

SUPPLEMENTAL INFORMATION

No. 1

For Zoning Administrator Agenda of:
February 6, 2020
Item No. C-2

Re:	Applicant:	Bob Howard
	Case Number:	PLN-2018-15221
	Assessor Parcel Number:	223-044-010

The following items are included in this supplemental:

1. Correspondence between Planning staff and Kalyn Bocast, California Department of Fish and Wildlife, dated February 5, 2020, regarding the proposed project and conditions of approval.

Ryan, Meghan

From: Ryan, Meghan
Sent: Wednesday, February 05, 2020 9:07 AM
To: Bocast, Kalyn@Wildlife
Cc: Johnson, Cliff; Bauer, Scott@Wildlife
Subject: RE: Application for 2/6/2020 ZA

Hi Kalyn – Thank you for your response. I have not completed a through evaluation for APPS #11916. It is on my radar and I will continue the conversion with you and respond to CDFW comments when that project is moving forward. If we find there has been any expansion at the time, the matter will need to be resolved prior to moving forward for decision.

Regarding the pond construction, with CDFW recommendations, the EIR considered that additional water storage may need to be constructed to allow for a reduction on use of diversionary water sources, during, but not limited to, a default forbearance period from May 15th – October 31st of each year. Additionally, performance standards were developed regarding pond and reservoirs that the applicant is required to follow.

The following conditions are included for the Bob Howard (Record Number: PLN-2108-15221) project:

1. No use of generators for cultivation-related activities is authorized by this permit.
2. No processing shall occur on-site until the Onsite Wastewater Treatment Systems are permitted by the Department of Environmental Health. See Condition of Approval No. 5 for additional details.
3. Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.
4. All artificial lighting used in the appurtenant nursery shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary. No artificial lighting in the appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
5. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. No artificial lighting in the appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
6. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project from the off-stream pond. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. The water use for cultivation is limited to the amount of water available in the off-stream pond.
7. The applicant shall provide proof of an approved Less Than Three Acre Conversion for the subject parcel or retain a Registered Professional Forester to complete a Less Than Three Acre Conversion Evaluation that reviews the conversions on the parcel and determines if the conversions were done in accordance with the Forest Practice Rules. The report shall include any requirements needed to ensure the conversions are in

compliance with CAL FIRE regulations and account for the temporal loss of habitat function due to the timber removal (e.g. replanting trees at a 3:1 or 5:1 ratio and /or other habitat enhancement projects on the subject parcel). Additionally, a mitigation and monitoring report that requires a minimum of three years of monitoring with an 85% success rate shall be included in the report. The report shall be submitted to the Planning Department for review and approval prior to implementation. All monitoring reports are required to be submitted prior to the annual inspection and verified during the annual inspection.

8. The applicant shall obtain and implement a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife for the aspects of the project within the CDFW jurisdiction (for example, but not limited to: off-stream pond outfall improvements, point(s) of diversion used for domestic use, etc.). The applicant shall provide a copy of the agreement to the Planning Department and adhere to and implement all requirements of the agreement. The applicant shall notify the Planning Department when the projects authorized by the final agreement are completed within five (5) business days.
9. All trash and food waste shall be stored in animal proof containers and secured away from human habitation areas and disposed off-site regularly. Photographic evidence detailing the installation of animal proof containers submitted to the Humboldt County Planning Department will satisfy this condition.
10. The applicant shall comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
11. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
12. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
13. The applicant to adhere to the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management as required by CCLUO Section 314-55.4.12.13 – Performance Standards Remediation Activities.
14. The applicant shall adhere to and implement the remediation and relocation actions described in the Onsite Retirement, Remediation, and Relocation Restoration Plan including reseedling, relocating (3) 3,300-gallon water storage tanks and the erosion control measures described for Former Site 1 as well as the restructuring of greenhouse structures, and sediment control measures tied to the proposed consolidation from Former Site 2. Upon completion, the applicant shall contact the Planning Department within five (5) working days of completing the remediation and relocation actions to set up a site inspection to verify the Onsite Retirement, Remediation, and Relocation Restoration Plan was completed as described.
15. The applicant shall adhere to and implement the recommended strategies for mitigation measures as described in Preliminary Biological Habitat Assessment performed by NorCal Bio Survey on February 22, 2019. All results from surveys shall be provided to the Planning Department with five (5) business days of the surveys completion. Should any positive results from botanical survey or nesting bird surveys, proposed development is not authorized until this permit is modified as necessary to evaluate the results of the survey.

Please let me know if you have any additional comments or questions regarding Record Number: PLN-2018-15221 Bob Howard.

Best,
Meghan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Friday, January 31, 2020 4:41 PM
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Subject: RE: Application for 2/6/2020 ZA

Hello Meghan,

Thank you for that information. Given what has been provided, it is still unclear as to where the separation is between the two applications as it appears that APPS: 11916 may be using the same cultivation sites as APPS: 15221. Given that there is no clear map provided with APPS: 11916 it is still difficult to understand what is going on. What is apparent, however, is that the northern cannabis site associated with 11916 is significantly larger at present than it was in 2015. I hope to discuss this item a bit more with County Planning Staff at a later time.

Although some of my questions have been answered with the information provided, I am still interested in understanding whether the County will be requiring mitigation measures for the unpermitted pond construction, and further, how this unpermitted activity fits within the EIR?

Lastly, will the Staff Report incorporate CDFW standard recommendations as well as the recommendations outlined in the Biological Report and reports provided by the applicants consulting representative?

Thank you,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

From: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Sent: Friday, January 31, 2020 3:53 PM
To: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Application for 2/6/2020 ZA

Good afternoon, Kalyn – Thank you to getting back to us regarding the Bob Howard project. One thing to note on this project is there was a lot line adjustment for between two parcels, include the subject parcel (APN 223-044-010). This resulted in the parcel configuration changing (see attached LLA map). So, the project is focused on the southern portion of the parcel.

1. The CAV's are attached. One was completed by the County and the other was completed by the agent. We concurred with the agent's interpretation.

2. The staff report is drafted for 9,375 sf of existing cultivation area. I stated in the staff report that if the cultivation area is being counted toward an IP for the APPS 11916, that application/IP will be adjusted to remove the sf asking for in this project.
3. Please see attached relocation justification, remediation plan and summary of changes to project per CDFW walk through provided by the applicant. All are attached to the staff report. The revised site plan is contained within the CDFW walk through narrative.
4. Please see attached biological study and road improvement information.
5. The staff report and attachments are most likely available online at the Zoning Administrator website. The site management plan has additional information regarding road improvements.
6. This project is a 2.0 project submitted in 2018.

Please let me know if you have any questions or need any additional information.

Best,
Meghan

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Sent: Friday, January 31, 2020 2:15 PM
To: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: FW: Application for 2/6/2020 ZA

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Friday, January 31, 2020 2:14 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Cc: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Subject: RE: Application for 2/6/2020 ZA

Hello Cliff,

Scott passed on the email message below regarding APPS 15221, APN: 223-044-010. Looking at Accela, I was unable to locate the CAV for this project. Can you please provide that document when you have a moment? In addition, I noticed that there is another application associated with this parcel, APPS: 11916, for 10,000SF mixed light. Is the applicant claiming a total of ~20,000SF of existing cultivation on this parcel or is the 10,000SF of mixed light proposed new? Please provide the CAV for APPS: 11916 for clarification. Further, I am unable to locate an adequate site plan map for either application. The only site plan maps provided are under APPS 15221 and do not disclose the proposed relocation plan adequately or the unpermitted off-stream ponds (assuming there are two based on referral materials). It is also unclear as to whether the roads to the relocation (donor) cultivation sites will be upgraded to reduce sediment delivery to nearby waterways or decommissioned, please clarify. Has any biological analysis has been conducted for this site? Lastly, can you please clarify which Ordinance (1.0 or 2.0) these projects are being processed under.

Thank you for your assistance.

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Sent: Thursday, January 30, 2020 9:21 AM
To: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Subject: Application for 2/6/2020 ZA

Scott, I am reviewing the staff report for an application adjacent to the Reed Mtn. Farms that was noticed for next weeks ZA agenda. This is for Bob Howard, 15221, 223-044-010. This is existing outdoor and full sun outdoor cultivation with solar power, and a new pond which was installed without permit. While this was referred to CDFW I see that we have not received comments and the planner did not reach out to CDFW to ask for comments as they should have. I don't want this one to cause any issues with our agencies, so please let me know if you guys have any concerns about this.

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