



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 18, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Rye Hoine Special Permits**
Record Number: PLN-12959-SP
Assessor's Parcel Number (APN): 207-086-004
Northeast quarter of the southeast quarter of Section 07, Township 01
North, Range 03 East, Bridgeville area

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Please contact Christopher Alberts, Planner, at (707) 268-3771, or by email calberts@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 18, 2020	Special Permits	Christopher Alberts

Project Description: A Special Permit (SP) for 10,000 square feet of existing cannabis cultivation consisting of 5,500 square feet of outdoor and 4,500 square feet of mixed light cultivation areas. Cultivation activities extend from May to November. The applicant is anticipating three cultivation cycles per year that will occur in three (3) 3,000-square-foot greenhouses. Propagation will occur in a 1,000-square-foot greenhouse, that will be temporarily used for two weeks in the summer season. Irrigation for the project will be sourced from a proposed onsite well. The applicant anticipates 288,889 gallons of water will be required annually. Water for irrigation will be stored in four (4) 2,500-gallon water tanks. Processing including drying and curing will occur in an 800-square-foot structure. Further processing will occur offsite at a third-party licensed processing facility. The applicant states there will be a maximum of four employees working onsite during peak of operations. Power is sourced from generators. The proposed project includes a Special Permit for development within the Streamside Management Area for use of a point of diversion on an unnamed tributary to the Van Duzen river for irrigation until there is a well on-site that meets annual water needs.

Project Location: The project is located in Humboldt County, in the Bridgeville area, on the north side of State Highway 36, approximately 2.86 miles west from the intersection of Bar W Road and State Highway 36, then east on a private road for approximately 0.87 miles, on the property known to be in the northeast quarter of the southeast quarter of Section 07, Township 01 North, Range 03 East.

Present Plan Land Use Designations: Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Low Instability (1).

Present Zoning: Timber Production (TPZ)

Record Number: PLN-12959-SP

Assessor Parcel Number: 207-086-004

Applicant

Rye Hoine
1025 Kirkland Ct.
McKinleyville, CA 95519

Owner

Rye Hoine
1025 Kirkland Ct.
McKinleyville, CA 95519

Agent

421 Group, Inc
Yoel Chetrit
103 Morris St, Suite A5
Sebastopol, CA 95472

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

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

Major Issues: None.

RYE HOINE

Record Number: PLN-12959-SP
Assessor's Parcel Number: 207-086-004

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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and adopt the Resolution approving the Rye Hoine project subject to the recommended conditions.

Executive Summary:

The proposed Special Permit would permit 5,500 square feet of outdoor cannabis cultivation and 4,500 square feet of mixed light cannabis cultivation. The total cultivation area altogether is 10,000 square feet on one 40-acre parcel. Cultivation activities extend from May to November. The applicant is anticipating three cultivation cycles per year that will occur in three (3) 3,000-square-foot greenhouses and one (1) 1,000-square-foot greenhouse. Propagation will occur in a 1,000-square-foot greenhouse and will be dismantled annually before October 15. Processing including drying and curing will occur in an 800-square-foot structure. Further processing will occur offsite at a third-party permitted processing facility. The applicant states there will be a maximum of four employees working onsite during peak of operations. Power is sourced from generators.

The applicant anticipates 288,889 gallons of water will be required annually for three cultivation cycles (approximately 9.62/gallons/sf/cycle). Water for irrigation will be stored in four (4) 2,500-gallon water tanks, totaling 10,000-gallons of water storage. Irrigation for the project is provided by a point of diversion on an unnamed tributary to the Van Duzen river. The applicant is proposing to drill a groundwater well upon approval of this permit. Full sun outdoor cultivation areas were reorganized into greenhouses. Staff is supportive of the organization as the number of growing days remains the same and water conservation is improved because conditions are more controlled. Because of the nearby NSO activity center, conditions of approval restrict the use of fans in the greenhouses that contain the historic full sun cultivation. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board (SWRCB) regarding use of the point of diversion and installation of the groundwater well. Until such time that the applicant demonstrates the well is not hydrologically connected to surface waters, the applicant is required to install sufficient water storage to meet the forbearance requirements as imposed by CDFW and the State Water Resources Control Board.

The parcel is accessed from State Highway 36. A Road Evaluation Report was prepared by the applicant stating that the entire road segment is developed to the equivalent of a road category 4 standard. Access to the project site intersects with State Highway 36. A Road Evaluation Report was prepared by the applicant stating that the entire road segment is developed to the equivalent of a Category 4 road standard. The evaluation also states the road is maintained by the applicant and the Humboldt Redwood Company (owner of APN 206-271-067 where the access road connects to Highway 36). The project was referred to the Department of Public Works February 24, 2020. The department stated the project will have no effect on facilities maintained

by the Department of Public Works and are recommended that the project be referred to CAL TRANS. The project was referred to CAL TRANS on April 24, 2020. Because no response was received, staff reached out to CAL TRANS staff directly on May 27, 2020. On May 27, 2020, CAL TRANS staff indicated they intend on providing comments, however, do not want to hold up the process (see Attachment 5). CAL TRANS staff provided comments on June 8, 2020, requiring the applicant to obtain the necessary permits to improve the intersection of the private access road with Highway 36 (see Attachment 5). Conditions of approval require the applicant to obtain the required permits from CAL TRANS to improve the intersection of the private access road and Highway 36 and adhere to all requirements for improvements, restrictions and on-going maintenance.

The project was referred to CAL FIRE on February 24, 2020. CAL FIRE comments recommending that the access road shall not be used for commercial purposes during the winter season due to the steep pitch through the access gate (see Attachment 5). There will be a maximum of four people on-site to assist with operations. Drying and curing will occur on-site with the final harvest occurring in early to mid-October. Cured product is taken off-site to a licensed facility for further processing or manufacturing. Road use associated with the operation would be minimal from November to April. On June 8, 2020, Planning staff reached out directly to CAL FIRE staff regarding the access. CAL FIRE staff indicated that the limitation of commercial traffic applies to large truck and heavy machinery, not passenger automobiles and that no restrictions on site access associated with cannabis operations were required (see Attachment 5).

According to the California Natural Diversity Database (CNDDDB), the North American porcupine is the only special status species located on APN 207-086-004. The Biological Resources Assessment states there are no special-status animal species or plant species located on the subject parcel. The assessment also concluded that there were no wetlands or streams identified on the parcel. The floodplain and old-field areas are also well-drained to maintain vernal pool features and to retain surface water during rain events. The parcel receives water primarily from direct precipitation and from subsurface water flowing south from the ridge top. The nearest Northern Spotted Owl (NSO) Activity Center is located 0.52 miles southwest of the cultivation site and the nearest NSO sighting is located 0.1 miles southwest of the cultivation. The nearest mapped Marbled murrelet habitat is located 3.73 miles west of the project site. Full sun outdoor cultivation areas were reorganized into greenhouses. Staff is supportive of the organization as the number of growing days remains the same and water conservation is improved because conditions are more controlled. Because of the nearby NSO activity center, conditions of approval restrict the use of fans in the greenhouses that contain the historic full sun cultivation. A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100 feet from the noise source or edge of habitat, whichever is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff thinks that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO.

The project is located in mapped FEMA flood hazard zone overlay. The project shall keep permanent structures and associated equipment and materials (e.g. water storage tanks, generators, fuel, fans, imported soils, etc.) out of the 100-year floodplain (i.e. structurally elevated or relocated). Applicant shall submit confirmation photographs of the removed cultivation materials with a current newspaper in each photograph by October 15th annually. Cultivation materials shall be relocated to an elevated structure (i.e. elevated shipping container), in

compliance with the County Flood Damage Prevention Ordinance, to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th and remain in effect through the end of the winter precipitation period, April 16th of each year. Non-permanent buildings and sheds being used for storage or fertilizers, nutrients, etc. shall be elevated and/or anchored, in compliance with the County Flood Damage Prevention Ordinance to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th following the issuance of the final permit and remain in effect in perpetuity.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-12959-SP
Assessor Parcel Number: 207-086-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Rye Hoine Special Permits request.

WHEREAS, Rye Hoine, submitted an application and evidence in support of approving a Special Permit (SP) for 10,000 square feet of existing cannabis cultivation consisting of 5,500 square feet of outdoor and 4,500 square feet of mixed light cultivation areas and development within the Streamside Management Area for use a point of diversion on an unnamed tributary to the Van Duzen river used for irrigation; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-12959-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 18, 2020.

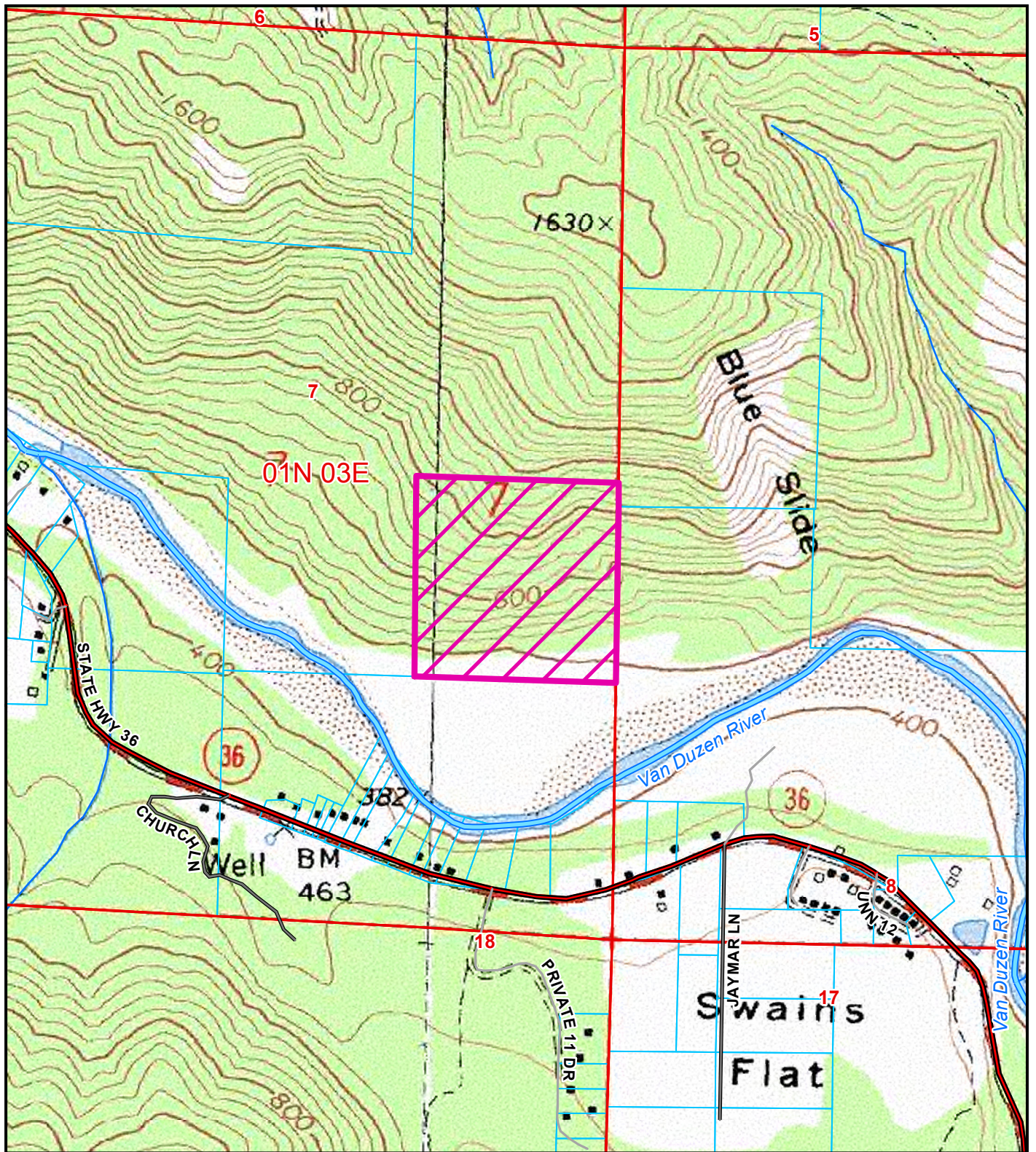
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Zoning Administrator staff report for the Special Permits (Record Number PLN-12959-SP) based on the submitted substantial evidence; and
3. The Special Permits (Record Number PLN-12959-SP) are approved as recommended and conditioned in Attachment 1 for Record Number PLN-12959-SP.

Adopted after review and consideration of all the evidence on June 18, 2020.

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

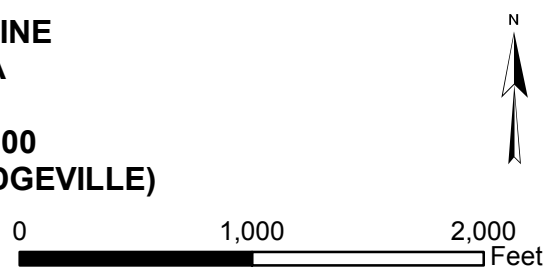
John Ford
Zoning Administrator
Planning and Building Department

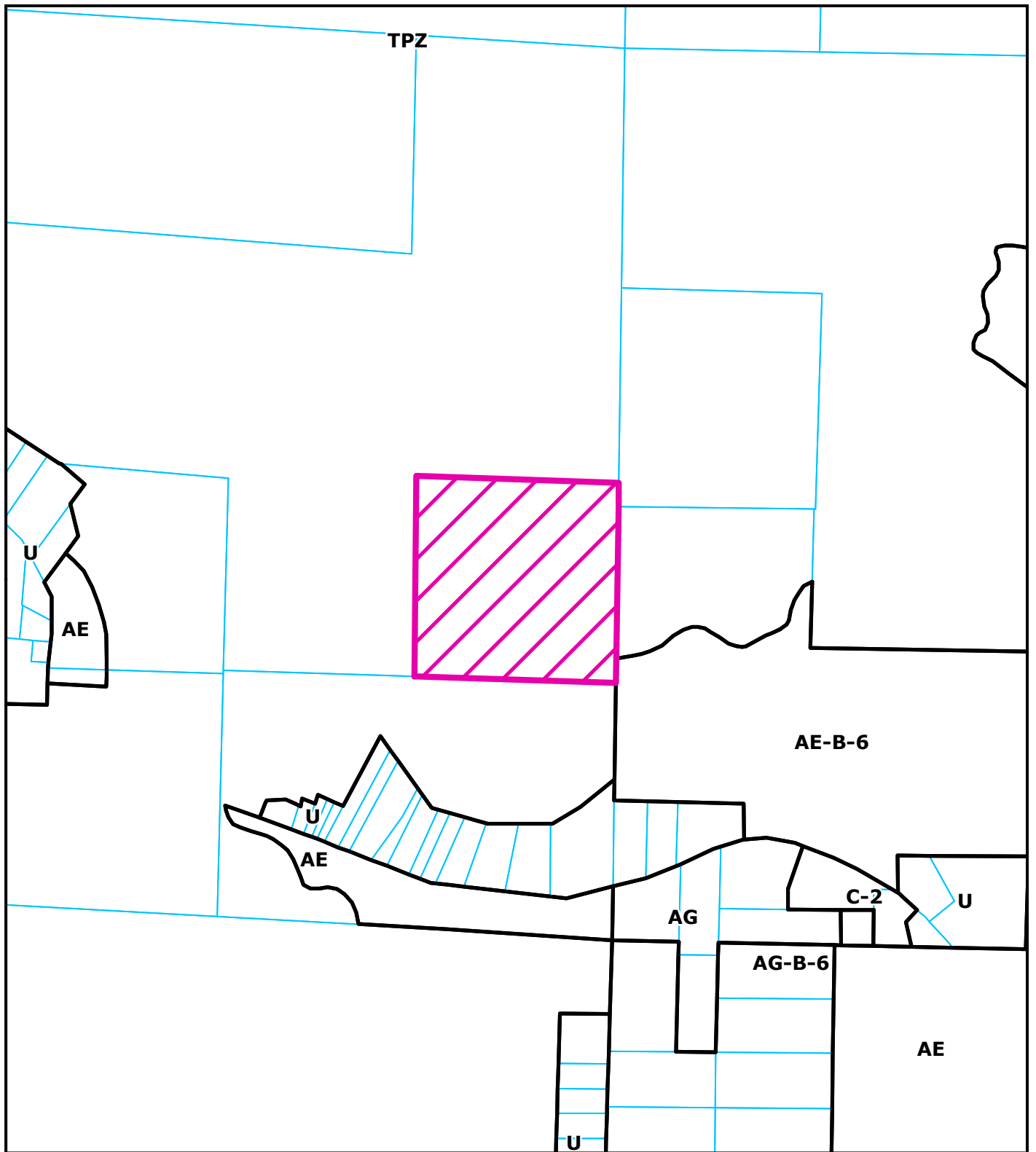


Project Area = 

**TOPO MAP
PROPOSED RYE HOINE
CARLOTTA AREA
SP-16-705
APN: 207-086-004-000
T01N R03E S7 HB&M (BRIDGEVILLE)**

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

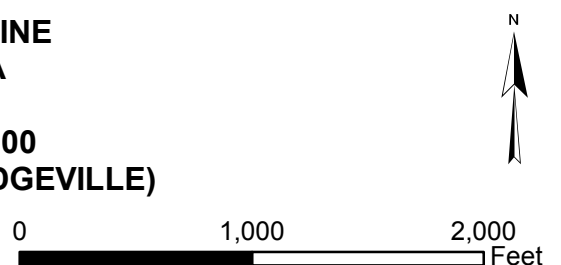


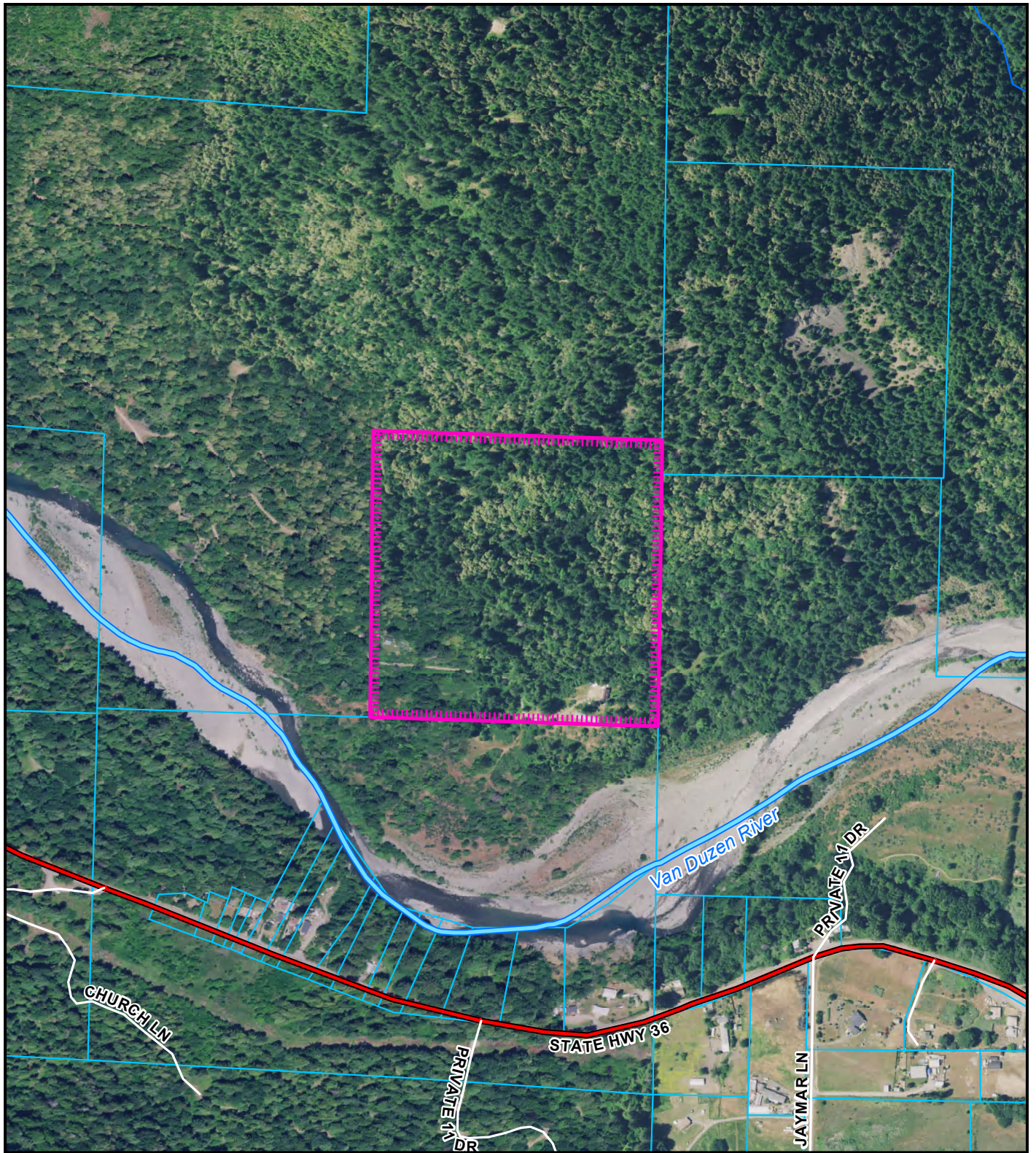


Project Area = 

**ZONING MAP
PROPOSED RYE HOINE
CARLOTTA AREA
SP-16-705
APN: 207-086-004-000
T01N R03E S7 HB&M (BRIDGEVILLE)**

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





Project Area = 

**AERIAL MAP
PROPOSED RYE HOINE
CARLOTTA AREA
SP-16-705
APN: 207-086-004-000
T01N R03E S7 HB&M (BRIDGEVILLE)**

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

0 700 1,400 Feet



HUMBOLDT COUNTY CANABIS CULTIVATION
40.475228, -123.873432
CARLOTTA, CA 95528

ISSUED 02.18.20

TNLDB

TNLDB
1100 Jackson St, #15
San Francisco, CA 94133
415.260.1139



VICINITY MAP

LEGAL DESCRIPTION:

PARCEL MAP BOOK 207-08 PAGE 08 IN THE CITY OF CARLOTTA,
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

ACCESSORS PARCEL NO. (APN): 207-086-004
LAND USE DESIGNATION: T (TIMBERLAND)

SITE DATA:

OWNER NAME:	RYE HOINE	LOT SIZE:	40 ACRES
SITE COORDINATES:	40.475228, -123.873432	GRADED FLATS:	NONE PROPOSED, EXSITING AREA IN SCOPE IS MOSTLY FLAT
CITY:	CARLOTTA, CA 95528	PRIVATE ACCESS ROAD:	EXISTING NO CHANGE
LOT SIZE:	40 ACRES	ACCESSORY BUILDINGS:	PROPOSED WET SEASON STORAGE AND WASTE AREA, EXISTING DRYING BUILDING TO PROVIDE ACCS. STORAGE
EASEMENTS:	NONE		
WATER WAYS:	EXSTING SPRING ON SITE, NO CHANGE OR IMPACT TO EXISTING IS PROPOSED		
WATER DIVERSION:	NO CHANGE TO EXISTING		
WELL LOCATION:	NEW WELL PROPOSED SEE SITE PLAN FOR LOCATION	SEPTIC TANK:	EXISTING NO CHANGE
SETBACKS:	100' MEASURED FROM THE TOP OF BANK OR EGE OF RIPARIAN DRIP-LINE. SITE IS NOT WITHIN SETBACK	WATER STORAGE:	(3)10,000 GAL TANKS EXISTING
		TOTAL PROPOSED OD CULTIVATION:	10,000 SF (4 HOOP HOUSES)

DRAWING INDEX:

DRAWING NO.	DRAWING NAME	ISSUED 02.18.2020
G-100	COVER SHEET	•
A-100	OVERALL SITE PLAN	•
A-101	ENLARGED SITE PLAN	•

EXISTING BUILDING DATA

DRYING BLDG

AREA OF STRUCTURE:
CONSTRUCTION: TYPE 5
OCCUPANCY: B
USE: DRYING
ACCESS ROAD: EXISTING
SEPTIC TANK: EXISTING
DATE CONSTRUCTED: 2006

PROPOSED TEMPORARY STRUCTURES:

HOOP HOUSE 1

AREA OF STRUCTURE:
AREA OF CANOPY: 2,750 SF
CONSTRUCTION: TEMPORARY PVC
OCCUPANCY: U
USE: CULTIVATION
DATE CONSTRUCTED: PROPOSED

HOOP HOUSE 2

AREA OF STRUCTURE:
AREA OF CANOPY: 2,750 SF
CONSTRUCTION: TEMPORARY PVC
OCCUPANCY: U
USE: CULTIVATION
DATE CONSTRUCTED: PROPOSED

HOOP HOUSE 3

AREA OF STRUCTURE:
AREA OF CANOPY: 1,500 SF
CONSTRUCTION: TEMPORARY PVC
OCCUPANCY: U
USE: CULTIVATION
DATE CONSTRUCTED: PROPOSED

HOOP HOUSE 4

AREA OF STRUCTURE:
AREA OF CANOPY: 3,000 SF
CONSTRUCTION: TEMPORARY PVC
OCCUPANCY: U
USE: CULTIVATION
DATE CONSTRUCTED: PROPOSED

PROJECT

CULTIVATION SITE PLAN

ADDRESS

40.475228, -123.873432

CLIENT

RYE HOINE

PROJECT NO.

19012

SCALE

1" = 400'-0"

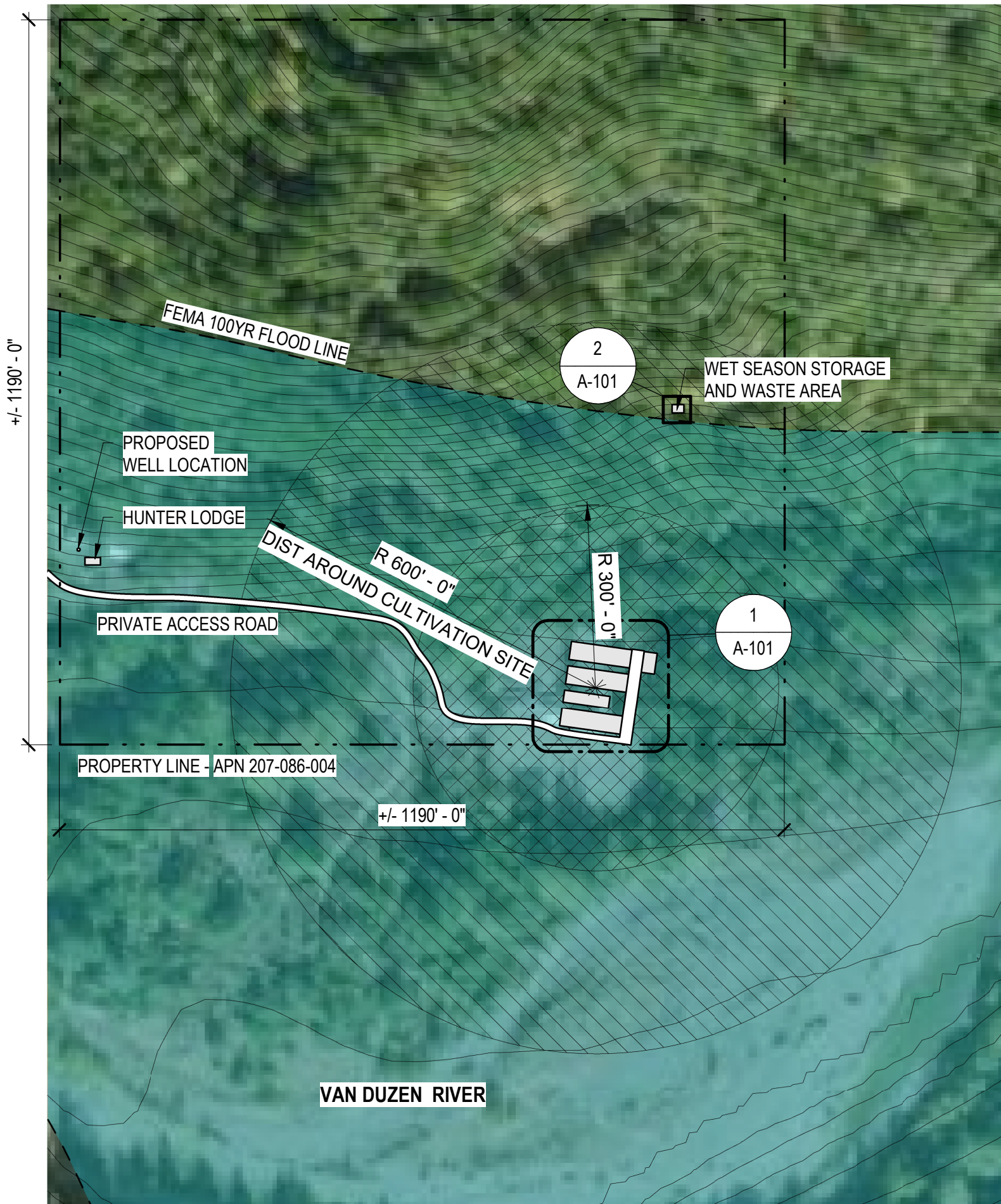
SHEET TITLE

COVER SHEET

DRAWING NO.

G-100

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TNLDB

TNLDB
1100 Jackson St, #15
San Francisco, CA 94133
415.260.1139

PROJECT

CULTIVATION SITE PLAN

ADDRESS

40.475228, -123.873432

CLIENT

RYE HOINE

PROJECT NO.

19012

SCALE

1" = 200'-0"

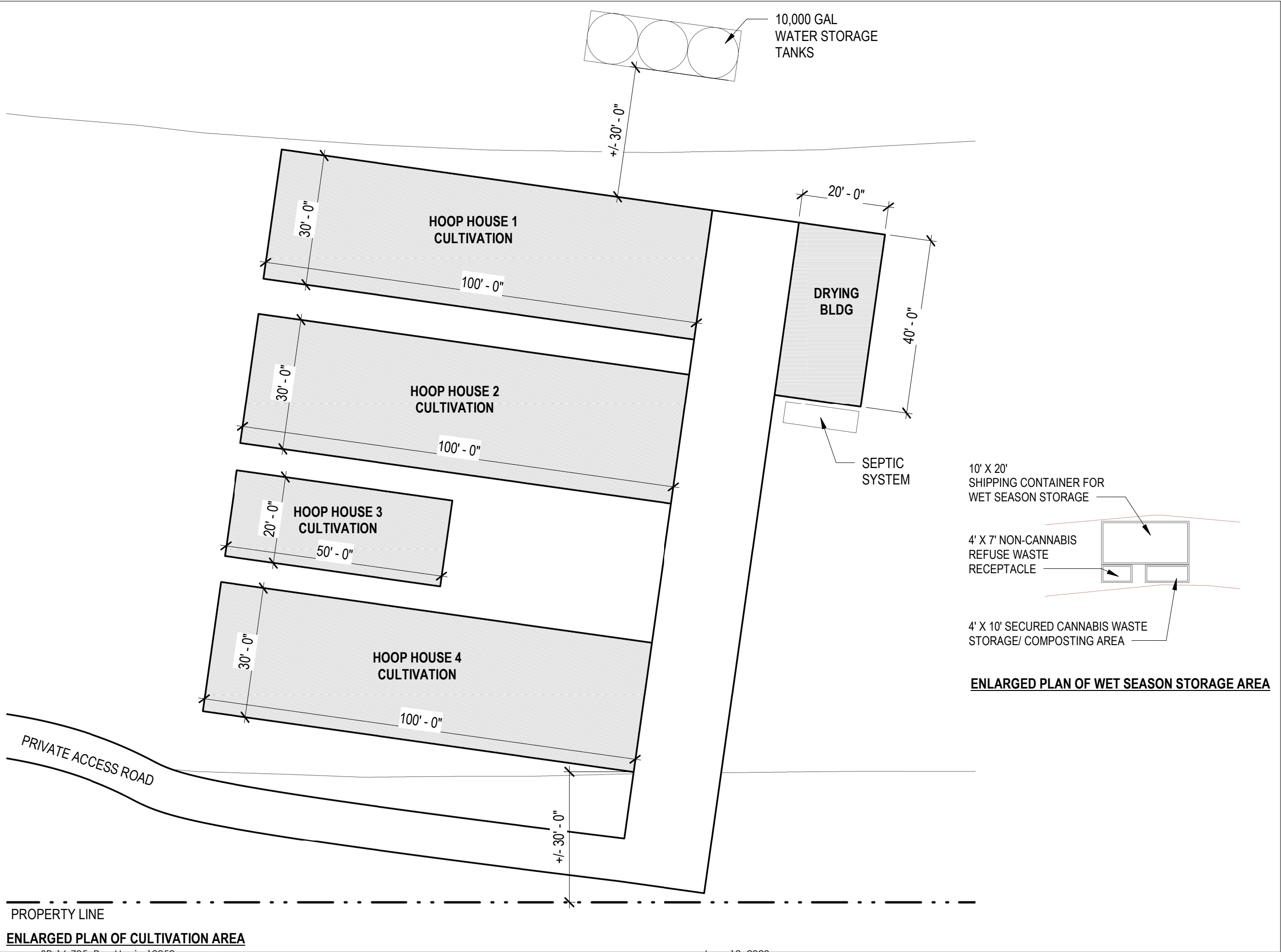
SHEET TITLE

OVERALL SITE PLAN

DRAWING NO.

A-100

Page 12



TNLDB
1100 Jackson St, #15
San Francisco, CA 94133
415.260.1139

PROJECT
CULTIVATION SITE PLAN

ADDRESS
40.475228, -123.873432

CLIENT
RYE HOINE

PROJECT NO. 19012	SCALE 3/64" = 1'-0"
----------------------	------------------------

SHEET TITLE
ENLARGED SITE PLAN

DRAWING NO.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4 –11. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. This permit does not authorize fans in the greenhouses that contain outdoor cultivation for the life of this permit.
3. Within 60 days of the effective date of this permit, the applicant shall notify the California Department of Fish and Wildlife for the point of diversion, installation of the well and any other projects within their jurisdiction (e.g. culvert replacement or repair). The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
4. The applicant shall obtain and adhere to the required permits from CAL TRANS to improve the intersection of Highway 36 and the private access road as described by the email dated June 8, 2020, from Jesse Robertson, Transportation Planning, CAL TRANS District 1 (email included in Attachment 5). The following impacts are required to be further evaluated as a part of the application package to CAL TRANS:
 - a. This area has known populations within State R/W of Sonoma tree vole (*Arborius pomosus*) and has a CDFW designation of a species of special concern that requires impact analysis under CEQA if trees will be removed or trimmed within the Right-of-Way (R/W).
 - b. This area within State R/W includes known populations of Howell's montia (*Montia howellii*) which also requires botanical surveys under CEQA as it is designated as a CNPS 2B.2 plant.
 - c. This area has a high probability of Fishers (*Pekania pennanti*) to be utilizing forested areas within or directly adjacent to Caltrans R/W. This species is designated as a candidate for listing as Federally Threatened and will require an effects analysis and field surveys if any trees will be removed within State R/W.
 - d. Any vegetation removal that may occur as a result of road (driveway) work within State R/W will require Migratory bird surveys within 1 week of vegetation removal to occur between March 15 and September 15.
 - e. Given the location and proximity to the Van Duzen River which is designated essential fish habitat for steelhead salmon, Caltrans standard Best Management Practices (BMP's) for managing erosion and discharge should be upheld for all work within the State R/W.

No additional impacts or tree removal is authorized by this permit. If the further evaluations determine there are additional impacts or tree removal is required A letter or similar communication from CAL TRANS stating this work is completed will satisfy this condition.

5. The applicant shall secure permits for all structures, including, but not limited to greenhouses and agriculture accessory structures used for drying and curing, and grading related to the cannabis cultivation (e.g. development of the flat area where cultivation is occurring) and other commercial cannabis activity. Compliance with the Flood Damage Prevention Ordinance is required. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.
6. The applicant shall submit a Less Than Three Acre Mitigation Plan for timber removal that occurred in the southeastern portion of the subject parcel. The plan shall be prepared by a Registered Professional Forester and shall include any recommendations to ensure the timber removal occurred in compliance with the Forest Practices Act. The plan shall also include a plan for restocking any timber removal that occurred after January 1, 2016, at a rate of 3:1 (approximately 0.81 acres or as determined by RPF). The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. The plan shall be reviewed and approved by the Planning Department prior to commencing any restoration. Monitoring data is required to be submitted annually thereafter at the time of the annual inspection.
7. The applicant shall submit a Well Completion Log to the Planning Department upon completion for the proposed well for review by the Planning Department. The applicant shall forebear from using the well from April 1 to October 31 annually until the well can be determined that it is not hydrologically connected to any waterbodies. If the well is determined to be hydrologically connected, then the applicant shall obtain appropriate water rights from the State Water Resources Control Board for the use of the well and adhere to any requirements, including but not limited to installation of sufficient water storage to meet forbearance requirements. Confirmation from the Planning Department will satisfy this condition.
8. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, the 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.
9. The applicant shall adhere to and implement all recommendations contained in the *Biological Assessment* prepared by Pinecrest Environmental Consulting dated January 14, 2020. A letter or similar communication from a qualified biologist or botanist stating the applicant adhered to and implemented the requirements in the report as recommended will satisfy this condition.
10. No processing will occur on-site until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing and the OWTS is installed with proper permits from the Department of Environmental Health. A letter or similar communication from the Department of Environmental Health that the OWTS was installed to their requirements will satisfy this condition. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of cultivation staff prior to annual renewal of the permit until the applicant provides a written assessment from a qualified septic consultant confirming a minimum of tier 0 status for the existing onsite waste treatment system serving the

dwelling.

11. The applicant to adhere to all recommendations for construction contained in the *A Geologic Hazard Evaluation and Soils Engineering Report* was prepared by Hurvitz Environmental dated January 16, 2020. A letter or similar communication from a civil engineer confirming the recommendations were followed as described in the report will satisfy this condition.
12. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
13. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period and shall be provide results prior to or during the annual inspection. The water use for cultivation is limited to the amount of water available in the proposed well once constructed.
14. 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.
15. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
16. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
17. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
18. 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.
19. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00)

shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

20. 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.

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

1. All components of the 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 CMMLUO 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 & 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 Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (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. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
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 and annual inspection fees.
12. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

17. 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."
18. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
19. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing

- contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) 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:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
22. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.

23. 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 CUP 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 CUP, 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.
24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
25. 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.
26. Permittee further acknowledges and declares that:
- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or 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 violation(s) 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 violation(s) shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #22 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 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.

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 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Special Permit:

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

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

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 Section 4.8	<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>Allowable uses include: General agriculture, Agriculture & Timber products processing, and single-family residence.</p> <p>Density range is 40-160 acres/unit.</p>	<p>The project includes existing 5,500 square feet of outdoor cannabis cultivation and 4,500 square feet of mixed light cannabis cultivation. The total cultivation area is 10,000 square feet on one 40-acre parcel. General agriculture and agricultural processing are allowed use types on this parcel.</p>

<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible, and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the project site intersects with State Highway 36. A Road Evaluation Report was prepared by the applicant stating that the entire road segment is developed to the equivalent of a Category 4 road standard. The evaluation also states the road is maintained by the applicant and the Humboldt Redwood Company (owner of APN 206-271-067 where the access road connects to Highway 36). The project was referred to the Department of Public Works February 24, 2020. The department stated the project will have no effect on facilities maintained by the Department of Public Works and are recommended that the project be referred to CAL TRANS. The project was referred to CAL TRANS on April 24, 2020. Because no response was received, staff reached out to CAL TRANS staff directly on May 27, 2020. On May 27, 2020, CAL TRANS staff indicated they intend on providing comments, however, do not want to hold up the process (see Attachment 5). CAL TRANS staff provided comments on June 8, 2020, requiring the applicant to obtain the necessary permits to improve the intersection of the private access road with Highway 36 (see Attachment 5). Conditions of approval require the applicant to obtain the required permits from CAL TRANS to improve the intersection of the private access road and Highway 36 and adhere to all requirements for additional surveys, improvements, restrictions and on-going maintenance.</p>
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		<p>The project was referred to CAL FIRE on February 24, 2020. CAL FIRE comments recommending that the access road shall not be used for commercial purposes during the winter season due to the steep pitch through the access gate (see Attachment 5). There will be a maximum of four people on-site to assist with operations. Drying and curing will occur on-site with the final harvest occurring in early to mid-October. Cured product is taken off-site to a licensed facility for further processing or manufacturing. Road use associated with the operation would be minimal from November to April. On June 8, 2020, Planning staff reached out directly to CAL FIRE staff regarding the access. CAL FIRE staff indicated that the limitation of commercial traffic applies to large truck and heavy machinery, not passenger automobiles and that no restrictions on site access associated with cannabis operations were required (see Attachment 5).</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development. 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.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-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 an Open Space Action Program because the project site has a mapped FEMA flood hazard zone overlay (see discussion below regarding flooding). The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</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>According to the Biological Resources Assessment (see Attachment 4) prepared by Pinecrest Environmental Consulting Inc., dated January 14, 2020, (see Attachment 4), the project site consists of 32 acres of mixed Redwood and Douglas fir forest on the northern slopes and a floodplain forest on the southern flat portion of the parcel. The maximum elevation is 916 feet above sea level on the northern parcel boundary, and the minimum elevation is 393 feet above sea level along the southern parcel boundary where it intersects the floodplain of the Van Duzen River. The topography of the parcel is steeply sloped in the north with grades between 20-50% and the cultivation area is located on slopes less than 5%. According to the California Natural Diversity Database (CNDDB), the North American porcupine is the only special status species located on APN 207-086-004. The Biological Resources Assessment states there no special-status animal species or plant species located on the subject parcel. The assessment also concluded that there were no wetlands or streams identified on the parcel. The floodplain and old-field areas are also well-drained to maintain vernal pool features and to retain surface water during rain events. The parcel receives water primarily from direct precipitation and from subsurface water flowing south from the ridge top. The project is located in mapped FEMA flood hazard zone overlay. The project shall keep permanent structures and associated equipment and materials (e.g. water storage tanks, generators, fuel, fans, imported soils, etc.) out of the 100-year floodplain (i.e. structurally elevated or relocated). Applicant shall submit confirmation photographs of the removed cultivation materials with a current newspaper in each photograph by October 15th annually. Cultivation materials shall be relocated to an elevated structure (i.e. elevated shipping container), in compliance with the County Flood Damage Prevention</p>
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		<p>Ordinance, to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th and remain in effect through the end of the winter precipitation period, April 15th of each year. Non-permanent buildings and sheds being used for storage or fertilizers, nutrients, etc. shall be elevated and/or anchored, in compliance with the County Flood Damage Prevention Ordinance to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th following the issuance of the final permit and remain in effect in perpetuity.</p> <p>In their comments dated June 8, 2020, CAL TRANS is requiring the applicant to complete additional surveys for biological resources on APN 206-271-067 prior to any improvements to the intersection of Highway 36 and the private access road. This permit does not authorize any additional impacts or tree removal for the improvements to the encroachment. As stated in the conditions of approval, if the survey results show additional impacts and/or require tree removal, the applicant will be required to modify this permit.</p>
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		<p>The nearest Northern Spotted Owl (NSO) Activity Center is located 0.52 miles southwest of the cultivation site and the nearest NSO sighting is located 0.1 miles southwest of the cultivation. The nearest mapped Marbled murrelet habitat is located 3.73 miles west of the project site. Full sun outdoor cultivation areas were reorganized into greenhouses. Staff is supportive of the organization as the number of growing days remains the same and water conservation is improved because conditions are more controlled. Because of the nearby NSO activity center, conditions of approval restrict the use of fans in the greenhouses that contain the historic full sun cultivation. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. According to the Biological Resources Assessment (see Attachment 4) prepared by Pinecrest Environmental Consulting Inc., dated January 14, 2020, there were no special-status animal species observed on the subject parcel. The report predicts there will be no impacts to for any special-status species identified in the report, including the NSO. The report recommends no trees to be removed and no wires strung across open air higher than 5 feet due to the NSO and Marbled murrelet vicinity. Power for the project is supplied by generators. All generators are kept in secondary containment. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that</p>
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		<p>generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat.</p> <p>The applicant estimates a maximum of 288,889 gallons of water is required for three cultivation cycles. The water source for irrigation is a proposed onsite well. The applicant has submitted a contract and receipt from Fisch Drilling that states the location of the well has been selected and is now waiting for county approval. There is 10,000 gallons of water storage on the subject parcel. The proposed well will be located at an elevation of approximately 480 feet and is approximately 446 feet northeast from the Van Duzen River. The project is conditioned for the applicant to submit a Well Completion Log to the Planning Department after the well is drilled. The project is also conditioned to forebear from using the well from April 1 to October 31 annually until the well can be determined that it is not hydrologically connected to any waterbodies. If the well is determined to be hydrologically connected, then the applicant shall obtain the appropriate water rights for the use of the well. See the Streamside Management Area and Performance Standards for Water section for additional information. As conditioned, this project therefore complies with this section.</p>
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<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>This application was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria, and the Sinkyone Tribe. The Bear River Band of the Rohnerville Rancheria responded. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. An informational note appended to the conditions of approval for this project stipulates that if any cultural resources are encountered during construction activities, the contractor shall immediately cease work and contact a qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) to evaluate the discovery and determine a treatment plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The subject project involves 4,500 square feet of mixed light cultivation. The CMMLUO and conditions of approval require all mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No mixed light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards. As conditioned, the project therefore conforms with this section.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. 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. The project is consistent with the Water Resource policies of the General Plan. As conditioned, the project therefore conforms with this section.</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 parcel is currently served by a wastewater treatment system located in the cabin. Referral comments from the Department of Environmental Health require the applicant to demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system. The applicant is required to maintain invoice(s) or equivalent documentation to provide proof of continual use of the temporary facilities. Both requirements are included in the conditions of approval for the project. As conditioned, the project therefore conforms with this section.</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 nearest Northern Spotted Owl (NSO) Activity Center is located 0.52 miles southwest of the cultivation site and the nearest NSO sighting is located 0.1 miles southwest of the cultivation. The nearest mapped Marbled murrelet habitat is located 3.73 miles west of the project site. According to the Biological Resources Assessment (see Attachment 4) prepared by Pinecrest Environmental Consulting Inc., dated January 14, 2020, there were no special-status animal species observed on the subject parcel. The report predicts there will be no impacts to for any special-status species identified in the report, including the NSO. The report recommends no trees to be removed and no wires strung across open air higher than 5 feet due to the NSO and Marbled murrelet vicinity. Power for the project is supplied by generators. All generators are kept in secondary containment. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. As conditioned, the project therefore conforms with this section.</p>
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<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The entire subject site consists of land classified as low seismic instability and according to the Geologic Hazard Report prepared by Hurvitz Environmental, the cultivation site is situated on slopes less than 5% (see Attachment 4). In addition, because the cannabis operation is an agricultural activity located outdoors with only minor accessory structures to support the cultivation, the use is not expected to affect or to be affected by geologic instability. Conditions of approval require the applicant to obtain a grading permit for all grading related to the cannabis cultivation operation, including but not limited to, the two cultivation sites located in the western and southeastern portions of the parcel, respectively. The project does not pose a threat to public safety related to exposure to natural or manmade hazards. As conditioned, the project therefore conforms with this section.</p>
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<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project is located in a mapped FEMA flood hazard zone overlay. The project shall keep permanent structures and associated equipment and materials (e.g. water storage tanks, generators, fuel, fans, imported soils, etc.) out of the 100-year floodplain (i.e. structurally elevated or relocated). Applicant shall submit confirmation photographs of the removed cultivation materials with a current newspaper in each photograph by October 15th annually. Cultivation materials shall be relocated to an elevated structure (i.e. elevated shipping container), in compliance with the County Flood Damage Prevention Ordinance, to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th and remain in effect through the end of the winter precipitation period, April 15th of each year. Non-permanent buildings and sheds being used for storage or fertilizers, nutrients, etc. shall be elevated and/or anchored, in compliance with the County Flood Damage Prevention Ordinance to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th following the issuance of the final permit and remain in effect in perpetuity.</p> <p>The project site is not within a mapped dam or levee inundation area and, at approximately 26 miles distance from the coast, is outside the areas subject to tsunami run-up. As conditioned, the project therefore conforms with this section.</p>
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<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a very high fire severity. The subject property is located within the Bridgeville Fire Protection District and the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended to not use the access road for commercial use during the winter season due to a steep pitch through the access gate.</p> <p>The proposed project includes a proposed well that will be used for irrigation and also can be used for fire protection. There is 10,000 gallons of water storage on-site that can also be used for emergency purposes. The applicant states there will be a maximum of four employees working onsite. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. All applicable referral agencies were referred and did not identify any issues relating to fire hazards. As conditioned, the project therefore conforms with this section.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The subject parcel is located within the Bridgeville Fire Protection District boundaries.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with</p>	<p>As a condition of approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project therefore conforms with this section.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 207-086-004 is one legal parcel that was created by Patent recorded April 25, 1917. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Timberland Production Zone	Timberland Production Zone (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking a Special Permit for an existing 5,500 square feet of existing outdoor cultivation and 4,500 square feet of existing mixed light cultivation. The total cultivation area altogether is 10,000 square feet of cannabis cultivation on a property zoned TPZ. The proposed use is specifically allowed with Special Permit in this zoning district under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	Forty acres (40)	40 acres
Maximum Ground Coverage:	None specified	<20%
Minimum Lot Width:	None specified	1,194 feet
Maximum Lot Depth:	None specified	1,187 feet

Minimum Yard Setbacks: (Through the SRA setbacks)	TPZ: Front: 20 feet Rear: 30 feet Side: 30 feet SRA: 30 feet, all sides TPZ: 160 acres; or 40 acres if the provisions of Government Code Section 51119.5 are met.	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None Specified	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<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 parcel is situated above the Van Duzen River. The project site is located approximately 157 feet north of the Stream Side Management Area. All cultivation is located outside of the Streamside Management Area (SMA) boundaries. Currently, the water source for irrigation is a point of diversion in an unnamed tributary to the Van Duzen River, however, the applicant is proposing to drill an onsite well. The applicant has submitted a contract and receipt from Fisch Drilling that states the location of the well has been selected and is now waiting for county approval (see letter from Fisch Drilling in Attachment 4). There is 10,000 gallons of water storage on the subject parcel. The proposed well will be located at an elevation of approximately 480 feet and is approximately 446 feet northeast from the Van Duzen River. The project is conditioned for the applicant to submit a Well Completion Log to the Planning Department after the well is drilled. The project is also conditioned to forebear from using the well from April 1 to October 31 annually until the well can be determined that it is not hydrologically connected to any waterbodies. If the well is determined to be hydrologically connected, then the applicant shall obtain the appropriate water rights for the use of the well. Conditions of approval also require the applicant notify the California Department of Fish and Wildlife (CDFW) or use of the point of diversion and installation of the well. The applicant is required to adhere to and implement all conditions of the Final Streambed Alteration. Adhering to the requirements and restrictions from CDFW and SWRCB, and ultimately obtaining a water source that is hydrologically disconnected from surface waters will help ensure that water diverted from the unnamed tributary will minimize impacts to the SMA. As conditioned, the project complies with this section.</p>
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<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p>	<p>4 spaces</p>
<p>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p>		
<p>§314-55.4.8.2 Timber Conversion</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned U, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.</p>	<p>The parcel is zoned TPZ. There is one cultivation area located on the southeast corner of the parcel. A review of aerial imagery from the Humboldt County WebGIS shows that timber conversion occurred between 2009 – 2010 for development for the cultivation area and an additional 0.81 acres timber clearing and grading occurred between 2016 and 2018. Conditions of approval require the applicant to submit a Less Than Three Acre Mitigation Plan prepared by a Registered Professional Forester (RPF) that describes the history of timber removal and makes recommendations for improvements that may be required to ensure the timber removal was conducted in accordance with the Forest Practices Act. The plan shall also include a plan for restocking any timber removal that occurred after January 1, 2016, at a rate of 3:1 (approximately 0.81 acres or as determined by the RPF). The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. A project referral was sent to CAL FIRE who provided comments regarding artificial lighting (see Attachment 5). The applicant is not proposing to remove any additional trees for the proposed project.</p>

		<p>CAL FIRE provided comments for this project on March 2, 2020, recommending that the access road to this project shall not be used for commercial purposes during the winter season due to a steep pitch through the access gate. The project was referred to CAL FIRE on February 24, 2020. CAL FIRE comments recommending that the access road shall not be used for commercial purposes during the winter season due to the steep pitch through the access gate (see Attachment 5). There will be a maximum of four people on-site to assist with operations. Drying and curing will occur on-site with the final harvest occurring in early to mid-October. Cured product is taken off-site to a licensed facility for further processing or manufacturing. Road use associated with the operation would be minimal from November to April. On June 8, 2020, Planning staff reached out directly to CAL FIRE staff regarding the access. CAL FIRE staff indicated that the limitation of commercial traffic applies to large truck and heavy machinery, not passenger automobiles and that no restrictions on site access associated with cannabis operations were required (see Attachment 5).</p>
<p>§314-55.4.8.2.2</p> <p>Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p> <p>A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned U.</p>	<p>The proposed action is a Special Permit for an existing 10,000 square foot cannabis cultivation operation (5,500 square feet of outdoor and 4,500 square feet of mixed light) on APN 207-086-004, which is a 40-acre parcel zoned TPZ. Aerial imagery on TerraServer® indicate that existing cultivation operations on the property prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>

§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	All other processing activities will occur at an off-site licensed processing facility.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Drying of cannabis occurs in a 1,000-square-foot shed located on the subject parcel.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c</p> <p>Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The applicant estimates a maximum of 288,889 gallons of water is required for three cultivation cycles (9.65 gallons/sf/cycle). Currently, the water source for irrigation is a point of diversion in an unnamed tributary to the Van Duzen River, however, the applicant is proposing to drill an onsite well. The applicant has submitted a contract and receipt from Fisch Drilling that states the location of the well has been selected and is now waiting for county approval (see letter from Fisch Driling in Attachment 4). There is 10,000 gallons of water storage on the subject parcel. The proposed well will be located at an elevation of approximately 480 feet and is approximately 446 feet northeast from the Van Duzen River. The project is conditioned for the applicant to submit a Well Completion Log to the Planning Department after the well is drilled. The project is also conditioned to forebear from using the well from April 1 to October 31 annually until the well can be determined that it is not hydrologically connected to any waterbodies. If the well is determined to be hydrologically connected, then the applicant shall obtain the appropriate water rights for the use of the well. Conditions of approval also require the applicant notify the California Department of Fish and Wildlife f(CDFW) or use of the point of diversion and installation of the well. The applicant is required to adhere to and implement all conditions of the Final Streambed Alteration Agreement from CDFW once issued.</p>
<p>§314-55.4.11.d</p> <p>Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The site plan illustrates that all cannabis cultivation areas are set back at least 30 feet from property lines. The site plan notes, and review of aerial imagery verifies, that there are no schools, school bus stops, public parks, places of worship, or tribal cultural resources within 600 feet of the project site. Based on Tribal review there are no TCRs present on the site.</p>

<p>§314-55.4.11.o</p> <p>Performance Standards-Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The nearest Northern Spotted Owl (NSO) Activity Center is located 0.52 miles southwest of the cultivation site and the nearest NSO sighting is located 0.1 miles southwest of the cultivation. The nearest mapped Marbled murrelet habitat is located 3.73 miles west of the project site. According to the Biological Resources Assessment (see Attachment 4) prepared by Pinecrest Environmental Consulting Inc., dated January 14, 2020, there were no special-status animal species observed on the subject parcel. The report predicts there will be no impacts to for any special-status species identified in the report, including the NSO. The report recommends no trees to be removed and no wires strung across open air higher than 5 feet due to the NSO and Marbled murrelet vicinity. Power for the project is supplied by generators. All generators are kept in secondary containment. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. As conditioned, the project therefore conforms with this section. The project is also conditioned for the applicant to follow all recommendations found within the Biological Resources Assessment.</p>
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§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 29, 2016.
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4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Required Findings for all Projects	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 significant environmental damage.

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
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 midpoint of the density range specified in the plan designation), except where: 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	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

	insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	
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6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, development within the Streamside Management Area (SMA) for a point of diversion and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHEMENT 3
CEQA Addendum

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

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

APN 207-086-004, on the northeast quarter of the southeast quarter of Section 07, Township 01
North, Range 03 East, Bridgeville area, County of Humboldt

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

June 2020

Background

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

The modified project involves a Special Permit (SP) for an existing 5,500 square feet (SF) of existing outdoor cultivation and 4,500 SF of existing mixed-light cultivation. Cultivation activities extend from May to November. The applicant is anticipating three cultivation cycles per year that will occur in three (3) 3,000-square-foot greenhouses and one (1) 1,000-square-foot greenhouse. Propagation will occur in a 1,000-square-foot greenhouse, that will be temporarily used for two weeks in the summer season. The propagation greenhouse will be dismantled annually before October 16. Processing including drying and curing will occur in an 800-square-foot structure. Further processing will occur offsite at a third-party permitted processing facility. The applicant states there will be a maximum of four employees working onsite during peak of operations. Power is sourced from generators.

Irrigation for the project will be sourced from a proposed onsite well. The applicant anticipates 288,889-gallons of water will be required annually for three cultivation cycles. Water for irrigation will be stored in four (4) 2,500-gallon water tanks, totaling 10,000-gallons of water storage. The project includes a Special Permit for development within the Streamside Management Area for continued use of a point of diversion in an unnamed tributary to the Van Duzen river that provides water for irrigation until the well is drilled. To minimize effects to the SMA, the applicant is required to provide sufficient water storage to meet water needs during the forbearance period specified by the California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board (SWRCB).

According to the CDFW resource map, the North American porcupine is the only special status species with potential habitat on APN 207-086-004. The Biological Resources Assessment states there no special-status animal species or plant species located on the subject parcel. The assessment also concluded that there were no wetlands or streams identified on the parcel. The floodplain and old-field areas are also well-drained to maintain vernal pool features and to retain surface water during rain events, therefor, a wetland delineation was not performed for this project. The nearest Northern Spotted Owl (NSO) Activity Center is located 0.52 miles southwest of the cultivation site and the nearest NSO sighting is located 0.1 miles southwest of the cultivation. The nearest mapped Marbled murrelet habitat is located 3.73 miles west of the project site. A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100 feet from the noise source or edge of habitat, whichever is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff thinks that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, relocation of

historic cultivation areas within Streamside Management Areas (SMAs), and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 5,500 square feet (SF) of existing outdoor cultivation and 4,500 SF of existing mixed-light cultivation (total cultivation area altogether is 10,000 square feet (SF) on a 40-acre parcel), on-site drying, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Cultivation and Operation Plan and addendum prepared by 421 Group, dated February 19, 2020;
- Site Plan prepared by 421 Group, dated February 18, 2020;
- Road Evaluation Report, prepared by applicant, dated December 20, 2019;
- Biological Resources Assessment prepared by Pinecrest Environmental Consulting, dated January 14, 2020; and
- Geologic Hazard Report, prepared by Hurvitz Environmental, dated January 16, 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 MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact, address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. 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)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Condition of Approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – Water Usage Addendum dated April 30, 2020)
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. (Condition of Approval)
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. (Condition of approval)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached – Letter from Fisch Drilling dated January 30, 2020 regarding drilling the well; Condition of Approval – Well completion log)
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. DEH Worksheet (On file)
16. Biological Resources Assessment prepared by Pinecrest Environmental Consulting, dated January 14, 2020. (Attached)
17. Geologic Hazard Report prepared by Hurvitz Environmental dated January 16, 2020. (Attached)

Operating Plan

Addendum to the Operating Plan



Purpose

The following information has been prepared in response to a deficiency notice dated August 15, 2018 for application number 12959. The purpose of this document is to serve as an addendum to the operating plan for the cannabis permit application. The Applicant on this application Rye Hoinie (hereafter known as the Applicant), is a second generation Humboldt resident. Like many idealists at the time, his parents relocated to Humboldt looking to improve their lives and create a better culture and society. Since those days, the Hoinie family has become part of the fabric that has woven the cannabis culture and industry in Humboldt County, managing through years of hardships of an unregulated industry. Rye's passion for the plant and the people that they have kept going is what drives him today.

Employment

The applicant plans on operating the cannabis cultivation site as an owner operated business. The Applicant and his family are not new to the cannabis industry and have developed efficient methods to cultivate cannabis and will employ those methods in the proposed cannabis cultivation. The applicant and his family will be the only workers in the proposed cannabis cultivation and at this time does not propose hiring any additional workers; neither full-time/part-time nor seasonal. The total amount of persons that will work on the cultivation site will be between 3-4 people, two of which will have a more full-time role and 1-2 with a seasonal role on as needed basis such as harvest times. Should the applicant decide to hire employees at a later date the applicant will do so in compliance with all local state and federal labor laws.

Sanitation Facilities

The Applicant has a small hunting lodge cabin on the property where he'll be staying when on-site, and being owner operated plans to use the accommodations of his cabin for sanitation facilities for anyone who will be working with him on the property. After conversations with county staff, the applicant understands that the ag exempt building on the property will not require sanitation facilities if it's sole purpose is for drying cannabis plants after harvest. However, if the applicant chooses to work in the building for reasons such as cannabis processing, the applicant understands that the building would then be considered a commercial building which is required to meet all commercial building codes including sanitation facilities and ADA access. At this time the applicant is not proposing to use the ag exempt building for any activities beyond drying.

Structures in the Flood Zone

According to FEMA Flood Insurance Rate Maps 60623C1500F & 06023C1460 the southern portion of the property, where cannabis cultivation is proposed, is within the 100 Year Flood zone. Pursuant to *Section 202-A of the Uniform Building Code* an ag exempt building is defined as “a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.” with the parcel oned (TPZ) the appropriate zoning for ag exemptions, the Applicant plans to utilize ag exempt buildings for the purposes of cannabis cultivation and will build these structures in accordance with the provisions set forth by Humboldt County, including submitting for Ag Exempt Application for which the requirements are as follows:

- Building Application Form
- Plot plans (4)
- Floor plans (2) for each structure showing electrical layout and plumbing fixtures
- Ag Letter of Intent for each structure. One Ag Letter of Intent can be used if multiple structures are identical in size and use.

The applicant understands that temporary structures in the flood zone, including ag exempt, will need to be removed and stored outside of the flood zone from October 16 - April 15. The applicant has completed and signed a “Temporary Structures In The Flood Zone” agreement and has submitted this agreement as part of this application. The applicant proposes using a shipping container which will be installed outside of the flood zone on the more northern portion of the parcel (see site plan) for storage of temporary structures during the period which those structures must be removed. Shipping container will only be used for storage and therefore the applicant will also be applying for an ag exemption for the shipping container in the same fashion outlined above, however the shipping container will be outside of the flood zone and is therefore separate from the “Temporary Structures In The Flood Zone” agreement.

The Applicant understands that if the desire is to keep the temporary structures in the flood zone operational through the period in which they would need to be removed that building permits would be required and the structures would need to be built out to meet FEMA requirements for building in floodplain. Should the Applicant choose to take this path the applicant will submit building plans to the Humboldt County Planning and Building Department for review and approval prior to building out said structures.

Greenhouse Construction

The applicant proposes to install 4 greenhouses, two of which will be used for outdoor cultivation and the other two to be used for mixed-light cultivation for a total of 10,000 square feet of canopy on a 40 acre parcel zoned for timber production (TPZ) . As outlined above the greenhouse will be built in accordance with the provisions set forth by Humboldt County, including submitting for Ag Exempt Application. The applicant does not propose to install any kind of an improved floor or footpath which will preclude the agricultural use of the underlying soil Pursuant to Humboldt County Zoning Regulations Section 313 - 69.1.5.2 the proposed greenhouses are permitted on parcels zoned as (TPZ).

Greenhouses which do not result in lot coverage exceeding five acres (5a) on lots twenty acres (20a) or larger in size, ... either individually or collectively, with or without a perimeter foundation, and without an improved floor or footpath which will preclude the agricultural use of the underlying soil shall be permitted in ... (TPZ) Timber Production.

International Dark Sky Association Standards

The applicant will comply with the Standards provided by the International Dark Sky Association, or IDA. The IDA has developed their "Fixture Seal of Approval" or FSA program which outlines the requirements that lighting products and methods must meet in order to receive the IDA seal of approval.

In summation, these standards include full shielding by design, a correlated color temperature not to exceed 3000K, fixed mounting hardware that does not permit the end user to defeat the shielding design, UL (or equivalent) listing, and available photometric test data. The applicant is pleased to meet these standards, as outlined in more detail by the IDA below.

- *The applicant fixtures must be fully shielded and emit no light above the horizontal plane (with the exclusion of incidental light reflecting from fixture housing, mounts, and pole).*
- *There shall be no sag or drop lenses, side light panels, uplight panels, etc.*
- *The fixture shall employ warm-toned (3000K and lower, certified according to ANSI C78.377) white light sources or may employ amber light sources or filtered LED light sources.*
- *For luminaires with screw-based sockets, the packaging shall contain a recommendation to use only light sources 3000K and lower, with an explanation of importance.*
- *The luminaire's mounting hardware shall not permit mounting in any configuration other than those maintaining full shielding.*
- *Non-residential luminaires shall be rated U0 (according to the rating system established by the Illuminating Engineering Society's "Luminaire Classification System for Outdoor Luminaires", TM-15-11; <https://www.ies.org/product/luminaire-classification-system-for-outdoor-luminaires/>)*
- *For street and area lights, fixtures must come equipped to receive optional backlight (house side) shields and forward throw (cul-de-sac) shields.*
- *The fixture shall be tested and listed to meet UL Standards by an accredited safety testing laboratory.*
- *The fixture manufacturer must be able to provide full sphere photometric data from a NVLAP accredited laboratory, including LM-79 and LM-80 test reports and certified spectral data, or a DLC listing.*

Upon completion of the execution of the above standards, the applicant will apply for the IDA's seal of approval.

Water Source

Originally the applicant had proposed a spring diversion as the main source of water for the cultivation site. The applicant has since contracted Fisch Drilling (License #: 683865) to drill a well on the property. A

letter from Fisch Drilling confirming their status has been submitted with this addendum to the operating plan. The applicant will no longer be diverting water from the spring and will instead use the well for all purposes (cannabis irrigation and domestic) on the property. The applicant will use the well in the same fashion that the spring diversions were to be used. Water will be pumped out of the well and stored in the different water storage areas mentioned in the original operating plan. The expected water usages as calculated in the original operating plan of 23,000-55,000 gallon per season, will remain the same.

Grass Valley Patient Resource Group

Application For Commercial Cannabis Cultivation



Application Overview

The Grass Valley Patient Resource Group (GVPRG), a non-profit medical cannabis collective is applying for a Special Permit to operate an existing full term outdoor/mixed-light cultivation area of 10,000 square feet (5,500 FT, 4,500 ML), pursuant to Humboldt County's Commercial Medical Marijuana Land Use Ordinance, in the Swain's Flat region of Humboldt County. The cultivation site is located on a 40-acre parcel, number 207-086-004, has been in existence since 2012, and was registered with Humboldt County as an existing cultivation site in late 2016 in preparation for GVPRG to assume responsibility of said cultivation area. GVPRG is committed to pursuing all commercial cannabis compliance measures in order to remain in good standing with local and state jurisdictions.

Project Details - Cultivation Plan

Cultivation Plan Overview:

The cultivation area located on property number 207-086-004 has been in existence since at least 2012, and each year has exceeded 10,000 square feet of cultivation area. GVPRG is applying for a Special Permit (SP) to operate the existing cultivation area, for the year 2017, at a size not to exceed the SP's maximum of 10,000 square feet. GVPRG plans to use all 10,000 square feet of existing cultivation area. GVPRG plans to use 5,500 square feet for outdoor cultivation, and 4,500 square feet for mixed-light cultivation. Full term plants are planted in 60-100 gallon grow bags and positioned in rows on the South East region of the property. Mixed-light cultivation will occur in two locations on the property; one in the larger greenhouse (3,000 sq. ft.) in the South East region of the property, and the other, a smaller greenhouse (1,500 sq. ft.) in the South West region of the property. One small greenhouse will be temporarily required during the first two weeks of the season, and for up to two weeks in the middle of the summer for vegetative growth, and will be dismantled when not in use. The full term cultivation area will be fully planted in the month of June and will be fully harvested and broken down by the end of October. The mixed-light cultivation areas will be planted in the middle of May, and harvested in early August.

- * GVPRG is developing the most environmentally conscious standards and practices for resource consumption and environmental protection. DFW Streambed Alteration Permit has been filed for the point of

diversion, Initial Statement of Water Diversion has been filed with the State Water Resource Control Board - Division of Water Rights.

Notice to CalFire: The property is zoned TPZ; however, no trees will be removed from the property as it is not required near the cultivation areas and access roads.

Water Source:

There are two water sources on the property, here-in referred to as "Spring 1" and "Spring 2." Spring 1 is located in the North Western section of the property and is primarily used for small domestic use of no more than 3 people on average, and 6 people maximum. *Spring 1 is also currently supplying the small greenhouse with water, but after the 2017 year, a well is scheduled to take its place.* Spring 2 originates from the North Eastern section of the property and supplies water to the full term outdoor section, as well as the large greenhouse. GVPRG has assisted the property owner in filing an Initial Statement of Diversion to the SWRCB and LSA agreements with the DFW.

Water Storage:

The water from Spring 1 is diverted using plumbing-grade poly pipe, fitted with a wire mesh filter, covered with nylon cloth to keep sediment and any living residents of the spring from being sucked into the tubing. Water enters through the filter and travels down to the main filling area; two 2,500 gallon holding tanks. Once in the main holding area, water is carefully rationed to feed the smaller greenhouse, and primarily used to provide the cabin with usable water. Spring two is diverted into a main holding area of four 2,500 tanks. Once in the main holding area, the water is pumped into a 1,000 gallon mixing tank where nutrients are added for plant feedings.

Irrigation Plan:

Hand-watering is the primary application method in all cultivation areas. Feeding schedules are adhered to with SOP's in place to provide each plant with the same amount of water. A digital water meter exists on each hose to provide exact figures. Waterings take place in the early morning, or evening. This allows each watering to go further for the plant with limited evaporation.

Projected Water Usage:

Projected water use for this project is based on the average estimated gallons/day figures from multiple sources. Many estimate that full term cannabis plants require 1-3 gallons of water every other day. 1-3 gallons x ~100 plants = 100-300 gallons per day x 90 days (every other day of a 180 day growing season) = 9,000-27,000 gallons throughout the entire season. The mixed-light cultivation areas will require less water because they only grow for half of the time. We estimate 1-2 gallons per plant, every other day, for a 70 day growing period. 1-2 gallons x 400 plants = 400-800 gallons x 35 days (every other day of a 70 day growing period) = 14,000-28,000.

Total water usage is predicted to range between 23,000-55,000 gallons, depending on a multitude of factors. Water use is difficult to predict because it is completely based on plant, weather, and growing conditions. Each plant will require a different amount of water each day. All water consumption is monitored for the purpose of refining water usage predictions, as well as hard data for reporting purposes if projected usages are exceeded.

Site Drainage:

Property number 207-086-004 has multiple sloped surfaces, of which many are greater than 15%. Because of these slopes, GVPRG is working to design the cultivation areas to effectively control its site drainage. *The cultivation areas themselves are very flat, and have been existence for many years.* Thick vegetation has grown in and all around the cultivation area and on all slopes around the cultivation area. All cultivation areas are positioned with a very slight angle to the South-West. If any drainage occurred, it would be in a South-West direction. Because of the minimal slope of each cultivation area, the direction potential drainage would take, and the protection measures that GVPRG is implementing, site drainage will proudly be one of the most regulated aspects of the cultivation area.

Runoff:

Water runoff is regarded by GVPRG as one of the most important details to manage and control. Runoff doesn't only represent a potential threat to wildlife, it also represents waste and inefficient water consumption. Runoff will be kept to a minimum through a variety of cultivation and watering techniques, as well as precisely timed irrigation that allows for maximum watering with minimal overflow. All plants will be housed in a fabric pot which act as a great initial filter to remove nutrients and supplements before potential runoff hits the ground. Burlap and straw wattles will be placed around the entire perimeter of the cultivation area. Should enough water run out of the fabric pots and reach the edge of the cultivation area, the wattles will be the second line of defense to soak up any runoff. Should water runoff somehow pass through the fabric pots and swaddles, it would need to travel through hundreds of yards of dense vegetation and mature trees in order to enter the nearest water source.

Erosion Control Measures:

Due to the sheer volume of water from rain and snow melt that occurs in the higher elevations of the Bridgeville region GVPRG has identified the most sensitive locations that may be affected by erosion, as well as the most effective course of action for road reshaping, potential culvert replacement, water storage placement, and cultivation area placement. Thanks to the density of the vegetation growing on all slopes of the property, erosion remains a low to moderate threat for this location.

Measures Taken to Ensure Protection of Watershed and Nearby Habitat:

Humboldt County is our home. We grew up here, we have families here. Understanding the importance of preservation is essential if we want our children to grow up enjoying the same beautiful place we did. GVPRG takes pride in our cultivation areas having a minimally invasive effect on local wildlife and the environment. That's why we've kept our foot print small and growing methods simple in this location. By going the route of the full-term garden, we will cut down on trips on the road by at least 50%, which means less disruption of nature. Generators will be intermittently used throughout the season to power lights and fans. All generators will be placed on top of a spill proof container and will be housed in a small lean-to in order to stifle the majority of the sound. Gasoline will be required to power the generators and will also be kept in spill-proof containers away from the generators and cultivation areas. There will be no light pollution, because we cover our greenhouses when the lights are on. All in all, the size of the garden area and the methods being used to cultivate will result in a very low key, orchard-like environment, as opposed to a commercial farm setting.

Description of Cultivation Activities:

Full Term Outdoor - One growing cycle for the 2017 season. The beauty of a full-term garden is that there is only one planting phase and one harvesting phase. Once the plants are in the ground, in June, they simply require maintenance and support until their harvest in October.

June - Plant Garden, Vegetative Growth

July - Vegetative Growth

August - Vegetative Growth/Flower Production

September - Flower Production

October - Flower Production, Harvest Garden

November - *Possible Harvest* (Depending on weather conditions)

Mixed-Light - One growing cycle for the 2017 season. The upside to using light deprivation methods is that half of the season's crop will be able to be harvested in the middle of the season, reducing the workload at the end of the season.

May - Plant Garden, Vegetative Growth
June - Vegetative Growth/Flower Production
July - Flower Production
August - Flower Production/Harvest

Protocols For Proper Storage and Use Of:

Fertilizers - All fertilizers that are not added to the initial soil blend will be stored inside a spill proof container, and will be securely stowed inside the shed on the property.

Pesticides - Pesticides are a regularly required use in the cultivation area, they must be kept safe and contained, but also onsite and available. Pesticides, like fertilizers, will be kept in a secure, spill-proof container and will be stored inside the shed.

Other Regulated Products Utilized - Any other regulated products, such as gasoline or oil for weed-whackers, chain saws, lawn mowers, generators, etc. will also be kept in a spill-proof container and stored at an appropriate temperature inside the secure shed.

Project Details - Processing Plan

When the cannabis crop is mature in August, and again in October, it will be harvested and hung up to dry inside the 1,000 sq. ft. shed located on the property. After the product is cured properly, it will be taken down and stored safely and securely in an air-tight barrel where it is then ready for transport. GVPRG has no plans to process the cured cannabis any further at the property where cultivation is occurring. GVPRG plans to enlist the help of a licensed, compliant processing specialist that is able to process the dry cannabis and safely store it. At that point, samples of the cannabis are ready to be sent to SC Labs for testing prior to distribution.

Project Details - Security Plan

GVPRG plans to employ a wide variety of security procedures to keep our property secure, the product secure, and to operate a safe business for ourselves and future employees. The first and foremost layer of security is the extreme remoteness of the property; it's not a place where one can accidentally end up. There are multiple gates with padlocks that must be accessed in order to get up the road to the property line. Once at the property line there is another gate and padlock to gain entry to the

property. The cultivation area will be fenced with steel wire fencing in order to keep pests and wildlife from entering the cultivation area. We will not be installing security cameras or alarm systems at the moment because they would require extra generator usage, however, GVPRG is constantly working to refine and improve its security plans.

Product security is the area that we are more heavily focused on. Due to the location of the property we're generally unconcerned with any unwanted visitors to the site, but once the product goes from our cultivation area to a processing facility, we increase our security efforts. In order to keep control of the amount going out and coming in, we will only send out a small number of boxes at a time for processing; the next batch of product will be delivered to the processing facility upon receipt of the most recent finished batch. This method will allow us to keep track of incoming and outgoing product. We also plan to have the product processed as it is requested for purchase; that way we don't have finished product sitting around at any one time. The product will be processed to order, and will go directly to a qualified patient or caregiver.

Water Usage Addendum

Application #12959 Water Usage Addendum 20200430



10,000 Square Foot Total Canopy												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Mixed Light			0	4,000	8,000	14,000	20,000	8,000	14,000	20,000	14,000	20,000
Outdoor			0	4,889	9,778	17,111	24,444	9,778	17,111	24,444	17,111	24,444
Monthly Total			0	8,889	17,778	31,111	44,444	17,778	31,111	44,444	31,111	44,444
Running Total			0	8,889	26,667	57,778	102,222	120,000	151,111	195,556	213,333	244,444
												288,889



January 30, 2020

Hoine Farms
Off Hwy 36 by Van Duzen River
Swains Flat, CA 95528

To whom it may concern,

Fisch Drilling is currently under contract to drill a well for Hoine Farms in Swains Flat this year 2020. Location has been selected and are waiting on the County for approval.

Sincerely,


Lacy Pedrotti

FISCH DRILLING
3150 JOHNSON ROAD, HYDESVILLE, CA 95547
707-768-9800

January 16, 2020
Job No. 5074.01

Mr. Gabriel Rincon
11600 Lake Blvd.,
Felton, CA 95018

Subject - Geologic Hazard Report
APN 207-086-004, Humboldt County, CA

Mr. Rincon:

This presents Hurvitz Environmental Services (HES) geologic hazard report for the above referenced property. This report was prepared in response to requests made in an August 15, 2018 letter from Mr. Isaac Hansen representing the Humboldt County Planning Department. The Letter requested a written evaluation demonstrating that the proposed cannabis cultivation project would not create nor significantly contribute to, or be impacted by, geological instability or geologic hazards. Therefore, on behalf of Mr. Rincon-Ruiz, we have prepared this Geologic Hazard Report for the subject property.

1.0 SITE DESCRIPTION

The subject site is located just north of State Highway 36, and the Van Duzen River, in the Town of Swains Flat, CA approximately 17.5 miles southwest of Fortuna, CA **PLATE 1- SITE LOCATION MAP**. The Humboldt County Assessors Office has identified the parcel as APN 207-086-004 (**PLATE 2 - ASSESSORS PARCEL MAP**). The site parcel is zoned as Timber Production Zone (TPZ), is located in the jurisdiction of the North Coast Regional Water Quality Board and is located in Slope Stability Zone 1. The site is not listed within an Alquist Priolo Fault Hazard Zone but is listed within a FEMA designated 100-year flood zone.

The site is a roughly square, 40-acre parcel with a maximum length (east-west) of approximately 1,300 feet and a maximum width (north-south) of approximately 1,300 feet. The site is located on a south/southeast facing slope with a maximum elevation of approximately 900 feet above mean sea level (msl) near the northeast corner of the parcel, and a low elevation of approximately 400 feet msl near the southwest corner of the site. The upper portion of the property has slopes in excess of 30% while the lower portion of the property has slopes as low as 5%. The property features one main residence, two outbuildings, and two greenhouse/ hoop-house structures. Two cannabis cultivation areas currently exist onsite with the “Upper” location near the southwest corner of the site (40°28’33.27” N / 123°52’34.62”W) and the “Lower” location near the southeast corner of the site (40°28’31.94” N / 123°52’24.25”W). Site photographs are presented in **APPENDIX A** and site features are shown on **PLATE 3 – SITE PLAN**.

We understand the property tenant plans to further develop the parcel for the purpose of

commercial cannabis cultivation. The proposed development calls for the consolidation of the two current cultivation areas into one cultivation area to be located at the current “Lower” developed area. Existing structures would be transitioned into processing and storage buildings for the cannabis project and no new structures besides greenhouses are proposed.

1.1 TOPOGRAPHIC MAP

HES reviewed the most recent United States Geological Survey (USGS) 7.5-minute Quadrangle Maps, Bridgeville, 2012 and Redcrest, 2012 as well as the USGS “National Map” (**PLATE 4 – TOPOGRAPHIC MAP**). The site straddles the two topographic maps with the majority of the site occurring on the Bridgeville Quad Map”. The general site topography slopes from approximately 900-400 feet mean sea level (MSL) from the northeast corner to the southeast corner of the site. Steep slopes exist on the northern portion of the site and more gradual slopes are present on the southern end of the site. Immediately to the east of the site is a mapped landslide that is identified on the topo map as “Blue Slide”. There are no water ways or drainages onsite and the site lies within the Hydrologic Unit Code (HUC) 12 – 180101050905.

1.2 HISTORICAL AERIAL PHOTOGRAPH

HES reviewed aerial photographs from years 1998-2019 depicting the site and vicinity to obtain information about historical development and other surficial features. In 1998, The site appears to be undeveloped with no structures present however some roads are visible. The property remains vacant until 2009 at which point one structure on the southwestern portion of the site is present (“Upper” area). By 2010, the western portion of the site is developed with a greenhouse/hoop-house and the southeastern portion of the site also shows signs of grading and development. By 2012, the site appears to be developed with two cultivation areas and at least two residential type structures, similar to the current property configuration.

2.0 GEOLOGY

According to the 2010 Geologic Map of California the site is listed as being underlain by Paleocene marine sedimentary rocks. The specific rocks identified in this region include sandstone, shale, and conglomerate and are mostly well consolidated. The 2008 Geologic Map of the Weott 15-minute Quadrangle depicts the site geology in better detail and identifies the geology beneath the northern $\frac{3}{4}$ of the site as the Cretaceous aged Yager Formation (KY). The geology beneath the southern $\frac{1}{4}$ of the site is mapped as Quaternary aged Alluvium (QA) **(PLATE 5 - GEOLOGIC MAP)**. The Yager Formation is specifically identified as shale, dark gray, micaceous with minor beds of hard dark sandstone. The Alluvium is specifically identified as floodplain and stream channel alluvial gravel as well as sand and clay that is dissected by active stream channels. A near-site thrust fault is also depicted on both the geologic maps reviewed. The thrust fault is located approximately 1-mile northeast of the site and has the Franciscan Formation being thrust over the Yager Formation.

2.1 FAULTS

Humboldt County is located within a seismically active area in California. In addition to causing ground shaking, an earthquake can trigger other natural disasters such as fire, landslides, and flooding, resulting in loss of life and property damage. Seismic Hazards in Humboldt County include earthquake ground shaking, surface fault rupture, liquefaction, and tsunami potential in the coastal zone areas. HES reviewed the current Alquist Priolo Fault Zoning Map for the site while the site is proximate to an active thrust fault it is not mapped within an earthquake fault zone. The site has not however been evaluated by the California Geologic Survey (CGS) for liquefaction hazards or seismic landslide hazards. Based on the geology and location of the site, it is our opinion that liquefaction is not a concern to this investigation.

2.2 LANDSLIDES

Geologic units and Geologic Features were mapped by the California Department of Conservation Division of Mines and Geology (CDMG) in the early 1980's. The mapping effort covered most of the north coast and included 60, 7.5-minute quadrangles. The maps were originally created in response to the clean water act of 1972 which required that states develop plans to control sources of water pollution however, the maps that were created turned out to be useful for a number of planning projects including identifying areas of potentially unstable ground. However, since the maps are now at least 35 years old they often need to be field verified for current conditions. For this project site we reviewed the CDMG data from the Bridgeville Quadrangle Map to obtain more detailed information regarding the presence of landslides on the site **(PLATE 6 - LANDSLIDE MAP)**. According to the Landslide Map, the northeastern portion of the site is mapped as a dormant rockslide of an unknown age with a slide direction of S10°W. Additional rock slides and debris slides were also identified to the east of the site at the location of "Blue Slide" which was also listed as dormant by the CDMG and had a similar slide direction. In addition to these slides there is also a debris slide mapped on the

western portion of the site with a slide direction of S60°W. All of the slides occur above the developed areas onsite on slopes that are greater than 30% and where site vegetation is minimal. Further the mapped slide on the western side of the parcel has a historical slide direction that is away from the developed portions of the site.

2.2 FLOOD ZONE

HES reviewed the most recent FEMA Flood Plain Map (2016) of the subject site to determine if the site lies within a 100 or 500-year flood zone (**PLATE 7 – FEMA FLOOD ZONE MAP**). Based on our review, we determined that the southern half of the site is located within Zone A of the FEMA map which indicates that the site is in a Special Flood Hazard Area which is consistent with the 100-year flood zone.

3.0 SITE INSPECTION

On December 7, 2019, our Registered Civil Engineer performed a site inspection. The purpose of the inspection was to observe and document the proposed cultivation areas as well as the locations of the mapped dormant rock and debris slides. Inspection of the current “Lower” cannabis grow area did not reveal any signs of slope instability, erosion or geologic hazards. The upslope is covered with mature evergreen trees and a thick understory. The trees are upright and there is no visible downslope lean. Further, there is no visible erosion or slump at the edges of the graded pad. There is no water course or visible drainage way upslope from the “Lower” area or across the pad. Runoff is apparently sheet flow over the ground surface.

Inspection of the “Upper” area likewise revealed no evidence of slope instability, erosion or geologic hazard. No defined water course or drainage way was observed on or above the “Upper” area.

The areas where active sliding was observed occur to the north east of the site along the steep southern slopes where the rock faces are exposed. Vegetation in these areas is minimal and it did not appear that any of these exposed rock areas occurred onsite.

4.0 CONCLUSIONS AND RECOMMENDATIONS

Most of the site is located within the Cretaceous aged Yager Formation which consists of sandstone and shale. The average slope at the site is approximately 30% with the northern portion of the site having slopes in excess of 30% and the southern portion of the site having slopes as low as 5%. Rock and debris slides have historically been mapped onsite and proximate to the site with the most significant occurring on the northeastern portion of the site and on the adjacent property to the northeast. The historical rock and debris slides immediately northeast of the site have been labeled “Blue Slide” on current and historical topographic maps. All historically mapped rock and debris slides onsite are listed as dormant by the California Geologic Survey and are not mapped on the southern portion of the site where the slope is diminished and where the property is currently developed. Site inspection data obtained in 2019 did not show soil instability at, or immediately above, either of the developed areas of the property.

Therefore, it is our opinion that further development of the site at the locations proposed, will not create or contribute to slope instability. And, based on the locations of the developed areas with respect to the historically mapped rock and debris slides, and the lack of field evidence that would indicate the onsite slides are active, it is our opinion that the “Upper” and “Lower” developed portions of the site are unlikely to be affected by geologic instability. Therefore, we do not recommend any corrective action to address slope instability on the property.

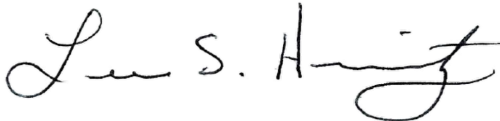
The southern half of the property lies within a FEMA designated 100-year flood zone. This includes both the “Upper” and “Lower” developed areas of the site. We understand that the project applicant plans to mitigate this hazard by developing temporary growing structures that can be dismantled and moved each year before flood season begins. Therefore, since this potential hazard is being address through a hazard mitigation plan no further action to address it is recommended.

There is an active thrust fault located approximately 1-mile northeast of the site however the site itself is not mapped within an Alquist Priolo Fault Zone. Therefore, no action is recommended to address potential fault hazard or seismic triggered landslides.

Based on our review of the data presented herein it is our conclusion that the proposed cannabis cultivation development onsite will not cause, contribute to, or be impacted by slope instability of geologic hazard.

We appreciate the opportunity to be of service to you and trust that this provides the information you require at this time. If you have any questions or require any additional information please feel free to contact me at 707-824-1690.

Sincerely,
HURVITZ ENVIRONMENTAL SERVICES



Lee S. Hurvitz, PG #7573, CHG # 1015
Principal Geologist



Attachments:

- | | |
|------------|----------------------|
| Plate 1 - | Site Location Map |
| Plate 2 - | Assessors Parcel Map |
| Plate 3 - | Site Plan |
| Plate 4 - | Topographic Map |
| Plate 5 - | Geologic Map |
| Plate 6 - | Landslide Map |
| Plate 7 - | FEMA Flood Plain Map |
| Appendix A | Site Photographs |

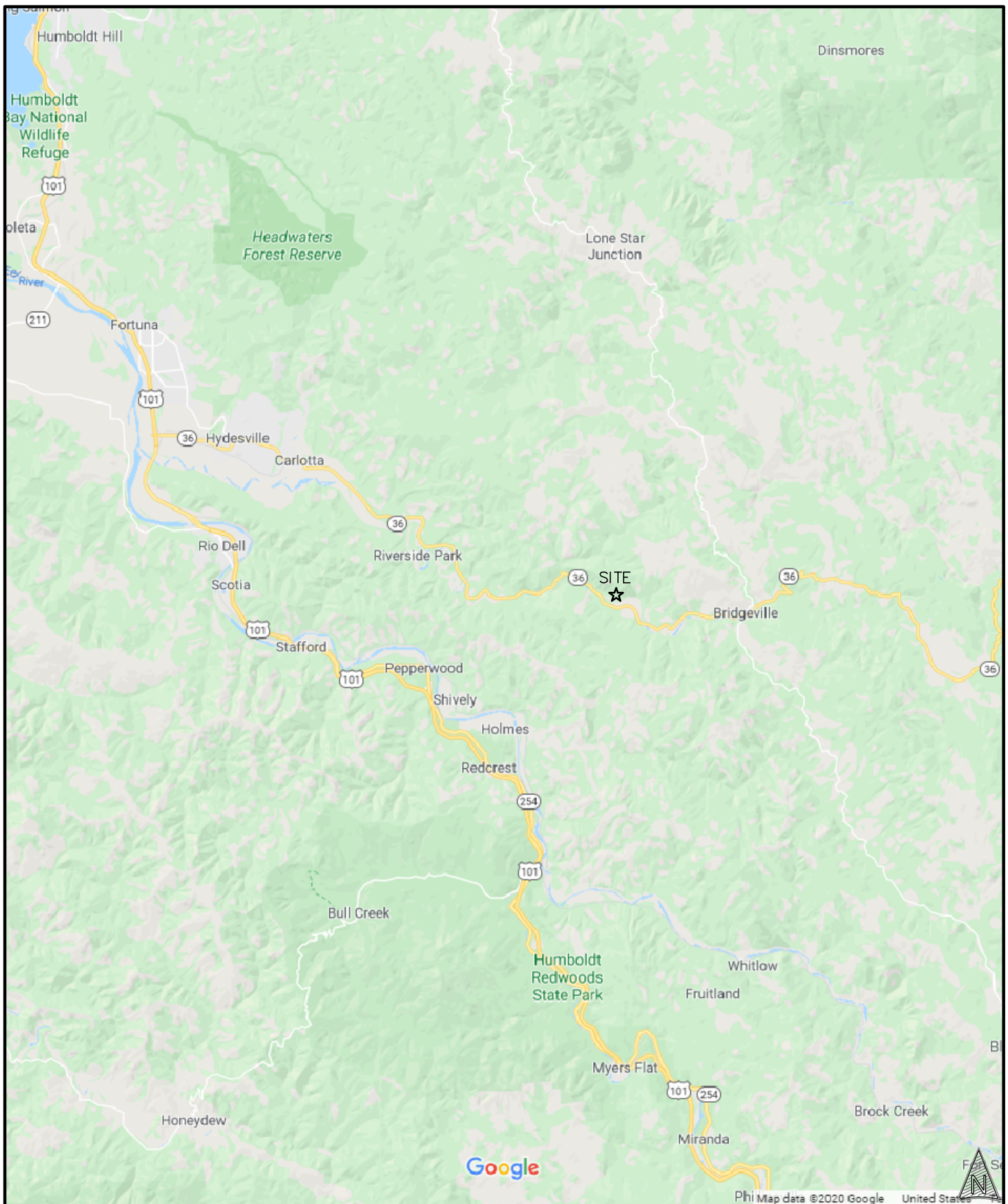
5.0 LIMITATIONS

HES is not responsible for the independent conclusions, opinions or recommendations made by others based on the records review, site inspection, field exploration, and interpretations presented in this report.

It should be noted that geological hazard assessments are inherently limited in the sense that conclusions are drawn and recommendations developed from information obtained from limited research and site evaluation. Additionally, the passage of time may result in a change in the environmental characteristics at this site and surrounding properties. This report does not warrant against future operations or conditions, nor does this warrant operations or conditions present of a type or at a location not investigated.

This study is not intended to assess if any soil contamination, waste emplacement, or groundwater contamination exists by subsurface sampling through the completion of soil borings and the installation of monitoring wells. The scope of work, determined by the client, did not include these activities.

This Report is for the exclusive use of Mr. Gabriel Rincon-Ruiz, his affiliates, designates and assignees and no other party shall have any right to rely on any service provided by Hurvitz Environmental Services without prior written consent.



Phi Map data ©2020 Google United States



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 FX: 707.824.2675
 HURVITZ.ENVIRONMENTAL@GMAIL.COM
 CA PG# 7573

SITE LOCATION MAP

APN 207-086-004
 HUMBOLDT COUNTY

JOB NUMBER:
5074.01

DATE:
1/15/20

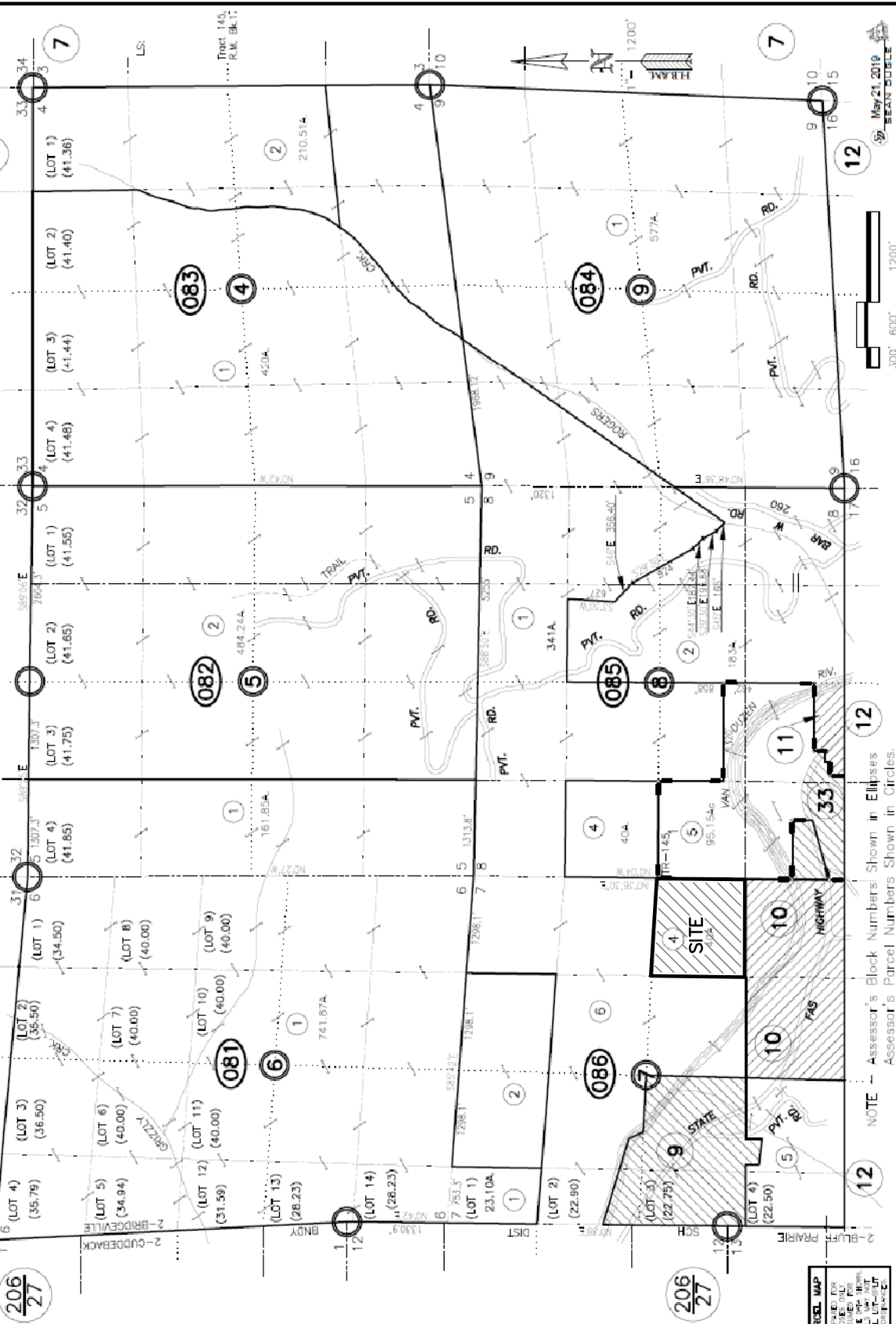
PLATE:
1

207-08

SECS 4,5,6,8,9 & PTN SEC 7 IN3E

Assessor's Map Bk.207, Pg.08
County of Humboldt, CA.

NOTE: ROGERS CRK-FRONT. BNDY. BET. PAR. 207-003-01 & 02.



JOB NUMBER:
5074.01
DATE:
1/15/20
PLATE:
2

ASSESSORS PARCEL MAP

APN 207-086-004
HUMBOLDT COUNTY

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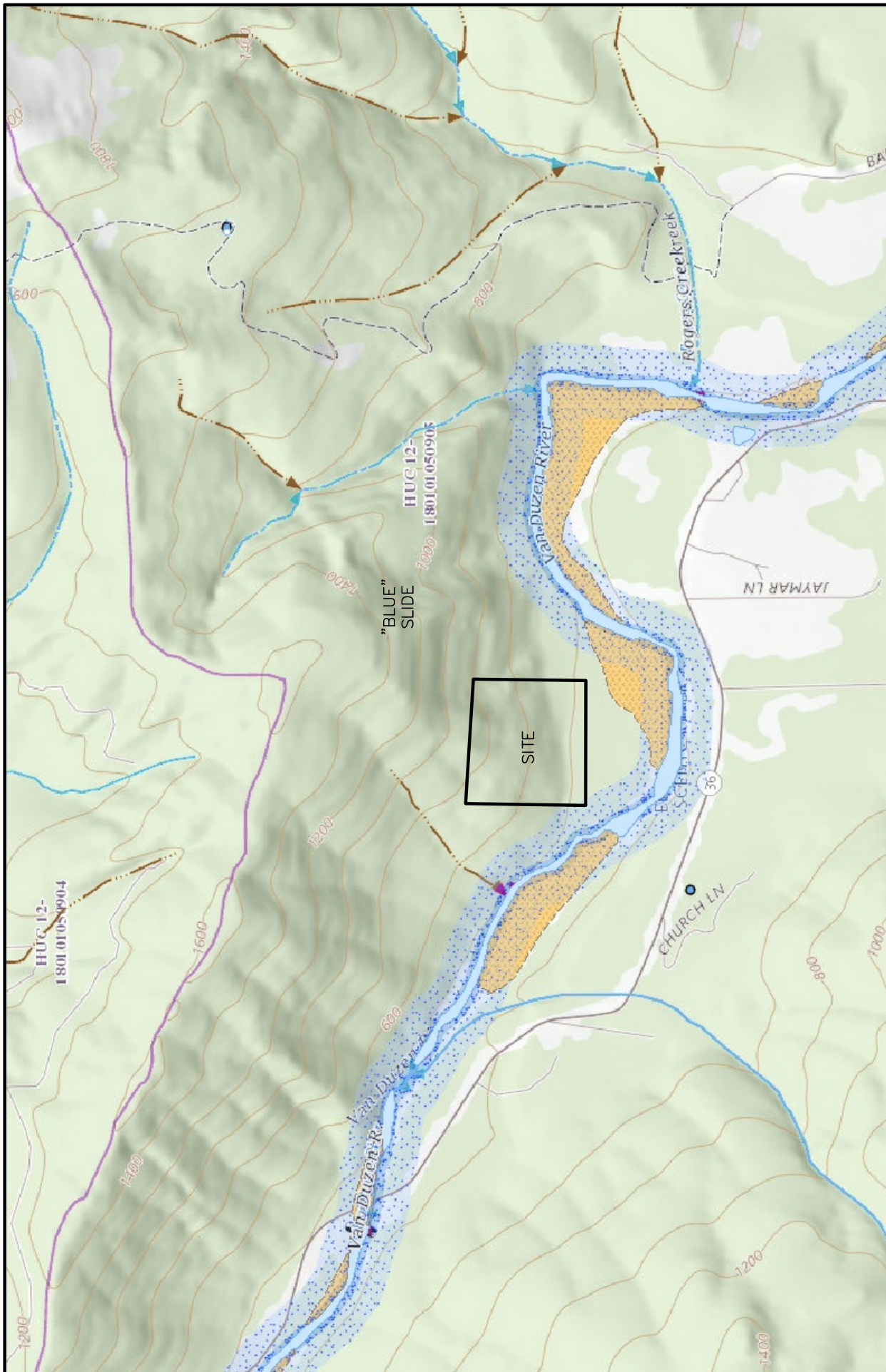
JOB NUMBER:	5074.01
DATE:	1/15/20
PLATE:	3

SITE PLAN

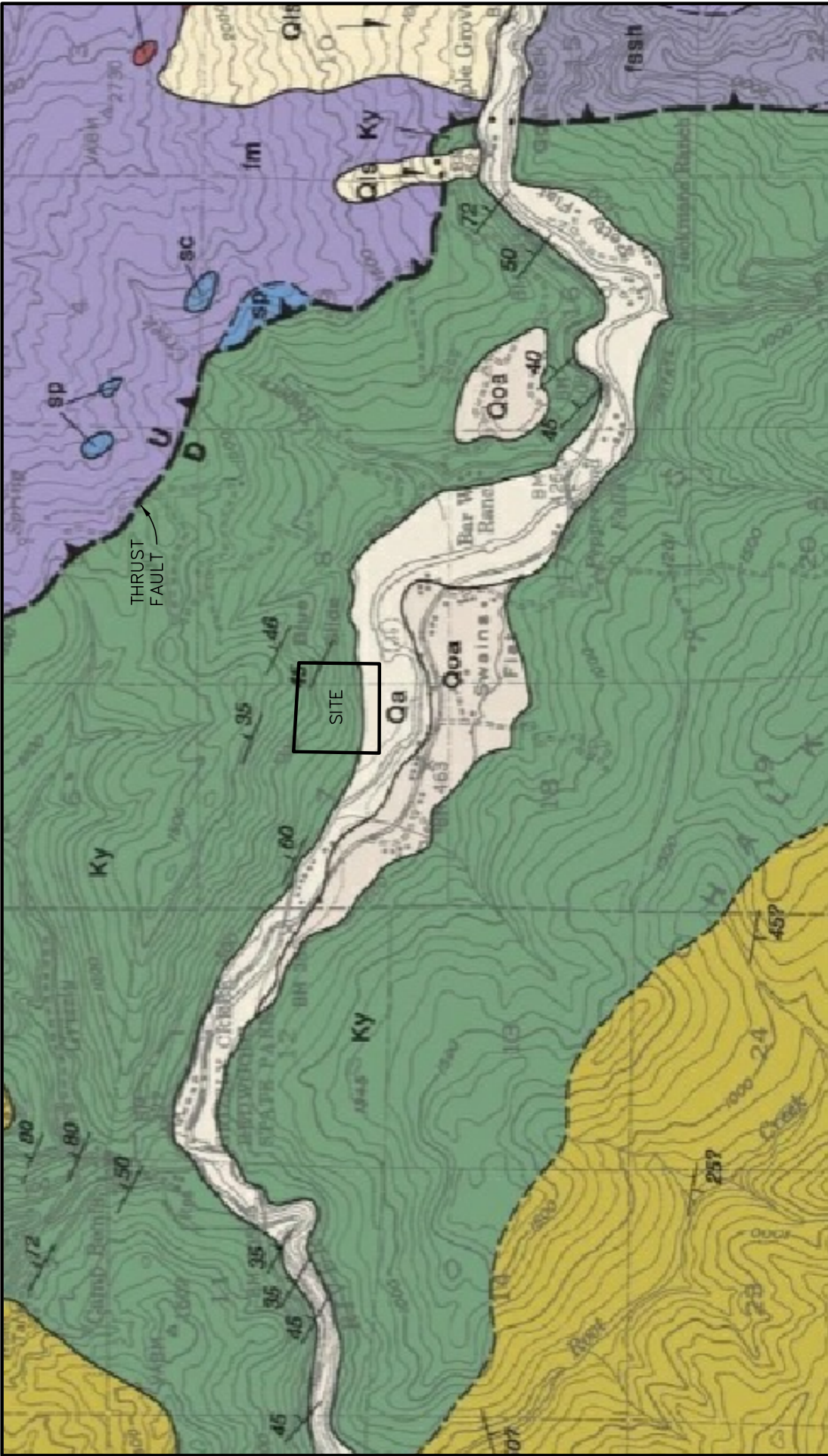
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HURVITZ ENVIRONMENTAL 105 MORRIS ST, STE 188 SEBASTOPOL, CA 95472 PH: 707.824.1690 FX: 707.824.2675 HURVITZ.ENVIRONMENTAL@GMAIL.COM CA PG# 7573	TOPOGRAPHIC MAP APN 207-086-004 HUMBOLDT COUNTY		
	JOB NUMBER: 5074.01	DATE: 1/15/20	PLATE: 4
			



KEY = YAGER FORMATION = SHALE, DARK GRAY, MICACEOUS, WITH MINOR BEDS OF HARD DARK SANDSTONE

QA = ALLUVIUM = FLOODPLAIN & STREAM CHANNEL ALLUVIAL GRAVEL, SAND & CLAY DISSECTED BY ACTIVE STREAM CHANNELS

DETAIL MAP FROM GEOLOGIC MAP OF THE WEOTT 15 MINUTE QUADRANGLE, HUMBOLDT COUNTY CA, 2008

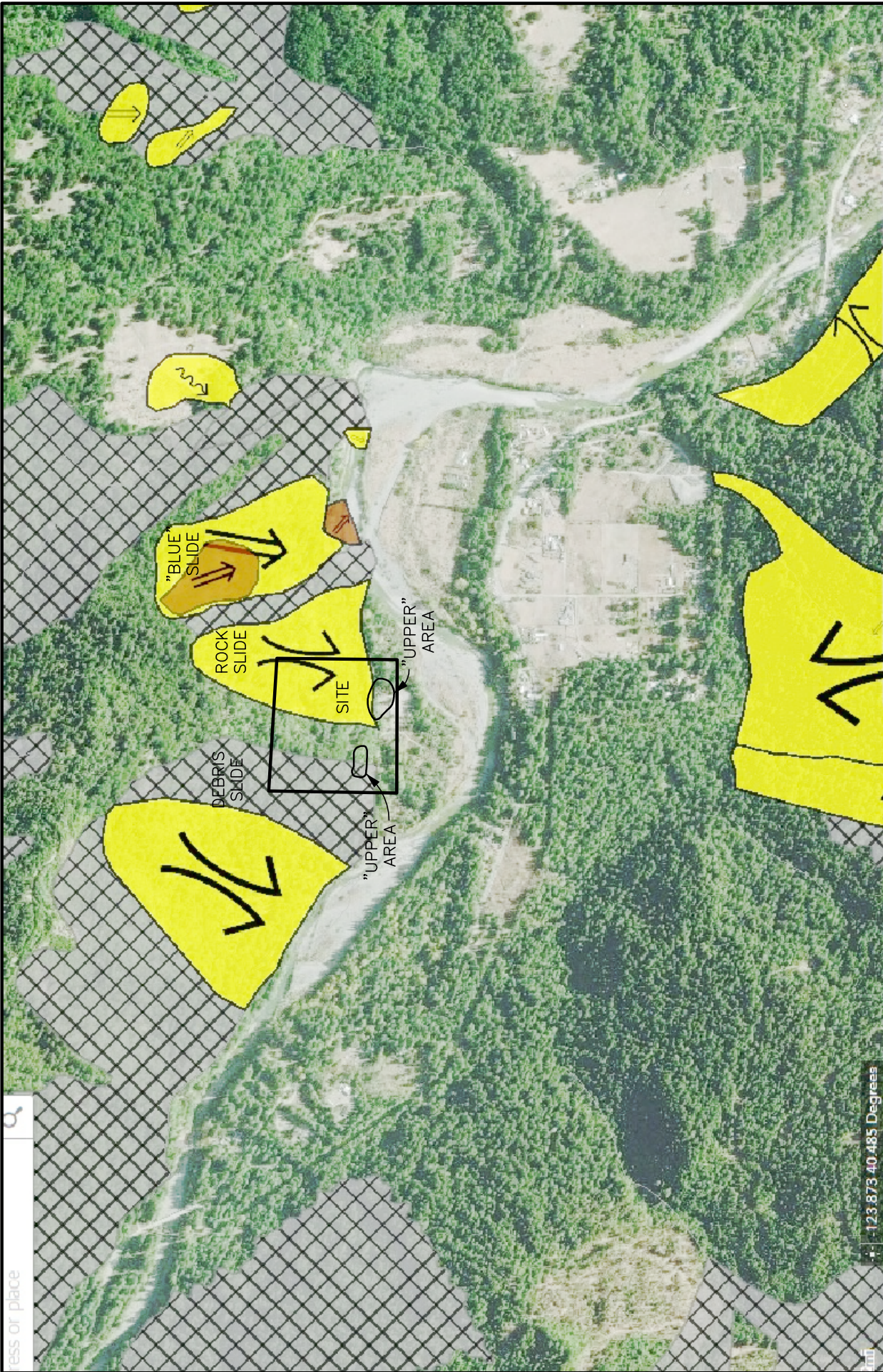


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CA PG# 7573

GEOLOGIC MAP

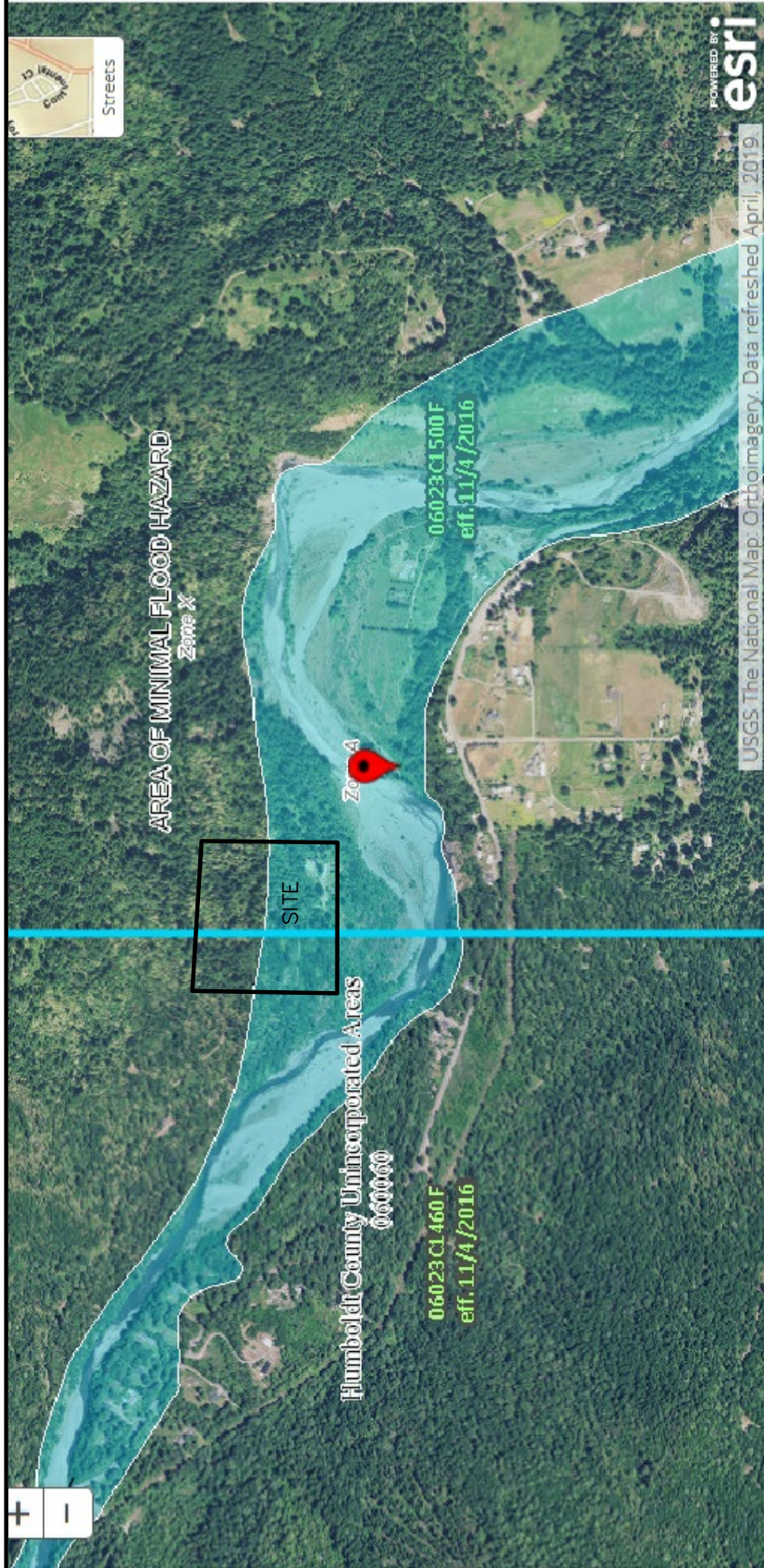
APN 207-086-004
HUMBOLDT COUNTY

JOB NUMBER: 5074.01
DATE: 1/15/20
PLATE: 5



LANDSLIDE MAP APN 207-086-004 HUMBOLDT COUNTY		JOB NUMBER: 5074.01
		DATE: 1/15/20
		PLATE: 6
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- MAP PANELS**
- Approximate location based on user input and does not represent an authoritative property location
 - Selected Flood Map Boundary
 - Digital Data Available
 - No Digital Data Available
 - Unmapped
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMRS
 - Area of Undetermined Flood Hazard Zone D
 - Otherwise Protected Area
 - Coastal Barrier Resource System Area
- OTHER AREAS OF FLOOD HAZARD**
- Without Base Flood Elevation (BFE) Zone A, V, AE9
 - With BFE or Depth Regulatory Floodway Zone AE, AD, AH, VE, AR
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee, See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) Zone A, V, AE9
 - With BFE or Depth Regulatory Floodway Zone AE, AD, AH, VE, AR
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee, See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER FEATURES**
- Cross Sections with 1% Annual Chance
 - Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall

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FEMA FLOOD ZONE MAP

APN 207-086-004
 HUMBOLDT COUNTY

JOB NUMBER:
 5074.01

DATE:
 1/15/20

PLATE:
 7

Appendix A

Site Photographs



Photo 1: View of buildings located at “Upper” developed area.



Photo 2: Looking north up the steep slopes above the “Upper” developed area onsite.



Phot # 3: View of hoophouses at “upper” developed area onsite.



Photo 4: View northwest from “Lower” developed area onsite.



Photo #5: View of Cabin located at the “Lower” developed area onsite.



Photo #6: View northeast from “Lower” developed are onsite.

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Division of Environmental Health	✓	Conditional Approval	On file in Accela
Public Works Land Use Division	✓	Conditional Approval	Attached
Bear River Band Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
CalFire	✓	Conditional Approval	Attached
Humboldt County Sheriff's Office	✓	Rejected	On file with Planning
Building Inspection Division		No Response	
California Division of Water Rights		No Response	
NCUAQMD		No Response	
Southern Humboldt Joint Unified School District		No Response	
California Department of Fish and Wildlife	✓	Comments	Attached
CAL TRANS	✓	Conditional approval	Attached
Intertribal Sinkyone Wilderness Council		No Response	
Regional Water Quality Control Board		No Response	
District Attorney		No Response	
AG Commissioner		No Response	



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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Chris Alberts, Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer *KMF*
DATE: 03/02/2020

RE:

Applicant Name	RYE HOINE
APN	207-086-004
APPS#	PLN-12959-SP

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:

Review Items #1 and #2 on Exhibit "C".

Applicant has submitted an incomplete road evaluation report dated 12/20/19, stamped received by the Humboldt County Cannabis Services Division, with Part A- Box 2 checked, certifying that the roadway is equivalent of a road cat 4 standard.

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12959

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

☒ YES ☐ NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

☒ YES ☐ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO** or **NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

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:

From: Titus.Lucas@CALFIRE
To: [Ryan, Meghan](#)
Cc: [Alberts, Chris](#)
Subject: Re: APPS #12959, APN 207-086-004, Rye Hoine
Date: Monday, June 8, 2020 10:10:31 AM

Yes those operations would be allowable. I am strictly talking about commercial operations that involve heavy equipment and commercial vehicles such as rock trucks soil trucks. Not passenger vehicles and other light vehicles.

Sent from my iPhone

On Jun 8, 2020, at 10:08 AM, Ryan, Meghan <mryan2@co.humboldt.ca.us> wrote:

Warning: this message is from an external user and should be treated with caution.

Hi Lucas – Thank you for getting back to me so quickly. Based on that information, then would road use between October 15 – April 15 would be allowable for cannabis operations? Based on the operations plan, after the October harvest, plants are dried and cured on-site before going off-site for processing. There would be a maximum of four people on site, but it does not appear there will be the need for workers on-site much past November and then they may return in the spring for planting.

Thanks again,
Meghan

From: "Titus, Lucas@CALFIRE" <Lucas.Titus@fire.ca.gov>
Date: Monday, June 8, 2020 at 10:00 AM
To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>
Cc: "Alberts, Chris" <calberts@co.humboldt.ca.us>
Subject: Re: APPS #12959, APN 207-086-004, Rye Hoine

October 15th to April 15th would match the road restrictions in place for the landowners that currently access that road for timber operations which CAL FIRE would support for the Hoine property also. This is just for commercial operations such as dump trucks and heavy equipment operations. Thanks

Sent from my iPhone

On Jun 8, 2020, at 9:46 AM, Ryan, Meghan
<mryan2@co.humboldt.ca.us> wrote:

Warning: this message is from an external user and should be treated with

caution.

Good morning, Lucas – I hope you are doing well. I am writing today to follow up on referral comments provided by CAL FIRE for APPS #12959, APN 207-086-04, Rye Hoine (see attached). Is there specific time frame, say October 15 – March 31 or April 30 that the access road should not be used for commercial purposes? That way, I can be specific in the conditions of approval.

By limiting the road use outside of the wet season, processing will be required to be offsite, which will reduce impacts to Northern Spotted Owls in addition. The project also has the following conditions related to NSO:

<!--[if !supportLists]-->1. <!--[endif]-->The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

<!--[if !supportLists]-->2. <!--[endif]-->All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.

Although the County has not received formal comments from CDFW on this project, I did provide the conditions of approval to their staff and am waiting for additional comments and/or follow up from that agency. Please let me know if you have any additional questions or comments for this project.

Best,
Meghan

--

MEGHAN RYAN

[<image001.png>](#)

Senior Planner

[Planning and Building Department](#)

County of Humboldt

3015 H Street

Eureka, CA 95501

707.445.7541

<12959_ref_CalFire.pdf>

From: [Alberts, Chris](#)
To: david.manthorne@wildlife.ca.gov
Cc: Bocast, Kalyn@Wildlife
Subject: Application No. 12959-Referral Comments
Date: Wednesday, May 6, 2020 12:51:00 PM
Attachments: [image001.png](#)
[#12959 Biotic Assessment.pdf](#)

Good Afternoon,

The subject project is getting close to the finish line. Attached to this email is the Biological Assessment that was prepared for the project. Please let me know if you have any questions.

Best,



Christopher Alberts
Planner I
[Planning and Building Department](#)
County of Humboldt
(707) 268-3771



Please consider your environmental responsibility before printing this e-mail

From: [Ryan, Meghan](#)
To: [Bocast, Kalyn@Wildlife](#); [Bauer, Scott@Wildlife](#)
Cc: [Alberts, Chris](#); [Johnson, Cliff](#)
Subject: Re: Rye Hoine Special Permit (APP 12959), APN 207-086-004 - ZA on June 18
Date: Monday, June 8, 2020 9:00:59 AM
Attachments: [image001.png](#)
[#12959 Well Drilling Contract Letter .pdf](#)

Good morning, Kalyn and Scott –

Thank you for the email we received on Friday, June 5, 2020, regarding this project. We are working on finalizing the staff report, so as it is still in draft form, it is not ready for release. However, I wanted to provide my understanding of the project and provide the conditions of approval.

It's my understanding that the applicant is proposing to drill a well at the water source. Chris is following up with the applicant to determine if the well has been drilled yet (see attached letter). However, a Special Permit for historic/continued use of the point of diversion ,until the well is drilled, is a part of the project. The following conditions of approval are included in the staff report:

1. The applicant shall submit a Well Completion Log to the Planning Department upon completion for the proposed well for review by the Planning Department. The applicant shall forebear from using the well from April 1 to October 31 annually until the well can be determined that it is not hydrologically connected to any waterbodies. If the well is determined to be hydrologically connected, then the applicant shall obtain appropriate water rights from the State Water Resources Control Board for the use of the well and adhere to any requirements, including but not limited to installation of sufficient water storage to meet forbearance requirements. Confirmation from the Planning Department will satisfy this condition.
2. The applicant shall notify the California Department of Fish and Wildlife for the point of diversion, installation of the well and any other projects within their jurisdiction (e.g. culvert replacement or repair). The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
3. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
4. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period and shall provide results prior to or during the annual inspection. The water use for cultivation is limited to the amount of water available in the proposed well once constructed.
5. The applicant to submit copies of all documents filed with the State Water Resources

Control Board, including, but not limited to, the 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.

6. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
7. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.

We could add a time frame the CDFW notification COA, such as "Within 60 days of the effective date..." or something similar. Please let me know if you have any additional questions or comments.

Thanks,
Meghan

From: "Alberts, Chris" <calberts@co.humboldt.ca.us>

Date: Thursday, June 4, 2020 at 3:49 PM

To: "Bocast, Kalyn@Wildlife" <Kalyn.Bocast@Wildlife.ca.gov>

Cc: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

Subject: Rye Hoine Special Permit (APP 12959), APN 207-086-004 - ZA on June 18

Hey Kalyn,

I am unable to send a copy of the draft staff report for the subject project. However I am able to answer any specific questions you have about the project. I can also provide you with a copy of the Operations Plan and Site Plan if its not accessible to you on Accela.

Best,

Christopher Alberts



Planner I
[Planning and Building Department](#)
County of Humboldt
(707) 268-3771



Please consider your environmental responsibility before printing this e-mail

From: [ROBERTSON, JESSE GRAHAM@DOT](mailto:ROBERTSON.JESSE.GRAHAM@DOT)
To: [Ryan, Meghan](#)
Cc: [Alberts, Chris](#); [Quintrell, Heidi L@DOT](#)
Subject: Caltrans comments RE: Record Number: PLN-12959-SP, APN 207-086-004, Humboldt County (1-HUM-36-PM 17.92)
Date: Monday, June 8, 2020 12:24:00 PM

Meghan Ryan,

Thank you for giving Caltrans the opportunity to comment on the proposed Special Use Permit to allow 5,500 square feet of existing outdoor cannabis cultivation and 4,500 square feet of existing mixed light cannabis cultivation on Assessor's Parcel number 207-086-004. The project is located in the Bridgeville area, on the north side of State Highway 36, approximately 2.86 miles west from the intersection of Bar W Road and State Highway 36. We have the following comments:

The subject parcel appears to access State Route (SR) 36 via a private road approach at approximately Post Mile (PM) 17.92 left. This driveway does not meet current Caltrans standards for a commercial driveway. The primary deficiency is the unpaved approach, or road connection. We request that the County require this applicant (and any other applicants using this same driveway) to improve the driveway approach to meet current Caltrans standards for a commercial driveway by paving the approach for at least 20 feet from the Edge of Shoulder or to the edge of State right of way, whichever is less. Please refer to the Caltrans Encroachment Permits Manual, Appendix J, "Road Connections and Driveways" for details (linked below).

Any work within Caltrans Right-of-Way will require an Encroachment Permit from Caltrans. Permits to construct, upgrade, own, and operate road approaches to the State highway system are issued to the individual or legal entity with ownership rights of that road approach. It is not clear the applicant for the SUP has such rights. If they do have ownership/easement rights, they should submit proof of ownership/easement with their application for a permit. If they do NOT have ownership/easement rights, then they may, with the property owner's written permission, apply for a permit on behalf of the owner as an authorized agent of the property owner.

Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we require the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6390. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at:

<https://dot.ca.gov/programs/traffic-operations/ep>

Please note the following special provisions related to encroachment permit requirements:

- Any permanent change to the pavement within our right of way (i.e. striping or additional pavement) will require a PEER (Permit Engineering Evaluation Report), the PEER is required to be filled out by the applicants engineer. Please refer to Chapter 200 of the Encroachment Permits Manual (EPM) regarding PEER and Oversight Projects, available online

at: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-2-ada.pdf>

- Please refer to Appendix J of the EPM, to adhere to our commercial driveway/road approach standards: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-j-ada.pdf>
- Any features that deviate from the HDM will require a design exception. Design exceptions are covered in the PDPM in Appendix BB, posted online at: <https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>
- For more information regarding exceptions to policy, please refer to the (EPM) Chapter 300 – Exceptions to Policy, available online at: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/epm-chapters-all-ada.pdf>

The applicant will need to ensure that any work performed within State right-of-way (R/W) has already been evaluated for environmental impacts pursuant to CEQA. The Biological Assessment that is mentioned to exist in the CEQA checklist was not included in the documents for review. The CEQA checklist indicates that there are no special status plants or animals on site, which will need to be demonstrated for any portion of State R/W impacted by permitted work. Caltrans may require documentation for any and all environmental assessments as a part of the encroachment permit application. Potential impacts to the following resources will need to be evaluated:

- This area has known populations within State R/W of Sonoma tree vole (*Arborius pomo*) and has a CDFW designation of a species of special concern that requires impact analysis under CEQA if trees will be removed or trimmed within the R/W.
- This area within State R/W includes known populations of Howell's montia (*Montia howelli*) which also requires botanical surveys under CEQA as it is designated as a CNPS 2B.2 plant.
- This area has a high probability of Fishers (*Pekania pennanti*) to be utilizing forested areas within or directly adjacent to Caltrans R/W. This species is designated as a candidate for listing as Federally Threatened and will require an effects analysis and field surveys if any trees will be removed within State R/W.
- Any vegetation removal that may occur as a result of road (driveway) work within State R/W will require Migratory bird surveys within 1 week of vegetation removal to occur between March 15 and September 15.
- Given the location and proximity to the Van Duzen River which is designated essential fish habitat for steelhead salmon, Caltrans standard Best Management Practices (BMP's) for managing erosion and discharge should be upheld for all work within the State R/W.

Feel free to contact me for further assistance with these comments.

Jesse Robertson
Transportation Planning
Caltrans District 1
~~707-441-4693~~

From: Ryan, Meghan <mryan2@co.humboldt.ca.us>
Sent: Wednesday, May 27, 2020 1:56 PM
To: ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>
Cc: Alberts, Chris <calberts@co.humboldt.ca.us>
Subject: Record Number: PLN-12959-SP, APN 207-086-004, Humboldt County

EXTERNAL EMAIL. Links/attachments may not be safe.

Good afternoon, Jesse – I hope this email finds you well. A project referral for PLN-12959-SP was sent to CAL TRANS on 04/24/2020 and no comments have been received. We are hoping to schedule the project for hearing next month, so I wanted to check in with you to see if there were any comments.

Please let me know if you have any questions.

Best,
Meghan