno (707) 268-3713 **Case Number(s)** ZCC16-369

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

Comments:

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
3. **Legalize or destroy the well:** An existing unpermitted well is described as the water source in the project description. Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for each well.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

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





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



8/14/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Union School District

Applicant Name Roc Squatch Farms **Key Parcel Number** 516-211-025-000

Application (APPS#) 12176 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-36

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

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

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

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

Return Response No Later Than 8/29/2017

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

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: _____

DATE: 8-18-17

PRINT NAME: Gustin Dumlac

516-211-025



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.: 12176
Parcel No.: 516-211-025
Case No.: ZCC 16-369

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: See photos @ ZCC 16-369 folder
516-211-025
- Existing mobile home has been removed.
- Ag Shed is being used as garage.

Name: Gustin Dumluer

Date: 8-18-17

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.

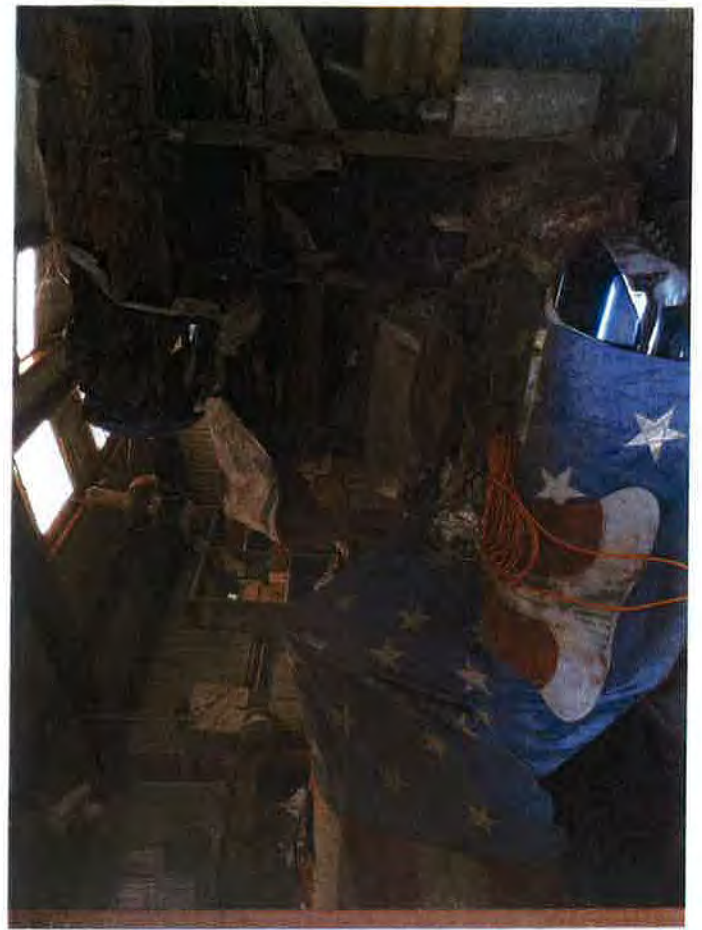
Ag Storage Shed



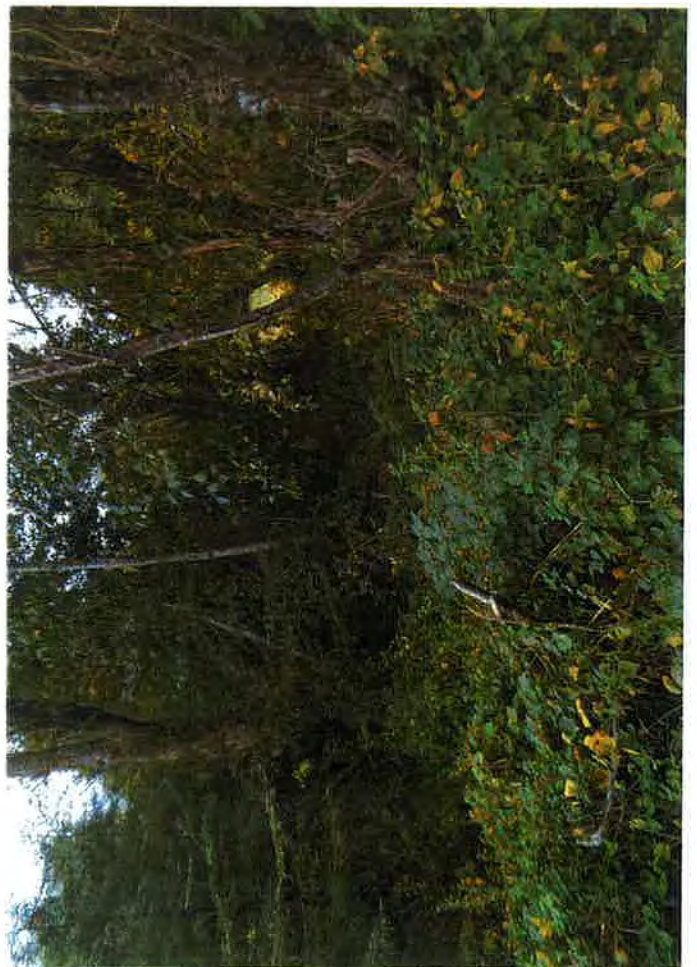
Well



6H Area



Ag Slab



500-112-015
8-18-17 21-015

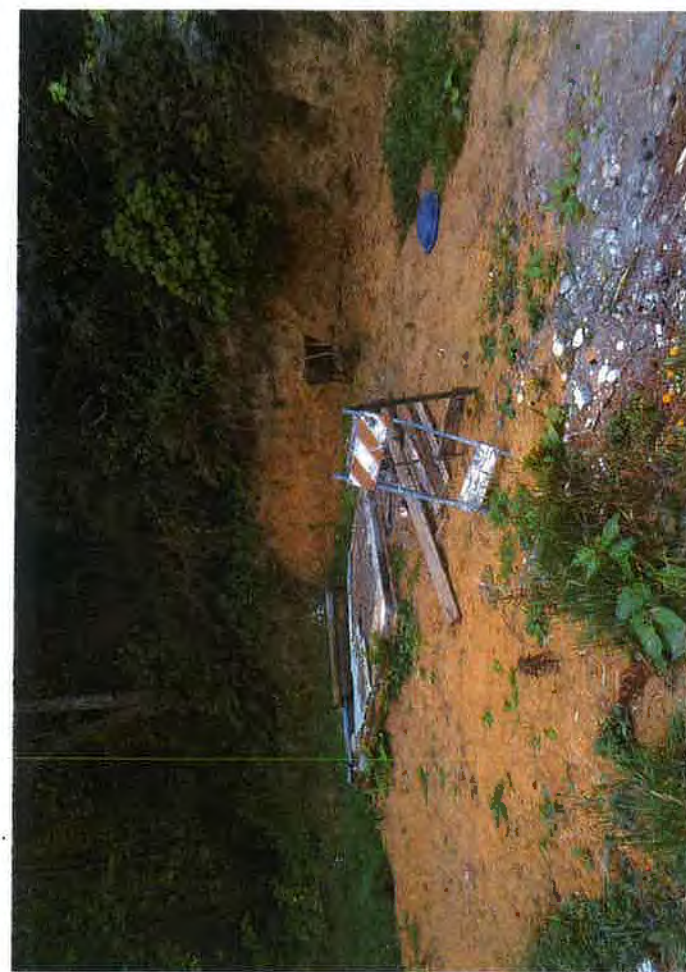
Existing Mobile home site (Mobile Home removed) Some tree removal



PLN-12176-CUP Rocci Costa



Page 62



February 6, 2020

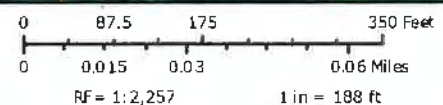


516-211-025

Humboldt County Planning and Building Department

- Highways and Roads**
- Private or Unclassified
 - Intermittent
 - Principal Arterials
 - Major River or Stream
 - Subsurface
 - Minor Arterials
 - Blue Line Streams
 - City Boundary
 - Major Collectors
 - Perennial 1-3
 - Counties
 - Minor Collectors
 - Perennial 4
 - Parcels (Owners)
 - Local Roads
 - PLN-12176-CUP River Costa

February 6, 2020



Printed: August 18, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

ATTACHEMENT 6

Ms. Elizabeth Moreno
Planner II
Cannabis Services Division
Planning and Building Department

10 January 2020

Re: Costa Cannabis Application.

During a recent social gathering of Warren Creek Road neighbors, a number of individuals expressed reluctance to write letters protesting the Costa application for fear of targeted retaliation against them. Likewise, to punish the neighborhood at large, Mr. Costa has threatened to grow a smelly garlic crop if his cannabis application is denied. Thus, we are writing this anonymously out of concern for our own safety, having been openly threatened by an armed Costa tenant (as reported via 911).

The patently false representation of the condition of Warren Creek Road in Costa's application; his ultra-aggressive pursuit thereto; and the well-documented history of fires, 911 calls and unlawful activities by a series of hostile, aggressive and sometimes gun-toting tenants of his property suggest a more nefarious motive to his plans. To wit, many of us suspect that he intends to use his grow license as a cover for a methamphetamine operation (like the one there that burned down some years ago).

Besides providing a haven for criminal activity in an otherwise peaceful community, this raises the additional concern that yet another meth fire on the Costa property during the now-lengthy California fire season could threaten other properties.

The various residents of the Costa property, their disrespectful behavior towards their neighbors, and their unlawful behavior have long been the bane of our community. As one of the last relatively safe neighborhoods in the County, we beseech you to deny this application and protect us from this blight.

Signed,

An Anonymous Warren Creek resident

Planning Commission
County of Humboldt
3015 H Street
Eureka, CA 95501

December 14, 2019

Re R. Costa Application for Marijuana Cultivation, APN 516-211-025

This is our second letter expressing dismay of any consideration of a commercial marijuana business at the end of Warren Creek Road, an unpaved, residential, privately maintained road. After reading the recent road evaluation report from Green Road Consulting, we feel we must write.

The narrowness of the road has been documented in the report, but actually it is a 1 or 1-1/2 lane road (narrower than narrow).....neighbors pull to the side to allow passage. The neighbors contribute money for gravel to fill the potholes and for a yearly dust control application. The labor and tractors are provided as a neighborly gesture of good will. We cannot have a commercial enterprise degrading an already fragile road. Regardless of Green Road Consulting reporting, potholes abound during the rainy months. They must have viewed the road on a dry day after holes were filled!

Another concern we have that is not a physical condition of the road is the noise of increased traffic and the smell of marijuana, green or dried, wafting throughout our neighborhood. For the County to knowingly approve a business that will emit these objectionable smells seems to condone pollution. Such businesses belong in industrial areas, not residential.

We have looked at the photos taken by Green Road Consulting. There are no photos of the blind curves on West End and Warren Creek Rd or the area just east of Water District Park 4 which is strictly a one-lane road with only one small turn-out to allow other cars to pass. There is also no photo of the beginning of Warren Creek Rd where it turns east from West End Road. There is a picture of the area just before the turn -- lots of room. But it doesn't show the lack of visibility down West End Road, necessitating someone making a left turn onto Warren Creek to come to a stop before turning down the one lane road (Warren Creek) with a blind curve in the middle. Perhaps it would be reasonable for members of the Planning Commission to actually drive out here and take a look. We can't understand how the consulting company could have overlooked these.

We strongly object to the proposed commercial undertaking on our private road and urge the Planning Commission to deny the request. There are many locations which are designated for such a business. How could this degradation of our neighborhood be considered?? Please. This is just wrong.

Sincerely,



Thomas and Susan Smith
1116 Warren Creek Road
Arcata, CA
707-822-6167, susansmith116@gmail.com

To: Elizabeth Moreno
Planner II
Cannabis Services Division
Planning and Building Department

From: Bill and Gaye Ayton
1746 Warren Creek Road
Arcata, CA 95521

13 January 2020

Reference: Costa, APN 516-211-025.

As long-time residents of Warren Creek Road, we join the virtually unanimous body of neighbors vigorously protesting the above-referenced application.

Others have documented in detail how a grow would create odor and light pollution, overload utilities, possibly pollute the adjoining Mad River, and negatively impact the quality of life in our historically quiet, harmonious neighborhood, in which the norm has been for residents (whether landowners or renters) to cooperate in maintaining the road and deal with power outages and other common challenges. Accordingly, we wish to emphasize but two key points:

- It is clear to all that the fragile, one-lane easternmost portion of Warren Creek Road (from 1146 to the entrance to the Costa property) is neither wide enough nor sound enough to accommodate the increase in commercial traffic from the proposed grow. In particular, owing to the inevitable formation of large water-filled potholes during the annual rainy season—despite the ongoing efforts of residents who volunteer their machinery, manual labor and/or monies for its maintenance—the road is almost impassable for many months of the year.
- It is noteworthy that neither Rocci Costa nor any of his tenants have ever helped maintain said road. Given the history of unlawful activities there and disturbances of the peace, there is good reason to suppose that allowing a commercial grow there would impose an unfair additional burden on our neighborhood.

In summary, we feel strongly that the negative effects of such an operation on the local environment, the peace, safety and quality of life in our relatively crime-free neighborhood plus the additional burden on County fire, law enforcement and other agencies would more than offset any new tax revenues. Thank you for considering our concerns.

January 12, 2020

RE: Rocci Costa Cannabis Permit (SMELL)

Elizabeth and Planning Department,

In our last letter, we spoke briefly about The Smell of Cannabis/SKUNK emanating from Rocci Costa's (and ??? Ms. Avila's) proposed Cannabis Farms at the end of Warren Creek Road.

But, there are numerous other reasons why NO one on Warren Creek Road or visitors to Warren Creek Road would want to smell cannabis/skunk for most of the year.

1. Real SKUNKS stink BAD! It is a foul nasty smell, any day and all day long. When a skunk gets run over in the road you can smell it a long way away. Cannabis Skunk smell is no better. Just drive by West End Road "Cannabis Park" and you can obtain proof first hand.

2. Smells travel, it floats with the breeze, and wafts wherever a breeze sends them... so besides those who live next to the grow, it will affect those of us who are either up wind or down wind. We sleep with our windows open all year long. It is very likely we will no longer get to smell the scent of pine trees, but rather Skunk Weed.

3. Numerous neighbors walk Warren Creek Road, with their children, their dogs, or just for the love of taking a nice walk in the country. The Weburges have granted access to many of the neighbors to go through their gate to get to the river. This means having to go through the Cannabis Grow with the nasty smell of skunk, not to mention the possible threatening gestures coming from the inhabitants of the Costa property.

4. We feel that if this cannabis permit is issued, there is a distinct probability that property values along the Warren Creek Road will be adversely affected. There are many possible reasons for this negative impact, poor road conditions, unfamiliar visitors speeding on the road, not to mention the possibility of potentially violent crime that all too often frequents grow sites. Sellers would have to do full disclosure regarding the type of activities that are in their community.

5. Our Annual 4th of July Parade has always gone down to the end of Warren Creek Road and we turn the hay wagon around at Weburgs intersection. The stench of Skunk will be at full power as we parade down the country road next to Warren Creek Farms. Incredibly sad to think our wonderful Annual Parade would be marred by the horrific smell of Skunk WEED.

6. Big question: Would any of you on the planning commission like to live next to a skunk smelling Cannabis grow, or live along the road leading to the grow with a significant volume of “transient traffic” coming and going, all related to Marijuana? We highly doubt it.

Please consider our deep concerns and feeling regarding Costas Cannabis permit. Warren Creek Road is NOT suitable for a commercial grow, this is a lovely country rural neighborhood, and we wish to keep it this way. The closeness of the inhabitants of this neighborhood is likened to that of a small cul-de-sac where everybody knows each other and work together to aid and assist each other when help is needed.

Dave and Robin Kinzer



Elizabeth Moreno
Planner, Planning, & Building
Department

January 8, 2020

Also for consideration by the Planning Commission

Dear Elizabeth

Thank you for your communication with us regarding the ongoing status and developments of the Costa Cannabis permit appeal. We wish to submit to you and the Planning Commission Board the following questions and comments regarding the many inconsistencies and/or inaccuracies of the permit request and evaluative reports submitted to date.

1. Functional Capacity (vehicle count) on Warren Creek Road

Two road/traffic counts have been completed by Green Road Consultants. The first count was only for a 24 hour period and the counter placement indicated highly inaccurate numbers. The second placement was only for less than two days. Both counts do not reflect the true amount of traffic as local schools, including Humboldt State University were not in session. One of the neighbors put up a game camera a couple of years ago at the intersection of Warren Creek Road and Blackberry Lane, and he obtained a count of 84 cars passing the camera in a 24 hour period. This count from a reliable source showing no bias is certainly in contrast with Green Road Consultants suspect traffic counts.

The Green Roads Consultants stated on page 18 of their report that the Costa's will have customers visiting the nursery site. How can anyone estimate any sensible number of "Customers" who may visit the site? The Green Report goes on to state that the resident traffic combined with related cannabis traffic should not exceed 40 to 50 vehicle trips per day. This is a large assumption when one considers that the Reports submitted road vehicle count is very tenuous in its accuracy due to the counts short duration and the low frequency time of year.

The "Green Road Consultants Road Evaluation Report" also did not consider the impact of the increased traffic that will occur along West End Road. There are also narrow and blind spots along West End Road.

Additionally, portions of Warren Creek and West End Roads are designated on the Humboldt County web page as a County designated hiking and bicycle trail. We who live along the West End and Warren Creek Roads are especially aware of the bicyclists who frequently use these roadways and we drive accordingly. We seriously doubt workers and customers who would visit the proposed Costa Cannabis would have the same safety considerations.

2. Surface condition of Warren Creek Road (private/gravel section)

The report filed by the Green Road Consultants stated on page 20 “The condition of these roads is adequate to support commercial cultivation operationsas well as the unrelated commercial cannabis nursery”. Green’s road engineer neglected to mention that there are three culverts that are currently failing within the first 0.41 of a mile from the beginning of the gravel. One of the culverts has eroded the root system of an adjacent tree which has since fallen taking a section of the road with it. In our opinion these culverts will continue to erode Warren Creek Road along this section. All three of the culverts have water cavitations under them.

3. Five acre minimum qualification for a Cannabis growing permit.

Does the proposed cannabis grow site meet the five acre minimums for a permitted grow? What is the exact acreage of the Costa property, as both the Public Notice paperwork for the September hearing and the Cultivation and Operations Plan say the property is “Approximately” either 5.0 or 5.01 acres respectively. The use of the term “Approximately” either indicates that nobody really knows how many actual acres this parcel has or this is an evasion of this minimum standard.

4. Warren Creek Road Organic Farm

We have yet to see any mention of concerns regarding the probable contamination of the Certified Organic Farm adjacent to Coata’s proposed cannabis grow site. This farm has been in existence for many years and would most assuredly lose its certification should a non certified organic farm growing any type of crop is allowed to exist on this property.

5. Odor

It is well known that cannabis grows and processing plants have a noticeable odor not unlike that of a skunk. A skunk emits such an obnoxious odor in order to protect itself from predators, therefore why would anyone be ok with such a smell being present at their place of residence on a permanent basis.

6. Weburg right of way

The Weburg’s have been generous to allow neighbors keys to their gate located at the very end of Warren Creek Road, which happens to pass through the proposed Costa permit area. We have a key to that gate and utilize it to inspect a neighbor’s eastern fence line which contains his cattle. The condition of the fence is only observable from the river bar due to a heavy accumulation of brush. We have also inspected the river bar for illegal cannabis grows which have existed in the past, one of which resulted in a brush fire requiring Cal Fire to bomb it with retardant. Our children utilized this access a number of years ago and were confronted by someone living on this property who threatened them with a baseball bat. Apparently they had something to hide.

7. Most recent inspection and report by Public Works

The most recent report filed by Public Works was to evaluate the functional capacity of the road. They “determined that there are several areas where additional turnouts would improve the functionality of the road **by increasing the invisibility between turnouts.**” The Publics Works is quite revealing of the inadequacy and bias of the Green Road Consultants report in that they stated on page 20, the last bullet: “No significant safety problems were identified at the time of the site inspection, **such as low-visibility pinch points**, tree scarring, overhanging vegetation, eroding road edges, etc.”

This conflict of opinion from a county commission (Public Works) brings suspicion to the accuracy of the entire Green Road Consultants Road Report.

8. Further confusion regarding the permit request

The original permit request submitted by Mr. Costa was for “A Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation on a parcel approximately 5 acres in size.” To begin with this is two parcels. Also, the request for the permit was for a single parcel (Assessor’s Parcel Number (APN) 516-211-025. **However**, Mr. Costa’s current appeal to the Planning Department’s original decision lists two separate parcels under consideration designated by the Green Road Consultants report. They state on page 2 that: “An assessment of the proposed farm on APN 516-211-025 and the proposed cannabis nursery on APN 516-241-024 should not have any deleterious effect on road safety...”

How does an appeal to an original request for a permit allow the applicants to change significant facts (ie. APN #s) within their new request and engineers report? Once again we have conflicting information and inconsistent facts submitted to the Planning and Building Department. Simply due to this confusion and misinformation the permit should be permanently denied.

9. “Flood Zone” Leggitt Creek and Watersheds

Curious if anyone had done an environmental study regarding the distinct probability that any chemicals applied to the cannabis plants will eventually enter Leggitt Creek which drains directly into the Mad River. Also it’s not a matter if it will flood, just when.

10. **In conclusion**, we simply recommend and request that the Planning & Building Department re-affirm this previous and informed denial of the permit to allow commercial cannabis grow on the Rocci Costa property. An overwhelmingly majority of long term residents of the private portion of Warren Creek Road are **NOT** in favor of allowing Mr. Costa a permit to operate a commercial cannabis grow and processing plant. To date, no one we now who is aware of Mr. Costa's request is in favor of awarding this permit. In our opinion, he has not proven to not be a good steward of his land, or a respectful neighbor as he has had nothing but a stream of squatters, transients and "renters", generating calls to the sheriff and fire departments.

Thank you for your patience and diligence in reading this letter

Dave and Robin Kinzer

A handwritten signature in blue ink, appearing to read "Dave & Robin Kinzer". The signature is stylized and cursive.

Sheriff and Arcata Fire Reports for 1734 Warren Creek Road, Blue Lake, CA.

We also went to Blue Lake Fire 1/8/20, but given it's a volunteer fire department there was no one in the office.

We also went to CHP and inquired if they could pull up any calls to the above address. He said he their system was unable to gather information using addresses. He did suggest contacting the Sheriff's SWAT team.

Subject: Warren Creek Road

From: Becky Schuette <bschuette@arcatafire.org>

Date: 11/25/2019, 2:53 PM

To: kinzers5@gmail.com

1734 Warren Creek Rd

Good afternoon,

I was finally able to spend some time researching the address on Warren Creek Road that you had inquired about on November 7th. I checked both the old records program and our new one and a check of both the list of names and the address, I came up with only three responses by Arcata Fire, as far back as our report systems go, 2004.

Incident 07-9000082 on January 18, 2007 for an auto aid response for a building fire.

Incident 11-0001330 on March 18, 2011 for a structure fire, dual response with Blue Lake Fire.

In both those incidents, Blue Lake Fire was the primary agency with our assistance.

The last one found was on February 6, 2018, incident 18-0001028 for a legal controlled burn and it does not appear that Blue Lake responded to this one.

Since the address does land just outside our District response area, you might get further with a check of the Blue Lake Fire responses.

Please let me know if you need anything further.

Thank you.

--

Becky Schuette

Business Manager

Arcata Fire District

2149 Central Avenue

McKinleyville CA, 95519

[\(707\) 825-2000](tel:(707)825-2000)

www.arcatafire.org

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HUMBOLDT COUNTY SHERIFF'S OFFICE

Page 1

Location History for 1734 Warren Creek Rd

10/29/2019

Date	Event #	Deputy	Description
02/17/2017	Case 201700813	Hwang, Meghan	245(A)(1) PC: ADW NOT FIREARM, 273.5(A) PC
03/30/2017	Case 201701512	Helm, Matthew	273.5(A) PC: INF CORP INJ:SPOUSE/COHAB
08/20/2019	Person		THOMPSON, VINCENT EDWARD> SECOND ADDRESS

Assault + w/
- deadly
weapon

Domestic Assault

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Friday, December 13, 2019 2:40 PM
To: Moreno, Elizabeth
Subject: Costa Property on Warren Creek Road

Categories: Blue Category

Hi Elizabeth and Planning Board members,

Thank you for helping us negotiate our concerns regarding Costa's Road Evaluation Report for his Proposed Cannabis permits.

I am just starting to read the Green Road Engineering report done by R. Collins, and have so many questions and thoughts, but I wanted to get out a preliminary response before continuing to read more..

I am not eloquent with words like other folks, but just want to express my frustration and concerns.

We are located at the top of Blackberry Lane. The entrance to Blackberry lane is exactly where Warren Creek Road turns to the left therefore numerous cars consistently come up our very steep single lane driveway as the result of poor directions given to people attempting to find properties at the end of the Warren Creek Road. In November we had 4 huge tree trimming service vehicles, one with a trailer, come up our steep hill. We had to open out gate to allow them to turn around and go back down to Costa's Property as they were intending to complete work for him. Any increase in traffic on Warren Creek Road will most assuredly impact the approach to our home in a negative manner.

So, here are my thoughts, and concerns and questions so far....

* First off, I didn't realize there were 2 parcels with 2 different permits? I thought Costa was asking for a conditional use permit for 8,000 sq ft of new mixed light cultivation and 2,000 sq. feet of new outdoor cannabis cultivation on parcel number APN: 516-221-025?

Currently, I see on this report that APN: 516-211-025, wants a "proposed farm" (Mr. Costa) and APN: 516-241-024 wants a proposed cannabis nursery (Ms Avila)? Is Ms. Avila part of Mr. Costa's original permit, or is this a new permit request somewhere else on Warren Creek Road?

* To begin, I rolled my eyes at the comment about only 1 pothole, and that was located at Costa's property entrance, or by the photo, it looks like this is on Mr. Costa's private road?...seriously, this is an inaccurate statement. Mr. Costa does not have the only pot hole on Warren Creek Road.

The gravel portion of Warren Creek Road is a nightmare with HUGE potholes most all winter and spring, much of this is because of the already increased traffic. Most people who do not live along our road drive much too fast endangering the homeowners walking along this country lane. Currently the road is in "decent" condition solely do to the diligence of those homeowners who volunteer their time, equipment and money to make repairs.

(It would be a great idea for county planners to drive ALL the way out Warren Creek Road to the Costa Property in question and see for yourselves what the conditions are.

* John Murray pointed out the location of the traffic counter. We are extremely puzzled why the engineer chose this location, we feel the intention was to mislead the commission or he simply did not thoroughly evaluate the status of the

road as to the actual traffic that currently travels all of this road day and night. A twenty-four hour study in no way gives an accurate assessment of the current traffic on Warren Creek Road.

Sadly for us, it feels like this report is biased. There are incomplete and incorrect assessments regarding the true facts about increased traffic, road conditions and safety issues along ALL of Warren Creek Road.

* R. Collins further indicates the paved road is two lanes and "with room for two-way traffic"?

1. Anyone driving Warren Creek Road knows that when you are turning East from West End to Warren Creek, first of all that turn is now a blind turn, as you can not see oncoming West End Road traffic

2. As you head East down the steep hill, it is one-way with a blind corner. Numerous times over the years we have started down that hill only to find a school bus hidden in the blind section starting to come up the hill.

3. Also it is a one-way road under the trestle

4. A very narrow blind section next to park 4

5. One-way road next to the house East of Park 4

6. One-way road over the old railroad tracks, 50 yards beyond the house mentioned in #5.

7. Blind corner at what we call "Groby's Corner" where many people who don't know the road cut off on-coming vehicles.

8. A few more "One-lane portions" on the gravel road, One is right where the paved portion turns to gravel, and at least 2 or 3 more locations down the remaining gravel road.

Nowhere, that I can tell, does the engineer point out the words "blind corner" or One-lane. He does use the word "Narrow Section", but really should have been more clear to say single lane.

This is a far I have have read, so I know I will have more questions and concerns about this report.

As we continue to study the report further I'm sure more questions will arise.

Again, thank you so much for taking the time to listen.

Of course the questions and concerns, for now, only cover this road report. WE have NUMEROUS other concerns regarding the Costa property "Farm and Nursery" Cannibas business, located out on a lovely 100 year old neighborhood private country road...

Robin and Dave Kinzer

180 Blackberry Lane off Warren Creek Road

Moreno, Elizabeth

From: Carol Aubin <cataubin@hotmail.com>
Sent: Thursday, December 19, 2019 8:31 PM
To: Moreno, Elizabeth; Mike Zeppegno
Cc: The Kinzers; Bill Ayton; Kathleen Zeppegno; Myrna Weburg; John Murray; Debbie Stamper; Ron Borges; Kathy Lee; Bronkall, Bob; Johnson, Cliff
Subject: Re: Costa Proposal and Correspondence with Elizabeth Moreno

To; Elizabeth Moreno, from Victor and Carol Aubin. We are particularly concerned that the Green Consult. report has grossly misrepresented the physical condition of the road as well as the amount of traffic using both gravel and asphalt portions. Numerous pinch points and blind corners are not mentioned. One blind corner of the gravel section is ninety degrees, is one lane and no turnouts are available for over two hundred feet either direction. The asphalt portion, with its four pinch points is already hazardous most days of the year due to the water district establishing a disc golf course and subsequent heavy traffic, particularly at the slot by Lehman's and the S turn passing under the trestle. Just before the gravel portion drops down onto the river plain are two blind corners made worse by a slumping creek crossing. We have lived on this road since 1971 and are concerned that travel on the road may become more hazardous. We would like to meet with you as soon as possible to view the road and to discuss options.

From: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>
Sent: Thursday, December 19, 2019 4:53 PM
To: Mike Zeppegno <zkayaker1@gmail.com>
Cc: The Kinzers <kinzers5@gmail.com>; Bill Ayton <billayton@suddenlink.net>; Kathleen Zeppegno <zpainter@suddenlink.net>; Myrna Weburg <myrna325@aol.com>; John Murray <jellis.murray@gmail.com>; Debbie Stamper <debbie.stamper@humboldt.edu>; Ron Borges <ron@bettendorfrucking.com>; Kathy Lee <katmlee@suddenlink.net>; Bronkall, Bob <BBronkall@co.humboldt.ca.us>; Carol Aubin <cataubin@hotmail.com>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Costa Proposal and Correspondence with Elizabeth Moreno

Hi all,

I just wanted to update you all that I will be out of the office from 12/20-30/19 for the Holidays. However, keep sending your concerns to me and I will do my best address them when I come back to the office. Mike, I will also answer the points you made below. If there something that you immediately need assistance in, please contact my supervisor Cliff Johnson, he is cc'ed here.

Happy Holidays,

Elizabeth Moreno
Planner II
Cannabis Services Division
Planning and Building Department
707.445.7245

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

From: Mike Zeppegno <zkayaker1@gmail.com>

Sent: Saturday, December 14, 2019 12:47 PM

To: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>

Cc: The Kinzers <kinzers5@gmail.com>; Bill Ayton <billayton@suddenlink.net>; Kathleen Zeppegno <zpainter@suddenlink.net>; Myrna Weburg <myrna325@aol.com>; John Murray <jellis.murray@gmail.com>; Debbie Stamper <debbie.stamper@humboldt.edu>; Ron Borges <ron@bettendorfrucking.com>; Kathy Lee <katmlee@suddenlink.net>; Bronkall, Bob <BBronkall@co.humboldt.ca.us>; Carol Aubin <cataubin@hotmail.com>
Subject: Re: Costa Proposal and Correspondence with Elizabeth Moreno

Perfect thank you.

I wanted to set the record straight on one of the items I listed in my note to you. In the item about the condition of the road when Green Consulting took their photos I said that Costa had not contributed one dime to the repair of the road. This is true for the section of the road from the paved section to the intersection with Cedar Hill Road. The maintenance on this section is coordinated by two land owners. One living on this stretch and the other living on Cedar Hill road. This is not true for the next stretch of the road that goes from the intersection of Cedar Hill to the Costa property and is funded and maintained by people living on this section. This has always been coordinated by one individual living on this section. Yesterday he told me that Rocci Costa's brother Robin has contributed to repairs on this section of the road from time to time.

Last point which I know others have pointed out is Green Consulting should be required to redo their traffic count. Positioning their equipment where they did only captured the traffic of the 7 residences at the end of the road. In my opinion at a minimum the counter should have been positioned where the paved road ends and the gravel road begins. However, in order to be accurate like what was stated in John Murray's note to you, the best place for the ADT device would have been at the intersection of West End Road and Warren Creek Road. An accurate account of cars traveling through the one way and blind sections of the paved road seems to me to be critical in evaluating road traffic on all of Warren Creek road.

Mike

> On Dec 13, 2019, at 4:52 PM, Moreno, Elizabeth <EMoreno@co.humboldt.ca.us> wrote:

>

> Mike,

>

> Emails will be best as we can document them and place them in the Staff Report. I will address them as soon as possible.

>

> Best,

>

>

> Elizabeth Moreno

> Planner II

>

> Cannabis Services Division

>

> Planning and Building Department

>

>

>

> 707.445.7245

>

>

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>

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

> From: Mike Zeppegno <zkayaker1@gmail.com>

> Sent: Thursday, December 12, 2019 1:21 PM

> To: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>

> Cc: The Kinzers <kinzers5@gmail.com>; John Murray <jellis.murray@gmail.com>; Ron Borges <ron@bettendorfrucking.com>; Debbie Stamper <debbie.stamper@humboldt.edu>; Don & Myrna Weburg <myrna325@aol.com>; Bill Ayton <billayton@suddenlink.net>; Kathleen Zeppegno <zpainter@suddenlink.net>

> Subject: Costa Proposal

>

> Hi had a chance to look over the report you sent me yesterday. Have not had the time for a through study of the proposal. I did leave you a voice mail this am. I got to thinking that it is probably easier for you if I just send you a list of some of the questions my neighbors and I have. I am sure there will be more questions as everyone does their due diligence to study the report.

>

> Thanks for all your help.

>

> Mike Zeppegno

> 707-616-0016

>

> 1. Now that you have received the report from Rocci what is the process?

>

> 2. How do you evaluate his report with your earlier findings that the road was not suitable for commercial traffic?

>

> 3. How do you reconcile the findings you found and his statement that he only has to repair one pot hole? Point of references the photos taken for the report could not have been staged any better as they were taken right after our neighborhood had the road rocked and graded. We then paid to have the road sprayed to keep the dust down this past summer.. Incidentally the Costa's did not contribute one dime to this repair project. If you were to drive the road now you would see what a sham their photos are. Also you should check their info on number of turnouts and visibility.

>

> 4. How long will it take you and your staff to make a recommendation and when would we see the application going to the Planning commissioners?

>

> 5. I notice the consulting group stated that only neighbors in short proximity to the Costa property would be notified. As you know from the hearing in September all the neighbors along Warren Creek and the feeder roads wanted to be notified as we are all impacted. All parties help fund the improvements to the gravel part of the road. What will your direction be on this issue?

>

> 6. How much time do we have to send you letters?

>

December 29, 2019

Elizabeth Moreno
Planning and Building Department
Planning Division
County of Humboldt
3015 H Street, Eureka, CA 95501



Reference: Application Number PLN-12176-CUP
Rocci Costa AP# 516-211-025

My name is Kathleen Zeppego and I am writing to address why the proposal for a legal cannabis production should not be granted.

I have lived in my home on Warren Creek road with my husband Michael Zeppego for over 22 years. Many of the neighbors have been established here for generations. The intent to move to this particular place was because it offered; unlimited beauty, a safe environment, and clean air. This is only a partial list of the many benefits that we have experienced by living in this rural environment. The proposal from Rocci Costa to establish a commercial cannabis operation will change and compromise the community on many levels.

His actual proposal of what plans and guidelines he will follow to obtain the permit are just words on paper. The reality of this commercial grow, and its impact on neighbors and the environment, will only be realized after it is up and running. Then it will be too late.

After researching about other legal grows in Salem Oregon, and Sonoma California, I discovered that there were many residents living near these grows that said their lives have been affected dramatically, and not for the better. This was an eye opener. I could see similar consequences occurring here, to our neighbors and land, if this proposal is approved.

In the following I will show why this plan is not viable. I will address the inequities of the situation. How this project really only benefits Rocci and his counterparts with high gains and profits. While on the other hand, homeowners will inherit the problems that were created and have to deal with the aftermath for years to come.

Foul Odors and Pungent Smells

It is a fact that cannabis plants can have strong offensive smells. It can cause sensitive individuals to suffer from sore throats, and nausea when outdoors. Since my cancer treatment I cannot be exposed or be in situations where noxious smells exist because I become ill. Offensive odors of cannabis plants will keep many indoors avoiding this aggravation.

A New York Times article December 19, 2018 reported on complaints from individuals dealing with these foul smells. "as results of stench, residents in Sonoma County, north of San Francisco, are suing to ban cannabis operations from their neighborhoods. Mendocino, farther north, recently created zones banning cannabis cultivation. A sheriff deputy there says, "the number #1 complaint is the stench". Residents Grace and Robert Guthrie live on rural land

outside the town of Sebastopol, California. Their neighbors grow pot commercially. They have been seriously affected by the odors from the plant. Mr. Guthrie states, "I can't be outside more than 30 minutes at peak odor times when the cannabis buds are flowering and the wind sweeps the smell onto his property. The windows are constantly closed. We are trapped inside."

The issue of noxious smells from plants and how this would be dealt with was not included in Rocci's proposal.

Artificial Light and Noise from Fans

Mr. Costa said he will use lights and fans. We now live in a very quiet place. The addition of machines that would change this environment from a quiet habitat to the introduction of noise and light is not acceptable. Noise, no matter how low in volume, will still register as an intrusion. This introduction of artificial noise and additional light changes the atmosphere of peaceful rural living. We do not have street lights and the charm of living here is to be within nature that provides natural light without the intrusion of artificial factors.

Water

As stipulated Mr. Costa said that he will dry farm. Again, as stated above, these are merely words. Who is to say that he would revert to using water? And as of today, I am not aware of any hydrology studies being done on his well or groundwater in the area. Since we are in a drought phase many neighbors are dealing with low well water. Huge consumption of water from a grow could deplete already nearby ground water resources available to the neighborhood. How can we be sure that his water use will remain as proposed? The only way to make sure that Rocci strictly adheres to his water proposition is that water use be evaluated during the peak growing season. This would include monitoring and recorded findings by an official State or County employee. The report of the findings then would be released to the neighbors. This would be mandatory. This step is necessary due to the drought we are experiencing and the hardship that could be brought on to residents if their water supply is jeopardized.

Safety and Security

There have been reports of criminal elements tied to cannabis grows. Newspaper reports of cannabis related break-in, robberies, and violence are not uncommon. The Costa family over the years has had some individuals living on their land that have caused problems for the neighbors. Reported incidents of domestic violence, belligerent and violent behavior toward neighbors, and fires caused alarm.

So, with the current proposal there are also issues to be considered around the safety of residents due to the past history of disturbances. How can we be sure that the workers, some strangers, who will be driving out on a daily basis, with no allegiance to our community, be trustworthy and respect the neighbors? Will there be discernment and reasonable judgement in hiring? Will reputable workers with a much higher criteria be selected? How can the

residents be assured that they are not facing similar altercations from which they experienced in the past?

Road Condition and Maintenance

According to the Green Road Consulting report the only repair to the road that Rocci needs to address and fix is only one pothole. This is not in any way a true evaluation.

The road leading to his land is a one-way gravel road that is maintained by the residents. In the winter the maintenance on the road is ongoing because rain creates deep potholes that we are currently experiencing. At this point it cannot withstand more traffic. If you approve the permit there will be at least 4 additional vehicles, driving two times a day on a road that is currently in bad shape and in need of major repair. Also, besides road deterioration there are several blind spots where the road width is narrower, thus with increased traffic presenting a new challenge to the overall safety of the drivers.

Decrease in Home Values

Residents in Sonoma County and Salem Oregon living next to legal commercial cannabis farms have experienced home devaluations due to many of the reasons listed above. Likewise, people in this area who have invested thousands of dollars in their homes and property over many years could face the same problem. It is unconscionable to think that one property owner, Rocci Costa, could be given the right to develop a controversial project with many known and unknown negative consequences. Yet one of the most dramatic repercussion would be for the homeowners to lose the much-added value in their investment because of this development.

In conclusion, I want to thank you for reviewing my letter and for seriously taking into consideration the objections which were sited about the current proposal for a commercial cannabis grow on Warren Creek Road.

Sincerely,
Kathleen Zeppego

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Saturday, January 04, 2020 10:16 AM
To: Moreno, Elizabeth
Subject: Rocci Costa cultivation proposal on Warren Creek Road

Categories: Purple Category

Ms. Moreno,

My husband Tom and I live at 1116 Warren Creek Road, on the corner of Cedar Hill and Warren Creek. We'd like to thank you and other Planning Department personnel for coming out to see first-hand the road and neighborhood situation here. It is thorough of you and can give you so much better understanding than our letters.

Tom and I have written two letters (with the required 14 copies), the last of which was hand delivered to the Planning Department before Christmas. I truly hope these have found their way with other neighbors' communication to the packet that is prepared for upcoming meetings.

As you know, chief concerns are traffic, odor, and whatever personnel he might envision would be on the site of the proposal. Previous tenants there have been very difficult --- I don't have first hand knowledge, so I can't give testimony, but I have certainly heard about incidents from neighbors.

This is a quiet rural neighborhood. Most residents have been here many years (32 for us!) Your visit to observe what we're worried about is so appreciated.

Susan Smith

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Saturday, January 04, 2020 10:56 AM
To: Moreno, Elizabeth
Subject: Fwd: Refuge

Categories: Purple Category

----- Forwarded Message -----

Subject: Refuge
Date: Sat, 4 Jan 2020 08:44:48 -0800
From: William Abler <ehlert-abler@sbcglobal.net>
To: kinzers5@gmail.com

As it is the only place in the country that has a stable, moderate climate year-round, the North Coast is bound to be a refuge for rare or endangered species. These might include plants and small animals, especially insects and spiders, but also possibly small vertebrates such as salamanders. Warren Creek Road is especially isolated, and is an ideal location for such a refuge. The less industrial farming that is practiced here, the greater its potential as a possible refuge. If we can solve the climate crisis, these living things will migrate outward to re-populate the country.

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Tuesday, January 07, 2020 4:07 PM
To: Moreno, Elizabeth
Subject: Re Costa proposal on Warren Creek Rd

Categories: needs atten!

Hello. We have read the latest memo from the Deputy Planner. He says Mr Costa would have to construct the 7 turnouts shown on the map. Who owns those properties? Not sure of easement rights or ownership. It seems that it's private property. ???

Thank you. Tom and Susan Smith, 1116 Warren Creek Rd, Arcata, CA 95521

Moreno, Elizabeth

From: Kathleen Zeppegno <kathleenzepegno@gmail.com>
Sent: Thursday, January 09, 2020 12:23 PM
To: Moreno, Elizabeth
Subject: Questions

Categories: Purple Category

Dear Elizabeth,

I am very concerned. I have a sense that when the codes were drawn up for legal grows that rights seemed to favor the growers. Somehow the rights of the residents were overlooked with no real guidelines on how they would be assured that their rights as homeowners would be protected. The only way to establish a this would be a legal document that would first address the hazards of an industrial grow in their area, and then would state what protection the neighbors were entitled to.

Hazards:

Road unsafe in blind spots and narrow one way lanes

Artificial light

Introduction of noise from fans

Unbearable odor

Criminal behavior with the influx of strangers

If any of these elements are disturbing the peace and safety of the established neighborhood then it would be clear no permit would be issued.

Enforcements diligently undertaken if grow is passed.

How are the rights and safety of residents protected?

An assurance, how undertaken? That vehicles do not exceed original number.

An assurance, that chemicals and pesticides do not contaminate certified organic farms nearby

That past history of criminal activity on the proposed site would negate the permit for a grow.

Assurance, the use of water is monitored monthly.

Roads to property are clear of blind spots with no exceptions.

A legal document stating residents rights would be drawn up. If there was just one infringement then the grow would be refused or shut down if it was in operation. If the grower neglected his contract, as to odor, water, use of chemicals passing on to a certified organic farm, noise and lights, then he would be shut down for good.

Thank you again for making this a serious concern. Could you please tell me what regulations and protection for rural residents is now in place. Maybe it is time to employ a lawyer who could draft such a proposition for the good of all.

Kathleen Zeppegno

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Thursday, January 09, 2020 12:46 PM
To: Moreno, Elizabeth
Subject: 4th of July warren creek road

Categories: Purple Category

Hello Elizabeth here are just a few pictures from our annual Fourth of July parade on Warren Creek Rd. If you look at the sign I believe it says the 32nd annual parade?

I might send a few more especially if I find the one that is down by the costa parcel.

We always go to the Weburg's and turn around in that little intersection. If Costa is allowed to have a cannabis farm, the entire drive warren creek farms, Which is half of the parade routewillwhich is half of the parade route and smell like skunk weed

Again this is another piece of the puzzle while this cannabis permit should not be issued on this decade old established rural neighborhood

robin and Dave Kinzer











Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Thursday, January 09, 2020 12:53 PM
To: Moreno, Elizabeth
Subject: WARREN CREEK ROAD PICTURES

Categories: Purple Category







Sent from my iPhone

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Thursday, January 09, 2020 7:15 PM
To: Moreno, Elizabeth
Subject: Back again

Categories: Purple Category

Hi. We know you don't have time to respond to all the email sent by concerned neighbors on Warren Creek Rd re the Costa proposal, but we understand you are open to receiving comments and questions.

A couple days ago we wrote about concerns with how turnouts could be constructed on private property.

And now we're wondering how the smell of open cultivation and processing will impact our neighborhood. That odor wafts with any breeze. Surely it will be carried beyond the confines of any proposed acreage. Neighbors regularly walk the road because it is essentially a peaceful country lane. We are so fortunate to live here in this environment. The idea of marijuana odors and increased use of this privately maintained road by potential employees and customers is truly sad to contemplate. We just can't think the proposal would meet with Planning Dept approval.

Thanks again for listening. This is such an important issue for our neighborhood.

Susan and Tom Smith
1116 Warren Creek Rd

Moreno, Elizabeth

From: marcile raney <marcile525@gmail.com>
Sent: Friday, January 10, 2020 12:17 PM
To: Moreno, Elizabeth
Subject: Costa's proposed cannabis grow

Categories: Purple Category

Elizabeth,

I am writing on behalf of the Weburg family trust with objections to Costa's proposed cannabis grow at 1734 Warren Creek Road, Arcata . My family owns the properties 1712 Warren Creek Rd and 1800 Warren Creek (at the dead end). These are my main areas of concern:

1) Warren Creek Road itself ends at our river property. We have allowed friends and neighbors access through our property to reach the river and hiking trails on our property, and have no intention of limiting that use. My family and our friends have unrestricted use of this road, which is not just a simple right of way, but the end of Warren Creek Road itself. I realize I just repeated myself, but this needs to be clear: Costa's plan to move or obstruct the road is not at all acceptable. My father made this very clear to Costa while he was alive and our stance has not changed. I do not believe it is legal to block or move a private road or easement.

2) Traffic on Warren Creek Road will be negatively affected. Industrial traffic at the end of the road would put pedestrians, our pets, and other motorists at risk. Costa seems to have no vested interest in neighborhood or neighbors . Warren Creek road is very narrow with multiple blind corners. The dirt portion of the road is subject to wear and tear. It was graded and all potholes were filled less than 6 months ago, and is already full of potholes. It simply cannot sustain commercial traffic.

3) Smell and other pollution. I am highly sensitive to environmental pollution and odors. I in no way want to have to suffer through the nauseating odor of a cannabis grow. It literally makes me ill. There is no way to contain this type of pollution. It would seriously impact our ability to enjoy our property.

4) Crime. With cannabis comes crime and the potential for home invasions of neighboring properties. This is a big concern. We are a sparsely populated area with no police protection.

5) Property value. As stated earlier, we own the property at the end of the road adjacent to Costa's property. A grow there would make building a house or raising a family on that property out of the question. It would potentially negatively affect our property value and ability to use it as we wish.

6) Costa has been attempting to bully and intimidate my 80 year old mother. Other members of my family have been reluctant to get involved for fear of retaliation.

7) This is a quiet idyllic area. 3 generations of Weburg's grew up here, 4 generations living and enjoying

this area. I can't imagine what it will be like to walk my great nephew and niece past this type of operation.

Thank you for your attention to this matter,

Sincerely,

Marcile (Weburg) Raney

7075997464

Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Friday, January 10, 2020 2:49 PM
To: Moreno, Elizabeth
Subject: Costa flood zone

Categories: Purple Category

Hello Elizabeth, here are a couple pictures taken in about 1995 showing when the river was a little bit high but it definitely was not as high as it can get. Costa's property is to the lower right of the pictures. When the river tries to go bank to bank you would not see any of the grassland down below. It's still hard for us to imagine that he would be allowed to do a cannabis grow with all the chemicals so close to Leggett Creek and the Mad River watershed. Plus his property is flood zone. Thank you again for taking the time to talk with us yesterday. Take care, Robin and Dave Kinzer





Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Sunday, January 12, 2020 12:49 PM
To: Moreno, Elizabeth
Subject: Warren creek road 4th of July

Categories: Purple Category

Hello Elizabeth this picture was taken a number of years ago showing our parade down along the farm land. You can get a good idea of how brushy the area becomes in the summer and this is just the beginning of summer. It really does make for a narrow road with poor visibility.

Robin Kinzer



Sent from my iPhone

Moreno, Elizabeth

From: jana ashbrook <janaashbrook@gmail.com>
Sent: Monday, January 13, 2020 9:11 AM
To: Moreno, Elizabeth
Subject: Re: Warren Creek Road Permit Requests

Categories: Purple Category

To: Elizabeth Moreno, Humboldt County Planning Department and appropriate colleagues

Re: Costa and Neighboring Permit Requests on Warren Creek Road

I am writing as a resident of Warren Creek Road to raise concerns about the permit requests for marijuana commercial and retail business on Warren Creek Road. I am very concerned about road/access suitability, road safety, and offensive smells.

Our family has resided at 1035 Warren Creek Road since 2011. Over these years, we have come to understand how this unique residential area functions. I am writing to share my observations, as they may not be observable from a shorter visit.

We reside on the private road section of Warren Creek and collectively pay for and maintain our private gravel road here, since the county road ends near the intersection of Burlwood Lane. The private road is primarily single lane and is a rough gravel road, it develops potholes very easily. Our neighbors volunteer their time and equipment to get fresh gravel down frequently to deal with our dozens of potholes that have to be taken care of. The proposed business would need to utilize the entire private road section for employee and customer access.

We have two small children, age 1 and 5, and our family takes frequent walks along the private road. Many of our neighbors also walk and jog on the road. When we are out walking and a car approaches we step to the side of the road to allow the to pass, as so much of the area is one lane and there is not room for both walker and the car. When driving we slow for our neighbor joggers.

When we drive in or out, to or from town, we are very slow and cautious because of the many blind curves that occur at the narrow one-lane portions of the road both on the private and county road sections of Warren Creek Road. The neighbors know the road and how to take it slow and safe. We can usually tell when a driver is unfamiliar with the area because they don't know the one lane road safety habits. There are half a dozen or more places I pull over if another car is approaching just between my house and West End Road. The residents are slow and smooth with each other, but I have had near collisions with guests barreling around a blind curve.

One of my biggest area of concern on Warren Creek Road is the first section of road between West End Road and the frisbee golf park. There can be many guests traveling this section coming to or from the frisbee golf park. We have had many near collisions on this section because the park guests don't always have familiarity with how to safely get through both the one lane train tressel bridge area, or the blind curve one-lane hill to West End Road that is also too narrow for two cars to pass through at the same time. What happens on that hill is that drivers will wait at the top for the car to come up. The problem is that there is only room for one or two cars to wait to go down that first Warren Creek Road hill before I that traffic blocks West End Road. At the bottom of that hill, cars will also wait if they see a car coming down the hill. There are only three or so spots to wait at the bottom of the hill before being stopped on the road in a position vulnerable to another car approaching around the train-tressel underpass blind curve. I have had many days where

drivers didn't catch that there was a car coming up or down that hill. In those cases one of the drivers backs up to let the other pass. It's a very tricky maneuver.

We often limit our driving in and out of Warren Creek Road around dusk because dusk is often when the park guests get on the road to go home. We have observed enough drinking and smoking as part of the park culture that we know there is a level of intoxication in many of the guests driving away from the park and heading out through those one lane with blind curve sections.

Another traffic issue is that on days that the park has closed its parking lot for maintenance we have observed determined park guests parking all along the side of the road near the park, further impeding residents.

Even when the park's parking lot is open there are dozens of days in the warm spring, summer, and fall days where guests are flocking to the park (or other random spots on Warren Creek Road) for the river access. On these days guest will park all along the road making any two lane areas one lane driving areas. There are no driving lines or shoulder lines on Warrn Creek Road, so the whole situation on the road can get really messy as is.

Our additional concern is the skunk like offensive smell. When our family takes walks, we walk to the farm and the end of the road. I imaging this will not be possible any longer due to smells and safely.

Our family invested in our property because of the remote privacy and fresh air. We would no longer be safe on our road with the new traffic. We fear all of the property values in our private road community would decline due to the smells and traffic.

Best regards,
Jana Ashbrook
1035 Warren Creek
Resident (2011-Present)

Moreno, Elizabeth

From: Michael Zeppegno <zkayaker1@gmail.com>
Sent: Wednesday, January 15, 2020 8:57 AM
To: Moreno, Elizabeth
Cc: Johnson, Cliff
Subject: Fwd: New Report From Green Road Consulting

Elizabeth thanks for your time yesterday and for forwarding the report. Much appreciated. I read over the report for the second time. I wanted to point out some info that I think is very misleading. They state the ADT numbers for 3 locations on the road. The first closest to West End was 619. The second which was located where the paved road ends was 216. The next section which is the area Public Works is asking for turnouts had a road count of 26. In their summary on road count they claim the increased traffic will only be raised by 3 percent of the total 619.

However it is actually a 50 percent increase on the most vulnerable part of the road where they quote traffic will go up by 14 vehicles. Their ADT count for this section of road was 26 vehicles and they claim the number will only increase by 14. At 14 this is a 50+ percent increase in the traffic on this section. How can we be sure this number is accurate? In their report how do we know what their customer traffic is going to be?

Their statement about there already being commercial traffic out here is also misleading. The timber operation they are referring to is located up Cedar Hill Road. None of this traffic turns to the right on Warren Creek and goes to the end of the road. Secondly, the mobile mechanic they refer to did live at the end of the road. He died many years ago. On service trucks we do get deliveries from propane vendors. Many of us upgraded our tank capacity to 500 gallons so that we would have less truck traffic per per year on our road. From personal experience we are on a 7-8 week cycle during the winter and a longer period during the summer. This effort was designed to conserve our road.

One last thing on road count. Green Road made a statement that the vehicle traffic they counted may be higher than normal because of the holidays. This is bunk. It is less traffic during this period as kids are not in school, people are on vacation, numbers at the disc golf park are greatly reduced with HSU being on Winter break

We do not have a road association. As discussed when you came out the community has always worked very well together to repair both sections of the gravel road. Raising money was an issue many years ago as we did things kind of piece meal. This has all changed. The section from the paved Section to Cedar Hill has the benefit of being worked on by two neighbors that have heavy equipment like a road grader and tractors.

The section from Cedar Hill to the end of the road is maintained by neighbors along this stretch. We also used to do things piecemeal here as well. However, people are willing to put up more money for this section and we have contracted with Alves for their work. This past summer we spent \$3000 to work on this section of road. We are currently waiting on dryer weather to do more grading and adding. 3 truck loads of road base.

The thing that is amazing to me is the Costa proposal is asking us to organize a maintenance association and to pay for the repairs specified by Public Works. What a bargain for us living on this section of the road road. We fund the repairs, we see wear and tear go up 50 percent resulting in more frequent repairs, and Rocci gets his grow. What a win win for him.

I am asking you to pay particular attention to what Marcile Weburg said in her letter about the access through the Costa property.

One other question has any agency or your department looked at water issues? His site is in a flood plane and is very close to Legit Creek and the Mad River. We do know that Mercer Fraser's two proposals for cannabis operations across the River from us was slammed by the local water district. Don't we have the same potential risk with Costa's operation?

Can you tell me a little bit more what is an open air cultivation?

Thanks,

Mike

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Wednesday, January 15, 2020 5:42 PM
To: Moreno, Elizabeth
Subject: Culvert on gravel road warren creek
Attachments: IMG_0161.MOV

Hi Elizabeth I was looking at the green report, first edition page 19 standard three. It indicates that a report was "Conducted by a licensed engineer". They state "Drainage features were evaluated to ensure adequate design functionality and performance of culverts and other discrete drainage systems and developed conclusions regarding compliance and conformance with best management practices for the defined road system" this is one of three culverts where the water does not run through the culvert because the culvert is rotten. It is running underneath. Of curiosity I wonder if in fact this is a false statement and if a license engineer actually did come out and examine the road. They also missed the part where a good portion of the road washed away last winter because of a culvert that failed, saturated the trees roots in the tree came down and took the road with it.

Thank you I can also send some still pictures and probably will.

Robin Kinzer

Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Wednesday, January 15, 2020 5:43 PM
To: Moreno, Elizabeth
Subject: Culvert warren creek road

some pictures of the rotten culvert







Sent from my iPhone

Moreno, Elizabeth

From: Michael Zepegno <zkayaker1@gmail.com>
Sent: Thursday, January 16, 2020 8:20 AM
To: Moreno, Elizabeth
Cc: Johnson, Cliff
Subject: New Consulting Report

Categories: Purple Category

Elizabeth I read the report for the third time this morning and have some additional questions and comments which are as follows:

I was looking over the traffic volumes as quoted. The number for the outlet at West End was 690. The consultant speculated that this number was high given the holiday. I commented on this in my last note. Let's assume they are right and the number is inflated which I don't believe. In that case given their logic the percentage of the number being over inflated over the 400 for the Category 4 classification would be over 70%. I think the County needs to ask Green Road to redo their ADT monitoring and during what would be a normal traffic period. This study should be longer than 24 hours to get a better sampling of traffic. I think this is required given the comments I made earlier about traffic flows in non holiday times and includes people going to work, kids getting to schools, deliveries being made etc.

In the section on their Traffic Management Plan and Section VII on Recommendations part A. 2 they refer to and have a picture Titled Gravel Road 1.69. They are calling for a turnout here. This is an area that Lyle Schmidt, owner of the land and the road easement, recently cleared removing the old broken fence and the blackberries. He has leased this area to a neighbor who plans on farming this section this spring, and will be enclosing the area with a fence. They are also asking Lyle to move his tractor implements for another turnout.

One last question, in their report near the end they state that their permit cannot be hindered by the condition of Warren Creek Road. If the recommended rocking of turnouts and implementation of our travel plan are carried out as deemed by the Planning Commission. How does this work if because of legal issues like road easements, property titles, and land use like the new farming area these changes cannot be made? What happens then?

Thanks,

Mike

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Saturday, January 18, 2020 10:28 AM
To: Moreno, Elizabeth
Cc: Mike Zeppegno
Subject: Warren Creek Road/Costa Permit

Good morning Elizabeth,

We have a few simple Questions.

On the Green Report and Costa's Evaluation Report, when they talk about "trips" regarding the future estimated Mileage count,

1. What exactly do they mean by "trips" are they referring to 1 way, or round trips?

2. In Rocci's initial report he states that **no employee** will be living on the property. In the recent Green Report they

state that there will be **1 employee** on the property. That being said, employee's have family, they are usually not out there living alone.

Family brings more family and friends, which does increase the estimated "road count". (Was this factored into the proposed vehicle trip count)?

3. Why is the Green Report using the old data from the November 24 hour vehicle count, Rather than setting up a 3 counter, at a location that would have counted Vehicles from Cedar Hill to Costa Property?

This should be considered invalid data for a few reasons.

The count was done during Thanksgiving Vacation Break, and the location of **the counter excluded traffic From Cedar Hill and Blackberry Lane.**

The 1 way count on Blackberry Lane alone would be at minimum 9 vehicles a day, round trip 18. And that is assuming we only go out the road 1 time. (which is NOT THE CASE)

AND, that count was for 24 hours the one in early January was for a slightly longer period of time, maybe 36 to 48 hours?.

We would appreciate if you could clarify exactly what" Trip
or "Trips" Means

Also, is he going to have an employee live on the property or not?

Thank you Elizabeth,

Moreno, Elizabeth

From: Johnson, Cliff
Sent: Wednesday, January 22, 2020 5:30 PM
To: Moreno, Elizabeth
Subject: FW: Warren Creek Road Cannabis Projects: Notifications

Elizabeth, Please include this in the staff report and also forward the Kinzers a copy of the public notice.

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Wednesday, January 22, 2020 4:07 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: Warren Creek Road Cannabis Projects: Notifications

Hi Cliff,

Your name was forwarded to me by Eric Zollner in regards to seeing if you could put us on a list to receive further notifications regarding

the Cannabis Permit Projects on Warren Creek Road. Though our address is 180 Blackberry Lane, we are residents of Warren Creek Road and all that occurs out here in our rural

neighborhood. This goes for folks on Cedar Hill and Burlwood Drive as well.

We are very impacted by the proposed cannabis grow at the end of Warren Creek Road. We continually get traffic up our steep hill (23% grade), from "transient" people asking for the Costa property. (and commercial vehicles, like the 4 huge tree trimming trucks that came up in December).

The reason is, we feel, that Blackberry Lane is referenced in their directions like this? "**turn on Blackberry Lane**".

Even your current Public Notice is slightly unclear, in that folks likely won't see the word "East" from the intersection of Blackberry Lane....

Do you need us to pay 5.00 to be put on a list to be included with the Warren Creek Road Cannabis Permits. If so we can come down to the office and pay you.

We are deeply concerned about the idea that a permit would be issued to R. Costa for a Cannabis grow, and Ms. Avila. This is an awesome neighborhood, it just doesn't belong here:'

Thank you Cliff

Robin and Dave Kinzer

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Wednesday, January 22, 2020 4:55 PM
To: Moreno, Elizabeth
Subject: Rocci Costa application

Categories: Purple Category

This is our third email after two letters with the required copies. It is sad that neighbors have to defend their neighborhood.

Again, our chief concerns are the smell of the growing marijuana plants, the people coming and going to the property.... increasing traffic and typically not being careful about walkers and animals, and the increased damage to our unpaved road. Property owners and our road workers shouldn't be required to accommodate Mr Costa.

We urge this permit be denied.

Tom and Susan Smith, 1116 Warren Creek Rd

Moreno, Elizabeth

From: myrna325@aol.com
Sent: Wednesday, January 22, 2020 3:55 PM
To: Moreno, Elizabeth
Subject: Rocci Costa's cannabis grow permit application located at 1734 Warren Creek Road, Arcata, CA.

I am writing again to express my concerns regarding the proposed cannabis grow located at 1734 Warren Creek Road, that is next to our property, 1800 Warren Creek Road. We own two properties that will be negatively impacted if the Costa permit is approved.

Our property at 1712 Warren Creek Road will be impacted in all of the ways that have been documented via emails and letters to you from numerous neighbors and residents of Warren Creek Road, Blackberry Lane, Cedar Hill Road and Burlwood Drive.

The use and enjoyment of our 20 acre property, 1800 Warren Creek Road will suffer the most if the grow is permitted. The grow would be located on the 5 acre parcel directly west of our property line. The issues of our concerns are multifaceted and they will negatively alter the use of our land.

> The location of the grow requires them to alter the existing roads that we have used to access our property and the river.

>If the grow is allowed, it will present a dangerous problem as there have been several times that our property has been used without our permission and in spite of locked gates and posted no trespassing signs by people coming from the Mad River. Grows are known to attract people with criminal intent.

>The plan calls for an electric gate that only they and I would have the combination to open. This is unacceptable as it is imperative that family members must have free access at all times. Our select friends and neighbors use our right of way to access the river, hike the hill and pursue other activities. These people have been given keys to unlock the gates. Costa's plan would exclude all of them.

>The smell of an open grow is unacceptable. The plan to put plants next to our fence insures that that we will get the full smell every time we are on our property. We will also be assaulted by the smell when ever we are out doors on our other property and the wind blows from the east.

In conclusion, I strongly share all of the other concerns listed before regarding environmental impact, increased traffic, and strong potential for degrading of our neighborhood that have been detailed in previous correspondence from our family and neighbors..Thank you, Myrna S. Weburg

The Weburg Family Trust

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Thursday, January 23, 2020 8:36 PM
To: Moreno, Elizabeth
Subject: Warren creek road

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Elizabeth

These are just a couple examples of every day driving on west end and warren creek roads. And why adding more commercial traffic to the road continues to increase and impact our safety.



This was taken on West End Rd. Today January 23rd. This is a designated bike Route, the difficulty is there are very few places that you can actually pass a bicyclist. What Happens is motorists get impatient and they almost always try to pass the bike rider. When we see a bicyclist coming toward us we have to anticipate that someone is going to try to pass going into our lane, and we have to be aware of a head on collision. This goes for pedestrians as well.



The intersection of West End Road and Warren Creek Road today. The left-hand turn onto Warren Creek Rd coming from Arcata is already very dangerous dealing with oncoming traffic in a blind intersection. The Green Road consultant did not mention this very real danger.



This is a very common scene. Once you turn onto Warren Creek Rd. you have to pay very close attention to people who are coming up through the single lane. What the green road consultants missed was that in the spring summer and fall this road narrows down even more due to encroachment of the brush. As we were waiting for the mail truck we had to hope no one hit us from behind.

People who do not know the road don't always know to Wait if they see a car and they try to get through no matter what!

This was not talked about in detail by the Green Road engineer. All they say is that there is a turn out by the trestle. That really is of no value in this situation.

Yes both West End And Warren Creek Road do have a lot of traffic. Both commercial and residential. As Robin Collins pointed out. He felt there was no reason why the road couldn't handle the commercial Cannabis grow traffic. This is not logical thinking.

Driving these roads has become extremely hazardous, we really truly do not need the addition of Costa and Avilas commercial cannabis grows and customers driving out these roads.

Thank you so much for your time.

Robin and Dave Kinzer.

Sent from my iPhone

Moreno, Elizabeth

From: Mike Zeppegno <zkayaker1@gmail.com>
Sent: Monday, December 30, 2019 1:28 PM
To: Moreno, Elizabeth
Cc: The Kinzers; Bill Ayton; Kathleen Zeppegno; Myrna Weburg; John Murray; Debbie Stamper; Ron Borges; Kathy Lee; Bronkall, Bob; Carol Aubin; Susan&Tom Smith; Marcia and Brock; Sam & Amethyst; Johnson, Cliff
Subject: More Questions and Feedback
Attachments: 12176 Road Evaluation with Highlights.pdf
Categories: Purple Category

Elizabeth welcome back. Hope your vacation was great. While you were away I took the time to re-read the original proposal as well as the new report from Green Road Consulting. I have attached a copy of the Road Evaluation report that I used to highlight areas of concern and post notes to my yellow highlighted areas. I am also including photos I took the last two days of Warren Creek road. My photos give you a picture of what Warren Creek road looks like on both the unpaved and paved portions of the road. I tried to highlight the condition of the road, blind curves or corners, and other impediments to visibility.

I also read through the original proposal Rocci Costa submitted back in March and had a couple of questions:

In a letter Rocci sent you with his proposal he makes this statement: "I understand that to move forward I must "forebear" use of my well until the CDFW makes its determination. In lieu of that information we would like to pursue the CUP, eliminating any other hurdles that may await us."

He then goes on to state that they are now going to dry farm and only need a 10,000 gallon storage tank.

My question is he still pursuing getting approval from CDFW for a water permit?

If you look at his proposal in Section 2.1 the water usage from May -Sept is for 180,000 gallons of water for irrigation.

I called CA Dept of Fish and Wildlife in Eureka on Dec 27th. I wanted to check what the status was on the Costa application for using their well for their grow. I left a voice mail with the person that handles these permits. The VM said with the high volume of calls it may take several days before they get back to me.

Section 2.7 Security Plan

This is interesting as it calls for an electronic gate on the access road to his property. This right of way is owned by the Weburgs. According to the plan only the Costa's and the Weburgs would have the code for this electronic gate. What Costa does not understand is that through the generosity of Don and Myrna many of us living out here have been granted access and have keys to the gate at the entrance to the Weburg's 20 acre parcel by the river. This granting of access by the Weburgs goes back to the late 60s. This electronic gate would have to be approved by Myrna Weburg.

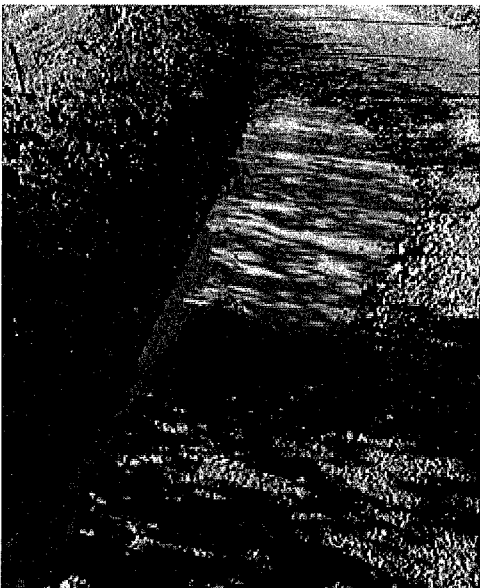
Section 3.6 Plumbing and Septic

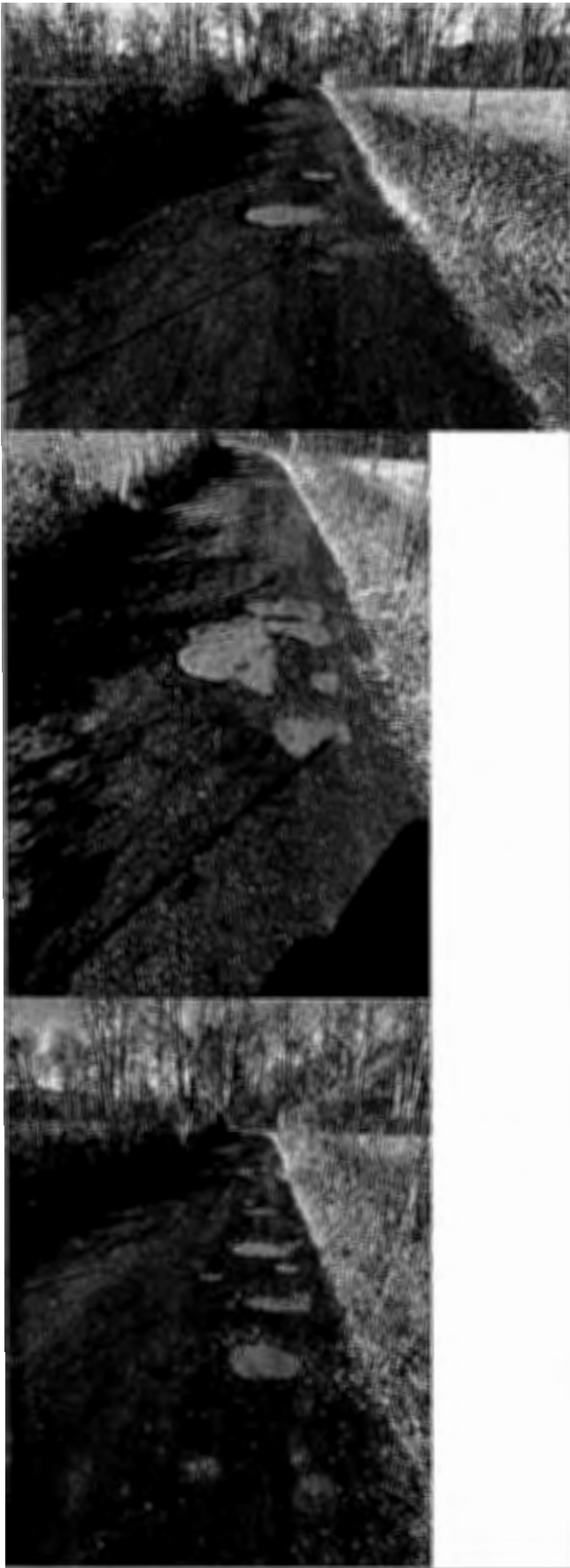
Under this section Costa is required to add another septic tank, toilet and hand washing capability with the construction of the Processing Facility. There currently is a septic tank on site for a single family development. On the issue of plumbing what safe guards are in place about sewage removal from the 2 RVs? How does the County monitor the site to insure all requirements are met by the land owner?

Mike

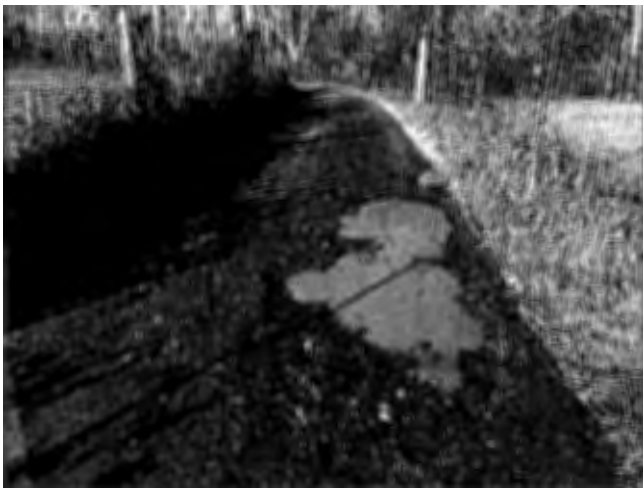


One and only pot hole identified in Consultant report that needs repairing. This view is of the access road leading to the Costa property.









Images of Warren Creek road going around Warren Creek Farm

Consultant's Report stated that visibility was unimpeded along Warren Creek rd.

This is not true. Please see photos. Visibility gets worse during the spring, summer and fall as the vegetation along the fence enclosing Warren Creek Farm grows to the height of the deer fencing. This vegetation is vital for the farm to be able to keep deer out of the planted fields. Also, the farmed area along the north boundary of the farm is planted with corn. The combination of the vegetation and the corn cuts off road visibility going around this blind corner.





Areas of road showing vegetation on fence and field that will be planted in corn.

The following photos show more blind corners and pinch points. I measured some of the pinch points and found them to be from 9-11 feet wide.

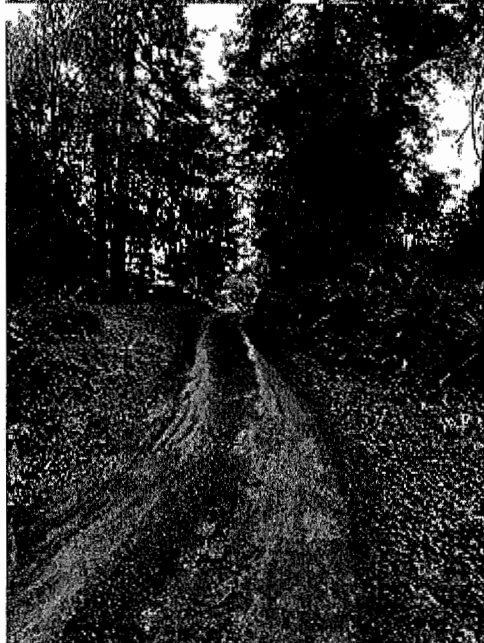
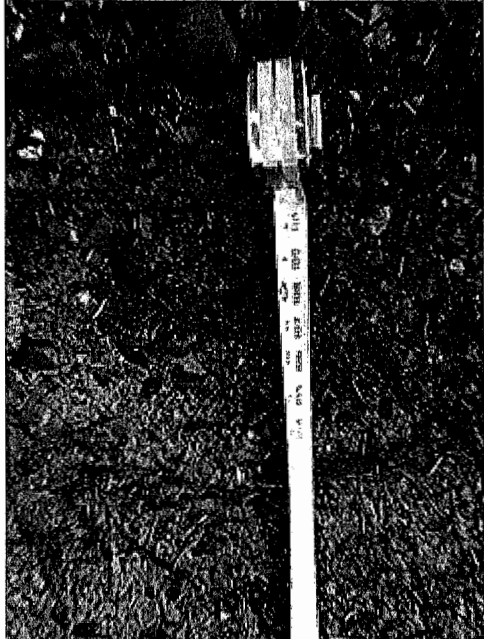














I know you have agreed to come out and look at the road. Because of the discrepancies between our reporting and Green Road Consulting you really need to have a first hand look to see the truth. Can we schedule a meeting for you to come out?

Thanks,

Mike