



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 Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Bob Howard Special Permits**
Record Number: PLN-15221-SP
Assessor's Parcel Number: 223-044-010
Northwest quarter of Section 7 of Township 05 South, Range 04 East,
Humboldt Base & Meridian, Benbow area

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Please contact Christopher Alberts, Planner at 707-268-3771 or by email at calberts@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	Special Permits	Christopher Alberts

Project Description: A Special Permit for 9,375 square feet of existing outdoor commercial cannabis cultivation consisting of 5,850 square feet of cultivation will occur within greenhouse structures utilizing light deprivation techniques. There will be a maximum of two cultivation cycles annually. The proposed project includes relocation of two historic cultivation sites to one consolidated environmentally superior location. The applicant estimates 228,270 gallons of water is required annually. Irrigation water for cultivation is sourced from an off-stream pond with an estimated capacity of 1,466,329 gallons. Additional water storage for irrigation consists of six (6) hard tanks totaling 13,500 gallons. The applicant proposes to obtain plant starts from a licensed nursery and supplement when necessary with a 900-square-foot greenhouse utilized for nursery starts as needed for the second round of cultivation. Cannabis will be processed off site at a licensed processing facility. The applicant anticipates the need for up to three (3) employees to handle operations onsite. Power for the project is provided by a solar system with supplemental generator use from November through January for domestic use. No generator use for cannabis cultivation is authorized by the is permit. The project also includes a Special Permit for restoration of the riparian coordinator associated with a Class III watercourse where an historic cultivation site and two water storage tanks were historically located.

Project Location: The project is located in the Benbow area, on the east side of an unnamed road (which intersects with US Highway 101 and Benbow Drive), approximately 1.5 miles southwest from the intersection of that unnamed road and US Highway 101 on the property known as 000 Reed Mountain Road.

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Density: Density range is 40 to 160 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timberland Production (TPZ)

Record Number: PLN-2018-15221

Assessor Parcel Numbers: 223-044-010

Applicant

Bob Howard
PO Box 909
Garberville, CA 95542

Owner

Bob Howard and Mer Realty
LLC Co.
3621 32nd Ave W
Seattle, WA 98119

Agent

Vanessa Valare
1165 Kings Peak Road
Whitethorn, CA 95589

Environmental Review: An Addendum to a previously adopted Environmental Impact Report 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.

Bob Howard Special Permits
Record Number: PLN-15221-SP
Assessor's Parcel Number (APN): 223-044-010

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on the evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Bob Howard project subject to the recommended conditions.

Executive Summary: Bob Howard seeks approval of a Special Permit for an existing 9,375 square feet of outdoor commercial cannabis cultivation operation located on parcel 223-044-010, which is approximately 253 acres in size. The parcel is currently developed with a single-family residence, residential accessory structures, agricultural accessory structures and an off-stream pond utilized for irrigation. Power for the project is provided by a solar system with supplemental generator use from November through January for domestic use only. Access to the subject parcel is provided by Reed Mountain Road, which is maintained by the Reed Mountain Road Association and has been self-certified as having a functional equivalency of a Category 4 road standard. The Public Works Department provided comments indicating the road is surfaced to County standards, the intersection of the County road and the non-County maintained road is paved more than 50 feet from the edge of the County roadway.

The proposed project includes 9,375 square feet of outdoor cannabis cultivation of which, 5,850 square feet of cultivation will occur within greenhouse structures with permeable floors and footpaths, and a 900-square-foot propagation nursery that serves as a non-commercial nursery for the cultivation operation. All cannabis cultivation areas are contained within the footprint of documented historic disturbed footprints utilized for cultivation, which is located in a historic clearing. Cultivation activities extend May through October with a maximum of two harvests occurring annually. The applicant estimates 228,270 gallons of water is required annually to meet operational needs. Irrigation water for cultivation is sourced from a 4.5-acre-foot (or 1,466,329-gallon) off-stream pond. Additional water storage for irrigation consists of six (6) hard tanks totaling 13,500 gallons meeting the needs for irrigation. The applicant uses a metered, drip irrigation system, with soil amendments such as cocoa fibers to improve moisture retention in the soil.

There are no mapped special status species on the California Natural Diversity Database (CNDDDB). The CNDDDB indicates that nearest Northern Spotted Owl (NSO) sighting is located 1.02 miles northeast in 2017 and the nearest NSO activity center is approximately 1.45 miles northwest from the project site. There are four negative observation sites within 0.50 miles of the cultivation area. The nearest Marbled murrelet habitat is located approximately 0.73 miles southwest of the project site. Electricity is provided to the parcel by solar panels are used with a back-up generator for domestic use during winter months. No generator use is for cultivation activities is authorized by this permit. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans or dehumidifiers) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. Artificial lighting will be utilized in the 900-square-foot propagation greenhouse that will be a temporary structure only

used to cultivation starts for the second cultivation cycle and will be required to adhere to Dark Sky Standards.

A preliminary biological habitat assessment was conducted by NorCal Bio Surveys on February 22, 2019, for potential listed species and species of concern. The following was concluded: Although the database search resulted in the potential for multiple listed species within the study area, none were observed during initial site evaluation. Areas surrounding the SMA are out of range of project activities with no future projects proposed. Additional recommendations included list of measures to prevent the introduction and spread of invasive species (see Attachment 4). Conditions of approval require the applicant to adhere to the recommendations within the biological scoping report. The proposed project includes relocation and remediation of two historic cultivation sites that will be consolidated into one cultivation area. The applicant provided an *On-site Retirement, Remediation and Relocation (RRR) Restoration Plan* prepared by ETA Humboldt, LLC, received on December 19, 2019. Remediation activities include removal of cultivation-related infrastructure and waste, replanting of native grass seed and winterization of the former cultivation sites.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Environmental Impact Report (EIR) that was adopted for the Commercial Cannabis Land Use Ordinance (CCLUO) due to the fact that this is existing cultivation that is being brought into conformance with State and local requirements. No additional development other than that which was contemplated under the previously adopted EIR is proposed. An addendum to the EIR has been prepared for this project.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-2018-15221
Assessor Parcel Number: 223-044-010**

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

WHEREAS, Bob Howard, submitted an application and evidence in support of approving Special Permits for an existing 9,375-square-foot outdoor commercial cannabis cultivation operation, and an existing 900-square-foot propagation area. Annual water usage is 228,270 gallons. Water for irrigation is sourced from an existing rainwater catchment pond. Drying and curing will occur onsite within the existing greenhouses. Trimming and packaging will be performed by an off-site third-party processing company. Up to four (4) employees are required to meet operational needs. The project also includes a Special Permit for restoration of the riparian coordinator associated with a Class III watercourse where an historic cultivation site and two water storage tanks were historically located.

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 Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number: PLN-2018-15521); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on February 6, 2020.

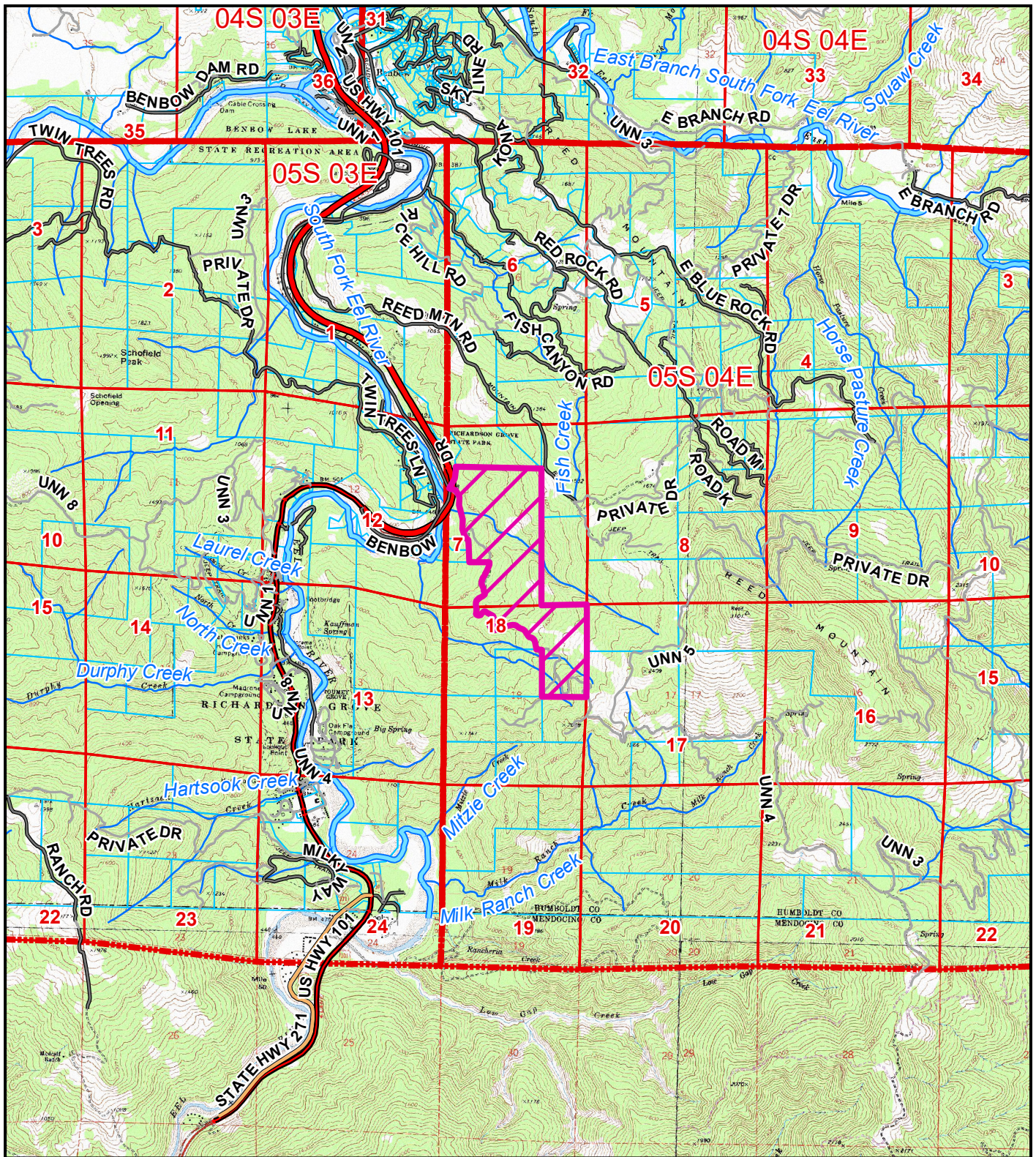
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings in Attachment 2 of the Zoning Administrator staff report support approval of Record Number: PLN-2018-15221 based on the submitted substantial evidence; and
3. Special Permits Record Number: PLN-2018-15221 is approved as recommended and conditioned in Attachment 1 for Case Number Record Number: PLN-2018-15221.

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

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

John Ford, Director
Planning and Building Department



Project Area = 

**TOPO MAP
PROPOSED HOWARD
Benbow AREA
PLN--2018-15221**

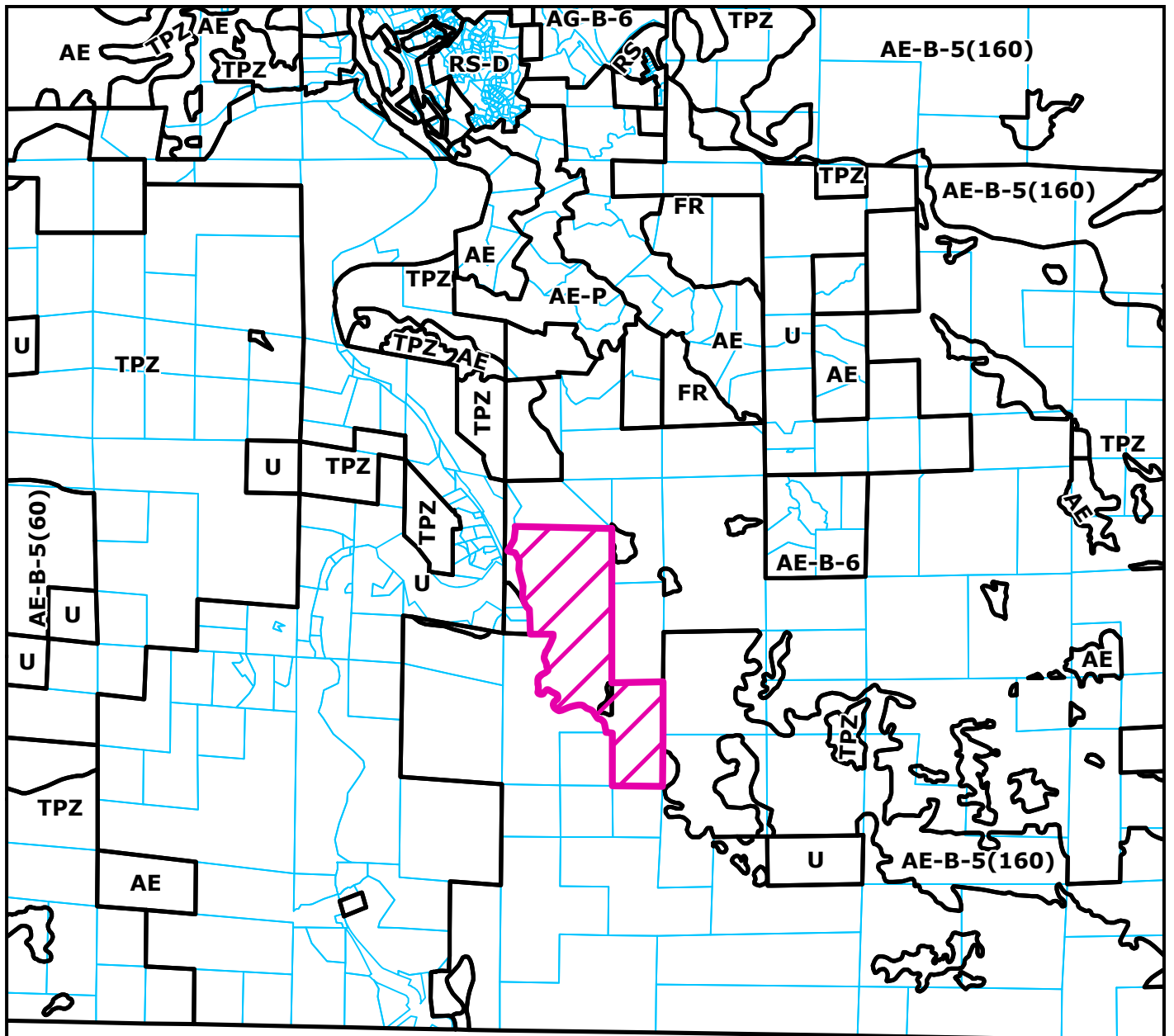
APN: 223-044-010-000

T05S R04E S7; S18 HB&M (GARBERVILLE)

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 0.425 0.85 1.7 Miles





Project Area = 

**ZONING MAP
PROPOSED HOWARD
Benbow AREA
PLN--2018-15221**

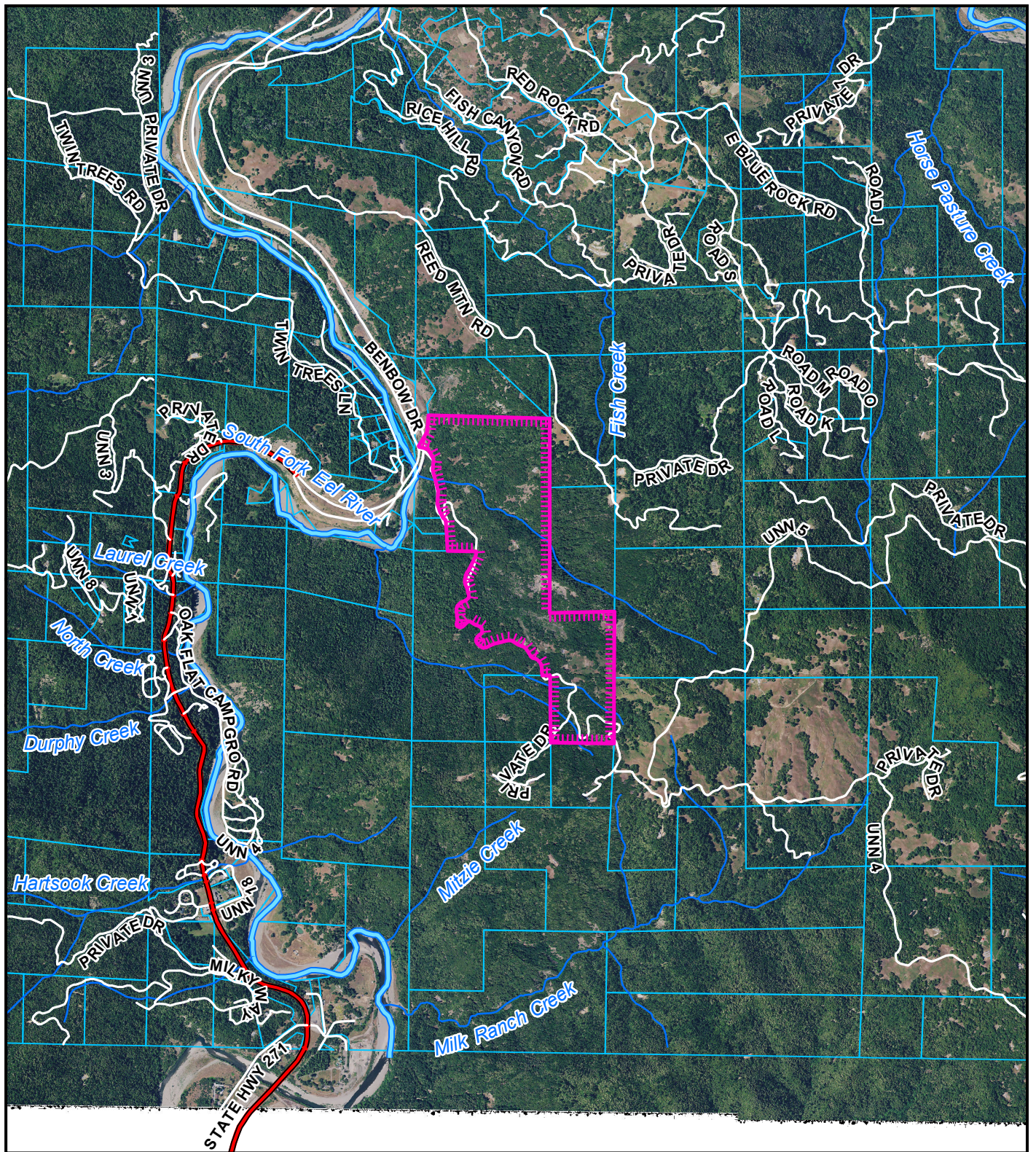
APN: 223-044-010-000


T05S R04E S7; S18 HB&M (GARBERVILLE)

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 0.425 0.85 1.7
Miles






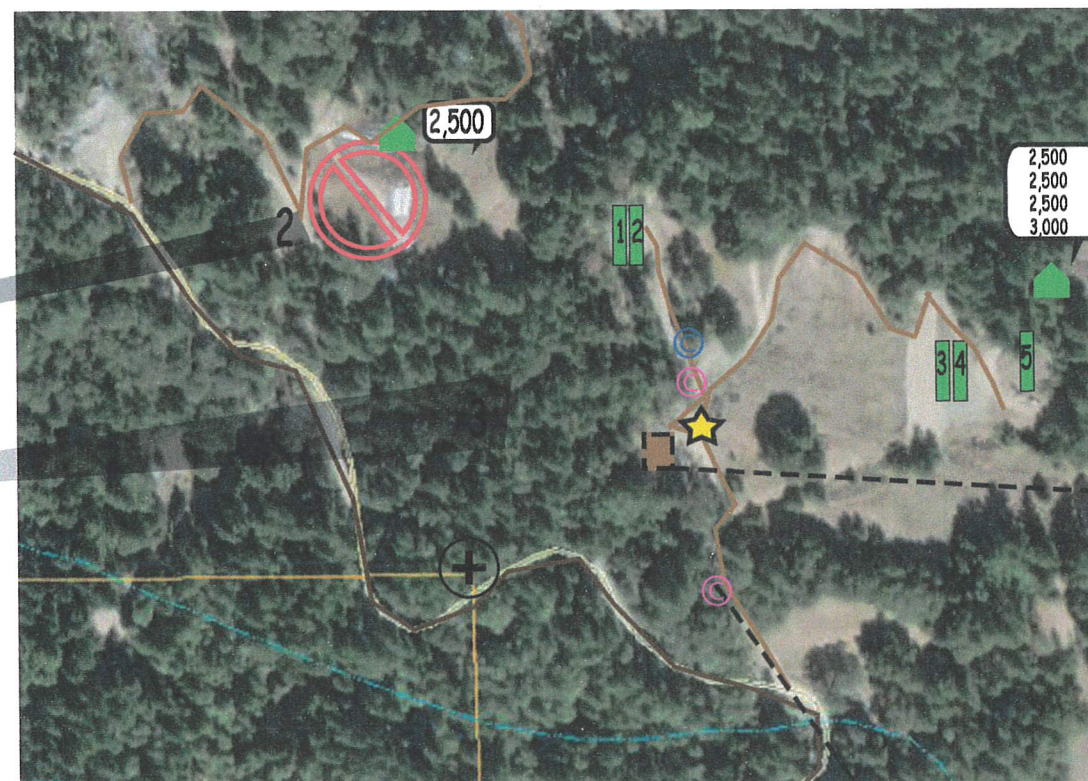
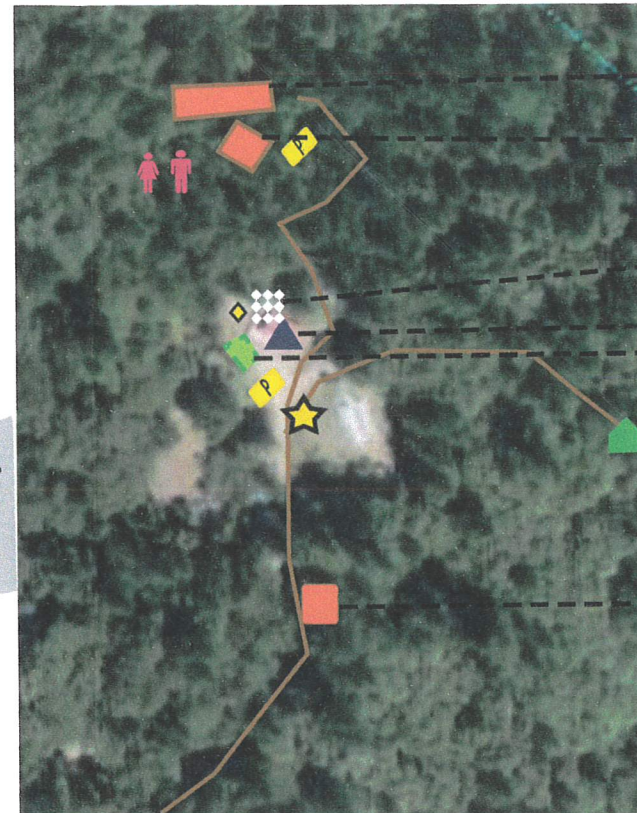
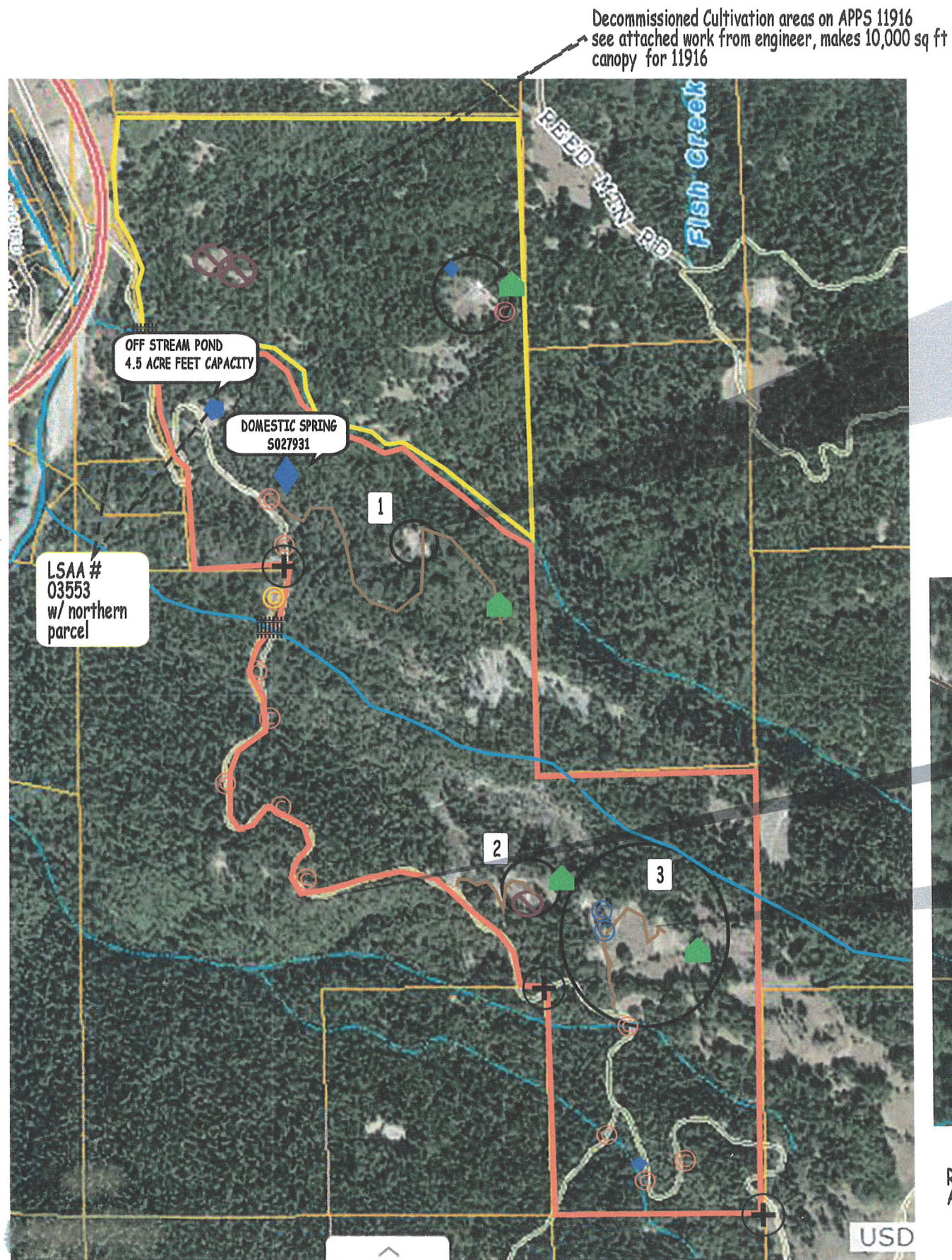
Project Area = 

**AERIAL MAP
PROPOSED HOWARD
Benbow AREA
PLN--2018-15221
APN: 223-044-010-000
T05S R04E S7; S18 HB&M (GARBERVILLE)**



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.





REED MOUNTAIN ROAD MEETS CATEGORY 4 STANDARD
ALL PARCELS BEYOND THIS PARCEL HAVE EASEMENT REED MTN RD ONLY

ALL INTERNAL ROADS ARE GRAVEL AND DIRT, AT LEAST 16-18 FT WIDE AND HAVE ADEQUATE TURNOUTS FOR PASSAGE
ROADS LESS THE 30% GRADE AND MOSTLY FLAT IN WORK AREAS

PROJECT INFORMATION:

PERMIT APPLICATIONS

COUNTY 15221
WDID - Submitted pending approval letter
DWR - 5027931
SUIR APP#

PROPERTY OWNERS

BOB HOWARD
MER REALTY - ERDINC DOGAN
MER REALTY - DIMITAR DIMITROV

CULTIVATION AREA = 9,360

Light Deprivation Greenhouses

POU 1 - 6H1 20' X 96' = 1,920 SQFT'

6H2 20' X 96' = 1,920 SQFT'

POU 2 - 6H3 20' X 98' = 1,960 SQFT'

6H4 20' X 98' = 1,960 SQFT'

POU 3 - 6H5 20' X 80' = 1,600 SQFT'

WATER TANK STORAGE 2010- 13,000 GAL

PARCEL SIZE - APPROX 210 ACRES

ZONING - TPZ

HISTORICAL APN

223-044-003

223-045-008

223-045-001

LLA Record PLN-2019-15383 IS ALMOST COMPLETED

Northern Parcel
APPS 11916 Erdinc Dogan

Southern Parcel
APPS 15221 Bob Howard

- POB Spring
- POB Pond
- POS water Tanks
- Proposed Culvert
- Previous LSAA#p0210515.0(attached)
- Ditch Relief Culvert
- Stream Crossing Culvert
- Stream Crossing Bridge
- Decommissioned Cultivation Area
- Cultivation Area
- Canopy space/ Cultivation area
- Generator/fuels
- Housing
- Processing/ Drying Buildings
- Septic Tank
- Internal Road Systems
- Parking Areas
- Restrooms
- SRA TURNOUT
- PROPERTY MONUMENTS



Bob Howard
223-044-010 000 REED MOUNTAIN RD, GARBerville, CA 95542

PLN-15221-SP Bob Howard

All Projects in Purple Southern Parcel on LSAA # for Bob Howard

NO KNOWN TRIBAL CEREMONIAL SITES, SCHOOLS OR BUS STOPS WITHIN 1000 FT
NO KNOWN HISTORICAL BUILDINGS OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES WITHIN 600 FT



Map data ©2018 Google United States Terms Send feedback

18....pdf MSA_Stillwater_Val....pdf Rate and Charge S....pdf O&CO Billing Proc....pdf Benson_221-061-0....pdf



FROM GARBERVILLE, California
 Get on US-101 S from Sproul Creek Rd
 2 min (0.4 mi)
 Merge onto US-101 S
 5 min (5.7 mi)

Follow BENBOW Dr and Reed Mountain Rd to your destination
 11 min (2.5 mi)
 Reed Mountain Rd
 GARBERVILLE, CA 95542

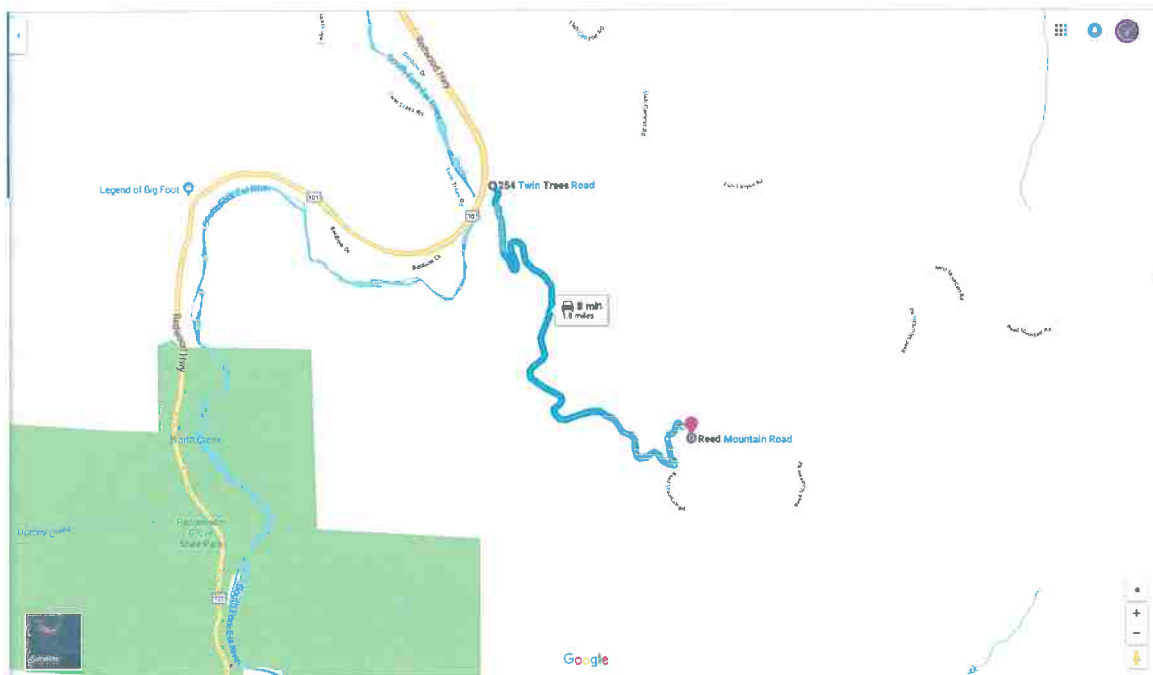
VICINITY

BOB HOWARD

000 REED MOUNTAIN RD

223-044-010

PG 1 PLOT



254 Twin Trees Rd
 GARBERVILLE, CA 95542
 Head southeast on Reed Mountain Rd
 1.6 mi

Turn left
 Slight right
 459 ft
 Reed Mountain Rd



VICINITY 1.6 MI FROM COUNTY ROAD

BOB HOWARD

000 REED MOUNTAIN RD

223-044-010

PG 2 PLOT

Proposed new lot line
- after LLA that
was submitted 6/20/18

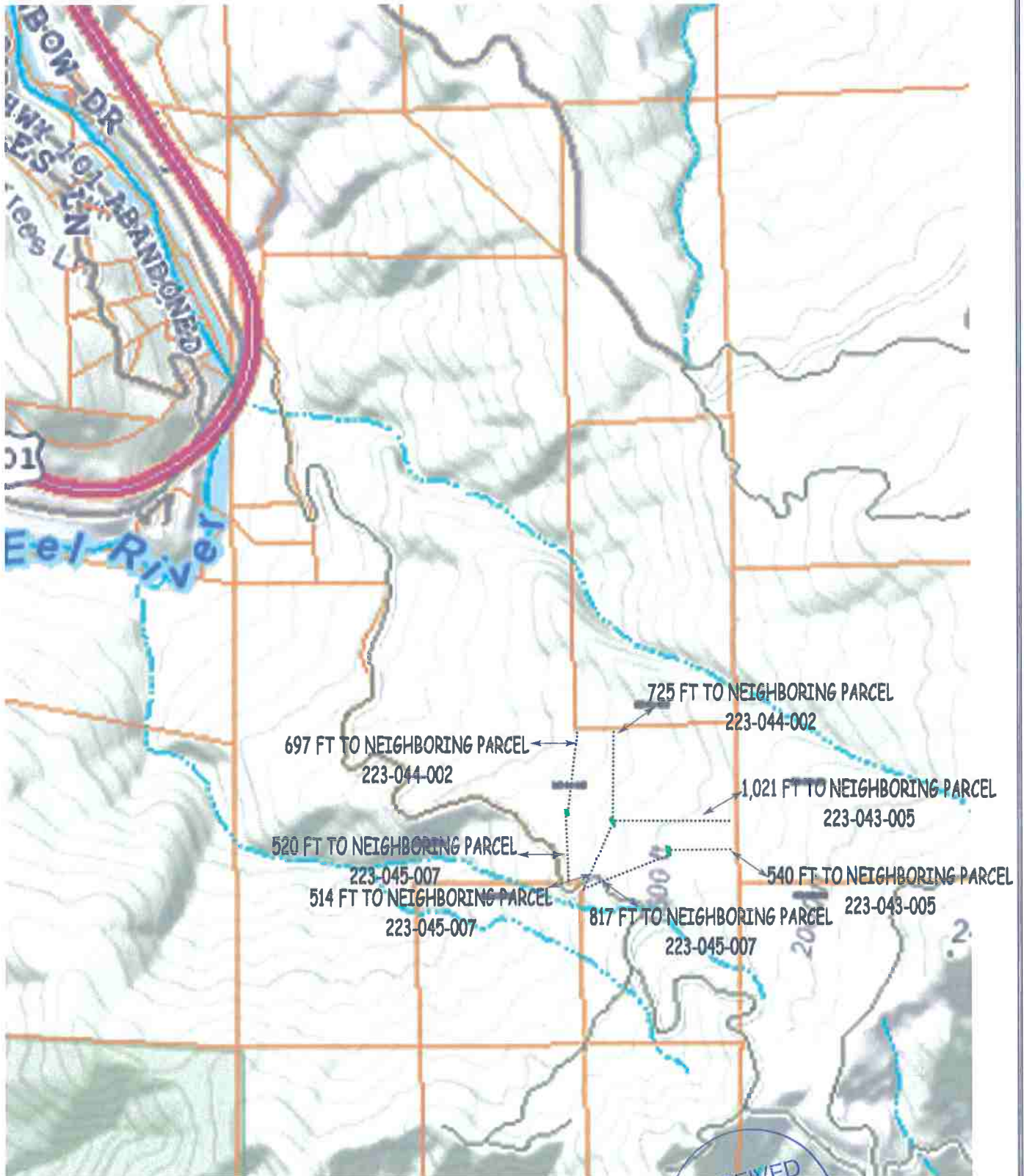


BOB HOWARD

000 REED MOUNTAIN RD BENBOW

223-044-010

PG 3 PLOT



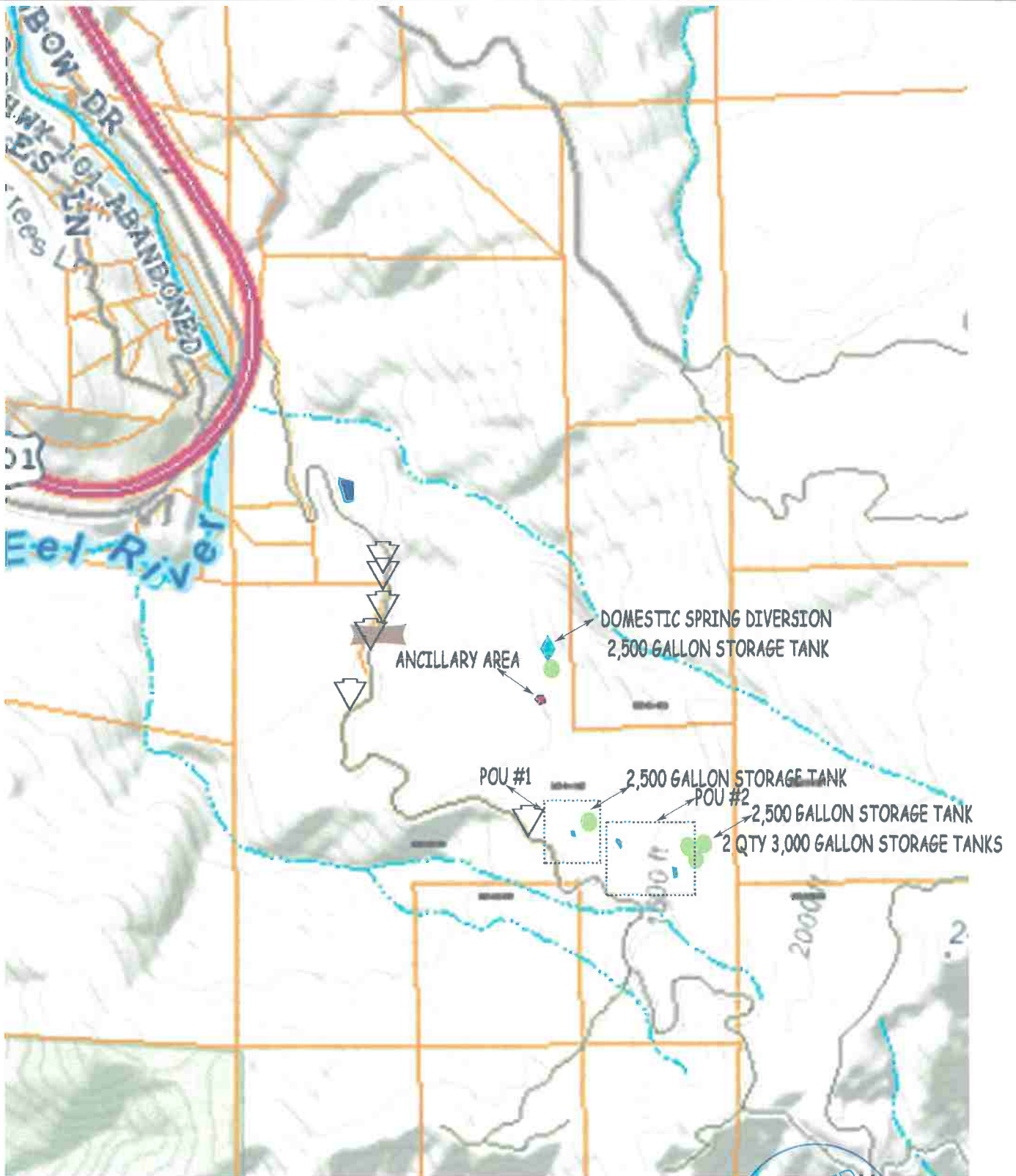
SET BACKS TO NEIGHBORING PARCELS TOPO

BOB HOWARD

000 REED MOUNTAIN RD BENBOW

223-044-010

PG 4 PLOT



◆ DOMESTIC DIVERSION
 ▬ BRIDGE
 ● WATER STORAGE TANKS
 ▽ CULVERT

RECEIVED
 DEC 21 2018
 Humboldt County
 Planning Division

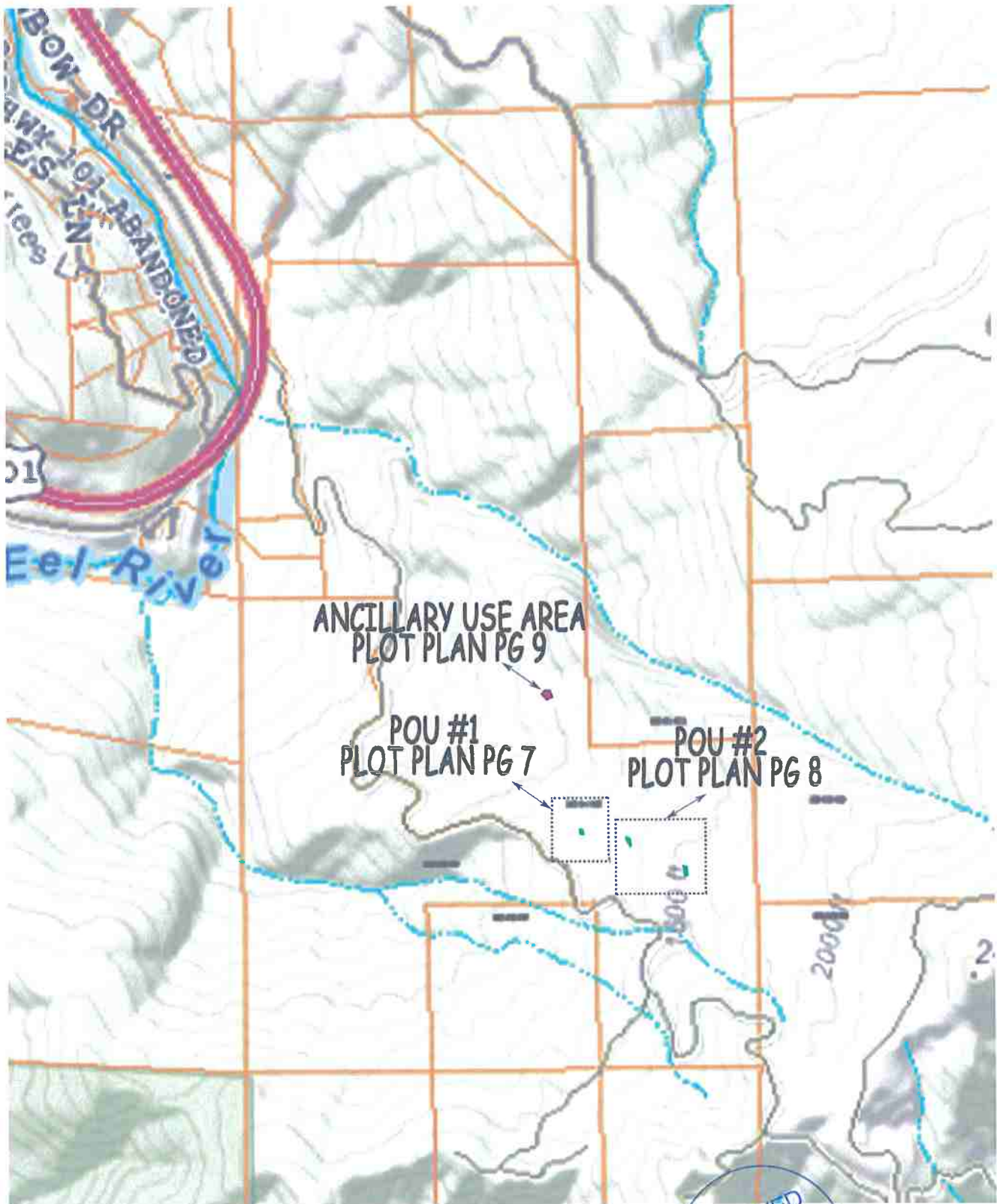
LOCATION FOR SITE PLANS

BOB HOWARD

000 REED MOUNTAIN RD BENBOW

223-044-010

PG 5 PLOT



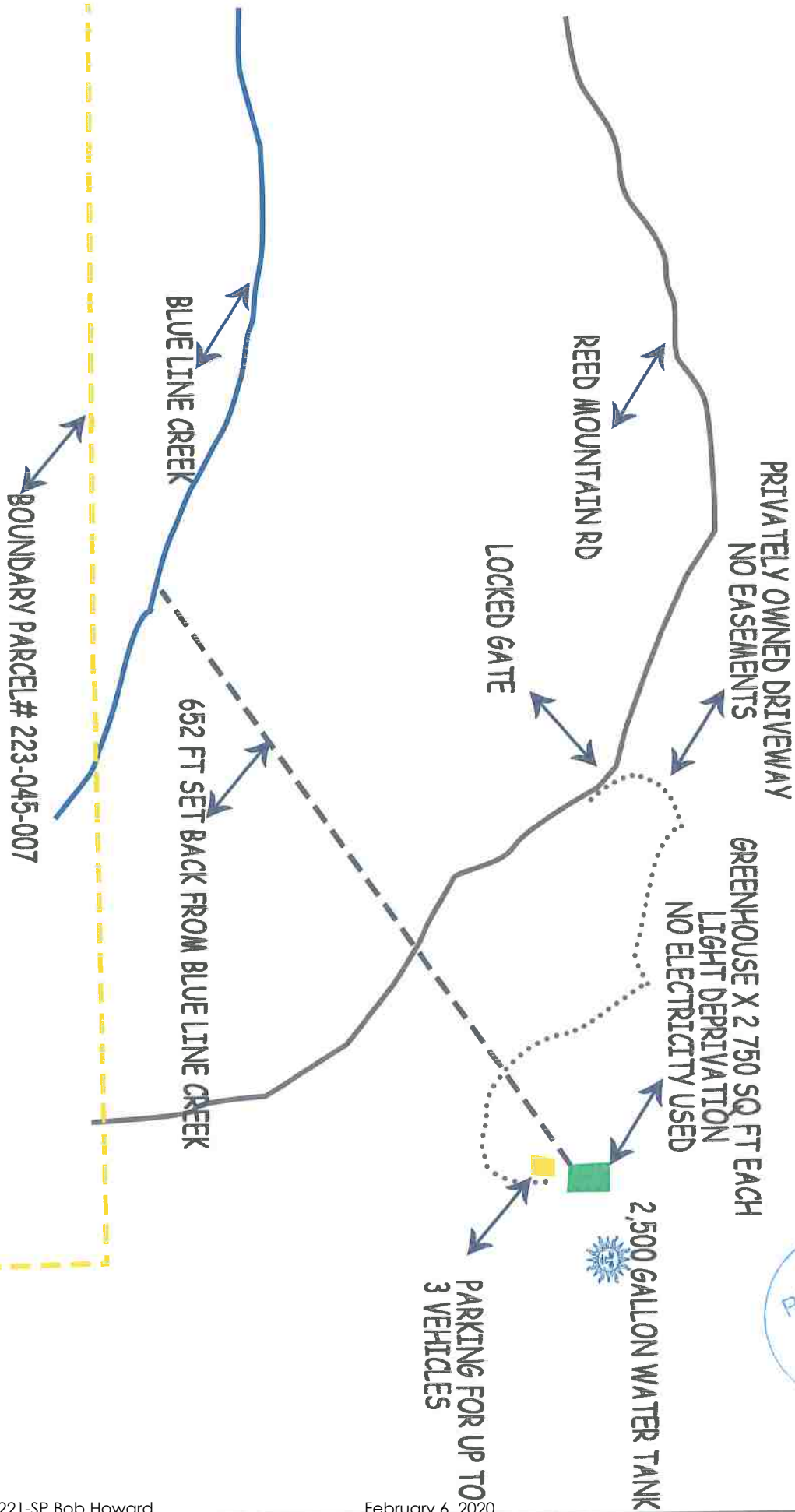
LOCATION FOR SITE PLANS

BOB HOWARD

000 REED MOUNTAIN RD BENBOW

223-044-010

PG 6 PLOT

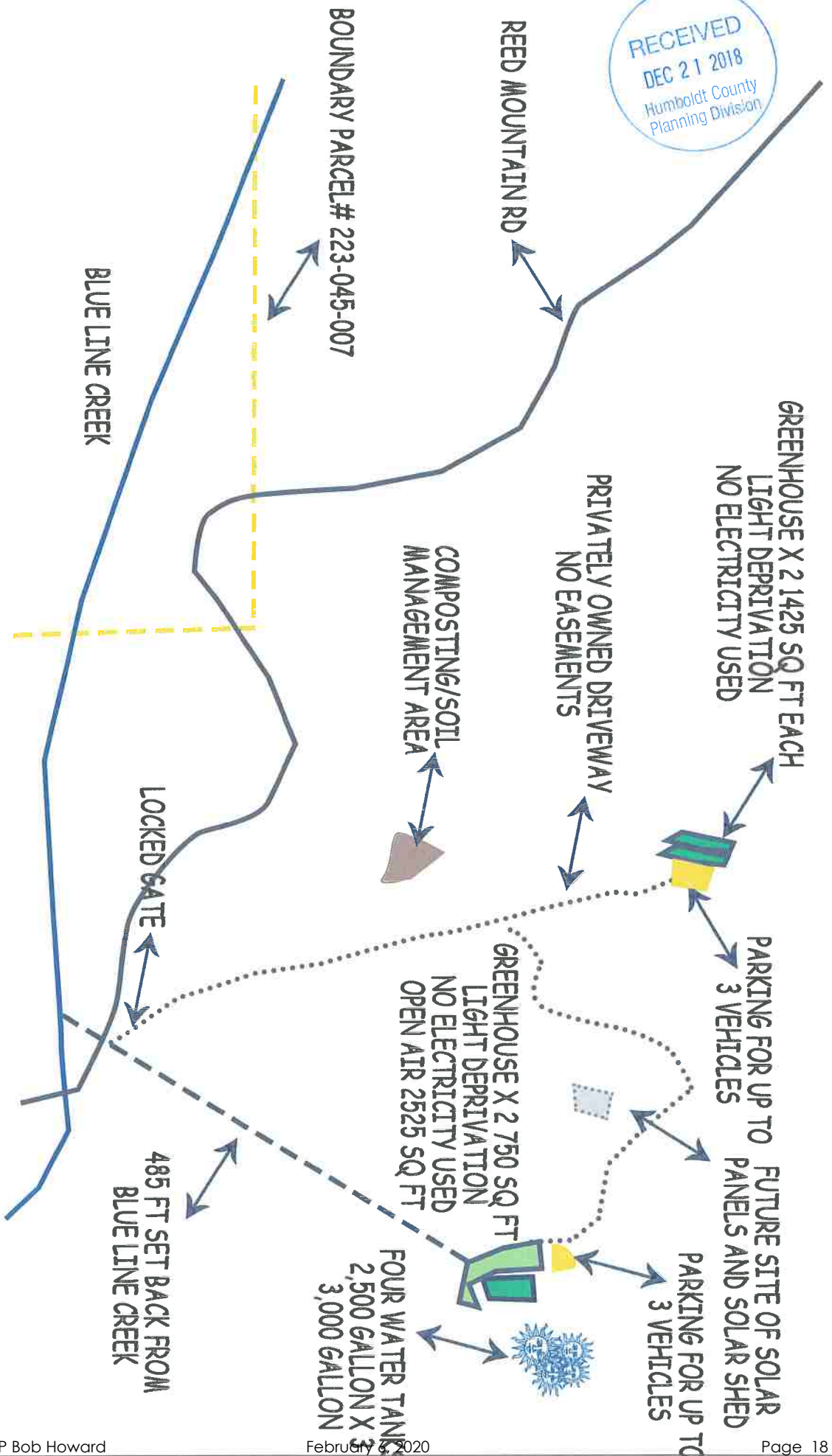


POU #1 SITE PLAN TOTAL CULTIVATION POU#1 1,500 SQ FT
BOB HOWARD

000 REED MOUNTAIN RD BENBOW

223-044-010

P67 PLOT



POU #2 SITE PLAN

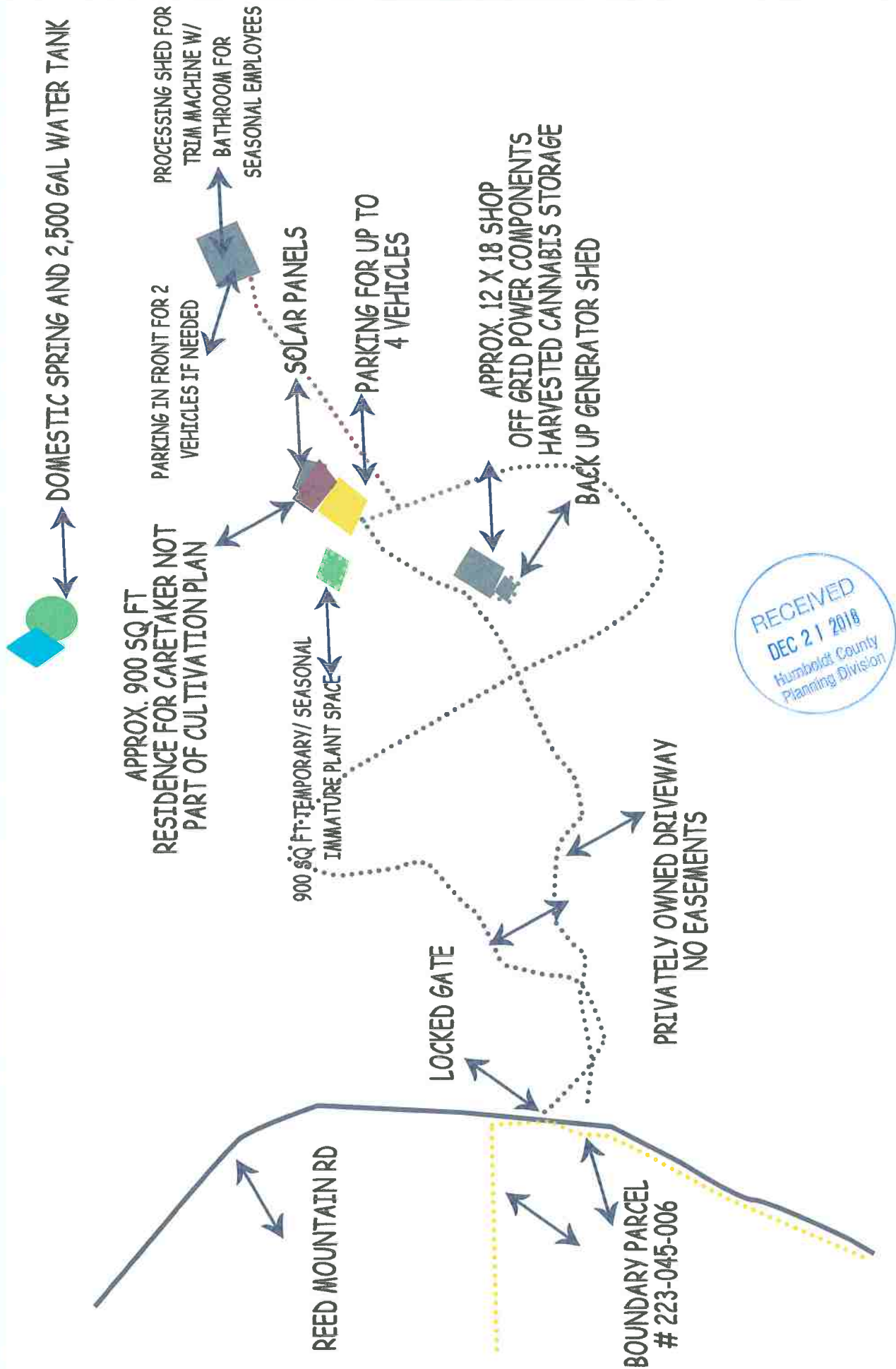
BOB HOWARD

000 REED MOUNTAIN RD BENBOW

223-044-010

Pg 8 PLOT

TOTAL CULTIVATION POU#2 7,875



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #9 - 17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. No use of generators for cultivation-related activities is authorized by this permit.
3. No processing shall occur on-site until the Onsite Wastewater Treatment Systems are permitted by the Department of Environmental Health. See Condition of Approval No. 5 for additional details.
4. Within 30 days of the effective date or a date certain agreed upon with County staff, the applicant shall submit one, consolidated site plan showing the following:
 - a. Entire parcel;
 - b. Assessor's parcel number, applicant's and owner's name;
 - c. Access roads;
 - d. Easements or notations stating there are no easements;
 - e. Graded flats;
 - f. Cultivation areas to be restored;
 - g. Structures and buildings (including floor area, height, proposed use, and year constructed). Label if buildings would or would not be used for cannabis cultivation or commercial activity, and if the structures are currently permitted or unpermitted;
 - h. All watercourses, including streams, ponds and wetlands;
 - i. Buffers/setbacks distances from watercourses to existing development;
 - j. Size of cultivation areas, including greenhouse dimensions;
 - k. Setbacks of cultivation areas to property lines;
 - l. Existing and/or proposed Onsite Wastewater Treatments System(s);
 - m. Items required by the Building Inspection Division in their comments dated April 24, 2019;
 - n. Historic landslides areas and show distance from cultivation areas and off-stream pond; and
 - o. Parking spaces.
5. Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.
6. All artificial lighting used in the appurtenant nursery shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate

light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary. No artificial lighting in the appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.

7. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. No artificial lighting in the appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
8. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project from the off-stream pond. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. The water use for cultivation is limited to the amount of water available in the off-stream pond.
9. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity (including but not limited to the shop, greenhouses, and graded flats). 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.
10. The applicant shall secure the approval of the Division of Environmental Health for the on-site sewage disposal system showing it can accommodate the proposed use. A letter from DEH indicating approval has been issued will satisfy this condition. The applicant shall provide receipts of the use of portable toilets and handwashing stations for cultivation staff, or demonstrate the existing septic system serving the residence is adequate for the operators and up to three (3) employees. A letter from the Division of Environmental Health (DEH) indicating approval has been issued will satisfy this condition.
11. The applicant shall provide proof of an approved Less Than Three Acre Conversion for the subject parcel or retain a Registered Professional Forester to complete a Less Than Three Acre Conversion Evaluation that reviews the conversions on the parcel and determines if the conversions were done in accordance with the Forest Practice Rules. The report shall include any requirements needed to ensure the conversions are in compliance with CAL FIRE regulations and account for the temporal loss of habitat function due to the timber removal (e.g. replanting trees at a 3:1 or 5:1 ratio and /or other habitat enhancement projects on the subject parcel). Additionally, a mitigation and monitoring report that requires a minimum of three years of monitoring with an 85% success rate shall be included in the report. The report shall be submitted to the Planning Department for review and approval prior to implementation. All monitoring reports are required to be submitted prior to the annual inspection and verified during the annual inspection.
12. 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.

13. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
14. The applicant shall adhere to and implement the Invasive Species Control and Management Plan and retain receipts for any disposal of invasive species removed from the site. The applicant shall submit copies of the results of ongoing assessments for invasive species to the Planning Department during the annual inspection.
15. The applicant shall adhere to and implement the remediation and relocation actions described in the Onsite Retirement, Remediation, and Relocation Restoration Plan including reseedling, relocating (3) 3,300-gallon water storage tanks and the erosion control measures described for Former Site 1 as well as the restructuring of greenhouse structures, and sediment control measures tied to the proposed consolidation from Former Site 2. Upon completion, the applicant shall contact the Planning Department within five (5) working days of completing the remediation and relocation actions to set up a site inspection to verify the Onsite Retirement, Remediation, and Relocation Restoration Plan was completed as described.
16. The applicant shall adhere to and implement the soils management plan included with the operations plan. Should the applicant import soil or dispose of soil at an approved disposal site, the applicant shall retain receipts and provide the volume of soil imported or disposed of and the receipts during the annual inspection.
17. The applicant shall obtain and implement a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife for the aspects of the project within the CDFW jurisdiction (for example, but not limited to: off-stream pond outfall improvements, point(s) of diversion used for domestic use, etc.). The applicant shall provide a copy of the agreement to the Planning Department and adhere to and implement all requirements of the agreement. The applicant shall notify the Planning Department when the projects authorized by the final agreement are completed within five (5) business days.
18. All trash and food waste shall be stored in animal proof containers and secured away from human habitation areas and disposed off-site regularly. Photographic evidence detailing the installation of animal proof containers submitted to the Humboldt County Planning Department will satisfy this condition.
19. The applicant shall comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
20. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
21. 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.

22. The applicant to adhere to the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management as required by CCLUO Section 314-55.4.12.13 – Performance Standards Remediation Activities.
23. The applicant shall contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
24. The applicant shall adhere to and implement the recommended strategies for mitigation measures as described in Preliminary Biological Habitat Assessment performed by NorCal Bio Survey on February 22, 2019. All results from surveys shall be provided to the Planning Department with five (5) business days of the surveys completion. Should any positive results from botanical survey or nesting bird surveys, proposed development is not authorized until this permit is modified as necessary to evaluate the results of the survey.
25. 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.
26. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.

4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California is required in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Six Rivers National Forest is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis 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. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by

the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

14. The applicant shall submit a road evaluation report prepared by a licensed civil engineer that evaluates the design, condition and performance of all private road segments within the Roadshed.
15. The applicant shall provide consent to join or establish a Road Maintenance Association (RMA) for Lindley Road. Evidence shall be provided to the satisfaction of the County, and may include minutes from a meeting, written correspondence and confirmation from the RMA Secretary, or similar information.
16. 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 SPA program, and in such a way that no spillage occurs.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
19. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

20. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
21. 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).
22. 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.
23. 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:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) 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.
24. 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.
25. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25, 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.
27. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - (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 California Medical Marijuana Regulation and Safety Act 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 California Medical and Adult Use Cannabis Regulation and Safety Act.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance,

or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #25 and 26 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 on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.
9. 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.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan 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.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T): This plan designation applies to land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed.</p> <p>Density is 40 - 160 acres/unit.</p>	<p>The proposed project includes approximately 9,375 square feet of outdoor cultivation on a 253-acre parcel. General agriculture is an allowable use type for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is from Reed Mountain Road that intersects with County-maintained Benbow Drive. The applicant has identified Reed Mountain Road as developed equivalent to a Road Category 4 standard. In 2001, an upland sediment source assessment of Reed Mountain Road was conducted by Pacific Watershed Associates. The total of 22 sediment source locations including road surface were identified. In 2002, the plan was implemented with grand funds from the California Department of Fish and Game (now Department of Fish and Wildlife) and, in 2005, field inspection concluded that all project site are functioning well (see Attachment 4). The Department of Public Works recommended approval of the proposed project.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	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. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) 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.	The proposed project parcel is located within the Open Space Land Plan because the parcel is designated Timberland. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation. 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. See Section 10.3 <i>Biological Resources</i> for additional information.

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>There are no mapped special status species on the California Natural Diversity Database (CNDDDB). The CNDDDB indicates that nearest Northern Spotted Owl (NSO) sighting is located 1.02 miles northeast in 2017 and the nearest NSO activity center is approximately 1.45 miles northwest from the project site. There are four negative observation sites within 0.50 miles of the cultivation area. The nearest Marbled murrelet habitat is located approximately 0.73 miles southwest of the project site. Electricity is provided to the parcel by solar panels are used with a back-up generator for domestic use during winter months. No generator use is for cultivation activities is authorized by this permit. Artificial lighting will be utilized in the 900-square-foot propagation greenhouse that will be a temporary structure only used to cultivation starts for the second cultivation cycle. Plant starts for the first cultivation will be purchased from a retail or wholesale nursery. Conditions of approval require that the applicant adhere to Dark Sky Standards for the life of the project. The applicant will demonstrate this standard can be achieved prior to using any artificial lighting on site. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans or dehumidifiers) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. Compliance with this standard is required prior to use of fans of dehumidifiers.</p> <p>A preliminary biological habitat assessment was conducted by NorCal Bio Surveys on February 22, 2019, for potential listed species and species of concern. Parcel and project areas were scoped using the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) and a biological reconnaissance survey to assess potential habitat for sensitive species and develop guidelines and strategies for mitigation measures, as necessary. The following was concluded: Although the database search resulted in</p>
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		<p>the potential for multiple listed species within the study area, none were observed during initial site evaluation. Areas surrounding the SMA are out of range of project activities with no future projects proposed. Conduct nesting bird surveys if tree or shrub removal or habitat alteration is planned within the nesting bird season (generally March 1- August 31), conduct seasonally appropriate floristic (botanical) surveys for rare plants if any ground disturbance for further development is proposed. Additional recommendations included list of measures to prevent the introduction and spread of invasive species (see Attachment 4). Conditions of approval require the applicant to adhere to the recommendations within the biological scoping report. Should any positive results from botanical survey or nesting bird surveys, proposed development is not authorized until this permit is modified as necessary to evaluate the results of the survey.</p> <p>The proposed project includes relocation and remediation of two historic cultivation sites that will be consolidated into one cultivation area. The applicant provided an <i>On-site Retirement, Remediation and Relocation (RRR) Restoration Plan</i> prepared by ETA Humboldt, LLC, received on December 19, 2019. Remediation activities include removal of cultivation-related infrastructure and waste, replanting of native grass seed and winterization of the former cultivation sites. Conditions of approval require the applicant to adhere to and implement the recommendations in the <i>On-site Retirement, Remediation and Relocation (RRR) Restoration Plan</i> and obtain all necessary permits to complete the remediation. Conditions of approval also require the applicant to adhere to the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management as required by CCLUO</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>Section 314-55.4.12.13 – <i>Performance Standards Remediation Activities</i>.</p> <p>See finding in Section 2, Section 314-61.1 <i>Streamside Management Areas</i> for additional regarding development within the Streamside Management.</p> <p>See finding in Section 3, <i>Performance Standards – Cannabis Irrigation</i> for additional information regarding water use, source and storage.</p> <p>The California Department of Fish and Wildlife (CDFW) was referred on June 10, 2019, and did not provide comments on the project. Planning Department staff contacted CDFW staff directly on January 30, 2020, to request comments. Although CDFW did not respond, several conditions regarding obtaining and implementing a Final Streambed Alteration Agreement and wildlife protections were included in the conditions of approval.</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 project was referred to the Bear River Band of the Rohnerville Rancheria, the Sinkyone Intertribal Council, and the Northwest Information Center (NWIC). Although a cultural resources survey was recommended by NWIC, the Bear River Band Tribal Historic Preservation Officer, has recommended the standard inadvertent discovery protocol 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 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project is for 9,375 square feet of outdoor cultivation, the proposed project includes a 900-square-foot appurtenant nursery to propagate plants for the second cultivation cycle. According to the operations plan, minimal artificial lighting will consist of 22w regular light bulbs powered by solar power. The CCLUO and conditions of approval require all use of artificial lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the artificial lighting in the 900-square-foot propagation greenhouse can be demonstrated to comply with these standards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. A Site Management Plan was prepared for the subject parcel and was received on May 7, 2019 (see Attachment 4). An <i>As-Built Grading and Erosion Control Plan</i> was prepared by Omsberg and Preston, dated November 13, 2018, for the off-stream pond (see Attachment 4) that includes erosion control measures associated with site development activities to minimize run-off from construction and/or maintenance.</p> <p>Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. 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. 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. Conditions of approval also require the applicant to obtain grading permits from the Building Inspection Division and adhere to all permit requirements.</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 proposed project utilizes an onsite septic system which serves the residence and the shed used for processing activities. The residence and processing shed include a bathroom and hand-washing area for the applicant and caretaker who will be on-site to handle all cultivation-related activities. There will be a maximum of three employees on-site. The Department of Environmental Health recommended conditional approval. Conditions of approval require the applicant to Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until the OWTS's are permitted through DEH, the applicant use utilize portable bathroom facilities.</p> <p>Additionally, the applicant shall retain receipts and invoices for the rental and cleaning of the portable facilities and provide the records annually during the site inspection.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Power to the subject parcel is provided by Solar with generator use only occurs for emergency backup and through the months of November - January for domestic use. No generators are authorized for use for cultivation activities. The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) sighting is located 1.02 miles northeast in 2017 and the nearest NSO activity center is approximately 1.45 miles northwest from the project site. There are four negative observation sites within 0.50 miles of the cultivation area. The nearest Marbled Murrelet habitat is located approximately 0.73 miles southwest of the project site. as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans or dehumidifiers) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. Compliance with this standard is required prior to use of fans of dehumidifiers.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The subject parcel is classified as moderate instability. Slopes on the subject parcel vary from less than 15% to 50%. There are mapped historic landslides, however, the historic landslides are not mapped near the off-stream pond. According to the Site Management Plan, the cultivation area is flat and were previously log decks created by past land use activities (see Attachment 4). An <i>As-Built Grading and Erosion Control Plan</i> was prepared by Omsberg and Preston, dated November 13, 2018, for the off-stream pond (see Attachment 4). Cut and fill slopes will not exceed 2:1. Conditions of approval require the applicant to obtain grading permits for (but not limited to) road improvements, and off-stream and flats from the Building Inspection Division. As conditioned, the project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 13 miles distance from the coast, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with high to very high fire severity. The subject property is located within the Garberville Fire Protection District response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE provided no comment on this project. Conditions require compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>A maximum of four employees is required to meet operational needs. The applicant has developed 13,500 gallons of water storage on the subject parcel and there is a 4-acre-foot off-stream pond that can also be used for fire protection purposes in case of an emergency.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>There is no additional grading associated with this cannabis cultivation project as there are no proposed changes to the existing operation. The North Coast Air Quality Management District was sent a project referral and did not provide any comments. Any potential future grading and or building permits shall be referred to the NCAQMD for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 223-044-010 was created by a Lot Line Adjustment LLA14-016, Notice of Lot Line Adjustment 2017-012414, formerly APNs 223-044-003, 223-045-008, 223-045-001. A second Lot Line Adjustment for APN 223-044-010 was approved as recorded on October 30, 2019, in document numbers 2019-018745 and 2019-0187044. The Lot Line Adjustment did not create any new parcels; however, APN 223-044-010 was adjusted and the resulting subject parcel where the cultivation areas are located is 253 acres in size (see Attachment 4 – Lot Line Adjustment Map). There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Timberland Production Zone (TPZ)	Timberland Production Zone (TPZ): The principal permitted uses in the Timberland Production zoning designation are accessory agricultural uses and structures, grazing and other agricultural uses.	The applicant is seeking a Special Permit for an existing 9,375-square-foot outdoor cannabis cultivation site on a 253-acre parcel property zoned TPZ. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.5.1.3 and 314-55.4.6.5 of the CCLUO.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size:	160 or 40 acres	253 acres
Maximum Ground Coverage:	None specified	< 5 acres
Minimum Lot Width:	None specified	2,487 feet
Maximum Lot Depth:	Three times the width	5,063 feet
Minimum Parcel Setbacks: (through the SRA requirements)	Front: 20 feet Rear: 30 feet Side: 30 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Sides: >30 feet
Max. Building Height:	None specified	< 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.	There are two mapped Streamside Management Areas (SMAs) in the northern and southern portions of the subject parcel. Water for domestic use is supplied by a point of diversion that the applicant has filed an <i>Initial Statement of Water Diversion and Use</i> with the State Water Resources Control Board. A 4.5-acre-foot, off-stream pond was developed for cannabis irrigation in the northwest section of the subject parcel. The State Water Resources Control Board found the pond to be not connected to surface waters. Conditions of approval require the applicant to obtain a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) if improvement to the pond outfall area required. Alternatively, the applicant could submit communication from CDFW no improvements are necessary. See Section 3 – Performance Standards – Remediation Activities for additional information regarding relocation of historic cultivation areas.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *Use for this activity is not specified. Per Section	3 spaces

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
	314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Bob Howard has submitted two applications proposing a total of 19,375 square feet of existing cultivation area and could be authorized for a maximum of eight acres. This application is one Special Permit for a 9,375-square-foot cultivation area.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	The subject parcel is zoned TPZ and is mostly forested. A review of aerial imagery on the Humboldt County WebGIS shows that timber conversion occurred between 2005 – 2009, 2010 – 2012 and 2012 – 2014 for cultivation areas and where the off-stream pond was developed. No additional trees are proposed to be removed as part of the project. The project was referred to CAL FIRE and the agency responded with no comments. Conditions of approval require the applicant to provide proof of an approved Less Than Three Acre Conversion for the subject parcel or retain a Registered Professional Forester to complete a Less Than Three Acre Conversion Evaluation that reviews the conversions on the parcel and determines if the conversions were done in accordance with the Forest Practice Rules. The report shall include any requirements needed to ensure the conversions are in compliance with CAL FIRE regulations and account for the temporal loss of habitat function due to the timber removal (e.g. replanting trees at a 3:1 or 5:1 ratio and /or other habitat enhancement projects on the subject parcel). Additionally, a mitigation and monitoring report that requires a minimum of three years of monitoring with an 85% success rate shall be included in the report.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
<p>§ 314-55.4.6.1 Eligibility Requirements – Resource Production and Residential Areas</p> <p>Zoning</p> <p>Minimum Parcel Size and allowed Cultivation Area</p> <p>§314-55.4.6.5 Accommodations for Pre-Existing Cultivation Sites</p>	<p>AE, AG, FR and U when accompanied by a Resource Production General Plan land use designation requiring a parcel size of 5 acres or more. On parcels 10 acres or larger, up to 43,560 square feet of Cultivation Area with a Special Permit.</p> <p>Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production General Plan land use designation or Residential land use designation requiring parcel sizes of more than 5 acres. Expansion of Pre-Existing Cultivation Sites is prohibited where located within TPZ zones or U zones where the General Plan land use designation is "Timberland".</p>	<p>The proposed project is a Special Permit for 9,375 square feet of existing outdoor cannabis cultivation on a 253-acre parcel zoned TPZ with a General Plan designation of Timber. The initial Cultivation Area verification by the Planning Division confirms evidence of 7,470 square feet of cultivation existed between January 1, 2006 and December 31, 2015 (see Attachment 4). The applicant then submitted additional documentation and staff concurred with the analysis provided by the applicant (see Attachment 4). As noted on the CAV completed by the County, the cultivation area was applied for initially under Application Number 11916 prior to a Lot Line Adjustment. The reduction of 9,375 square feet will be processed for Application Number 11916 No expansion of the existing cultivation site is proposed or authorized. Drying will occur within the greenhouses and curing will occur onsite within an existing, secure shop building near the caretaker's residence. Cannabis will be stored in this location until taken off-site to a licensed processing facility. Should a licensed off-site processing facility be unavailable, cannabis will be processed in the existing shop structure using a trim machine and a maximum of three employees. As a condition of approval, the applicant is responsible for obtaining all required permits to the satisfaction of BID and DEH.</p>

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. There are no cultural resources (TCRs) on the subject parcel and the cultivation area is located more than 1,000 feet from all Tribal Ceremonial Sites. Conditions of approval require the applicant to submit one, consolidated site plan showing the existing and proposed development that includes streamside management areas, setback distances and retirements and relocation areas within 30 days of project approval.
§314-55.4.11 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.
§314-55.4.12 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 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
§314-55.4.12.1.8 Performance Standards– Road System	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	Access to the site is from Reed Mountain Road that intersects with County-maintained Benbow Drive. The applicant has identified Reed Mountain Road as developed equivalent to a Category 4 road standard. In 2001, an upland sediment source assessment of Reed Mountain Road was conducted by Pacific Watershed Associates. The total of 22 sediment source locations including road surface were identified. In 2002, the plan was implemented with grant funds from the California Department of Fish and Game (now Department of Fish and Wildlife) and, in 2005, field inspection concluded that all project site are functioning well (see Attachment 4). As required by the CCLUO, the private road and driveways providing access to parcel(s) or premises shall be designed, maintained, or retrofitted in accordance with the latest edition of the document titled, "A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds", which was adopted by the Humboldt County Board of Supervisors on July 6, 2010, and is also known as the Five Counties Salmonid Conservation Roads Maintenance Manual. The Department of Public Works recommended approval of the proposed project.

<p>§314-55.4.12.1.10 Performance Standards– Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>There are no mapped special status species on the California Natural Diversity Database (CNDDDB). The CNDDDB indicates that nearest Northern Spotted Owl (NSO) sighting is located 1.02 miles northeast in 2017 and the nearest NSO activity center is approximately 1.45 miles northwest from the project site. There are four negative observation sites within 0.50 miles of the cultivation area. The nearest Marbled murrelet habitat is located approximately 0.73 miles southwest of the project site. Electricity is provided to the parcel by solar panels are used with a back-up generator for domestic use during winter months. No generator use is for cultivation activities is authorized by this permit. Artificial lighting will be utilized in the 900-square-foot propagation greenhouse that will be a temporary structure only used to cultivation starts for the second cultivation cycle. Plant starts for the first cultivation will be purchased from a retail or wholesale nursery. Conditions of approval require that the applicant adhere to Dark Sky Standards for the life of the project. The applicant will demonstrate this standard can be achieved prior to using any artificial lighting on site. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans or dehumidifiers) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. Compliance with this standard is required prior to use of fans of dehumidifiers.</p> <p>A preliminary biological habitat assessment was conducted by NorCal Bio Surveys on February 22, 2019, for potential listed species and species of concern. Parcel and project areas were scoped using the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) and a biological reconnaissance survey to assess potential habitat for sensitive species and develop guidelines and strategies for mitigation measures, as necessary. The following was concluded: Although the database search resulted in the potential for multiple listed species within the study area, none were observed during initial site evaluation. Areas surrounding the SMA are out of range of</p>
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		<p>project activities with no future projects proposed. Conduct nesting bird surveys if tree or shrub removal or habitat alteration is planned within the nesting bird season (generally March 1- August 31), conduct seasonally appropriate floristic (botanical) surveys for rare plants if any ground disturbance for further development is proposed. Additional recommendations included list of measures to prevent the introduction and spread of invasive species (see Attachment 4). Conditions of approval require the applicant to adhere to the recommendations within the biological scoping report. Should any positive results from botanical survey or nesting bird surveys, proposed development is not authorized until this permit is modified as necessary to evaluate the results of the survey.</p> <p>The proposed project includes relocation and remediation of two historic cultivation sites that will be consolidated into one cultivation area. The applicant provided an <i>On-site Retirement, Remediation and Relocation (RRR) Restoration Plan</i> prepared by ETA Humboldt, LLC, received on December 19, 2019. Remediation activities include removal of cultivation-related infrastructure and waste, replanting of native grass seed and winterization of the former cultivation sites. Conditions of approval require the applicant to adhere to and implement the recommendations in the <i>On-site Retirement, Remediation and Relocation (RRR) Restoration Plan</i> and obtain all necessary permits to complete the remediation. Conditions of approval also require the applicant to adhere to the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management as required by CCLUO Section 314-55.4.12.13 – <i>Performance Standards Remediation Activities</i>.</p> <p>See finding in Section 2, Section 314-61.1 <i>Streamside Management Areas</i> for additional regarding development within the Streamside Management.</p> <p>See finding in Section 3, <i>Performance Standards – Cannabis Irrigation</i> for additional</p>
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
		<p>information regarding water use, source and storage.</p> <p>The California Department of Fish and Wildlife (CDFW) was referred on June 10, 2019, and did not provide comments on the project. Planning Department staff contacted CDFW staff directly on January 30, 2020, to request comments. Although CDFW did not respond, several conditions regarding obtaining and implementing a Final Streambed Alteration Agreement and wildlife protections were included in the conditions of approval.</p>
§314-55.4.12.2 Performance Standards– Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
§314-55.4.12.4 Performance Standards– Light Pollution Control	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	The proposed project is for 9,375 square feet of existing outdoor cannabis cultivation. Clones are sourced off site from a licensed nursery for the first cultivation cycle and will be produced on-site in a proposed 900-square-foot greenhouse for the second cultivation cycle. Conditions of approval require that the Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses. Additional conditions for the Nursery structures require said structures to be shielded so that no light escapes between sunset and sunrise. The applicant must demonstrate compliance with these conditions prior to using artificial lighting.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
§314-55.4.12.5 Performance Standards– Energy Use	<p>In TPZ zones and U zones (with a Land Use Designation of Timberland) the use of generators and Mixed-Light cultivation is prohibited. All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The power source for the project will be solar power supplied by six 200-watt solar panels. Generators will be used for backup and domestic purposes. No use of a generator (for daily or emergency situations) is authorized by this permit for use for cannabis cultivation. A condition of approval restricting generator use is included. As conditioned, the project complies with this section.</p>

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
§314-55.4.12.6 Performance Standards– Noise	Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.	Power to the subject parcel is provided by Solar with generator use only occurs for emergency backup and through the months of November - January for domestic use. No generators are authorized for use for cultivation activities. The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) sighting is located 1.02 miles northeast in 2017 and the nearest NSO activity center is approximately 1.45 miles northwest from the project site. There are four negative observation sites within 0.50 miles of the cultivation area. The nearest Marbled murrelet habitat is located approximately 0.73 miles southwest of the project site. as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans or dehumidifiers) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. Compliance with this standard is required prior to use of fans of dehumidifiers.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	Annual water use for irrigation is 228,270 gallons (13.89 gallons/sf/cycle). There are two cultivation cycles using light deprivation and one cultivation cycle using full-sun cultivation methods. The applicant utilizes a 4.5-acre-foot (or 1,466,329-gallon) off-stream pond for irrigation. Domestic water is sourced from a surface water diversion that a <i>Statement of Water Diversion and Use</i> was filed with the State Water Resources Control Board (ID# S0279931). State Water Resources Control Board (SWRCB) staff requested additional information regarding the pond, which was provided. Referral comments from SWRCB stated the pond is considered rain catchment and not in need of a water right (see Attachment 5). The SWRCB does not have any objections to the approval of this permit. According to the applicant, a Notification of Lake or Streambed Alteration has been submitted to the California Department of Fish and Wildlife (CDFW); however, the agreement has not been issued. In a narrative provided by the applicant related to a June 2019 CDFW site visit, the applicant indicated a bullfrog management plan will be submitted to CDFW. Although water rights are not required for the project, conditions of approval require the applicant to meter water usage from the pond and provide the results during the annual inspection. Additionally, conditions require the applicant to adhere to and implement a bullfrog management plan that will be approved by CDFW. The applicant will also provide reporting results to the Planning Department. As conditioned, project complies with the referenced section.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)		
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	Within the operations plan, the applicant submitted a Soils Management Plan that describes how soils will be used, amended and disposed of for the proposed project. No soil will be exported from the site. All soil will be retained on-site and will not be disposed of off-site. Soils are amended annually, and cover crops are used when cannabis cultivation is not occurring to minimize soil loss. Conditions of approval require the applicant to adhere to and implement the soils management plan included with the operations plan. Should the applicant import soil or dispose of soil at an approved disposal site, the applicant shall retain receipts and provide the volume of soil imported or disposed of and the receipts during the annual inspection.
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	A Biological Reconnaissance survey performed by NorCal Bio Surveys identified four (4) invasive plant species in a very small quantity located around the cultivation area. The Invasive Species Control and Management Plan states mechanical removal may be used in addition to preventative control techniques such as mulching. Invasive species will be disposed of at the nearest proper disposal facility. Conditions of approval require the applicant to adhere to and implement the Invasive Species Control and Management Plan and retain receipts for any disposal of invasive species removed from the site. Additionally, the applicant will submit copies of the results of ongoing assessments for invasive species to the Planning Department during the annual inspection.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
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5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above, this parcel was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single-family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of an existing outdoor cultivation, restoration and restocking of historic cultivation areas in SMAs and on-site processing activities. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018

APN 223-044-010, Northwest quarter of Section 7 of Township 05 South, Range 04 East, Humboldt
Base & Meridian, Benbow, County of Humboldt

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

February 2020

Background

Project Description and Project History – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

A Special Permit for 9,375 sf of existing outdoor commercial cannabis cultivation. There will be a maximum of two cultivation cycles annually. The proposed project includes relocation of two historic cultivation sites to one consolidated environmentally superior location. The applicant estimates 228,270-gallons of water is required annually. Irrigation water for cultivation is sourced from an onsite rainwater catchment pond with an estimated capacity of 4.5-acre feet or (1,466,000 gallons). Additional water storage for irrigation consists of six (6) hard tanks totaling 13,500 gallons. The applicant proposes to obtain plant starts from a licensed nursery and supplement when necessary with a 900-square-foot greenhouse utilized for nursery starts as needed for the second round of cultivation. Cannabis will be processed off site at a licensed processing facility. The applicant anticipates the need for up to three (3) employees to handle operations onsite. Power for the project is provided by a solar system with supplemental generator use from November through January for domestic use only. This permit does not authorize the use of any generators for cultivation-related activities. The project also includes a Special Permit for restoration of the riparian coordinator associated with a Class III watercourse where an historic cultivation site was located.

The subject parcel is located in an area that requires special noise attenuation measures. The nearest NSO activity center is located approximately 1.4 miles away from the cultivation area. The nearest Marbled murrelet habitat is located approximately 0.6 miles to the southwest according to the Humboldt County WebGIS. The subject parcel contains Streamside Management Area (SMA) running along the northern parcel boundary in its entirety that is associated with the South Fork Eel River and its runs of Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*O. kisutch*), Steelhead trout (*O. mykiss*), as well as amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species. Noise and light attenuation, such as limiting noise to 50 dB at 100 feet and adhering to Dark Sky standards when using artificial light minimize potential impacts on sensitive receptors. Solar is the primary power source. Generator use only occurs for emergency backup and through the months of November - January for domestic use only. Conditions of approval require the applicant to demonstrate the noise from

the operations is limited to 50 dB at 100 feet from the noise source and inaudible at the property line prior to using fans during the second cultivation cycle. Water for the project will be provided entirely by an off-stream pond, with no diversionary sources to serve the cannabis irrigation needs. The proposed project includes relocation of two historic cultivation sites to a centralized location. One of the historic cultivation sites located near watercourses and wetland areas.

A preliminary biological habitat assessment was conducted by NorCal Bio Surveys on February 22, 2019, for potential listed species and species of concern. Parcel and project areas were scoped using the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) and a biological reconnaissance survey to assess potential habitat for sensitive species and develop guidelines and strategies for mitigation measures, as necessary. The following was concluded: Although the database search resulted in the potential for multiple listed species within the study area, none were observed during initial site evaluation. Areas surrounding the SMA are out of range of project activities with no future projects proposed. Conduct nesting bird surveys if tree or shrub removal or habitat alteration is planned within the nesting bird season (generally March 1-August 31), conduct seasonally appropriate floristic (botanical) surveys for rare plants if any ground disturbance for further development is proposed. Additional recommendations included list of measures to prevent the introduction and spread of invasive species (see attachment 4). Additionally, protocol-level surveys prior to any future ground disturbing activities is a condition of project approval.

A request for comment for the project site was made to the Northwest Information Center (NWIC), the Intertribal Sinkyone Wilderness Council, and the Bear River Band of Rhonerville Rancheria Tribal Historic Preservation Office on 6/10/2019. Bear River Band recommended the inclusion of inadvertent discovery language as a condition of project approval. The project as designed protects water resources because it utilizes an existing rainwater catchment pond for a water source and meets appropriate Streamside Management Area buffers and implements light and noise attenuation measures to limit impacts to critical habitat for sensitive and endangered species.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, supplying irrigation water from a groundwater well and electricity from PG&E, and utilizing a Category 4 equivalent road system.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete,

shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 9,375 square feet of existing outdoor cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan prepared by Vanessa Valare received May 07, 2019.
- A Site Plan prepared by Huber C&D received June 24, 2019;
- Road Evaluation Report dated July 26, 2018;
- Invasive Species Control and Management Plan prepared by Vanessa Valare. (Attached)
- Biological Assessment Report prepared by Nor Cal Bio Surveys, dated July 28, 2019.
- On Site-Retirement, Remediation, and Relocation (RRR) Restoration Plan, prepared by ETA Humboldt LLC, received December 19, 2019
- Watershed Restoration Implementation Project Report, prepared by Pacific Watershed Associates, dated October 31, 2018
- Grading, Drainage, and Erosion Control Plan prepared by Omsberg and Preston dated August 3, 2018.

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, 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. (Not applicable)
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 as separate document [4A] and on-file)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file – Initial Statement of Water Diversion and Use dated May 6, 2018)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Water Resource Protection Plan and Site Management Plan; On file –dated November 2018)
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. (On file – Notification of Lake or Streambed Alteration)

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. (Condition of approval)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet. (On file)
16. Road Evaluation Report submitted July 26, 2018. (Attached as separate document [4B] and on-file)
17. Invasive Species Control and Management Plan prepared by Vanessa Valare. (Attached as separate document [4C] and on-file)
18. Biological Assessment Report prepared by Nor Cal Bio Surveys, dated July 28, 2019. (Attached as separate document [4D] and on-file)
19. Watershed Restoration Implementation Project Report, prepared by Pacific Watershed Associates, dated October 31, 2018 (Attached as separate document [4E] and on-file as see Attachment A of Site Management Plan)

20. Relocation Evaluation (Howard) prepared by Omsberg and Preston dated August 3, 2018, including the Grading, Drainage, and Erosion Control Plan dated 11.27.2018. (Attached)
21. Cultivation Area Verification conducted by County Planning staff dated January 3, 2019. (Attached)
22. Pre-Existing Cultivation Area Overview provided by Applicant received December 21, 2016. (Attached)
23. Changes per CDFW walk through dated June 6, 2019, prepared by Vanessa Valare (agent), received June 24, 2019. (Attached)
24. Lot Line Adjustment Map approved by LLA-18-03. (Attached)
25. On-Site Remediation and Relcation Plan prepared by ETA Humboldt LLC received 12.19.2020. (Attached as separate document [4F] and on-file)
26. Water Irragation and Storage Plan received on 05.07.2019. (Attached as separate document [4G] and on-file)

RECEIVED

JUN 24 2019

Humboldt County
Planning Division

Proof of Document Submittal

Date: 06 / 24 / 2019

Agency: Humboldt Planning and Building Department

Attention Max Hilxen

Project/ APN: 223-044-010

Project Name: Bob Howard

Documents Submitted:

~~Incomplete Letter~~ Changes per CDFW
walk through 6-6-2019

Max Hilxen,

Greetings, this letter is to inform you that application 11592 for Bob Howard parcel 223-044-010 needs to change the layout of his cultivation. The applicant had a site inspection on June 6, 2019 with Andrew Orahoske from CDFW. Based on findings from the walk through the applicant will be bring the cultivation area in closer together. I have attached the addendum to the LSAA for better explanation and the new plot plan. Thank you for your time,
Vanessa Valare



Addendum 8A

After a site inspection on June 6, 2019 with Andrew Orahoske from CDFW the applicant is changing the footprint of this cultivation site. He will be pulling the canopy off the top two pads and bring the entire cultivation to the lower two pads. This will bring the disturbed area to more like 30,000 sq. ft for this 10,000 sq. ft canopy. I will resubmit plans to HCBPD asap to reflect these changes. The attached map reflects these changes as well.

We will also be removing 3 3,000-gallon water tanks from above these decommissioned pads and bringing them down approx. 200 ft to a more stable place above the cultivation site due to the determination of a land slide that is occurring. See site map for additional notes.

On the two pads where the cultivation will be moved, there is an area Mr. Howard cleaned up too much along the bank slope coming down from the road. He will add wood slash perpendicular along hillside and pack that in to create bank stability with natural elements. Also, the use of erosion control blankets, waddles and silt fencing to stabilize the bank before the rains this year. This is marked E1 on the map.

At the cultivation site an additional culvert is being added to the map for one project where an upper culvert leads into a lower culvert. I only have the lower culvert on the previously submitted LSAA currently. The two culverts work together to move water within a 50 ft section over the road. The applicant paid for this project in the first notification. This is marked with a white culvert symbol.

There is also a Ditch relief crossing culvert at 40.0207, -123.7646 that we looked at last on our site visit, the driveway segment that went to the south west down from the second spring. This culvert was sized appropriately but had a cut in the top of the culvert, this was how it was initially installed and has failed. The applicant is to cut off the hanging part of the culvert and add a downspout that goes down approx. 20 ft on the bank and then to have rock armoring to dissipate water into the channel. This is marked DC1 in white on the site map.

At the pond on the previous submitted LSAA the applicant shores up the earthen land ramp in the pond once the water has receded pretty low. The applicant will also start a CDFW compliant Bull Frog Management Plan.

The applicant will also address a seepage on the road heading toward the processing area of the site. A fix has been prescribed by Andrew and Adona White from NCRWCB, to move the water more appropriately from the road off the bank to control the erosion that is occurring from a point of diversion site. Marked EC1 on the map. An old unused water tank from down below this area is to be brought up and the water lines to be removed. Marked WR1 on map. The area to be modified only slightly to ensure water leaves old decommissioned road without carrying sediment into water below. This includes a 12" DRC that needs rock along the seepage edge. Marked EC2. This site also needs septic tank permit through DHHS.

Additional Project Notifications

1-

Stream Crossing culvert that is next to the spring near the rock quarry. This includes the culvert that next to it (less than 10 ft away) that is from the spring channel and runs into same water course during heavy rain. The culvert in the actual stream channel is sized most likely close to appropriate at the moment but when the culvert needs repairs it will be upgraded to a vented ford above the existing culvert or with a new culvert sized larger. In this current LSAA it will be maintenance but to watch and then apply for, when necessary, due to the nature of the surrounding land. The maintenance will include armoring the outlet for energy dissipation, as well as armoring the bank on the inlet side, and

potentially added some erosion control plants such as coyote bush or ceanothus to the bank. Riprap installed to protect the inlet and outlet of a stream crossing culvert from erosion or for energy dissipation should be keyed into the natural channel bed and banks to an approximate depth of about 1.5x the maximum rock thickness. Riprap should be placed at least up to the top of the culvert at both inlet and outlet to protect them from splash erosion and to trap any sediment eroded from the newly constructed fill slope above. Add rock slope protection 20 ft downstream and upstream from culvert. A water bar would also be installed at the top and bottom with an armored ford. The culvert in the spring channel according to my notes also needs armoring at the inlet and out, the culvert calculations done on it, a water bar up the hill from the culvert and planting of erosion control plants along bank walls to increase stability. Leave all woody debris in the channel as long as it isn't obstructing the flow of the water through the culvert.

Before this set of culverts there was another one along the road about 100 ft before the ones above. This was a ditch relief culvert according to my notes and I wrote that you wanted a water bar and the ditch along the road kept clean. There is also seepage on the road here and we discussed rocking the ditch to help control seepage onto the road.

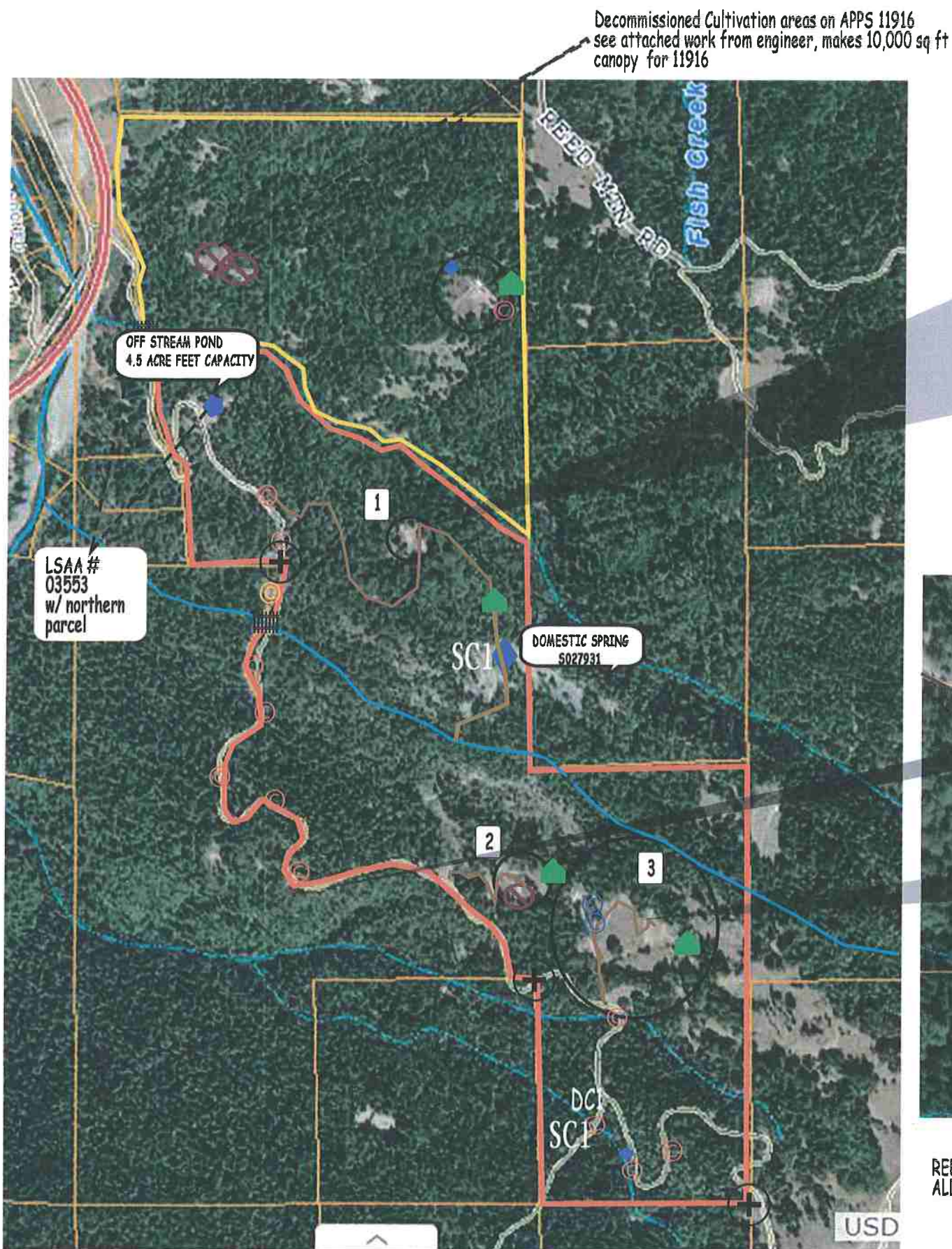
Marked on map as SC1.

2-

Stream crossing culvert is currently 24". The applicant needs to upgrade this culvert. We measured the stream bank at 24-32 inches. The applicant would like to replace this culvert with a 42" culvert that could more than withstand 100-year flow requirements. New culvert installations shall be sized to accommodate a 100-year storm. Marked SC2 on the map.

New culverts shall be placed at stream gradient, or have downspouts, or have energy dissipators at outfall. Align culverts with the natural stream channel orientation to ensure proper function, prevent bank erosion and minimize debris plugging. Place culverts at the base of the fill and at the grade of the original streambed or install a downspout pas the base of the fill. Downspouts should only be installed if there are no other options. Culverts should be set slightly below the original stream grade so that the water drops several inches as it enters the pipe. Culvert beds should be composed of rock-free soil or gravel, evenly distributed under the length of the pipe. Compact the base and sidewall material before placing the pipe in its bed. Lay the pipe on a well-compacted base. Poor basal compaction will cause settling or deflection in the pipe and can result in separation at a coupling or rupture in the pipe wall. Backfill material should be free of rocks, limbs, or other debris that could dent or puncture the pipe or allow water to seep around the pipe. Cover one end of the culvert pipe, then the other end. Once the ends are secure, cover the center. Tamp and compact backfill material throughout the entire process, using water as necessary for compaction. Backfill compaction will be down in 0.5-1.0-foot lifts until $\frac{1}{3}$ of the diameter of the culvert has been covered. Add layers of fill over the crossing to achieve the final design road grade, at a minimum of one-third to one-half the culvert diameter. Critical dips shall be installed on culvert crossings to eliminate diversion potential. Road approaches to crossings shall be treated out to the first drainage structure (i.e. Waterbar) or hydrologic divide to prevent transport of sediment. Road surfaces and ditches shall be disconnected from stream crossings to the greatest extent feasible. Ditches and road surfaces that cannot be feasible disconnected from streams or stream crossings shall be treated to reduce sediment transport to streams. If downspouts are used, they shall

be secured to the culvert outlet and shall be secure on fill slopes. Culverts shall be long enough so that the road fill does not extend or slough past the culvert ends. Inlet of culverts and associate fill shall be protected with appropriate measures that extend at least as high as the top of the culvert. Outlet of culverts shall be armored with rock if road fill sloughing into channel can occur. Armor inlets and outlets with rock, or mulch and seed with grass as needed (not all stream crossings need to be armored). Where debris loads could endanger the crossing a debris catchment structure shall be constructed upstream of the culvert inlet. Bank and channel armoring may occur when appropriate to provide channel and bank stabilization. Rock armor used for inlet and outlet protection (i.e., not as energy dissipation) does not have to be sized to protect against high velocity scour. If the culvert is properly sized and its length is adequate, it should be able to transmit flood flows without scouring the inlet or eroding the outlet around the culvert. Armor shown here is designed to protect the culvert outlet and basal fill from splash erosion and from occasional submergence and currents within standing water (At the inlet) when the culvert plugs. Importantly, inlet and outlet armor also serve to trap sediment that has been eroded or slides down the new constructed fill face in its several years, until the slope becomes well vegetated.



REED MOUNTAIN ROAD MEETS CATEGORY 4 STANDARD
ALL PARCELS BEYOND THIS PARCEL HAVE EASEMENT REED MTN RD ONLY

ALL INTERNAL ROADS ARE GRAVEL AND DIRT, AT LEAST 16-18 FT WIDE AND HAVE ADEQUATE TURNOUTS FOR PASSAGE
ROADS LESS THE 30% GRADE AND MOSTLY FLAT IN WORK AREAS

All Projects in Purple Southern Parcel on LSAA # for Bob Howard

NO KNOWN TRIBAL CEREMONIAL SITES, SCHOOLS OR BUS STOPS WITHIN 1000 FT
NO KNOWN HISTORICAL BUILDINGS OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES WITHIN 600 FT

PROJECT INFORMATION:

PERMIT APPLICATIONS

COUNTY - 5221

WDID - Submitted pending approval letter

DWR - 5027931

SUIR APP#

PROPERTY OWNERS

BOB HOWARD

MER REALTY - ERDINC DOGAN

MER REALTY - DIMITAR DIMITROV

CULTIVATION AREA = 9,360

Light Deprivation Greenhouses

POU 1 - GH1 20' X 96' = 1,920 SQFT'

GH2 20' X 96' = 1,920 SQFT'

POU 2 - GH3 20' X 98' = 1,960 SQFT'

GH4 20' X 98' = 1,960 SQFT'

POU 3 - GH5 20' X 80' = 1,600 SQFT'

WATER TANK STORAGE 2010- 13,000 GAL

PARCEL SIZE - APPROX 210 ACRES

ZONING - TPZ

HISTORICAL APN

223-044-003

223-045-008

223-045-001

LLA Record PLN-2019-15383 IS ALMOST COMPLETED

Northern Parcel
APPS 11916 Erdinc Dogan

Southern Parcel
APPS 15221 Bob Howard

POD Spring

POD Pond

POS water Tanks

Proposed Culvert

Previous LSAA#p0210515.0(attached)

Ditch Relief Culvert

Stream Crossing Culvert

Stream Crossing Bridge

Decommissioned Cultivation Area

Cultivation Area

Canopy space/ Cultivation Area

Generator/fuels

Housing

Processing/ Drying Buildings

Septic Tank

Internal Road Systems

Parking Areas

Restrooms

SRA TURNOUT

PROPERTY MONUMENTS



Bob Howard
223-044-010 000 REED MOUNTAIN RD, GARBERVILLE, CA 95542



OMSBERG & PRESTON

Surveyors • Engineers • Planners

434 7th Street, Suite B
Eureka, CA 95501
(707) 443-8651
www.omsberg.com
kpreston@omsberg.com

18-2074-1 (Dogan)

November 27, 2018

Humboldt County Planning & Building Dept.
Attn: Stevie Luther
3015 H Street
Eureka, CA 95501



RE: Relocation Evaluation (HOWARD) 15221
APN 223-044-010 / Apps. #11916

Dear Mr. Luther:

At the request of the project applicant, a site evaluation was conducted by this office on November 10, 2018 for the purpose of evaluating three (3) cultivation areas that were consolidated to one location.

The first relocated site, the lower area shown as Areas #1 and #2 on Exhibit 'A', is located within a streamside management area (SMA) setback, and the access road leading to this site can only be reached by 4-wheel drive or ATV. The road itself has problematic grading and drainage issues, and the remedial grading within the SMA will require roughly 150 to 200 cubic yards of fill material removal from the SMA. This site is not suitable for cultivation.

The upper relocated cultivation area, shown as Areas #5 and #6 on Exhibit 'A', is near the original residence. Access to this area is from the South, whereas access to Areas #1 and #2 is from the North. As the original residence has no nexus to cannabis cultivation, eliminating this as access to a cultivation site will reduce (over several miles of roadway length) traffic volume, and thereby reduce sediment transport to watercourses. After remedial work and the installation of erosion and sediment control measures, this site should not be used for cannabis cultivation.

The relocation site, shown as Areas #3 and #4 on attached Exhibit 'A', is located on gentle terrain, with original ground slopes that appear to have been roughly 5% to 10% prior to the grading that occurred. The site's three (3) greenhouses and adjacent accessory structures are located on a nearly level graded flat, and are well outside of (greater than 150 feet from any creek) any SMA. Minor erosion was noted at the lower edge of the graded flat. To ensure that sediment will not be transported to any drainage or watercourse, the flat shall be excavated 3 to 4 feet back from the leading edge of the fill slope, over a length of 8 to 10 feet, and replaced with non-erosive rocky material, 3 to 6 inches in size. After completion of the remedial work, erosion and sediment control measure shall be installed.

A rock pit located on-site has suitable material for the grading work to be undertaken. A Grading, Drainage & Erosion Control Plan will be prepared, and approved by Humboldt County Planning & Building Department, in order to permit both the legacy and proposed grading, and for the remedial efforts required at the two (2) relocated cultivation sites no longer in use.

Consolidating the site's cultivation areas to only one (1) location will pull past site development out of SMAs, lessen the possibility of sediment transport into nearby watercourses and is environmentally superior, in general, if the site's being retired are properly remediated.

Thank you for your consideration in this matter. Please do not hesitate to contact me with any question or comments you may have.

Sincerely,

OMSBERG & PRESTON

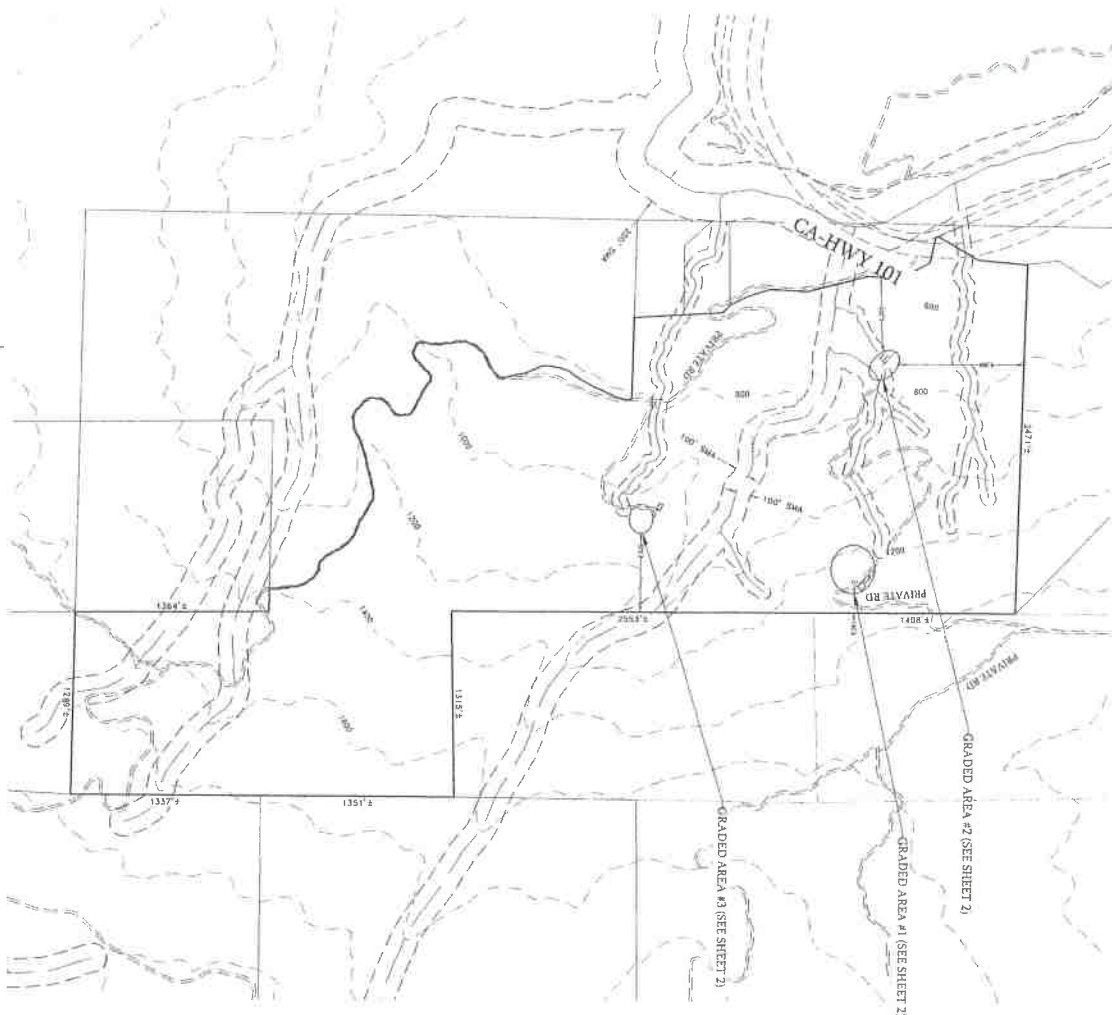


Stephen G. Nesvold, P.E.
R.C.E. 25681





LOCATION MAP
SCALE: 1" = 800'



PLOT PLAN
ERDO DOGAN
Benbow, California

UTILITIES

WATER	ON-SITE WELL
SEPTIC	ON-SITE
POWER	ON-SITE SOLAR

LEGEND

	INSTRUMENT	DIRECTION OF SURFACE WATER RUNOFF/FLOW DIRECTION	INCLINATION
(P)	MANOMETER		
(E)	TESTING		
(TP)	TRIPAL		
S.F.	SQUARE FEET		
DIA.	DIAMETER		
CAP	CORRODATED METAL PIPE		
HOPE	HIGH-DENSITY POLYETHYLENE		
SMA	STATE RESPONSIBILITY AREA		
C.Y.	CUBIC YARDS		
PSF	POUND SQUARE FOOT/INCH		
SUA	STRENGTHENED MANAGEMENT AREA		
CAP	CORRODATED METAL PIPE		
BMP	BEST MANAGEMENT PRACTICES		

CONDENS. AT 200 1000 INTRINSICS

NOTES

1. THIS PACE IS ZED A-B-5 (180'FT) AND HAS A GENERAL PLAIN DISPOSITION OF T AND IS IN THE STATE RESPONSIBILITY AREA. (SN)
2. THE PROPERTY IS CURRENTLY DEVELOPED, WITH ONE (1) RESIDENCE, THREE (3) STORAGE SHEDS AND TWO (2) GRADED PLATS.
3. THE SITE HAS HISTORICALLY NOT BEEN SUBJECT TO FLOODING, PER F.I.R.M. COMMUNITY-PANEL.
4. IT IS UNKNOWN AT THIS TIME WHETHER THE SITE IS UNDERLAIN BY SENSITIVE HABITAT AREAS, WETLAND AREAS OR ARCHEOLOGICAL RESOURCES.
5. APPROXIMATELY 990 C.Y. OF SOIL MATERIAL WAS RELOCATED TO ACCOMPLISH RECENT GRADING AS SHOWN HEREON.
6. APPROXIMATELY 3,000 C.Y. OF MATERIAL WAS RELOCATED TO ACCOMPLISH PAST GRADING AS SHOWN HEREON.



ST. JOHN'S HOSPITAL, INC.
1111 17th St. N.E.
Washington, D.C. 20003
DATE 2/12/19

OWNER
BOB HOWARD & MFR REALTY LLC CO
3621 32ND AVE W
SEATTLE, WA 98119

APPLICANT
ERDO DOGAN
P O BOX 351
GARBERVILLE, CA 95542
(206) 372-8966

REVISÉ: 03/22/17

APPS 15221 APN 223-044-010

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Benbow, California

[illegible]

1. THE INFORMATION AND ELEVATIONS PERTAINING TO EXISTING UNDERGROUND FACILITIES, AS SHOWN HEREON, ARE FROM RECORD INFORMATION AND IS PRESENTED HERE FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL AGENCIES INVOLVED AND SHALL VERIFY THE EXISTING UNDERGROUND FACILITIES PRIOR TO EXCAVATION AND CONSTRUCTION. 2. ANY AGENCIES INVOLVED SHALL NOTIFY THE CONTRACTOR OF ANY CHANGES AT ALL AT LEAST TWO (2) WORKING DAYS IN ADVANCE OF ANY EXCAVATION, AND SHALL NOTIFY THE ENGINEER AND DEVELOPER OF ANY APPARENT DISCREPANCIES IN THE RECORD INFORMATION SHOWN HEREON.

1. CONTIGUES BASED ON VESS 1/3 AND SECOND DITIAL ELEVATION MODELS AND ARE AT 40 FOOT INTERVALS.
2. MATERIALS AND WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND STANDARD PLANS OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) LATEST EDITION, AND THE APPROPRIATE STANDARDS, SPECIFICATIONS, OR THE COUNTY OF HUMBOLDT.
3. THE EROSION CONTROL SHALL REMOVE FROM THE SITE AND LAWFULLY DISPOSE OF ALL DIFFERENCES MATERIAL (BARKEN CHIPPED, ASPHALT, PAVEMENT, SOIL MATERIAL, ROCKS, STONES, ROOTS, LIMBS, ETC.) TO A COUNTY APPROVED DISPOSAL SITE.
4. STORM DRAIN PIPE SHALL BE HIGH DENSITY POLYETHYLENE (H-D) AS MANUFACTURED BY VESCO, OR APPROVED EQUAL, OR 12" SCHEDULE 40 STEEL PIPE.
5. THIS PROJECT IS ZONED AC-B-3 (160)PZ2 AND HAS A GENERAL PLAN DESIGNATION OF T AND IS IN THE STATE REVENUE AND TAX ACT (SRA).
6. THE PROPERTY IS CURRENTLY DEVELOPED, WITH ONE (1) RESIDENCE, THREE (3) STORAGE SHEDS AND TWO (2) PADDED PLAZAS.
7. THE SITE HAS HISTORICALLY NOT BEEN SUBJECT TO FLOODING PER FIRMAL COUNTY-246L.
8. IT IS UNKNOWN AT THE TIME WHETHER THE SITE IS UNDERLAIN BY SENSITIVE MARSH AREAS, WETLAND AREAS OR AERIAL/COASTAL RESOURCES.

10. APPROXIMATELY 980 C.Y. OF SOIL MATERIAL WAS REEVALUATED TO ACCOMPLISH RECENT FINDINGS AS SHOWN HEREON. APPROXIMATELY 3,100 C.Y. OF MATERIAL WAS REEVALUATED TO ACCOMPLISH PAST FINDINGS AS SHOWN HEREON.

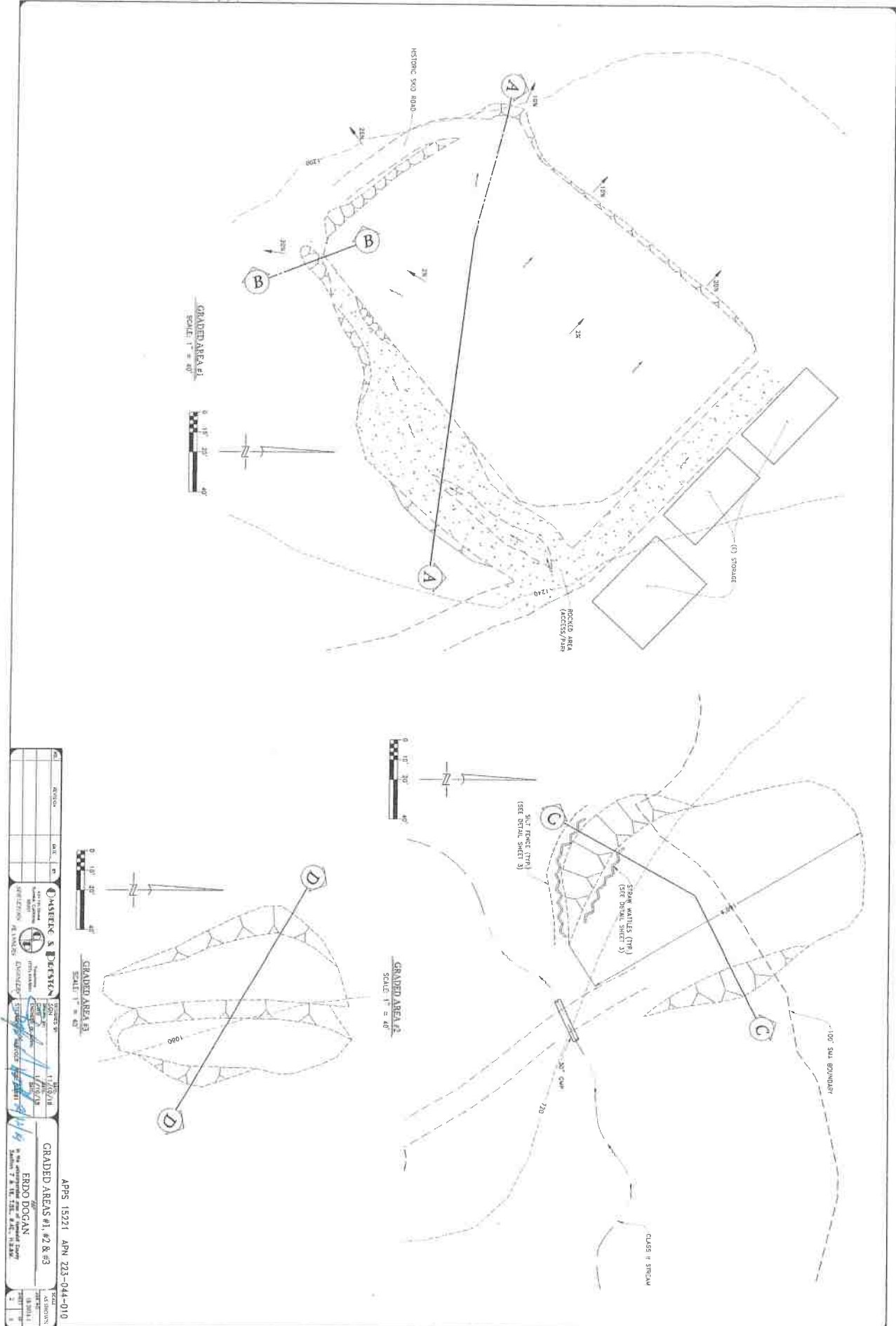
11. UNDERGROUND GEOLOGIC CONSULTANTS HAVE BEEN RETAINED TO COMPLETE AN R2 SOILS/GEOLOGIC REPORT, RECOMMENDATIONS CONTAINED IN THAT REPORT SHALL BE FOLLOWED. ALL



OWNER	APPLICANT
BOB HOWARD & MER REALTY LLC CO 3621 32ND AVE W	ERDO DOGAN P O BOX 351

APPS 15221 APN 223-044-010





4,21

Cultivation Area Verification (CAV)¹

Apps# 15221 / APN: 223-044-010

1) Amount and type applied for:

Application Outdoor Square Footage: 9,375 ~~sq~~
Application Mixed Light Square Footage: 0

2) Enter amount of verified cultivation area:

Existing Outdoor Square Footage: 7,470 ~~sq~~

Existing Mixed Light Square Footage: 0

3) Enter base year date and source (e.g. 10/27/15 - TerraServer or May 28, 2014 - Google Earth etc)

Base Year Date and Source: 6/19/11 TerraServer

4) Enter person performing verification:

Verified By: MCH-LACO

5) Enter date of verification (e.g. current date)

Date Verified: 1/3/19

6) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)

7) Write "CAV" on the outside of the project file.

8) Please note any observed expansions, relocations, timber conversions, or ground disturbances:

Notes: Areas A, B, C have been measured and applied for as existing
under App # 11916 by the same applicant utilizing 2015 aerial imagery...

¹ (55.4.7 Definitions) "Cultivation Area" means the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, but is not limited to, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of each of the pots and bags containing cannabis plants on the premises. The cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown on the premises.





Information

Number of Points	: 4
This Line	: 31.50 ft
Total Lines	: 111.09 ft
This Area	: 1498.01 ft²
Total Area	: 1498.01 ft²

RECEIVED
DEC 21 2018
Humboldt County
Planning Division

EXISTING CULTIVATION OF 1,500 SQ FT

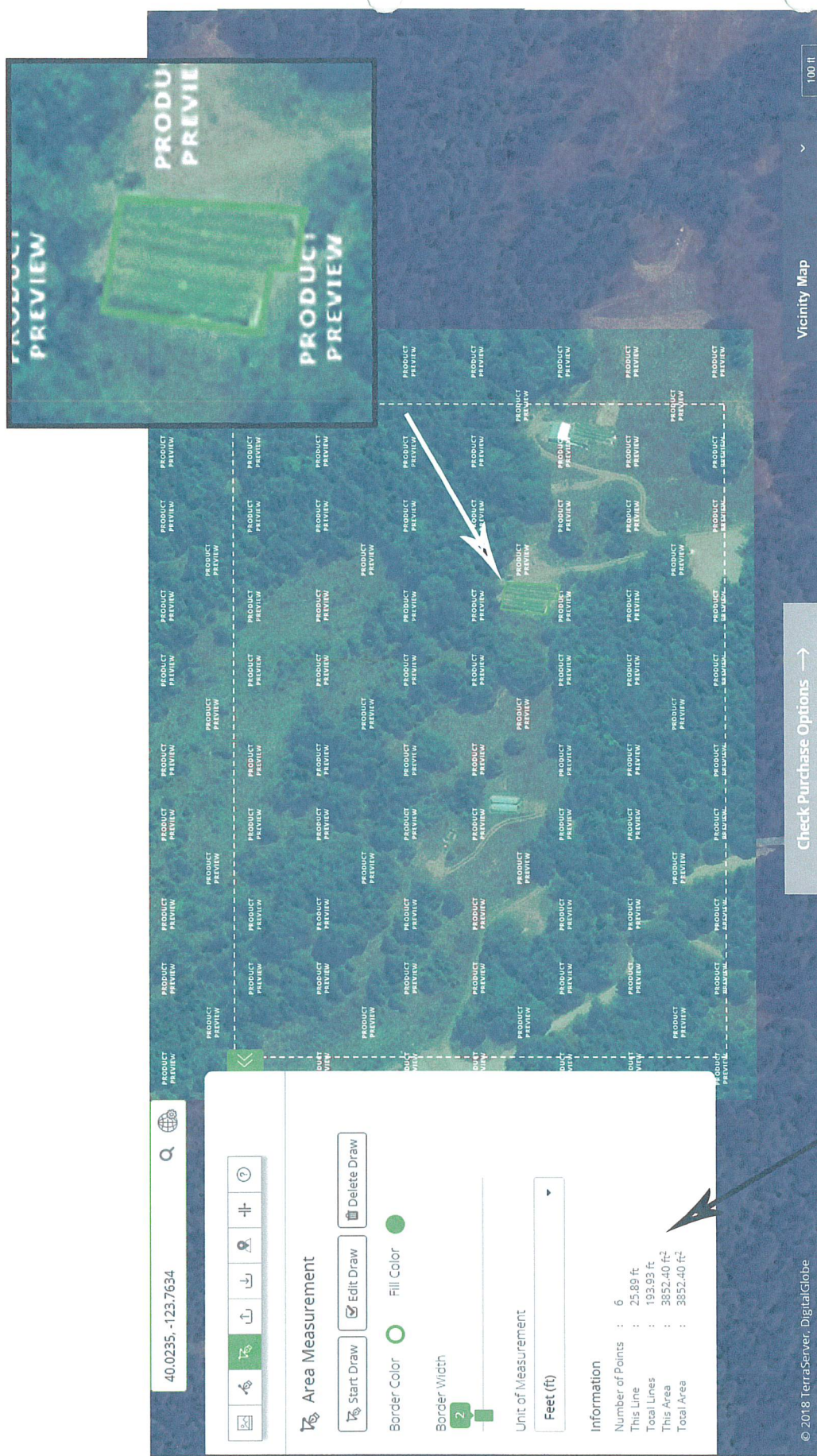
PRE-EXISTING CULTIVATION OVERVIEW TERRA SERVER 06/19/2011

BOB HOWARD

000 REED MOUNTAIN RD BENBOW, CA 95550

223-044-010

PG 2 2011



Information

Number of Points	: 6
This Line	: 25.89 ft
Total Lines	: 193.93 ft
This Area	: 3852.40 ft ²
Total Area	: 3852.40 ft ²

EXISTING CULTIVATION OF 3850 +/- SQ FT

RECEIVED
DEC 21 2018
Humboldt County
Planning Division

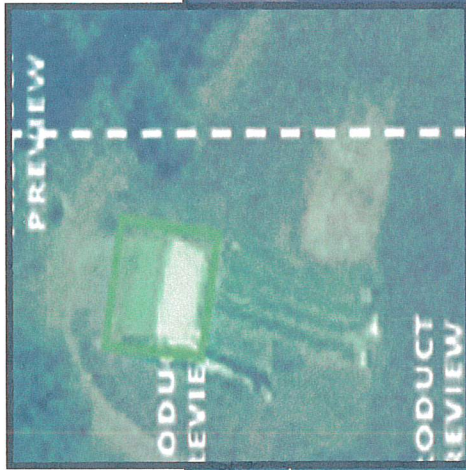
PRE-EXISTING CULTIVATION OVERVIEW TERRA SERVER 06/19/2011

BOB HOWARD

000 REED MOUNTAIN RD BENBOW, CA 95550

223-044-010

PG 3 2011



RECEIVED
DEC 21 2018
Humboldt County
Planning Division

EXISTING CULTIVATION OF 1500 SQ FT
GREENHOUSE ONLY LONG TERM NEXT PAGE

Check Purchase Options →

Information

Number of Points : 4
This Line : 35.30 ft
Total Lines : 114.34 ft
This Area : 1509.21 ft²
Total Area : 1509.21 ft²

Area Measurement

Start Draw Edit Draw Delete Draw

Border Color Fill Color

Border Width

Unit of Measurement

Feet (ft)

Information

Number of Points : 4
This Line : 35.30 ft
Total Lines : 114.34 ft
This Area : 1509.21 ft²
Total Area : 1509.21 ft²

© 2018 TerraServer, DigitalGlobe

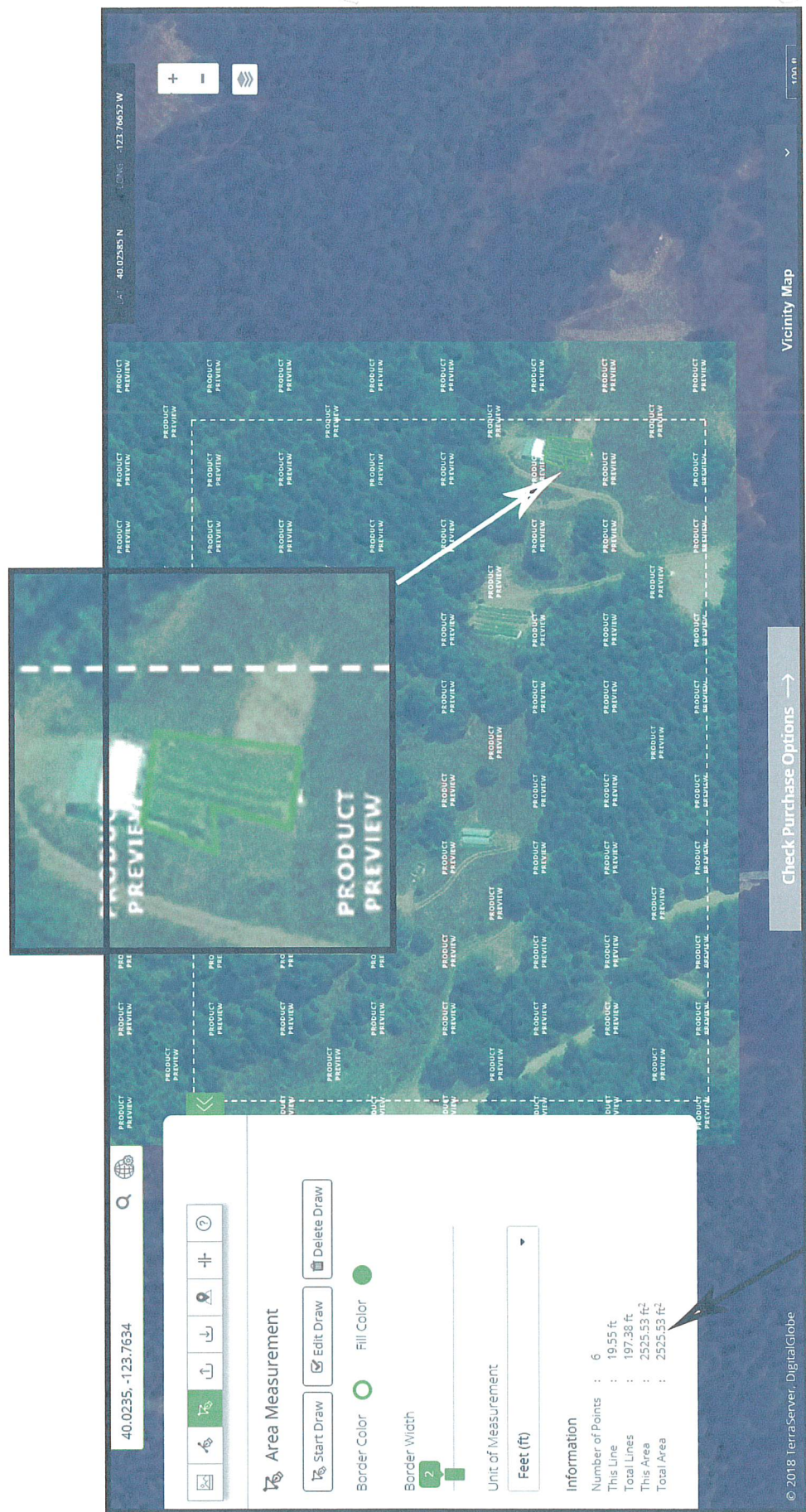
PRE-EXISTING CULTIVATION OVERVIEW TERRA SERVER 06/19/2011

BOB HOWARD

000 REED MOUNTAIN RD BENBOW, CA 95550

223-044-010

PG 4 2011



Area Measurement

Start Draw Edit Draw Delete Draw

Border Color Fill Color

Border Width 2

Unit of Measurement Feet (ft)

Information

Number of Points	: 6
This Line	: 19.55 ft
Total Lines	: 197.38 ft
This Area	: 2525.53 ft ²
Total Area	: 2525.53 ft ²

EXISTING CULTIVATION OF 2525 SQ FT

Information

Number of Points	: 6
This Line	: 19.55 ft
Total Lines	: 197.38 ft
This Area	: 2525.53 ft ²
Total Area	: 2525.53 ft ²

RECEIVED
DEC 21 2018
Humboldt County
Planning Division

PRE-EXISTING CULTIVATION OVERVIEW TERRA SERVER 06/19/2011

BOB HOWARD

000 REED MOUNTAIN RD BENBOW, CA 95550

223-044-010

PG 5 2011

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 and on file in Accela
Department of Public Works - Land Use Division	✓	Approved	Attached
Division Environmental Health	✓	Conditional approval	On with Planning in Accela
CAL FIRE	✓	No comments	On with Planning in Accela
Garberville Fire Protection District		No response	
Department of Fish & Wildlife		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval - Inadvertent Discovery Protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
California Division of Water Rights	✓	Approved	Attached
Humboldt County Sheriff		No response	
District Attorney		No response	
Agricultural Commissioner		No response	
Southern Humboldt Joint Unified School District		No response	

▼ Pre-Site Inspection

Status:

[History](#)

PRE-SITE

Project Started

☐ Yes ☐ No

AOB Inspection

☐ Yes ☐ No

Soil Required Due to

Project is in flood zone A

☐ Yes ☐ No

2nd Flood Certificate Required

☐ Yes ☐ No

SRA requirements apply

☐ Yes ☐ No

SRA water storage requirements apply

☐ Yes ☐ No

Grading permit required

☐ Yes ☐ No

Erosion and sediment control measures required

Lot created prior to 1992

☐ Yes ☐ No

Incomplete Submittal Construction Plan

☐ Yes ☐ No

 Standard Comment

Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

Soil Report Required

☐ Yes ☐ No

FIRM panel number

(Text)

Flood elevation certificate required

☐ Yes ☐ No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

☐ Yes ☐ No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

☐ Yes ☐ No

Plot plan incomplete, must be revised


☒ Yes ☐ No

Other concerns exist


☐ Yes ☐ No


Planning Referral
4-24-19
db
- revise and resubmit plot plan showing all structures, graded areas, water storage tanks
- vegetation indicative of subterranean water is visible at POU #1 Site. No creeks or stream, just apparently a spring
- Note: existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
- No wet areas within 100-200 feet of cannabis
- appears to be wet areas Y
-Recommend approval after plot plan has been revised and resubmitted based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained


check spelling


Attachment  [Photos](#)


(s) :


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)


[Photos](#)

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[Photos](#)

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

From: [O'Neill, Christina](#)
To: [Planning Clerk](#)
Cc: [Ryan, Meghan](#); [Zoellner, Brienna](#)
Subject: FW: Record Number: PLN-2018-15221 - Response to Comments
Date: Thursday, September 5, 2019 12:46:39 PM
Attachments: [image001.png](#)
[image002.png](#)

Please post this as a referral response for this project.

Thank you!



Christina O'Neill
Administrative Analyst II
Phone 707-268-3725
[Planning and Building Department](#)
County of Humboldt

From: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Sent: Thursday, September 5, 2019 8:57 AM
To: Warner, Samuel@Waterboards <Samuel.Warner@Waterboards.ca.gov>
Cc: McPherson, Dyana@Waterboards <Dyana.McPherson@Waterboards.ca.gov>; O'Neill, Christina <coneill@co.humboldt.ca.us>; Zoellner, Brienna <bzoellner2@co.humboldt.ca.us>
Subject: RE: Record Number: PLN-2018-15221 - Response to Comments

Thanks, Sam! I appreciate the response. Email works.

From: Warner, Samuel@Waterboards <Samuel.Warner@Waterboards.ca.gov>
Sent: Wednesday, September 04, 2019 8:43 AM
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Cc: McPherson, Dyana@Waterboards <Dyana.McPherson@Waterboards.ca.gov>
Subject: RE: Record Number: PLN-2018-15221 - Response to Comments

Good morning Meghan,
Thank you for the additional documentation. We don't have a form prepared to respond, so I hope this email will suffice. We consider this pond to be rain catchment and not in need of a water right. There are no DWR objections to the project's county permit approval.

Respectfully,
Sam Warner, E.I.T
Water Resource Control Engineer
Division of Water Rights—Cannabis Registration Unit

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

Sent: Tuesday, August 27, 2019 1:39 PM

To: McPherson, Dyana@Waterboards <Dyana.McPherson@Waterboards.ca.gov>

Subject: Record Number: PLN-2018-15221 - Response to Comments

Good morning, Dyana – Thank you for your comments on Record Number: PLN-2018-15221. To this email, I've attached photos of the pond and an engineering plan for the pond. Please let me know if you need any additional information to complete your review.

Thanks again,
Meghan



MEGHAN RYAN

Senior Planner

[Planning and Building Department](#)

County of Humboldt

3015 H Street

Eureka, CA 95501

707.445.7541



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

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

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 287-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 06/27/2019

RE:

Applicant Name	BOB HOWARD
APN	223-044-010
APPS#	PLN-2018-15221

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

- ☐ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 7/26/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The access road is surfaced to County standards, intersection of the County road and the non-County maintained road is paved for more than fifty feet from the edge of the County roadway.

// END //