



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: June 4, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Eel River Produce, LLC, Special Permits and Zoning Clearance Certificates**
Record Numbers: PLN-2019-15762; PLN-2020-16332; PLN-2019-15674; PLN-13290-SP
Assessor's Parcel Number: 209-331-002
1048 Holmes Flat Road, Redcrest area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 4, 2020	Special Permits and Zoning Clearance Certificates	Stephen Luther

Project Description: A Special Permit for 43,200 square feet of new outdoor light-deprivation commercial cannabis cultivation in eighteen (18) temporary hoop houses. Cultivation will occur from April 15th to October 15th and will achieve up to two harvest cycles. The property will also farm 80,000 square feet of new outdoor full-sun cultivation that will be relocated to the site through the Retirement, Remediation and Relocation (RRR) program. Three (3) RRR ZCCs will be considered at this hearing with a fourth RR to be considered under a separate permit. The total cultivation at full build-out is 123,200 square feet (2.82 acres). A 10,000-square-foot commercial nursery in four (4) greenhouses will produce seeds and clones and was approved with a separate ZCC. No supplemental light is used in the light-deprivation or nursery greenhouses. The operation uses partial dry farming methods. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. Annual water use at total build-out for the cultivation areas is estimated at 169,500 gallons, of which 19,000 gallons is used for the nursery. Storage consists of 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons of proposed storage. At peak harvest, there will be up to fourteen (14) workers on-site. Harvested product will be fresh frozen and taken off-site. No drying or processing occurs on-site. P.G.&E. supplies power to the site. A Special Permit is also requested to reduce the required 600-foot setback from Humboldt Redwoods State Park.

Project Location: The project is located in the Redcrest area, on the south side of Holmes Flat Road, approximately 1,700 feet west from the intersection of Holmes Flat Road and Tierney Road, on the property known as 1048 Holmes Flat Road.

Present Plan Land Use Designation: Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit; Timberland (T), Density: Range is 40 to 160 acres per unit, Avenues Community Planning Area: Stafford-Redcrest, 2017 General Plan, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: Agricultural Exclusive (AE), Flood Hazard Area (F); Timberland Production (TPZ)

Record Number(s): PLN-2019-15762; PLN-2020-16332; PLN-2019-15674; PLN-13290-SP

Assessor's Parcel Number: 209-331-002

Applicant

Eel River Produce, LLC
Mike Lentz
4632 Walnut Drive
Eureka, CA 95503

Owner

Wyatt Williamson
PO Bo 764
Loleta, Ca 95551

Agent

Same as Applicant

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

Major Issue: None.

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

Eel River Produce, LLC

Record Numbers: PLN-2019-15762; PLN-2020-16332; PLN-2019-15674; PLN-13290-SP

Assessor's Parcel Number: 209-331-002

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits, Zoning Clearance Certificates and Variance based on evidence in the staff report, and adopt the Resolutions approving the proposed Eel River Produce, LLC, Special Permits and Zoning Clearance Certificates subject to the recommended conditions.

Executive Summary

The project is for a Special Permit for 43,200 square feet of outdoor light deprivation that will occur in eighteen (18) temporary hoop houses between April 15 and October 15. The applicant is seeking an additional 80,000 square feet of full-sun cultivation that will occur in a single full-term harvest from June 1 to November 1. The total cultivation area at full build-out is 123,200 square feet (2.82 acres). The project also consists of a 10,000-square-foot commercial wholesale nursery proposed in four (4) temporary hoop houses. Plants will be grown from seed or clones. There are 15.3 acres of mapped Prime Agricultural Soil on the parcel. The cannabis cultivation site is limited to no more than 20% of the total prime ag soil. The project does not exceed the 20% threshold (i.e. is less than 133,294 square feet).

The project proposes to be the receiving site of four (4) entitlements relocated to the site through the Retirement, Remediation and Relocation (RRR) program. This permit will consider three Zoning Clearance Certificates each authorizing 20,000 square feet of RRR cultivation being relocated from APN 511-191-003 (PLN-11618-ZCC), APN 522-025-005 (PLN-2019-15674), and APN 104-212-013 (PLN-13290-ZCC). An as-yet unidentified RRR site will be considered for 20,000 square feet of cultivation under a separate Zoning Clearance Certificate.

The subject parcel is accessed via a private driveway directly off Holmes Flat Road, a paved County-maintained road with a centerline stripe. The access road meets the functional equivalency of a Category 4 road and is suitable for the proposed commercial agriculture activity. A total of seven (7) full-time employees are needed, of which five (5) are associated with the cultivation and two (2) are associated with the nursery. An additional seven (7) temporary workers would be used. The maximum number of people onsite during harvest is fourteen. Twenty-four (24) parking spaces are shown on the Site Plan, of which two (2) are ADA compliant, twelve (12) are available for employees, and ten (10) are available for the commercial nursery employees and customers and regulatory staff. Power is provided by Pacific Gas and Electric (P.G.&E.). The applicant will purchase 100% renewable electricity through the RePower+ program. An ongoing operational condition requires the applicant provide proof of enrollment in a program meeting the renewable energy standard. Harvested product will be fresh frozen and taken off-site. Processing occurs off-site.

The sole source of irrigation water is rainwater catchment stored in tanks. There is currently 120,000 gallons of full tank storage on-site in twenty-four (24) 5,000 gallon HDPE tanks. The applicant will add an additional 50,000 gallons of tank storage to meet the irrigation needs of cultivation at full build-out. Rainwater will be collected directly into the tanks. Cannabis is partially dry-farmed. Annual water use at total build-out for the operation is estimated at 169,500 gallons. Water meters will be used to quantify irrigation water use. The applicant provided a Site Management Plan. The

proposed cultivation site is on a less than 2% slope. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

The proposed cultivation area would occur in an agricultural field and ruderal area. The vegetation is predominately non-native grasses and other non-native herbaceous vegetation. An unnamed Class II stream drains off the southern portion of the property, and two (2) ephemeral streams drain into a human-created Class IV drainage ditch that runs south-north along the eastern edge of the property, and then bisects the center of the property running west. The ditch does not hold water year-round and serves as a buffer between the agricultural fields and the forested habitat. According to the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by Pacific Watershed Associates in July 2019 (hereinafter referred to as Biological Report), there are three (3) wetlands identified on the site. A fourth test pit was dug on the western edge of the drainage ditch, but the area did not exhibit the wetland hydrology in order to classify as a 3-parameter wetland.

The biological report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined a high potential for maple-leaved checkerbloom and Northern Spotted Owl. A seasonally appropriate protocol survey was completed for maple-leaved checkerbloom, and no plants were found. A Northern Spotted Owl (NSO) survey specific to a proposed THP on the southern forested portion of the parcel was conducted on June 6, 2019 and is included in Appendix B of the Biological Report. The survey detected zero NSO within a 0.7-mile radius of the property. There are three (3) activity centers across the Eel River to the north and northeast approximately 1.3 miles away, and one (1) 1.3 miles to the southwest. Marbled Murrelet mapped habitat is located on Redwood State Park land approximately 0.2 miles from the site. The Biological Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.

A noise study was completed measuring ambient noise levels at three property line locations (north, east and west) over a 24-hour period. The combined night-time and day-time average ambient noise was approximately 40 decibels. Ongoing operational conditions require the applicant to maintain noise levels no more than 3 decibels above existing ambient noise i.e. no more than 43 decibels of continuous noise. No supplemental lighting is used in the nursery greenhouses or light-deprivation operation. The project was referred to the California Department of Fish and Wildlife (CDFW) on November 20, 2019. Referral comments were received on April 30, 2020. Staff responded to CDFW concerns in an email dated May 5, 2020.

The cultivation area is located approximately 446 feet from the public land; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from Redwood State Park is included as a part of the applicant's request. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The *HRSPGP* identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The *HRSPGP* states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring

adequate road access. The HRSPGP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, a Site Management Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

The project was referred to Humboldt Redwoods State Park in November 20, 2019. A draft of this Staff Report was sent to the State Park employee point of contact on May 5, 2020. A subsequent email was sent on May 7 with the revised Site Map. Comments were requested to include in the staff report. No comments have been received to date.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Daily Ranch Road located approximately 1-mile south of the project site. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the new cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

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

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

Resolution Number 20-

**Record Number: PLN-2019-15762
Assessor's Parcel Number: 209-331-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Eel River Produce, LLC, Special Permits.

WHEREAS, Eel River Produce, LLC, submitted an application and evidence in support of approving the Special Permit for 43,200 square feet outdoor light deprivation cannabis cultivation. Irrigation water is provided by rainwater catchment. Drying and processing is off-site. Power is provided by P.G.&E.; and

WHEREAS, Eel River Produce, LLC, submitted an application and evidence in support of approving the Special Permit to allow for a reduction of the 600-foot setback back to Public lands; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-2019-15762) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 2020.

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

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permits Record Number PLN-2019-15762 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

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

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

Resolution Number 20-

**Record Number: PLN-2020-16332
Assessor's Parcel Number: 209-331-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Eel River Produce, LLC, Zoning Clearance Certificate.

WHEREAS, Eel River Produce, LLC, submitted an application and evidence in support of approving the Zoning Clearance Certificate for 20,000 square feet of full-sun outdoor cultivation. Irrigation water is provided by rainwater catchment. Drying and processing is off-site; and

WHEREAS, the retiring site has executed a covenant; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-2020-16332) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 2020.

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

2. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
4. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
5. Zoning Clearance Record Number PLN-2020-16332 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

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

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

Resolution Number 20-

Record Number: PLN-2019-15674

Assessor's Parcel Number: 209-331-002

Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Eel River Produce, LLC, Zoning Clearance Certificate.

WHEREAS, Eel River Produce, LLC, submitted an application and evidence in support of approving the Zoning Clearance Certificate for 20,000 square feet of full-sun outdoor cultivation. Irrigation water is provided by rainwater catchment. Drying and processing is off-site; and

WHEREAS, the retiring site has executed covenant, restoration compliance agreement, bond; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-2019-15674) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 2020.

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

3. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
6. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
7. Zoning Clearance Record Number PLN-2019-15674 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

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

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

Resolution Number 20-

Record Number: PLN-13290-SP

Assessor's Parcel Number: 209-331-002

Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Eel River Produce, LLC, Zoning Clearance Certificate.

WHEREAS, Eel River Produce, LLC, submitted an application and evidence in support of approving the Zoning Clearance Certificate for 20,000 square feet of full-sun outdoor cultivation. Irrigation water is provided by rainwater catchment. Drying and processing is off-site; and

WHEREAS, the retiring site has executed covenant, restoration compliance agreement, bond; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-13290-SP) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 2020.

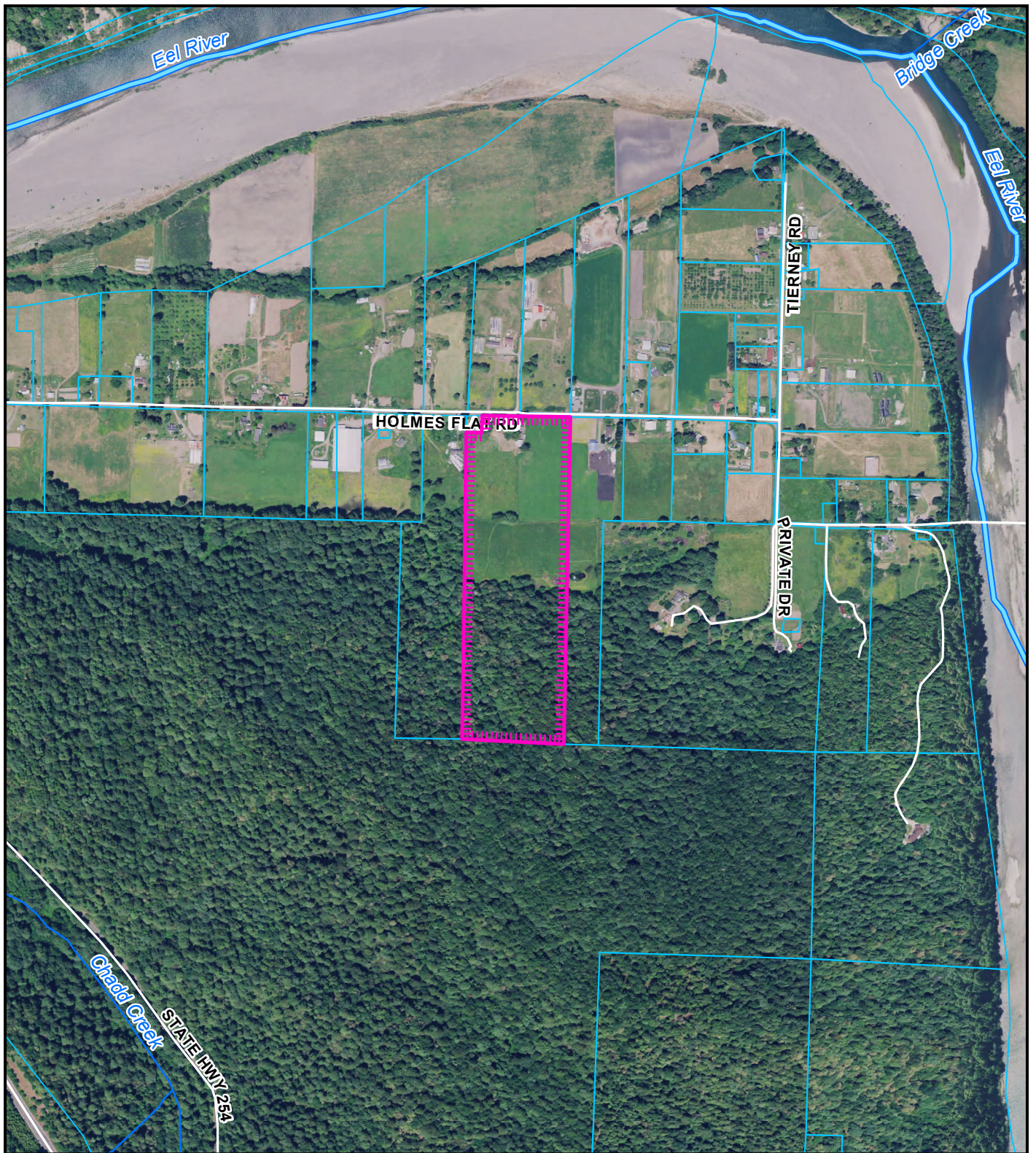
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

4. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
8. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
9. Zoning Clearance Record Number PLN-13290-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

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



**AERIAL MAP
PROPOSED EEL RIVER PRODUCE
PEPPERWOOD AREA**

PLN-2019-15762

APN: 209-331-002

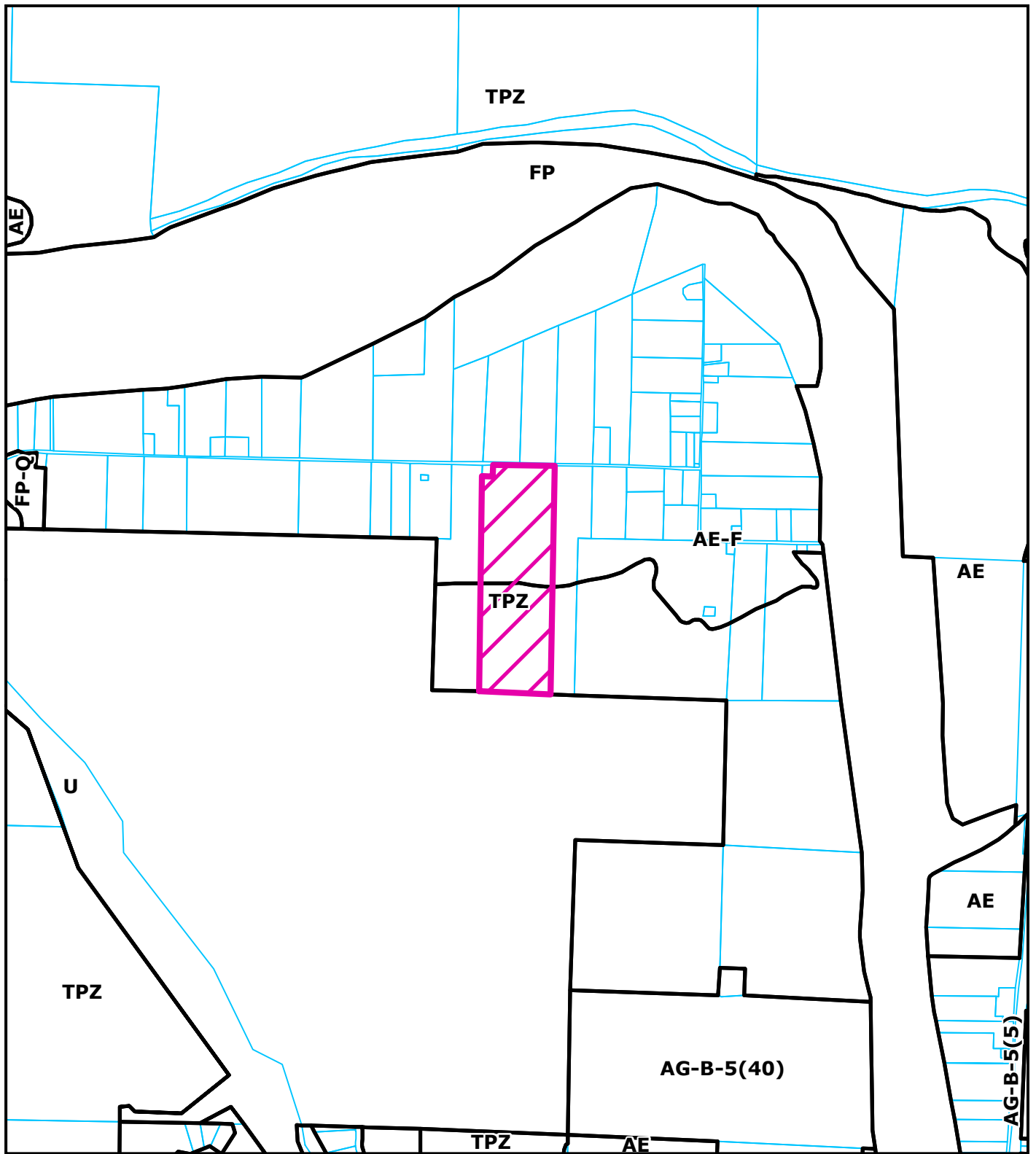
T01N R02E S34; T01S R02E S3 HB&M (REDCREST)

Project Area = 

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

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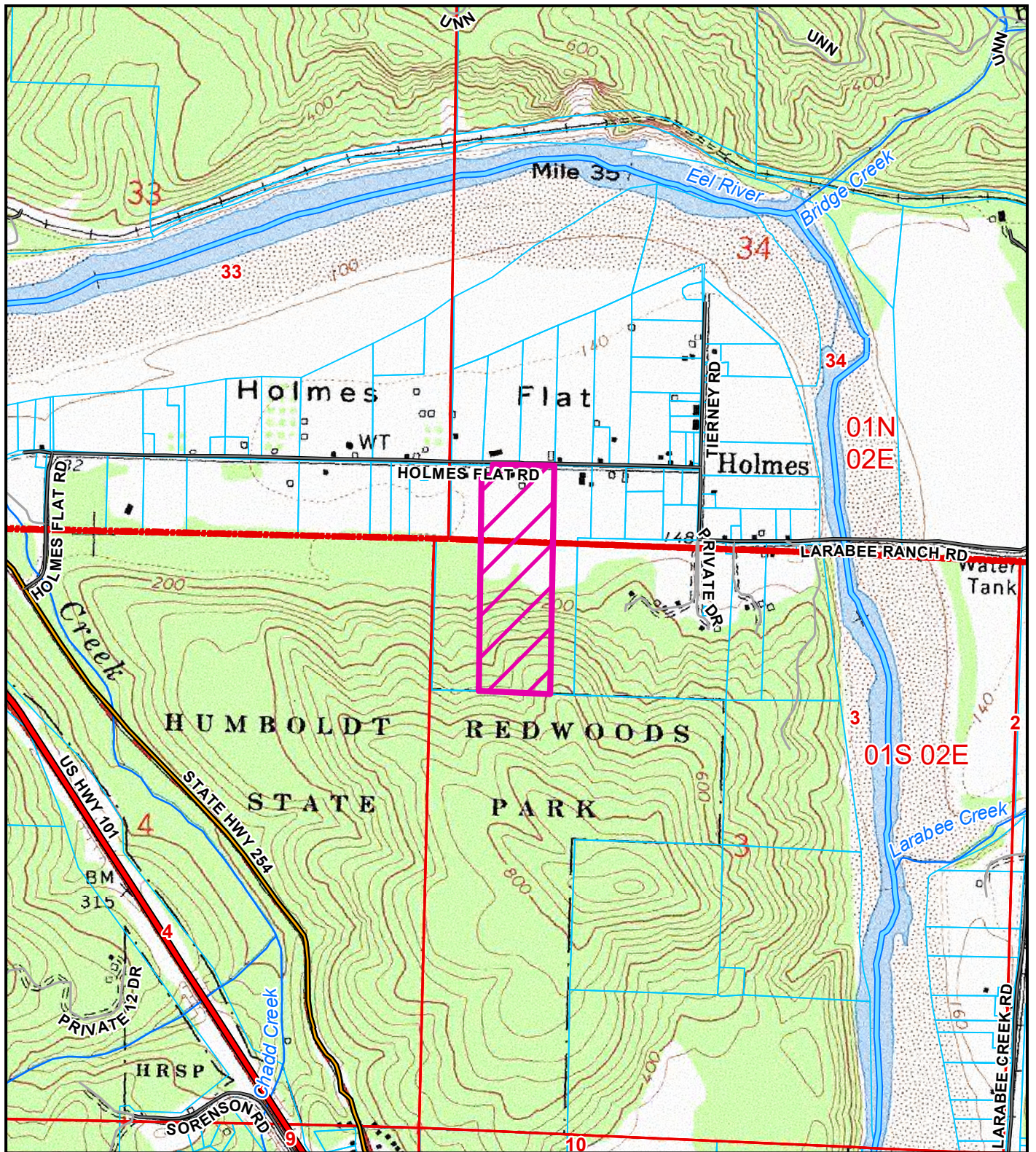
Project Area =

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

ZONING MAP
PROPOSED EEL RIVER PRODUCE
PEPPERWOOD AREA
PLN-2019-15762
APN: 209-331-002
T01N R02E S34; T01S R02E S3 HB&M (REDCREST)

0 1,000 2,000

Feet



**TOPO MAP
PROPOSED EEL RIVER PRODUCE
PEPPERWOOD AREA**

PLN-2019-15762

APN: 209-331-002

T01N R02E S34; T01S R02E S3 HB&M (REDCREST)

Project Area = 

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ATTACHMENT 1
Recommended Conditions of Approval

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

1. Noise generated from the operation, including fans and dehumidifiers, shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.12.6 Humboldt County Code.
2. Noise generated from the operation shall not exceed 3 decibels above pre-project baseline ambient noise levels.
3. 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.
4. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to hosting customers on-site for the commercial nursery. Portable toilet and handwashing facilities will be utilized for cultivation staff and may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees either through 2020 or until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
5. The applicant shall comply with the Temporary Structures in the Flood Zone Agreement and remove all hoop house structures from the property annually between October 16th and April 15th.
6. The applicant shall adhere to the recommendations contained in the *Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan* prepared by Pacific Watershed Associates dated July 2019 and submit annual monitoring records for invasive species at the time of the annual inspection.
7. Prior to commencing operations, the applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including the eighteen (18) greenhouses. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
8. The applicant shall submit copies of all documents filed and/or obtained from the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
9. The applicant shall contact the local fire service provider [Redcrest Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation

measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

10. The driveway shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Holmes Flat Road. 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.
11. Surfaced parking lots shall have an oil-water filtration system prior to discharged into any County-maintained facilities.
12. 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.
13. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
14. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse

required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Power is to be supplied by PG&E. Applicant shall demonstrate at the time of the annual inspection that all power for the cultivation operation is sourced from 100% renewable power through the RCEA RePower+ program as stated in the Operations Plan.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the California Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. Artificial light used in cultivation operation will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.

Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
23. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. All cultivators shall comply with the approved Processing Plan as to the following:
 - i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.

- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

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

Permittee further acknowledges and declares that:

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

29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

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

Informational Notes:

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

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #27 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

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

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

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is

required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

ATTACHMENT 2

Required Findings for Approval

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

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

1. The proposed development is in conformance with the County General Plan, the Open Space Plan 2017, and the Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all requirements of the Humboldt County Zoning Code;
4. The proposed development conforms with all applicable standards and requirements of these regulations; and
5. The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and
6. 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.
7. 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.
8. 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.
9. The proposed development is not located on the same lot where conditions or activities are being conducted which are a part of the proposed development and in violation of the County Code, unless the zoning clearance is necessary for the abatement of the existing violations.

The County Zoning Ordinance, Sections 312-2.4 (Required Findings for All Zoning Clearance Certificates) of the Humboldt County Code specifies the findings that are required to approval and immediately issue a Zoning Clearance Certificate:

1. The proposed development conforms with all requirements of the Humboldt County Zoning Regulations;
2. The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and
3. The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations 4.8	<p>Agricultural Exclusive (AE): This designation applies to bottomland farms and lands that can be irrigated. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture.</p> <p>Timberland (T): This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Density range is 40-160 acres/unit.</p> <p>Avenue of the Giants Community Plan Area (AVES): This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The proposed project includes 43,200 square feet outdoor light deprivation cannabis cultivation on lands designated as Agricultural Exclusive. The site also proposes to receive four (4) RRRs totaling 80,000 square feet. A commercial wholesale nursery was previously approved under a separate Zoning Clearance. General agriculture is allowable use type for this designation.</p> <p>The southern half of the site is planned Timberland. No cannabis activity is proposed in this area.</p> <p>The proposed project is within the Myers Flat community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The proposed project will consist of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Myers Flat community. The proposed project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. As</p>

		such, the proposed project would be consistent with both the General Plan and AVES CPA.
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,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	The subject parcel is accessed via a private driveway directly off Holmes Flat Road, a paved County-maintained road with a centerline stripe. The access road is therefore a Category 4 road suitable for the proposed commercial agriculture activity. The site meets all referenced road standards. Public Works has commented and requested conditions of approval. The driveway intersection at Holmes Flat Road shall be maintained in accordance with the County Site Visibility Ordinance and have a paved encroachment 20 feet wide and 50 feet long. All fences and gates shall be relocated out of the County right of way. Any surfaced parking lots will be designed with an oil-water filtration system. These have been included as Conditions of Approval for the project.
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Public Lands Chapter 4.7	<p>Goals and policies contained in this Chapter present a framework of goals and policies for use and protection of all the natural resource and open space assets of the county, including agricultural production.</p> <p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and</p>	The project is located adjacent to state lands managed by the California State Parks as Humboldt Redwoods State Park. The adjacent public lands are subject to the Humboldt Redwoods State Park General Plan (GP) adopted October 26, 2001. The project is consistent with the GP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the

	consistency with applicable management plans.	<p>storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The GP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails.</p> <p>The project was referred to Humboldt Redwoods State Park on November 20, 2019. A draft of the staff report and second request for comments was emailed on May 4, 2020. State Parks staff is reviewing the project but no comments have been received to date.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Agriculture Exclusive/Timberland, zoned Agriculture Exclusive/Timber Production Zone, and in the Flood Hazard Combining Zone. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The proposed cultivation area would occur in an agricultural field. The vegetation is predominately non-native grasses and other non-native herbaceous vegetation. Approximately 14 acres in the southern portion of the parcel are forested, characterized by second-growth coast redwood and Douglas fir. An unnamed Class II stream drains off the southern portion of the property, and two (2) additional ephemeral streams are mapped in the southern half of the parcel. A human-created Class IV drainage ditch runs south-north along the eastern edge of the property, and then bisects the center of the property running west. The ditch does not hold water year-round and serves as a buffer between the agricultural fields</p>

		<p>and the forested habitat. According to the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by Pacific Watershed Associates in July 2019 (see Attachment 4), there are three (3) wetlands identified on the site. The biological recommendation prepared by PWA originally called for a 50-foot buffer for the wetlands. Based on CDFW comments noting that these are perennial wetland areas, the buffer has been increased to 150 feet from the edge of the wetlands as shown on the revised site plan. A fourth test pit was dug on the western edge of the drainage ditch, and although hydrophitic vegetation and hydric soils were identified, the area did not exhibit wetland hydrology in order to classify as a 3-parameter wetland. The cultivation area meets all setbacks from watercourses.</p> <p>The Biological Reconnaissance report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined a high potential for maple-leaved checkerbloom and Northern Spotted Owl. A protocol survey was completed for maple-leaved checkerbloom, and no plants were found during a seasonally appropriate survey.</p> <p>A Northern Spotted Owl (NSO) survey specific to a proposed THP on the southern forested portion of the parcel was conducted on June 6, 2019, and is included in Appendix B of the Biological Report. The survey detected zero NSO within a 0.7-mile radius of the property. There are three (3) activity centers across the Eel River to the north and northeast approximately 1.3 miles away, and one (1) 1.3 miles to the southwest. Marbled Murrelet mapped habitat is located on Redwood State Park land approximately 0.2 miles from the site. The Biological Reconnaissance Survey found low potential for Marbled Murrelet habitat to occur in the forested southern portion of the site.</p> <p>Pre-project ambient noise readings taken at 3 points of the property line logged an average of 40 decibels. The project cannot result in an increase of 3 decibels of continuous project noise levels over ambient levels. The noise generated by fans in greenhouses will not exceed 43 decibels at the property line. In addition,</p>
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		<p>greenhouses will not be in operation between October 15th and April 15th. There will be no supplemental lighting used in the nursery greenhouses or in the light deprivation hoop houses.</p> <p>The project was referred to CDFW on November 20, 2019. Referral comments were requested again on April 21, 2020. Comments were received on May 1, 2020. Staff responded to CDFW comments on May 5 (see Attachment 5). CDFW recommended the denial of the request to reduce the 600-foot setback to public lands. The project will not use supplemental lighting and noise will be limited as described above.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeologic survey is not required at this time. A Cultural Resource Survey was completed by Archaeological Research and Supply Company in December 2019. The report found no cultural resources. The Bear River Band THPO recommendation to incorporate inadvertent discovery protocols is included as an ongoing condition of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The proposed cannabis cultivation and commercial nursery will be outdoor only. Cultivation and nursery activity will take place in hoop houses with no supplemental lighting. The project site is not visible from Highway 101. CCLUO requires that lighting used for cultivation activity comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).</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);</p>	<p>The project site is a flat agricultural field with a less than 2% slope. The agricultural field is cover cropped in the winter which helps keep water on the site. Planting occurs directly in the native soil which is amended as needed. The applicant is required to enroll in the State Cannabis</p>

	<p>watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The site is developed with a single-family residence served by an unpermitted septic system. The applicant provided a septic site suitability survey prepared by Pacific Watershed Associates. The applicant is proposing to utilize portable toilets for cultivation staff. Prior to authorizing the public on-site for the commercial nursery, the applicant must install a permitted OWTS with an ADA-compliant restroom. The project was referred to the County Division of Environmental Health which has recommended conditional approval of the project. As a condition of approval, the applicant must continue to furnish receipts showing the continual use of portable bathroom facilities until the OWTS is permitted.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located within 1 mile of a mapped Northern Spotted Owl (NSO) activity center and within 0.2 miles of mapped Marbled Murrelet habitat. Projected noise sources are 60 snap-fans. An on-going condition of approval requires noise from the operation not to exceed 3 decibels above ambient noise levels and in no event more than 50 dB as measured 100 feet from the source.</p>
<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</p>	<p>The parcel is mapped as having moderate and low geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped landslides on the agricultural</p>

	<p>from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>portion of the property. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation will occur are less than 15%. There are no erosion control or runoff issues in the project area. An Erosion Control Plan was prepared for the Timber Harvest Plan evaluating the geologic stability of the proposed THP area. No erosion issues were identified that would impact or be impacted by the proposed project. The operation will comply with best practices for winterization. The proposed uses are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is located in the F- Flood Hazard Area Combining Zone and is mapped within the 100-year flood zone (FIRM Panel 1465). The project proposes to construct temporary hoop houses in the flood zone for cannabis cultivation. The temporary hoop houses will be deconstructed and construction materials removed annually between October 16th and April 14th as stipulated in the Removal of Temporary Hoop House Agreement (see Attachment 4). No new structures are proposed. The project will not impede the drainage of flood waters and does not pose a risk to the loss of public or private property from flood damage. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a mild to high fire hazard severity. The subject property is located within the Redcrest Volunteer Fire Department response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>With respect to the Fire Safe Ordinance (Section 3111-1 et seq.), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turn-</p>

		around and pullout area for emergency vehicles and 2,500 gallons of water storage dedicated for fire suppression.
Community Infrastructure and Services Element Chapter 5 Implementation Action Plan	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.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Redcrest Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

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

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<p>§312-1.1.2</p> <p>Legal Lot Requirement</p>	<p>Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.</p>	<p>The subject parcel has been determined to be one legal parcel as described in Creation Deeds 1914-06556 (Lots 23 and 24 of Recorded Survey recorded in Book 5 of Surveys page 51) and 1924-04595 (exception of lot 23 of Recorded Survey recorded in Book 5 of Surveys page 51). There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.</p>
<p>§312-2.4</p> <p>Zoning Clearance Certificates</p>	<p>The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and</p> <p>The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and</p> <p>The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel.</p>	<p>The proposed Zoning Clearance Certificates are analyzed throughout this staff report in combination with Special Permit as all development will be on the same parcel. The project confirms with all the requirements of the Humboldt County Zoning Regulations. The subject parcel has been determined to be one legal parcel as described in Creation Deeds 1914-06556 (Lots 23 and 24 of Recorded Survey recorded in Book 5 of Surveys page 51) and 1924-04595 (exception of lot 23 of Recorded Survey recorded in Book 5 of Surveys page 51). There are no active violations on the subject parcel. The project therefore conforms with the requirements to issue Zoning Clearance Certificates.</p>

<p>§314-7.1 Agriculture Exclusive</p> <p>§314-21 Flood Hazard Areas</p> <p>§314-7.4 Timberland Production Zone</p>	<p>AE: This zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.</p> <p>F: Combining zone intended to minimize public and private losses due to flood and tsunami conditions</p> <p>TPZ: This zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p>	<p>The proposed project is a Special Permit for 43,200 square feet of new cannabis cultivation on a parcel zoned AE/F and TPZ. The project will receive an additional 80,000 square feet through the RRR program. All development will be located in the AE-zoned portion of the subject parcel; no development will occur in the TPZ portion of the subject parcel. The proposed use is an agricultural use that is specifically allowed with a Special Permit in the AE zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.</p>
Min. Lot Size	<p>AE: 20 acres</p> <p>TPZ: 160 acres</p> <p>40 acres of the provisions of Government Code Section 51119.5 are met.</p>	30.5 acres
Min. Lot Width	<p>AE: 100 feet</p> <p>TPZ: None specified</p>	2,650 feet
Max. Ground Coverage	<p>AE: 35%</p> <p>TPZ: None specified</p>	<40%
<p>Minimum Yard Setbacks:</p> <p>(Through the SRA requirements)</p>	<p>AE: Front: 30 feet</p> <p>Rear: 20 feet</p> <p>Side: 10% of the lot width on each side but not more than 20 feet</p> <p>SRA: 30 feet, all sides</p>	>30 feet all sides
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>The proposed cultivation area would occur in an agricultural field located in the floodplain of the South Fork Eel River. An unnamed Class II stream drains off the southern portion of the property, and two (2) additional ephemeral streams are mapped in the southern half of the parcel. A constructed Class IV drainage ditch runs south-north along the eastern edge of the property, and then bisects the center of the property running west. The ditch does not hold water year-round and serves as a buffer between the agricultural fields and the forested habitat. According to the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by Pacific</p>

		Watershed Associates in July 2019 (see Attachment 4), there are three (3) wetlands identified on the site. The biological recommendation prepared by PWA originally called for a 50-foot buffer for the wetlands. Based on CDFW comments noting that these are perennial wetland areas, the buffer has been increased to 150 feet from the edge of the wetlands as shown on the revised site plan. A fourth test pit was dug on the western edge of the drainage ditch, and although hydrophitic vegetation and hydric soils were identified, the area did not exhibit wetland hydrology in order to classify as a 3-parameter wetland. The project meets all required setbacks of the SMA Ordinance.
Off-Street Parking §314-109.1	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	Twenty four (24) parking spaces are shown on the Site Plan, of which two (2) are ADA compliant, twelve (12) are available for employees, and ten (10) are available for the commercial nursery employees and customers.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		

§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Eel River Produce, LLC submitted four applications for cultivation. The combined cultivation area is approximately 3 acres and the applicant is entitled to eight acres. This application is one Special Permit for a 43,200-square-foot, a ZCC for a nursery, and up to four ZCCs for RRR cultivation area.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	The northern portion of the parcel proposed for cultivation has been in agricultural use for the past 100 years. The area was logged of old-growth redwood forest circa 1906 (see Cultural Resource Survey on file). The southern portion of the property has a Timber Harvest Plan (THP) proposal for the mature second-growth Coast redwood and Douglas fir. No timber conversion is proposed as part of the project.
§314-55.4.6.4.3 Limitation on Use of Prime Soils	The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged	There are 15.3 acres of mapped Prime Agricultural Soil on the parcel. The use of prime agricultural soil for a cannabis cultivation site is limited to no more than 20% of the total. The total cultivation area is 123,200 square feet of outdoor cultivation plus 10,000 square feet nursery. The project does not exceed the 20% threshold (i.e. is less than 133,293 square feet).

§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The Scotia Union Elementary bus stop at the corner of Holmes Flat Road and Tierney Road is 1,500 feet from the cultivation site. The Cultural Resources Study performed by Archaeological Research and Supply Company, and the Tribal Historic Preservation Officer who reviewed the study, have indicated that there are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites. The applicant provided setback reduction waivers for cultivation within 300 feet of residences on APN 209-331-003 to the west and APN 209-331-004 to the north. The residence on the parcel APN 209-331-006 to the east is 400 feet from the site of the proposed drying barn and no setback waiver is required.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.12.1.8 Performance Standards– Road Systems	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.	The subject parcel is accessed via a private driveway directly off Holmes Flat Road, a paved County-maintained road with a centerline stripe. The access road is therefore a Category 4 road suitable for the proposed commercial agriculture activity. The site meets all referenced road standards.

<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The proposed cultivation area would occur in an agricultural field and ruderal area. The vegetation is predominately non-native grasses and other non-native herbaceous vegetation. The northern portion of the property is divided by a constructed ditch, referred to as a Class IV (constructed) watercourse.</p> <p>A Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan was prepared by Pacific Watershed Associates in July 2019. The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined a high potential for maple-leaved checkerbloom and Northern Spotted Owl. A protocol survey was completed for maple-leaved checkerbloom, and no plants were found.</p> <p>The applicant is in the permitting process for a Timber Harvest Plan (THP) on the parcel. Approximately 14 acres in the southern portion of the parcel are forested, characterized by second-growth coast redwood and Douglas fir. The THP included a protocol-level Northern Spotted Owl (NSO) survey. The survey detected zero NSO within a 1.3 mile. Marbled Murrelet mapped habitat is located on Redwood State Park land approximately 0.2 miles from the site. The Biological Reconnaissance Survey found low potential for habitat to occur in the forested southern portion of the site.</p> <p>Ongoing operational conditions require the applicant to maintain noise levels no more than 3 decibels above existing ambient noise. No supplemental lighting is used in the outdoor operation. The project as conditioned to operate meets the mitigation measures of the EIR.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.</p>

<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The proposed project is for 43,200 square feet of new outdoor light-deprivation cannabis, a 10,000 square foot commercial nursery space, and 80,000 square feet of RRR full-sun cultivation area. Clones and seeds are produced on-site in the four (4) proposed nursery greenhouses. No supplemental light will be used in the nursery. No supplemental lighting is used in the light-deprivation greenhouses or full-sun outdoor. All outdoor security lighting shall be angled to prevent light spilling outside the boundaries of the parcel.</p>
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The power source for the project is power on the Pacific Gas and Electric (P.G.&E.) grid. The applicant will purchase 100% renewable energy through the Redwood Coast Energy Authority's RePower+ program. An ongoing operational condition requires the applicant to provide evidence of enrollment in the RePower+ program or another program meeting the 100% renewable energy standard. No generators will be used.</p>
<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Pre-project ambient noise readings taken at 3 points of the property line logged an average of 40 decibels (see Attachment 4). The project cannot result in an increase of 3 decibels of continuous project noise levels over ambient levels. The noise generated by fans in greenhouses will not exceed 43 decibels at the property line.</p>

§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	The irrigation water source is rainwater catchment. Applicant has twenty-four (24) hard-sided 5,000-gallon water tanks. The total water storage currently on-site is 120,000 gallons. Rainwater is collected directly in the tanks. According to the Site Management Plan, the storage tanks occupy a disturbed area totaling 8,400 square feet. Conservatively estimating that at least a 5,000 square foot area could be rigged above the tanks to directly capture and store rainwater. The average rainfall in the Scotia area is between 50 to 60 inches per year. Using the coefficient of 0.62 gal/sf, the operation could capture between 155,000 to 186,000 gallons per year on site. The applicant is required to add additional water storage totaling approximately 50,000 gallons to meet the irrigation needs of approximately 170,000 gallons at full build-out. A water meter will be used to quantify irrigation water use. An unpermitted shallow agricultural well is on the property and presumed hydrologically connected to the South Fork Eel River. The diversionary well will not be used for cannabis irrigation.
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The project utilizes native soil. A cover crop is planted in the winter and amendments are added as needed.
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	All proposed cultivation will occur on existing agricultural land that was previously use for agricultural purposes. The site is hosting cultivation that is being retired on other parcels as part of the County Retirement, Relocation, and Restoration (RRR) program. The remediation for retired cannabis activities is documented in the Zoning Clearance Certificates for the respective retirement sites. Cultivation at the subject parcel is contingent on satisfactory completion of the restoration agreement for the retiring sites.

314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to provide a plan to control the spread of invasive species.	The applicant has provided an invasive species control plan to the Planning Department (see page 13-14 of <i>Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan</i> prepared by Pacific Watershed Associates dated July 2019). The report identified bull thistle, velvet grass, and Himalayan blackberry on the property. Management actions are to mow the agricultural fields twice a year for a period of five years, reseeding with native grasses in between the intervals. Himalayan blackberries should have their above ground canes removed. Conditions of approval require the applicant to adhere to the recommendations contained in the <i>Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan</i> prepared by Pacific Watershed Associates dated July 2019 and submit annual monitoring records for invasive species at the time of the annual inspection.
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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 since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of a 10,000 square feet commercial wholesale nursery, 43,200 square feet of light-deprivation outdoor cultivation in greenhouses, 80,000 square feet of full-sun outdoor cultivation from retired sites under the County's RRR program, with irrigation water provided by rainwater catchment, off-site drying and off-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 209-331-002, 1048 Holmes Flat Road, Redcrest, County of Humboldt

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

May 2020

Background

Project Description and Project History – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption

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

The project is for 43,200 square feet of new outdoor light deprivation occurring in hoop houses, a 10,000 square foot commercial wholesale nursery occurring in four greenhouses, and 80,000 square feet of full-sun outdoor cultivation relocated to the site through the County's Retirement, Remediation and Relocation (RRR) program. There are 15.3 acres of mapped Prime Agricultural Soil on the parcel. The cannabis cultivation site is limited to no more than 20% of the total prime ag soil. The project does not exceed the 20% threshold (i.e. is less than 133,294 square feet). The project site is planned Agriculture Exclusive (AE) and Timberland (T). The proposed cultivation activity would occur on the AE portion of the property.

The sole source of irrigation water is rainwater catchment stored in tanks. There will be 120,000 gallons of tank storage on site. An additional 50,000 gallons will be added to meet the needs of the additional relocated cultivation. Cannabis is partially dry-farmed. Annual water use at total build-out for the cultivation areas is estimated at 169,500 gallons. Annual water use for the nursery is estimated at 19,000 gallons. Water meters will be used to quantify irrigation water use.

The subject parcel is accessed via a private driveway directly off Holmes Flat Road, a paved County-maintained road with a centerline stripe. The access road meets the functional equivalency of a Category 4 road and is suitable for the proposed commercial agriculture activity. A total of seven (7) full-time employees are needed, of which five (5) are associated with the cultivation and two (2) are associated with the nursery. An additional seven (7) temporary workers would be used. The maximum number of people onsite during harvest is fourteen. Twenty four (24) parking spaces are shown on the Site Plan, of which two (2) are ADA compliant, twelve (12) are available for employees, and ten (10) are available for the commercial nursery employees and customers. Power is provided by Pacific Gas and Electric (P.G.&E.). The applicant will purchase 100% renewable electricity through the RePower+ program. Harvested product will be fresh frozen and taken off-site. Processing occurs off-site.

A Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan was prepared by Pacific Watershed Associates in July 2019. The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined a high potential for maple-leaved checkerbloom and Northern Spotted Owl. A protocol survey was completed for maple-leaved checkerbloom, and no plants were found. A protocol-level survey was completed for NSO as part of a proposed Timber Harvest Plan. No NSO were found within a 1.3 mile radius of the site. No suitable habitat for Marbled Murrelets was identified on the site. The project does not use supplemental light, and will limit noise to no more than 3 decibels above pre-project ambient noise.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize 43,200 square feet of new outdoor cannabis cultivation, host the relocation of up to 80,000 square feet of cultivation, and operate a 10,000 square foot commercial nursery is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan received April 14, 2020.
- Site Plan prepared by prepared by Pacific Watershed Associates
- Division of Environmental Health Worksheet
- Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by Pacific Watershed Associates in July 2019.
- Erosion Control Plan prepared by Holmgren Associates November 2018
- Botanical Survey Report prepared by Holmgren Associates in July 2019
- Cultural Resource Survey completed by Archaeological Research and Supply Company in December 2019.
- Sound Study received May 7, 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached - Site Plan prepared by Pacific Watershed Associates dated April 13, 2020)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (On file and Attached as 4.A - Cultivation and Operation Plan dated April 14, 2020).
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Site Management Plan and Notice of Applicability)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided

showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Worksheet. (On file)
16. Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by Pacific Watershed Associates in July 2019. (On file and Attached as 4.B)
17. Erosion Control Plan prepared by Holmgren Associates November 2018. (Attached)
18. Botanical Survey Report prepared by Holmgren Associates in July 2019. (On file and Attached as 4.C)
19. Sound Study received May 7, 2020. (Attached)

Introduction

This Site Management Plan (SMP) has been developed by to follow the guidelines in Attachment D: Technical Report Guidance Order WQ 2017-0023 DWQ General Waste Discharge Requirements For Discharges Of Waste Associated With

Cannabis Cultivation Activities (The Order). The Order implements the State Water Resources Control Board's Cannabis Cultivation Policy (the Policy) requirements for waste discharges associated with commercial cannabis cultivation. The Policy provides structure for the designation and classification of threats based on a tiered risk assessment. All cultivators not exempt from the requirements of the Policy are required to enroll and seek coverage under the Order. Dischargers are required to implement Best Practical Treatment or Control (BPTC) measures and provide annual monitoring reports ensuring compliance with the Order. This SMP outlines compliance with site specific conditions related to the waste discharge requirements of the Order and prescribes corrective actions required to achieve compliance.

Site Information

Site Address: 1048 Holmes Flat Road, Holmes Flat CA

Location: This site is accessed from CA Highway 101. Travel south from Eureka to Redcrest/Holmes Flat. Take Redcrest/Holmes Flat exit 671. Turn left onto Bardull Road towards Holmes, Redcrest. Take a slight right turn in .2 miles , take a slight right turn onto the Avenue of the Giants in 150 feet. In 2.2 miles turn left onto Holmes Flat Road. In 1 mile the destination is on your right.

APN: 209-331-002

Size: – 30.5 Acres

Zoning Code: AE-F; TPZ

General Plan: AE,T

Registrant: Eel River Produce, LLC

P.O. Box 764 Loleta CA 95551

Site Overview: The approximately 30 acre property, APN 209-331-002 (the Subject Property), has historically been the site of timber resource management and harvesting, and agricultural practices and activities.

Water for cultivation on the Project Site is sourced from an existing tank farm, approximately 120,000 gallon rainwater catchment farm which provides irrigation and fire suppression waters. Farming activities on the project site include 43,200 square feet (sf) of mixed-light cannabis grown in greenhouses and 80,000 square feet grown outdoor, and four 10,000 sf greenhouse used for immature plants only. No other activities are conducted on site. Drinking water for cultivation staff is imported from offsite during the growing season. No other domestic water is required.

Tier and Risk Designation

Summary: The property has been classified as a Tier 2, Low Risk discharger due to assessments of disturbed area, average slope of disturbed area and proximity to surface waters as per the Order.

Proximity to Water body: Disturbed areas including cannabis related buildings, cultivation areas and storage facilities are greater than or 150-feet from the nearest surface waters.

Disturbed Area Calculation

1. Greenhouse Cultivation Area : 43,200 SF
2. Outdoor and Nursery Cultivation: 90,000 SF (includes all cultivation related structures)
3. Disturbed Area Associated with Rainwater Catchment Farm: 8,600 SF Total Disturbed Area: 141,800

On-Site Slopes

- Cultivation Areas and Disturbed Area around Greenhouses: Average slope: >5%
- Disturbed Area Associated with Rainwater Catchment Pond: Average slope: >8%

Site Characteristics and Sediment Discharge BPTC Measures

Site Characteristics

The subject property is located in an extremely rural, heavily wooded wildland area. The cultivation area is located on an existing flat, cleared area which was historically developed as a farm cultivated for centuries, pasture, and residence.

No portion of the cultivation is located within a stream buffer and heavily forested areas lie between the cultivation site and existing watercourses which lay some distance from the operations area. These forested buffers reduce the likelihood of cultivation-related runoff from entering stream channels. This natural buffer in concert with the erosion and sedimentation controls detailed in this Plan are essential and likely sufficient to protect water quality.

Site map

I. Provide a map showing roads, vehicle parking areas, streams, stream crossings, cultivation site(s), disturbed areas, buildings, and other relevant site features.

See Attachments for Site Map

Roads and Road Related Erosion

I. Describe the road conditions including estimating vehicle traffic, road surface (e.g., paved, rocked, or bare ground), and maintenance activities. Describe how storm water is drained from the road (e.g., crowned, out slope, armored ditch, culverts, rolling dips, etc.)

Traffic on the main access road is a combination of sparsely populated year-round residents and seasonal traffic related to several cannabis cultivation operations in the area. The proposed operations will include an average of two workers in one vehicle accessing the project site daily. Traffic in the wet season associated with the subject cannabis operation is limited to “as necessary” to reduce impacts to the road. Monthly or less frequent access during the wet season is required to complete monitoring, maintenance and address any storm related issues on the subject property. See Site Map for more information on the existing road alignments.

Surface Water Crossings

I. Describe any vehicle stream crossing including the type of crossing (e.g., bridge, culvert, low water, etc.).

No surface water crossings were identified on the subject property.

Legacy Waste Discharges

I. For Region 1 Dischargers, identify, discuss, and locate on the site map any legacy waste discharge issues that exist on the property.

No legacy waste discharges were identified on the subject property. There is a well not in use.

Sediment Erosion Prevention and Sediment Capture

I. Sediment Erosion Prevention and Sediment Capture (Moderate Risk Tier 1 or

Tier 2 Dischargers are required to submit a Site Erosion and Sediment Control Plan.

Subject property has been classified as a Tier 2 – Low Risk Site, therefore no Site Erosion and Sediment Control Plan is required.

Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

Cultivation Product Table

I. Provide a summary table that identifies the products used at the site, when they are delivered to the site, how they are stored, and used at the site. If products are not consumed during the growing season, describe how they are removed from the site or stored to prevent discharge over the winter season.

Products utilized for cultivation are purchased from local horticultural stores nearby and are brought onsite as needed. Discussions with the operators of the site indicate that all packaging instructions are followed and all fertilizers and amendments are applied at agronomic rates. Fertilizers and other agricultural chemicals are stored within a designated storage building. This storage structure is wooden framed and with an asphalt roof which sufficiently contains all chemicals including fertilizers and protects them from the elements. Products are reportedly utilized until exhausted, at which point the original container are removed from the site. All Material Safety Data Sheets (MSDS) are located within the storage structure in a readily accessible area and operators are trained in their location and use. All cultivators who apply any spray, powder or substance intended to deter any pest (insect, mold, fungus, predator) must obtain an Operator ID number (OIN) from the local Agricultural Department and provide monthly reports as required by the specific chemicals and County and State requirements.

(See– Site Map and– Fertilizer and Pesticide Summary List for a summary table of utilized products and their related Material Safety Data Sheets)

Provide a site map that locates storage locations.

I. Provide a site map that locates storage locations.

(See Site Map)

Agricultural Chemical Storage and Management

I. Describe how bulk fertilizers and chemical concentrates are stored, mixed, applied, and how empty containers are disposed.

Bulk fertilizers and liquid concentrated chemicals are stored within an existing storage building, as identified in Attachment A – Site Map. Fertilizers are typically mixed within 500-gallon nutrient mixing tanks (fertilization tanks), which are then pumped from to feed and irrigate the gardens. Operators were notified that empty containers shall be temporarily stored within the existing designated storage facility and disposed of in accordance with the manufacturer’s specifications and that any leftover nutrient, fertilizer chemical containers must not be left in locations where they may come into contact with elemental precipitation (i.e. stored under cover) and must pose no threat of delivery or leachate to surface or groundwaters. See Appendix A – Site Map for more information on the location of agricultural chemical storage facilities.

Describe procedures for spill prevention and cleanup.

I. Describe procedures for spill prevention and cleanup

Spill kits applicable to the specific type and volume of hazardous material (petroleum, motor oil, concentrated fertilizer, etc.) will be procured, kept onsite and stored in a location where refueling or handling of said material is expected to occur. Staff or onsite workers will be trained in the use of the spill kits and know where the spill

kits are located for use in the event of a spill. Should a petroleum spill occur, contact the Humboldt County Department of Environmental Health for assistance and to report the incident.

Petroleum Product BPTC Measures

Petroleum Product Summary

I. Provide a summary table that identifies the products used at the site, when they are delivered to the site, how they are stored, and used at the site. If products are not consumed during the growing season, describe how they are removed from the site or stored to prevent discharge over the winter season.

The Project Site is located on- grid, so no generators are needed on site, as the site runs off of 100% renewable energy through the RCEA's Repower+ program.

If petroleum is kept on site in the case of a power outage, all petroleum products (fuel, fuel stabilizers, motor oil, etc.) and containers will be stored within secondary containment adequate in size to contain the entire stored volume of all material and be stored under cover and out of the elements such that no precipitation may enter the freeboard of the containment vessel. See– Site Map for the location the proposed petroleum product storage areas.

Petroleum Storage Location

I. Provide a site map that locates storage locations.

See Attachment A – Site Map.

Petroleum Product Storage and Management

I. Describe how fuels, lubricants, and other petroleum products are stored, mixed, applied, and empty containers are disposed.

Fuels, lubricants and other petroleum products are stored, mixed and applied in a centralized location adjacent to or inside the designated storage area as noted on the Site Map. When not in use, smaller containers of fuels and oils shall be stored in the designated storage building, within adequate secondary containment.

Describe procedures for spill prevention and cleanup.

I. Describe procedures for spill prevention and cleanup

Spill prevention will be achieved through a consistent and conscious management of fuels and other petroleum products on the Project Site. Refueling shall be done over an impermeable surface such as plastic or other compatible sheeting, a tarp, and/or within a containment berm. Waste fuels/oils shall be placed in special marked containers, within secondary containment to prevent soil contamination in the event of a container spill. As necessary, these waste products will be taken offsite and disposed of at a licensed facility. Petroleum products and other chemicals which may be deleterious to the environment and waters of the state must at all times be stored outside of the designated riparian setbacks. Petroleum products and other chemicals shall be both stored within secondary containment and covered when not in use. No refueling or maintenance of equipment or vehicles is to occur within the designated riparian setback of any surface waters and should be done in a location selected to minimize the potential for harm in the event of a hazardous materials discharge. If a spill of hazardous materials occurs, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and immediately initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater. The applicant should also immediately notify the Humboldt County Department of Environmental Health at 1-707-445-6215 for local cleanup initiation and notification.

Trash/Refuse, and Domestic Wastewater BPTC Measures

Onsite Waste and Refuse Management

I. Describe the types of trash/refuse that will be generated at the site. Describe how the material is contained and properly disposed of.

Solid waste generated on the project site is comprised of garbage/waste/refuse from seasonal human habitation and site occupation, and agricultural supply wastes (soil bags, soil amendment bags, fertilizer containers, plastic sheeting, lumber etc.). Vegetative matter such as root balls, water leaves, stalks and large branches are composted onsite and may be reused as part of the soil amending process. In general, the Project Site is free from cultivation related wastes. Soil observed slated for amendment and reuse the following season was contained within the existing beds and greenhouses. These soils are contained within a straw wattle perimeter around the greenhouses and are covered in plastic at the end of the growing season.

Solid waste that is not compostable on-site shall be temporarily stored in the designated storage area prior to being taken off the Project Site as needed or on bi-weekly intervals. Cultivation related wastes shall be stored in a covered and sheltered area to prevent contact with wildlife and the elements until composted. See– Site Map for more information.

Provide a site map that locates the trash/refuse storage locations.

I. Provide a site map that locates the trash/refuse storage locations

See Appendix A – Site Map

Describe the number of employees, visitors, or residents at the site.

I. Describe the number of employees, visitors, or residents at the site.

The subject parcel is not occupied year-round but is occupied only during the growing season.

In addition to the Operations manager of the project site, it is anticipated that two to four additional workers will be on site daily during the growing season. During the non-growing season (wet weather) approximately bi-weekly or less frequent trips to the Project are anticipated to perform monitoring and repair/maintenance as necessary. There are typically no visitors to the site during operations.

Onsite Domestic Wastewater Generation

I. Describe the types of domestic wastewater generated at the site (e.g., household generated wastewater or chemical toilet).

All greywater and blackwater is generated onsite is restricted restroom uses (human waste and hand washing).

Domestic Wastewater Disposal

I. Describe how the domestic wastewater is disposed.

Portable chemical toilet(s) are proposed for all domestic wastewater disposal needs. These facilities are serviced at regular intervals to suit the current site demands. All domestic wastewater from the chemical toilets is hauled offsite and disposed of by service provider in compliance with current requirements.

Onsite Wastewater Treatment System Permit Status

I. Permitted onsite wastewater treatment system (OWTS) (e.g., septic tank and leach lines).

A historic OWTS was reported by the property owner. This system has not been in use for some time and there are no plans to utilize this infrastructure.

Chemical toilets or Holding Tanks

I. Chemical toilets or holding tank. If so, provide the name of the servicing company and the frequency of service.

Servicing Company: Six Rivers Portable Toilets

Current Proposed Service Schedule: Bi-Weekly/Monthly as necessary

Outhouse, pit privy, or similar waste disposal

I. Outhouse, pit privy, or similar. Use of this alternative requires approval from the Regional Water Board Executive Officer; include the approval from the Executive Officer and any conditions imposed for use of this alternative.

There are no outhouses, pit privies or similar domestic waste disposal facilities in operation on the Project Site.

Domestic Treatment and Disposal Location

I. Provide a site map that locates any domestic wastewater treatment, storage, or disposal area.

No onsite domestic wastewater treatment or disposal is proposed on the Project Site. See– Site Map for the location of chemical toilets.

Winterization BPTC Measures

Winterization Activities

I. Describe activities that will be performed to winterize the site and prevent discharges of waste. The description should address all the issues listed above.

Winterization measures shall include the tarping of all cultivated soils that are to be left on the subject property, within existing beds to be re-amended for use in subsequent growing seasons. These soils are to be covered with green manure (a variety of legumes and clover) and/or covered in plastic to avoid run off. After the green manure has been dug back into the soil, it is re-used in cultivation. Winterization measures shall include the covering of all cultivated soils that are to be left on the Project Site, within existing beds to be re-amended for use in subsequent growing seasons. Additionally, a perimeter of straw wattles is to be placed around the greenhouses containing “reusable” soils prior to the initiation of wet weather and left in place during the growing season. Approximately 230 cubic yards of soils are projected to be used and recycled for the proposed operations.

Monitoring of all installed erosion and sediment control features in mapped “disturbed areas” shall be completed and repairs to and/or upgrade of BPTC measures shall be addressed as necessary. Any unmapped areas with the potential of posing a threat to water quality, as identified in continuous monitoring, shall be assessed by a qualified professional who will provide guidance on BPTCs to be implemented to mitigate the potential threat prior to the onset of wet weather. Updates to the Site Management Plan will be completed as necessary to characterize these “new conditions” and related measures.

All fuels, solid waste, fertilizers, agricultural chemicals, petroleum powered generators and pumps shall be stored out of the elements under cover and/or removed from the Project Site. Any vehicles left on site shall be stored outside the riparian buffer zone of any surface waters. Fertilizers, agricultural chemicals and fuels left on site shall be stored within secondary containment adequate to contain all stored volume.

Revegetation Schedule

I. Describe any revegetation activities that will occur either at the beginning or end of the precipitation season.

No re-vegetation is currently planned.

Compliance Schedule Assurance

I. If any BPTC measure cannot be completed before the onset of winter period, contact the Regional Water Board to establish a compliance schedule.

All winterization measures are planned to be completed before the onset of the winter period. If BPTC measures cannot be completed, the North Coast Regional Water Quality Control Board will be contacted to establish a compliance schedule.

Region 1 Legacy Discharge Sites

I. For Region 1 Dischargers, describe any activities that will be performed to address legacy waste discharge issues.

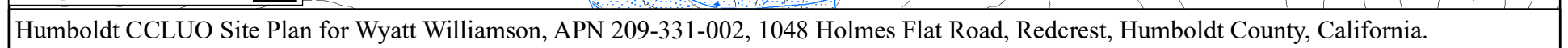
No legacy discharges were identified on the subject property.

Invasive Species Monitoring and Management

The project owner hired a biologist who prepared an Invasive Species Management Plan for invasive plant species that were identified on the subject property. See Attachment for more information.

APN: 209-331-002

[illegible]



CalCannabis Cultivation Licensing Pest Management Plan

Cultural Pest-Management Control Methods

Biological Pest-Management Control Methods

Chemical Pest-Management Control Methods

Chemical(s) to Be Applied at any Stage of Plant Growth

Product Name	Active Ingredient(s)

Attach additional sheets of paper as needed.

Eel River Produce, LLC

APN: 209-331-002

**CALCANNABIS CULTIVATION LICENSING
WASTE MANAGEMENT PLAN**

Methods for managing cannabis waste generated on the premises shall be:

- ☒ On-premises composting
- ☐ Collection and processing by a local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency
- ☐ Self-haul to one or more of the following:
 - ☐ a manned fully permitted solid-waste landfill or transformation facility
 - ☐ a manned fully permitted composting facility or manned composting operation
 - ☐ a manned fully permitted in-vessel digestion facility or manned in-vessel digestion operation
 - ☐ a manned fully permitted transfer/processing facility or manned transfer/processing operation
 - ☐ a manned fully permitted chip-and-grind operation or facility

Erosion Control Plan for the
Holmes THP

Submitted to:
California Regional Water Quality Control Board -
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, California 95403

Prepared by:
Cameron Holmgren RPF #2929
Holmgren Forestry
PO Box 247
Fortuna, CA 95540

November 19, 2018

sent to
J.F. & C.J. via
email
1/24/20



Background - This Erosion Control Plan (ECP) has been prepared on behalf of the property owner by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional board a report of waste discharge (ROWD) containing such information and data as maybe required by the Regional Board. Order No. R1-2004-0030 specifically states that technical reports required under the General Waste Discharge Requirements include an Erosion Control Plan (ECP).

Erosion Control Plan - As required by the Order, an Erosion Control Plan (ECP) has been prepared for the entire logging area of the THP. The logging area includes the area to be harvested, the roads used to access the harvest area (appurtenant roads), and the area within 100 feet of these appurtenant access roads (when these areas are owned by the landowner). The ECP is designed to prevent and minimize the discharge or threatened discharge of sediment from existing Controllable Sediment Discharge Sources and develop a time schedule for implementation of prevention and minimization of management measures. Additionally, the ECP contains an Inspection Plan with reporting requirements.

Methods - The methods used to develop this ECP include both field and office components. The office work included review of nearby approved THPs/NTMPs, the review of Geologic and Soil-Vegetation Maps for the area, and the review of aerial photography of the property for which the THP is located on. The field component consisted of a survey of controllable sediment discharge sources located throughout the entire THP area, including the appurtenant road system. This included on-site evaluations of the following: truck roads, skid roads, watercourse crossings, watercourse channels and banks, landings, unstable areas, and hillslopes adjacent to all watercourses that could potentially contribute sediment. Erosion sites that do not threaten water quality, primarily because they do not have the potential to deliver eroded sediment to stream channels, were not individually identified.

The RWQCB's Guidance Document for Order No. R1-2004-0030 states that an Erosion Control Plan (ECP) shall contain the following:

1. An inventory of all controllable sediment discharge sources within the Project area, and,
2. A time schedule for implementation of prevention and minimization management measures from all controllable sediment discharge sources within the Project area. The implementation of prevention and minimization management measures must be completed during the period of coverage under General WDRs.

Controllable sediment discharge sources means sites or locations, both existing and those created by proposed timber harvest activities, within the Project area that meet all the following conditions:

1. is discharging or has the potential to discharge sediment to waters of the state in violation of applicable water quality requirements or other provisions of these General WDRs,
2. was caused or affected by human activity, and
3. may feasibly and reasonably respond to prevention and minimization management measures.

Inventory and Treatment of Controllable Sediment Sources - The THP area has a total of 1 PSD sites. The estimated potential sediment volume at the one location is approximately 20 cubic yards. The relative risk for this site to contribute sediment that could adversely impact downstream beneficial uses of water would be classified as Moderate. Operation of this THP results in the opportunity for the Timberland Owner/LTO to treat sites and eliminate the risks of impacts to downstream beneficial uses of water.

An approved 1611 Agreement will contain site-specific CDFW requirements for the work to be conducted at the Class III watercourse permanent road crossing location.

General Prevention and Minimization Measures for Controllable Sediment Discharge - The general measures proposed in this project, as required by State or Federal regulating agencies will prevent or minimize future sediment delivery. These measures include, but are not limited to measures incorporated in the THP Section Items as follows:

THP Section II:

- Item 14 - Describes silvicultural prescriptions
- Item 16 - Harvesting Practices - Describes yarding systems and equipment utilized
- Item 18 - Soil Stabilization- waterbreak requirements, mitigation to minimize soil disturbance and transport
- Item 20 - Ground Based Equipment Use Location
- Item 23 - Winter Operations - Describes limitations and mitigation measures of the Winter Operating Plan
- Item 26 - Watercourse and Lake Protection (WLPZ)
- THP Map in Section II
- Road and Map Points Table in Section II

Inspection Plan Requirements - The Inspection Plan shall be designed to ensure that all required management measures are installed and functioning prior to rain events, that the management measures were effective in controlling sediment discharge sources throughout the winter period, and that no new controllable sediment discharge sources developed. The Inspection Plan shall include a narrative discussion of the program to inspect and maintain all identified management measures throughout the duration of the Project. A site map that depicts the inspection locations to be visited before, during, and after the winter period shall be included in the Inspection Plan.

Inspections conducted prior to the winter period shall be designed to assure that management measures are properly installed and maintained; winter period inspections should be designed to assure and assess management measure performance and determine if new controllable sediment discharge sources developed; post-winter period inspections should be designed to assure that the management measures have functioned adequately and whether any new controllable sediment discharge sources have developed. Management measures shall be evaluated for adequacy and proper implementation and whether additional management measures are required in accordance with the terms of this Order. Inspections shall be conducted by the Landowner, LTO or RPF.

Site Inspections - Qualified professionals shall conduct all specified inspections of the Project site to identify areas causing or contributing to a violation of applicable water quality requirements or other provisions of these General WDRs. The following inspection requirements shall begin once the startup of timber harvest activities begin within Project areas.

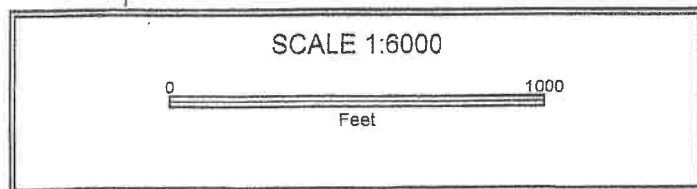
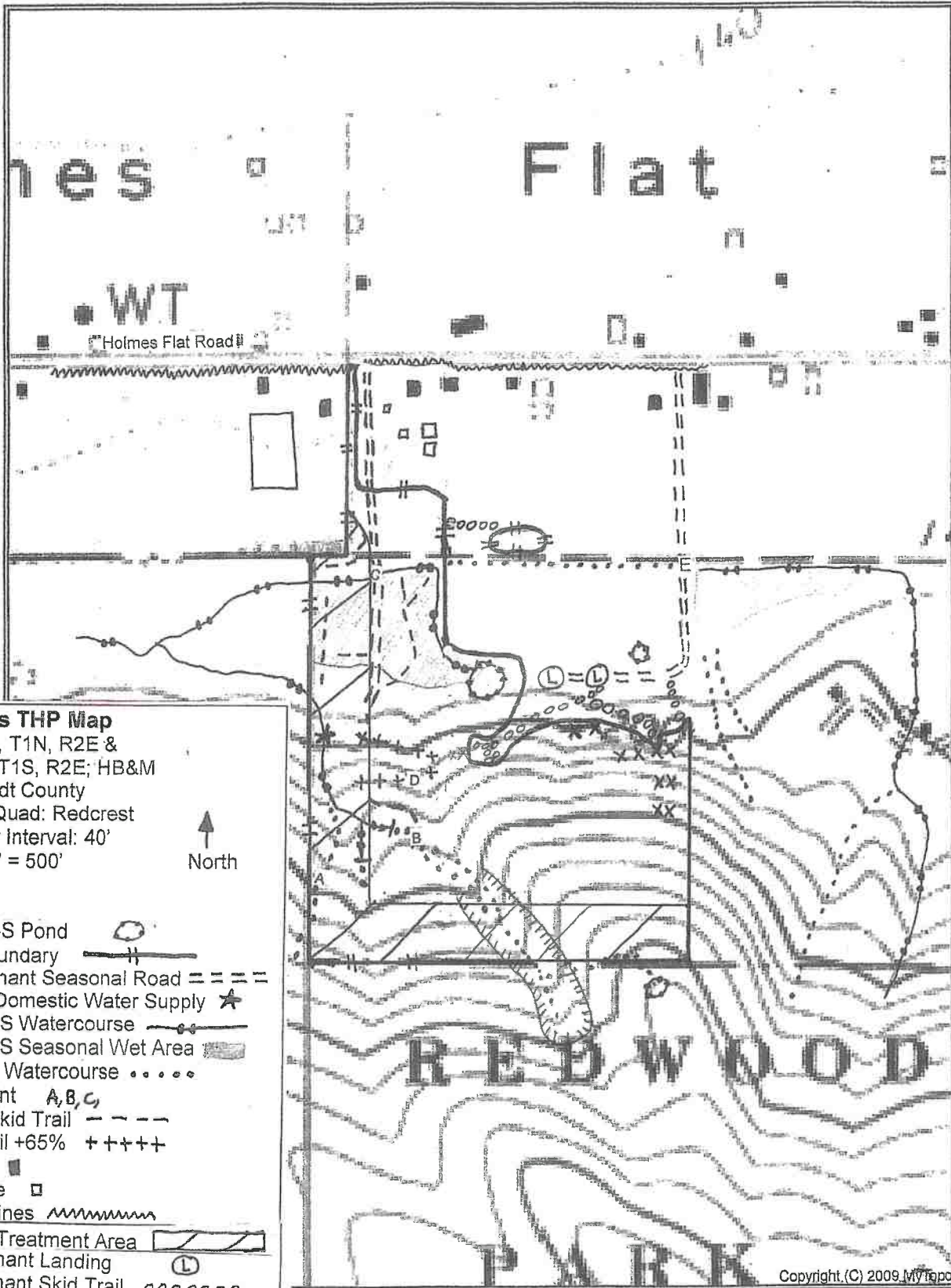
1. Project areas where timber harvest activities have not yet commenced, no inspections are required.
2. Project areas where timber harvest activities have commenced and no winter period timber harvest activities have occurred, at a minimum, conduct inspections each year and throughout the duration of the Project while timber harvest activities occur and the Project is covered under General WDRs as follows:
 - a. By November 15 to assure Project areas are secure for the winter; and
 - b. Once following ten (10) inches of cumulative rainfall commencing on November 15 and prior to March 1, as worker safety and access allows; and
 - c. After April 1 and before June 15 to assess the effectiveness of management measures designed to address controllable sediment discharges and to determine if any new controllable sediment discharge sources have developed.
3. Project areas with timber harvest activities during the winter period shall, at a minimum, conduct inspections of such Project areas while timber harvest activities occur and the Project is covered under General WDRs as follows:
 - a. Immediately following the cessation of winter period timber harvest activities to assure areas with winter timber harvest activities are secure for the winter;
 - b. Once following ten (10) inches of cumulative rainfall commencing on November 15 and prior to March 1, as worker safety and access allows; and
 - c. After April 1 and before June 15 to assess the effectiveness of management measures designed to address controllable sediment discharges and to determine if any new controllable sediment discharge sources have developed.
4. Inspection reports shall identify where management measures have been ineffective and when the Discharger will implement repairs or design changes to correct management measure failures.
5. If any new controllable sediment discharge sources are identified, such sites shall be addressed as described below in Inspection Plan Reporting Requirements.
6. Equipment, materials, and workers shall be available for rapid response to failures and emergencies, and implement, as feasible, emergency management measures depending upon field conditions and worker safety for acre.

Inspection Plan Reporting Requirements - For inspections where violations of the General WDRs are not discovered, the Discharger shall upon request submit a summary report to the Executive Officer by June 30th for each year of coverage under these General WDRs or upon termination of coverage. The summary report shall at a minimum include the date of each inspection, the inspector's name, the location of each inspection, and the title and name of the person submitting the summary report.

If during any inspection or during the course of conducting timber harvest activities, a violation of the General WDRs is discovered, the provisions of section III.B.3. shall be followed. This section requires the Discharger to:

1. Implement corrective measures immediately following discovery that applicable water quality requirements were exceeded or a prohibition violated, followed by notification to the Regional Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 days to the Regional Board, unless otherwise directed by the Executive Officer that includes:
 - a) the date the violation was discovered;
 - b) the name and title of the person(s) discovering the violation;
 - c) a map showing the location of the violation site;
 - d) a description of recent weather conditions prior to discovering the violation;
 - e) the nature and cause of the water quality requirement violation or exceedence or General WDR prohibition
 - a. violation;
 - f) photos of the site characterizing the violation;
 - g) the management measure(s) currently being implemented;
 - h) any maintenance or repair of management measures;
 - i) any additional management measures which will be implemented to prevent or reduce discharges that are causing or contributing to the violation or exceedence of applicable water quality requirements or General WDR prohibition violation; and,
 - j) the signature and title of the person preparing the report.

This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the discharges causing or contributing to the violation or exceedence of applicable water quality requirements or General WDR prohibition violation. The Discharger shall revise the appropriate technical report immediately after the report to the Regional Board to incorporate the additional management measures that have been and will be implemented, the implementation schedule, and any additional inspections or monitoring that is needed.



110 Revised 5/31/19

Section II. Holmes THP: Road & Map Points Table

Road/ Map Point ID	W.C. Class	1600	PSD cu. yds	Description	Existing Culvert Diameter Size	Proposed Culvert Diameter Size	Work Schedule
A	III	Yes	20	Reuse existing skid trail crossing as is, then remove any fill material from the crossing and treat for surface erosion control in accordance with specifications in THP Item #18.	-	-	By October 15 any year of skid trail use
B	III	Yes	-	Reuse existing skid trail crossing as is, then remove any deposited fill material from the crossing and construct a large oversized berm on the downhill side of the crossing to prevent a possible diversion. Treat for surface erosion control in accordance with specifications in THP Item #18.	-	-	By October 15 any year of skid trail use
C	II	Yes	-	Reuse existing seasonal truck road crossing. Then remove any fill material from the crossing and treat for surface erosion control in accordance with specifications in THP Item #18.	-	-	By October 15 any year of truck road use
D	-	No	-	The existing skid trail on slopes over 65% has some cut bank sluff that occurred a few years ago when snow overloaded trees and vegetation causing some minor stump and soil deposits on the skid trail. There shall be no soil deposited onto slopes over 65%. The soil shall be reworked into the existing skid trail surface and all stumps and vegetation and any leftover soil shall be placed at the base of the cutbank for additional bank stability.	-	-	First year of skid trail use
E	III	No	-	Reuse the existing seasonal road truck road with existing 24" plastic culvert. Then install a critical dip and treat for surface erosion control in accordance with specifications in THP Item #18.	24"	-	By October 15 any year of truck road use

111 Revised 5/31/19



Holmgren Forestry
PO Box 247
Fortuna, CA 95540
(707) 599-6416
holmgrenforestry@hotmail.com

AMENDMENT NO 4 (minor)



July 23, 2019

CAL FIRE Review Team
135 Ridgeway Avenue
Santa Rosa, CA 95401

This amendment conforms to the rules and the regulations of the Board of Forestry and the Forest Practice Act.

Reviewed by SH date routed 7/27/19 SH
cc: Unit (2), BOE, SUB, RPF

Re: Holmes THP 1-18-0163-HUM Minor Amendment #4, Botanical Survey Results

Dear CAL FIRE Representative,

Please amend the Botanical Survey Results to the Holmes THP 1-18-0163-HUM. (See attached) There were no special status plants or natural communities encountered on the THP.

Thank you,

Cameron Holmgren, RPF #2929

RECEIVED

JUL 23 2019

COAST AREA
RESOURCE MANAGEMENT

Outdoor Sound Study

Eel River Produce, LLC

1048 Holmes Flat Road

Redcrest CA

Prepared for:

Humboldt County Planning Department

Cannabis Cultivation Application # 15762

Assessor Parcel Number

209-331-002-000

Introduction

The report has been requested by Humboldt County Planning Department to conduct baseline noise levels to establish pre-project ambient noise levels. These noise levels were asked to be 24-hour readings, from 3 points of the subject property.

This report assesses the potential noise of impacts of the project's operation. This survey was done from 12 pm (noon) May 5th 2020 to 12 pm (noon) May 6th 2020.

Brittany Massaro, Eel River Produce's Compliance Director, conducted the survey to measure ambient noise levels and determine background noise levels within the subject property area.

The premises contain agricultural tools such as a skid steer, lawn mower, rototillers, and weedwhackers to maintain the property and various crops that have been cultivated onsite for over a century. Attached to this report are the sound meter line graphs, showing a constant with the noise in the area, a placement of where the sound meters went on site, and a Site Plan submitted to Humboldt County.

Humboldt County Performance Standards

55.4.12.6 Performance Standard for Noise at Cultivation Sites

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 taking twenty-four hour measurements on three or more property lines when all cannabis related activities are not in operation.

- a) In TPZ zones and U zones (with a General Plan Land Use Designation of "Timberland"), the use of generators is prohibited.
- b) Where located within one (1) mile of mapped habitat for Marbled Murrelet or Spotted Owls where timberland is present, maximum noise exposure from the combination of background cultivation related noise may not exceed 50 decibels measured at a distance of 100 feet from the noise source or the edge of habitat, whichever is closer. Where ambient noise levels, without including cultivation related noise, exceed 50 decibels within 100 feet from the cultivation related noise source or the edge of habitat, cultivation-related noise sources may exceed 50 decibels provided no increase over ambient noise levels would result.
- c) The permit application must include information demonstrating compliance with the noise standards, including but not limited to:
 - i) site plan detailing the location of all noise sources, property lines, and nearby forested areas and sensitive receptors
 - ii) existing ambient noise levels at the property line using current noise measurements (excluding cultivation related noise)
 - iii) Details on the design of any structure(s) or equipment used to attenuate noise
 - iv) Details on the location and characteristics of any landscaping, natural features, or other measures which serve to attenuate noise levels at nearby property lines or habitat.

Environmental Noise Fundamentals and Standard Criteria to Noise Environment

Noise is commonly measured with a sound level meter. Sound is expressed in decibels. The instruments used to conduct this study were three in total, (2) BAFX Decibels Meters/ Sound Pressure Level Readers (SPL) and (1) Meterk Digital Sound Level Meter.

Readings were conducted every 30 minutes for the daytime readings. The daytime hours consisted of 7 am – 10 pm, and nighttime hours consumed of 10 pm – 7 am.

32 readings were conducted and recorded in total during the half hour intervals between 7am – 10 pm, and 9 readings were conducted for the hour intervals from 10 pm – 7 am.

The first day time readings were at 12 pm on May 5th and were recorded for every half hour until 10 pm. This consisted of 21 recorded sound readings.

The night readings were from 10pm to 7 am, where they were recorded every hour. This consisted of 9 recorded sound readings.

The last day time readings to conclude the 24-hour session was from 7 am to 12 pm on May 6th. This consisted of 10 recorded sound readings.

In environmental noise, a change in noise level of 3 dB is considered a just noticeable difference. A 5 dB change is clearly noticeable, but not dramatic. A 10 dB change is perceived as cutting in half or doubling in loud proximity.

The sound level meters used to quantify data in this report meet the required specifications to be used and their calibration was checked by their factory calibration current to NIST standards. The three noise measurement instrument locations are shown in attached Site Plan.

Locations of Sound Pressure Level Readers

The first sound meter (North facing property line) was placed on the utility pole, towards the North portion of the property by the two pressure tanks and sealed groundwater well. This location was felt suitable to detect the 24-hour monitoring of natural environmental readings and road traffic, as well as residential areas of the surrounding location of Holmes Flat. This sound meter was placed at roughly 12 feet in the air on the pole. The dominant source of the noise was the traffic on the road, horses, and neighbors across the road, as well as next door. Lawn mowers, dogs, livestock, diesel trucks, trailers, weedwhackers, and construction all around played a huge part in the overall noise levels. Being close to the road and multiple neighbors, it was no surprise at the amount of baseline noise being created.

The second sound meter (South-East facing property line) was placed towards the south western portion of the property, closest within the 446-foot setback from the California State Parks. There is a test pit, that Pacific Watershed Associates, dug around to do a wetland delineation, and the sound meter was hung roughly 85 feet from the test pit #4 at the property tree line. This meter picked up sounds from the adjacent neighbor, who also contributes with dogs, horse rodeo, construction of onsite improvements, mowing, weed whacking, and other home stead activities that contribute to the overall ambient noise. It was surprising, with the horse arena, that this property was not the loudest and that the opposite adjacent parcel created more noise than this parcel.

The third sound meter (West facing property line) was placed on the inside of a six-foot chain-link fence, on a ten-foot pole, adjacent with the neighboring property. The neighboring property uses heavy machinery, tractors,

and a bobcat. The neighboring property is mowed for hay and large trucks are constantly coming in and out of the neighboring parcel due to hay shipping transportation. This property, by far, was the noisiest out of all three, due to the agricultural activities happening on site with the hay business.

Results of Sound Meter Tests Conducted

Location	Daytime (7 am – 10 pm) Nighttime (10pm – 7am)	Results on Average*
Meter 1	12:00 pm – 10 pm	44 dB on average
	10:00 pm – 7 am	33 dB on average
	7:00 am- 12:00 pm	45 dB on average
Meter 2	12:00 pm – 10 pm	41 dB on average
	10:00 pm – 7 am	30 dB on average
	7:00 am- 12:00 pm	34 dB on average
Meter 3	12:00 pm – 10 pm	47 dB on average
	10:00 pm – 7 am	33 dB on average
	7:00 am- 12:00 pm	40 dB on average

*Readings from the decibel sensors were taken every 30 minutes during the day, and every hour during the night. Then they were averaged to an overall consumption of noise for the purpose of the 24-hour study.

Conclusion

The existing ambient noise levels at Holmes Flat Road are dominated by traffic and agricultural activities not being managed by Eel River Produce's premises.

The operation by Eel River Produce, is anticipated to have seven employees needed for the operation at full buildout, with five in the cultivation operation, and two in the nursery. The public will not be allowed on site and materials will typically be transported by delivery vans or trucks.

The noise from the project meets the applicable Humboldt County Performance Standards. The project will not increase to a significant impact and will be able to stay less than 60 dBA with the operation of the project.



Humboldt County Web GIS

Planning & Building Department

WebGIS Portal

Comments

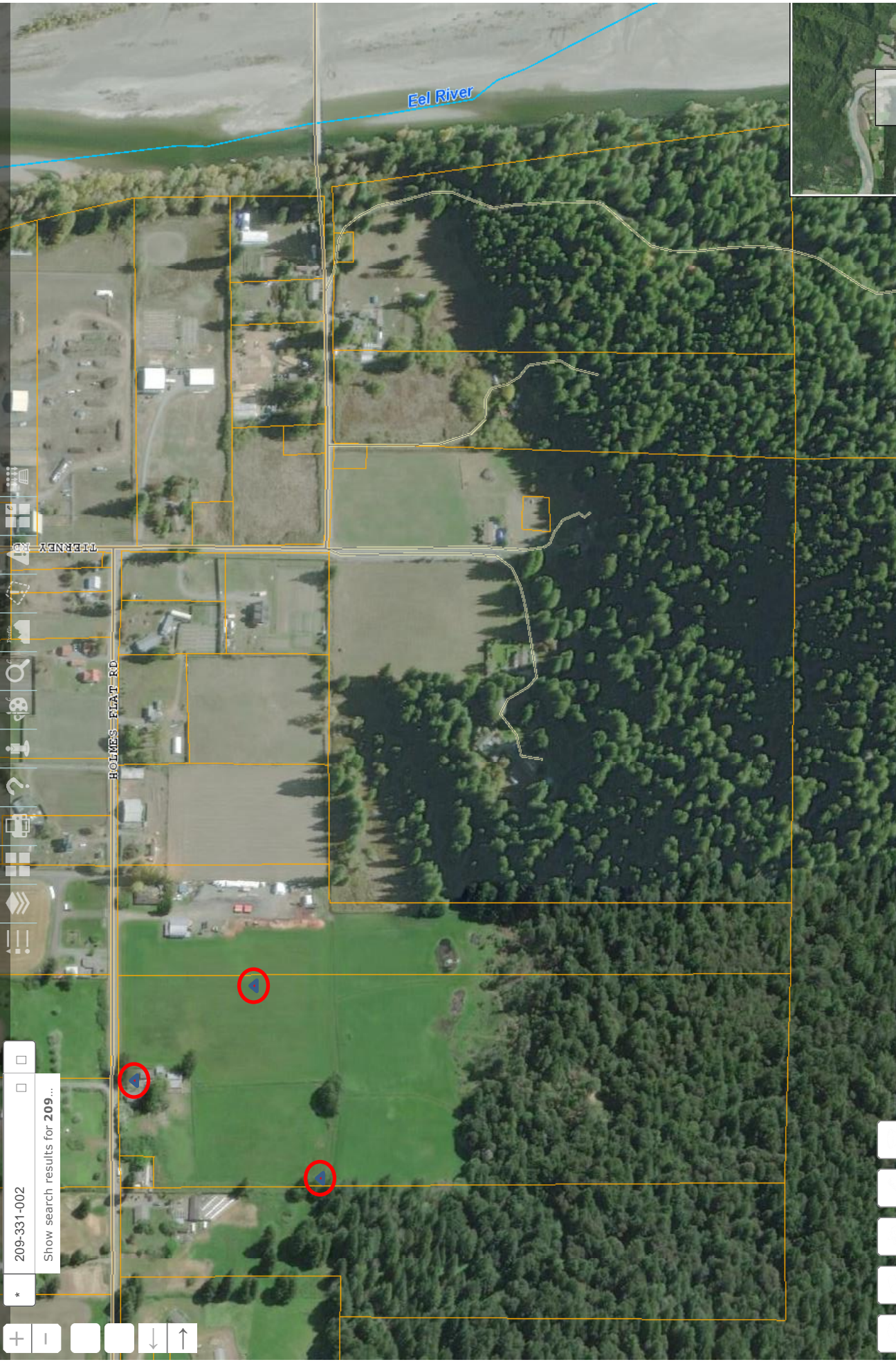
Help

Legend Key

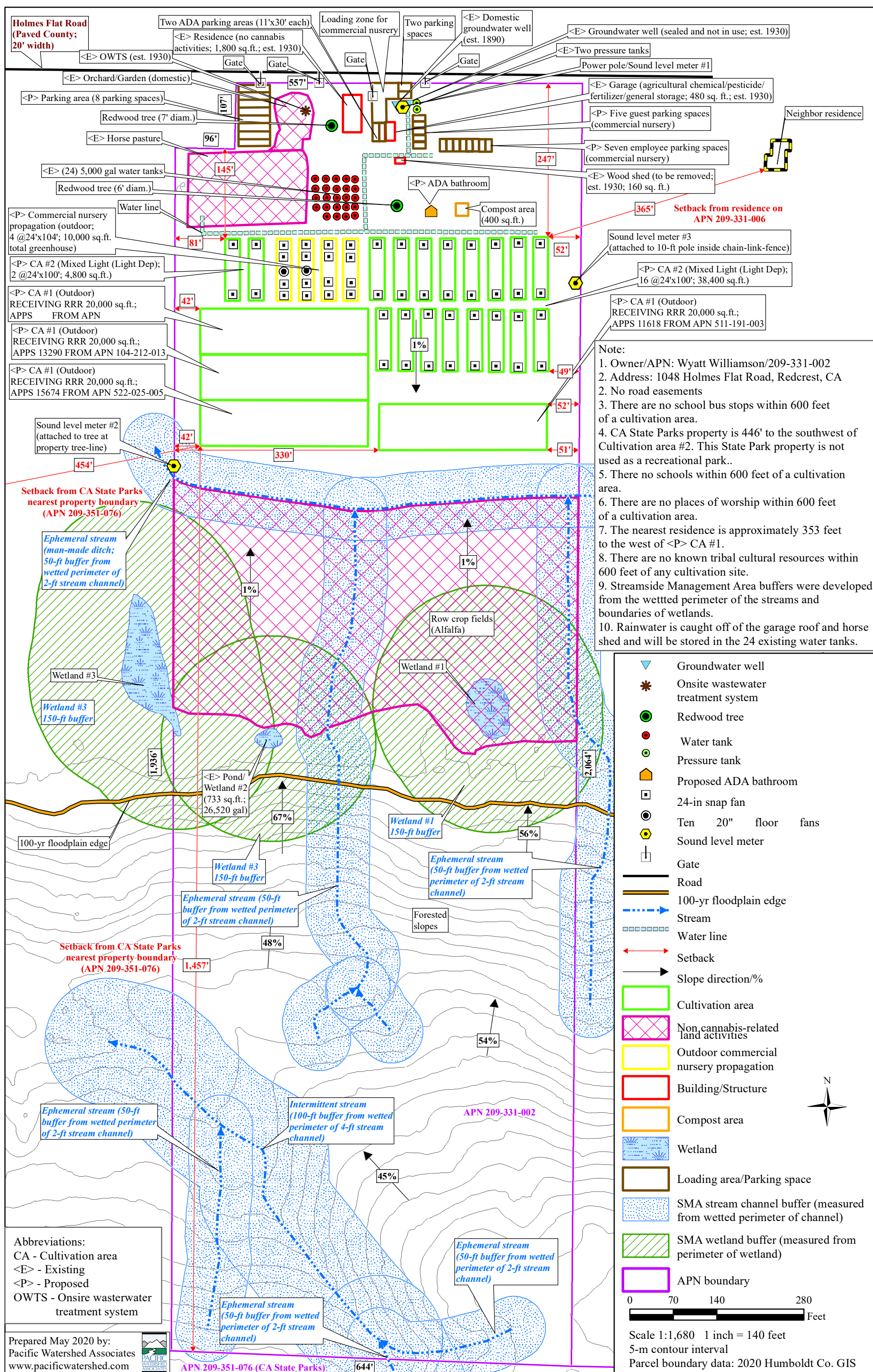


* 209-331-002 ☐

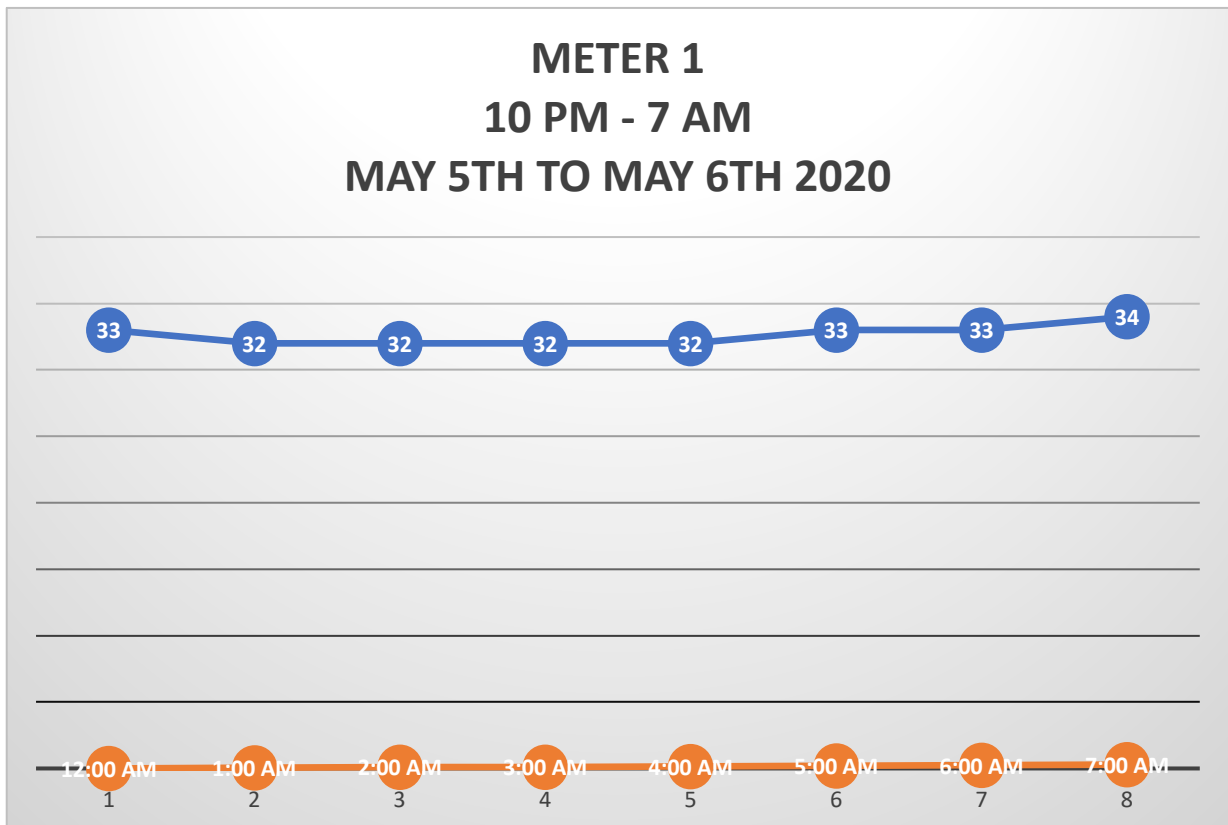
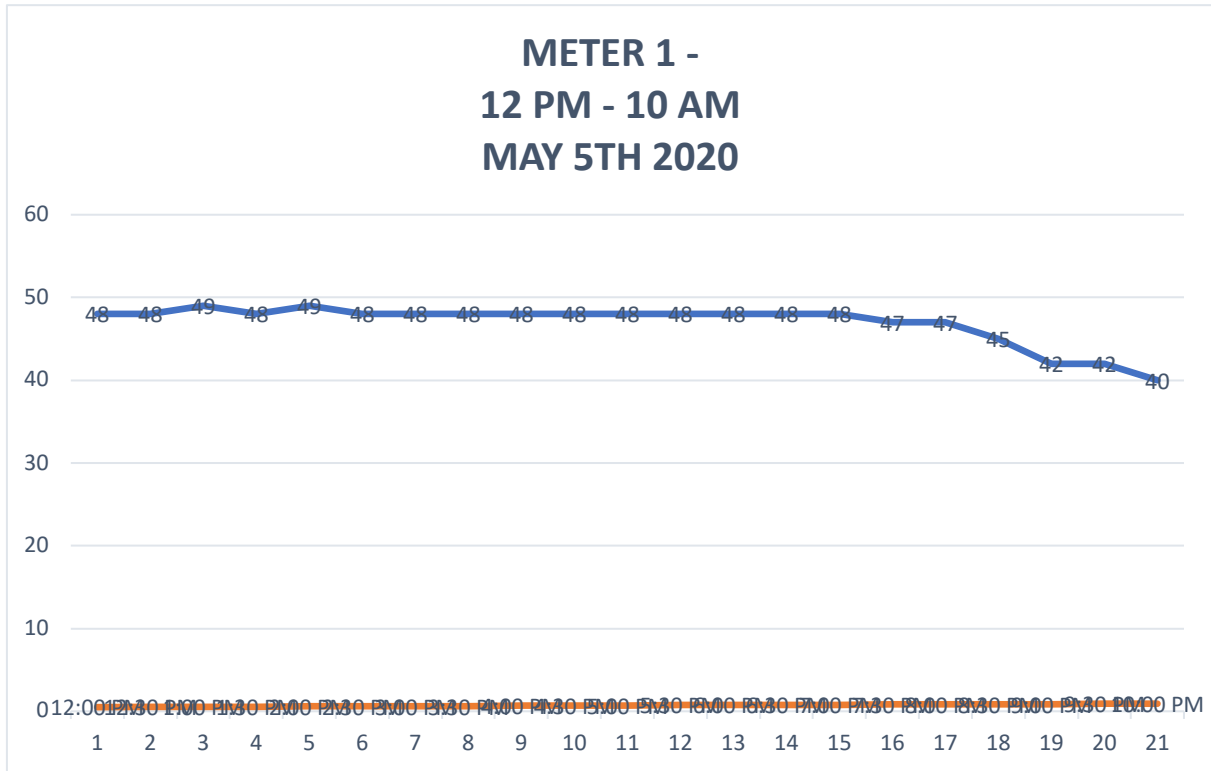
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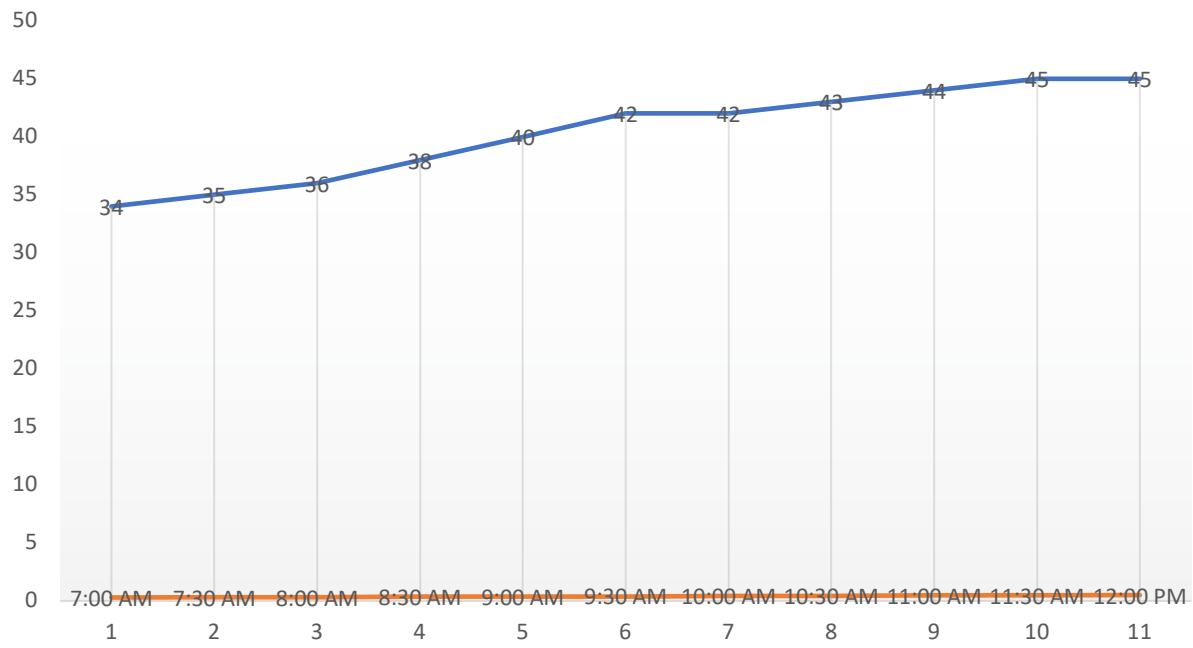
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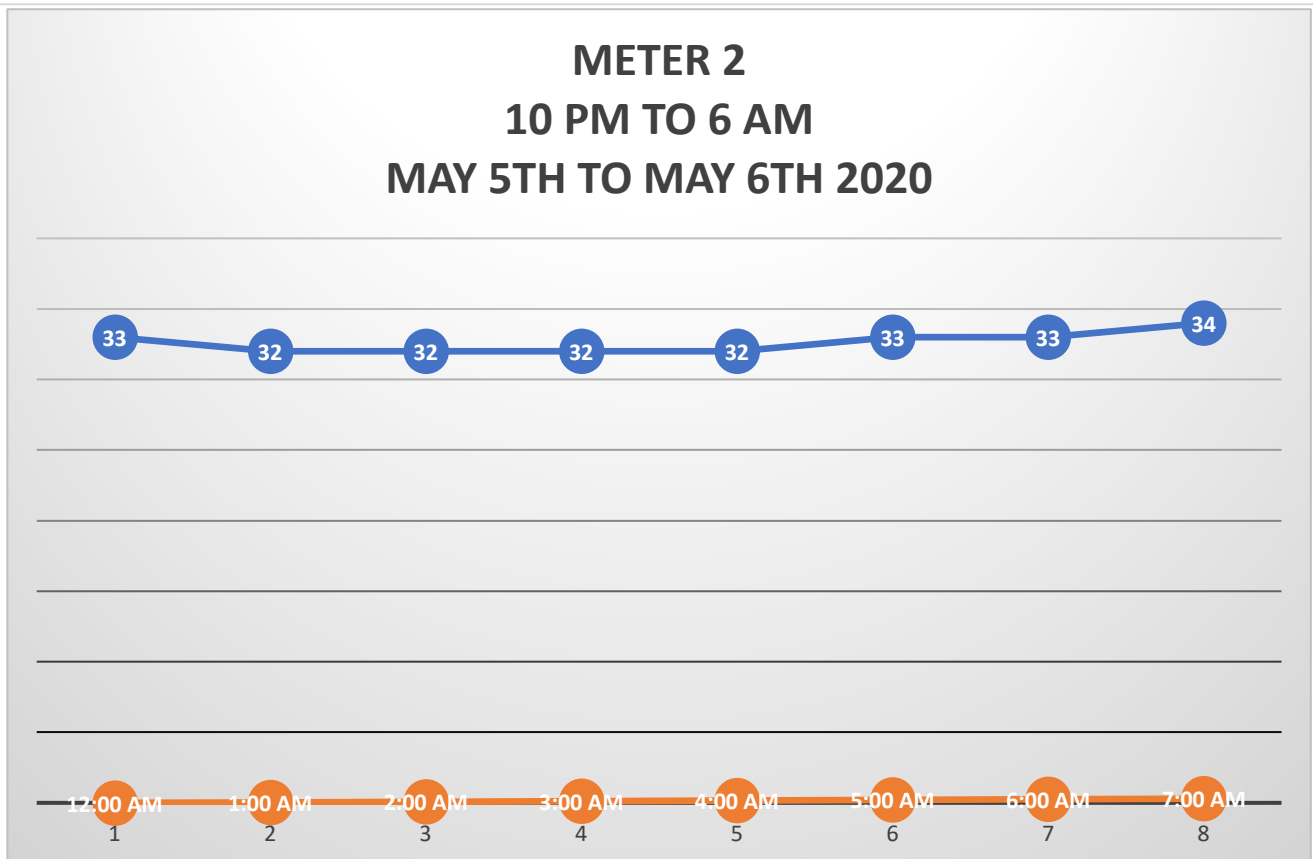
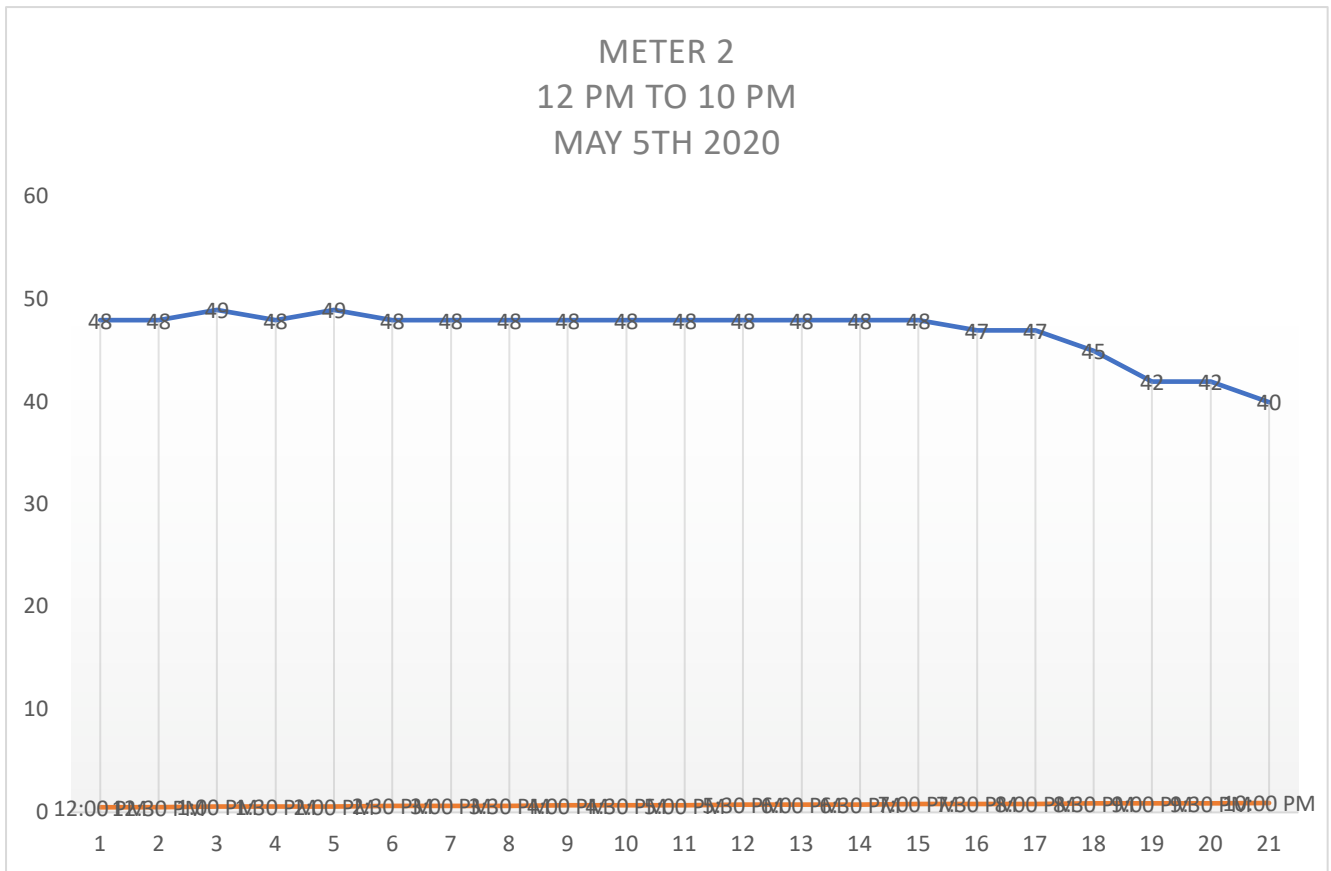
METER 1 – 24 HOUR READINGS



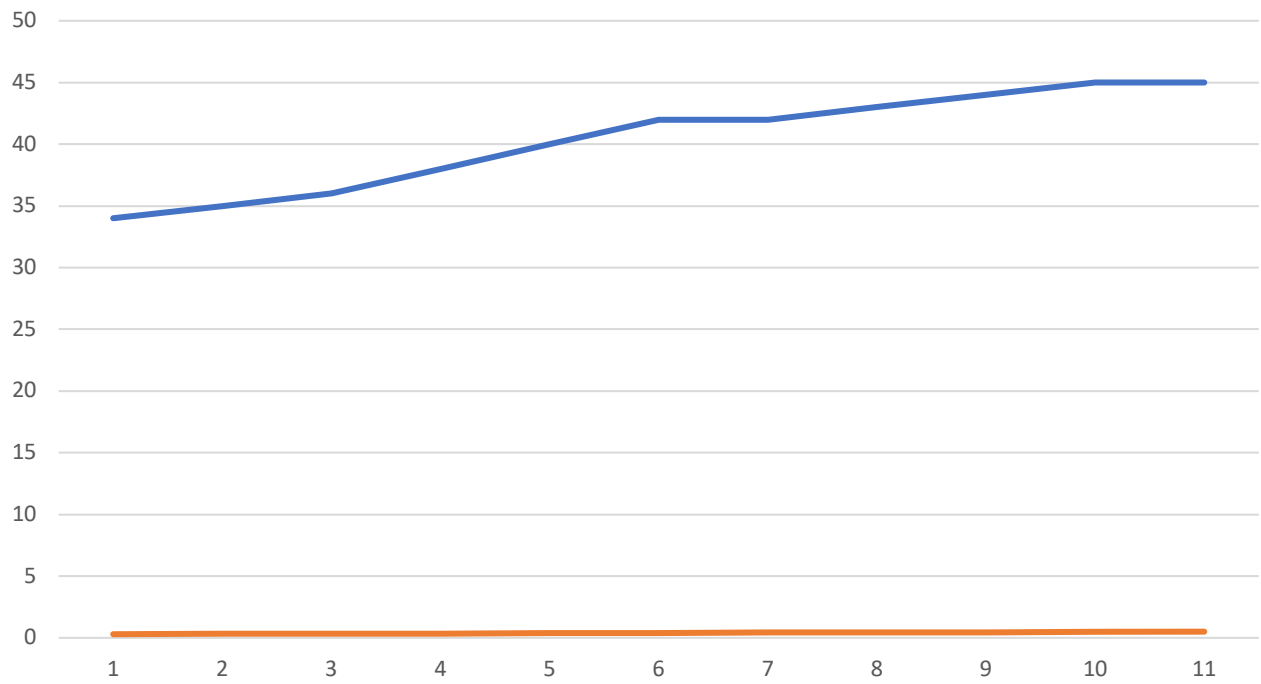
METER 1
7 AM - 12 PM
MAY 6TH 2020



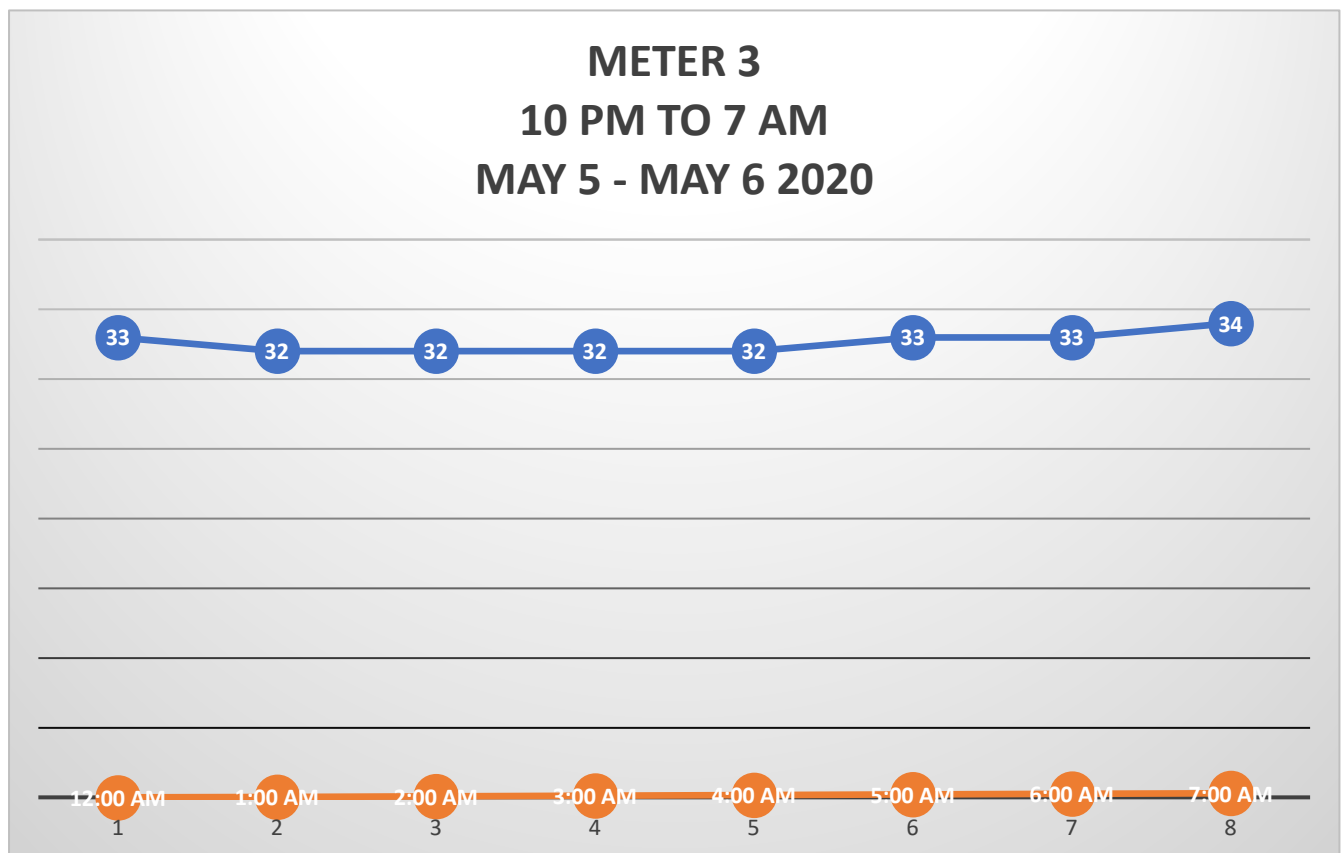
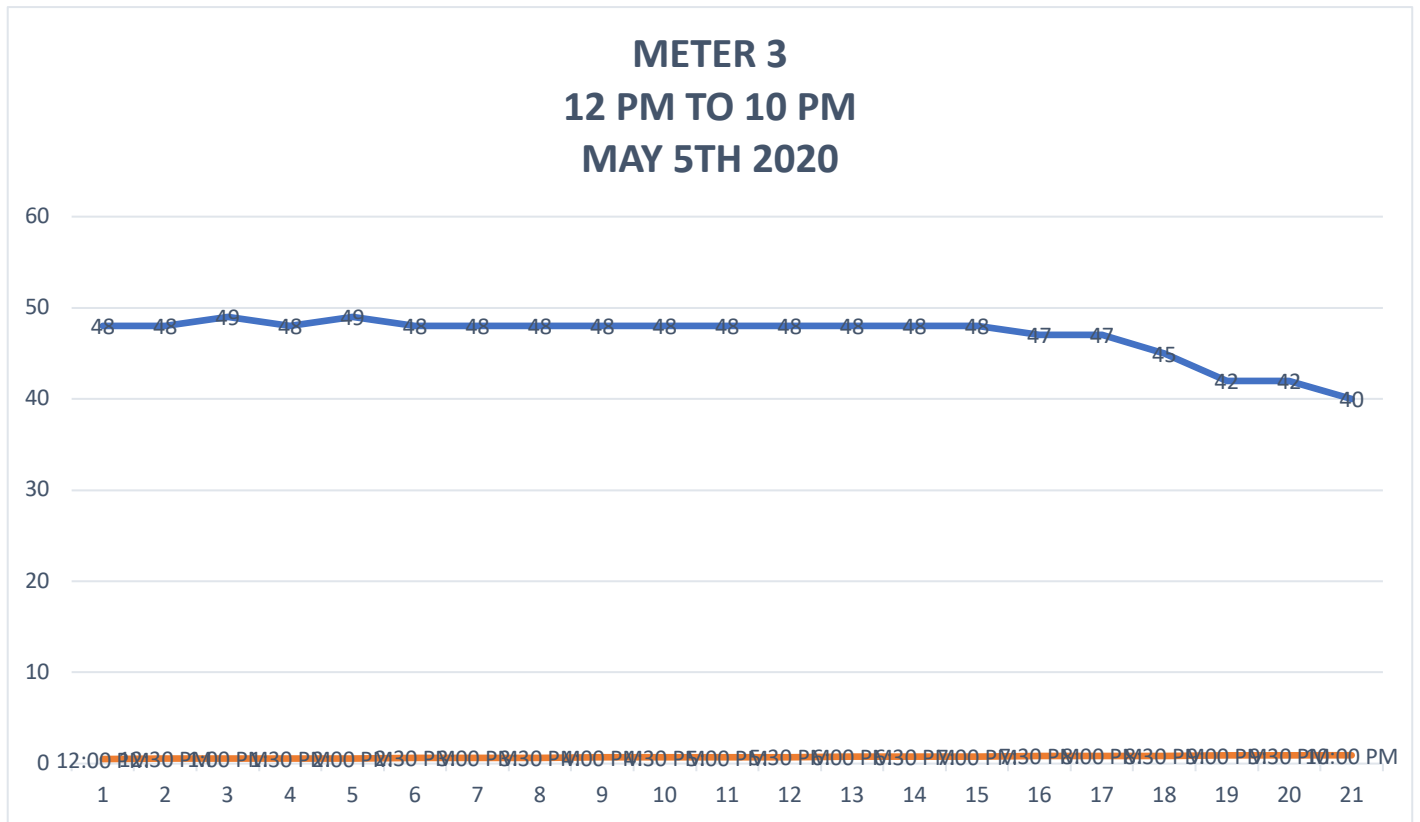
METER 2 – 24 HOUR READINGS



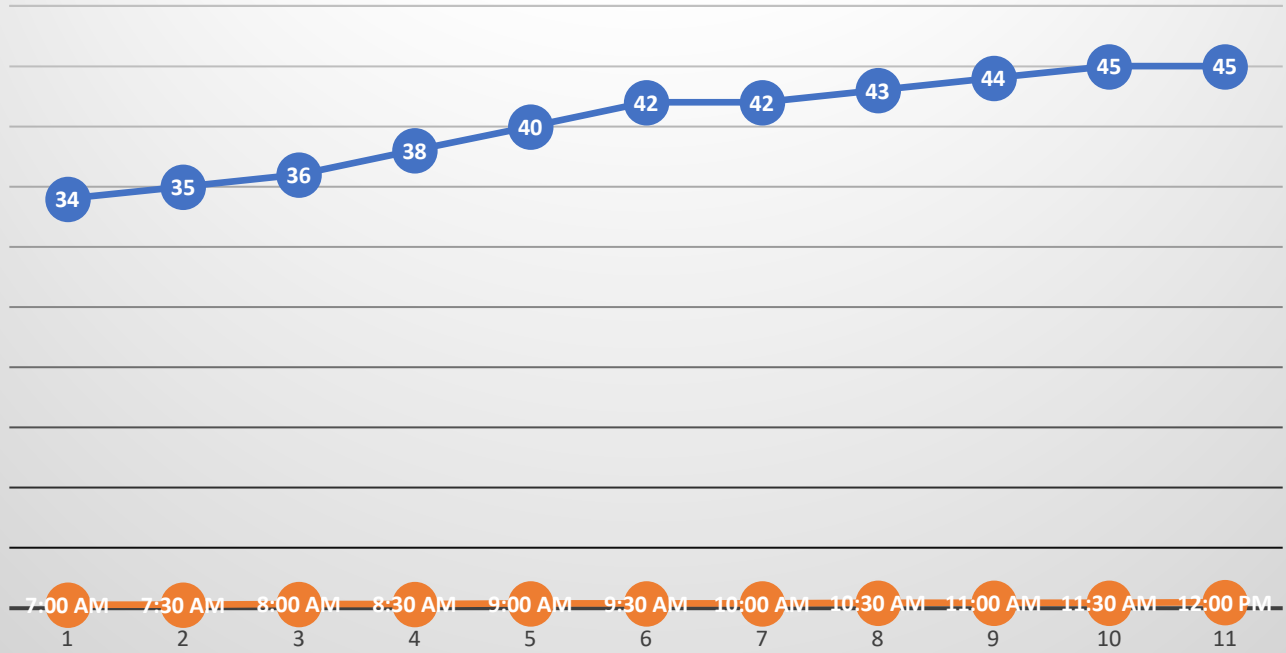
METER 2
7 AM TO 12 PM
MAY 6 2020



METER 3 – 24 HOUR READINGS



METER 3
7 AM TO 12 PM
MAY 6 2020



Leonard Crothers
950 Holmes flat, Redcrest, CA 95569
(209-331-004-000)

Friday April 3rd 2020

Eel River Produce LLC.
1048 Holmes flat, Redcrest, Ca 95569
(209-331-002-000)

To Whom it may concern,
Leonard Crothers, APN(209-331-004-000) gives consent for Eel River Produce LLC
APN(209-331-002-000) to cultivate cannabis within the 300 foot setback of my residence.

A handwritten signature in blue ink that reads "Leonard Crothers III". The signature is written in a cursive style with a horizontal line at the end.

John Christie
926 Holmes flat, Redcrest, CA 95569
(209-331-003-000)

Friday April 3rd 2020

Eel River Produce LLC.
1048 Holmes flat, Redcrest, Ca 95569
(209-331-002-000)

To Whom it may concern,
John Christie, APN(209-331-003-000) gives consent for Eel River Produce LLC
APN(209-331-002-000) to cultivate cannabis within the 300 foot setback of my residence.

A handwritten signature in blue ink, appearing to read "John Christie", is written over the text of the consent statement.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Temporary Structures In The Flood Zone Hoop Houses Only

The Planning and Building Department has amended the Flood Damage Prevention Regulations Section 335-5 of the Humboldt County Code to allow placement of temporary structures in mapped flood hazard areas for up to 180 days from **April 16 through October 15**.

Temporary structures (hoop houses) not removed by October 16 will be in violation of Humboldt County Code Section 352-3(h), Category 4, Violations: Violations that are committed intentionally or through inexcusable neglect and have a significant and/or substantial impact on health, safety, comfort and/or general welfare of the public. Category 4 Violations shall include, but are not limited to, commercial cultivation of marijuana in violation of any applicable local or state laws, regulations, policies, procedures, permits and agreements. There will be an inspection fee at the current rate to verify the structures are not in violation of these regulations.

Category 4 Violations shall be subject to an administrative civil penalty of six thousand dollars (\$ 6,000.00) to ten thousand dollars (\$ 10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day.

Address: 1048 Holmes Flat Road APN: 209-331-002

I declare under penalty of perjury and hereby certify that: I am the owner/contractor/agent for the above referenced property:

Owner/Contractor/Agent Signature: W/## Date: 04 / 13 / 2020

PURSUANT TO THE 2016 CALIFORNIA RESIDENTIAL CODE AND THE CALIFORNIA BUILDING CODE, THE BUILDING OFFICIAL OR HIS/HER DESIGNEE IS AUTHORIZED TO CONDUCT INSPECTIONS IN ORDER TO DETERMINE CODE COMPLIANCE. COMPLETION AND SUBMISSION OF THIS FORM DOES NOT WAIVE, NEGATE, OR DIMINISH THE BUILDING OFFICIAL'S INSPECTION AUTHORITY AND DOES NOT LIMIT THE BUILDING OFFICIAL'S RIGHT TO CONDUCT INSPECTIONS FOR CODE COMPLIANCE AND/OR TO VERIFY THAT THE INFORMATION CERTIFIED ABOVE IS ACCURATE.

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Public Works Land Use Division	✓	Conditional approval	Attached
Division of Environmental Health	✓	Conditional Approval	Attached
State Water Resources Control Board- Department of Water Resources	✓	Approval	Attached
California Department of Fish & Wildlife	✓	Comments	Attached
CAL FIRE	✓	No comments	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent discovery protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Agricultural Commissioner		No response	
RWQCB		No response	
NCUAQMD		No response	
Redcrest Volunteer Fire Department		No response	
California State Parks		No response	
Scotia Union School District	✓	No comments	Attached
Fortuna Union School District		No response	
District Attorney		No response	
Humboldt County Sheriff	✓	Approval	On file with Planning



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

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

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/13/2020

RE:

Applicant Name	EEL RIVER PRODUCE
APN	209-331-002
APPS#	PLN-2019-15762

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:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15762

☒ **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 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 //

Workflow History (34)

View notice

Cancel

Help

Task	Assigned to Department	Due Date	Assigned Date
Environmental Health	Environmental Health	12/21/2019	11/25/2019
Assigned to Department	Assigned to	Status	Status
Environmental Health	Ben Dolf	Approved	Approved
Action by Department	Action By	Status Date	Status Date
Environmental Health	Ben Dolf	12/11/2019	12/11/2019
Start Time	End Time	Hours Spent	Hours Spent
		0.0	0.0
Billable	Overtime	Comments	Comments
No	No	Note that the proposed building will require a new, permitted onsite wastewater treatment system meeting current standards.	Note that the proposed building will require a new, permitted onsite wastewater treatment system meeting current standards.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)	In Possession Time (hrs)
Display E-mail Address in ACA	Display Comment in ACA	Comment Display in ACA	Comment Display in ACA
No	✓	✓ All ACA Users	✓ All ACA Users
		✓ Record Creator	✓ Record Creator



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

11/20/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, School District: Fortuna Union, Cal Fish & Wildlife, CalFire, CA State Parks, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, PGE, School District: Scotia Union

Applicant Name Eel River Produce, LLC **Key Parcel Number** 209-331-002-000

Application (APPS#) PLN-2019-15762 **Assigned Planner** Rodney Yandell 707-268-3732

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

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

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

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

Return Response No Later Than: 12/5/2019

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

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

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

Other Comments: _____

11/27/2019

Jonathan Pham, Cannabis Registration Unit - Division of Water Rights

DATE: _____ PRINT NAME: _____



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Eel River Produce		Date: 4/30/2020
APPS No.: PLN-2019-15762	APN: 209-331-002	DFW CEQA No.: CEQA-2019-0586-R1
<input checked="" type="checkbox"/> New	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 123,200 <input checked="" type="checkbox"/> Wholesale Nursery (SF): 10,000	

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

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

- ☒ Recommend Conditional Approval. Suggested conditions below.

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

- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.

Please consider the following information and/or requested conditions of Project approval, if approval is granted.

- ☒ CDFW recommends against reducing the 600-foot buffer from Redwood State Park. Redwood State Park provides critical habitat to sensitive wildlife species including but not limited to Northern Spotted Owl (*Strix occidentalis caurina*) a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and threatened pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) as well as Marbled Murrelet (*Brachyramphus marmoratus*), a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and endangered pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) This 600-foot buffer was included in the County Ordinance through the public process to prevent additional encroachment on this limited critical habitat and in an effort to mitigate impacts to biological resources. CDFW requests that the 600-foot buffer from public lands remain intact.
- ☒ Perennial wetlands have been identified on the project site, however, the buffer included in the Biological Assessment consists of 50ft from the wetted edge. CDFW recommends a minimum 150ft buffer from perennial wetlands and 50ft from seasonal wetlands measured from the outer edge of the wetland boundary. These areas should be identified as no-disturbance buffers.
- ☒ Artificial light pollution may adversely affect fish and wildlife species in the Project vicinity in several ways including but not limited to disruption of circadian rhythms, suppressed immune response, changes in foraging behavior, altered navigation, altered predator-prey relationships, impacts on reproduction, and phototaxis. Adhering to International Dark-Sky Standards, will minimize impacts to sensitive species, potentially affected by this Project. CDFW requests, a Light Attenuation Plan be submitted, approved, and implemented prior to the use of lights as applicable to the Project. International Dark-Sky Standards include but are not limited to the following, 1) light

shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. See: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>

- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To minimize disturbance to wildlife, CDFW requests a Noise Attenuation Plan be developed, approved, and implemented prior to the use of generators and fans as applicable to the Project; noise released shall be no more than 50 decibels measured from 100ft or edge of developed cultivation site, whichever is closer.
- ☒ To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids (as applicable to the project) be relocated to stable surfaces with a minimum 150ft buffer from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2020-0076-R1).
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Marbled Murrelet (*Brachyramphus marmoratus*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Western Red Bat (*Lasiurus blossevillii*), Osprey (*Pandion haliaetus*), Coast Fawn Lily (*Erythronium revolutum*), Maple-leaved Checkerbloom (*Sidalcea malachroides*), Seacoast Ragwort (*Packera bolanderi* var. *bolanderi*), Siskiyou Checkerbloom (*Sidalcea malviflora* ssp. *patula*), Humboldt County Milk-vetch (*Astragalus agnicidus*), Northern Clustered Sedge (*Carex arcta*), Pacific Gilia (*Gilia capitata* ssp. *pacifica*), White-flowered Rein Orchid (*Piperia candida*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Green Sturgeon (*Acipenser medirostris*), White Sturgeon (*A. transmontanus*), Pacific Lamprey (*Entosphenus tridentatus*), Inland Threespine Stickleback (*Gasterosteus aculeatus microcephalus*), Prickly Sculpin (*Cottus asper* ssp. 1), Foothill Yellow-legged Frog (*Rana boylei*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

Scott Bauer
Senior Environmental Scientist Supervisor
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

From: [Luther, Stephen](#)
To: [Bauer, Scott@Wildlife](#)
Cc: [Johnson, Cliff](#); [Ryan, Meghan](#)
Subject: RE: CDFW Referral Eel River Produce 15762
Date: Tuesday, May 05, 2020 2:10:23 PM

Dear Scott,

Thank you for CDFW's referral comments on this project. Please see the response below, and let me know if there are any other issues. I can keep you apprised of the State Parks position and forward the revised Site Plan when available.

1. The Cultivation and Operations Plan estimates: 638 gal/day for full-sun outdoor, 285 gal/day for light dep, and 52 gal/day in the nursery. This equates to 1.22 gal/sf. The cultivation will occur directly in floodplain soil in an area that has a high water table, thus dramatically reducing the irrigation water needed. About 0-5 gal/sf is an accurate estimate for cultivation in this area. Water use will be metered and additional rainwater storage capacity added if needed.
2. The applicant is requesting to reduce the setback from Humboldt Redwoods State Park to 446 feet. Planning staff is in contact with State Parks environmental scientists to determine if the Park has concerns. In response to CDFW comments, the applicant has agreed to locate the full sun outdoor cultivation on the western edge of the property and move the proposed light deprivation hoop houses to the east side of the property. The noise source from fans will be more than 600 feet from critical habitat. The nursery is all outdoor and no supplemental lighting is proposed in the operation. The cultivation project cannot move forward until a pre-project noise survey is completed, and noise from the project cannot result in an increase of more than 3 decibels. Noise cannot exceed 50 decibels measured 100 feet from the source or to the edge of habitat, whichever is closer.
3. A revised Site Plan has been requested for Pacific Watershed Associates to map the observed wetlands #1-3 as documented in the Biological Reconnaissance, Protocol Level Survey, Wetland Delineation and Invasive Species Management Plan prepared by PWA in July 2019. The map will show a 150 foot no-disturbance buffer as measured from the edge of the 3 wetland areas. As noted in that report, the fourth test pit dug in the east-west Class IV ditch did not exhibit wetland hydrology necessary to classify as a 3-parameter wetland, and the 50-foot buffer is appropriate.
4. The applicant is required to adhere to International Dark Sky Standards.
5. See discussion in #2. The power source is 100% renewable grid electricity and no generators are used in the operation.
6. All other items are included as ongoing operational conditions to protect fish and wildlife.

Best,
Stephen

Sent from [Mail](#) for Windows 10

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95601 - PHONE (707) 445-7246

11/20/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, School District: Fortuna Union, Cal Fish & Wildlife, CalFire, CA State Parks, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, PGE, School District: Scotia Union

Applicant Name Eel River Produce, LLC Key Parcel Number 208-331-002-000

Application (APPS#) PLN-2019-16762 Assigned Planner Rodney Yandell 707-288-3732

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

Return Response No Later Than: 12/5/2019

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 288 - 3782

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- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE:

12/5/19

PRINT NAME:

Amy Gossien