



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 07th, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Alyeska707, LLC, Special Permits**
Record Numbers: PLN-2018-15220
Assessor's Parcel Numbers (APNs): 221-081-001
3598 Thomas Road, Whitethorn area

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Please contact Liza Welsh, Planner, at (707) 445-7541, or by email at lwelsh@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 07th, 2020	Subject Special Permits	Contact Liza Welsh
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Project Description: A Zoning Clearance Certificate for 5,000 square feet of existing full-sun outdoor cannabis cultivation. Water for irrigation is sourced from a 250,000-gallon off-stream rainwater catchment pond. The applicant's estimated annual water use is 82,350 gallons. Processing activities, including drying, trimming, and packaging will occur offsite at a permitted third-party processing facility. The cultivation activity does not require any power use. Power to a residence on the site is provided by an existing solar array with a backup generator. No employees work on site. The project requires a Special Permit for an area with cultivation on slopes greater than 15% and a Special Permit for minor site reconfiguration.

Project Locations:

The project is located in the Whitethorn area, on the north side of Thomas Road, approximately 0.5 miles east from the intersection of Thomas Road and Salmon Creek Road, on the property known as 3598 Thomas Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3)

Present Zoning: Unclassified (U)

Record Number: PLN-2018-15220

Assessor Parcel Number (APN): 221-081-001

Applicant

Alyeska707, LLC
Michael Benson
1271 Evergreen Rd #2 PMB 212
Redway, CA 95560

Owner

Michael A Benson
PO Box 422
Miranda, CA 95553

Agent

Tashina Welliver
PO BOX 422
Miranda, CA 95553

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

State Appeal Status: The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issue: None.

Alyeska707, LLC, Special Permits
Record Number: PLN-2018-15220
Assessor's Parcel Number (APN): 221-081-001

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on the evidence in the staff report and adopt the Resolution approving the proposed Alyeska707, LLC, project subject to the recommended conditions.

Executive Summary: An application has been submitted to the Planning Division for a Zoning Clearance Certificate for 5,000 square feet of existing outdoor cultivation. Approval of the project requires a Special Permit for existing cultivation on slopes greater than 15% and a Special Permit for minor site reconfiguration pursuant to the decommissioning of a cultivation area. The water source for the project is a rain catchment pond and no power is required to support the cannabis operation. The proposed commercial cannabis activity is authorized by Section 314- 55.4.6.5. et seq., of the CCLUO. The applications meet the requirements of zoning, size of cultivation area, setbacks from property lines and listed incompatible uses (e.g., schools), and are accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CCLUO.

A review of aerial imagery using TerraServer and information provided by the applicant indicates that prior to 2016, there was approximately 5,400 square feet of cannabis cultivation on the subject parcel. At the applicant's request, upon project approval, cultivation will occur in three full sun outdoor cultivation areas, totaling 5,000 square feet of outdoor cultivation, as follows:

Area	Size	Location on Subject Parcel
Area 1	500 square feet	NE Quadrant
Area 2	1500 square feet	SE Quadrant
Area 3	3,000 square feet	NW Quadrant
Decommissioned	~400 square feet	Center

The applicant has chosen to forego continued cannabis cultivation in one area that has steep slopes. The site has already been restored with all cultivation-related materials and soils were removed and non-invasive native plants established within the footprint. After reseeding at 100 pounds per acre, straw mulch was applied to the reseeded area. The applicants will continue to monitor the decommissioned area and they will treat it again with native grass seeds and straw mulch anywhere that a 90% surface cover is not attained.

The areas proposed for continued cultivation meet the requirements of setbacks from property lines, setbacks from watercourses, and setbacks from other sensitive areas established in the CCLUO. The existing cultivation areas are on slopes of approximately 20% and require a Special Permit for existing cultivation on slopes in excess of 15%. The cannabis will be cultivated in full sun. Soil will be reused and recycled on site without the use of spoils piles. The applicant will use mulch and cover crops to increase soil stability and to prevent erosion around the cultivation area. With these practices, cultivation on 20% slopes should not pose an erosion risk, stormwater runoff risk, or risk to surrounding parcels. The proposed project will comply with the Performance Standards

established in the CCLUO.

The site contains the following existing features which have no nexus to the cannabis cultivation: a residence with a solar array, a garage, a domestic point of diversion (S028017), a 2,500-gallon HDPE tank and two 1,000-gallon concrete tanks.

The applicant anticipates one outdoor harvest per year. The water source for the project is a 250,000-gallon agricultural pond, Pond A. A second pond, Pond B, on the site is reserved for recreation and for fire suppression. Water from Pond A is moved to a 500-gallon and a 300-gallon feeding tank or directly to the cultivation sites, where it will be delivered to the plants via hand watering. All water conveyance is gravity fed and no pumps are associated with maintaining and using the water sources identified above. The applicant's estimated annual water source is 82,350 gallons per year. A metering device will be installed near the pond outlet and water use will be tracked and recorded.

The cannabis cultivation operations on the site do not require power. The power source to the residence and outbuildings on the site is an existing solar array with a backup generator. The generator is housed in an enclosed shed with secondary containment. Harvested cannabis will be dried and processed offsite at a licensed third-party facility. A maximum of one employee or independent contractor will work on the site. The employee will live offsite and will commute to the site as needed. Parking for six vehicles is available on site. The project was reviewed by the Department of Environmental Health, which recommended conditional approval with the note that the applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

3598 Thomas Road, APN 221-081-001, is accessed from a private driveway from the privately maintained portion of Thomas Road. This access route complies with the Road Performance Standards established in the CCLUO. The project was reviewed by the Department of Public Works, which recommended conditional approval with the request that Thomas Road be paved for a minimum width of 20 feet and a length of 50 feet at the point where the County-maintained portion and the privately-maintained portion intersect. This work has already been completed by another applicant. At the request of the Department of Public Works, the applicant will contribute to the implementation of the road improvement recommendations provided by the engineer who prepared their road evaluation for segments 3 and 4 of the access road. The applicant is encouraged to collaborate with other applicants to complete this work.

The subject parcel contains early successional forest consisting primarily of Douglas-fir, Pacific Madrone, and Tanoak trees. A Class III ephemeral stream, which is a tributary to Salmon creek, runs through the parcel. There is no cannabis-related activity in the Streamside Management Area. No timber removal for the purposes of cannabis cultivation has occurred on the site and none is proposed. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 2.56 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 2.25 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.55 miles away. During a field study conducted by Wildlife Biologist Mellissa Moore on February 23rd, 2018 (Biological Assessment, prepared by Nor Cal Bio Surveys), no species considered sensitive under CESA or by CDFW were detected and no appropriate habitat to support Spotted Owl nesting or roosting was detected.

The project was referred to the California Fish and Wildlife Department (CDFW) and they have not provided comments. The applicant will adhere to the terms and requirements of their Streambed Alteration Agreement (Notification No 1600-2019-07250-R1) or of any future Streambed Alteration Agreements. The applicant shall shield their backup generator to while it is in use such that noise levels do not increase by more than 3 decibels above ambient noise levels. The applicant shall leave wildlife on the subject parcel undisturbed and shall allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Finally, all refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility.

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

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

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

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE COUNTY OF HUMBOLDT

Resolution Number 20-

Record Number: PLN-2018-15220
Assessor's Parcel Number (APN): 221-061-001

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Alyeska707, LLC, Zoning Clearance Certificate and Special Permits request.

WHEREAS, Alyeska707, LLC, submitted an application and evidence in support of approving the Zoning Clearance Certificate for 5,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from a 250,000-gallon rainwater catchment pond. The applicant's estimated annual water use is 82,350 gallons. Processing activities, including drying, trimming, and packaging are proposed offsite at a third-party permitted processing facility. Power is provided by solar panels, with a backup generator. No employees work on site; and

WHEREAS, Alyeska707, LLC, submitted an application and evidence in support of approving the Special Permit to permit existing cannabis cultivation on slopes greater than 15%; and

WHEREAS, Alyeska707, LLC, submitted an application and evidence in support of approving the Special Permit for minor site reconfiguration pursuant to the decommissioning and restoration of a historic cultivation area.

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-2018-15220); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on May 07th, 2020

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

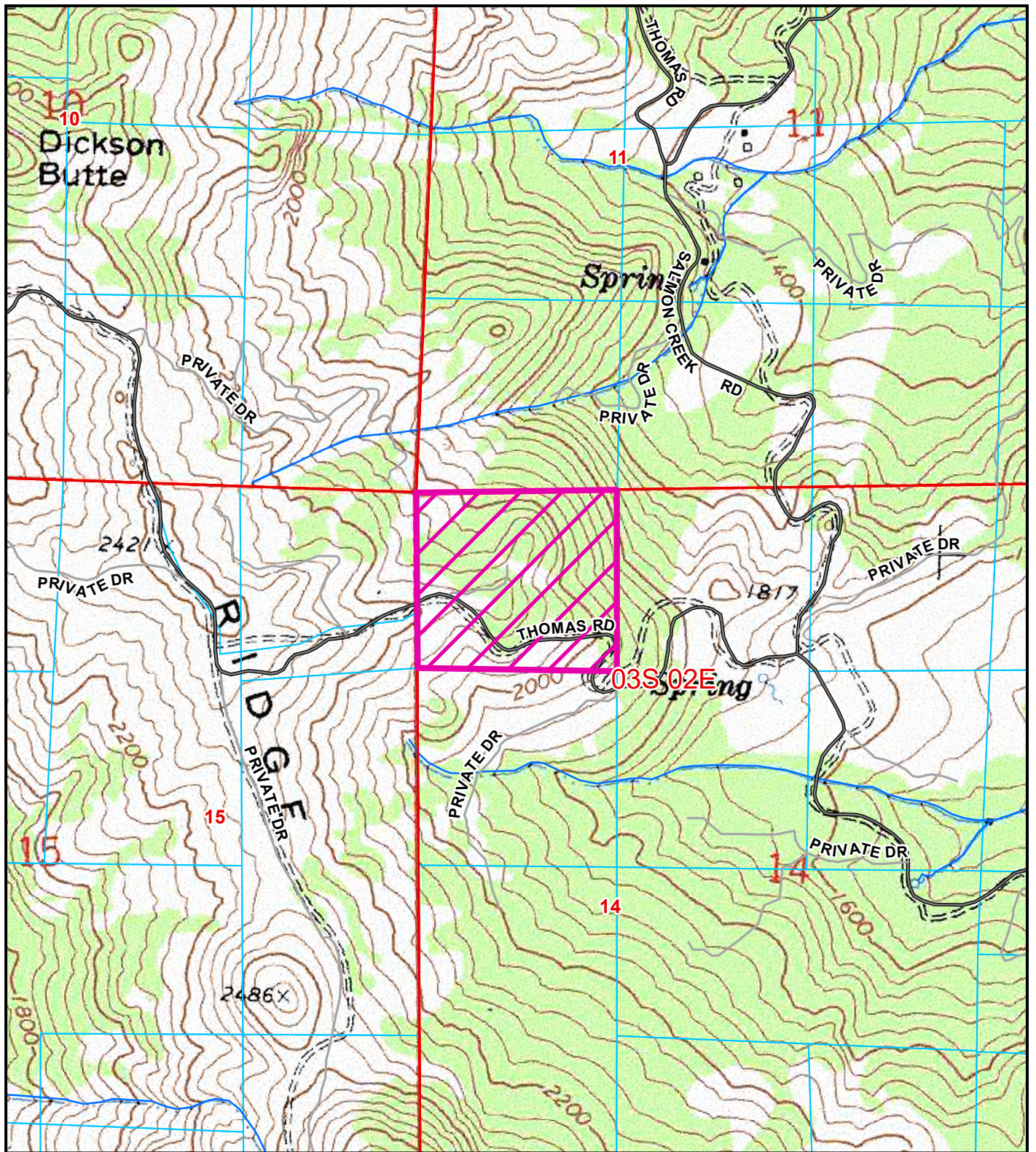
1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Record Number PLN-2018-15220 based on the submitted substantial evidence; and

3. Zoning Clearance Certificate and Special Permits Record Number PLN-2018-15220 are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on May 07th, 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



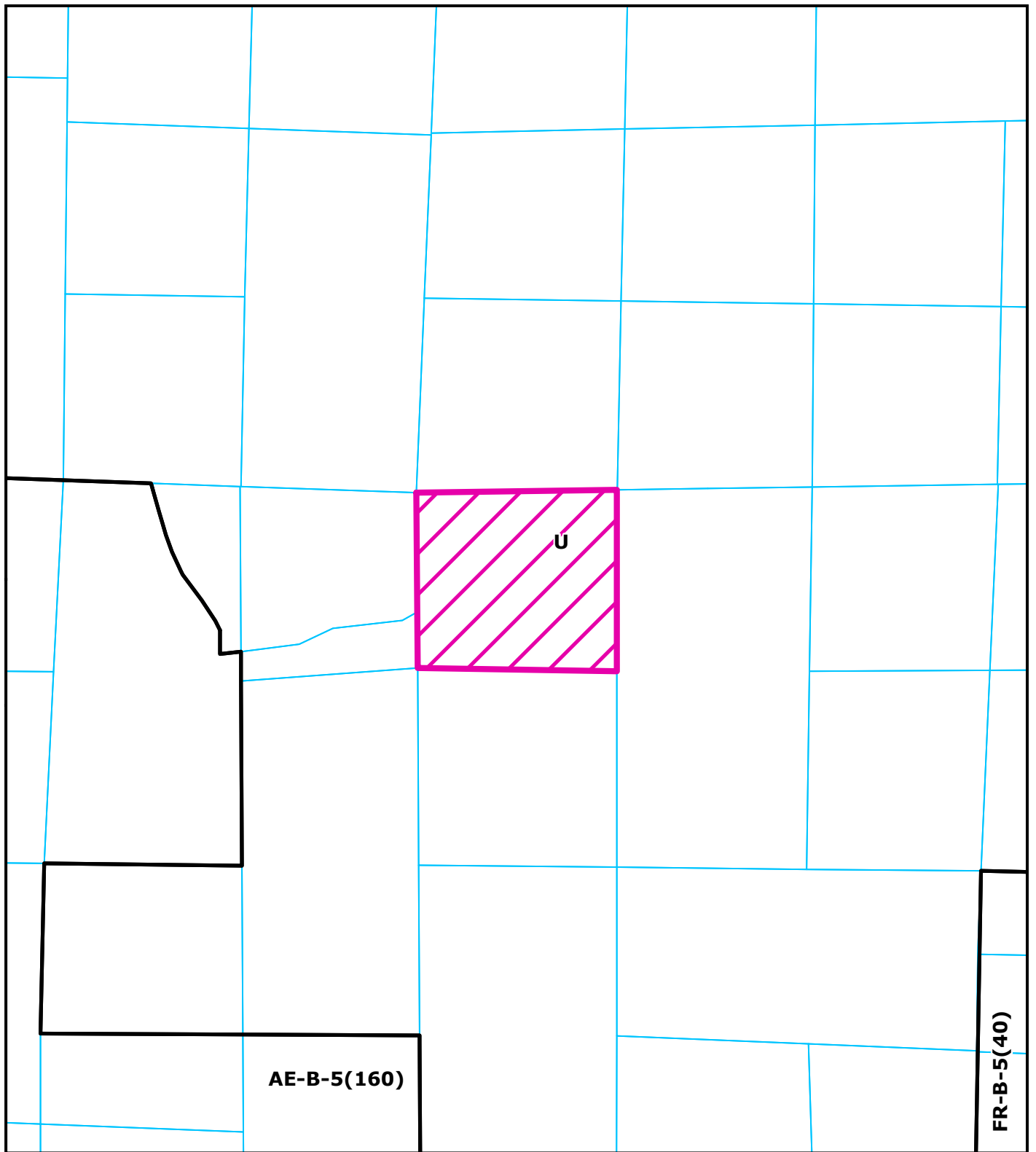
Project Area = 

TOPO MAP
PROPOSED ALYESKA707, LLC
ETTERSBURG AREA
PLN-2018-15220
APN: 221-081-001
T03S R02E S14 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.

0 1,000 2,000 Feet






Project Area = 

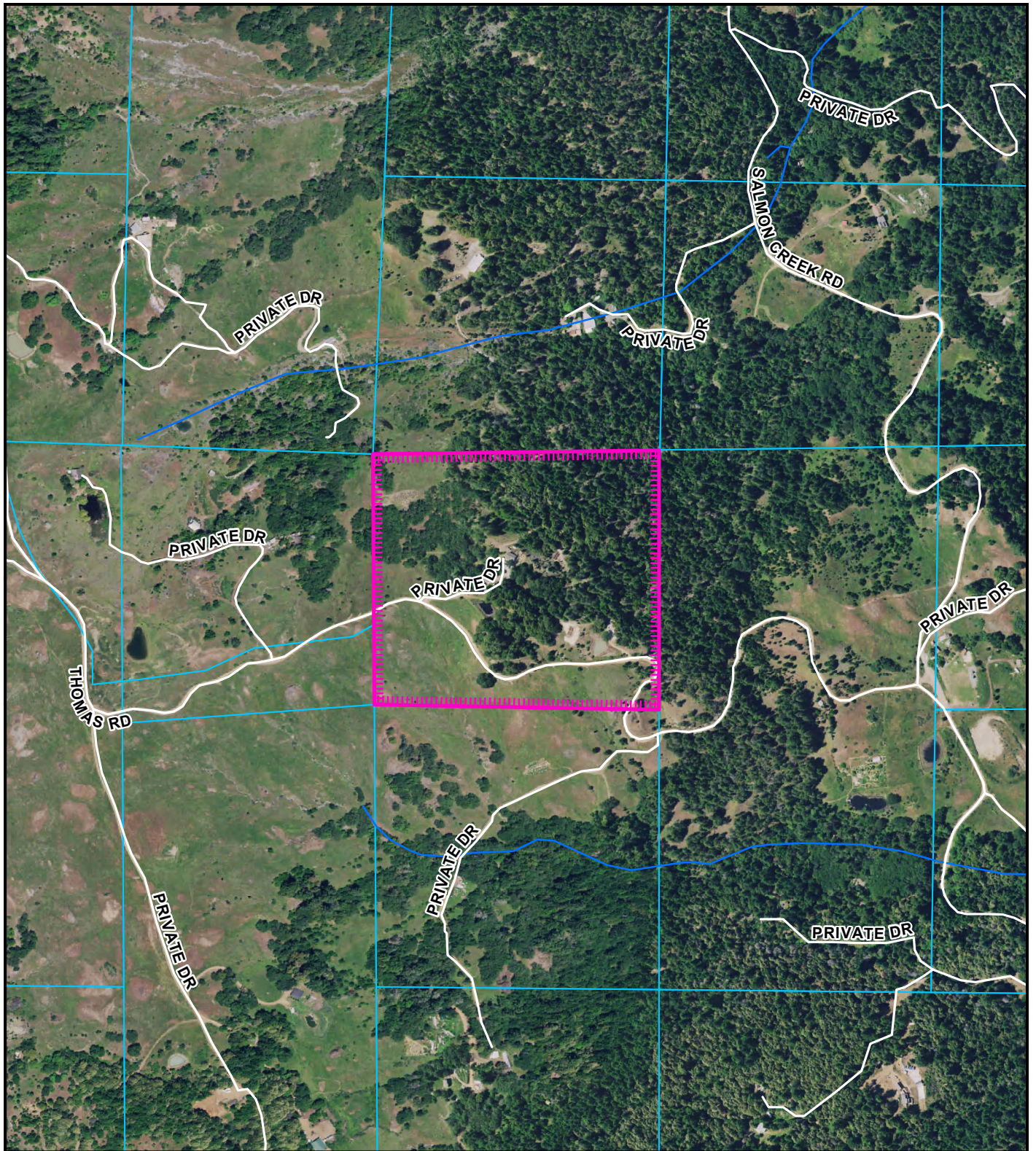
ZONING MAP
PROPOSED ALYESKA707, LLC
ETTERSBURG AREA
PLN-2018-15220
APN: 221-081-001
T03S R02E S14 HB&M (ETTERSBURG)



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.

0 1,000 2,000 Feet

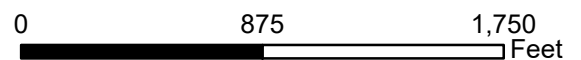


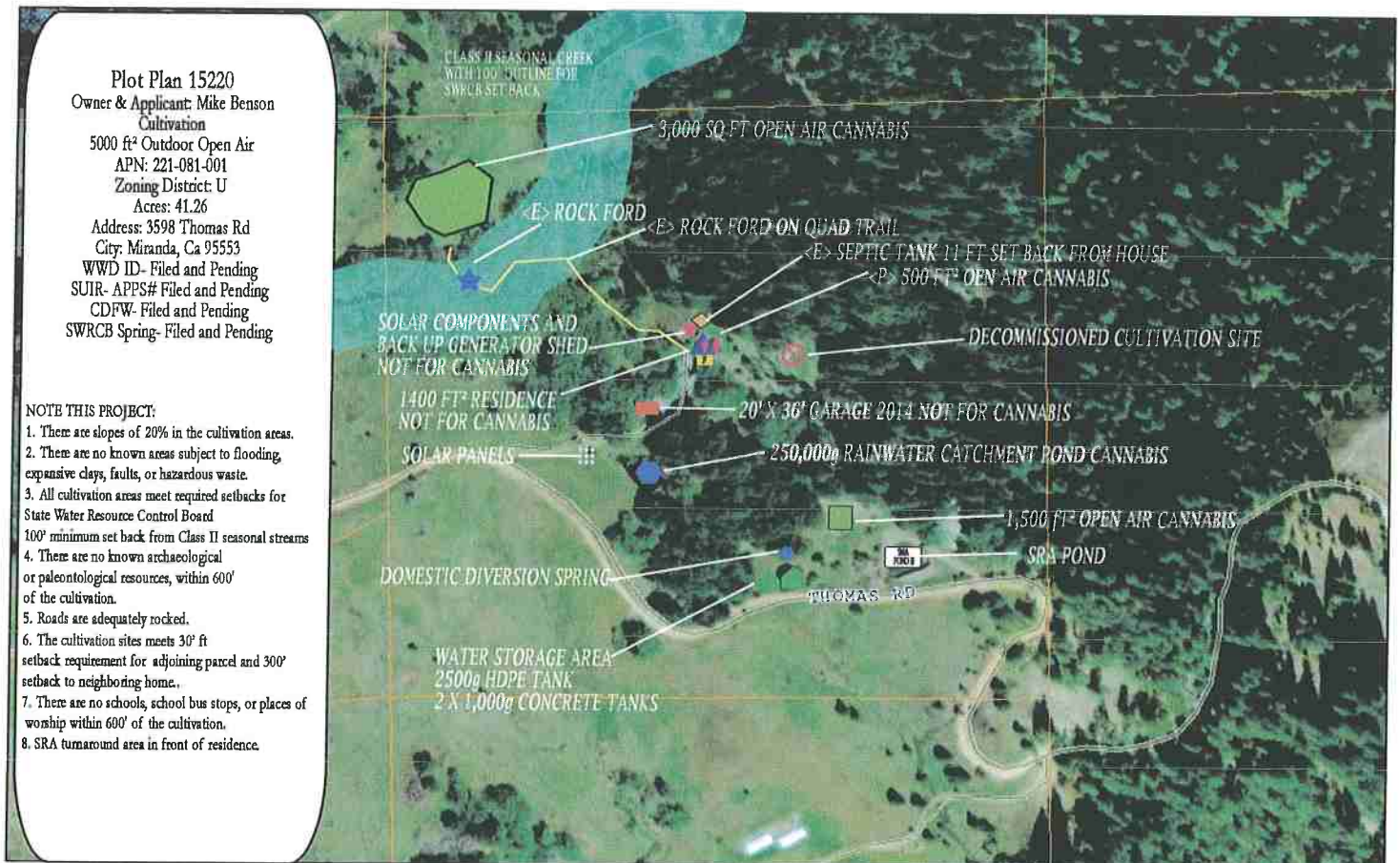


Project Area = 

AERIAL MAP
PROPOSED ALYESKA707, LLC
ETTERSBURG AREA
PLN-2018-15220
APN: 221-081-001
T03S R02E S14 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.





Plot Plan 15220

Owner & Applicant: Mike Benson
Cultivation

5000 ft² Outdoor Open Air

APN: 221-081-001

Zoning District: U

Acre: 41.26

Address: 3598 Thomas Rd

City: Miranda, Ca 95553

WWD ID- Filed and Pending

SUIR- APPS# Filed and Pending

CDFW- Filed and Pending

SWRCB Spring- Filed and Pending

NOTE THIS PROJECT:

1. There are slopes of 20% in the cultivation areas.
2. There are no known areas subject to flooding, expansive clays, faults, or hazardous waste.
3. All cultivation areas meet required setbacks for State Water Resource Control Board 100' minimum set back from Class II seasonal streams
4. There are no known archaeological or paleontological resources, within 600' of the cultivation.
5. Roads are adequately rockered.
6. The cultivation sites meets 30' ft setback requirement for adjoining parcel and 300' setback to neighboring home.
7. There are no schools, school bus stops, or places of worship within 600' of the cultivation.
8. SRA turnaround area in front of residence.



221-081-001

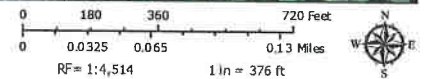
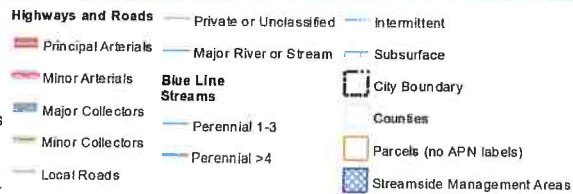
Humboldt County Planning and Building Department

Printed: December 15, 2019

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

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



Sources: NRCS
Humboldt County GIS
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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 is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. 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. 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.
3. 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 #4–#14. 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.
4. The applicant shall secure a permit for the pond providing water for cannabis irrigation. The pond shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all structures and graded areas related to cannabis cultivation are permitted will satisfy this condition.
5. Per the Department of Environmental Health, the applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.
6. 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.
7. The applicant shall contact the local fire service provider [Salmon Creek VFC] and shall 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.

8. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.
9. The applicant shall join or form a Road Maintenance Association for Thomas Road. Documentation of participation in a Road Maintenance Association will be adequate to satisfy this condition.
10. The applicant shall install water meters to track water usage from the pond used for cannabis irrigation.
11. The applicant shall submit a Soils Management Plan detailing the use of imported and native soil to the Planning Department for review and approval. 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.
12. The applicant shall submit a copy of Notice of Applicability demonstrating enrollment in the Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ covering APN 221-081-001.
13. The applicant shall complete and implement all corrective actions detailed within 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 and Notice of Applicability. The applicant shall provide the Planning Department of copy of the Site Management Plan, 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 SWRCB. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
14. Prior to initiating commercial cannabis cultivation or associated activities the property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. No ground disturbance is to occur within 100 feet of the cultural resource identified as "Salmon Creek Benson 1", and the applicant shall adhere to heightened inadvertent discovery language. If any potential cultural resources are identified on the parcel, the applicant shall halt all activity within 100 feet of the cultural resource and shall immediately notify the Bear River Band and the Planning Department. The applicant shall ensure that the resource is handled in accordance with recommendations provided by the Tribal Historic Preservation Officer of the Bear River Band.

2. The applicant shall implement the road improvement recommendations covered in segments 3 and 4 of their Road Evaluation. The applicant is encouraged to collaborate with other applicants and/or a Road Maintenance Association to complete this work.
3. The applicant shall adhere to a Soils Management Plan to be approved by the Planning and Building Department.
4. The applicant shall adhere to the Invasive Species Control Plan submitted to the Planning and Building Department (See Cultivation and Operations Plan received 12/27/2019) and to any future Invasive Species Control Plans approved by the Planning and Building Department.
5. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, the Water Resource Protection Plan, the Lake and Streambed Alteration Agreement, 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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).
11. 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.

12. 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.
13. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. Pay all applicable application, review for conformance with conditions and annual inspection fees.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
15. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. 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.
17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
18. All refuse shall always be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.

Performance Standards for Cultivation and Processing Operations:

17. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
18. 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).
19. 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.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. 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.
22. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may

take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

23. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
24. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
25. 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 Medical Cannabis.

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

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** the following required findings.

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

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

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	<p>Residential Agriculture (RA): Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses.</p> <p>Density range is 40 acres per unit.</p>	<p>The proposed project includes 5,000 square feet of outdoor cannabis cultivation in existence prior to 2016 and ancillary water conveyance infrastructure on one legal parcel designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel is accessed via private driveway from the privately maintained portion of Thomas Road in the Whitethorn area. The applicant provided a Road Evaluation for the access route to the project prepared by Joel Monschke, a civil engineer. The Road Evaluation states that the access route, consisting of Salmon Creek Road, the County-maintained portion of Thomas Road, and the privately maintained portion of Thomas Road will comply with the Road Performance Standards established in the CCLUO if certain improvements are implemented. The project was reviewed by the Department of Public Works, which recommended conditional approval with the request that Thomas Road be paved for a minimum width of 20 feet and a length of 50 feet at the point where the County-maintained portion and the privately-maintained portion intersect. This work has already been completed by another applicant. At the request of the Department of Public Works, conditions of approval require the applicant to contribute to the implementation of the road improvement recommendations specified in the applicant's Road Evaluation for segments 3 and 4 of the access road. The applicant is encouraged to collaborate with other applicants to complete this work. Additionally, conditions of approval for this project require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Thomas Road.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 6	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	The project does not involve residential development, nor are the project sites part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcel is approximately 41.26 acres in size. Fences or vegetated buffers are maintained between the cultivation area and property lines.</p> <p>(See Biological Resources Section 10.3 for additional discussion).</p>
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	<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 subject parcel contains early successional forest consisting primarily of Douglas-fir, Pacific Madrone, and Tanoak trees. A Class III ephemeral stream, which is a tributary to Salmon creek, runs through the parcel. There is no cannabis-related activity in the Streamside Management Area. No timber removal for the purposes of cannabis cultivation has occurred on the site and none is proposed.</p> <p>The projects are in the South Fork Eel Planning Watershed, the Salmon Creek HUC12 Watershed which is a cannabis-impacted watershed. The cultivation area is in the Headwaters Salmon Creek Super Planning Watershed. The South Fork Salmon Creek Super Planning Watershed is also present on the Southern third of the parcel. Water for cannabis irrigation is sourced from a rainwater catchment pond on the</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>subject parcel and is delivered either to two small mixing tanks or directly to the cannabis plants. Water for domestic use is sourced from a point of diversion on a spring, and the applicant has registered with the State Water Resources Control Board for the diversion. The applicant holds a Streambed Alteration Agreement with the California Department of Fish and Wildlife for the domestic point of diversion and for use and maintenance (rock armoring) of a rocked ford stream crossing. The 1600 agreement notes the disclosure of two ponds, one used for cannabis irrigation and one used for recreation. No work on the ponds was proposed and the ponds are not considered projects under the notification. Per the Notification, the permittee shall install overflow spillways, shall refrain from fish stocking, shall implement an invasive species management plan for the ponds, and shall install exit ramps on the ponds to prevent wildlife entrapment. (Notification No. 1600-2019-07250R1).</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 2.56 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 2.25 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.55 miles away. During a field study conducted by Wildlife Biologist Mellissa Moore on February 23rd, 2018 (Biological Assessment, prepared by Nor Cal Bio Surveys), no species considered sensitive under CESA or by CDFW were detected and no appropriate habitat to support Spotted Owl nesting or roosting was detected.</p> <p>The project was referred to the</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>California Fish and Wildlife Department (CDFW) and they have not provided comments. The applicant will adhere to the terms and requirements of their Streambed Alteration Agreement (Notification No 1600-2019-07250-R1) or of any future Streambed Alteration Agreements. The applicant shall shield their backup generator to while it is in use such that noise levels do not increase by more than 3 decibels above ambient noise levels. The applicant shall leave wildlife on the subject parcel undisturbed and shall allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Finally, all refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility.</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 Northwest Information Center reviewed the projects and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the projects were reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that inadvertent discovery language be applied to the project. However, in September 2019, Archaeological Research and Supply Company visited the site and conducted a Cultural Resources Investigation. The entirety of the parcel was surveyed with special attention given to the area of potential effect under this project. A prehistoric site was identified as a result of this investigation on APN 221-081-001, the subject parcel. As no project activities are occurring or proposed at the location of the site, the site is not located within the area of potential effect.</p> <p>The area where the cultural resource was identified shall remain undisturbed. No ground-disturbing actions are to occur within 100 feet of the site recorded as "Salmon Creek Benson 1", and the applicant shall adhere to heightened inadvertent discovery language. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 100-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. Since artifacts were identified on the property, the chance of encountering cultural resources may be more likely. Prior to having work done by any outside contracted firm, the applicant shall communicate that they are in a culturally sensitive area to their</p>
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Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		contractors. The applicant should not hesitate to follow the protocols if they find suspected cultural resources.
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>No supplemental lighting is proposed for the project. Cultivation occurs outside in open air and vegetated buffers or fences are maintained between all cultivation areas and neighboring parcels or roads. The project site is not located near a designated scenic highway or roadway.</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-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>A Site Management Plan (SMP) was prepared for the parcel by Vanessa Valare. Per the applicant's SMP, there are no stream crossings on access roads to the parcel. There is one rocked ford crossing on the parcel, which is used for ATVs during the dry season. The SMP identifies various methods to direct drainage on the parcel including use of swales, pathways, and remediation buffers to prevent runoff. While cultivation will occur on slopes of 20%, the cultivation will occur outdoors and in full sun and measures are taken to ensure soil stability. The cultivation areas are mulched and planted with cover crops during the offseason. Wood chips are used around the cultivation area to eliminate runoff. Used soil is reused in place and there are no spoil piles on the property. Fertilizers and nutrients are stored in a secure garden shed with secondary containment.</p> <p>The SMP contains recommendations for the site as follows: Existing road surface drainage structures will be maintained to ensure continued function of capturing and draining surface runoff, frequent use of un-surfaced roads will be avoided, all culverts will be inspected regularly during the winter months to check for plugging, blockage, or other issues, and water use shall be designed and metered such that water used for the irrigation of cannabis will be recorded. Water use for the irrigation of cannabis will be recorded monthly for annual reporting. As a condition of approval, the applicant shall complete and implement all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. The applicant shall provide the Planning Department of copy of the Site Management Plan, including those measures later</p>
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Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		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 SWRCB. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
Water Resources Chapter 11 Onsite Wastewater Systems	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) Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.	APN 221-081-001 contains an existing residence with an Onsite Wastewater Treatment System that is not approved by the Department of Environmental Health (DEH). The applicant proposes offsite processing and does not anticipate hiring any employees. If they decide to add any in the future, the permit will be appropriately modified. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. The applicant shall demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation. This can be accomplished by either installing a new, permitted, septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system – not impairing groundwater or surface water resources.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is for cultivation of cannabis in full sun. No propagation, drying, or processing occurs on site. No power is needed for cannabis cultivation. The power source for the residence on the subject parcel is an existing solar array with a backup generator. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 2.56 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 2.25 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.55 miles away. During a field study conducted by Wildlife Biologist Mellissa Moore on February 23rd, 2018 (Biological Assessment, prepared by Nor Cal Bio Surveys), no species considered sensitive under CESA or by CDFW were detected and no appropriate habitat to support Spotted Owl nesting or roosting was detected. The applicant shall shield their backup generator to while it is in use such that noise levels do not increase by more than 3 decibels above ambient noise levels.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone and is not subject to seismic liquefaction. The site is in an area designated as High Instability (3) on the County's GIS. There are no mapped landslides on the subject parcel. Based on the project and evidence before staff, the projects do not pose any other threat to public safety related from exposure to natural or manmade hazards.</p> <p>The structures and grading associated with the project, including any outbuildings over 120-square feet and the 250,000-gallon pond used for cannabis irrigation, shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>According to the Flood Insurance Rate Map (FIRM) Panel No. 0623C1985F (effective 11/4/2016), the project sites are not located in a flood hazard area. The project site is not within a mapped dam or levee inundation area and is outside of the 100-year flood area. At approximately 12 miles distance from the coast, the project sites are outside the areas subject to tsunami run-up.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is in an area designated with a high fire hazard severity. It is located within the fire response area for Salmon creek VFC, and it is also within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval.</p> <p>The applicant does not anticipate hiring any employees. A 150,000-gallon in-ground rain catchment pond is available for fire suppression.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed projects required the applicant to contact the local fire service provider [Salmon Creek VFC] and to 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>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>The project is an existing operation. No new structures are proposed. If the project is modified in the future to propose new structures, dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	APN 221-081-001 is one legal parcel (lot 01) as shown on Parcel Map recorded in Book 221 of Parcel Maps page 08. There are no terms or conditions that apply to new development on the parcels and there are no violations of Humboldt county Code on the parcels.
Unclassified (U): §314-8.1	The principal permitted uses in the Unclassified zoning designation are one-family dwelling, general agriculture, rooming and boarding of not more than two people, and manufactured home.	The proposed action would permit commercial cannabis cultivation sites in existence prior to January 1, 2016, on parcels zoned U. The existing cultivation area totals 5,000 square feet on APN 221-081-001. The proposed cannabis cultivation use is specifically allowed with a Zoning Clearance Certificate in the U under Section 314-55.4.8.2.2 of the CMMLUO. The project also requires a Special Permit for existing cultivation on slopes greater than 15% and a Special Permit for minor site reconfiguration.
Minimum Lot Area:	6,000 square feet	41.26 acres
Minimum Lot Width:	50 feet	~1412 feet
Maximum Lot Depth:	Three times the width	~1260 feet
Minimum Yard Setbacks: Through the SRA Setbacks	Front: 20 feet Rear: 20 feet Side: 10 feet SRA: 30 feet all sides	Front: >30 feet Rear: >30 feet Side: > 30 feet
Minimum Distance Between Major Buildings:	20 feet	> 20 ft apart
Maximum Ground Coverage:	< 40%	< 40%
Maximum Ground Coverage:	None specified	< 35%
§314-61.1 Streamside	Placement of soil within SMAs shall be	The proposed cannabis activity occurs on APN 221-081-001. A Class III ephemeral stream, which is

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Management Area (SMA)	<p>prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>a tributary to Salmon creek, runs through the parcel. The watercourse is subject to a 50-foot Streamside Management Area buffer under local and State guidelines. There is no cannabis-related activity in the Streamside Management Area as water for cannabis irrigation is sourced entirely from an off-stream rain catchment pond. Water for domestic use is sourced from a point of diversion on a spring, and the applicant has registered with the State Water Resources Control Board for the diversion. The applicant holds a Streambed Alteration Agreement with the California Department of Fish and Wildlife for the domestic point of diversion and for use and maintenance (rock armoring) of a rocked ford stream crossing. (Notification No. 1600-2019-07250R1).</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p>*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.</p>	6 spaces

CCLUO Section	Summary of Applicable Requirement	Evidence That Supports the CCLUO Finding
<p>§314-55.4.5.4</p> <p>Permit Limits and Permit Counting</p>	<p>No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).</p>	<p>According to records maintained by the Planning Department, the party who is the Southern Humboldt's Phoenix, LLC, applicant, submitted two applications for a total of 12,380 square feet of existing cultivation area and is entitled to eight acres. This application is for one Zoning Clearance Certificate for a 5,000-square-foot cultivation area and for one Special Permit for cultivation on slopes of greater than 15% and one Special Permit for minor site reconfiguration.</p>
<p>§314-55.4.6.0</p> <p>Conversion of Timberland</p>	<p>Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.</p>	<p>The subject parcel is classified as agricultural land and contain second-growth forest and mixed meadow areas. Timber conversion has not occurred to facilitate cannabis cultivation and is not proposed. CalFire reviewed the projects and had no concerns as to timber conversion or resource management.</p>

<p>§ 314-55.4.6.1</p> <p>Eligibility Requirements – Resource Production and Residential Areas</p> <p>Zoning</p> <p>Minimum Parcel Size and allowed Cultivation Area</p>	<p>Outdoor and Mixed-light Cultivation Activities, On-Site Processing, and Nurseries shall be principally permitted with a Zoning Clearance Certificate or Special Permit when meeting the following Eligibility and Siting Criteria and all applicable Performance Standards, except when otherwise specified.</p> <p>AE, AG, FR and U when accompanied by a Resource Production General Plan land use designation requiring a parcel size of 5 acres or more.</p> <p>On parcels 10 acres or larger, up to 43,560 square feet of Cultivation Area with a Special Permit.</p>	<p>The project sites feature existing cultivation operations in rural Humboldt County on a legal parcel zoned Unclassified (U) with an assessed lot size of approximately 41.26 acres. A review of aerial imagery using TerraServer and information provided by the applicant indicates that prior to 2016, there was approximately 5,400 square feet of cannabis cultivation on the subject parcel. At the applicant's request, upon project approval, cultivation will occur in three full sun outdoor cultivation areas, totaling 5,000 square feet of outdoor cultivation. A Special Permit for minor site reconfiguration pursuant to a decommissioned cultivation area is included in the project. The areas proposed for cultivation meet the requirements of slopes, setbacks from property lines, setbacks from watercourses, and setbacks from other sensitive areas established in the CCLUO and the proposed project will comply with the Performance Standards established in the CCLUO. The cultivation areas are consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CCLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.4</p> <p>Processing Facilities</p>	<p>Processing Facilities for commercial cannabis for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning district AG, AE, and RA as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).</p>	<p>Drying, curing, trimming, and other processing will occur offsite at a licensed third-party facility.</p>

§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 Site Plans and additional materials submitted by the applicant demonstrate that all cultivation facilities are located at least 30 feet from any property line. No schools or school bus stops are located within 600 feet of the cultivation areas. There are no parks as defined in County Code Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. There are no identified places of religious worship within 600 feet. The project complies with all other setback requirements specified in the CCLUO.
§314-55.4.11 Application Requirements	Identifies the information required for all applications	Attachment 4 identifies the information submitted with the applications 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– Road System</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 private driveway from the privately maintained portion of Thomas Road in the Whitethorn area. The applicant provided a Road Evaluation for the access route to the project prepared by Joel Monschke, a civil engineer. The Road Evaluation states that the access route, consisting of Salmon Creek Road, the County-maintained portion of Thomas Road, and the privately maintained portion of Thomas Road will comply with the Road Performance Standards established in the CCLUO if certain improvements are implemented. The project was reviewed by the Department of Public Works, which recommended conditional approval with the request that Thomas Road be paved for a minimum width of 20 feet and a length of 50 feet at the point where the County-maintained portion and the privately-maintained portion intersect. This work has already been completed by another applicant. At the request of the Department of Public Works, conditions of approval require the applicant to contribute to the implementation of the road improvement recommendations specified in the applicant's Road Evaluation for segments 3 and 4 of the access road. The applicant is encouraged to collaborate with other applicants to complete this work. Additionally, conditions of approval for this project require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Thomas Road.</p>
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<p>§314-55.4.12.1.10 Performance Standards– Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The subject parcel contains early successional forest consisting primarily of Douglas-fir, Pacific Madrone, and Tanoak trees. A Class III ephemeral stream, which is a tributary to Salmon creek, runs through the parcel. There is no cannabis-related activity in the Streamside Management Area. No timber removal for the purposes of cannabis cultivation has occurred on the site and none is proposed. CalFire reviewed the projects and had no concerns as to resource management.</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 2.56 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 2.25 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.55 miles away. During a field study conducted by Wildlife Biologist Mellissa Moore on February 23rd, 2018 (Biological Assessment, prepared by Nor Cal Bio Surveys), no species considered sensitive under CESA or by CDFW were detected and no appropriate habitat to support Spotted Owl nesting or roosting was detected.</p> <p>The project was referred to the California Fish and Wildlife Department (CDFW) and they have not provided comments. The applicant will adhere to the terms and requirements of their Streambed Alteration Agreement (Notification No 1600-2019-07250-R1) or of any future Streambed Alteration Agreements. The applicant shall shield their backup generator to while it is in use such that noise levels do not increase by more than 3 decibels above ambient noise levels. The applicant shall leave wildlife on the subject parcel undisturbed and shall allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Finally, all refuse will be contained in wildlife proof storage</p>
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		containers and will be disposed of at an authorized waste management facility.
§314-55.4.12.2 Performance Standards– Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The projects as proposed and conditioned meets all the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
§314-55.4.12.4 Performance Standards– Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. 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.	The proposed project is for 5,000 square feet of full-sun outdoor cannabis cultivation. No supplemental lighting is used for cannabis cultivation or propagation on the site. Ongoing conditions of approval require security lighting to be shielded and angled to prevent light spillage outside of the property liens or directly focusing on any surrounding uses.

<p>§314-55.4.12.5 Performance Standards– 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 20% 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 project occurs outdoors with no supplemental lighting. Power to the residence on the site is provided by an existing solar array with a backup generator. No power is required to support the cannabis operation.</p>
<p>§314-55.4.12.6 Performance Standards– 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>The proposed project is for cultivation of cannabis in full sun. No propagation, drying, or processing occurs on site. No power is needed for cannabis cultivation. The power source for the residence on the subject parcel is an existing solar array with a backup generator. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 2.56 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 2.25 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.55 miles away. During a field study conducted by Wildlife Biologist Mellissa Moore on February 23rd, 2018 (Biological Assessment, prepared by Nor Cal Bio Surveys), no species considered sensitive under CESA or by CDFW were detected and no appropriate habitat to support Spotted Owl nesting or roosting was detected. The applicant shall shield their backup generator to while it is in use such that noise levels do not increase by more than 3 decibels above ambient noise levels.</p>

<p>§314-55.4.12.7 Performance Standards – Cannabis Irrigation</p>	<p>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.</p>	<p>The projects are in the South Fork Eel Planning Watershed, the Salmon Creek HUC12 Watershed which is a cannabis-impacted watershed. The cultivation area is in the Headwaters Salmon Creek Super Planning Watershed. The South Fork Salmon Creek Super Planning Watershed is also present on the Southern third of the parcel. Water for cannabis irrigation is sourced from a rainwater catchment pond on the subject parcel and is delivered either to two small mixing tanks or directly to the cannabis plants. Water for domestic use is sourced from a point of diversion on a spring, and the applicant has registered with the State Water Resources Control Board for the diversion. The applicant holds a Streambed Alteration Agreement with the California Department of Fish and Wildlife for the domestic point of diversion and for use and maintenance (rock armoring) of a rocked ford stream crossing. The 1600 agreement notes the disclosure of two ponds, one used for cannabis irrigation and one used for recreation. No work on the ponds was proposed and the ponds are not considered projects under the notification. Per the Notification, the permittee shall install overflow spillways, shall refrain from fish stocking, shall implement an invasive species management plan for the ponds, and shall install exit ramps on the ponds to prevent wildlife entrapment. (Notification No. 1600-2019-07250R1).</p>
<p>314-55.4.12.10 Performance Standards – Soils Management</p>	<p>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.</p>	<p>Conditions of approval require the applicant to submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. 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.</p>

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.	The applicant has provided an Invasive Species Control Plan (See section in Cultivation and Operations Plan) based on a physical survey for invasive species that occurred on February 23rd, 2019. During the survey no significant habitat or sensitive biological communities were found that may support aquatic or wetland invasive species. Four invasive terrestrial species were observed in small quantities during the survey. On an ongoing basis, these species and any other identified invasive species are to be removed by hand by the root ball. The applicant also plans to take steps to prevent the introduction and spread of invasive species, including cleaning outdoor recreation gear, not releasing unwanted pets or fish into the wild, and using native plants whenever possible. The applicant will continually monitor their property for invasive species and will remove them by and as needed. Adherence to this Invasive Species Control Plan is included in the ongoing conditions of project approval.
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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. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permits and are included as conditions of approval.

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 project would not change the housing development potential of the site or surrounding properties.

6. Environmental Impact: The following section identifies 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 projects are consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The projects are for the approval of existing cultivation and ancillary facilities, a Special Permit to allow the use of a point of diversion and a Special Permit that would allow for restoration activity within Streamside Management Areas. The environmental document on file include detailed discussions of all the relevant environmental issues.

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

Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2015102005), January 2016

APN 221-081-001, 3598 Thomas Road in the Whitethorn area, California, County of Humboldt

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

February 2020

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) 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 states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

A Zoning Clearance Certificate for 5,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from a 250,000-gallon rainwater catchment pond. Processing activities, including drying, trimming, and packaging are proposed offsite at a third-party permitted processing facility. Power is provided by solar panels, with a backup generator. No employees work on site.

The subject parcel contains early successional forest consisting primarily of Douglas-fir, Pacific Madrone, and Tanoak trees. A Class III ephemeral stream, which is a tributary to Salmon creek, runs through the parcel. There is no cannabis-related activity in the Streamside Management Area. No timber removal for the purposes of cannabis cultivation has occurred on the site and none is proposed.

The projects are in the South Fork Eel Planning Watershed, the Salmon Creek HUC12 Watershed which is a cannabis-impacted watershed. The cultivation area is in the Headwaters Salmon Creek Super Planning Watershed. The South Fork Salmon Creek Super Planning Watershed is also present on the Southern third of the parcel. Water for cannabis irrigation is sourced from a rainwater catchment pond on the subject parcel and is delivered either to two small mixing tanks or directly to the cannabis plants. Water for domestic use is sourced from a point of diversion on a spring, and the applicant has registered with the State Water Resources Control Board for the diversion. The applicant holds a Streambed Alteration Agreement with the California Department of Fish and Wildlife for the domestic point of diversion and for use and maintenance (rock armoring) of a rock ford stream crossing. The 1600 agreement notes the disclosure of two ponds, one used for cannabis irrigation and one used for recreation. No work on the ponds was proposed and the ponds are not considered projects under the notification. Per the Notification, the permittee shall install overflow spillways, shall refrain from fish stocking, shall implement an invasive species management plan for the ponds, and shall install exit ramps on the ponds to prevent wildlife entrapment. (Notification No. 1600-2019-07250R1).

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 2.56 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 2.25 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.55 miles away. During a field study conducted by Wildlife Biologist Melissa Moore on February 23rd, 2018 (Biological Assessment, prepared by Nor Cal Bio Surveys), no species considered sensitive under CESA or by CDFW were detected and no appropriate habitat to support Spotted Owl nesting or roosting was detected.

The project was referred to the California Fish and Wildlife Department (CDFW) and they have not

provided comments. The applicant will adhere to the terms and requirements of their Streambed Alteration Agreement (Notification No 1600-2019-07250-R1) or of any future Streambed Alteration Agreements. The applicant shall shield their backup generator to while it is in use such that noise levels do not increase by more than 3 decibels above ambient noise levels. The applicant shall leave wildlife on the subject parcel undisturbed and shall allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. Finally, all refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility.

The Northwest Information Center reviewed the projects and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the projects were reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that inadvertent discovery language be applied to the project. However, in September 2019, Archaeological Research and Supply Company visited the site and conducted a Cultural Resources Investigation. The entirety of the parcel was surveyed with special attention given to the area of potential effect under this project. A prehistoric site was identified as a result of this investigation on APN 221-081-001, the subject parcel. As no project activities are occurring or proposed at the location of the site, the site is not located within the area of potential effect.

The area where the cultural resource was identified shall remain undisturbed. No ground-disturbing actions are to occur within 100 feet of the site recorded as "Salmon Creek Benson 1", and the applicant shall adhere to heightened inadvertent discovery language. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 100-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. Since artifacts were identified on the property, the chance of encountering cultural resources may be more likely. Prior to having work done by any outside contracted firm, the applicant shall communicate that they are in a culturally sensitive area to their contractors. The applicant should not hesitate to follow the protocols if they find suspected cultural resources.

APN 221-081-001 is one legal parcel (lot 01) as shown on Parcel Map recorded in Book 221 of Parcel Maps page 08. The property is not subject to an approved land use permit or subdivision to which terms and conditions apply to new development. The proposed development is not located on property where one or more violations of the Humboldt County Code exist.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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; or

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 previous 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 EIR; B) significant effect previously examined will be substantially more severe than shown in the previous 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 previous 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 original EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

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

- o Operations Plan for Alyeska707, LLC; APN 221-081-001, dated 12/27/2019.
- o Site Plan for Alyeska707, LLC; APN 221-081-001, dated 12/27/2019.

Other CEQA Considerations

Staff suggest no changes to 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 certified EIR is appropriate to address the requirements under CEQA for the current project proposal. All 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 parcels, written consent of the owner for the application with original signature and notary acknowledgement. (On File)
3. Amended Site plan, showing APN 221-081-001, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached – Site Plan prepared by applicant, received 12/27/2019)
4. A Cultivation and Operations Plan for projects on APN 221-081-001 that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached – Cultivation and Operations Plan prepared by applicant, received 12/27/2019)
5. An Addendum to the Cultivation and Operations Plan for the project on APN 221-081-001 (Attached)
6. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights. (Not applicable. No water diversion occurs for cannabis irrigation.)
7. Description of water source, storage, irrigation plan, and projected water usage. (See Cultivation and Operations Plan)
8. Copy of Notice of Applicability demonstrating enrollment in the Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ covering APN 221-081-001 (Submittal is a Condition of Approval.)
9. Site Management Plan prepared by Vanessa Valare for APN 221-081-001. (Attachment 4A, received 12/27/2019)

10. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Notification No. 1600-2019-0725-R1. Attachment 4B)
11. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable. No timber conversion has occurred.)
12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
13. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
14. 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)
15. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
16. Copy of the DEH Referral Worksheet. (On file)
17. Road Evaluation Report prepared by Stillwater Sciences. (Attached)
18. Biological Assessment for Commercial Cannabis Cultivation on APN 221-081-001 prepared by Nor Cal Bio Org BA and received December 27, 2019. (Contains Confidential Information – On file)



Humboldt County Commercial Cannabis Application 2.0
Revised: December 7, 2019

Applicant/Owner

Michael Benson

Location: 3598 Thomas Rd Miranda Ca, 95563

County: Humboldt

APN: 221-081-001-000

Permit Application Numbers: PLN-2018-15220

Mailing Address: PO Box 422 Miranda CA, 95553

Agent Contact Name: Tashina Welliver

Telephone: 707/616-1469

Email: tashina.welliver@gmail.com or etahumboldt@gmail.com

Operations Plan

Project Description (match map)

This application is for a project located on parcel number 221-081-001 belonging solely to Michael Benson. Benson is the primary cultivator and primary processor at this property. This project will consist of three (3) cannabis gardens, with no propagation area to be used. The total pre-existing cultivation for this parcel is 5,400 sq. ft. The footprint of the garden has been reduced, with a decommissioning of one site, and breaking up the applied amount of 5,000 sq. ft into three different sites (Appendix 1). One (1) site 500 sq. ft., one (1) site 1500 sq. ft., and one (1) 3,000 sq. ft. All cannabis in gardens will be grown outdoor, no structures will be used as a footprint for garden. All cannabis will be harvested and dried off site at permitted processing facility, that will be ran by a third party. No processing will happen on site. The gardens is irrigated from the pond marked 250,000 gal. rainwater catchment (Appendix 1). The cultivation site does not require any power as it is a cultivation site that will be grown in the full sun, without the use of supplemental lighting.

Site Decommissioning and Remediation

Site Preparation: The applicant used erosion control measures when disturbing the soils. No recontouring had to occur, due to the fact that the applicant did not grade or change the topography of the landscape. Only non-invasive plant species used to re-grass the land. Dismantling of the cultivation site included prepare soil to promote the growth of natural indigenous grass seed and hay that existed before cultivation. All grow containers, t-posts, and gardening supplies were removed and all soils that could be removed from the property were and were disposed of correctly. After the soils were removed the area was raked and shoveled to ensure that the grass seed would stick. Waddles were secured to the sloping areas at an application of one waddle every 3-feet down the slope. Hay, grass seed and mulched straw. Grass seed were applied at a rate exceeding 100 pounds per acre. Straw mulch was applied in amounts sufficient to provide at least 2-4 inch depth of straw with minimum 90% coverage. Slash was substituted in some steeper locations for straw mulch where the depth texture and ground contact are equivalent to at least 2-4 inches of straw mulch. Any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of operations. The treatment for disturbed area did not and does not threaten to discharge sediment into waters. Side cast or fill material extending more than 20 feet in slope distance from the outside edge of a road bed, was treated with slope stabilization measures described above

Land Features

To the best of my knowledge there are no graded flats on the land. According to title, there are no easements onto the land. Neighbors whom live pass the applicant's property have easements to access their own lands. Furthermore, no illegal subdivisions have occurred on this property (Appendix 2).

Proximity

Cultivation is located at 3598 Thomas Rd., which is reached from Eureka Ca. via Hwy 101 south to the Salmon Creek Exit, then left onto Salmon Creek Rd. until county road ends, left onto Thomas Rd., property on right hand side off road. The closest neighboring residences is 491 ft. to

the west, 1,649 ft. to the north parcel, and 1,157 ft. to the east parcel and applicant exceeds southern set back. Cultivation site is more than 100 ft. away from class 2 seasonal creek. There are no schools, school bus stops, public parks, public lands, hiking trails or tribal resources within 1000 ft. of property.

Tracking, Records, and Inspections

CERCC requires that the project be in compliance with the Track-and-Trace System and local requirements. However, local Track- and- Trace has been suspended and will fall to state guidelines. Track-and-Trace will be handled through manual tracking and inputted into State system once State system is in place and can be used by applicant following approval of State license.

Until such steps are secured through State guidelines, the following policies shall be implemented to ensure compliance with the CERCC and CWMP:

- A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
- B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
- C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDEA inspection or their designated representative. Inspections shall occur at standard business hours from 8:00am to 5:00pm. Prior notice for inspections is not required by the inspecting agency.
- D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions: denying the department access to the licensed premises, providing false or misleading statements, providing false and/or falsified, fraudulent or misleading documents and records, and failing to provide records, reports, and other supporting documents.
- E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDEA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

Trash/Refuse

Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. All trash and recycling is stored in cans with lids on a stable, flat area. The cans are secured to exclude wildlife and prevent discharge or contact with water or receiving waters. All garbage and refuse is to be disposed of at an authorized municipal waste transfer station. Closest location in proximity to property is the Redway Transfer Station, located at: Conservation Camp Rd, Redway, CA 95560. Transportation will occur by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation.

Solid Waste/ Recycling

Solid waste on the property will not be stored on property it will be removed as garbage is created in a dump trailer. All soil will be reused in a manner that prevents discharge of soil and residual nutrients to any riparian setback or waters of the state, soil will never be dumped as waste.

Garbage from the cannabis cultivation site consists of: bags from amendments and fertilizer containers. All items will be cleaned out properly into a leach field or garden area, recycled if possible, and if not recyclable then properly removed to the Redway Transfer Station. All recycling will be sorted and taken to the appropriate transfer station, depending on recycling stipulations. Recycling will be removed weekly.

Solid Waste and Recyclables Disposal Sites

Redway Transfer Station

Conservation Camp Rd, Redway, CA 95560

Recology Eel River

965 Riverwalk Dr, Fortuna, CA 95540

Hazardous Waste Disposal

Humboldt Waste Management Authority

1059 W Hawthorne St, Eureka, CA 95501

Water Irrigation and Storage Plan

Water Storage and Usage

Water for cannabis cultivation is diverted from Pond A (250,000 gal. pond). Pond B (SRA Pond) is approximately 150,000 gallons and is for fire/recreation use only. Water from Pond A is moved to either one (1) 500 gallon or two (2) 300 gallon small feeding tanks, or directly to cultivation sites. No water is foreheared from Pond A for cultivation purposes. Per the bio assessment Pond A has no liner, and no Bull frogs. Pond A is considered an off-stream storage reservoir and shall be managed and maintained to accommodate average annual winter period precipitation and storm water inputs to reduce the potential for overflow.

Domestic water is serviced from a domestic spring and stored in tanks that are completely separate from cannabis cultivation. A statement of use for Benson's domestic use represents only the spring in use. The State Water Resources Control Board Division of Water Rights has assigned the identification number S028017. Applicant awaiting NOI but has enrolled and is exempt from Supplemental Use Irrigation Registration because only an off-stream pond is used for irrigation of cannabis.

All water on site for the use of cultivation is gravity fed, there are no pumps associated with maintaining and using the water sources that have been stated above.

Water Discharge

Water storage is not on or near any watercourse. Garden area meets and exceeds 150 foot setback for SWRCB. The slopes at cultivation sites are between 0-15 percent. The areas surrounding the cannabis on these slopes are covered with native grasses and flowers, which work as a leach field between the flat garden area(s) and sloping meadows. Hay is spread on top-soil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help mitigate any runoff that may occur with fertilizer.

Projected Water Usage for Cannabis Garden

Overall the amount of water used by the - Cannabis Garden is approx. 80,000 gallons per year. This is an estimate, and to the best of my knowledge. A metering device will be installed and maintained near the outlet of the pond. The applicant will keep a record of water use for the pond and a copy will be maintained at the cultivation site. All water comes from Pond A POD #1. If the water ever started to recede, proper steps would be taken in order to use less water.

In the two years I have been gardening here I have never encountered the problem of using Pond A POD #1 to its capacity. I have included the map I submitted to the State Water Resources Control Board to file for the Enrollment Notice of Intent Form for Waiver of Waste Discharge Requirements Order Number R1-2015-0023.

Irrigation Methods

Methods for water cannabis cultivation is done through hand watering, this allows for best management of water use and ensures that water is not wasted, areas are not over watered, and unnecessarily discharged to areas that are not intended to be watered.

Monthly Water Use Table

Month	Cannabis Use in Gallons	Domestic Use
Jan	0 (zero)	6,820
Feb	0 (zero)	6,160
Mar	0 (zero)	6,820
Apr	6,750	6,600
May	13,950	6,820
June	13,500	6,600
July	13,950	6,820
Aug	13,950	6,820
Sept	13,500	6,600
Oct	6,750	6,820
Nov	0 (zero)	6,600
Dec	0 (zero)	6,820

Total	82, 350	80, 300
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Total estimated water usage for cannabis cultivation 82,350 gallons per year

I, Michael Benson, have read and keep a copy in my binder of the "Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk", "Performance Standards for all CMMLUO Cultivation and Processing Operations" and the "Legal Pest Management practices for Marijuana Growers in California". I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

Domestic Waste Water Plan

Domestic Waste Water

Wastewater is handled with an onsite wastewater system in the form of a septic tank. The septic tank is for grey and black water. The septic tank is eleven feet (11 ft) from residence and is in great condition. Leach field is in front of septic. There are no employees for this cannabis cultivation site, so waste water from humans is contained to residents of the home. There are two residence currently living in the dwelling, including the applicant. In the residence, there are two sinks, a shower, a washer, and one toilet that create waste water. All water goes to septic system.

Road Operations Plan

Access Road Conditions

There are two roads used in conjunction with this cultivation site, Salmon Creek Rd. to Thomas Rd. and the private driveway. Salmon Creek is paved and is maintained by the county, Thomas Rd is mostly rock and gravel with small amounts of pavement at the beginning of the road where it intersects into Salmon Creek Rd. The entire road segment is being upgraded and developed to be equivalent of a road category four standard by permit holders who have to address road evaluation standards. The applicant is part of the road association, documents have already been submitted per county request.

The applicants driveway is gravel and intersects with county road, Thomas Rd. driveway is shared with no additional neighbors. Driveway intersects with county road twice. There are locked gates at the intersection. Private driveway is checked by visual inspection once a month and more frequently during severe weather. Driveway goes through used part of land and parking is available in front of 300 sq. ft garage for up to 6 cars comfortably. Driveway is maintained with annual additions of gravel and hand grading with shovels.

Roads are and will be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to nearby soils and surface waters. The internal roads are maintained clear of debris and are

enhanced with rock armor as necessary. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters .

Vehicle Stream Crossing

There is one culvert on this site and one dry creek crossing on an ATV trail. Culvert shall be sized to pass the expected 100-year peak streamflow. Awaiting determination from CDFW to see if culvert is adequate. The culvert is along the private portion of the driveway, it is sized to 18 inches. The culvert is at the driveway that intersects with Thomas Rd. There is a ATV only trail off the driveway that leads to the cannabis cultivation area that crosses over the stream as a dry crossing and is meant for ATV, quad, or rhino type vehicle. Trail is only used once seasonal creek dries up and is visually inspected regularly for issues. This is not a road, but a trail and can only accommodate a quad or Rhino type vehicle.

Invasive Species Control Plan

Regulations

Invasive plant species must be managed on proposed cultivation sites in Humboldt County, under the Final Environmental Impact Report (FEIR), Amendments to Regulations on Cannabis Cultivation Activities. The following language is included as performance standards to prevent the introduction or spread of invasive plant species as classified by the California Invasive Plant Council (CAL-IPC): "The application will include identification of invasive plant species that occur on the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices. As part of the County's annual inspection, areas where invasive plant species were removed will be checked to verify removal. Corrective actions may be required as part of the annual permit renewal if invasive species remain or have returned."

The CAL-IPC program administers the CalWeed Mapper program, which was queried to provide a list of possible invasive species and ranking for potential ecological harm. A three-tiered system ranks these plants by **high**, **moderate**, and **limited**. Only the plants with **high** or **moderate** rankings were considered as invasive threats, based on reproductive and range-expansion capacity.

Site Analysis

On February 23rd, 2019 the property was surveyed for a biological assessment, including observations of bird, animal, and plant species, including common invasive plant species. Portions of all representative habitats were observed for species present, including all roads and open areas of the property. (See Attached Survey Report)

The property contains Douglas-Fir (*Pseudotsuga menziesii*) with Pacific Madrone (*Arbutus menziesii*) and Tanoak (*Notholithocarpus densiflorus*), etc.

No significant aquatic habitats or sensitive biological communities exist that may support aquatic or wetland invasive species.

Throughout the parcel survey, four invasive species were observed. These invasive species were found in very small quantities. Applicant was advised to mitigate the invasive species by removing the plant by hand, by its root ball and to remove all root systems and structures that will allow the plant to regrow. The roadways and cultivation sites were clear of non-native plant

species, and the forested habitats did not have any clearings or areas where any invasive species were noted.

Prevention of Introduction and Spread of Invasive Species

- Cleans outdoor recreation gear;
- Not releasing an unwanted pets or fish into the wild;
- Identifying the most troublesome invasive species, avoid spreading them, and trying to control them;
- Using only native plants that are appropriate for the region;
- Cleaning all machines before and after use;
- Not disturbing natural areas whenever possible;

Invasive Species Listed in Humboldt County as Most Harmful

Scotch broom (*Cytisus scoparius*), Pampas grass (*Cortaderia jubata*), gorse (*Ulex Europaeus*), Himalaya berry (*Rubus discolor*), English ivy (*Hedera helix*), Cape ivy (*Delairea odorata*), European beachgrass (*Ammophila arenaria*), Ice plant (*Carpobrotus edulis*), yellow bush lupine (*Lupinus arboreus*), yellow starthistle (*Centaurea solstitialis*), spotted & diffuse knapweed (*Centaurea maculosa* & *Centaurea diffusa*), bull & Canada thistle (*Cirsium Vulgare* & *Cirsium arvense*), common reed (*Phragmites australis*), Spanish heath (*Erica lusitanica*), and Chilean cordgrass (*Spartina densiflora*).

Invasive Species Mitigation Plan

Applicant has identified the four invasive species that were found on his property and will mitigate the invasive species by removing the plants by hand, including the root ball and any associated structure to prevent the plant from regrowth. Applicant will continually asses his property for said invasive species and will remove them by hand as needed.

Noise Source Assessment and Mitigation Plan

Applicant intends to operate cultivation site as a full sun, full term grow operation. This means that no energy or noise sources will be part of the cultivation site. The home site, which isn't associated with the cultivation operates on full solar.

See Appendix 3 for photo documents of decibels read at each cultivation site on the property. Each reading for noise has been marked with coordinates to correspond with the cultivation site.

Artificial Light Pollution Plan

Light Pollution Prevention

No artificial light will be used for supplemental lighting purposes with this site of cultivation.

Processing Plan

Harvest

Cannabis will be harvested using gloves and clean tools. All cannabis will be taken off site for

drying and curing at closest facility. Per request of farmer moldy cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Curing

Curing will take place at closest off site facility. Moldy or defective cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Processing

Ideally a processing center will be available to contract processing of cannabis from harvested cured product to a shelf-ready product. Cannabis trimming will occur as cannabis becomes ready from curing process. Trimming will take place at closest processing center. As soon as option is available.

Monthly Cultivation Plan:

This cultivation plan is for one (1) cycle only.

Month	Activities
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
March	Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
April	Purchase "teen" plants from registered and compliant nursery. Start amending sites when weather permits. Cultivation site fixes. Site maintenance. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
May	Start cultivation areas within designated zones. All cultivation plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Possibly plant long term plants late May. Double check all water systems for leaks and clogs. Put out sound sensors for rodents. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
June	All assisted light ends for temporary immature plants. Up-pot plants. Place hay over each trench for water retention. Use re-mesh for supports as well as bamboo stakes which are cleaned with bleach before each use. Bamboo reused for multiple years. Pests are dealt with as they arise with oils that are approved for cannabis. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
July	Treat plants with preventive measures if necessary. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
August	Monitor water supply, check lines and all areas for insect/ animal disturbance. Check roads for issues/fix. Check water and feeding tanks and all equipment for repairs or damages. Make plan for repairs.
September	Prepare for Harvest. Clean all supplies and purchase new items needed. Start harvesting early

	strains of long term if applicable. Harvest and arrange for transportation to nearest processing facility. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
October	Harvest all long term cannabis and late cultivation sites. Arrange for transportation to nearest drying and processing facility. Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools for leaks and damages before storing for winter. Store all supplies possible, clean-up site.
November	Winterize water system, greenhouse and sheds. Clean up drying rooms remove all lines and debris. Continue processing cannabis as outlined above.
December	Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Tree removal if necessary, driveway fixing other farm/garden maintenance. Check roads for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.

Processing- Independent Contractors

Applicant intends to do most of the work for the land himself, however when the need arises, independent contractors will be hired to help in their respective fields. Independent contractors will have access to parking, spacious work zone, clean supplies for task, hand washing areas with soap, bathroom with sink and flushing toilet. All areas are kept clean and in good condition. All independent contractors will have access to personal safety equipment to meet the needs of the job for example, face mask, gloves, Tyvek suits, safety glasses, rubber boot covers etc. At all times workers shall have access to safe drinking water, toilets and handwashing facilities. No worker housing is planned. Additionally, the following worker safety practices will be implemented and only employ persons for hire as allowable by law.

Employee Practices and Services

Applicant intends to run the cannabis cultivation site himself, without the assistance of employees. However, worker safety practices will be implemented (outlined below) as part of ensuring applicants safety and in the event that employees could be hired on an as need basis.

Worker Safety Practices

Safety protocols will be implemented to protect the health and safety of employees. All employees shall be provided with adequate safety training relevant to their specific job functions, which may include:

1. Employee accident reporting;
2. Security breach;
3. Fire prevention;
4. Materials handling policies;
5. Use of protective clothing such as long sleeve shirts, brimmed hats, and sunglasses.

Each garden site and or processing area have the following emergency equipment:

Personal protective equipment including gloves and respiratory protection are provided where necessary:

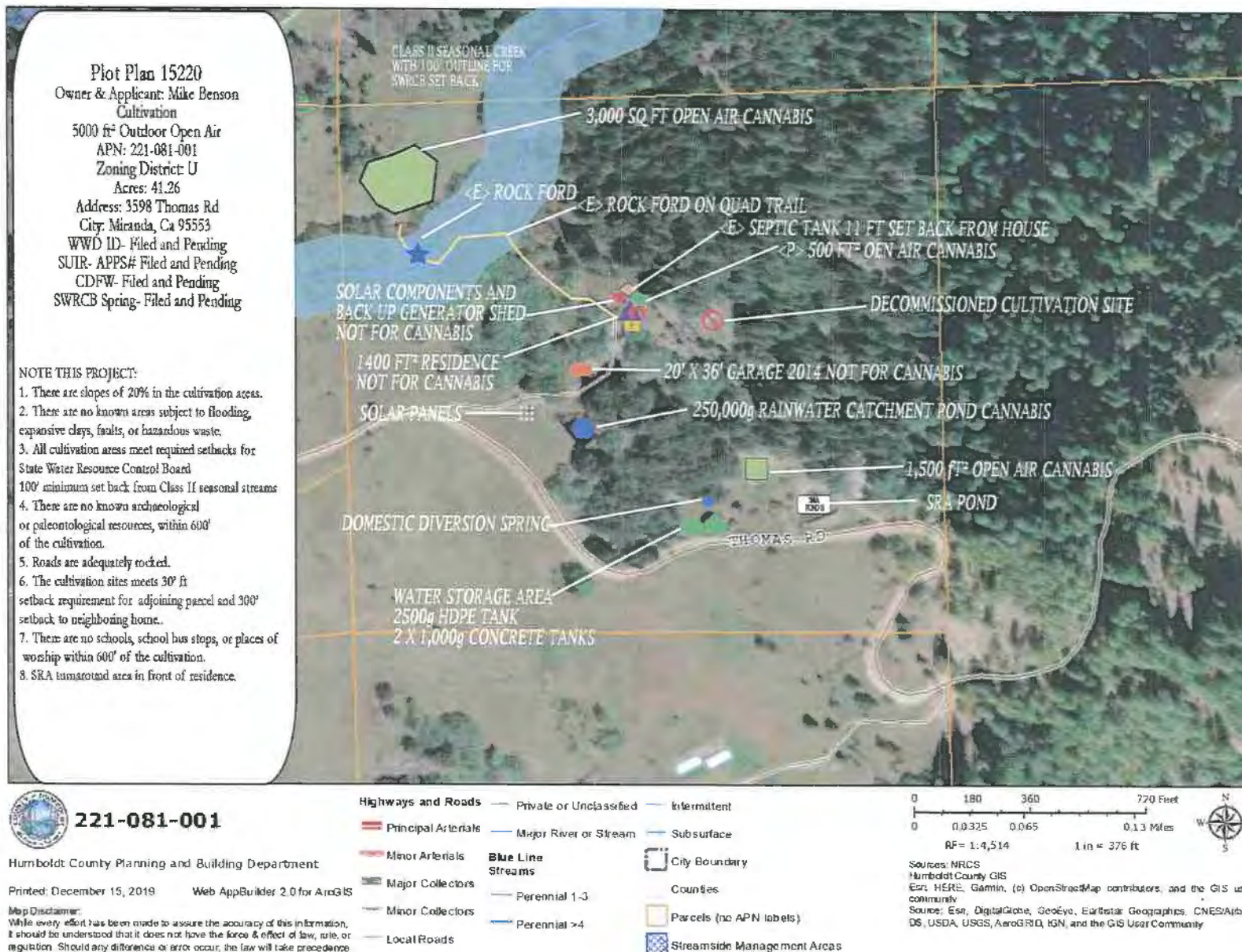
1. Fire extinguisher;

2. First Aid Kit;
3. Snake Bite/Bee Sting Kit;
4. Eye Washing Kit.

The applicant intends to 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).

Appendix 1 Plot Plan

Appendix 2 Creation Deed



<p>RECORDING REQUESTED BY Humboldt Land Title Company WHEN RECORDED RETURN TO AND MAIL TAX STATEMENTS TO:</p> <p>Name: Michael A. Benson Address: P. O. Box 873552 Hawilla, AK 99887</p> <p>Order No: <u>20153100-001-RAND</u></p>	<p>2015-008151-2 Recorded - Official Records Humboldt County, California Kelly E. Sanders, Recorder Recorded by: ILTCC Rec Fee: \$16.00 Survey Map Fee: \$10.00</p> <p>Doc Trf Tax: \$401.50 Clerk LIT Total: \$427.50 Apr 20, 2015 at 15:02:00</p>
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GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLAME(S)
City of unincorporated area
Parcel No: 221-081-001

Documentary Transfer Tax is \$493.50

☒ computed on full value of interest or property conveyed, or
☐ full value less value of liens or encumbrances remaining at
the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Dianne F. Rowland, Trustee of the Dianne F. Rowland Trust dated May 26, 2004

hereby GRANT(S) to

Michael A. Benson, a single man

the following real property in the unincorporated area in the County of Humboldt, State of California

See Exhibit A attached hereto and made a part hereof

Dated: April 14, 2015

A notary public or other officer completing this certificate verifies only the
identity of the individual who signed the document to which this certificate is
attached, and not the truthfulness, accuracy, or validity of that document.

Dianne F. Rowland
Dianne F. Rowland, as Trustee

State of Alaska
County of Humboldt

On APRIL 28, 2015 before me ROXANNE BENNETT,
a Notary Public, personally appeared Dianne F. Rowland

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies) and that by his/her/their
signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: *Roxanne Bennett*

My commission expires: 2-13-2019



(This area for official notary seal)

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, and described as follows:

PARCEL ONE.

The Northwest Quarter of the Northwest Quarter of Section 14, Township 3 South, Range 2 East, Humboldt Meridian.

PARCEL TWO.

A non-exclusive right of way appurtenant only to Parcel One above for ingress, egress and public utilities, to be used in common with others, together with the right to convey said right of way to others, over those strips of land 70 feet in width, the center lines of which are designated as Roads "A" and "B" on the Record of Survey made by Joseph J. Scherf, which Survey is on file in the Office of the County Recorder of Humboldt County, California, in Book 25 of Surveys, Pages 104 to 108, inclusive.

EXCEPTING from Parcel Two that portion thereof lying within Parcel One above.

ALSO EXCEPTING from Parcel Two that portion of Road "B" above referred to described as Courses 123 through 157 on the Record of Survey above referred to.

PARCEL THREE.

A non-exclusive easement appurtenant only to Parcel One above for ingress, egress and public utilities, to be used in common with others, together with the right to convey said easement to others, over a strip of land, 60 feet in width, as granted in that certain Deed from James O. Johnson, et al, and recorded December 27, 1968 in Book 985 of Official Records, Page 236, Humboldt County Records.

EXCEPTING from Parcel Three that portion thereof lying within Parcel Two above.

<p>RECORDING REQUESTED BY WESTERN TITLE INSURANCE COMPANY</p> <p>AND WHEN RECORDED MAIL TO</p> <p>NAME <u>Robert Morse and Joseph J. Riley</u> ADDRESS <u>P.O. Box 582</u> CITY & STATE <u>Redway, CA 95560</u></p> <p>Title Order No. _____ Escrow No. <u>152234</u></p> <p>MAIL TAX STATEMENTS TO</p> <p>NAME _____ ADDRESS <u>SAME AS ABOVE</u> CITY & STATE _____</p>	<p style="text-align: center;">753</p> <p>RECORDED AT REQUEST OF Western Title Insurance Co.</p> <p>Vol. <u>1464</u> Page <u>1</u></p> <p>JAN 11 4 03 PM 1978</p> <p>HUMBOLDT COUNTY RECORDS GRACE JACKSON, RECORDER</p> <p><i>Marysa J. Cooper</i> TAX COLLECTED BY <u>me</u></p> <p>SPACE ABOVE THIS LINE FOR RECORDER'S USE</p> <p>Documentary transfer tax \$ <u>22.00</u> <input checked="" type="checkbox"/> Computed on full value of property conveyed, or <input type="checkbox"/> Computed on full value less liens and encumbrances remaining thereon at time of sale.</p> <p><i>M. Cooper</i> Western Title Insurance Co. <small>Signature of declarant or agent determining tax — firm name</small></p>
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Individual Grant Deed

WESTERN TITLE FORM NO. 100

FOR VALUE RECEIVED. **RICHARD D. YIP and LAI S. YIP, husband and wife; and ROBERT HONG and MEE YOK HONG, husband and wife**

GRANT _____ to **ROBERT MORSE, a single man and JOSEPH J. RILEY, a single man**

all that real property situated in the Unincorporated Area
 County of Humboldt, State of California, described as follows:

DESCRIPTION IS ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

AP No. 221-081-01

Dated December 29, 1977

Richard D. Yip
Richard D. Yip
Lai S. Yip
Lai S. Yip

Robert Hong
Robert Hong
Mee Yok Hong
Mee Yok Hong

STATE OF CALIFORNIA }
 County of San Joaquin } ss.
 On 1/10, 1978, before me, the undersigned,
 a Notary Public in and for said State, personally appeared Richard D. Yip,
Lai S. Yip,
 known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to me that
 they executed the same

Carole A. Johnson
 Notary Public

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
CAROLE A. JOHNSON
 NOTARY PUBLIC - CALIFORNIA
 SAN JOAQUIN COUNTY
My comm. expires August 2, 1981

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1

Escrow No. 152234 CD/br

753

EXHIBIT "A"

DESCRIPTION

That real property situate in the County of Humboldt State of California, described as follows:

PARCEL ONE.

The northwest quarter of the northwest quarter of Section 14, Township 3 South, Range 2 East, Humboldt Meridian.

RESERVING THEREFROM a non-exclusive right of way for ingress, egress and public utilities to be used in common with others, together with the right to convey said right of way to others, over a strip of land, 70 feet in width, the centerline of which is designated as "B" on the record of survey made by Joseph L. Smith, which survey is on file in the office of the County Recorder of Humboldt County, California, in Book 25 of Surveys, pages 101 to 105, inclusive.

PARCEL TWO

A non-exclusive right of way appurtenant only to Parcel One above for ingress, egress and public utilities, to be used in common with others, together with the right to convey said right of way to others, over those strips of land, 70 feet in width, the centerline of which are designated as Roads "A" and "C" on the record of survey made by Joseph L. Smith, which survey is on file in the office of the County Recorder of Humboldt County, California, in Book 25 of Surveys, pages 101 to 105 inclusive.

EXCEPTING FROM Parcel Two, that portion thereof lying within Parcel One above.

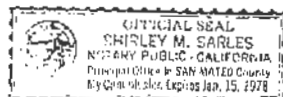
EXCEPTING FROM Parcel Two, that portion of Road "C" that is referred to as Sections 155 through 157 on the record of survey above referred to.

PARCEL THREE

A non-exclusive easement, appurtenant only to Parcel One above for ingress, egress and public utilities, to be used in common with others, together with the right to convey said easement to others, over a strip of land, 60 feet in width, as created in that certain deed from James W. Johnson et al and recorded December 27, 1968 in Book 986 of Official Records, page 254, Humboldt County records.

EXCEPTING FROM Parcel Three, that portion thereof lying within Parcel Two above.

STATE OF CALIFORNIA

COUNTY OF San Mateo

On this 5th day of January in the year one thousand nine hundred and seventy-eight before me, Shirley M. Sarles, a Notary Public, State of California, duly commissioned and sworn, personally appeared Robert Hong and Mae Yoke Hong

known to me to be the person S, whose name SARLES subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto at my hand and affixed my official seal in the County of San Mateo, the day and year in this certificate first above written.

Shirley M. Sarles
Notary Public, State of California

My commission expires Jan. 15, 1978

Cowdrey's Form No. 32 Acknowledgment General (C. C. Sec. 1197a)

Printed 12/72

2

END OF DOCUMENT

Appendix 3 Noise Readings

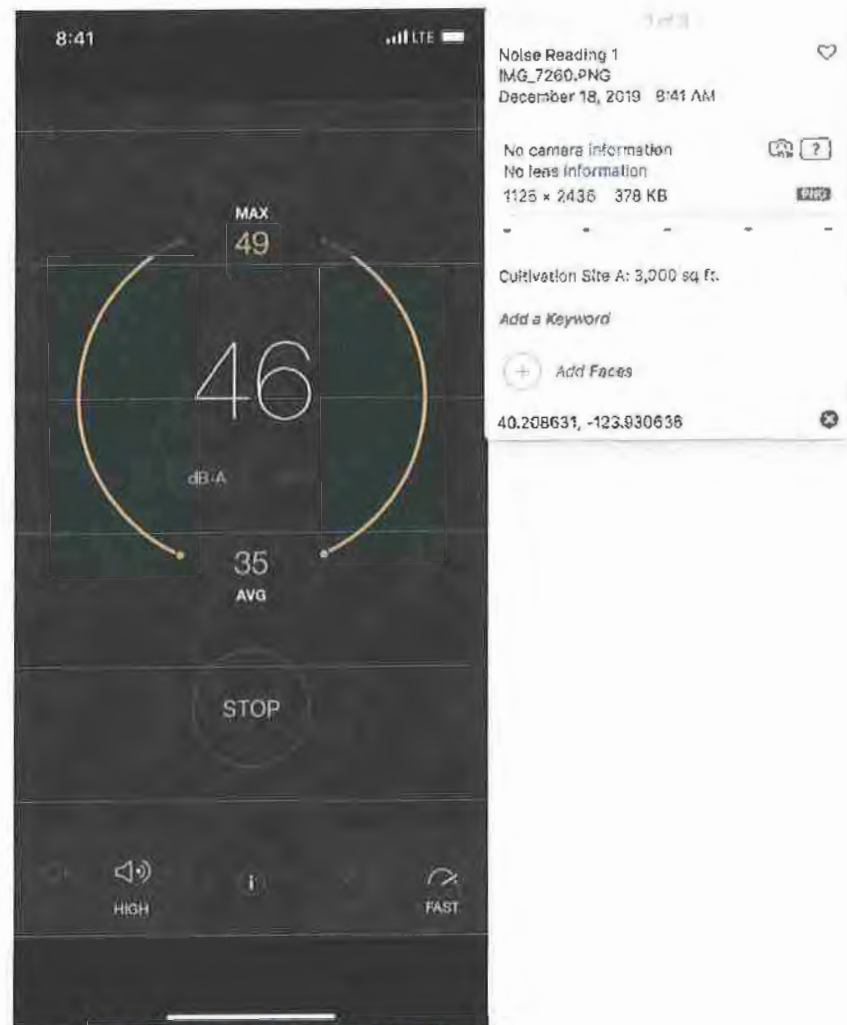


Image 1: Reading at 3,000 sq. ft. site

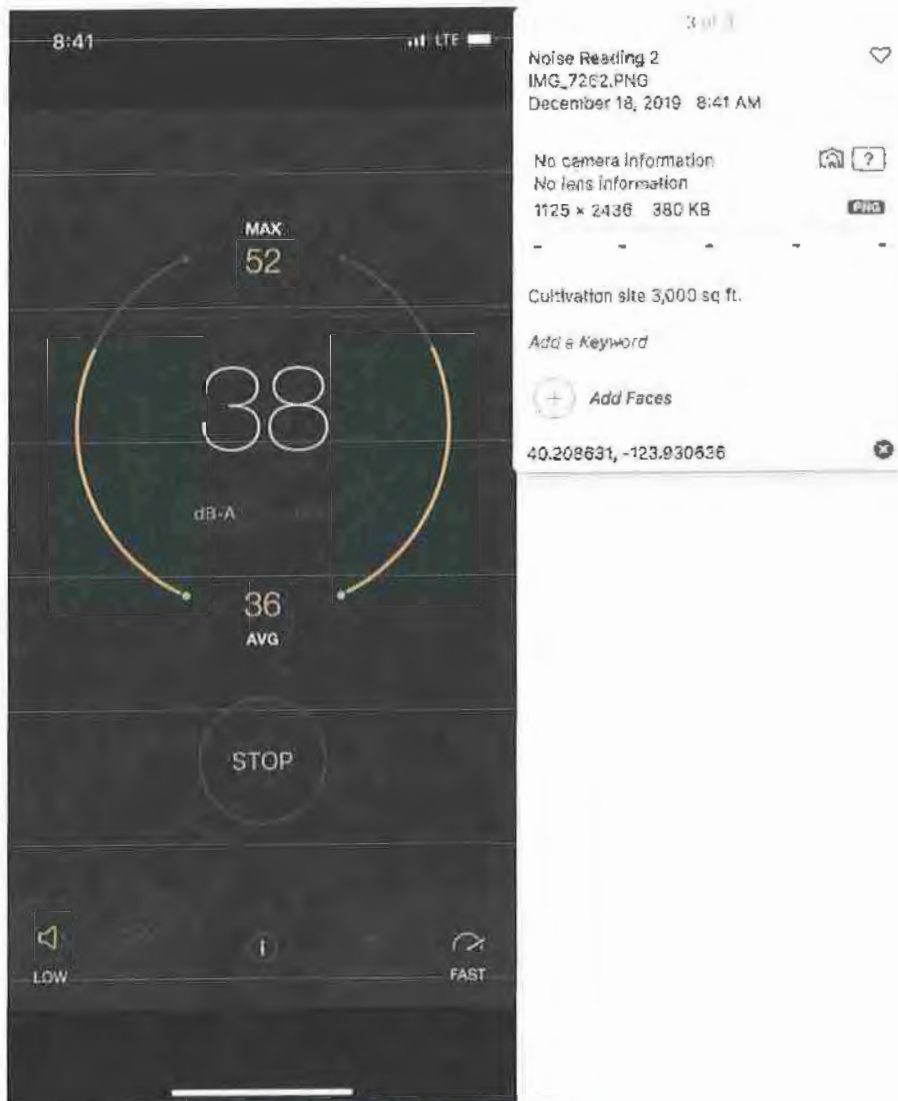


Image 2: Reading at 3,000 sq. ft. site

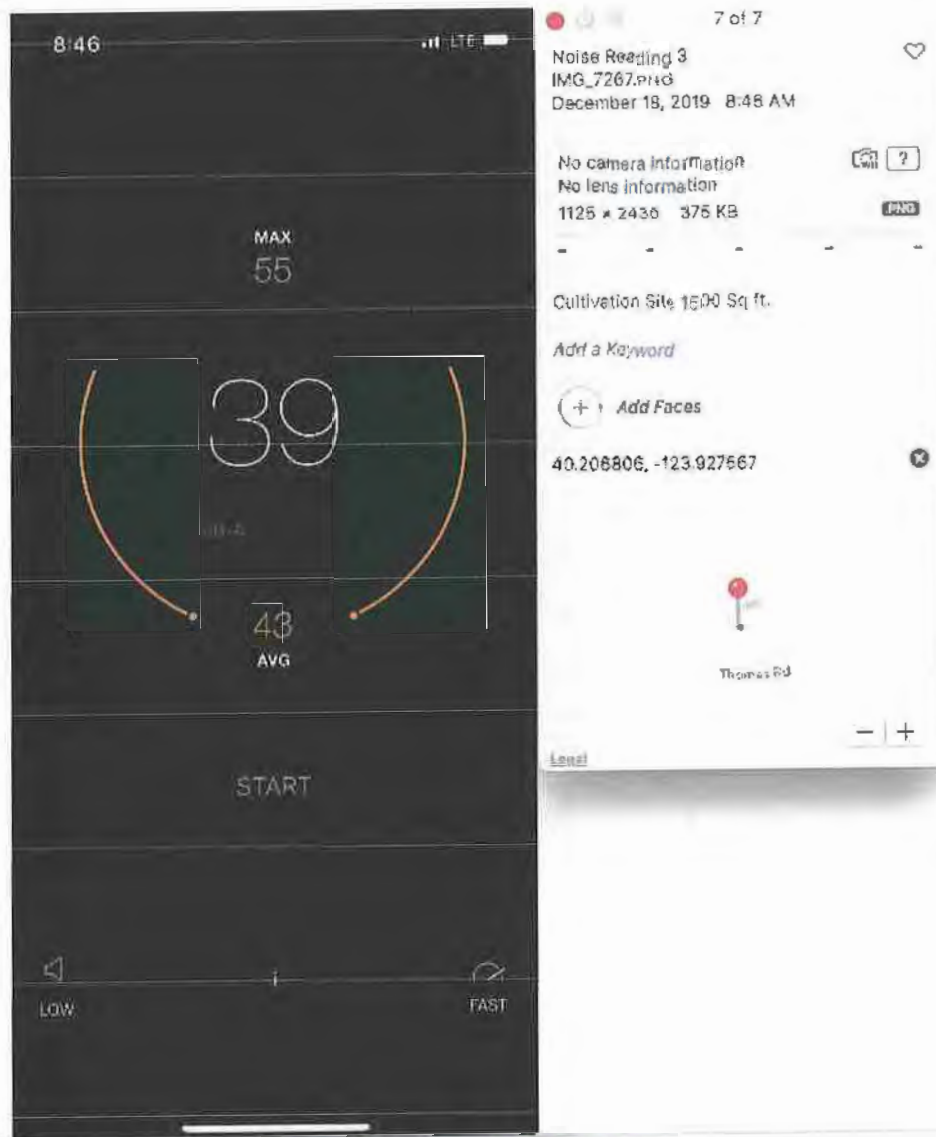


Image 3: Reading at 1500 sq. ft. site

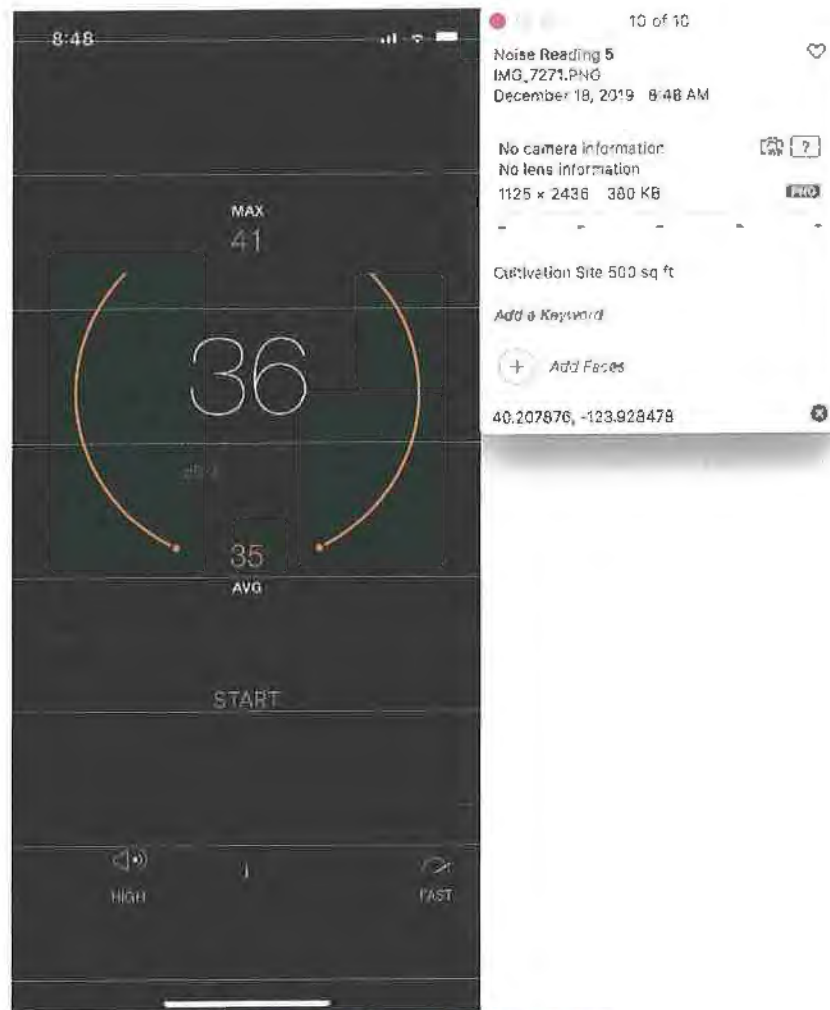


Image5: Reading at 500 sq. ft. site



Dear Liza Welsh.

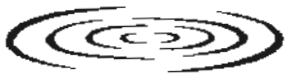
Michael Benson would like to make an addendum to his application 15220. Previously the application wanted to permit 5,000 sq. ft. of existing outdoor light deprivation cultivation. However, upon further review Michael Benson would like to apply for 5,000 sq. ft. of existing full sun/outdoor cultivation without the use of light deprivation.

The operations plan and site management plan reflect these changes. If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tashina Welliver", with a long horizontal flourish extending to the right.

Tashina Welliver



August 29, 2019

Ken Freed
Humboldt County Department of Public Works
1106 Second Street
Eureka, CA 95501-0579



RE: Road Evaluation Reports for APNs 221-061-032 and 221-081-001 (Benson Property)

Dear Mr. Freed,

Enclosed are four Road Evaluation Reports covering 8.8 miles of road accessing APNs 221-061-032 and 221-081-001. These Road Evaluation Reports were originally created for the Blido property (APN 221-081-004) and Leach (APN 221-091-021 & -023).

The following four road evaluations are products prepared for other clients with other projects. Please do not confuse the names or APN's from those other projects. Together these represent an evaluation of the complete road segment to the Benson project. They are being provided as a package to fulfill this project's requirement in a cost savings effort. Thank you in advance for accepting this complete road evaluation in this format.

Please don't hesitate to contact me with any questions.

Sincerely,

Joel Monschke, PE
Civil Engineer
jmonschke@stillwatersci.com
cell: 707-496-7075

Addition 1.1

Public Works Apron Pavement:

Documentation that apron has been paved, per CW Ranch. Jeremy Parker at Parker & Sons can be contacted for additional information, as well as Ken Freed at Public Works (445-7205). I have included the letter from CW Ranch that states as such.



Dear Salmon Creek Neighbor (and fellow holder of a county cannabis permit)

By now you've seen the paving job where private graveled Thomas Road meets the end of the paved county road at the Snack Shack. The paving was done as part of the compliance agreement between CW Ranch, operated by Cheryl Woodard and Susan Combes, and the county so that the county would sign off on our agreement at the end of October.

Ken Freed, public works assistant engineer (445-7205) told me when I went in to clear the public works element of our compliance agreement that Cheryl and I are the first ones in the neighborhood to get this far with our licensing, that county code requires any business that operates out of a private road or driveway meeting a county road to bring the first 50 feet of that private road or drive to the same surface as the joining county road, and to complete our permit process the task of paving the intersection would fall on us. "Congratulations," he said, adding that if it hadn't been us somebody would have had to do it before any permits were finalized.

Translated, that means that for any of us to get our permanent license, we're all responsible for paving the intersection. Timing had it that the task fell on Cheryl and me.

So I called around, talked to pavers, found Parker & Sons who were doing a similar job in Briceland and met on site with Jeremy Parker. Originally he said he thought he could do the job for around \$8,000. But we made more phone calls, found other folks who needed paving to get their permits and because he could do several jobs while his equipment was in The Creek, he dropped the price to \$6,000. There is no way to have the work done for any less. That bill has been paid by check drawn on CW Ranch.

I went to county building department, filed a public records request and received a list of people doing business on Thomas Loop Road and Early Ranch Road (also regarded by county as Thomas Road) who either have received permits or are completing their permit process. Your name is on that list.

We are well aware that the permit process is expensive, time consuming and frustrating. And we are well aware of what has happened to the price of cannabis. We're all in the same boat. But we've just shelled out \$6,000 for the paving, \$267 to county for the paving permit and a fair amount of energy to get the work done, a task that is required for all of us and benefits us all.

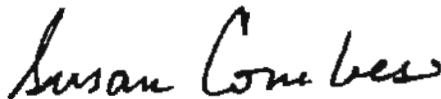
Now we're asking you to share the cost with us. There are 33 names on the list of people who are doing business along the various forks of Thomas Road. That includes those of us already holding some sort of permit in addition to those well into the permit process. The reality is that some folks most likely won't complete the permit process and, unfortunately, others won't pay for a variety of reasons. But if all 33 of us were to contribute it comes to \$200 each, a far cry from the \$6,267 we paid out.

Please pay your fair share. I can provide the list of permittees from the county as well as proof of our payment. We will certainly provide you with a receipt for your payment. Cheryl and I are available to talk with anyone who needs more information. And Ken from public works can explain the situation to you if you think the code doesn't apply to you.

We look forward to hearing from our friends and neighbors.

Susan Combes

CW Ranch



susancombes2@gmail.com 707-786-9142

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Public Works Land Use	✓	Approval	Attached
Department of Environmental Health	✓	Conditional Approval	Attached
Building Inspection	✓	Conditional Approval	Attached
Cal Fire	✓	Other Comments	Attached
Humboldt County Sheriff	✓	Other Comments	On file
NWIC	✓	Other Comments	On file
Bear River Band	✓	Other Comments	On file
Division of Water Rights		No response	
Cal Fish and Wildlife		No response	
Sinkyone Intertribal Wilderness Council		No response	
County Counsel		No response	
District Attorney		No response	
Ag Commissioner		No response	
Salmon Creek VFC Response Area		No response	
RWQCB		No response	
NCUAQMD		No response	
Southern Humboldt Unified School District		No response	



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Liza Welsh, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/28/2019

RE:

Applicant Name	MIKE BENSON
APN	221-081-001
APPS#	PLN-15220-ZCC

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted road evaluation report forms for projects in the area. The forms are from a previous road evaluation report, stamped 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 road evaluation report forms submitted were for APNS 221-091-021 & -023 (apps# 12530 & 12522) and APN 221-081-004 (apps# 10653) which are located near the subject parcel. Advise that the Planning Division obtain a letter from the Engineer stating that this project is covered under this report or provide an addendum to the report for the additional project site. Additionally, no road evaluation report form for the subject parcel and application has been submitted.

The Department requires all recommendations in Segment 3 and 4 to be completed. Along with any new recommendations for the extra length of roadway

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15220

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //



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

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name Michael A Benson
Address 1 Michael A Benson **Address 2** PO Box 422
City Miranda **State** CA **Zip** 95553

OWNERS NAME AND MAILING ADDRESS

Name Michael A Benson **Email**
Address 1 PO Box 422 **Address 2**
City Miranda **State** CA **Zip** 95553

SITE INFORMATION

Parcel Number 221-081-001-000 **Application Number** PLN-2018-15220
Street Address 3598 Thomas Rd **City** Whitethorn **State** CA **Zip** 95589

PRESITE INVESTIGATION

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

Inspector Notes

7/16/19 15220

-Revise site map to show two greenhouses with correct dimensions at number 15 on site map, number 7 garage building as not cannabis associated, the dry shed northeast of number 19, number 4 as a proposed 500 sqft propagation greenhouse, all proposed structures with correct dimensions, any proposed grading if proposing grading, and all existing greenhouses.
RM

QUESTIONS? Please contact the County of Humboldt Building Division

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: