



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 7, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Smokey Hollow Productions, LLC Special Permit**
Record Number: PLN-2018-15297
Assessor's Parcel Number: 212-013-011
4646 Thomas Road, Miranda area

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Please contact Stephen Luther Planner, at 707-268-3737, or by email at sluther@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 7, 2020	Special Permit	Stephen Luther

Project Description: An application for a Special Permit to allow an existing 22,500 square foot outdoor cannabis cultivation operation. 10,000 square feet was permitted with a Zoning Clearance Certificate under a separate permit, and this permit authorizes the remaining 12,500 square feet to bring the total permitted cultivation on the parcel to 22,500 square feet. Propagation occurs in a 2,000 square foot nursery. The irrigation water source is a rainwater catchment pond established in 1982 with an approximately 1-million gallon capacity. Estimated annual water use is 140,000 gallons. Water storage consists of seven (7) hard tanks totaling 22,800 gallons. The site is developed with a permitted residence and Onsite Waste Treatment System. Drying and curing will occur in a 480 square foot outbuilding. Processing will occur on-site in a permitted commercial building, or be taken offsite. Up to four people will be on-site during peak activities. The primary power source is a solar array, and a generator is onsite for backup.

Project Location: The project is located in the Miranda area, on both sides of Lower Thomas Road, approximately 3500 feet northeast from the intersection of B Road and Lower Thomas Road, on the property known as 4646 Thomas Road.

Present Plan Land Use Designation: Residential Agriculture: 40 acres (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-2018-15297

Assessor's Parcel Numbers: 212-013-011

Applicant

Smokey Hollow Productions, LLC
Ryan McDowell
PO Box 2121
Redway, CA 95560

Owner

Ryan McDowell
PO Box 2121
Redway, CA 95560

Agent

Mother Earth Engineering
661 G Street
Arcata, CA 95521

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

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Smokey Hollow Productions, LLC Special Permit

Record Number: PLN-2018-15297

Assessor's Parcel Number: 212-013-011

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to 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 proposed Smokey Hollow Productions, LLC, project subject to the recommended conditions.

Executive Summary

The proposed Special Permit would allow the continued operation of 22,500 square feet (SF) of outdoor commercial cannabis cultivation, of which 10,000 square feet was permitted with a Zoning Clearance Certificate as a Phase I action. This permit will bring the total permitted cultivation area on the site to 22,500 square feet. The site is developed with a permitted residence and Onsite Waste Treatment System. No new structures are proposed. The site is accessed via a private driveway off Upper Thomas Road and Salmon Creek Road. A Road Evaluation Report evaluating five distinct road segments with pictures and aerial photographs was prepared by Stillwater Sciences in October 2017, and amended December 12, 2018. Stillwater Sciences included a number of recommendations to improve the road system in order for the access route to meet the functional equivalent of a category 4 road system. The subject parcel has a secondary evacuation route down Road K. A supplemental road evaluation was provided to address the simultaneous ingress of emergency vehicles and landowner egress in the event of an emergency. Adding signage at an a steep area on Segment 5 was recommended. The project is conditioned on implementing these improvements. The Department of Public Works commented on the project and recommended conditions of approval, which are included in Attachment1.

Cultivation occurs in three plots. The operation is full-sun outdoor and utilizes native soils. Historic cultivation areas are proposed to be consolidated in order to relocate cultivation off slopes greater than 15% and increase the distance to watercourses. The proposed cultivation sites are in natural flats with well-draining soils that have been previously used for agricultural purposes. A report of the environmental superiority of the relocation site is included in the application (see Attachment 4).

The irrigation water source is the existing off-stream rainwater catchment pond, constructed circa 1982. The pond capacity is approximately 1 million gallons. Water storage totals 22,800 gallons in hard tanks. Estimated annual water use is 140,000 gallons (6.2 gal/sf). The operation uses timed drip irrigation and mulch to irrigate, and the soil is composed of clay that allows for more moisture retention. The applicant is required to submit copies of monitoring reports demonstrating compliance with the Site Management Plan submitted for Tier 1 enrollment in the State Water Board General Order. A Notification of Lake and Streambed Alteration has been submitted to the California Department of Fish and Wildlife for the site. The site will comply with all terms of the final agreement with CDFW, including adherence to the bullfrog management plan and management of pond overflow.

Power is provided by a solar array. No more than 20% of the operation will be powered by a backup propane generator. Drying and curing will occur in a 480 square foot outbuilding. Processing may occur on-site in the outbuilding during the provisional approval period, and the building must be permitted. Otherwise, processing will be off-site. In addition to the owner-operator, up to four people will be on-site during peak activities.

Tostin Creek, a Class II stream, crosses the parcel and the cultivation areas are setback more than 200 feet from the watercourse. The cultivation area is setback 60 feet from the rainwater catchment pond. A Biological Report was prepared for the site by Brian Peterson and received on August 26, 2019. The report evaluated the presence of and habitat for rare and sensitive species in the project area. No special status wildlife was observed on the site. Northern Spotted Owl (NSO) activity center is approximately 1.1 miles east of the project site. The operation is a full-sun outdoor cannabis farm. No supplemental lighting is proposed for cultivation activities. The primary power source is solar, and a generator will supply no more than 20% of the total energy use. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source. Indirect effects on wildlife from light and noise are not expected from the project as conditioned and operated.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. 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 Final EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 20-

Record Number: PLN-2018-15297

Assessor's Parcel Number: 212-013-011

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

WHEREAS, Smokey Hollow Productions, LLC, submitted an application and evidence in support of approving the Special Permit for 22,500 square feet existing outdoor cannabis cultivation, 2,000 square feet of propagation area, with irrigation water provided by a 1-million-gallon rainwater catchment pond, onsite drying and offsite processing, and power provided by solar; and

WHEREAS, the County Planning Division has reviewed the submitted application 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 Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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 Number PLN-2018-15297) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on May 7, 2020.

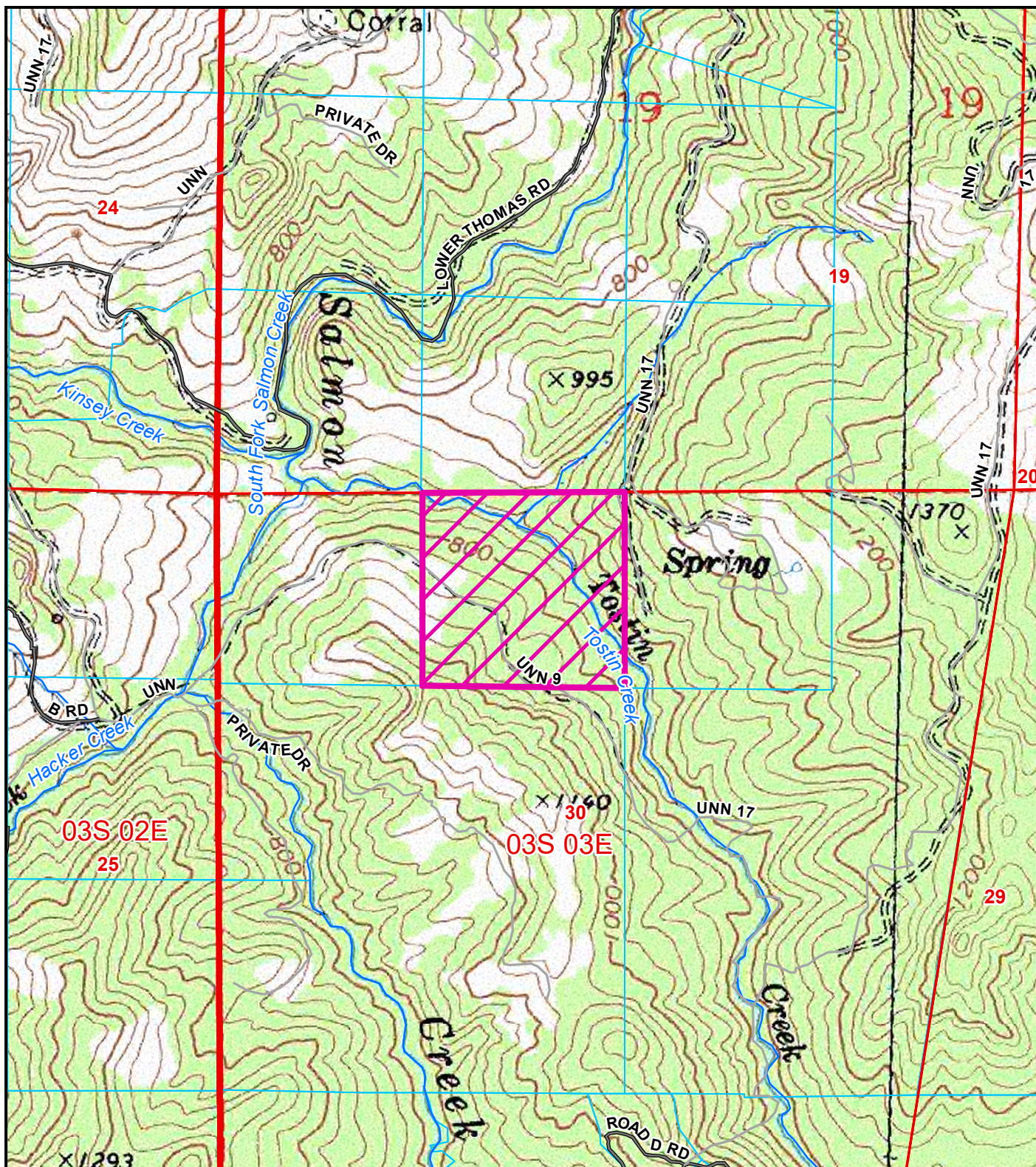
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2018-15297 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on May 7, 2020.

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

John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt



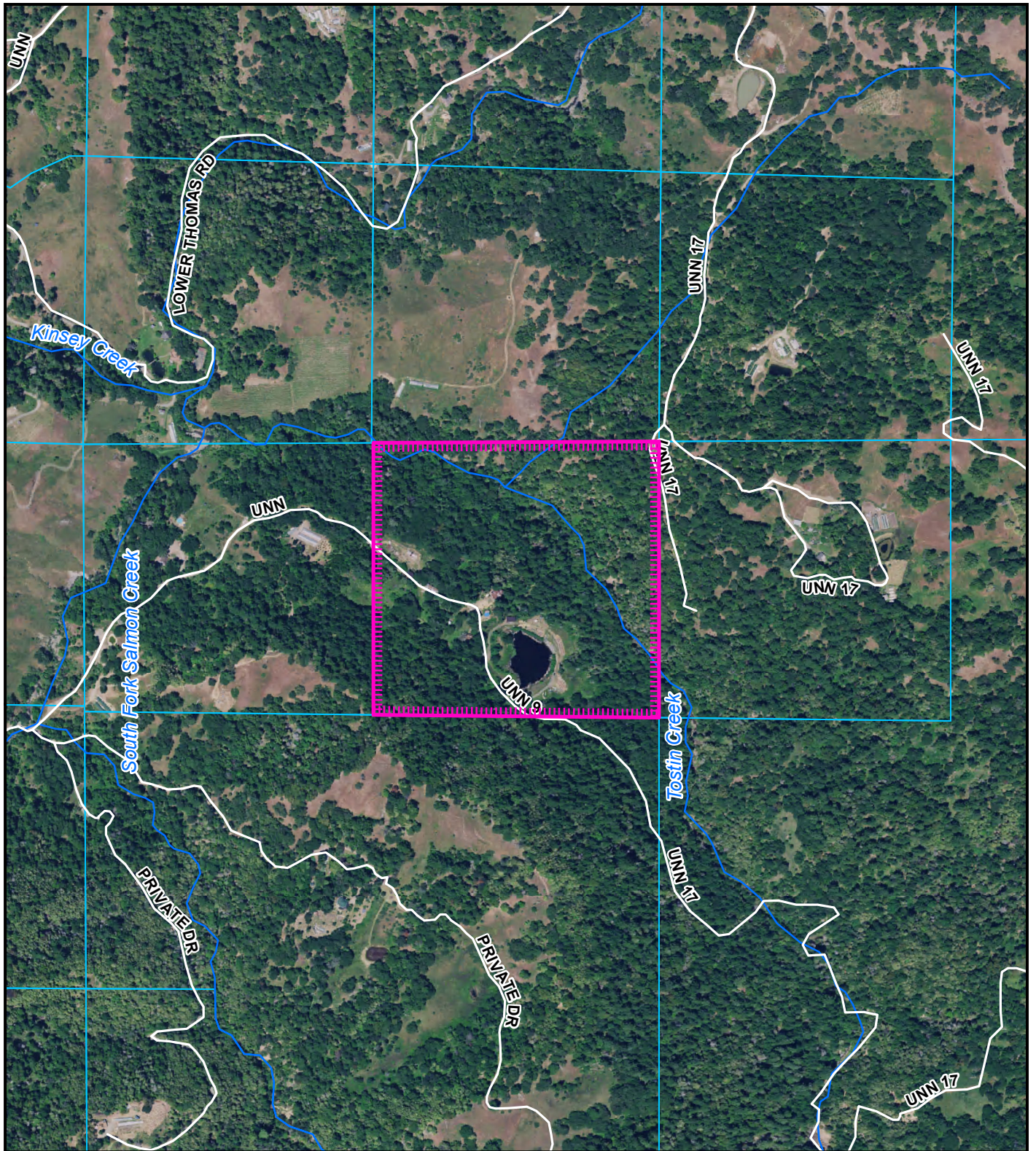
Project Area = 

TOPO MAP
PROPOSED SMOKEY HOLLOW PRODUCTIONS, LLC
SALMON CREEK AREA
PLN-2018-15297
APN: 212-013-011
T03S R03E S30 HB&M (ETTERSBURG)

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.

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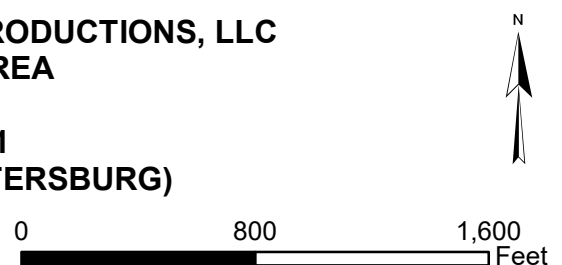


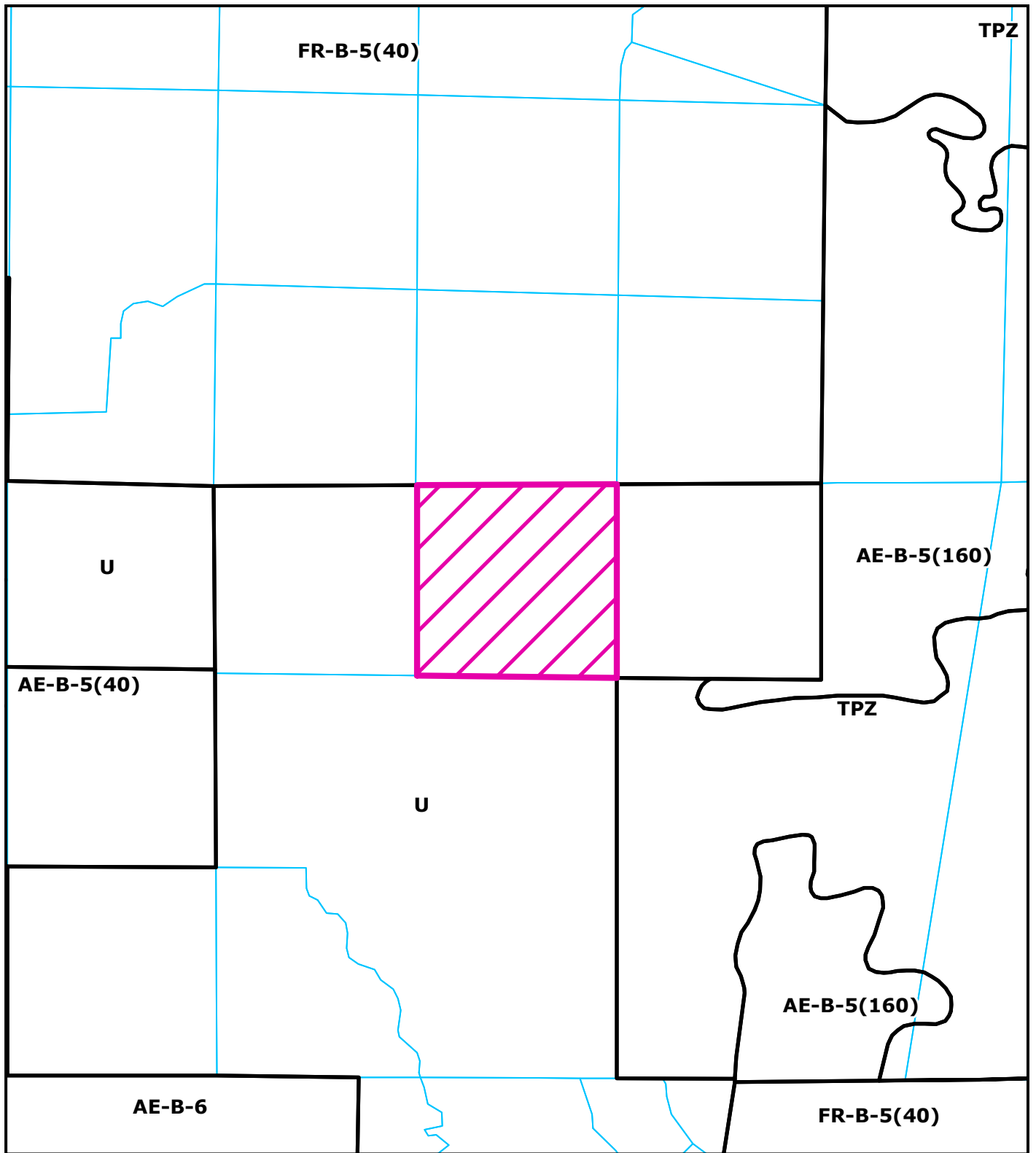


AERIAL MAP
PROPOSED SMOKEY HOLLOW PRODUCTIONS, LLC
SALMON CREEK AREA
PLN-2018-15297
APN: 212-013-011
T03S R03E S30 HB&M (ETTERSBURG)

Project Area = 

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





Project Area =

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

ZONING MAP
PROPOSED SMOKEY HOLLOW PRODUCTIONS, LLC
SALMON CREEK AREA
PLN-2018-15297
APN: 212-013-011
T03S R03E S30 HB&M (ETTERSBURG)

0

1,000

2,000

Feet

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. 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 #2-9. 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. Prior to the use of supplemental lights in the propagation area, applicant shall demonstrate conformance with shielding standards. This measure shall be satisfied by providing photographs or other evidence of measures in place to prevent light spillage.
3. Applicant shall provide noise survey post-project demonstrating that project activities do not increase noise level by more than 3 decibels over pre-project noise levels.
4. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
5. The applicant shall complete and implement all corrective actions detailed within the WRPP developed for the parcel (attached) prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB a letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
6. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
7. 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.
8. The applicant shall provide monitoring reports documenting implementation of the

remediation monitoring activities outlined in the Report of Environmental Superiority of Cultivation Area Relocation Site including revegetation success and prevention of sediment transport shall be provided to the Planning Department.

9. The applicant shall contact the local fire service provider [Salmon Creek 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. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. The recommended improvements on the submitted road evaluation report (segments 3, 4 and 5) as well as the improvements for segment 5 in the supplemental evaluation shall be completed. In the event the improvements cannot be completed within the 2-year provisional timeline, the applicant shall provide minutes of the Road Maintenance Association establishing a timeline for completion of the work.
11. All 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.
12. 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.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.

3. 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.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. 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.
9. 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).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Power is to be supplied by solar. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 50 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator

noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

13. 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.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. 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.
20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. All mixed light cultivation 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.

Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
23. 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).
24. Cultivators engaged in processing shall comply with the following Processing Practices:

- I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO 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.

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 CCLUO.

28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

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

29. 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 CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

30. 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 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit.

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 #27 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. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost.

7. The Applicant is responsible for costs for post-approval review for determining project

conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

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, the Open Space Plan, and the 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, the Open Space Plan, and the Open Space Action Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations 4.8	Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Density range is 40-160 acres/unit.	The proposed project includes 22,500 square feet of outdoor cannabis cultivation on lands designated as Residential Agriculture. General agriculture is allowable use type for this designation.
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,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-G4, C-G5) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	The subject parcel is accessed via a private driveway off Upper Thomas Road, which connects to Salmon Creek Road. A Road Evaluation Report evaluating five distinct road segments with pictures and aerial photograph was prepared by Stillwater Sciences in October 2017, amended December 12, 2018. Stillwater Sciences included a number of recommendations to improve the road system in order for the access route to meet the functional equivalent of a category 4 road system. A supplemental road evaluation analyzed the road system for the purpose of emergency access, and found the road system adequate with minor improvements such as signage on a steep segment. Completing these improvements have been included as conditions of approval. Public Works has commented and requested conditions of approval. The improvements noted in the road evaluation report for segments 3, 4 and 5 shall be implemented in order to bring the road to the functional equivalent of a category 4 road. All fences and gates shall be relocated out of the County right of way. These have been included as Conditions of Approval for the project.
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not

	<p>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>preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is mapped with a Streamside Management Area and has geologic rating of high instability. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project site is in the Salmon Creek watershed which is tributary to the South Fork Eel River. Tostin Creek, a Class II stream, runs east to west from the southeast to northwest portion of the parcel. The cultivation areas are setback more than 200 feet from the watercourse. A large pond provides additional habitat.</p> <p>Northern Spotted Owl (NSO) activity center is approximately 1.1 miles east of the project site. The closest occurrence is approximately 1 mile to the east of the project area. The operation is a full-sun outdoor cannabis farm. No supplemental lighting is proposed for cultivation activities. The primary power source is solar, and a generator will supply no more than 20% of the total energy use. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source. The applicant will need to show</p>

		<p>conformance with measures to prevent light spillage prior to the use of supplemental lighting in the on-site nursery greenhouse. Indirect effects on wildlife from light and noise are not expected from the project as conditioned and operated.</p> <p>A Biological Report was prepared for the site by Brian Peterson received on August 26, 2019. The report evaluated the presence of and habitat for rare and sensitive species in the project area. No special status wildlife was observed on the site. The report identified the potential for eleven (11) botanical species and three (3) wildlife species to be on site based on required or preferred habitat present. The report concludes that no direct or cumulative impacts to habitat would result from project activities because no new development is proposed and project activities will occur in existing areas.</p> <p>The project was referred to California Department of Fish and Wildlife. No comments were received. Standard operational conditions for the protection of wildlife have been included.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeological survey was required. A Cultural Resource Survey was prepared by William Rich and Associates and received on October 19, 2019. The report had negative findings. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol, which is included as an ongoing condition.</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</p>	<p>The project is not located off a designated scenic highway. The agricultural operation and appurtenant infrastructure does not conflict with the viewshed. No supplemental lighting is proposed. The cultivation is full-sun outdoor. All security and safety lighting shall be angled to prevent light spillage onto neighboring</p>

	<p>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>properties resulting from backlight, uplight, or glare (BUG). The operation will comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4. The applicant is required to demonstrate compliance with this condition prior to using artificial light in the mixed-light nursery.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The applicant is enrolled in the State Cannabis Discharge program (WDID # 1_12CC403243). The applicant has provided a Notice of Applicability and a Site Management Plan. Improvements include maintenance of the road system to stabilize sediment and prevent erosion by applying rock and mulch as needed. applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-</p>	<p>The site is developed with a single-family residence served by a permitted septic system. Only the operator and immediate family members, up to six people total, conduct trimming onsite. The project was referred to the Division of Environmental Health which has recommended approval of the project.</p>

	Site Sewage Disposal Requirements.	
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures due to proximity to known noise sources. Power is provided by solar, with a backup generator housed in a containment structure providing no more than 20% of energy. Northern Spotted Owl (NSO) activity center is 1.77 miles to the northwest of the project site. Marbled murrelet habitat is approximately 0.67 miles to the northeast of the project area. Potential impacts to habitat are minimized as power to the subject parcel is provided by solar. On-going conditions of approval require noise from the operation not to exceed 50 dB as measured 100 feet from the source.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The parcel is mapped as having high geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped historic landslides on the parcel. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation occur are variable from less than 15% to 30%. No new structures are proposed. The existing uses, which are proposed to continue, are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14 Flooding	<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>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>

	Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	
<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 parcel is located within an area with a high fire hazard severity. The subject property is located within the Salmon Creek Volunteer Fire Company response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection 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.</p> <p>With respect to the Fire Safe Ordinance (Section 3111-1 et seq.), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turn-around and pullout area for emergency vehicles and 2,500 gallons of water storage dedicated for fire suppression. A route map demonstrating a secondary access route for emergency evacuation purposes was provided in order to address the Dead-End Road standard (see discussion below).</p>
<p>Community Infrastructure and Services Element Chapter 5</p> <p>Implementation Action Plan</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>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Salmon Creek 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>

Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</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 grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.
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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 Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 212-013-011 is described as the NE ¼ of NW ¼ SEC 30 T3SR3E as noted on the grant deed recorded in Humboldt County Records Volume 1194 of Official Records page 165. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
314-8.1 Unclassified	Unclassified (U): The Unclassified zone is applied to areas that have not been sufficiently studied to justify precise zoning classifications.	The applicant is seeking a Special Permit for 22,500 square feet of existing cannabis cultivation on a property zoned U. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.6.1 of the Zoning Code.
Min. Lot Size	6,000 square feet	38.3 acres

Min. Lot Width	50 feet	1,331 feet
Max. Ground Coverage	Forty percent	3%
Max. Lot Depth	Three times the width	1,280 feet
Minimum Yard Setbacks: (Through the SRA requirements)	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	>30 feet all sides
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Tostin Creek, a Class II stream, crosses the parcel. According to the Site Management Plan, the cultivation areas are setback 450 and 550 feet from the watercourse. The cultivation area is setback 60 feet from the rainwater catchment pond. A portion of the cultivation is being relocated to be even further from the watercourses. No activity takes place within SMA or Other Wet Area, and therefore no Special Permit is required.
Off-Street Parking §314-109.1	Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. 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>	4 spaces
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		

§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or more acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Smokey Hollow Productions, LLC has only this application for 22,500 square feet of cultivation.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS and Google Earth shows the parcel has naturally open areas where cultivation will occur. No timber conversion is evident. No timber is proposed to be removed as part of the project.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. A review by the Tribal Historic Preservation Officer indicated that there are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites. A property boundary survey for the western property line stamped by Wallace Wright, licensed land surveyor, was received on August 26, 2019 to demonstrate the westernmost cultivation area is 45 feet from the property line.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.12.1.8 Performance Standards–</p> <p>Road Systems</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The subject parcel is accessed via a driveway off Early Ranch Road, which connects to Thomas Road and Salmon Creek Road. Stillwater Sciences provided a Road Evaluation Report, prepared by a licensed engineer, for five distinct segments of the access road system leading to the project site. The access road system is thirteen miles long, and not developed to a category 4 road standard. Because the project site is more than two miles from the nearest intersection with a centerline stripe road, and the road has no clear outlet, the Dead End Road standard applies. The applicant identified “Road K” as a secondary access route for emergency purposes which is located 0.5 miles from the site. In addition, the applicant provided a memo from Stillwater Sciences evaluating the simultaneous ingress and egress of emergency vehicles during an evacuation, and recommended improvements for the access road system. The project therefore complies with the road standards.</p>
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<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1i, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>Tostin Creek, a Class II stream, runs through the parcel. The cultivation areas are setback more than 200 feet from the watercourse. A large pond provides additional habitat and cultivation is setback 60 feet from the pond. No</p> <p>A Biological Report was prepared for the site by Brian Peterson received on August 26, 2019. The report evaluated the presence of and habitat for rare and sensitive species in the project area. No special status wildlife was observed on the site. The report identified the potential for eleven (11) botanical species and three (3) wildlife species to be on site based on required or preferred habitat present. Northern Spotted Owl (NSO) activity center is approximately 1.1 miles east of the project site. The closest occurrence is approximately 1 mile to the east of the project area. The operation is a full-sun outdoor cannabis farm. No supplemental lighting is proposed for cultivation activities. The primary power source is solar, and a generator will supply no more than 20% of the total energy use. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source. Indirect effects on wildlife from light and noise are not expected from the project as conditioned and operated. The report concludes that no direct or cumulative impacts to habitat would result from project activities.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.</p>

<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>No supplemental lighting for cultivation is proposed. All exterior and security lighting is shielded to prevent backlight, up light and glare (BUG). All operations will comply with International Dark Sky Standards. The applicant is required to demonstrate compliance with this condition prior to using artificial light in the mixed-light nursery.</p>
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The power source for the project is a 1,200-watt solar array. Less than 20% of the total power used in the operation can be sourced from the backup generator. Therefore, the project conforms with the standard.</p>
<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Power is provided by a solar array. A backup generator is used for emergency only. The existing noise levels are less than 60 decibels at the property line. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.</p>

§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	The irrigation water source is the existing off-stream rainwater catchment pond. The pond capacity is approximately 1 million gallons. Water storage totals 22,800 gallons in hard tanks. The State Water Resources Control Board- Division of Water Rights responded to the referral and requested proof of enrollment in the State Water Resources Control Board Cannabis Regulatory Program. The applicant is not required to obtain a Small Irrigation Use Registration for the pond, nor is a Lake and Streambed Alteration required. Water use shall be metered and monthly records kept on site as an ongoing operational condition of approval.
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The project has previously imported soil to be used in cultivation. All soil remains onsite and is reused. Soils piles are covered with secured traps and surround by straw waddles or equivalent when not in use. Spent soil will be disposed of at the Fortuna transfer station.
314-55.4.12.11 Performance Standards – Existing Site Reconfiguration	Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.	The cultivation that historically occurred on the parcel prior to January 1, 2016 is proposed to be relocated and consolidated. The applicant has provided a Report of Environmental Superiority of Cultivation Area Relocation Site prepared by Mother Earth Engineering dated received August 26, 2019 (see Attachment 4). The pre-existing cultivation occurred in part on slopes exceeding 15%. The proposed relocation site has more gentle slopes and increases the distance to the watercourse by approximately 100 feet.

314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with 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.	Remediation of the decommissioned sites will include monitoring of erosion control and revegetation measures. A condition of approval requires that monitoring reports documenting implementation of the remediation monitoring activities outlined in the Report of Environmental Superiority be provided to the Planning Department.
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	No invasive species have been identified on the site. In the event that any invasive species are found, an invasive species management plan shall be provided.

4. 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 will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§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.

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

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

ATTACHMENT 3

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

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

APN 212-013-011, Salmon Creek, County of Humboldt

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

March 2020

Background

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

The modified project involves a Special Permit for 22,500 square feet of outdoor cannabis cultivation that existed on the parcel prior to January 1, 2016. This is Phase II of a two-phase project. Phase I was for 10,000 square feet of existing outdoor cultivation. The total cultivation amount is 22,500 square feet. The irrigation water source is a rainwater catchment pond. Estimated annual water use is 144,00 gallons. Drying and curing would occur on-site, and all additional processing would take place on-site in a permitted structure or be taken off-site to a licensed facility. Power is provided by a solar array. A Biological Report was prepared for the site by Brian Peterson received on August 26, 2019. No special status wildlife was observed on the site. The project would not impact any biological resources.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a non-diversionary source and electricity from renewable sources.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase

in the severity of previously identified significant effects;

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize 12,500 square feet of existing mixed-light cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan received December 13, 2019.
- A Site Plan prepared by Mother Earth Engineering received December 13, 2019.
- Road System Assessment and Improvement Plan prepared by Stillwater Sciences.
- Division of Environmental Health Worksheet.
- Biological Report prepared by Brian Peterson received August 26, 2019.
- Site Management Plan prepared by Mother Earth Engineering received August 26, 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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation

into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) 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. (Site Plan prepared by Mother Earth Engineering, received August 26, 2019 - Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; water source; irrigation plan; projected water usage; drainage, runoff and erosion control; watershed and habitat protection; 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. (Cultivation and Operation Plan prepared by Mother Earth Engineering, received August 26, 2019 - Attached)
5. Site Management Plan prepared by Mother Earth Engineering received August 26, 2019 (Attached).
6. Road Evaluation Report prepared by Stillwater Sciences December 10, 2018. (Attached)
7. Supplemental Road Evaluation for Emergency Access prepared by Stillwater Sciences March 12, 2020. (Attached)
8. Report demonstrating secondary emergency access prepared by Mother Earth Engineering (Attached).
9. Biological Report prepared by Brian Peterson received August 26, 2019. (On file).
10. Division of Environmental Health Worksheet. (On file)

11. Consent for on-site 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. 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)
13. Notification of Lake and Streambed Alteration for irrigation well submitted January 30, 2019 (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 Senate Bill 18 (Burton) and Assembly Bill 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 (see Informational Note #3 for examples of resources). Examples of mitigation 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. Report of Environmental Superiority of Cultivation Area Relocation Site prepared by Mother Earth Engineering dated received August 26, 2019 (Attached).
16. A property boundary survey for the western property line stamped by Wallace Wright, licensed land surveyor, was received on August 26, 2019 (Attached).

Project Description

Ryan Mc Dowell – Smokey Hollow Productions LLC is seeking a Special Permit under the Humboldt County CCLUO for 22,500 sq. ft. of existing outdoor cannabis cultivation. This parcel is located at APN 212-013-011 off of the Early Ranch Road in Salmon Creek. The parcel is 38 acres with zoning of RA-40-U.

There are no sensitive receptors within setback requirements of the existing cultivation. This includes being at least 600 ft. from a school bus stop, school, place of worship, cultural resources, or public parks. No cultivation will take place within 300 ft. of a neighboring residence. This includes no cultivation within 270 ft. of separately owned undeveloped property line as well as 30ft. from property lines.

The property was developed in the 1980s and features a large rainwater pond (estimated construction date 1982) that covers a 0.75-acre area and has an estimated capacity of 1 million gallons that has historically been utilized by Cal-Fire during local wildland fire suppression efforts. There is a permitted house and septic system. A permitted groundwater well is dedicated for domestic use. All preexisting cultivation was located on existing flat areas. All developed areas onsite are stable and revegetated with no disturbed soils.

Operation Plan

Cultivation is in standardized rows with soil shaped into raised beds. Native soils are enriched with compost and amended. Traditional organic farming methods are used to build soil humus levels. This includes minimizing tillage, maintaining nutrient levels through selective composting, P.H. testing, amending nutrient deficiencies, and utilizing cation exchange capacity. Also observed are contemporary regenerative farm management practices. Some site-specific considerations are: seeking to capture atmospheric carbon in the soil, using the fewest outside inputs possible, and maximizing closed loop nutrient cycles. A large portion of composts used are generated onsite harvesting existing landscape and garden plant detritus.

One 480 sq ft, wood frame outbuilding located just to the north of the pond, is used for onsite drying and harvest storage. The outbuilding is lockable and will be secured at all times. A 20 sq ft wood frame storage shed is used for nutrient and other amendment storage area.

Operations are conducted by LLC members and immediate family only. No employees are proposed. For the operators of the project, a proper toilet facility and hand washing are located in the permitted residence with associated permitted septic system.

Electrical power is provided by a 1,200-Watt solar array with battery bank and generator back-up. The backup generator is a 10kw Wrico Platinum Generator and is located in a dedicated generator shed. The generator enclosure is ventilated, fully enclosed for sound attenuation, and features a concrete floor with lip providing secondary containment. The generator is primarily used as backup for domestic use October through April during low light days. Average use for the year is less than an hour a day.

Slopes of cultivation sites are less than 5%.

Cultivation site is accessed by a private driveway off the Early Ranch Road – a privately maintained access road.

Cultivation Plan

Cultivation will be in existing outdoor cultivated areas. This will be primarily in raised beds or occasionally 200-gallon pots. Native soil is utilized. Soil will be amended as needed annually by adding appropriate amendments and compost. Amendments are brought to the site in May or as needed. Amendments are applied directly to the soil. Unused amendments are stored in airtight waterproof five-gallon buckets. Buckets are stored in agricultural shed. Amendments used: Alfalfa meal, kelp meal, green sand, steamed bone meal, oyster shell, agricultural lime, worm castings, sulfur powder as pesticide.

Only natural pesticides (sulfur) will be used if needed for plant health. Integrated Pest Management practices utilized which effectively eliminates the need for pesticides. This will include companion planting and cover crops in the off-season.

All cultivation areas and infrastructure will be maintained to ensure cleanliness and organization. Appropriate Personal Protective Equipment (PPE) will be available and utilized when necessary.

Water for cultivation will be provided from an existing rainwater catchment system and stored in an existing pond with an estimated capacity of 1 million gallons. In addition, there are (7) rigid plastic tanks dedicated for irrigation totaling 22,800 gallons. The estimated seasonal irrigation water use is only a small fraction of the total water storage capacity onsite.

Parking Plan

This cultivation site is located off a private dirt road with a private driveway to the cultivation site. There is ample parking with at least 6 vehicle parking spaces as well as emergency vehicle turnaround. See site plan for parking area locations.

Security Plan

Site is accessed via private road and requires passage through (3) locked gates for entry. The cannabis cultivation is not visible from a public road or place. Site is occupied 24 hours a day during the cultivation season. This is a small family farm without the need for vendors or outside public access.

Processing Plan

Harvested cannabis will be dried and stored in the outbuilding north of pond as indicated on site plan. Processing and packaging to occur onsite in 480 SQ FT outbuilding as needed. Licensed offsite processing facilities may also be utilized depending on site logistics and availability of offsite processing services. All applicable county and state licenses and permits will be acquired and the rules and regulations regarding these licenses and permits will be followed precisely. All processing operations are done by owner and immediate family. Drinking water is provided by the permitted domestic well.

Materials Management Plan

Any cultivation-related refuse or debris, plastics such as tarps, waterlines, plastic pots or propagation trays or any unused greenhouse materials will be disposed of appropriately at a licensed disposal facility such as the Redway Transfer Station or the Humboldt Waste Management Facility in Eureka.

Proper storage of trash in trash cans with containment will be utilized for other trash and recycling including household refuse. Refuse and recycling will be removed from site weekly and disposed of at a licensed facility.

No fuel or storage of any hazardous material in reportable quantities will be on site. Approximately 6 gallons of gasoline, 40 gallons of diesel, 3x 20-gallon and 2x 5-gallon propane tanks are stored onsite.

Hazardous Material Waste Statement

No Hazardous Waste will be generated from the cultivation of cannabis or on the parcel. No Hazardous Materials are stored onsite in reportable quantities. Site Inspection from County Dept of Environmental Health will be requested conducted to verify CERS/ CUPA exempt status.

Public Accommodations Plan

Site is not open to the public.

Light Pollution Control Plan

No supplemental lighting for cultivation is existing or proposed. All exterior and security lighting is shielded to prevent backlight, up light and glare (BUG). All operations will comply with International Dark Sky Association Standards as well as County and CDFW requirements and guidelines regarding light pollution mitigation.

Soils Management Plan

Soil is cultivated to increase organic matter. The operation is mature and requires essentially zero imported soils. Onsite composting is central to cultivating soil fertility in a closed-loop fashion. All composts and potting mediums are covered to shield from sun and rain. Cover cropping is used extensively to; stabilize soil in the winter, retain nutrients, and produce compost crops.

Storm Water Management Plan

Applicant is enrolled in State Water Board Cannabis General Order and complies with all Storm Water Management standards stipulated in the will maintain driveways and access roads to eliminate erosion or runoff during storms. Any culverts that exist on the access to the cultivation site will be maintained and monitored for efficiency as an ongoing road maintenance plan. During storm events operator will monitor roads and cultivation site to ensure that any runoff from cultivation site as well as access roads will be corrected for minimal impact or erosion. This will include proper ditching and vegetation buffers to prevent erosion. If needed, straw, seed, wattles, jute cloth or other industry standards of erosion control will be placed to eliminate any possible runoff. Roads and cultivation site will be shaped with rolling dips and vegetation buffers which help absorb and prevent additional potential runoff. Site Management Plan will contain additional information to ensure proper measures will be taken for appropriate storm water management.

Road System Plan

The property is accessed from the nearest highway via the following directions:
From US Highway 101: Salmon Creek Road (County) to Thomas Road (County) to Early Ranch Road (Private) to shared private access road (serves 5 parcels) to subject parcel private driveway.

See Engineer Road Evaluation attached.

Water Source and Water Rights

Irrigation water is exclusively rainwater catchment from pond. See attached documents for further details.

Irrigation Plan

Drip irrigation is utilized for consistent and appropriate quantity of water. All water is measured for efficiency and conservation. All water is maintained as required by the Cannabis General order. Careful hand watering of outdoor plants will ensure proper soil moisture levels are achieved. A water use plan is shown below of the monthly water usage as well as annual use.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gallons	0	0	0	0	0	6000	9000	15000	15000	7000	0	0

Water Storage Plan

Rainwater is stored in a 1 million+ gallon preexisting pond established circa 1982. Pond water is pumped to the tank array to allow for gravity feed to gardens and conservation. There are six 3000-gallon rigid plastic tanks dedicated to irrigation. There are four 4600-gallon tanks dedicated to water storage for domestic use. There is one 3000-gallon tank dedicated to a fire hydrant. See site plan for location of the water storage areas. The estimated seasonal irrigation water use is only a small fraction of the total irrigation water storage capacity on site. This storage capacity allows for complete forbearance.

Sewage Disposal Plan

There is a permitted septic system onsite.

Biological Survey

See attached.

Applicant: Ryan Mc Dowell – Smokey Hollow Productions LLC

APN: 212-013-011

APPS#13005 (1.0) modified to 2.0 – PLN-2018- 15297

Noise Source and Mitigation

This cultivation site produces minimal noise from cultivation activities. No fans or generators utilized. The electrical power source is from 1,200-watt solar array. The backup generator runs at a low decibel level 1800rpm has a muffler and is sound insulated. Existing noise levels are less than 60 dB at the property line.

Plan for Invasive Species Control

No invasive species have been identified on site. In the event that any invasive species are found, an invasive species management plan shall be written.

Site Management Plan

Implementation of Best Practical Treatment or Control Measures

In Fulfillment of Water Quality Order 2017-0023-DWQ

State Water Resources Control Board



Prepared for:

Ryan McDowell

PO Box 2121, Redway, CA 95560

(707) 223-3550

Humboldt County APN: 212-013-011

Prepared by:



**MOTHER EARTH
ENGINEERING**

661 G Street

Arcata, CA

(707)-633-8321

As a condition of approval for enrollment into the Water Quality Order 2017-0023-DWQ for the cultivation, processing, manufacture, or distribution of cannabis, the owner or permittee shall indemnify and hold harmless Mother Earth Engineering, Inc. and its agents and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use. As the preparer, Mother Earth Engineering, Inc. is not responsible for any water quality violations.

I/we agree to be responsible to the stated terms and conditions of the Order, and release Mother Earth Engineering, Inc., its employees, contractors, and consultants from any defense costs, including attorneys' fees or other loss connected with any legal challenge which may arise from implementation of said Order.

Landowner Printed Name: Ryan McDowell

Signature: _____ Date: _____

Permittee Printed Name: Ryan McDowell

Signature: _____ Date: _____

Site Management Plan prepared on: 07/01/2019

Prepared by: Mother Earth Engineering, Inc.
920 Samoa Blvd., Suite #210
Arcata, CA 95521
(707) 633-8321

Signature: _____ Date: _____

General Information

Owner: Ryan McDowell
PO Box 2121, Redway, CA 95560

Site Address: Upper Thomas Road, Miranda, CA 95553
Humboldt County

Parcel: APN: 212-013-011
Parcel Centroid: 40.1789, -123.8851
Zoning: (U) - Rural Residential
Parcel Size: 40 Acres
Cannabis Cultivation Area: 22,500 SQ FT
Disturbed Area: 27,783 SQ FT
HUC-12: 180101060404 Salmon Creek

SWB WDID: 1_12CC403243

Facility Status: Tier 1 – Low Risk

1. INTRODUCTION

This Site Management Plan (Plan) was developed to report how the discharger is complying with the list of Best Practicable Treatment or Controls (BPTC's) listed in Attachment A, Section 2 of the State Water Resources Control Board (SWB) Order 2017-0023-DWQ (Order). The purpose of this Order is to provide a regulatory structure to minimize adverse impacts to water quality due to cannabis cultivation. Cannabis cultivators that are enrolled under this Order and compliant with its regulations will receive a conditional waiver for the discharges associated with cannabis cultivation. Using data from on Site assessments and office analysis; this Plan takes an inventory of all cannabis cultivation activities, land and resource management, and land stewardship practices to ensure the discharger is in compliance with the Order.

2. SITE LOCATION

The Site is located in the Salmon Creek watershed in Southern Humboldt approximately 9.2 miles from Miranda, CA. Salmon Creek watershed is within the HUC-12 hydrologic area. To reach the Site from Miranda, CA, take Salmon Creek Road west from US HWY 101, turn left on Thomas Road, turn left onto Thomas Upper Early Ranch Road, and continue onto Lower Thomas Road. The property is located at the end of Lower Thomas Road. The Site is located in the NE quarter of the NW quarter of Section 30, Township 3 South, Range 3 East in the Humboldt Meridian. The property is located on the Ettersburg 7.5-minute quadrangle map. The parcel centroid is located at latitude 40.1789 and longitude -123.8851.

3. SITE DESCRIPTION

The property is located on land with rolling hills and riparian valley and ranges from 740 feet to 940 feet above mean sea level, surrounded by Montane Hardwood Conifer, Douglas Fir, grassland and other species. The land is characterized as having relatively flat grades to low sloped grades and drains towards the Northern side of the property into Tostin Creek. The climate can be generalized by a pattern of high-intensity rainfall in the late fall until the early spring and hot, dry summers. Mean annual precipitation is approximately 65 inches (cite RPISM). Soils within the property are primarily composed of Canoe Creek-Coyote Rock-Sproulish complex at 15 to 50 slopes (Web Soil Survey, 2019)

The South Fork of Salmon Creek is approximately a quarter mile from the property. This Creek is the native habitat of, but not limited to, Coastal Rainbow Trout, Northern California Steelhead, California Coast Fall Chinook Salmon, and the Pacific Lamprey.

4. FIELD AND ASSESSMENT METHODS

Office analysis and field inventory were used to determine the status of the property for enrollment in the Order. Pre-field inspection using aerial footage of the property was used to identify existing infrastructure, cultivation areas, watercourses, and the general layout of the property. The field inventory was conducted by Mother Earth Engineering staff on 06/28/2019. The inventory included GPS mapping of structures, water tanks, ponds, roads, cultivation Sites, and other infrastructure.

5. SITE INVENTORY

5.1. Site Map

Included with this report is an up to date Site map showing all access roads, streams, stream crossings, cultivation Sites, disturbed areas, and other relevant Site features. See Attachment A.

5.2. Road Conditions

The access road is approximately 0.6 miles long and is accessed from Upper Thomas Road. The access road is a historic ranch road maintained for generations by the Early family of Miranda, Ca. The access road at the project site is rocked with 2" and inch minus to a depth of no less than 4 inches. The access road follows a 2% grade. The surface is primarily crowned to the recommended 2-4% grade. At one section, out sloping is preferred and is sloped 10:1. By following these guidelines, water is adequately diverted before sufficient flow or velocity develop, thus avoiding erosion. The access road shows no signs of puddling. Ditched sections are sloped 2:1 and are heavily vegetated preventing erosion. The main access road is used by residents. On average the main access road is used roughly 14 times a week during the growing season and during the winter season. An inventory of the ditch relief culverts on the access roads is given in Table 1.

Table 1: Inventory of ditch relief culverts that are found on Site.

Map ID	Diameter (In.)	Material	Comments
	24"	Corrugated Metal	Installed on grade, good condition
	18"	Corrugated Metal	Installed on grade, good condition

5.3. Watercourses and Stream Crossings

There is one watercourse running through the Site. A description of the watercourse can be found in Table 2. There are no stream crossings on Site.

Table 2: Inventory of watercourses that run through the Site.

Map ID	Type	Notes
Tostin Creek	Class II	Pond overflow flows roughly 500 feet before entering Tostin Creek.

5.4. Water Resources

Cannabis irrigation water is sourced from a rainwater catchment pond that was established in 1982. Water storage additionally consists of roughly 41,000 gallons of HDPE tanks. The growing season begins in June and ends in October, with a maximum water usage of 500 gallons per day during the height of the growing season.

5.5. Cultivation Areas

There is one distinct cultivation area located on Site. The cultivation areas are inventoried in Table 3.

Table 3: Inventory of cultivation areas and associated characteristics.

Map ID	Cultivation Area (ft ²)	Area Description	Cultivation Area Slope (%)	Distance to Water Body (ft)	Water Body Classification
Outdoor Cultivation Area 1	10,000	Outdoor	<5	450	Class II
Outdoor Cultivation Area 2	10,000	Outdoor	<5	550	Class II
Outdoor Cultivation Area 3	2,500	Outdoor	<5	60	Pond

5.6.Storage Areas

Areas used for storing fuel, agricultural chemicals, and other cultivation related materials are listed in Table 4.

Table 4: Inventory of all storage areas on Site.

Map ID	Lat	Long	Type	Materials Stored
Fertilizer and Amendment Storage	40.1785	-123.8856	Fertilizer, Amendment	See Section 7
Fuel Storage	40.1787	-123.8865	Fuel	See Section 8

5.7. Land Disturbance

Land areas where natural conditions have been altered in any way that causes an increase in sediment discharging from the property are considered disturbed land. Disturbed area includes cultivation areas, cultivation materials storage, buildings, water storage, and roadways that area not maintained consistent with the Handbook for Forest, Ranch, and Rural Roads. The total disturbed land according to onsite and aerial survey is 27,783 square feet.

5.8. Legacy Waste Discharge Issues

Due to being located in Regional Water Quality Control Board Region 1 legacy waste discharge issues must be identified and discussed in the Site Management Plan. There are no legacy waste discharge issues on Site.

6. EROSION PREVENTION AND SEDIMENT CONTROL BPTC MEASURES

6.1. Erosion Prevention BPTC Measures

Areas of potential erosion that receive vehicle traffic have been addressed by the placement of rip rap, 3-4" road base rock, 2" road base rock, inch minus road base rock, 3/4" crushed rock, and 1" drain rock as preventative measures (See Section 6.2).

Areas of potential erosion that are affected by foot traffic have been mulched extensively with wood chips. Other areas have been mulched with rice straw. All areas of potential erosion have been seeded with plants that excel at soil stabilization. The access road was seeded with; *Trifolium repens* (Dutch white clover), *Achillea millefolium* (yarrow), *Eschscholzia californica* (California poppy), and a variety of California native grasses. The non-road surfaces that border or are impacted by cultivation sites have been seeded with a mix of native flora. This includes a mix generously applied on the property consisting of 30% *Bromus carinatus* (annual form), 20% *Bromus carinatus* var. *marginatus* (perennial form) 15% *Elymus glaucus* (blue wild rye), 15% *Vulpia microstachys* (three-week fescue), 17% *Eschscholzia californica* (California poppy), 3% native lupines including *Lupinus succulentus*. This mix is applied at a rate of one and a half pounds per 1000 square feet.

In addition to these erosion control measures the property has been landscaped to increase infiltration and maintain water quality. Attention has also been given to minimizing wind erosion (dust) and retaining ground moisture into summer months.

6.2. Sediment Control BPTC Measures

The property utilizes: rock, straw bales, loose straw, wood chips, living willow silt fences, loped and scattered Douglas fir branches, and selective plantings to prevent or capture sediment run-off.

6.3. Maintenance Activities

The discharger will maintain a Road and Drainage Feature Maintenance Log. A page of this log is included with this report. Storms that produce 0.5 inches of precipitation within 24 hours or over 1 inch over the course of 7 days shall trigger an inspection of all roads, ditches, culverts and their outfalls, and any other drainage features. This same inspection shall occur prior to the onset of the wet season (e.g. September before regular rain events begin). Dischargers shall inspect the condition of the roads and drainage features. Any woody debris that is found at drainage inlets should be removed to prevent any blockages. Any sediment buildup that impacts access road or drainage feature performance shall be removed and stabilized outside of the riparian setbacks. Stabilization of sediment will be achieved by one of the following methods:

- Reused in contained vegetable or ornamental gardening beds that are located outside of the riparian setbacks.
- In contained stockpiles that are covered when not in use. These stockpiles can then be used when amending/reusing cultivation medium.
- Used in compost.

The access road will be maintained on a bi-yearly basis or as needed. Water bars and culverts will continue to have the prescribed treatment implemented. The site will continue to have rock and mulch applied to areas of need. A visual survey of the impacted sites will continue to ensure there is no bare soil, no run-off, and no sediment trap run-off. The reseeding and interplanting of species demonstrating the greatest success at erosion control will continue yearly.

Sediment traps will be seeded native grasses. Native grasses due to their structure, growth habit, and seasonal persistence provide excellent source control and maintain existing run-off volume through infiltration. *Bromus carinatus* with its sod building root system interplanted with living willow silt fencing has shown excellent sediment stabilization.

7. AGRICULTURAL CHEMICAL BPTC MEASURES

7.1. Inventory of Agricultural Chemicals/Amendments

No chemical fertilizers or pesticides are used. No herbicides or rodenticides are ever used. Soil amendments are utilized. Table 5 lists all of the agricultural amendments in use on Site. All agricultural amendments are used and stored in a manner that prevents those chemicals from entering the riparian setbacks or waters of the State. All amendment usage is in accordance with the label instructions.

Agricultural amendments are applied at agronomic rates. No restricted pesticides are allowed on the Site. An efficient integrated pest management approach reduces and often eliminates organic pesticide use.

Table 5: Inventory of all agricultural chemicals/amendments in use on Site.

Agricultural Amendment Name	Agricultural Chemical Type	Method of Storage	Storage Location	Description of Use
Alfalfa meal	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Kelp Meal	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Green Sand	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Steamed Bone Meal	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Oyster Shell	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Agricultural Lime	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Worm Castings	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Compost	Amendment	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.
Sulfur	Pesticide	Airtight, waterproof 5-gallon buckets	Fertilizer/Amendment/Fuel Storage Shed	Brought into site in May/as needed. Applied directly to soil.

7.2. Agricultural Chemical/Amendment Container Disposal

Empty agricultural chemical/amendment containers are disposed as per their label instruction. If the discharger is unsure of proper disposal method, they will contact their local Waste Management or Transfer Center Facility for instruction. Until proper disposal, empty containers will be kept in heavy duty plastic totes or heavy-duty contractor bags stored in weatherproof shelter.

8. PETROLEUM PRODUCT BPTC MEASURES

8.1. Inventory of Petroleum Products

Gasoline is brought to the site as needed. It is stored in approved containers placed in a well-ventilated shed. It is used in brush trimmer, chain saw, and a generator. Diesel is used in a domestic back-up power generator and Kubota tractor. Table 6 lists an inventory of all petroleum products used on Site.

Table 6: Inventory of all petroleum products used on Site.

Petroleum Product	Associated Equipment	Method of Storage	Storage Location	Description of Use
Gasoline	Brush trimmer, chain saw, generator	Secondary containment in well ventilated shed	Fuel Storage Shed	As needed
Diesel	Back-up generator, Kubota tractor	Secondary containment in well ventilated shed	Fuel Storage Shed	As needed

8.2. Agricultural Chemical Container Disposal

Empty agricultural chemical containers are disposed as per their label instruction. If the discharger is unsure of proper disposal method, they will contact their local Waste Management or Transfer Center Facility for instruction. Until proper disposal, empty containers will be kept in heavy duty plastic totes or contractor bags stored in weatherproof shelter.

9. SPILL PREVENTION AND CLEANUP

Spill kits should be implemented onsite. When implemented, discharger will maintain spill kits by restocking whenever any materials are used. Clay kitty litter is available in case of spillage. Petroleum products are stored mixed and applied in Fertilizer/Amendment/Fuel Storage Shed. An organized tool shed, and a clean worktable and careful use prevent spillage.

10. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

There is one residence located on Site. There are no employees and four current residents. General domestic waste and wastewater are the only refuse sources on site.

10.1. Inventory of Refuse Sources on Site

Typical household trash is generated at the site. Empty amendments sacks occur at the site. All refuse is contained in a locked shed. Removal occurs when a pick-up load is accumulated and disposed of at Redway Transfer Station. All garden detritus is incorporated into the compost system.

10.2. Inventory of Wastewater Sources on Site

Typical household wastewater generated at the on-site residence by four permanent residents. Permitted septic system located next to residence, See Table 7.

Table 7: Complete list of all Wastewater Sources on-site.

Wastewater Source	Treatment Type	Treatment System Location	Additional Notes
Residential	Septic	Residence	Permit App # 26336

11. WINTERIZATION BPTC MEASURES

All applicable erosion control and sediment prevention measures prior to the beginning of the winter period beginning, which is November 15 to April 1. All soil stockpiles and spoils must either be properly disposed of or fully contained and weatherproofed during this period. Any seasonal roads shall be blocked off during this period. No heavy equipment will be used during the winter period.

All Waste material is removed prior to the onset of winter. Unused products shall continue to be stored in appropriate containers in storage sheds protected from winter weather. Thorough observations of drainage and sediment capture features are made regularly throughout the year or as weather events occur. The primary method of maintenance is hand shoveling. Revegetation activities include any required re-seeding or transplanting occurs in the autumn or spring of each year.

12. REFERENCES

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [07/01/201].

March 12, 2020

Humboldt County Planning and Building Department
Attn: Stephen Luther
3015 H Street
Eureka, CA 95501

**Re: Supplemental Road Evaluation for APN 212-013-011 (McDowell Property)
specifically addressing emergency vehicle access**

Dear Stephen,

I have previously prepared five Road Evaluation Reports for the Salmon Creek community of southern Humboldt County that are relevant to APN 212-013-011:

- Two reports for the Blido property (Road Segments 1 & 2 for APN 221-081-004).
- One report for the Hill property (Road Segment 3 for APN 221-131-012).
- Two reports for the Carl property (Road Segments 4 & 5 for APN 221-141-037).

The five road segments described above are shown in the map below. The five road evaluation reports describe the conditions of each road segment, discuss general road safety during average daily use and recommend road improvements. However, the specific condition of simultaneous emergency vehicle ingress during the evacuation of residents was not initially evaluated. Based on Humboldt County's request to analyze this specific case, I have re-assessed each of these five road segments. Updated findings are described below:

Road Segment 1:

The vast majority of this road segment (>95%) is developed to a Category 4 standard or the equivalent of a Category 4 standard. As listed in the report, there are several recommendations for improving the safety of this road. If these recommendations are implemented, the road segment should allow for simultaneous emergency vehicle ingress during landowner egress.

2855 Telegraph Avenue
Suite 400
Berkeley, CA 94705
510.848.8098

279 Cousteau Place
Suite 400
Davis, CA 95618
530.756.7550

850 G Street
Suite K
Arcata, CA 95521
707.822.9607

895 Napa Avenue
Suite B-4
Morro Bay, CA 93442
805.570.7499

555 W. 5th Street
35th Floor
Los Angeles, CA 90013
424.302.3910

108 NW Ninth Avenue
Suite 202
Portland, OR 97209
503.267.9006

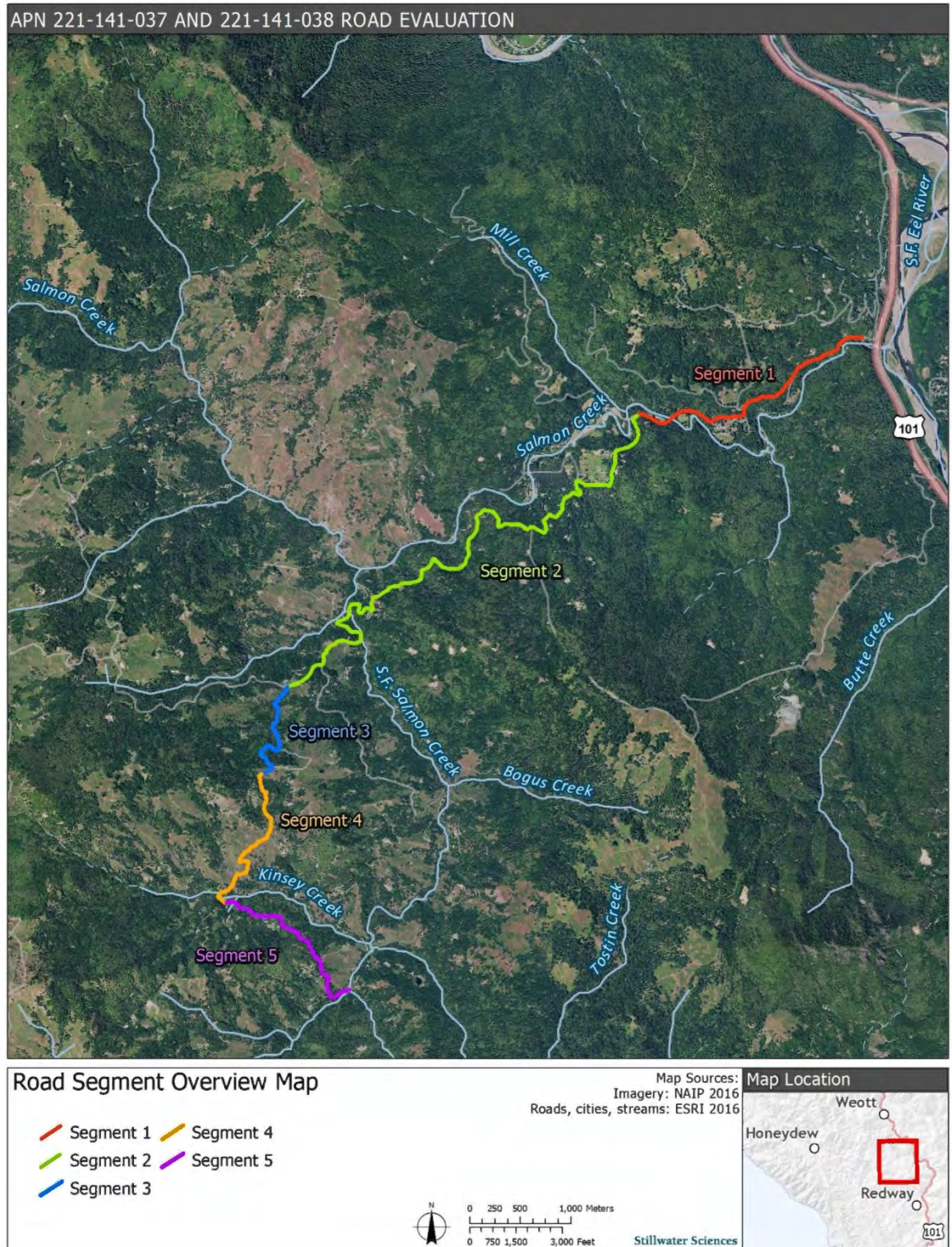


Figure 1. Road evaluation overview map.

Road Segment 2:

The majority of this road segment (>90%) is developed to a Category 4 standard or the equivalent of a Category 4 standard. However, as described in the road evaluation report, there are numerous areas that need significant work to improve safety. In addition to the recommendations listed in the report, additional widening is needed between Miles 1.9 and 2.2. In the original report, no widening was recommended within this segment due to steep natural topography and potential environmental impacts of roadwork. However, this is an area with known safety issues, and widening of several blind corners at Miles 2.1 and 2.2, as well as improvements of inter-visible wider sections within this sub-segment is recommended to allow for safe emergency vehicle access during an evacuation. If the recommendations described above and those in the road evaluation report are implemented, the road segment should allow for simultaneous emergency vehicle ingress during landowner egress.

Road Segment 3:

The majority of this road segment (>90%) is developed to the equivalent of a Category 4 standard. However, as described in the road evaluation report, there are several areas that need work to improve safety. As described in the report, there are two narrow blind corners at Miles 0.15 and 0.7. In the original report, no widening was recommended at Mile 0.7 due to steep natural topography and potential environmental impacts of roadwork. However, widening of this corner is recommended to allow for safe emergency vehicle access during an evacuation. Additionally, extensive ongoing brushing throughout the majority of this road segment is necessary to maintain optimal visibility. If the recommendations described above and those in the road evaluation report are implemented, the road segment should allow for simultaneous emergency vehicle ingress during landowner egress.

Road Segment 4:

The majority of this road segment (>90%) is developed to the equivalent of a Category 4 standard. This road segment mainly traverses across grassland, so the visibility is generally good. However, as described in the road evaluation report, there are several areas that need work to improve safety. Specifically, there are pinch points on the road segment at Miles 0.25, 0.5, 0.8, 0.9, and 1.1 that generally have adequate visibility and wider adjacent road segments. Although not explicitly recommended in the original report for each of these pinch points, road widening and brushing should be implemented at each of these sites to insure inter-visible turnouts with minimum 20' road width including the roadway and shoulder. If the recommendations described above and those in the road evaluation report are implemented, the road segment should allow for simultaneous emergency vehicle ingress during landowner egress.

Road Segment 5:

Road Segment 5 only accesses ten parcels so traffic volume is significantly lower than the other four road segments. Additionally, significant roadwork including brush removal and widening was implemented after the original road evaluation report was completed,

so safety conditions have been improved from those described in the report. As described in the report, the main recommendation within this segment is extensive brush clearing along the majority of the segment to improve visibility. After the brush clearing has been completed, it may be necessary to widen some additional road segments, but a complete assessment cannot be completed until the brush is removed. Additionally, it appears reasonable that Road Segment 5 would have a slightly lower threshold for safety considerations than the other segments due to the lower usage (fewer residents live along Segment 5 than the other segments) and the likelihood that emergency vehicle and evacuation traffic will be traveling relatively slowly (due to curvy/bumpy nature of the road segment) thereby greatly increasing the likelihood that traffic will be able to safely navigate turnouts without causing a significant backup. One specific area of concern is a steep road segment between Mile 1.1 and 1.2 where the road parallels Hacker Creek. This portion of road is not feasible to widen, but it is recommended that signage is added to the upslope and downslope extent and turnouts be constructed at the top and bottom of the grade. If the recommendations described above and those in the road evaluation report are implemented, the road segment should allow for simultaneous emergency vehicle ingress during landowner egress.

Sincerely,



Joel Monschke PE
jmonschke@stillwatersci.com
(707) 496-7075



Evacuation Route Memorandum

APN 212-013-011

March 2020



Prepared for:

Ryan McDowell
Smokey Hollow Productions LLC
App No. PLN-2018-15297
707-223-7302
smokeyhollow707@gmail.com

Prepared by:

Trillian Schroeder
Senior Project Manager
Project No. 16052



661 G Street Arcata, California 95521
707-633-8321 | motherearthengineering.com

Purpose

This memorandum is written to describe and document the secondary evacuation route for Smokey Hollow Productions, LLC. The Parcel (APN 212-013-011) is located at the end of Upper Thomas Rd. which dead ends on the parcel, more than 2 miles from the nearest Class 4 equivalent road. Under the Humboldt County Cannabis Land Use Ordinance §55.4.12.1.8 Standard 1- Dead End Road Length, projects shall not be located more than 2 miles from the nearest intersection with a Category 4 road or secondary access for emergency vehicles. Though Upper Thomas Road dead ends on the property, there is an alternate evacuation route which allows for the simultaneous access of emergency vehicles and evacuation by all persons on the property in the event of a fire or other emergency event.

A memorandum for the primary evacuation and emergency vehicle access route is being prepared by Joel Monschke P.E.

Evacuation Route

In the event of an emergency requiring the simultaneous entry of emergency vehicles and evacuation of persons located on the property, the following evacuation procedure will be followed. All evacuees located on the property will follow Upper Thomas Road for approximately 0.38 miles where it intersects with a private access driveway (formerly Road K). Evacuees will then follow this road for approximately 1.1 miles to where it intersects with Road D. From Road D evacuees can either reach Seely Creek Road to the east or Elk Ridge Road to the west. The private driveway services three parcels and provides adequate means of egress for all occupants of those parcels in the event of an emergency.

Emergency vehicles shall access the property via Thomas Road. The 0.38 mile section of Upper Thomas Rd. has sufficient turnouts and shoulders to allow for simultaneous emergency vehicle ingress and evacuee egress.

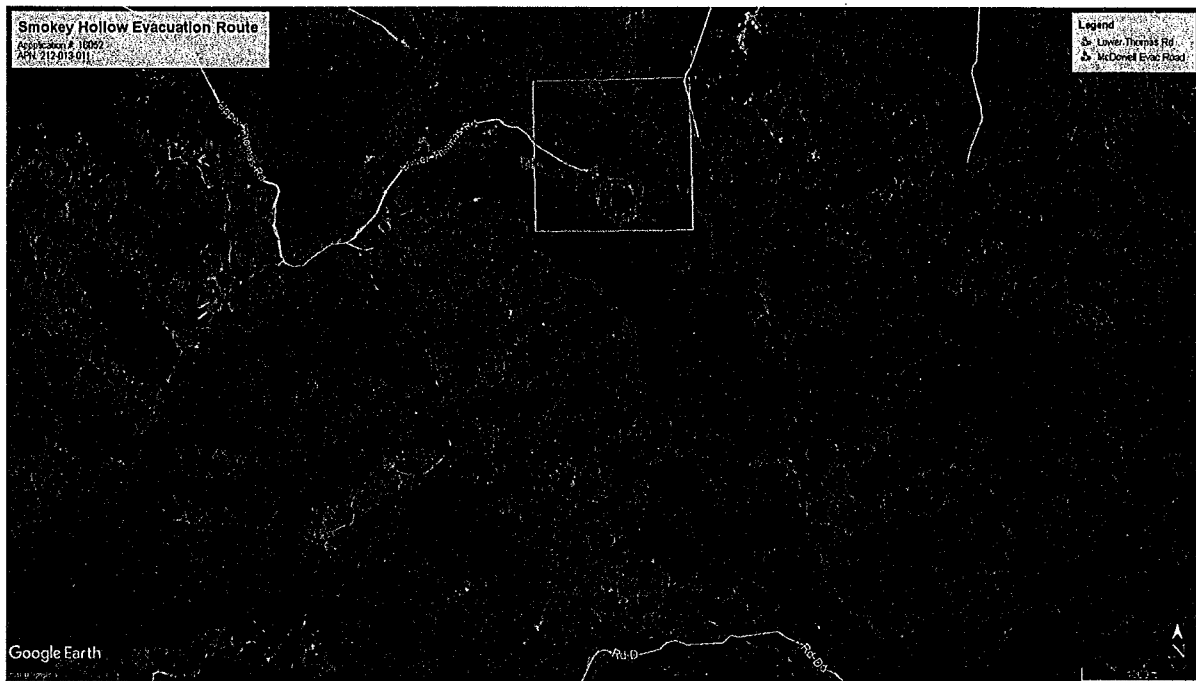


Figure 1: Smokey Hollow Productions Evacuation Route

Report of Environmental Superiority of Cultivation Area Relocation Site

APN: 212-013-011

July 23, 2019



Prepared for:

Ryan McDowell – Smokey Hollow, LLC

Prepared by:



661 G Street, Arcata, California 95521
707-633-8321 | motherearthengineering.com

Mother Earth Engineering

Report of Environmental Superiority of Relocation Site

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Mother Earth Engineering

Report of Environmental Superiority of Relocation Site

1.0 Project Location

This project is located at the end of Upper Thomas Road, Redway, CA.

Humboldt County APN 212-013-011

Cannabis Apps#13005, Case#PLN-2018-15297

2.0 Project Description

This project is seeking a Special Permit for 22,500 sq. ft. of existing outdoor cultivation under the Humboldt County CCLUO. The figure below details the locations of the cultivation areas prior to relocation and restoration. Cultivation areas 5-10 will be consolidated into cultivation areas 11-18 and 1-4, and the previous areas will be turned into vegetable gardens and orchards. The basis for relocation was that portions of the pre-existing cultivation areas that were adjacent to the pond (5-10) were on slopes that are greater than 15%. The consolidation of the pre-existing disturbed areas will produce less sediment transport impact and will reduce the potential for nutrient transport as well as other environmental impacts.

DOCUMENTATION OF PREEXISTING CULTIVATION ACTIVITIES

MCDOWELL | APN 212-013-011

Overview - Google Earth: 8-23-2012.



Figure 1: Pre-Existing Cultivation Areas

3.0 Environmental Superiority of Relocation Site

Based on aerial image investigation and communication with the client, the relocation sites were found to be environmentally superior to the former grow site. This is primarily due to additional distance (+500 ft) from the riparian areas which reduce overall impacts to water quality as well as the consolidation of square footage to three key areas which have direct access to services. The sections below summarize the key areas of environmental superiority with respect to the relocation site.

3.1 Superior Riparian Buffers

The relocation site provides enhanced riparian buffers over the former grow site. These enhanced riparian buffers are very beneficial for the environmental protection when considering the specific site location. The relocation sites are in flat, open and grassy areas of existing cultivation that are surrounded by a perimeter to dense tree canopy with slopes ranging from 5% to 20%. The increased distance of the relocation site from the nearest watercourse and irrigation pond, coupled with its more gently sloping characteristics, provides superior conditions – greater ability to dissipate flow and attenuate sediment and constituents – in order to enhance protection of riparian areas.

3.2 Improved Access

The relocation site is located near all the existing cultivation infrastructure on the property. The former grow site was located in the immediate vicinity of the irrigation pond, increasing the potential for sediment and fertilizer/chemical runoff to the pond. By locating all cultivation activities within a smaller footprint, the aggregate erosion and sediment transport is decreased throughout the parcel.

3.3 Reduced Water Quality Impacts

The relocation site provides reduced impacts to water quality compared to the former grow site. Sediment deposition impairs waterways and increases water temperature affecting the health of riparian species. The relocation site and surrounding buffers provide superior dissipation and attenuation of stormwater and sediment flows. This significantly reduces the potential for sediment transport and delivery to nearby watercourses over that of the former grow site.

3.4 Remediation and Monitoring Protocol

3.4.1 Best Management Practices (BMPs)

Best Management Practices for operations, work, construction, erosion controls and other elements will be followed at all times as stipulated by:



Mother Earth Engineering

Report of Environmental Superiority of Relocation Site

- 1) Regional Water Board – Order R1-2015-0023
- 2) California Department of Fish and Wildlife (CDFW)
- 3) State Water Board Cannabis General Order

3.4.2 Remediation of Former Grow Sites

Ongoing remediation requires monitoring of erosion control and revegetation measures, with additional installation of erosion control and seeding/plantings on an as-needed basis per regular self-inspections. Applicant shall refer to their SMP and 1) assure that the SMP is fully implemented 2) follow BMP installation and monitoring protocols as prescribed in SMP.

3.4.3 Revegetation of Relocation Site

For the remediation sites, ongoing revegetation and erosion control protocols should be followed as outlined in the NRM WRPP, and the areas should be monitored per the protocol outlined in the section below.

3.4.4 Monitoring and Criteria for Success

In addition to routine monitoring required by the Water Board, the following ongoing monitoring protocol shall continue for a minimum of three years. Both the relocation site and remediated former grow site shall be monitored. The following monitoring and implemented schedule shall be followed annually:

- 1) One month prior to commencing season's cultivation activities;
 - a. Perform and document self-inspection
- 2) After self-inspection and before commencing season's cultivation activities;
 - a. Implement additional corrective measures as needed, per self-inspection
 - b. Document all measures installed, per Item 2a. above.
- 3) Mid-season
 - a. Perform and document a self-inspection
- 4) October 1st
 - a. Perform and document self-inspection
- 5) October 1st-15th
 - a. Implement additional corrective measures as needed, per self-inspection.
 - b. Document all measures installed, per Item 2a. above.
- 6) By December 15th
 - a. Perform and document self-inspection
- 7) Winter wet-weather monitoring
 - a. Perform and document self-inspections following any rainfall event with an intensity of 3 inches of precipitation or greater in a given 24-hour period.



Mother Earth Engineering

Report of Environmental Superiority of Relocation Site

The following success criteria shall be utilized:

- Revegetation at 90% coverage or better.
- No evidence of significant sediment transport during post wet-weather event monitoring.



Humboldt Coun
Cannabis Svc

CORNER NOTE PER BK 1 P/M 34-37
CORNER FALLS AT FENCE CORNER
FENCE RUNS SOUTH & WEST
BEARING TREES:
12" DOUG FIR BEARS S67°W, 40.5'
14" DOUG FIR BEARS N13°30'E, 10.6'

N87°53'48"E 1341.02 Bk 1 P/M 34-37

THE PIPE PER BK 1 P/M 34-37 NOT
FOUND. FOUND THE 16" PEPPERWOOD
BEARING TREE, NOW +/-24", CORNER
POSITION CALCULATED N12°45'E, 18.0'
FROM THE FACE OF TREE. POSITION
CHECKED WITH MEASUREMENT TO
SECTION CORNER.

McDOWELL
NE 1/4 OF THE NW 1/4
SECTION 30

N3°20'25"E 1340.40 Bk 17 R/S 83

FOUND CORNER ON NORTH SIDE
DIRT ROAD AT GATE IN N/S FENCE.

N87°53'48"E 1278.52 MEAS
(1279.33) Bk 1 P/M 34-37

S 24

S 19

S 25

S 30

12 20D SPIKE
IN LOG BY
CREEK

SCALE
1" = 10 FT +/-

14 / ~~FACE~~

PEPPERWOOD
TREE

0				200'

CORNER FOUND PER BK 36 R/S 133
FOUND THE 1" IRON PIPE AND THE
WHITE OAK BEARING TREE, BEARS —
N25°W, 9.0' WITH FENCE AROUND TREE

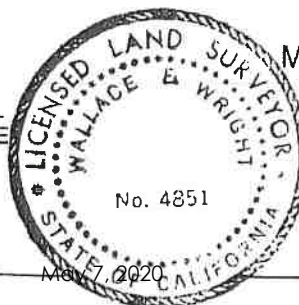
N88°10'32"E 1242.28 Bk 36 R/S 133

N88°10'32"E 1242.28 Bk 36 R/S 133

CORNER NOTE PER BK 1 P/M 34-37
CORNER FALLS IN SLIDE AT THE
EAST EDGE OF PRAIRIE.
BEARING TREES: 20" DOUBLE
PEPPERWOOD BEARS N46W, 103.3'
22 DOUG FIR BEARS N18°30'E, 58.3'

○ FOUND OR RECORDED CORNERS AS DESCRIBED ON THIS PLAN.

▲ REPRESENTS 60D SPIKE WITH OFFSET TO P/L
OFFSETS ARE EAST OR WEST AND ARE TO BE MEASURED HORIZONTALLY



PROPERTY LINE SURVEY
for RYAN McDOWELL &
MOTHER EARTH ENGINEERING
APN: 212-013-011
SECTION 30, T3S, R3E, H.M.

BY: Wallace E. Wright, LS 4851

7-31-2019

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ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Approval	Attached
California Department of Fish & Wildlife		No response	
CAL FIRE	✓	No comments	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent discovery protocol	On file with Planning
Humboldt County Sheriff	✓	Comments	On File
Humboldt County Agricultural Commissioner		No Response	
State Water Resources Control Board- Division of Water Rights	✓	Requested proof of enrollment in SWRQB Cannabis Program	Attached
RWQCB		No Response	
Salmon Creek Volunteer Fire Department		No Response	
Southern Humboldt Joint Unified School District		No Response	
District Attorney		No Response	



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

9/11/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**, FPD Salmon Creek, RWQCB School District Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Ryan McDowell **Key Parcel Number** 212-013-011-000

Application (APPS#) **PLN-2018-15297** **Assigned Planner** Stephen Luther 707-268-3737

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: 9/26/2019

Planning 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: 11/18/19 PRINT NAME: Todd Subalik



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

ON-LINE
WEB: CO.HUMBOLDT.CA.US

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


ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7453	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Stephen Luther, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 09/30/2019

RE:

Applicant Name	SMOKEY HOLLOW PRODUCTIONS, LLC
APN	212-013-011
APPS#	PLN-2018-15297

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:

1. Applicant has submitted a road evaluation report dated October 5, 2018, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations in Segments 3, 4, and 5 be completed.

2. As of September 2019, previous cannabis projects have completed the Public Works Department paving requirement at the end of the County maintained road known as Thomas Road.

// END //

PLN-2018-15297 - Smokey Hollow Productions, LLC - SP for 22,500 square feet existi...

Workflow History (19) ^

Cancel

Help

Comments (2)

Documents (36)

Conditions of Approval (0)

Locks Holds (0)

Address (0)

Owner (1)

Parcel (1)

Contacts (20)

Communications (31)

Consolidated Record Activities (86)

Fee History (13) v

Task

Environmental Health

Assigned to Department

Environmental Health

Action by Department

Environmental Health

Start Time

Billable

No

Time Tracking Start Date

Display E-mail Address in ACA

No

Estimated Hours

0.0

Due Date

09/26/2019

Assigned to

Ben Dolf

Action By

Ben Dolf

End Time

Overtime

No

Est. Completion Date

☒ Display Comment in ACA

Action

Updated

Assigned Date

09/12/2019

Status

Approved

Status Date

09/16/2019

Hours Spent

0.0

Comments

In Possession Time (hrs)

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Workflow Calendar

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:



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

9/11/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Salmon Creek, RWQCB, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Ryan McDowell **Key Parcel Number** 212-013-011-000

Application (APPS#) PLN-2018-15297 **Assigned Planner** Stephen Luther 707-266-3737

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: 9/26/2019

Planning 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: 10.9.19

PRINT NAME: Dyana McPherson

Project Review and Comment Cannabis SIUR Program

Project Name: *Smokey Hollow Productions LLC - Ryan McDowell*

Date: *10/8/2019*

APN: <i>212-013-011</i>	County: <i>Humboldt</i>	Project#: <i>PLN-2018-15297</i>
Date Referral Received: <i>9/11/2019</i>	Reviewer: <i>Jon Pham</i>	Date Referral Due: <i>9/26/2019</i>

Documentation Required to Assess Project Compliance with the Water Code

<input type="checkbox"/>	Water Rights Documentation
<input type="checkbox"/>	Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
<input type="checkbox"/>	Riparian/Stream/Wetland Avoidance Strategy
<input checked="" type="checkbox"/>	Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
<input type="checkbox"/>	Evidence of Consultation with Dept. of Fish and Wildlife
<input type="checkbox"/>	Water Resource Protection Plan
<input type="checkbox"/>	Cumulative Impact Assessment for Project Sub Watershed
<input type="checkbox"/>	Cleanup and Restoration Plan
<input type="checkbox"/>	Evidence of Consultation with Army Corps of Engineers
<input type="checkbox"/>	Low Impact Development Strategy
<input type="checkbox"/>	Waste Characterization/Disposal Strategy
<input type="checkbox"/>	Other, described as follows:

*Searched tracking spreadsheet by APN, no evidence of portal survey, Needs
NOR exemption form if pond is in fact rain catchment only*

Permits and Mitigations Required for Project Compliance

<input type="checkbox"/>	Cannabis Regulatory Program Enrollment
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