



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: **Homefield, LLC Special Permits**
Record No.: PLN-12013-SP
Assessor's Parcel Numbers: 216-191-004 & 216-301-018
245 Seward Drive, Fort Seward area

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Please contact Keenan Hilton, Planner, at (707) 268-3722, or by email at khilton@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 6, 2020	Subject Special Permits	Contact Keenan Hilton
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Project Description: A Special Permit for existing 10,000 square feet of outdoor cannabis cultivation and for restoration activities with the Streamside Management Area. Water for irrigation is sourced from a well subject to the terms of a lake or streambed alteration agreement with the California Department of Fish and Wildlife. Water storage onsite totals 95,000 gallons for cultivation activities. Drying and curing would occur on-site in an existing structure. Further processing would be performed off-site at a permitted third-party processing facility. Electricity is sourced from PG&E. All activities would be performed by two resident-operators.

Project Location: The project is located in the Fort Seward area, on the north side of Seward Drive, approximately 2,400 feet north from the intersection of Seward Drive and Railroad Avenue, on the property known as 245 Seward Drive.

Present Plan Land Use Designations: Residential Agriculture - 40 acres (RA40), Density: 40 acres per unit, Slope Stability: Low Instability (1) and High Instability (3).

Present Zoning: Unclassified (U)

Record No.: PLN-12013-SP

Assessor Parcel Number: 216-191-004 & 216-301-018

Applicant
Homefield, LLC
PO Box 112
Blocksburg, CA 95514

Owner
Andrew Smyth & Marcus Fung
PO Box 112
Blocksburg, CA 95514

Agent
Same as applicant

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

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

Major Issues: None.

HOMEFIELD, LLC
Record No.: PLN-12013-SP
Assessor's Parcel Numbers (APNs): 216-191-004 & 216-301-018

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 adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and adopt the Resolution approving the Homefield, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary

The proposed Special Permit (SP) would allow an existing outdoor cultivation area of approximately 10,000 square feet (sf), and a 960-sf ancillary nursery on a legal parcel of 39.15 acres known as Assessor's Parcel Numbers (APNs) 216-191-004 & 216-301-018 (subject parcel). The SP would also allow for the restoration of sites where cultivation historically occurred within the County Streamside Management Area (SMA).

One pre-2016 garden site occurred within the SMA of one of the intermittent streams. The project includes the relocation of the garden to the clearing in the eastern part of the parcel where the principal pre-2016 garden site existed. The northern boundary of the subject parcel is defined by the Eel River. The cultivation is located within a clearing that is partly within the SMA of the Eel River. The project includes the relocation of cultivation outside of the SMA, maximizing the distance between the river and the cultivation and the ancillary nursery activities. Ongoing conditions of approval require that all work performed in the SMA in association with the project result in the retention of snags, retention of living trees, and implementation of erosion control measures, as needed.

Total cultivation on the property would not exceed the 10,000-sf confirmed on the site prior to 2016. The applicant proposes to use a 960-sf temporary hoop structure with approximately 10 lights for ancillary nursery operations. Conditions of approval require that the nursery comply with International Dark Sky Association Standard Lighting Zone 0. Conditions of approval require that the applicant submit a copy of the Temporary Structures in the Flood Zone Hoop Houses Only form. Other cultivation-related buildings on the property include a 1,404-sf barn built in 1950 proposed for material storage including fertilizer, amendments, recycling, garbage and gas cans, a 2,000-sf secondary storage building built in 1955 proposed for drying and curing. The two permanent structures proposed for continued use were in place in 1996 at the time of the adoption of Humboldt County Ordinance 2102 Relating to Flood Damage Prevention. Since no improvements costing 50% or more of the market value of the structure have been made on the structures since that date, the structures are considered a legal non-conforming development on the parcel. There are three 5,000-gallon tanks within the FEMA 100-year flood zone, with several more needed to meet the forbearance period from August 1 to September 30. Conditions of approval require that all tanks be relocated as far from the Eel River as possible and permitted by the Building Inspection Division per the Flood Damage Prevention regulations. There is a single-family dwelling that is used as a residence only. There is a permitted septic system serving the residence.

There are two intermittent streams on the parcel in the vicinity of the existing developed area

footprint. The Eel River forms the northern boundary of the parcel. The water source for the project is a permitted well. CDFW determined that the well likely pulled water from the Eel River and set limitations on the diversion in the LSAA. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute at any time. Water shall not be drawn for irrigation between August 1 and September 30 of each year. Conformity with the terms of the LSAA are included herein as an ongoing condition of approval. The SWRCB responded to the county referral commenting that the well is not connected to surface water flows and that no SIUR would be required. Based on analysis of the well completion report and the input from CDFW and the SWRCB, conditions of approval require that the applicant forbear from use of the well water in accordance with the terms of the signed LSAA.

The applicant anticipates water demand total 127,000 gallons. The applicant currently stores water in four 20,000-gallon bladders and three 5,000-gallon hard-sided tanks. Conditions of approval will require the bladders to be removed from the site and replaced with hard tanks to the extent that storage is needed to meet the forbearance period from August 1 to September 30. Cultivation activities typically begin in March when the applicant pots clones and seeded starts. In April the plants are moved to the temporary ancillary nursery structure. In May these are transplanted to pots until harvest in September and October. Plants would be harvested and taken to the secondary storage structure where they would be dried and cured. Further processing activities would occur at a licensed third-party facility.

The applicant has prepared a Water Resource Protection Plan (WRPP) for the site. Among other concerns, the report addresses potential impacts on water quality as a result of stream crossings and the management of refuse and human waste onsite. Successful completion of all recommended remedial actions is included as a condition of project approval.

There are documented Northern Spotted Owl (NSO) observations approximately 1.3 miles from the project site. There would be no impacts from lighting because the cultivation is outdoor only, and the propagation nursery will be fully shielded. There are no generators involved in the project. The project vicinity is considered habitat for Obscure Bumble Bee, Western Bumble Bee and Foothill Yellow-legged Frog. Compliance with state agencies including CDFW is an ongoing condition of project approval. Ongoing conditions of approval require compliance with the International Dark Sky Association Standard Lighting Zone 0. Further, conditions of approval require that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed. CDFW responded to the project raising the following concerns:

1. If the project proposes to remove vegetation, include a description of the type of vegetation, amount, and location
2. A final LSAA (1600-2017-0209) has been issued to the applicant
3. Prohibition on the use of synthetic netting.
4. Construction of noise containment structures for all generators and fans on the parcel; noise related shall be no more than 50 dB measured from 100 feet
5. The project has potential to affect sensitive fish and wildlife resources

The project includes the relocation of cannabis cultivation from historic garden sites within the SMA of an unnamed intermittent stream and the SMA of the Eel River to a site meeting all setback requirements. Cannabis cultivation is proposed to occur in a clearing. For much of the twentieth century the property was used as a campground for use by the public and various youth organizations. The clearing where some of the historic cultivation has occurred and where the consolidated garden site is proposed was created when Fort Seward was a logging town in the 1972. It is an area that has been disturbed by regular human activities for 100 years. Smart pots will be moved to a new location, but no grading or further disturbance is proposed. Compliance with state agencies including the terms of the LSAA with CDFW is an ongoing condition of project approval. Ongoing conditions of approval require that the applicant refrain from use of synthetic

netting. Ongoing conditions of approval require that project related noises remain below 50 dB when measured at 100 feet or the edge of habitat, whichever is closer. Ongoing conditions of approval require that the applicant leave wildlife unharmed. Ongoing conditions of approval require compliance with International Dark Sky Association Standard Lighting Zone 0.

The subject property is located in the Fort Seward area, on the north side of Seward Drive. The private drive connecting the subject parcel to the county-maintained Seward Drive is approximately 1,000 feet long. The applicant has completed a Road Evaluation Report certifying that the access roads provide the functional capacity of a category 4 road. Consistent with the recommendation of Public Works, a condition of project approval is that the applicant acquire an encroachment permit and rock the private drive to a minimum of 18 feet in width and 50 feet in length.

The security plan includes security cameras, barbed wire fencing, deer fencing around the cultivation area, and several guard dogs. All doors and windows of structures are lockable. All access roads have locked gates.

The abandoned Northwestern Pacific Railroad crosses the property. The railroad and associated linear refuse remain unevaluated, and as a result shall be assumed to be historically significant and thus eligible for inclusion on the California Register of Historical Resources. However, as this resource is located outside of the project area and will be avoided by the project, it was not formally recorded during the archaeological investigation performed for the project. The two buildings from the 1950s do not appear to meet the requisite criteria for consideration as historical resources as defined by CEQA (15064.5[a]) because they were constructed elsewhere and moved to their current locations relatively recently.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation project was previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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

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

The Zoning Administrator could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the adopted Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Lane Use Ordinance. However, the Zoning Administrator may reach a different conclusion. In that case, the Zoning Administrator should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 20-

Record No.: PLN-12013-SP

Assessor's Parcel Numbers: 216-191-004 & 216-301-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Homefield, LLC, Special Permit request.

WHEREAS, Homefield, LLC submitted an application and evidence in support of approving the Special Permit to permit an existing ten-thousand (10,000) square feet of existing outdoor cultivation and one-thousand (960) square feet of ancillary propagation space;

WHEREAS, Homefield, LLC submitted an application and evidence in support of approving the Special Permit to permit the restoration activities within the Streamside Management Area; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record No.: PLN-12013-SP); and

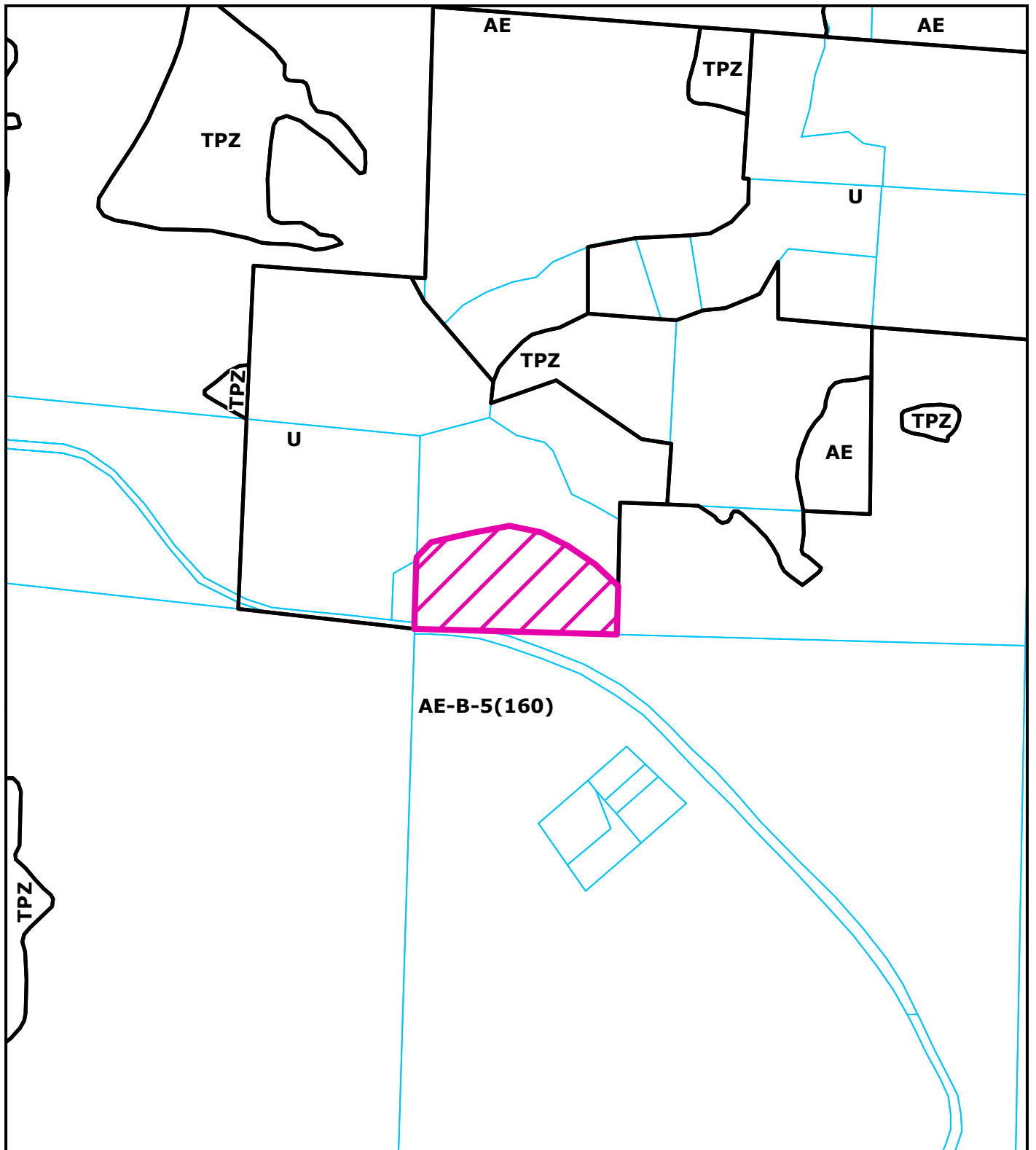
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record No.: PLN-12013-SP based on the submitted substantial evidence; and

Special Permits Record No.: PLN-12013-SP are approved as recommended and conditioned in Attachment 1.

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 at a meeting held on the date noted above.

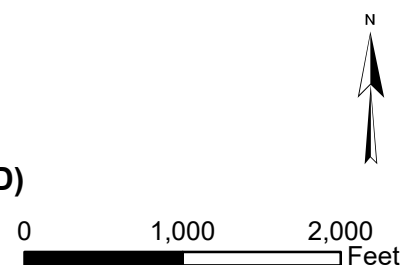
John Ford, Director
Planning and Building Department

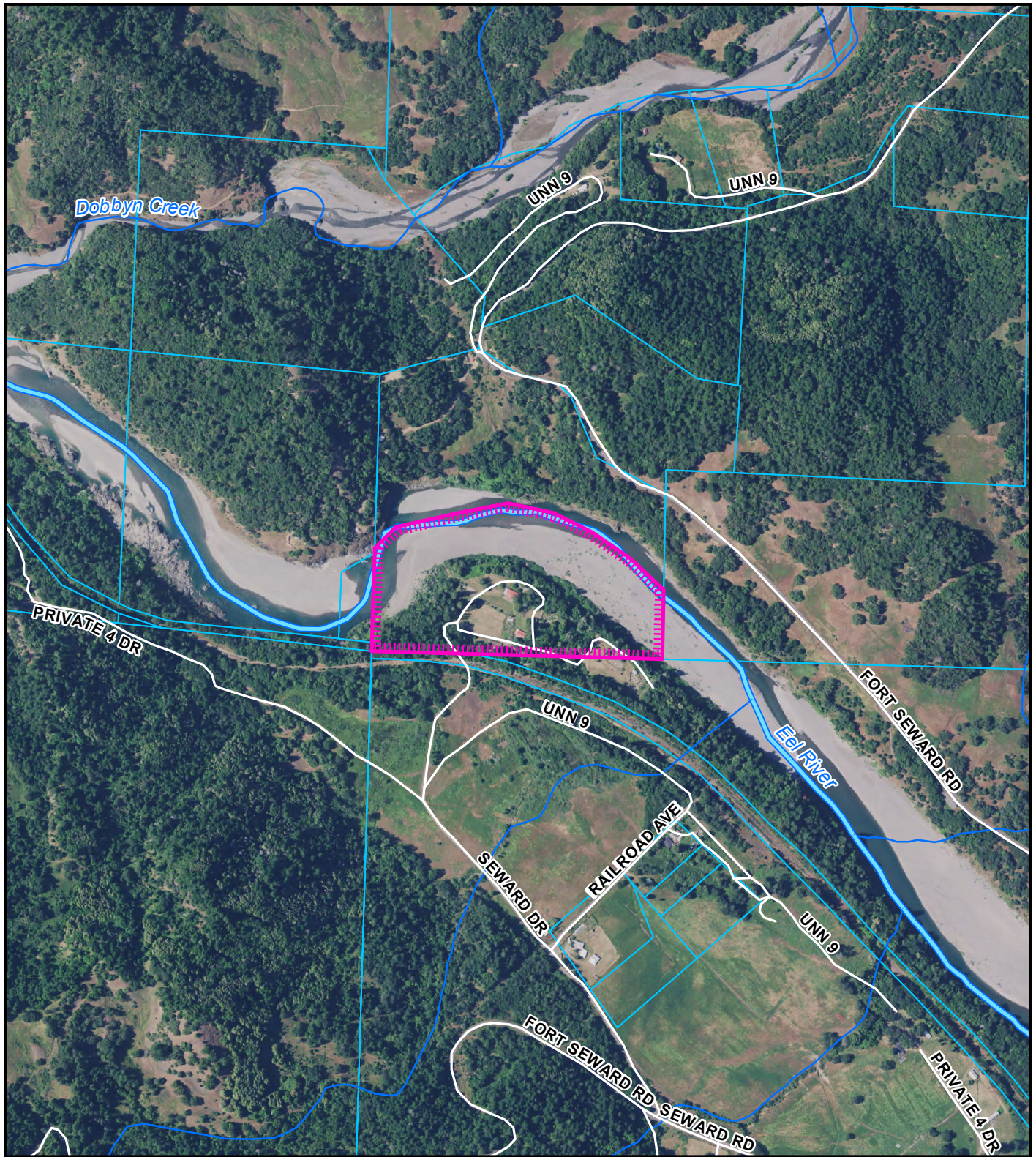


Project Area = 

**ZONING MAP
PROPOSED HOMEFIELD LLC
ALDERPOINT AREA
PLN-12013-CUP
APN: 216-301-018
T03S R05E S5 HB&M (FORT SEWARD)**

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





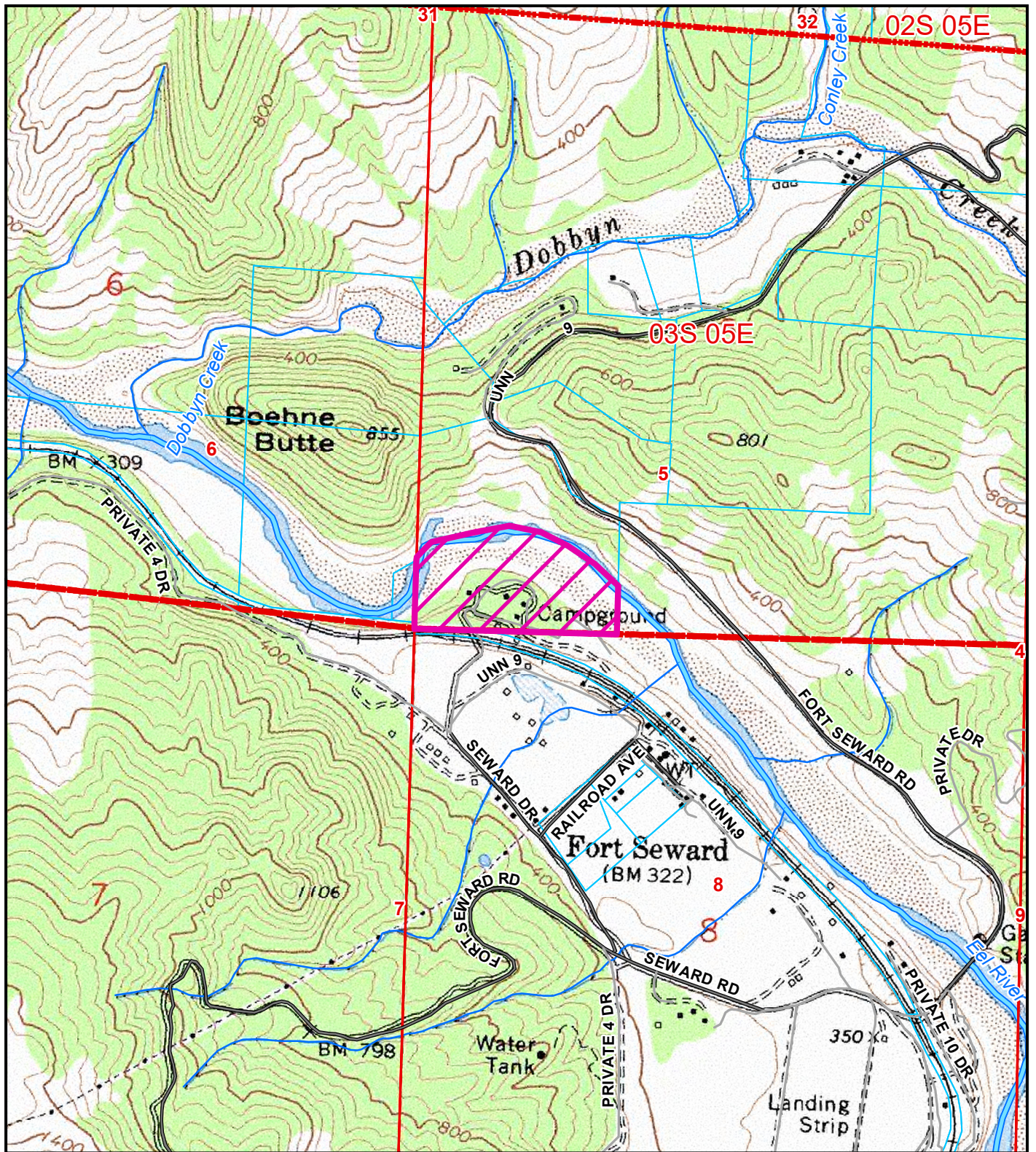
Project Area = 

**AERIAL MAP
PROPOSED HOMEFIELD LLC
ALDERPOINT AREA
PLN-12013-CUP
APN: 216-301-018
T03S R05E S5 HB&M (FORT SEWARD)**

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

0 1,000 2,000 Feet

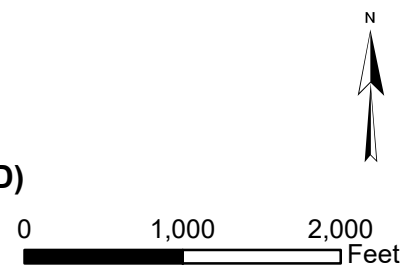




Project Area = 

TOPO MAP
PROPOSED HOMEFIELD LLC
ALDERPOINT AREA
PLN-12013-CUP
APN: 216-301-018
T03S R05E S5 HB&M (FORT SEWARD)

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.



MAP CREATED BY: A.CANTER S:\my documents\Chris\CULTIVATION PERMITTING\Andrew Smyth & Marcus Fung\06 Humboldt County Licensing



- EXISTING CULTIVATION AREA
- PROPERTY BOUNDARY
- STREAMSIDE MANAGEMENT AREA
- WATER COURSE
- 50 GAL PROPERANE TANK
- SEPTIC AND LEECH FIELD
- FENCE
- SECURITY CAMERA
- CULVERT
- STRUCTURE
- GATE
- WELL SITE

APPLICANT: HOME FIELD LLC

OWNERS: MARCUS FUNG AND ANDREW SMYTH
APN: 216-301-018
LOT SIZE: 31.12 ACRES
ZONING: U- UNCLASSIFIED
CULTIVATION AREA: 10,000 SQ FT FULLTERM OUTDOOR

DIRECTIONS TO SITE:
DRIVING SOUTH ON US HWY 101
TAKE EXIT 685 FOR CA-36 E
IN 24 MI TURN RIGHT ONTO ALDERPOINT RD
IN 22.6 MI TURN RIGHT ONTO FORT SEWARD ROAD IN 2.1 MI THE DESTINATION IS ON YOUR LEFT
THE SITE IS LOCATED AT: 245 FORT SEWARD RD

THERE ARE NO SCHOOLS, PLACES OF WORSHIP, OR PUBLIC PARKS WITHIN 600 FT OF THE CULTIVATION AREAS. THERE ARE NO OFF SITE RESIDENCES LOCATED WITHIN 300 FEET OF THE CULTIVATION AREA. THERE ARE NO KNOWN EASEMNETS OR TRIBAL CULTURAL RESOURCES LOCATED ON SITE.



SITE PLAN
PAGE 1 OF 1
02/28/2019





- EXISTING CULTIVATION AREA
- PROPERTY BOUNDARY
- STREAMSIDE MANAGEMENT AREA
- WATER COURSE
- 50 GAL PROPANE TANK
- SEPTIC AND LEECH FIELD
- FENCE
- SECURITY CAMERA
- CULVERT
- STRUCTURE
- GATE
- WELL SITE

APPLICANT: HOME FIELD LLC
 OWNERS: MARCUS FUNG AND ANDREW SMYTH
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SITE PLAN
 PAGE 1 OF 1
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ATTACHMENT 1
Recommended Conditions of Approval

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

1. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval 6 – 13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Within 60 days of the effective date of project approval, the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
3. Within 60 days of the effective date of project approval, the applicant shall provide a review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00), to be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
4. Within 60 days of the effective date of project approval, the applicant shall submit a revised site plan including the following elements:
 - a) Accurate depiction of the legal parcel including Assessor's Parcels 216-191-004 & 216-301-018
 - b) Accurate depiction of the SMA of the Eel River consistent with the Streamside Management Area and Wetland Ordinance
 - c) Historic garden sites within the SMA of the unnamed intermittent stream and with the SMA of the Eel River
 - d) Proposed cultivation site outside of the SMA of the Eel River
 - e) Proposed location of the ancillary nursery, placed as far away from the Eel River as possible, and in no event within 100 feet of the top of bank or riparian drip line
 - f) Proposed relocation of the water storage tanks, placed as far from the Eel River as possible, and in no event within 100 feet of the top of bank or riparian drip line
 - g) Proposed location of a water tank of at least 2,500 gallons designated for fire response
5. Prior to cultivating in 2020, the applicant shall submit a relocation plan for those decommissioned cultivation areas for review and approval by planning department staff to include, at a minimum,, the removal of all cultivation materials, erosion control as applicable and replanting with native species if appropriate at the abandoned garden sites
6. The applicant shall provide substantial evidence that they have completed all recommended restoration activities described in the county approved restoration plan for the decommissioned cultivation sites.
7. The applicant shall secure permits or agricultural exemptions for the hoop structures and any

water tanks to be kept within the FEMA 100-year flood zone. A copy of the receipt and finalized inspection record card(s) or equivalent shall satisfy this condition.

8. The applicant shall submit a copy of the Temporary Structures in the Flood Zone Hoop Houses Only form with a received stamp from the Building Division.
9. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
10. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
11. The applicant shall provide substantial evidence that the intersection of the private drive and Seward Drive has been improved by rocking the private drive to a minimum of eighteen feet in width and fifty feet in length and bringing the intersection into conformity with the Sight Visibility Ordinance. A copy of the approved encroachment permit and photos of the improvements would satisfy this condition.
12. The applicant shall contact Alderpoint Volunteer Fire Company 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.
13. The applicant shall provide evidence that the water bladders have been removed from the site and that there is sufficient hard tank storage to meet the forbearance period of August 1 to September 30 each year, as described in the final 1600 permit with CDFW.

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. The applicant shall only erect the temporary nursery hoop structure between April 16 and October 15 of each year consistent with the Building Division policy.
3. The applicant shall retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
4. The applicant shall retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
5. The applicant shall implement erosion control measures as needed in the Streamside Management Area consistent with Humboldt County Code §314-61.1.10.1.5.

6. The private drive providing access shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles.
7. The noise produced by any generators, fans, dehumidifiers, pumps or any other noise producing element of the project shall not exceed 50 decibels when measured at 100 feet or at the edge of habitat, whichever is closer.
8. The applicant shall remain in compliance with the final LSAA with CDFW and any amendments thereto.
9. The applicant shall contain the lights used in the ancillary nursery meeting the International Dark Sky Standard Lighting Zone 0.
10. The applicant shall leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. The use of monofilament netting for all uses shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
13. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
14. Logs of monthly water use shall be kept on site and made available during the annual inspection.
15. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
16. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
17. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
18. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement

of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

19. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
20. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application and annual inspection fees.
24. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
25. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

Performance Standards for Mixed-Light Cultivation

27. Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
28. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 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.

Performance Standards for Cultivation and Processing Operations

29. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
30. 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).
31. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
32. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. 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:
 - i. Emergency action response planning as necessary;
 - ii. Employee accident reporting and investigation policies;
 - iii. Fire prevention;
 - iv. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - v. Materials handling policies;
 - vi. Job hazard analyses; and
 - vii. Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - i. Operation manager contacts;
 - ii. Emergency responder contacts;
 - iii. Poison control contacts.
 - c. 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.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
33. All cultivators shall comply with the approved Processing Plan as to the following:
 - a. Processing Practices.
 - b. Location where processing will occur.
 - c. Number of employees, if any.
 - d. Employee Safety Practices.

- e. Toilet and handwashing facilities.
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - g. Drinking water for employees.
 - h. Plan to minimize impact from increased road use resulting from processing.
 - i. On-site housing, if any.
34. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
35. 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 Special Permit 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 of the CMMLUO.
36. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #24 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.
37. 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.
38. Permittee further acknowledges and declares that:
- a. 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
 - b. 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 Medicinal and Adult-Use Cannabis Regulation and Safety Act.
39. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur; and
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval 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 Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for

the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

ATTACHMENT 2

Required Findings for Approval

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

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
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.
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>Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep, and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range for RA40 is 40 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial outdoor cannabis cultivation operation of 10,000 sf on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses are allowable use types 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,CT-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-G2 through C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The parcel is accessed by the 0.2-mile private drive. The private road connects with the County-maintained Seward Drive and Seward Road. The applicant has completed a Road Evaluation Report certifying that the private drive is equivalent to a Category 4 standard. The project was referred to the County Public Works Department that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards and improving the intersection of the private drive with Seward Drive. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project would not preclude any future residential development. The project would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within the Open Space Action Program because the project site is planned Residential Agriculture (RA40) and is zoned Forest Recreation (FR). The project can be found consistent with the Open Space Plan's Open Space Action Program because the proposed project is consistent with the permitted uses of the Land Use designations. The proposed cannabis cultivation, a permitted agricultural product, is within land planned for agricultural purposes, consistent with the type of use associated with Open Space lands for managed production of resources.</p>

<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Biological Resources</p> <p>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 two intermittent streams on the parcel in the vicinity of the existing developed area footprint. The Eel River forms the northern boundary of the parcel. The water source for the project is a permitted well. CDFW determined that the well likely pulled water from the Eel River and set limitations on the diversion in the LSAA. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute at any time. Water shall not be drawn for irrigation between August 1 and September 30 of each year. All water storage for forbearance shall be kept outside of the 100 year active river channel and setback from the top of bank. Conformity with the terms of the LSAA are included herein as an ongoing condition of approval. The SWRCB responded to the county referral commenting that the well is not connected to surface water flows and that no SIUR would be required. Based on analysis of the well completion report and the input from CDFW and the SWRCB, conditions of approval require that the applicant forbear from use of the well water in accordance with the terms of the signed LSAA.</p> <p>The applicant anticipates water demand total 127,000 gallons. The applicant currently stores water in four 20,000-gallon bladders and three 5,000-gallon hard-sided tanks for a total of 95,000 gallons of water storage. Conditions of approval will require the bladders to be removed from the site and replaced with hard tanks to the extent that storage is needed to meet the forbearance period from August 1 to September 30.</p> <p>Power for the nursery and for the drying facilities is provided by PG&E.</p> <p>The applicant prepared a WRPP pursuant to the NCRWQCB Order No. R1-2015-0023. Among other concerns, the report addresses potential impacts on water quality as a result of stream crossings and the management of refuse and human waste onsite. Successful completion of all</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>recommended remedial actions is included as a condition of project approval.</p> <p>There are documented Northern Spotted Owl (NSO) observations approximately 1.3 miles from the project site. There will be no impacts from lighting because the cultivation is outdoor only, and the propagation nursery will be fully shielded. There are no generators involved in the project. Conditions of approval require that noise from fans and dehumidifiers shall not exceed 50dB when measured at 100 feet or at the edge of habitat, whichever is closer.</p> <p>The project vicinity is considered habitat for Obscure Bumble Bee, Western Bumble Bee and Foothill Yellow-legged Frog. The project includes relocation of cultivation outside of SMAs on the parcel. Conditions of approval require the applicant to submit a relocation plan for those decommissioned cultivation areas for review and approval by planning department staff prior to the 2020 cultivation season to include, at a minimum, the removal of all cultivation materials, erosion control as applicable and replanting with native species if appropriate at the abandoned garden sites. By maintaining the pre-existing amount and and style of cultivation and by moving away from water bodies, the project would not have a significant effect on these sensitive species. Compliance with state agencies including CDFW is an ongoing condition of project approval. Ongoing conditions of approval require compliance with the International Dark Sky Association Standard Lighting Zone 0. Further, conditions of approval require that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed.</p>
Conservation	Goals and policies contained in	William Rich and Associates prepared a

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>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>Cultural Resource Survey for the site. The abandoned Northwestern Pacific Railroad crosses the property. The railroad and associated linear refuse remain unevaluated, and as a result shall be assumed to be historically significant and thus eligible for inclusion on the California Register of Historical Resources. However, as this resource is located outside of the project area and will be avoided by the project, it was not formally recorded during the archaeological investigation performed for the project. The two buildings from the 1950s do not appear to meet the requisite criteria for consideration as historical resources as defined by CEQA (15064.5[a]) because they were constructed elsewhere and moved to their current locations relatively recently.</p> <p>The THPO of the Bear River Band of the Rohnerville Rancheria responded to a request for comment, recommending a condition of project approval be incorporated regarding inadvertent discovery protocol. The project was also referred to NWIC who indicated that they had no record of historic surveys of the project area. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this 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 includes the use of a 960-sf ancillary nursery. Ongoing conditions of approval require that the nursery comply with International Dark Sky Association Standard lighting zone 0. The International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G10 and WR-G11); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P36, Erosion and Sediment Control Measures; WR-P40, Commercial and Industrial Activities; WR-P41, Oil/Water Separation; WR-P45, Reduce Toxic Runoff.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timberland Resource Consultants for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The WRPP makes recommendations for improving two culverts, removing trash from waterways, covering spoils and metering water use.</p> <p>Conditions of approval require the applicant to implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report 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 NCRWQCB. Further, conditions of approval require the applicant to provide a copy of the Notice of Applicability from the SWRCB and to provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
<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, and WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The applicant has onsite sewage disposal system associated with the residence. No employees are proposed for the project. All activities would be performed by two resident-operators.</p> <p>Division of Environmental Health recommended approval of the project with no conditions.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Power for the cultivation operation is supplied by PG&E. The applicant does not propose use of fans. All dehumidifiers would be contained within a building and would not produce a significant amount of noise. Ongoing conditions of approval require that dehumidifiers and fans would not produce more than 50 dB or ambient when measured at 100 feet or the edge of habitat, whichever is closer.</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-P6. Structural Hazards.</p>	<p>The project site is located approximately 300 feet from an unnamed fault. The project is not located in a mapped Alquist-Priolo fault zone nor is subject liquefaction. There are no mapped historic landslides in the project vicinity. A portion of the subject parcel is classified with low instability; a portion of the parcel is classified with highly instability.</p> <p>The cultivation would occur without structures. Structures involved in the cannabis operation—the temporary nursery hoop structure, the secondary storage building, the barn and any hard-sided tanks in excess of 5,000 gallons—require after-the-fact permitting through the Building Inspection Division. Any risks associated with the minor fault would be addressed through the building permitting process.</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-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject parcel is fully within the FEMA 100-year flood zone. The cultivation is full sun, outdoor and thus poses no significant risk in the event of a flood. The applicant proposes use of a temporary structure for the ancillary nursery activities. Ongoing conditions of approval require the management of the structure in accordance with departmental policy regarding temporary hoop structures in the flood plain. The structure would be removed during the winter months when there is increased risk of flooding.</p> <p>The Final LSAA for the project site requires forbearance from use of well water from August 1 to September 30 of each year. The LSAA also requires that water storage occur outside of the 100-year flood plain and outside the top of bank. Conditions of approval require the cultivation and all water storage to occur outside of the SMA of the Eel River, at least 100 feet from the top of bank or riparian drip line.</p> <p>The applicant proposes continued use of the secondary storage building (1955) and the Barn (1950). Both structures</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>occur within the FEMA 100-year flood zone. The two permanent structures proposed for continued use were in place in 1996 at the time of the adoption of Humboldt County Ordinance 2102 Relating to Flood Damage Prevention. Since no improvements costing 50% or more of the market value of the structure have been made on the structures since that date, the structures are considered a legal non-conforming development on the parcel. Conditions of approval require the permitting of the structures, but do not require Flood Elevation Certificates or anchoring.</p> <p>There are three 5,000-gallon tanks within the FEMA 100-year flood zone, with several more needed to meet the forbearance period from August 1 to September 30. Conditions of approval require that all tanks be relocated as far from the Eel River as possible and permitted by the Building Inspection Division per the Flood Damage Prevention regulations.</p> <p>Due to the site's location along the slope of a ridge at an elevation of approximately 300 and 380 feet above mean sea level and its inland location, the project site is not subject to inundation from an upstream dam failure or tsunami.</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-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The site is also within the response area of the Alderpoint Volunteer Fire Company. CAL-FIRE comments recommended 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. Conditions of approval require that a water tanks of at least 2,500 gallons be added and designated for fire suppression.</p> <p>All activities would be performed by two resident-operators. There would be additional stored water available for emergency situations depending on the time of year.</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 Alderpoint Volunteer Fire Company 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>This Chapter relates 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>	Applications for any additional grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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

Zoning Section	Summary of Applicable Requirement	Evidence
§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 216-191-004 and 216-301-018 combined comprise one legal parcel as described in creation deed 1961-07464. There have been no subsequent acts to merge or divide either of the parcels. The subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.2 Unclassified (U)	An area not sufficiently studied for precise zoning but in which general agriculture is a principle permitted use. The total cultivation area shall not exceed 1 acre for outdoor cultivation.	The applicant is seeking one Special Permit for an existing cannabis cultivation operation consisting of 10,000 sf of outdoor cultivation on a property 39 acres in size and zoned U. The proposed use is specifically allowed with a Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	6,000 sf	39 acres
Minimum Lot Width:	None specified	1,700 feet

Zoning Section	Summary of Applicable Requirement	Evidence
Maximum Lot Depth:	None specified	900 feet
Max. Lot Coverage:	40%	Approximately 1%
Min. Yard Setbacks (through the SRA requirements):	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: approximately 60 feet Rear: approximately 470 feet Side: approximately 120 feet
Max. Building Height:	None specified	Approximately 20 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>There are two intermittent streams on the parcel and the Eel River is the northern parcel boundary. The cultivation area is located approximately 65 feet from the SMA of an intermittent stream.</p> <p>One pre-2016 garden site occurred within the SMA of one of the intermittent streams. The project includes the relocation of the garden to the clearing in the eastern part of the parcel where the principal pre-2016 garden site existed. The northern boundary of the subject parcel is defined by the Eel River. The cultivation is located within a clearing that is partly within the SMA of the Eel River. The project includes the relocation of cultivation outside of the SMA, maximizing the distance between the river and the cultivation and the ancillary nursery activities. Ongoing conditions of approval require that all work performed in the SMA in association with the project result in the retention of snags, retention of living trees, and implementation of erosion control measures, as needed.</p> <p>The clearing where the cultivation is proposed has been developed since at least 1972 when Fort Seward was a logging town. The area within the SMA where cultivation would be discontinued was a disturbed site and the restoration of the site will consist of the removal of all cultivation related materials and infrastructure.</p> <p>The applicant has a final LSAA on file, dated August 23, 2017. The three encroachments consist of two culverts replacements and limitations on the use of the well as it is the position of CDFW that the well is connected to the flows of the Eel River. The routine replacement of culverts does not require permitting and the well does not occur within the county SMA. Conditions of approval require compliance with the terms of the signed LSAA.</p> <p>The SWRCB does not consider the well to</p>
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Zoning Section	Summary of Applicable Requirement	Evidence
		be connected to surface water flows and responded to the county request for comment by offering that the applicant would not be required to file a Small Irrigation Use Registration.
§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. <i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i>	The operation would be conducted by the residents of the parcel. The parking associated with the residence would be sufficient for proposed uses.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts [...] U (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	A review of TerraServer aerial imagery from August 29, 2015 confirms approximately 10,000 sf of pre-2016 outdoor cultivation on the parcel. 10,000 square feet of existing outdoor cultivation may be allowed with the issuance of a Special Permit.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one Special Permit.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The applicant proposes that processing occur at a licensed third-party facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	<p>The irrigation water source for the project is a permitted well. CDFW determined that the well likely pulled water from the Eel River and set limitations on the diversion in the LSAA. The maximum instantaneous diversion rate from the water intake shall not exceed 10 gallons per minute at any time. Water shall not be drawn for irrigation between August 1 and September 30 of each year. All water storage for forbearance shall be kept outside of the 100-year floodplain. Conformity with the terms of the LSAA are included herein as an ongoing condition of approval. The SWRCB responded to the county referral commenting that the well is not connected to surface water flows and that no Small Irrigation Use Registration (SIUR) would be required. Based on analysis of the well completion report and the input from CDFW and the SWRCB, conditions of approval require that the applicant forbear from use of the well water in accordance with the terms of the signed LSAA.</p> <p>The applicant anticipates water demand total 127,000 gallons. The applicant currently stores water in four 20,000-gallon bladders and three 5,000-gallon hard-sided tanks. Conditions of approval will require the bladders to be removed from the site and replaced with hard tanks to the extent that storage is needed to meet the forbearance period from August 1 to September 30.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	<p>There are no schools, bus stops, public parks, or churches or other places of religious worship within 600 feet of the cultivation site. A Cultural Resource Survey was performed by William Rich and Associates June 2019. The report states that no resources were discovered on the site. There are two structures constructed in the 1950s proposed for use. Since these structures were built elsewhere and then moved onto the parcel in the years following 1969, they do not qualify as historic resources as defined by CEQA (§15064.5[a]).</p> <p>Per the request of the Bear River Band of the Rohnerville Rancheria, an ongoing condition of project approval is standard inadvertent discovery protocols.</p>
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	No generators would be used. Other potential noise sources from the operation include fans and dehumidifiers. There are documented Northern Spotted Owl (NSO) observations approximately 1.3 miles from the project site. Conditions of approval require that project related noise not exceed 50 dB or ambient when measured at 100 feet or the edge of habitat, whichever is closer.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 19, 2016.

5. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use 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

properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project would 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 any environmental damage.

6. 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
§312-17.1.5 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 parcel was not included in the 2014 Housing Inventory.

7. Environmental Impact:

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

ATTACHMENT 3

CEQA Addendum

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

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

APNs 216-191-004 & 216-301-018, 245 Seward Drive, Fort Seward, County of Humboldt

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

January 2020

Background

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

The modified project involves a Special Permit for an existing 10,000 square feet (sf) of outdoor cultivation with a 960-sf ancillary nursery, a Special Permit for activity within the Streamside Management Area (SMA) on an approximately 39-acre parcel. Water for irrigation is sourced from a permitted well. The applicant has three 5,000-gallons tanks and four 20,000-gallon bladders. The applicant estimates that the project will demand 127,000 gallons of water per year. PG&E provides power for the site. Plants would be dried and cured in the secondary storage building. The operation would require only the residents—no additional employees would be required. The project would require approximately one trip per week.

The parcel is approximately 39 acres located on a riparian terrace adjacent to the Eel River. The vegetation on the parcel is dominated by riparian hardwood species with some conifer species intermixed. The slope of the property ranges from 3% to 10% with elevations ranging from 300 to 380 feet. The cultivation area occupies a clearing on the eastern side of the property. Pre-2016 cultivation occurred within the Streamside Management Area (SMA) of an intermittent stream on the parcel as well as within the SMA of the Eel River. The project includes the relocation of the cultivation out of the SMA and the restoration of those areas. The entirety of the parcel is within the FEMA 100-year flood zone. The cultivation is full sun outdoor and poses no significant risk in the event of a flood. Ongoing conditions of approval require that the temporary hoop structure proposed for use as an ancillary nursery be removed during the winter months to reduce the risk in the event of a flood event. The two permanent structures proposed for continued use were in place in 1996 at the time of the adoption of Humboldt County Ordinance 2102 Relating to Flood Damage Prevention. Since no improvements costing 50% or more of the market value of the structure have been made on the structures since that date, the structures are considered a legal non-conforming development on the parcel. The applicant has prepared a Water Resource Protection Plan pursuant to Northcoast Regional Water Quality Control Board Order No. R1-2015-0023 and must implement all corrective actions prescribed therein. The applicant has signed a Lake or Streambed Alteration Agreement with the California Department of Fish and Wildlife and must implement all corrective actions and observe the required forbearance period contained therein.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section

15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 10,000 sf outdoor cannabis cultivation commercial cannabis operation, and to authorize minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Cultivation and Operations Manual prepared by the applicant, March 1, 2019.
- Streambed Alteration Agreement (1600-2015-0026-R1) prepared by CDFW, August 23, 2017.
- Water Resource Protection Plan prepared by Timberland Resource Consultants, February 8, 2018
- Cultural Resource Investigation for Commercial Medical Cannabis Cultivation at 253 Seward Drive, APN 216-301-018 by William Rich and Associates, June 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. A 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. The revised site plan shall show the proposed locations of the temporary hoophouse structures as well as the permanent nursery that is anticipated to be constructed in 2020. The revised site plan shall remove reference to any mixed light operations. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (N/A)
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 NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached as separate document [4A] and on-file - Water Resource Protection Plan prepared by Timberland Resource Consultants February 8, 2018; On file enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other

watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached as separate document [4B] and on file)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached)
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. (N/A)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (N/A)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resource Investigation for Commercial Medical Cannabis Cultivation at 253 Seward Drive, APN 216-301-018 by William Rich and Associates, June 2019 (On file and Confidential)
16. Road Evaluation Report prepared by Homefield, LLC, September 2, 2018. (Attached)

HOME FIELD LLC
CULTIVATION AND OPERATIONS PLAN

1.	<i>Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage.....</i>	<i>Page 1</i>
2.	<i>Description of Site Drainage, including Runoff and Erosion Control Measures.....</i>	<i>Page 2</i>
3.	<i>Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat.....</i>	<i>Page 3</i>
4.	<i>Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products.....</i>	<i>Page 4</i>
5.	<i>Description of Cultivation Activities.....</i>	<i>Page 5</i>
6.	<i>Schedule of Activities During Each Month of the Growing and Harvesting Season.....</i>	<i>Page 6</i>
7.	<i>Processing Plan and Post Harvest Activities.....</i>	<i>Page 7</i>
8.	<i>Security Plan.....</i>	<i>Page 8</i>
9.	<i>Fertilizers, Pesticides and Soil Ammendments.....</i>	<i>Page 8</i>

Home Field LLC Operations Plan

APN 216-301-018

Summary: This project requires a single Special Permit (SP), for 10,000 square feet of outdoor cannabis cultivation area, located on APN 216-301-018. The project includes the permitting of existing facilities appurtenant to the cultivation, including a temporary immature plant greenhouse as well as a historic 1950's Ag barn used for drying and storing the cannabis harvest, and a secondary 1965, 2000 sq ft storage building (referred to as the dining hall) used for drying/curing and harvest storage. A 1500 sq ft 1950's residence also occurs on site with a septic system.

Parcel Information: The subject parcel APN: 216-301-018 is approximately 32 acres and zoned U with framework designated RA40. It has a property address of 245 Seward Drive Alderpoint, Ca. The property has on site PGE power source.

The property sits upon a riparian terrace bordering the Main Fork of the Eel River. The slope of the property ranges from 3%-to 10%. The single cultivation site is located on a 80,000 sq ft historic clearing with a slope of 2%. The single cultivation site is set back 250 feet from the SMA (stream side Management Area) of the Eel River.

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

Water Source and Storage: The **source of water** for irrigation and domestic use is a **permitted well** (Permit #: 16/17-0104) installed by Bushnell Enterprises with a depth of 120 ft. and an estimated yield of 4 gallons per minute. Applicant's well completion report is provided herein. The well is hydrologically connected to the Eel River, thus a Lake and Stream bed Alteration Agreement (LSAA) for the diversion was executed between the landowner and the California Department of Fish and Wildlife (CDFW) (#1600-2017-0209-R1) in August of 2017. CDFW has conditioned this well to **forbear** from diversion from August 1 to September 30. During this time the water is drawn from to four **20,000 gallon storage bladders** located on the property. A copy of the LSAA agreement will be submitted with this plan.

Current water storage on the parcel consists of three water tanks each with a capacity of 5,000 gallons as well as four 20,000 gallon bladders.

Irrigation Plan: Applicant waters every other day in July, August, and September, and every third day in May and June. Irrigation water is applied at agronomic rates to conserve water and reduce the risk of runoff. It is proposed that irrigation will be applied through a traditional drip system; currently, watering is completed by hand using a spray stick or wand. Applicant waters in the morning/early evening hours to reduce evaporative loss. Applicant will employ such water conservation techniques as: 1) mulching of the exposed soil in the cultivation areas with rice hulls and straw; 2) the use of cover crops during the winter to protect and increase soil fertility; and 3) install safety valves on irrigation equipment in the event of a leak. Applicant uses natural soil amendments to aid in soil moisture retention as part of the irrigation plan.

Projected Water Use is first calculated using 1.4 gallons of water/ft² of cultivation area per month to maintain plants during the warmest summer months. The water table data was calculated using the above averaged data as well as information gleaned from the Initial Statement of Water Diversion that was filed in June 2017 at the State Water Resources Control Board. In the near future water usage will continue to be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations. Applicant anticipates using up **to 127,000 gallons of water for the 10,000 sq ft outdoor cultivation.**

	<i>Cultivation (10,000 ft²) outdoor</i>	<i>Plant Stage</i>
<i>April</i>	<i>6,000</i>	<i>starts</i>
<i>May</i>	<i>11,000</i>	<i>young</i>
<i>June</i>	<i>20,000</i>	<i>vegetative</i>
<i>July</i>	<i>25,000</i>	<i>vegetative</i>
<i>August</i>	<i>28,000</i>	<i>veg/flower</i>
<i>September</i>	<i>28,000</i>	<i>Flower</i>
<i>October</i>	<i>11,000</i>	<i>FLWR/harvest</i>
<i>Total in gallons</i>	<i>127,000</i>	

2. Description of Site Drainage, including Runoff and Erosion Control Measures

A WRPP was prepared for the subject parcel in January of 2018. A copy of the WRPP is attached with this submittal.

Site Drainage : There are three watercourses on the property including the Eel River and two Class II streams, one of which diminishes to a Class III stream within the parcel boundary. There are two stream crossings with upgraded culverts. Pursuant to the LSAA, the applicants have upgraded undersized culverts at both stream crossings .

The single cultivation area is designed for infiltration of surface flows and surrounded by native vegetation and grasses to prevent concentrated storm water runoff from channeling and eroding around cultivation areas. The applicant will continue to consult with, and implement recommendations suggested by, TRC to improve overall site drainage at the project site on an as-needed basis.

Erosion Control Measures along Roads and Stream Crossings: The natural slope of Applicant's property is traditionally Ag land and is less than 15% and therefore not vulnerable to erosion. No grading is planned for the property. In 2017 the applicant rocked all access roads and enlarged culverts to improve drainage. The applicant has reseeded and re-vegetated areas of bare soil in and around the cultivation sites. Straw mulch was also placed to further minimize erosion in and around the cultivation areas.

Vegetated buffers are maintained around cultivation and riparian areas to minimize runoff and sediment transport to receiving waters. **The single cultivation area is set back 250 feet from the Eel River SMA a 130 ft Riparian strip between the Eel River and the cultivation area.** Applicant will continue to consult with, and implement recommendations from, Timberland Resource Consultants to ensure adequate drainage along roads and at the cultivation site.

3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

Protection of the Watershed and Habitat:

Applicant will follow best practices for water conservation and management. The applicant will install a device to measure the quantity of water diverted from the well and record the quantity of water pumped to and from the system on a weekly basis. Applicant will utilize float valves on storage tanks to prevent overflow. Applicant maintains all required buffers and setbacks between riparian areas and cultivation areas refer to site plan. Applicant will consult with, and implement recommendations by, Timberland Resource Consultants to promote and maintain watershed and riparian habitat areas.

Cultivation Related Waste Protocols: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in piles covered with plastic sheeting to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in re-used soils using bio-amendments (cover crops), resulting in nearly zero soil waste on site. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

Refuse Disposal: Garbage is stored in trash cans equipped with lids. The cans are stored outside the barn (under cover of an awning) Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

Human Waste: There is an on-site waste treatment system (OWTS) that services the residence. The two applicants do not anticipate hiring any employees. Up to Four people may reside on site at any one time.

4. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

A Comprehensive list of Pesticides, Amendments and Fertilizers are in list form on the last page of this document.

Pesticides: Only Organic Pesticides are utilized and stored in the barn as shown on the site plan, which has a wooden non-permeable floor. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or receiving surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport the organic pesticides to and from site.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazards.

Fertilizers: Organic Fertilizers are also stored in the referenced barn with a wood floor to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label. Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

Soil Amendments: Organic Soil amendments are stored in the referenced barn and used according to the protocols it uses for pesticide storage and use. Soil amendments will be kept in secondary containment totes to further prevent leaching. Applicant will use all soil amendments according to the label and use personal protective equipment as required by the label. Applicant will seek out and use soil amendments that are advertised as naturally based. Applicant will follow appropriate application rates of soil amendments.

Petroleum Products and Hazardous Waste: Applicant has a single 500-gallon propane tank to service the residence, and stores eight five gallon portable gasoline cans inside the storage barn. The fuel tanks have secondary containment. Applicant has a spill-proof kit on site to prevent seepage into groundwater or transport to surface water. Applicant will store combustible materials in a different location from petroleum products.

5. Description of Cultivation Activities

Cultivation Activities: Home Field LLC will be cultivating 10,000 sq. ft. of full term outdoor cannabis in the open air. The single cultivation area is irrigated with ground water from an on-site well (subject to forbearance) pursuant to agreement with CDFW.

Beginning on April 16 every year the applicants request approval for a flood elevation certificate to erect a 24x40 temporary hoop structure to raise seedlings in during the early seasonal months (April 16 - July1). The applicant proposes to dismantle and store the temporary hoop house structure (by October 15th) within the accessory storage building labeled on the site plan.

At the end of each cultivation season the spent soil is left inside the 200 gal smart pots where it is re-ammended . Cover crops will then be sown on top of the spent soil to promote soil regeneration. The raised beds prevent nutrient leaching and erosion of the soil medium.

The Applicant's **power supply** is currently sourced from **PG&E**. There are no generators used for cultivation activities on the site. The single cultivation area consists of full term outdoor plants grown in smart pots out in the open air thus not requiring a power source.

Home Field LLC does not does not hire employees. In the past the Cultivation area of 10,000 sq feet of full term outdoor was propagated, grown, and harvested and dried and cured solely by the two applicants/farmers themselves. Processing after curing will be completed off site a licensed facility. A detailed explanation of post drying processing can be located on page 7 of this document.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

Cultivation, Operations, and Security Plan – Page 5

6. Schedule of Activities During Each Month of the Growing and Harvesting Season

January, February, March

- Clean greenhouse and make necessary repairs
- Prepare the seasonal propagation greenhouse footprint area
- Amend soil; type(s) used dependent upon soil analysis
- Pot clones and starts

April

- **April 16 erect the seasonal propagation greenhouse**
- Clones and seeded starts are moved into the seasonal greenhouse
- Water greenhouses once per week
- Apply compost tea with every third watering

May

- Compost tea with every third watering
- Begin moving starts and clones vegetative stage out of greenhouse and into 200 gallon smart pots in the open air cultivation site
- apply Mulch

June

- Water vegetative plants every third day
- Apply compost tea with every watering
- Mulch

July

- Water every other day
- Apply nutrient feed with every watering
- Begin de-leafing plants

August

- **August 1st Forbearance period from the well begins**
- Water every other day
- Apply nutrient feed with every watering
- De-leaf plants

September

- Water every other day
- De-leaf plants
- **Seasonal Immature Plant greenhouse is dismantled and stored in the secondary storage structure**
- **Forbearnce Period Ends September 30th**
- Begin harvesting
- Harvest is taken off site/or dried in secondary storage building or stored in the barn

October

- Water as needed
- De-leaf plants
- Continue Harvest Cycle
- **Harvest is Taken off site/** or dried within the dining hall and stored in the barn
- Full Cured Harvest is taken off site to be processed

November

- End of year reporting
- Clean and landscape areas used in cultivation
- Spent soil in 200 gal smart pots re ammended

December

- End of year reporting
- Clean and landscape areas used in cultivation
- Re- ammend soil and plant cover crops

7. Processing Plan, Drying and Curing

Drying may done on site in the secondary storage facility (dining hall) or hauled off site wet depending on purchaser availability.

All post curing processing activities will occur off site at a licensed facility. The two applicants do not intend to hire any employees and intend to split the work of the entire season between themselves.

The drying and curing area is located in the secondary storage structure, unless wet harvest is sold immediately and hauled off site. After the harvest is cured it is stored within the Ag barn for shipment to a licensed processing facility.

All surfaces are sanitized after every use using organic cleaning products to prevent mold growth and other contaminants. A daily cleaning routine for all work rooms and surface areas will be implemented. Individuals will be required to wash their hands prior to handling the product and after using the restroom. Sanitary equipment and products such as hand sanitizing liquids, paper towels, gloves, water and face masks will be provided and kept in good and operable condition. Emergency contact numbers will be posted in working areas, including the local poison control center.

Post Harvest Activities: Cut flowers will be de-leafed and inspected for mold and then brought to the drying and curing room within the secondary storage facility, unless a wet harvest is purchased and immediately hauled off site. Flowers will remain on stalk and hung on screen racks for approximately 4-7 days. The dry room is thermostatically controlled to regulate temperature and humidity levels.

The Applicant will use a moisture meter to determine dryness. If the moisture content is below 15%, mold development is prevented. Upon reaching sufficiently safe moisture content, flowers will be bucked, placed into sealed plastic bins, and moved into the curing room. The cure room is also thermostatically controlled to regulate temperature and humidity and to ensure an even, slow cure. Bins will be regularly opened and closed to enhance flavor and aroma and to ensure a fully dried product for packaging and storage in the cultivation facility.

After curing the flowers will then be bagged, barreled, and moved to storage barn where they will remain until ready to be shipped to a licensed processing facility.

Security Plan:

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Barbed wire fencing has been installed around the perimeter of the parcel, and deer fencing surrounds cultivation areas. Applicant has several guard dogs at the site. All doors and windows on buildings are lockable. Finished product is stored in a locked room within the storage barn. All access roads have locked gates. "No Trespassing" signs and "Private Property" signs have been posted along the property perimeter. Applicant has installed security cameras at the proposed cultivation site and near the entrance to the parcel. To ensure the non-diversion of product, Applicant will have enrolled in a track and trace program.

9.FERTILIZERS, SOIL AMENDMENTS, AND PESTICIDES

Home Field LLC participates in the Green Scape Fertilizer Protocol using only all natural and organic ingredients with minimal impact on the landscape. Including Dr. Earth, Rice Hulls, Compost Teas, Neem Oil and Sulfur.

From: [Andrew Smyth](#)
To: [Hilton, Keenan](#)
Subject: Re: Homefield, LLC 216-301-018 12013
Date: Wednesday, January 15, 2020 8:05:56 PM

Ok 10 lights. Tarps sundown to sun up

On Wed, Jan 15, 2020 at 2:02 PM Hilton, Keenan <KHilton@co.humboldt.ca.us> wrote:

Ok, then please propose a method for containing the light (e.g. pulling tarps between sunset and sunrise).

-Keenan

From: Andrew Smyth <captainkalik@gmail.com>
Sent: Wednesday, January 15, 2020 1:56 PM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: Re: Homefield, LLC 216-301-018 12013

Yes we have been know to use them in the beginning

Sent from my iPhone

On Jan 15, 2020, at 1:34 PM, Hilton, Keenan <KHilton@co.humboldt.ca.us> wrote:

Andy,

It would be allowable only if it was part of your pre-existing operation. Have you historically had a nursery with lights?

-Keenan

From: Andrew Smyth <captainkalik@gmail.com>
Sent: Wednesday, January 15, 2020 11:20 AM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: Re: Homefield, LLC 216-301-018 12013

Any idea?

On Fri, Jan 10, 2020 at 4:19 PM Andrew Smyth <captainkalik@gmail.com> wrote:

Ok I wasn't aware of that. How many lights could I use?

Sent from my iPhone

On Jan 10, 2020, at 1:51 PM, Hilton, Keenan
<KHilton@co.humboldt.ca.us> wrote:

The county allows an ancillary nursery to use lights (and it is not taxed). The nursery may only be approximately 10% of the overall cultivation area (which yours currently is).

-Keenan

From: Andrew Smyth <captainkalik@gmail.com>
Sent: Friday, January 10, 2020 1:15 PM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: Re: Homefield, LLC 216-301-018 12013

Wouldn't that be mixed light?

On Fri, Jan 10, 2020 at 1:07 PM Hilton, Keenan
<KHilton@co.humboldt.ca.us> wrote:

Andy,

Thanks for the updates.

So you do not use lights in the nursery?

Are the fans and dehumidifiers just used to dry/cure in the dining hall? Do you have some of the fans in the nursery greenhouse?

-Keenan

From: Andrew Smyth <captainkalik@gmail.com>

Sent: Friday, January 10, 2020 12:37 PM

To: Hilton, Keenan <KHilton@co.humboldt.ca.us>

Subject: Re: Homefield, LLC 216-301-018 12013

245 Seward dr. No improvements , 2 people living on site(owners). 8 dehumidifiers 10 fans . We go to town about once a week let me know if you need anything else thanks .Andy

On Fri, Jan 10, 2020 at 12:26 PM Hilton, Keenan <KHilton@co.humboldt.ca.us> wrote:

Hi Andy,

I've been making good progress on the staff report. I hope to be able to bring it to the Zoning Administrator on February 6. The meeting would be at 10am. Would you be able to make it to a meeting at that time?

I have several questions regarding your project. Please respond to the following items:

1. How many people are involved in the operation? Do

- they live onsite?
2. How many trips per day (on average) are required for the operation?
 3. Please state the # of units and location(s) of the following devices, if part of your operation: fans, lights, dehumidifiers.
 4. Have there been improvements made to the barn and dining hall structures since 1996? If so, what improvements and when?
 5. Is the address for the site 253 Seward Drive or 245 Seward Drive?

Note, since the WRPP was created prior to the adoption of the latest general plan, it did not make suggestions with regard to the updated setback requirements. I plan to include a condition of approval that before cultivation occur that a qualified professional (TRC could do it) assess the appropriate setback distance from the Eel River. This will dictate where the cultivation can occur under the permit.

Thank you,

Keenan

[<image001.png>](#)

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

Redway Office Hours

Monday and Wednesday, 9:30 am to 3:30 pm

[3156 Redwood Dr. Redway](#) (707) 383-4100

Mondays – Building, Current Planning and Code Enforcement

Wednesdays – Building, Cannabis Planning and Long Range Planning

TRIPLICATE
Owner's Copy

Page of

Owner's Well No.

Date Work Began Aug 10-16 Ended Aug 10-16

Local Permit Agency Homefield

Permit No. 16/17 0104 Permit Date Aug 2

STATE OF CALIFORNIA
WELL COMPLETION REPORT

Refer to Instruction Pamphlet

No. **1087866**

DWR USE ONLY — DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE LONGITUDE

APN/TRS/OTHER

RECEIVED
1/20/19
Humboldt County
Planning Division

GEOLOGIC LOG

ORIENTATION (°) ☒ VERTICAL ☐ HORIZONTAL ☐ ANGLE (SPECIFY)

DRILLING METHOD Rotary FLUID

DEPTH FROM SURFACE

FL	to	FL	DESCRIPTION
0	5		Top Soil
5	20		Brn Clay
20	30		Brn damp clay
30	45		river run
45	55		Blu shale
55	65		Solid Blu sandstone
65	120		Grey shale

Describe material, grain size, color, etc.

WELL OWNER

Name Andrew Smith

Mailing Address Box 112

City Blacksgrove Ca STATE CA ZIP 95514

Address 243 SEWARD DRIVE

City Homefield CA ZIP 95511

County Humboldt

APN Book Page Parcel 210 301 018

Township Range Section

Lat DEG. MIN. SEC. N Long DEG. MIN. SEC. W

LOCATION SKETCH

NORTH

WEST

EAST

SOUTH

Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.

ACTIVITY (°)

☒ NEW WELL

MODIFICATION/REPAIR

☐ Deepen

☐ Other (Specify)

☒ DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

USES (°)

WATER SUPPLY

☐ Domestic ☐ Public

☐ Irrigation ☐ Industrial

MONITORING ☐

TEST WELL ☐

CATHODIC PROTECTION ☐

HEAT EXCHANGE ☐

DIRECT PUSH ☐

INJECTION ☐

VAPOR EXTRACTION ☐

SPARGING ☐

REMEDIATION ☐

OTHER (SPECIFY)

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER 30 (FL) BELOW SURFACE

DEPTH OF STATIC WATER LEVEL 25 (FL) & DATE MEASURED Aug 10-11

ESTIMATED YIELD 4 (GPM) & TEST TYPE

TEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN (FL)

* May not be representative of a well's long-term yield.

TOTAL DEPTH OF BORING 120 (Feet)

TOTAL DEPTH OF COMPLETED WELL 100 (Feet)

DEPTH FROM SURFACE	BORE-HOLE DIA. (Inches)	CASING (S)							DEPTH FROM SURFACE	ANNULAR MATERIAL								
		TYPE (°)				MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS		SLOT SIZE IF ANY (Inches)	TYPE							
FL	to	FL	BLANK	SCREEN	CON- DUCTOR				FILL PIPE						FL	to	FL	CE- MENT (°)
0	20		9"	✓				F 480	5 11	200		0	20			✓		
20	60		1	✓								20	100					3/8 pea
60	100		1	✓														
100	120				✓													

ATTACHMENTS (°)

- ☐ Geologic Log
- ☐ Well Construction Diagram
- ☐ Geophysical Log(s)
- ☐ Soil/Water Chemical Analyses
- ☐ Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Bushnell Enterprises

(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

Address 649 Bear Creek rd. Garb. CA 95542 City Garb. STATE CA ZIP 95542

Signed Morgan Bushnell Date Signed 9-29-16 C-57 LICENSE NUMBER 403708

C-57 LICENSED WATER WELL CONTRACTOR

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: *Part A may be completed by the applicant*

Applicant Name: Homefield LLC APN: 216-301-018

Planning & Building Department Case/File No.: Cup 16-499

Road Name: Ft. Seward Drive (complete a separate form for each road)

From Road (Cross street): Ft Seward Road

To Road (Cross street): Front Gate of property

Length of road segment: 1/8 mile miles Date Inspected: 9-2-18

Road is maintained by: ☐ County ☒ Other Private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

Road Evaluation

216-301-018



Show search results for 216...

1,220 feet of road

Private Entrance

Eel River

FORT SEWARD RD

PREMONT AVE

SAVING AVE

SEWARD DR

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Approval	Attached
CAL-FIRE	✓	Comments	Attached
California Department of Fish and Wildlife	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Regional Water Quality Control Board		No response	
District Attorney		No response	
State Water Resource Control Board – Division of Water Rights	✓	Approval	Attached
Sheriff	✓	Approval	On file in Accela
Alderpoint Volunteer Fire Company		No response	
Southern Humboldt Joint Unified School District		No response	
Agricultural Commissioner		No response	
County Counsel		No response	
North Coast Unified Air Quality Management District		No response	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

5/10/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**, Alderpoint VFC:FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Unified:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Homefield, LLC **Key Parcel Number** 216-301-018-000

Application (APPS#) PLN-12013-CUP Historic Planning **Assigned Planner** Keenan Hilton

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

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

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

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

Return Response No Later Than: 5/25/2019

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

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

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

Other Comments: _____

DATE: _____

5/17/19

PRINT NAME: _____

Am



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name Homefield, LLC
Address 1 PO Box 112 **Address 2**
City Blocksburg **State** CA **Zip** 95514

OWNERS NAME AND MAILING ADDRESS

Name Smyth Andrew W & Fung Marcus J **Email**
Address 1 Po Bx 612 **Address 2**
City Redway **State** CA **Zip** 95560

SITE INFORMATION

Parcel Number 216-301-018-000 **Application Number** PLN-12013-CUP
Street Address 253 Seward Dr **City** Fort Seward **State** CA **Zip** 95514

PRESITE INVESTIGATION

Project is already started	AOB Inspection
Soil report is required due to	Project appears to be within wet area
Project is in flood zone A per	FIRM panel number
Flood elevation certificate required	Is 2nd Flood Certificate Required?
Plans stamped by a licensed person required	SRA requirements apply
SRA water storage requirements apply	Lot created prior to 1992
Appr.SRA req. need to be shown on plot plan	Plot plan incomplete, must be revised
Driveway slope appears to be	Submit engineered foundation for
Grading permit required	Applicant must locate property lines
Incomplete submittal Construction Plan	Other concerns exist
Erosion and sediment control measures req.	

Inspector Notes

QUESTIONS? Please contact the County of Humboldt Building Division



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

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Grading permit required	Applicant must locate property lines Yes
Incomplete submittal Construction Plan	Other concerns exist
Erosion and sediment control measures req.	

Inspector Notes

planning referral
5/14/19
AM
- plot plan appears complete at this time
- No wet areas within 100-200 feet of cannabis
-Recommend approval based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained

QUESTIONS? Please contact the County of Humboldt Building Division



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

PRE-SITE INVESTIGATION FORM

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Erosion and sediment control measures req.	

Inspector Notes

QUESTIONS? Please contact the County of Humboldt Building Division



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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Keenan Hilton, Planner, Planning & Building Department

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

DATE: 04/26/2019

RE:

Applicant Name	HOMEFIELD LLC
APN	216-301-018
APPS#	PLN-12013-CUP

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 9/2/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The County GIS mapping incorrectly labeled the County maintained roads to the subject parcel. In turn, the applicant has mislabeled the route on the Evaluation Report Form.



Access route starting from Fort Seward Road (C7C010) proceeds to Railroad Avenue (8C020) then to Seward Drive (8C030) then to the private driveway. Applicant has a Seward Drive address, not Ft. Seward Drive as shown on the road evaluation form.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12013

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☒ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

From: [Hilton, Keenan](#)
To: [Planning Clerk](#)
Subject: FW: Homefield, LLC 216-301-018 12013
Date: Friday, January 10, 2020 9:50:12 AM
Attachments: [image001.png](#)

Please add as referral response from DEH

Thanks!
Keenan

From: Dolf, Benjamin <BDolf@co.humboldt.ca.us>
Sent: Thursday, January 09, 2020 8:09 AM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: RE: Homefield, LLC 216-301-018 12013

Hi Keenan – the site has a permitted water well and soils testing was done demonstrating that the site is suitable for septic (equivalent of having a Tier 0 determination). So it was a clean approval. Thanks for asking!

-Ben

From: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Sent: Wednesday, January 8, 2020 3:30 PM
To: Dolf, Benjamin <BDolf@co.humboldt.ca.us>
Subject: Homefield, LLC 216-301-018 12013

Hi Ben,

I see in Accela that you recommended approval for this project. Did you provide any additional comments?

Thanks!
Keenan



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

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:



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Homefield LLC		Date: 9/16/2019	
APPS No.: 12013	APN: 216-301-018	DFW CEQA No.: 2019-0177	Case No.: 12013-CUP
<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Outdoor (SF): 10,000		

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

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

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

- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.

Please note the following information:

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0209) has been issued to the applicant.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

4/8/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Alderpoint VFC:FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Unified: School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Homefield LLC **Key Parcel Number** 216-301-018-000

Application (APPS#) PLN-12013-CUP Historic Planning **Assigned Planner** Keenan Hilton

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

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

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

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

Return Response No Later Than: 4/23/2019

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments: Has a groundwater well and does not need an
SIUR.

DATE:

April 16, 2019

PRINT NAME:

Cheyene Keniston