



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 9, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **HWY 36 Homestead, LLC, Special Permits**
Record Number: PLN-12572-SP
Assessor's Parcel Number (APN): 210-191-049
41600 State Highway 36, Dinsmore area

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Please contact Elizabeth Moreno, Planner, at 707-445-7541 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 9, 2020	Special Permits	Elizabeth Moreno

Project Description: HWY 36 Homestead, LLC, seeks approval of a Special Permit for 10,000 square feet of existing outdoor medical cannabis cultivation. A Special Permit is also requested for two encroachments in the Streamside Management Area (SMA): a point of diversion from a spring onsite, used for irrigation and to facilitate onsite relocation and remediation within the SMA. The applicant is proposing to develop a groundwater well to replace the diverted water. The projected annual water usage is approximately 170,575 gallons. Water storage totals 33,000 gallons of rainwater catchment tanks in fourteen hard-sided tanks. The applicant is proposing to add 121,601 gallons water storage in hard-sided tanks for a total of 154,601 gallons of water storage. The projected annual water usage is approximately 170,575 gallons. Drying will occur onsite and further processing will occur offsite at a licensed facility. An existing cabin onsite is proposed to be removed and replaced with new commercial building within the same footprint. The building will contain a propagation area that will serve for the project site and the property adjacent; APN: 210-191-050, also owned and operated by Homestead Highway 36, LLC. The applicant states that two employees would be needed at peak operations. Power is provided by P. G. & E.

Project Location: The project is located in the Dinsmore area, on the south side of State Highway 36, approximately 400 feet south from the intersection of State Highway 36-mile marker 39.30 and a private road, on the property known as 41600 State Highway 36.

Present Plan Land Use Designation: Residential Agriculture (RA), Density: 1 dwelling unit per 20 acres, 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation, 20-acre minimum parcel size; Special Building Site combining zone (FR-B-5(20)).

Record Number: PLN-12572-SP

Assessor Parcel Number: 210-191-049

Applicant

HWY 36 Homestead, LLC
Robert Neely
PO Box 632
Arcata, CA 95518

Owner

Robert J Neely II & Aiyana K Neely
PO Box 632
Arcata, CA 95518

Agent

Same as Applicant

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.

HWY 36 HOMESTEAD, LLC
Record Number: PLN-12572-SP
Assessor's Parcel Number: 210-191-049

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 Permits based on evidence in the staff report and adopt the Resolution approving the proposed HWY 36 Homestead, LLC, project subject to the recommended conditions.

Executive Summary: Special Permit for an existing 10,000 square foot (SF) outdoor medical cannabis cultivation operation located on Assessor's Parcel Number (APN) 210-191-049, which is approximately 22 acres in size. A Special Permit is also requested for two encroachments to the Streamside Management Area (SMA): a point of diversion from a spring onsite, used for irrigation and to facilitate onsite relocation and remediation within the SMA. The applicant will relocate existing legacy cultivation areas to an environmentally superior location within the boundaries of the parcel. Nine existing greenhouses will be relocated and reorganize into eight greenhouses.

The applicant has submitted an *Onsite Relocation and Remediation Plan and Environmental Superiority Analysis* prepared by Mother Earth Engineering, dated December 2019. The restoration plan includes a description on how the existing cultivation encroaches within two SMA of a Class III stream and how it encroaches a wetland's setback. The restoration plan calls for the reorganization of the existing cultivation into environmentally superior locations; six greenhouses towards the west center of the parcel, one greenhouse to the north and one greenhouse to the south the parcel. The relocation plan calls for a substantial amount of grading, however, Staff supports the relocation plan as the proposed relocation areas are environmentally superior because, these areas would minimize drainage and sediment runoff into the SMA and are well setback from the wetland. The legacy cultivation areas will be fully remediated include and native seeding and spreading of straw and mulch for erosion control. The applicant is conditioned to submit a monitoring plan to the Planning Department.

The projected annual water usage is approximately 170,575 gallons. Water storage currently consists of 35,000 gallons of rainwater catchment tanks in fourteen hard-sided tanks. Proposed water storage includes an additional 121,601 gallons stored hard-sided tanks, to cover the quantity needed for irrigation during the forbearance period from April 1 to October 31. Prior to the start of the 2021 cultivation season, the applicant will install the proposed water storage and meter the water to demonstrate that there is enough water storage and supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. If less or more water is needed, then applicant submit evidence and adjust water storage accordingly with Planning Department approval. The size of the cultivation area will need to be reduced if sufficient storage is not developed on site. The storage tanks are filled by a surface water diversion that is permitted with a Small Irrigation Use Registration (SIUR) by the State Water Resources Control Board (SWRCB). The SIUR (Certificate Number H100350) allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 91, 238 gallons. About 79,337 gallons will be acquired by rainwater catchment. A well is also being proposed onsite to replace water diversion. As a condition of approval, the applicant will not use the well for irrigation until, the applicant provides evidence Planning Department that the well is not connected surface water.

The applicant has filed a Lake or Streambed Alteration Notification with the California Department of Fish and Wildlife (CDFW) for the spring diversion, as well as a Notice of Intent and Water Resources Protection

Plan (WRPP) with the North Coast Water Quality Control Board as a Tier 2 operation. The WRPP prepared by Pacific Watershed Associates Inc., dated August 2017, makes recommendations for the ongoing operations and remediation activities needed at the site. These recommendations include updating streams crossings and onsite relocation of cultivation to protect the SMA from adverse impacts, as described above. The project is conditioned as such. Additionally, 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 California Natural Diversity Database (CNDDB) does not map any known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl sightings or activity centers or mapped Marbled murrelet habitat are located more than 1 mile from the subject parcel. Additionally, the applicant has submitted a *Biological Resource Assessment* prepared by TransTerra Consulting Integrated Environmental Services, dated February 2019. The report includes a review of relevant databases and literature regarding the potential presence of species, and the results of a site visit to review of the site-specific conditions as to the likelihood of hosting habitat for species. The report also indicates that the site is located within 1.3 miles of a historical Northern Spotted Owl Activity Center, it was last observed positive in 2002. From 2003 and 2005 negative observations were recorded. The report recommends implementing best management practices to minimize light and noise impacts and to use netting made of natural fibers in lieu of plastic netting for both cultivation and erosion measures.

CDFW commented on the project on March 4, 2019, and indicated that an unpermitted timber conversion occurred onsite. Cal Fire prepared a Notice of Inspection on March 13, 2019, and indicated that the less than 0.25-acre of timber clearing occurred in 2018 and that the actions the applicant did not constitute a timberland conversion and no violations had occurred. However, the Mitigated Negative Declaration adopted for ordinance CMMLUO No. 2559 did not anticipate timber removal, therefore, the applicant will restore the unauthorized the 0.25 acre timber clearing that occurred in 2018, at a ratio of 3:1. The applicant will submit a timber restoration plan and monitoring plan prepared by a to the Planning Department for review and approval prior to commencing any restocking.

Drying and bucking will occur onsite and stored in an existing cabin onsite. The cabin is proposed to be removed and replaced with new commercial building within the same footprint. The building will contain a propagation area that will serve for the project site and the property adjacent; APN: 210-191-050, also owned and operated by Homestead Highway 36, LLC. Propagation area shall not exceed more than 10% of permitted cultivation for each parcel. This structure will also store cannabis product from APN: 210-191-050. The applicant will keep product from each site separate. Further processing will occur offsite. Two employees will be required for the operation.

All garbage will be contained in enclosed containers to prevent stormwater contamination and from entering receiving waters and is to be removed at least once per week. Fertilizers and pesticides are used in accordance with best management practices and are stored in a secondary container to prevent contamination with runoff. Two employees will be required for the operation. Power is provided by P. G. & E.

Access to the site is taken directly from State Highway 36. The project was referred to the Californian Department of Transportation (CAL TRANS), who commented and recommended that the applicant provided evidence that the project possesses an easement to use and maintained the proposed access to State Highway 36. Additionally, the applicant will need obtained an encroachment permit from CAL TRANS as stated in the conditions of approval.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due

to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all the required findings for approving the conditional use permit and special permit.

ALTERNATIVES: The Zoning Administrator could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the project is consistent with a previously adopted Mitigated Negative Declaration. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Record Number: PLN-12572-SP
Assessor Parcel Number: 210-191-049**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the HWY 36 Homestead, LLC, Special Permits request.

WHEREAS, HWY 36 Homestead, LLC, seeks approval of a Special Permit for 10,000 square feet of existing outdoor medical cannabis cultivation. A Special Permit is also requested for two encroachments in the Streamside Management Area (SMA): a point of diversion from a spring onsite, used for irrigation and to facilitate onsite relocation and remediation within the SMA. The applicant is proposing to develop a groundwater well to replace the diverted water. The projected annual water usage is approximately 170,575 gallons. Water storage totals 33,000 gallons of rainwater catchment tanks in fourteen hard-sided tanks. The applicant is proposing to add 121,601 gallons water storage in hard-sided tanks for a total of 154,601 gallons of water storage. The projected annual water usage is approximately 170,575 gallons. Drying will occur onsite and further processing will occur offsite at a licensed facility. An existing cabin onsite is proposed to be removed and replaced with new commercial building within the same footprint. The building will contain a propagation area that will serve for the project site and the property adjacent; APN: 210-191-050, also owned and operated by Homestead Highway 36, LLC. The applicant states that two employees would be needed at peak operations. Power is provided by P. G. & E.; 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 the required findings for approving the proposed Special Permits (Record Number PLN-12572-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on July 9, 2020.

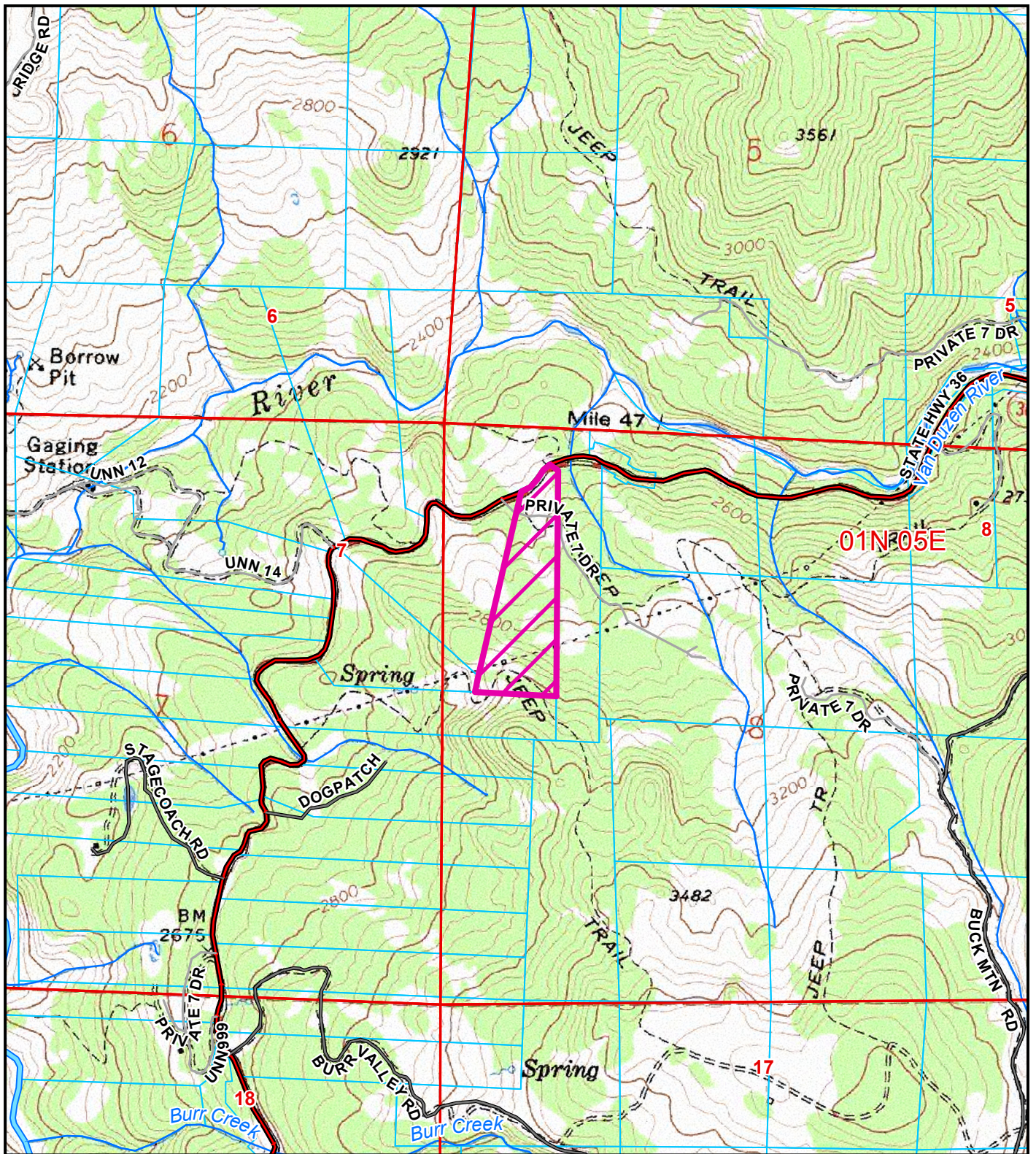
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

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-12572-SP) based on the submitted substantial evidence; and
3. The Special Permits (Record Number PLN-12572-SP) are approved as recommended and conditioned in Attachment 1 for Record Number PLN-12572-SP.

Adopted after review and consideration of all the evidence on July 9, 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.

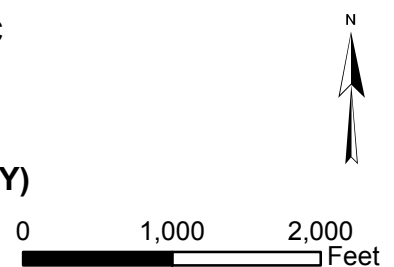
John Ford
Zoning Administrator
Planning and Building Department

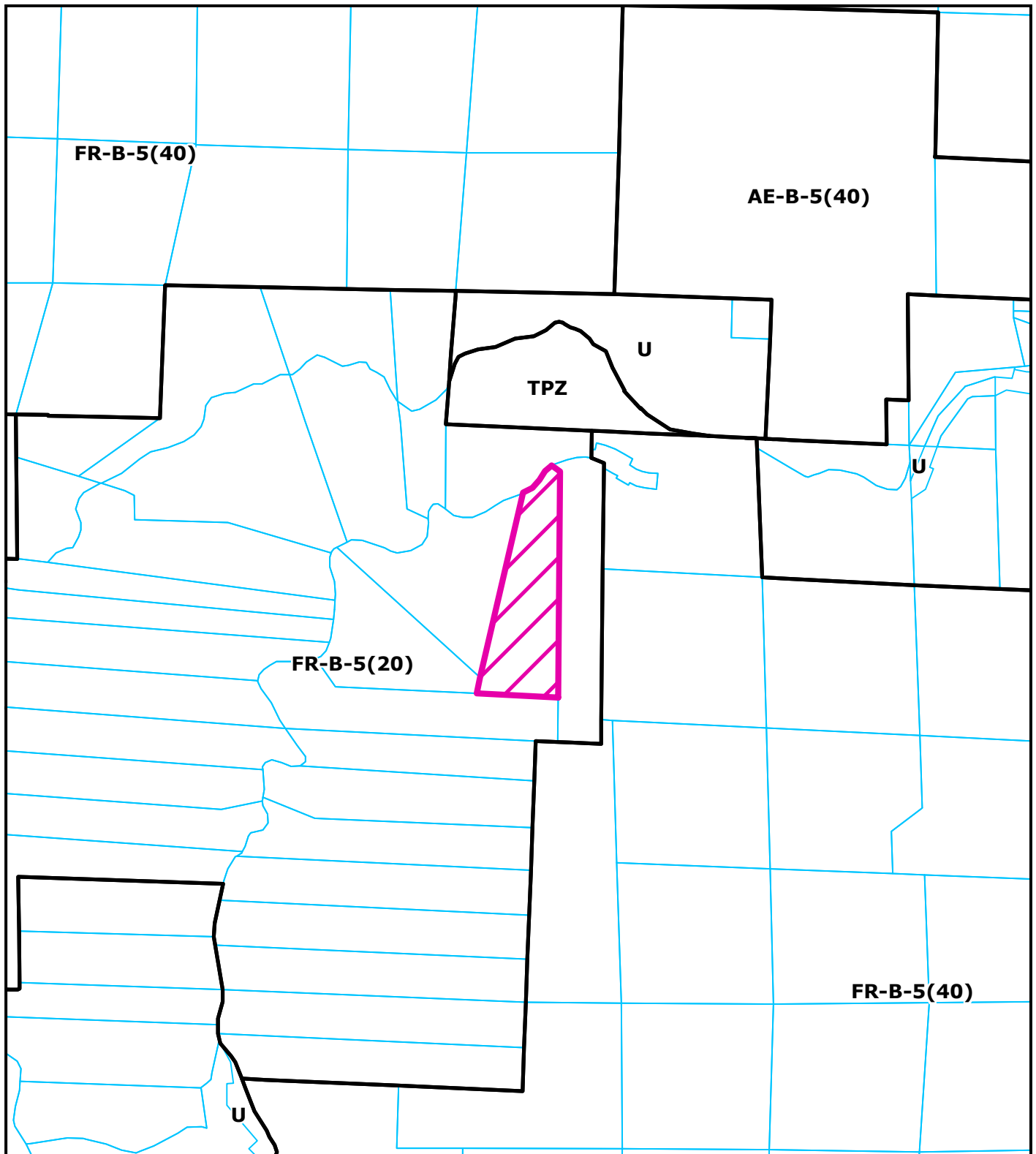


TOPO MAP
PROPOSED HWY36 HOMESTEAD, LLC
DINSMORE AREA
SP-16-572
APN: 210-191-049-000
T01N R05E S8 HB&M (LARABEE VALLEY)

Project Area = 

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

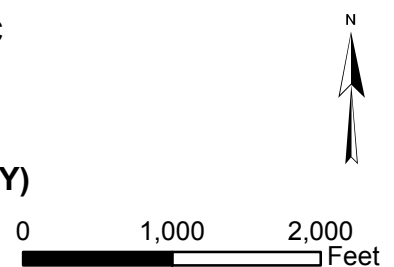


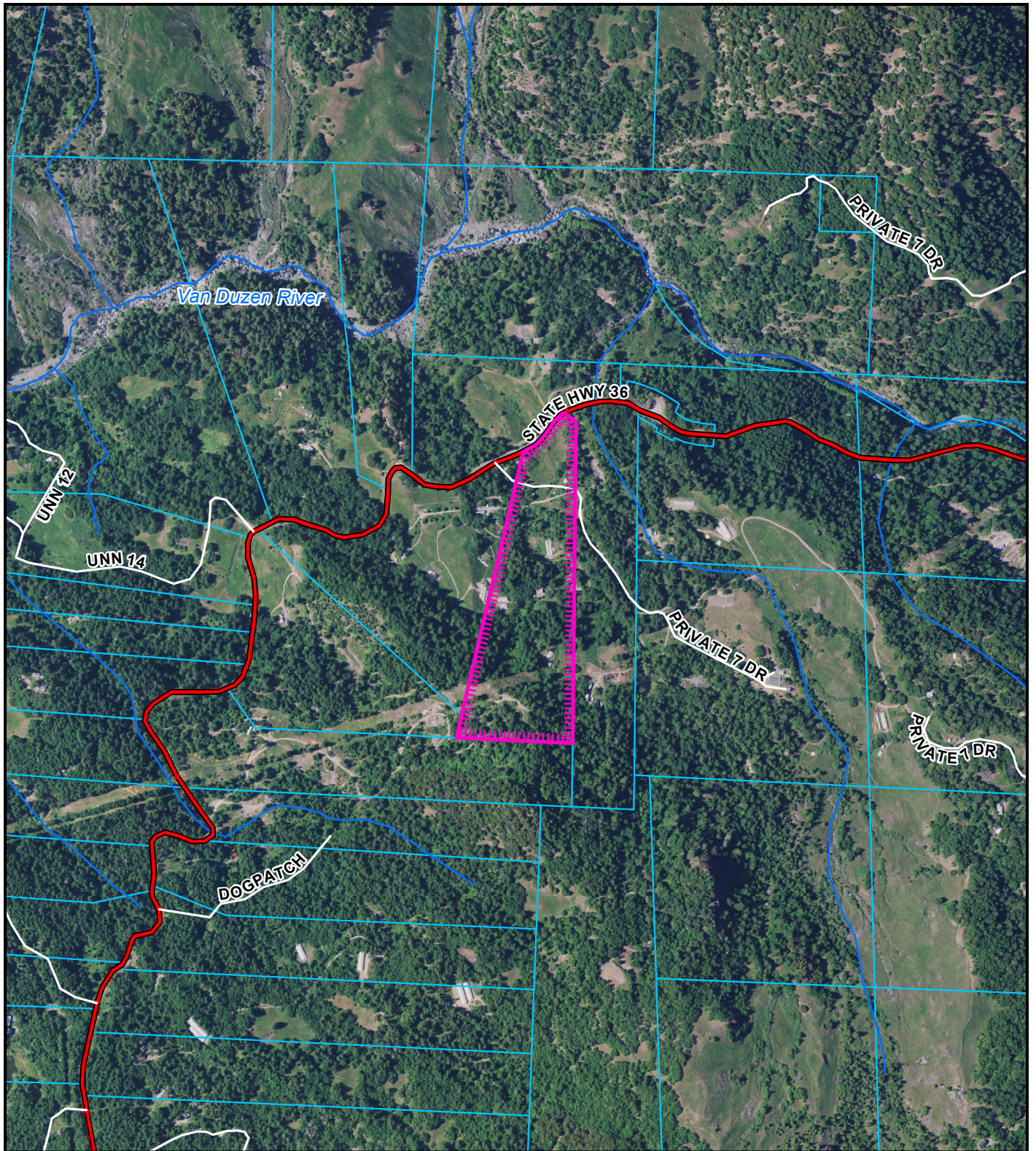


Project Area = 

ZONING MAP
PROPOSED HWY36 HOMESTEAD, LLC
DINSMORE AREA
SP-16-572
APN: 210-191-049-000
T01N R05E S8 HB&M (LARABEE VALLEY)

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.

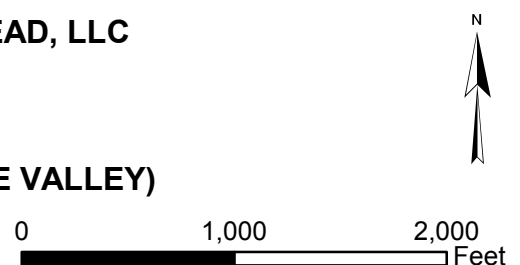




Project Area = 

AERIAL MAP
PROPOSED HWY36 HOMESTEAD, LLC
DINSMORE AREA
SP-16-572
APN: 210-191-049-000
T01N R05E S8 HB&M (LARABEE VALLEY)

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.

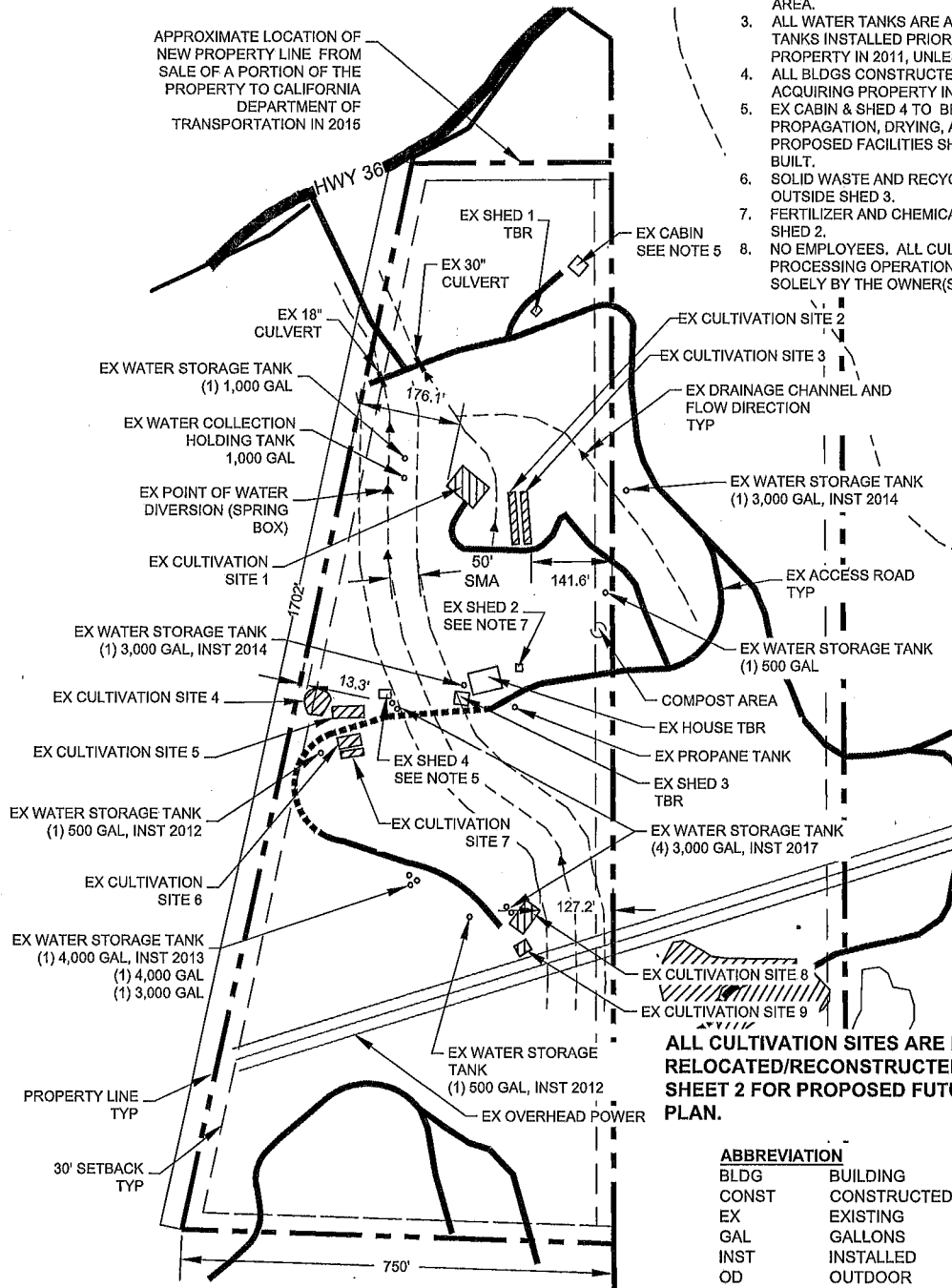


PG&E UTILITY EASEMENTS (PER PRELIMINARY TITLE REPORT ORDER No. 00139919-001-K1)

- #4) A STRIP OF LAND 75 FEET IN WIDTH FOR INGRESS, EGRESS & PUBLIC UTILITIES. RECORDED MARCH 21 1962, BOOK 201 OF OFFICIAL RECORDS, PAGE 586.
 #5) A STRIP OF LAND FOR INGRESS, EGRESS & PUBLIC UTILITIES. RECORDED OCTOBER 16, 1962, BOOK 226 OF OFFICIAL RECORDS, PAGE 231.
 #12) A STRIP OF LAND 30 FEET AT A LOCATION MUTUALLY AGREED UPON FOR OVERHANGING WIRES, CABLES, CROSSARMS, FIXTURES AND APPURTENANCES. RECORDED OCTOBER 28, 2005 AS INSTRUMENT No. 2005-36818-4.

NOTES

1. ALL DIMENSIONS AND LOCATIONS ARE APPROXIMATE, INCLUDING: PROPERTY LINES, ROADS, BLDGS, WATER STORAGE TANKS, AND WATER SOURCES.
2. THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREA.
3. ALL WATER TANKS ARE ABOVE GROUND PLASTIC TANKS INSTALLED PRIOR TO OWNER'S ACQUIRING PROPERTY IN 2011, UNLESS OTHERWISE NOTED.
4. ALL BLDGS CONSTRUCTED PRIOR TO OWNER'S ACQUIRING PROPERTY IN 2011.
5. EX CABIN & SHED 4 TO BE USED FOR PROPAGATION, DRYING, AND STORAGE UNTIL PROPOSED FACILITIES SHOWN ON FIGURE 2 ARE BUILT.
6. SOLID WASTE AND RECYCLING STORAGE LOCATED OUTSIDE SHED 3.
7. FERTILIZER AND CHEMICAL STORAGE INSIDE OF EX SHED 2.
8. NO EMPLOYEES. ALL CULTIVATION AND PROCESSING OPERATIONS ARE CONDUCTED SOLELY BY THE OWNER(S).



Existing map

ALL CULTIVATION SITES ARE PROPOSED TO BE RELOCATED/RECONSTRUCTED. REFER TO SHEET 2 FOR PROPOSED FUTURE CULTIVATION PLAN.

ABBREVIATION

BLDG	BUILDING
CONST	CONSTRUCTED
EX	EXISTING
GAL	GALLONS
INST	INSTALLED
OD	OUTDOOR
SF	SQUARE FEET
SMA	STREAMSIDE MANAGEMENT AREA
TBR	TO BE REMOVED
TYP	TYPICAL

LEGEND

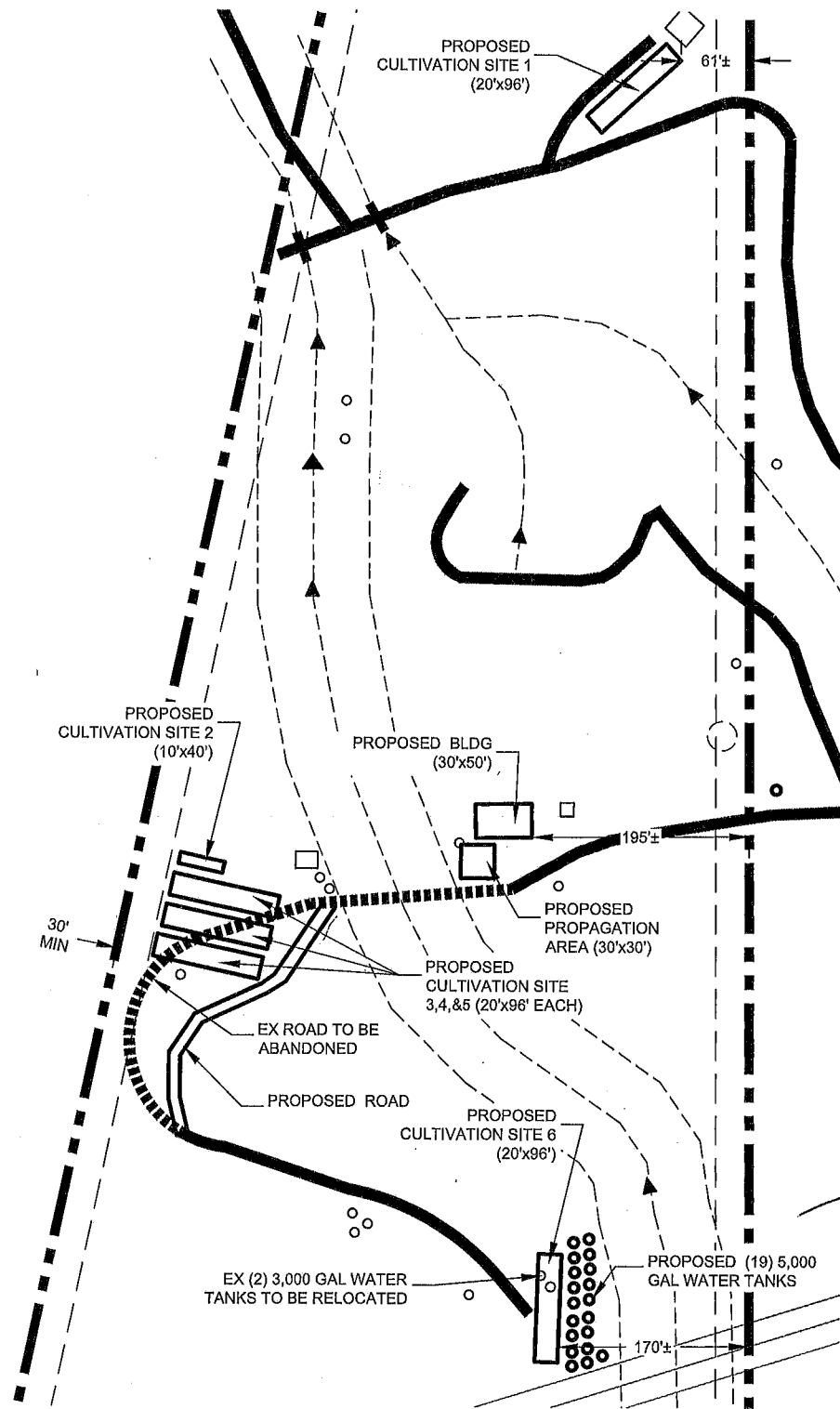
	PROPERTY LINE
	30' SETBACK
	GRAVEL/DIRT ACCESS ROAD
	CULTIVATION AREA/BLDG
	POINT OF WATER DIVERSION
	DRAINAGE CHANNEL AND FLOW DIRECTION

CULTIVATION SITE	SF	DATE CONST/INST	TYPE
1	2700	2012	OUTDOOR
2	1080	2012	OD GREENHOUSE
3	1080	2012	OD GREENHOUSE
4	560	2015	OUTDOOR
5	1100	2013	OD GREENHOUSE
6	800	2013	OD GREENHOUSE
7	480	2012	OUTDOOR
8	1500	2012	OD GREENHOUSE
9	480	2013	OD GREENHOUSE

NOTE: CULTIVATION SITE 4 AREA IS TOTAL CANOPY AREA OF ALL PLANTS WITHIN THAT SITE, NOT PERIMETER AREA.

TOTAL EX CULTIVATION AREA: 9,780 SF

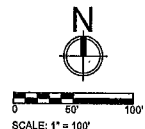
DATE 12/15/16	REVISED: 1. 7/22/17 2. 10/5/18 3. 12/12/18 4. 4/28/20	SITE PLAN	SITE LOCATION 41600 CA STATE HWY 36 BRIDGEVILLE, CA 95526 APN: 210-191-049	OWNER INFORMATION ROBERT AND AIYANA NEELY (707) 672-9419
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NOTES

1. BUILDING AND GRADING PERMITS WILL BE OBTAINED AS REQUIRED PRIOR TO RELOCATING CULTIVATION SITES.
2. ALL EX BUILDINGS AND BUILDING USES TO REMAIN AS IS, UNLESS OTHERWISE NOTED.
3. PROPOSED CULTIVATION SITES AND WATER TANKS TO BE OUTSIDE THE STREAMSIDE MANAGEMENT AREA.

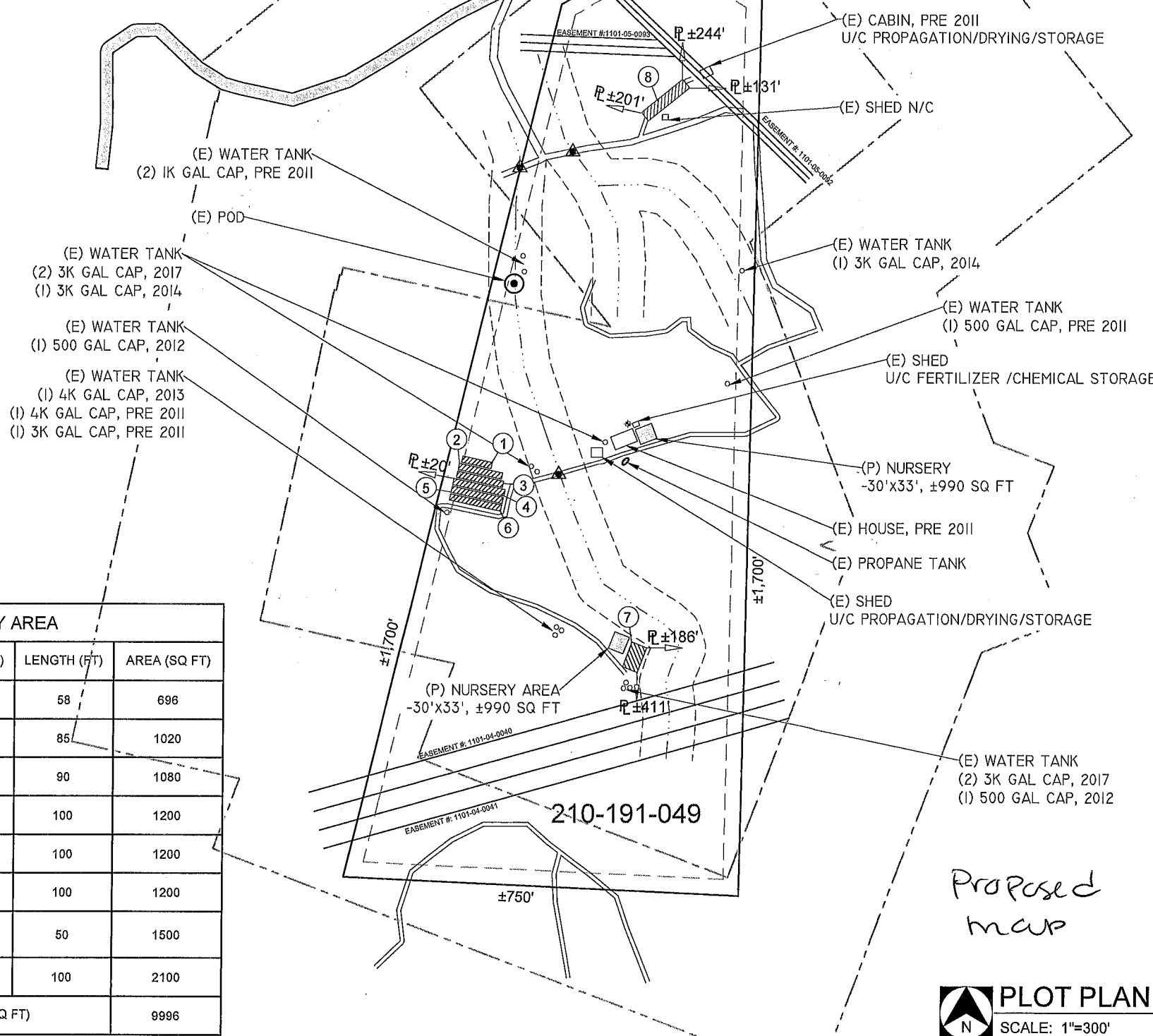
TOTAL PROPOSED CULTIVATION AREA: 10,000 SF
TOTAL PROPOSED PROPAGATION AREA: 900 SF



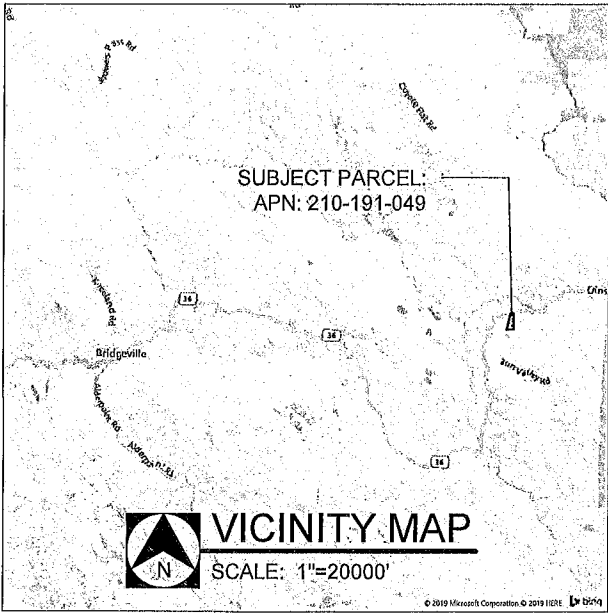
DATE 12/2/18	REVISED: 1. 4/28/20	<h2 style="text-align: center;">PROPOSED CULTIVATION PLAN</h2>	SITE LOCATION 41600 CA STATE HWY 36 BRIDGEVILLE, CA 95526 APN: 210-191-049	OWNER INFORMATION ROBERT AND AIYANA NEELY (707) 672-9419
FIGURE 2 OF 2				

GENERAL NOTES:

1. PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
2. KNOWN EASEMENTS:
 - 2.1. 1101-05-0097: 30 FOOT WIDE DISTRIBUTION EASEMENT
 - 2.2. 1101-05-0092: 20 FOOT WIDE DISTRIBUTION EASEMENT
 - 2.3. 1101-04-0040: 75 FOOT WIDE TRANSMISSION EASEMENT
 - 2.4. 1101-04-0041: 85 FOOT WIDE DISTRIBUTION EASEMENT
3. SITE SERVED BY ON-SITE WASTE WATER TREATMENT SYSTEM (SEPTIC TANK & LEACH FIELD).
4. NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
5. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.



CANOPY AREA				
CULTIVATION ID	TYPE	WIDTH (FT)	LENGTH (FT)	AREA (SQ FT)
1	GH OD	12	58	696
2	GH OD	12	85	1020
3	GH OD	12	90	1080
4	GH OD	12	100	1200
5	GH OD	12	100	1200
6	GH OD	12	100	1200
7	GH OD	30	50	1500
8	GH OD	21	100	2100
TOTAL CANOPY AREA (SQ FT)				9996



DIRECTIONS TO SITE

THE PROJECT IS LOCATED IN HUMBOLDT COUNTY, IN THE DINSMORE AREA

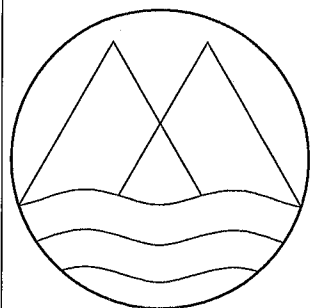
FROM BRIDGEVILLE, CA

- HEAD EAST ON STATE HWY 36
- TURN RIGHT NEAR MILE MARKER 39.30
- PROPERTY IS APPROXIMATELY 400 FEET SOUTH FROM THE INTERSECTION OF HWY 36

LEGEND

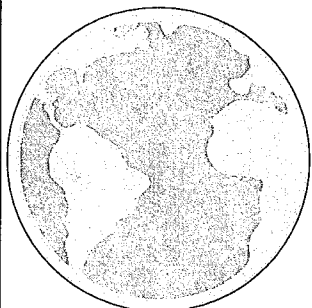
- PROPERTY LINE
- 30' SETBACK FROM PROPERTY LINE
- 300' SETBACK FROM CULTIVATION AREAS
- 600' SETBACK FROM CULTIVATION AREAS
- CLASS III WATERCOURSE WITH 50 FT STREAM SIDE MANAGEMENT AREA BUFFER
- OVERHEAD POWER WITH EASEMENT NUMBER-SEE NOTES
- GRADED AREA -PROPOSED AND EXISTING
- PUBLIC ROAD
- ACCESS ROAD
- STRUCTURE
- PROPOSED RELOCATED CULTIVATION AREA
- PROPOSED IMMATURE PLANT/NURSERY AREA
- DISTANCE TO PROPERTY LINE
- POINT OF DIVERSION
- CULVERT
- TRASH AND RECYCLING AREA
- EXISTING
- PROPOSED
- NOT USED FOR CULTIVATION
- USED FOR CULTIVATION
- GH OD GREENHOUSE OUTDOOR

PLOT PLAN
SCALE: 1"=300'



MOTHER EARTH ENGINEERING

661 G STREET
ARCATA, CA 95521, 707-633-8321



MEE JOB NO: 19014.1

REVISION SCHEDULE

#	DATE	BY	DESCRIPTION
0	08/16/2019	LBC	
1	11/29/19	JL	REVISIONS
2			
3			
4			
5			

PROPOSED SITE PLAN
APN: 210-191-049
ADDRESS: 41600 CA STATE HWY 36

CULTIVATION PERMIT
APPLICANT: HWY36 HOMESTEAD, LLC
PHONE: (707) 672-9419

SHEET NO:

2

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 #7 –13. 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. The applicant is to adhere to the *Onsite Relocation and Remediation Plan and Environmental Superiority Analysis*, prepared by Mother Earth Engineering, dated December 2019. The applicant is to submit a monitoring plan for the onsite relocation to the Planning Department at the time of the annual inspection.
3. The applicant shall adhere to and implement all recommendations contained in the *Biological Resource Assessment*, prepared by TransTerra Consulting Integrated Environmental Services, dated February 2019. 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.
4. Prior to the start of the 2021 cultivation season, the applicant will install the proposed water storage and meter the water to demonstrate that there is enough water storage and supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. If less or more water is needed, then the applicant is to submit evidence and adjust water storage accordingly with Planning Department approval. The size of the cultivation area will need to be reduced if sufficient storage is not developed on site. The applicant shall increase the quantity of water storage to cover the quantity needed for irrigation during the forbearance period of April 1 to October 31 (121,601 gallons total on-site).
5. The proposed well for irrigation will not be used until, the applicant provides evidence Planning Department that the well is not connected surface water, including, but not limited to, a well completion log, a site inspection and/or a report from a qualified hydrologist. A sign-off by the Planning Department will satisfy this condition.
6. 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.
7. The applicant shall secure permits for all unpermitted grading and structures (including greenhouses, processing facilities, storage buildings, water tanks and water tank foundations), related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The applicant shall submit a Less Than Three Acre Mitigation Plan for the 0.25 acres of timber removal that occurred in the southwestern 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 0.25 acres). 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.

9. The driveway serving the subject parcel will need to meet current CAL TRANS standards for a commercial road approach. The applicant shall produce evidence that the project applicant possesses an easement to use and maintain the proposed access to State Highway 36. The applicant will also need to produce a CAL TRANS encroachment permit issued to the current property-owner or easement-holder. If a valid permit can't be produced, a new CAL TRANS encroachment permit must obtain. Any work within Cal TRANS Right-of-Way will require an Encroachment Permit from CAL TRANS. A letter or similar communication from CAL TRANS stating this work has been completed to their satisfaction will satisfy this condition.
10. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.
11. 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.
12. The applicant shall implement all the requirements of the Final Streambed Alteration Agreement (SSA) for the point of diversion and three stream crossings as approved by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms. The applicant is to submit a copy of the Final SSA to the Planning Department. 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. 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.
13. Applicant shall meet all State Responsibility Area (SRA) requirements, including installation of a turnaround for emergency vehicles, maintenance of defensible space, and installation of a 2,500-gallon water tank near the residence. The applicant shall cause to be recorded an open space easement over the adjoining property APN 210-191-059 for the benefit of the subject parcel in order to meet SRA structure defensible space requirements.
14. The applicant shall submit compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, and fuel modification standards.
15. 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.

16. 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.
17. The artificial light in nursery, shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
18. The applicant shall not use any synthetic netting or any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. To minimize the risk of wildlife entrapment, the applicant shall use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
19. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. The applicant shall ensure that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. 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.
22. 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.
23. 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 Log Books 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 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** 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 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA-40): Large lot residential uses that typically rely upon on-site water and wastewater systems. The RA-40 designation applies to more remote, steep, and high hazard areas and is meant to ensure compatibility with adjacent resource production and open space uses. Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses. Density range is 40 acres/unit.</p>	<p>The project includes 10,000 square feet of existing outdoor cannabis cultivation and appurtenant processing operations. General and intensive agriculture are an allowable use types for this designation.</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 property is via a private driveway off State Highway 36. The applicant has submitted a Road Evaluation Report that identifies the access road as being the functional equivalent to Category 4 road standards (see Attachment 4). The project was referred to the Californian Department of Transportation (CAL TRANS), who commented and recommended that the applicant provided evidence that the project possesses an easement to use and maintained the proposed access to State Highway 36. Additionally, the applicant will need obtained an encroachment permit form CAL TRANS. The project has been conditioned as such.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</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 project is for the continued operation of cannabis cultivation and would not authorize any timber harvesting. The project would leave intact, the existing open space areas surrounding the cultivation areas as well as surrounding parcels. In addition, the project would remove existing cultivation from environmentally sensitive areas, allowing those areas to return to open space use, and relocate the cultivation to an environmentally superior upland site. The project can be found consistent with the Open Space Action Program because the project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation – an agricultural product – is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. In addition, the project incorporates numerous conditions of approval related to the listed policies that would ensure resources are protected and is; therefore, consistent with the Open Space Element.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The applicant has submitted an <i>Onsite Relocation and Remediation Plan and Environmental Superiority Analysis</i> prepared by Mother Earth Engineering, dated December 2019. The restoration plan includes a description on how the existing cultivation encroaches within a SMA of a Class III stream and how it encroaches a wetland's setback. The restoration plan calls for the reorganization of the existing cultivation into environmentally superior locations; six greenhouses towards the west center of the parcel, one greenhouse to the north and one greenhouse to the south the parcel. The relocation areas are environmentally superior because, these areas would minimize drainage and sediment runoff to the SMA and are well setback from the wetland. The legacy cultivation areas will be fully remediated include and native seeding and spreading of straw and mulch for erosion control. The applicant is conditioned to submit a Monitoring Plan.</p> <p>The applicant has filed a Lake or Streambed Alteration Notification with the California Department of Fish and Wildlife (CDFW) for the spring diversion, as well as a Notice of Intent and Water Resources Protection Plan (WRPP) with the North Coast Water Quality Control Board as a Tier 2 operation. The WRPP prepared by Pacific Watershed Associates Inc., dated August 2017, makes recommendations for the ongoing operations and remediation activities needed at the site. These recommendations include updating streams crossings and onsite relocation of cultivation to protect the SMA from adverse impacts, as described above. The California Natural Diversity Database (CNDDB) does not map any known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl sightings or activity centers or mapped Marbled murrelet habitat are located more than 1 mile from the subject parcel. Additionally, the applicant has submitted a <i>Biological Resource Assessment</i> prepared by TransTerra Consulting Integrated Environmental Services, dated February 2019. The report includes a review of relevant databases and literature regarding the potential presence of species, and the results of a site visit to review of the site-specific conditions as to the likelihood of hosting habitat for species. The report also indicates that the site is located within 1.3 miles of a historical Northern Spotted Owl Activity Center, it was last observed positive in 2002. From 2003 and 2005 negative observations were recoded. The report recommends implementing best management practices to minimize light and noise impacts and to use netting made of natural fibers in lieu of plastic netting for both cultivation and erosion measures. The project is conditioned as such.</p>
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		<p>CDFW comment on the project on March 4, 2019, and requested additional information from the applicant. (see Attchement 5). CDFW indicated that an unpermitted timber conversion occurred onsite and that part of the project was within a SMA. The applicant addressed those comments and submitted a Notice of Inspection prepared by Cal Fire on March 13, 2019. Cal Fire specified that the less than 0.25-acre of timber clearing occurred in 2018 and that the actions the applicant did not constitute a timberland conversion and no violations had occurred. However, the Mitigated Negative Declaration adopted for ordinance CMMLUO No. 2559 did not anticipate timber removal, therefore, the applicant will restore the unauthorized the 0.25 acre timber clearing that occurred in 2018, at a ratio of 3:1. The applicant will submit a timber restoration plan and monitoring plan prepared by a to the Planning Department for reivew and approval prior to commencing any restocking. The applicant has submitted an Onsite Relocation and Remediation Plan and Environmental Superiority Analysis to address the SMA concern. CDFW also commented on the project's ability to meet the water usage demand and the forbearance period. The applicant is condition to increase water storage. Water storage currently consists of 35,000 gallons of rainwater catchment tanks in fourteen hard-sided tanks. Proposed water storage includes an additional 121,601 gallons stored hard-sided tanks, to cover the quantity needed for irrigation during the forbearance period from April 1 to October 31. Prior to the start of the 2021 cultivation season, the applicant will install the proposed water storage and meter the water to demonstrate that there is enough water storage and supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. If less or more water is needed, then applicant submit evidence and adjust water storage accordingly with Planning Department approval. The size of the cultivation area will need to be reduced if sufficient storage is not developed on site. The storage tanks are filled by a surface water diversion that is permitted with a Small Irrigation Use Registration (SIUR) by the State Water Resources Control Board (SWRCB). The SIUR (Certificate Number H100350) allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 91, 238 gallons. About 79,337 gallons will be acquired by rainwater catchment. A well is also being proposed onsite to replace water diversion. As a condition of approval, the applicant will not use the</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>well for irrigation until, the applicant provides evidence Planning Department that the well is not connected surface water.CDFW comments have been addressed with the additional information from the applicant (Attachemnt 5) and within the conditions of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The Northwest Information Center (NWIC) recommended a cultural resource survey (CRS) of the property. A study was completed by Roscoe and Associates dated October 2018. The report did not identify any significant cultural or historical resources on the areas surveyed. The Tribal Historic Preservation Officer (THPO) for the Bear River Band of the Rohnerville Rancheria reviewed the CRS and did not express specific concerns and recommended the standard inadvertent discovery protocols for cultural resources, they are included as conditions of approval.</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 project involves 10,000 square feet of existing outdoor cultivation, as well as appurtenant processing operations. The cultivation areas are not visible from a public road or any other public vantage point. Artificial light is only used for nursery operations and would be shielded to prevent glare.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 project site falls within the Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Pacific Watershed Associates Inc. to prepare a WRPP. The WRPP was prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. These recommendations include road improvements to reduce sedimentation into watercourses, updating streams crossings and onsite relocation of cultivation to protect the SMA from adverse impacts. have been included in the conditions of project approval.</p> <p>Additionally, 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. As conditioned, the project therefore conforms with this section.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 applicant's WRPP states that there is a permitted Onsite Wastewater Treatment System (OWTS) on the project site, and that the cabin at the north end of the site is not in use and does not require an OWTS at this time. After review, the Environmental Health Division (DEH) recommended approval of the project. In regards to the cultivation Staff onsite, as a condition of approval, an invoice or equivalent documentation, is to be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl sightings or activity centers or mapped Marbled murrelet habitat are located more than 1 mile from the subject parcel. Power is provided by P. G. & E. Noise generated from backup generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Ongoing conditions of approval require the applicant to maintain a maximum noise level of 60 dB at the property line.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting 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 it subject to liquefaction. The existing cultivation is located in an area designated as high Instability (3) on the County's GIS mapping, with slopes ranging between 15% - 30%. Conditions of approval require the applicant to obtain grading permits for any grading on the subject parcel required for the cannabis operation. Based on the project and evidence before staff, the project does not pose any threat to public safety related from exposure to natural or manmade hazards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 39 miles distance from the coast and elevation at approximately 2,742 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-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 Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project would provide adequate site access and driveways, setbacks, turn-a-rounds, and signing and building numbers to conform with standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p> <p>There are a maximum of two employees on-site during peak operations. There will be 154,601 gallons of water storage that can be used for fire protection in the event of an emergency. As conditioned, the project therefore complies 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast 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.

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 subject parcel known as APN: 210-191-049, has been determined to be one legal parcel (lot 12) as shown on Parcel Map recorded in Book 1 of Parcel Maps page 17. 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 Forestry Recreation §314-17.1 Special Building Site	<p>Forestry Recreation (FR): Applied to forested areas in which timber production and recreation are the desirable predominate uses and agriculture is the secondary use. General agriculture, nurseries and greenhouses are permitted uses in the FR zone.</p> <p>The Special Building Site (B-5) zone requires parcel sizes as indicated.</p>	The applicant is seeking a Special Permit for an existing cannabis cultivation operation on a parcel that is zoned FR B-5(20). The proposed agricultural use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	20 acres	22.45 acres

Maximum Ground Coverage:	None specified	~1%
Minimum Lot Width:	None Specified	290 feet
Maximum Lot Depth:	None specified	1,810 feet
Minimum Yard Setbacks: (Through the SRA setbacks)	Front: 20 feet Rear: 20 feet Side: 30 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet (cultivation site on the center west does not meet this requirement; however, the adjacent property owner has submitted written authorization waiving the setback requirement. See Attachment 4).
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>There are no mapped Streamside Management Areas (SMAs) on the subject parcel based on a review of the Humboldt County WebGIS. However, the Water Resources Protection Plan (WRPP) states that there is a Class III watercourse that turns into a Class II watercourse and potential wetlands on-site (see Attachment 4). The WRPP requires replacement of three undersized culverts on the subject parcel and relocation of cultivation areas within SMAs. According to the Onsite Relocation and Remediation Plan and Environmental Superiority Analysis prepared by Mother Earth Engineering, dated December 2019, the existing cultivation encroaches within two SMA of a Class III stream and how it encroaches a wetland's setback (see Attachment 4). The restoration plan calls for the reorganization of the existing cultivation into environmentally superior locations; six greenhouses towards the west center of the parcel, one greenhouse to the north and one greenhouse to the south the parcel. The relocation plan calls for a substantial amount of grading, however, Staff supports the relocation plan as the proposed relocation areas are environmentally superior because, these areas would minimize drainage and sediment runoff into the SMA and are well setback from the wetland. The legacy cultivation areas will be fully remediated include and native seeding and spreading of straw and mulch for erosion control. The applicant is conditioned to submit a monitoring plan to the Planning Department. Additionally, the applicant is required to obtain a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) prior to the replacement of the existing culverts. As conditioned, the project complies with this section.</p>
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2</p> <p>Timber Conversion</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. 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>A review of aerial imagery on Humboldt County WebGIS shows timber removal may have occurred between 2016 -2018. CDFW commented on the project on March 4, 2019, and indicated that an unpermitted timber conversion occurs onsite. CAL FIRE prepared a Notice of Inspection on March 13, 2019, and indicated that the less than 0.25 acre of timber clearing occurred in 2018 and that the actions the applicant did not constitute a timberland conversion and no violations had occurred (see Attachment 5). However, the Mitigated Negative Declaration adopted for ordinance CMMLUO No. 2559 did not anticipate timber removal, therefore the applicant will restore the unauthorized the 0.25 acre timber clearing that occurred in 2018, at a ratio of 3:1. The applicant will submit a timber restoration plan and monitoring plan prepared by a Registered Professional Forester (RPF) to the Planning Department, which is included with the conditions of approval. As conditioned, the project complies with this section.</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. 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>Based on review of historic imagery on TerraServer®, the site was used for cannabis cultivation prior to January 1, 2016. The proposed project includes permitting for 10,000 square feet of existing outdoor medical cannabis cultivation on a parcel zoned FR-B-5(20). The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>

§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 and bucking will occur onsite and stored in an existing cabin onsite and further processing offsite at licensed facility. The cabin is proposed to be removed and replaced with new commercial building within the same footprint. The building will contain a propagation area that will serve for the project site and the property adjacent; APN: 210-191-050, also owned and operated by Homestead Highway 36, LLC. Propagation area shall not exceed more than 10% of permitted cultivation for each parcel. This structure will also store cannabis product from APN: 210-191-050. The applicant will keep product from each site separate. Two employees will be required for the operation.
§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.	According to records maintained by the Department, the applicant holds one other cannabis activity permit, and is entitled to four. This application is for a single permit for outdoor cannabis cultivation.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 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 projected annual water usage is approximately 170,575 gallons. Water storage currently consists of 35,000 gallons of rainwater catchment tanks in fourteen hard-sided tanks. Proposed water storage includes an additional 121,601 gallons stored hard-sided tanks, to cover the quantity needed for irrigation during the forbearance period from April 1 to October 31. Prior to the start of the 2021 cultivation season, the applicant will install the proposed water storage and meter the water to demonstrate that there is enough water storage and supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. If less or more water is needed, then applicant submit evidence and adjust water storage accordingly with Planning Department approval. The size of the cultivation area will need to be reduced if sufficient storage is not developed on site. The storage tanks are filled by a surface water diversion that is permitted with a Small Irrigation Use Registration (SIUR) by the State Water Resources Control Board (SWRCB). The SIUR (Certificate Number H100350) allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 91, 238 gallons. About 79,337 gallons will be acquired by rainwater catchment. A well is also being proposed onsite to replace water diversion. As a condition of approval, the applicant will not use the well for irrigation until, the applicant provides evidence Planning Department that the well is not connected surface water. Additionally, conditions of approval require the applicant to adhere to the Final Streambed Alteration Agreement issued by CDFW and any operating requirements from the SIUR once issued by the State Water Resources Control Board. Based on the submitted evidence, the project complies with the referenced section.</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>There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. However, the cultivation site on the center west of the property does not meet 30-foot setback from the adjacent property line. The adjacent property owner has submitted written authorization waiving the setback requirement (see Attachment 4).</p>

§314-55.4.11. o Performance Standards-Generator Noise	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.	The subject parcel is not located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl sightings or activity centers or mapped Marbled murrelet habitat are located more than 1 miles from the subject parcel. Power is provided by P. G. & E. Ongoing conditions of approval require the applicant to maintain a maximum noise level of 60 dB at the property line.
§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 submitted the application on December 27, 2016.

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 Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the 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 insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel was not included in the 2019 Housing Inventory. The site currently contains one housing unit. The project as proposed does not change the number of housing units but will also not preclude future housing units if allowed by the General Plan and Zoning designations.

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, remediation within a SMA, and timberland restoration. 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 MEDICIAL MARIJUANA LAND USE ORDINANCE

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

APN 210-191-049, 41600 State Highway 36, Dinsmore, 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 Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND 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. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and 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 current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Special Permit for an existing 10,000 square foot (SF) outdoor medical cannabis cultivation operation located on Assessor's Parcel Number (APN) 210-191-049, which is approximately 22 acres in size. A Special Permit is also requested for two encroachments to the Streamside Management Area (SMA): a point of diversion from a spring onsite, used for irrigation and to facilitate onsite relocation and remediation within the SMA. The applicant will relocate existing legacy cultivation areas to an environmentally superior location within the boundaries of the parcel. Nine existing greenhouses will be relocated and reorganize into eight greenhouses.

The applicant has submitted an Onsite Relocation and Remediation Plan and Environmental Superiority Analysis prepared by Mother Earth Engineering, dated December 2019. The restoration plan includes a description on how the existing cultivation encroaches within two SMA of a Class III stream and how it encroaches a wetland's setback. The restoration plan calls for the reorganization of the existing cultivation into environmentally superior locations; six greenhouses towards the west center of the parcel, one greenhouse to the north and one greenhouse to the south the parcel. The relocation plan calls for a substantial amount of grading, however, Staff supports the relocation plan as the proposed relocation areas are environmentally superior because, these areas would minimize drainage and sediment runoff into the SMA and are well setback from the wetland. The legacy cultivation areas will be fully remediated include and native seeding and spreading of straw and mulch for erosion control. The applicant is conditioned to submit a monitoring plan to the Planning Department.

The projected annual water usage is approximately 170,575 gallons. Water storage currently consists of 35,000 gallons of rainwater catchment tanks in fourteen hard-sided tanks. Proposed water storage includes an additional 121,601 gallons stored hard-sided tanks, to cover the quantity needed for irrigation during the forbearance period from April 1 to October 31. Prior to the start of the 2021 cultivation season, the applicant will install the proposed water storage and meter the water to demonstrate that there is enough water storage and supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. If less or more water is needed, then applicant submit evidence and adjust water storage accordingly with Planning Department approval. The size of the cultivation area will need to be reduced if sufficient storage is not developed on site. The storage tanks are filled by a surface water diversion that is permitted with a Small Irrigation Use Registration (SIUR) by the State Water Resources Control Board (SWRCB). The SIUR (Certificate Number H100350) allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 91, 238 gallons. About 79,337 gallons will be acquired by rainwater catchment. A well is also being proposed onsite to replace water diversion. As a condition of approval, the applicant will not use the well for irrigation until, the applicant provides

evidence Planning Department that the well is not connected surface water.

The applicant has filed a Lake or Streambed Alteration Notification with the California Department of Fish and Wildlife (CDFW) for the spring diversion, as well as a Notice of Intent and Water Resources Protection Plan (WRPP) with the North Coast Water Quality Control Board as a Tier 2 operation. The WRPP prepared by Pacific Watershed Associates Inc., dated August 2017, makes recommendations for the ongoing operations and remediation activities needed at the site. These recommendations include updating streams crossings and onsite relocation of cultivation to protect the SMA from adverse impacts, as described above. The project is conditioned as such. Additionally, 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 California Natural Diversity Database (CNDDDB) does not map any known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl sightings or activity centers or mapped Marbled murrelet habitat are located more than 1 mile from the subject parcel. Additionally, the applicant has submitted a Biological Resource Assessment prepared by TransTerra Consulting Integrated Environmental Services, dated February 2019. The report includes a review of relevant databases and literature regarding the potential presence of species, and the results of a site visit to review of the site-specific conditions as to the likelihood of hosting habitat for species. The report also indicates that the site is located within 1.3 miles of a historical Northern Spotted Owl Activity Center, it was last observed positive in 2002. From 2003 and 2005 negative observations were recorded. The report recommends implementing best management practices to minimize light and noise impacts and to use netting made of natural fibers in lieu of plastic netting for both cultivation and erosion measures.

CDFW commented on the project on March 4, 2019, and indicated that an unpermitted timber conversion occurred onsite. Cal Fire prepared a Notice of Inspection on March 13, 2019, and indicated that the less than 0.25-acre of timber clearing occurred in 2018 and that the actions the applicant did not constitute a timberland conversion and no violations had occurred. However, the Mitigated Negative Declaration adopted for ordinance CMMLUO No. 2559 did not anticipate timber removal, therefore, the applicant will restore the unauthorized the 0.25 acre timber clearing that occurred in 2018, at a ratio of 3:1. The applicant will submit a timber restoration plan and monitoring plan prepared by a to the Planning Department for review and approval prior to commencing any restocking.

Drying and bucking will occur onsite and stored in an existing cabin onsite. The cabin is proposed to be removed and replaced with new commercial building within the same footprint. The building will contain a propagation area that will serve for the project site and the property adjacent; APN: 210-191-050, also owned and operated by Homestead Highway 36, LLC. Propagation area shall not exceed more than 10% of permitted cultivation for each parcel. This structure will also store cannabis product from APN: 210-191-050. The applicant will keep product from each site separate. Further processing will occur offsite. Two employees will be required for the operation.

All garbage will be contained in enclosed containers to prevent stormwater contamination and from entering receiving waters and is to be removed at least once per week. Fertilizers and pesticides are used in accordance with best management practices and are stored in a secondary container to prevent contamination with runoff. Two employees will be required for the operation. Power is provided by P. G. & E.

Access to the site is taken directly from State Highway 36. The project was referred to the Californian Department of Transportation (CAL TRANS), who commented and recommended that the applicant provided evidence that the project possesses an easement to use and maintained the proposed access to State Highway 36. Additionally, the applicant will need obtained an encroachment permit from CAL TRANS as stated in the conditions of approval.

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 relocation from sensitive riparian areas and implementation of habitat restoration 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 9,500 square feet (sf) of existing cultivation consisting of 5,000 sf of outdoor cultivation and 4,500 sf of mixed-light cultivation areas, a wholesale nursery, processing and remediation of a historic cultivation area within a Streamside Management Area 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 information and studies):

- Cultural Resources Investigation for HWY 36 Homestead LLC, prepared Roscoe and Associates dated October 2018.
- Onsite Relocation and Remediation Plan and Environmental Superiority Analysis prepared by Mother Earth Engineering, dated December 2019.
- Biological Resource Assessment prepared by TransTerra Consulting integrated Environmental Services, dated February 2019.

- Water Resource Protection Plan, prepared by Pacific Watershed Associates Inc., dated August 2017,

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 and will permit a nursery on a site that is fully in compliance with the locational requirements specified in the CMMLUO.
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 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 contacts 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 $\frac{1}{4}$ 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. (On file – Initial Statement of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached)
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. (Attached – Streambed Alteration Agreement, Notification No. 1600-2017-0833-R1 dated January 14, 2019; On file – Lake or Streambed Alteration Notification)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted like 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. Water Resources Protection Plan prepared by Pacific Watershed Associates. (Attached)
17. Cultural Resources Investigation for HWY 36 Homestead LLC, prepared Roscoe and Associates dated October 2018. (On file and confidential)
18. Onsite Relocation and Remediation Plan and Environmental Superiority Analysis prepared by Mother Earth Engineering, dated December 2019. (Attached)
19. Biological Resource Assessment prepared by TransTerra Consulting integrated Environmental Services, dated February 2019. (Attached)
20. Water Resource Protection Plan prepared by Pacific Watershed Associates Inc., dated August 2017. (Attached)
21. State of California Environmental Protection Agency, State Water Resources Control Board, Right to Divert and Use Water (certificate H100350) (Attached)
22. Authorization from neighboring property owner (APN: 210-191-059) to reduce side yard setback dated May 10, 2017. (Attached)

Addendum For Hwy36Homestead, LLC

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Executive Summary

Hwy36Homestead, LLC. is a sole member for profit entity designed to conduct agricultural activities within the State of California.

The Project Sponsor is proposing 10,000 sq. ft. of cultivation in the form of three (3) outdoor cultivation areas, and six (6) greenhouse cultivation areas located on Parcel No. 210-191-049 totaling 24.44 acres. Processing and propagating and drying to be occurring onsite in Ex Shed 4 (Ag exempt), EX Shed 3 (Ag exempt), and EX cabin (Ag exempt).

This project is the support property for 210-191-050 the adjoining property to the east side. The current property owner owns both parcels and will give legal right to water rights to property 210-191-050. The property with either support a well and/or drafting water from current water source located on 210-191-049.

There is a purposed commercial building that will replace the Log home that will provide additional support facilities to property 210-191-050 also. This building will house propagation for both parcels in the form of a nursery and propagation area. The building will also be used for the administration space for both parcels. The building will also have dry space and storage space for both parcel's products. We will abide by all the rules and regulations in place to satisfy the CDFA and all labor requirements.

PG&E power supports this Project site.

The project currently features two (2) 4,000-gallon, seven (7) 3,000-gallon, two (2) 1,000-gallon, and three (3) 500-gallon water storage tanks. An onsite spring will be used to support domestic water needs. The applicant has submitted an Initial Statement of Water Diversion and Use to the State Water Resources Control Board to claim the right to divert water from the riparian spring. Project site is enrolled with the Waste Waiver Discharge Program under the North Coast Regional Water Quality Control Board and the New General Order with State.

Water Control Board. A LSA-1600 has been filed by third party firm Pacific Watershed Associates (PWA) to address spring diversion (see form letter included in this application package) and has been signed and approved by Applicant.

Project Timeline

Phase 1 (2020)

- Obtain Land Use Approval
- There is currently Permits for all Existing Infrastructure
- Drilling for a well to support projects needs.

Phase 2 (2021-22)

- Remove all garden areas and relocate to designated areas. Remove all spoils from areas that are deemed sensitive. Build out support facility and greenhouses located on the purposed maps.
- Do the grading and relocate greenhouses that are within the Streamside Buffer.
- If well is not sufficient installing additional water tanks to fulfill water forbearance period.

Phase 3 (2022-23)

- Relocate Infrastructure Away from Streamside Buffer
- Fulfill all LSA-1600 requirements for culverts and road improvements suggested in WRPP.

Project Overview

The Project concerns Parcel No. 210-191-049 in Bridgeville, California that is seeking provisional permitting for outdoor medical cannabis cultivation with consideration of the phased approach to development. The Project currently features nine (9) cultivation areas totaling 10,000 sq. ft.

Summary

The Project parcel is zoned FR, which falls within the allowable zoning specified by the local authority. The outdoor cultivation area of interest currently totals 9,780 sq. ft. The Sponsor seeks permit approval for 10,000 sq. ft. of outdoor cultivation that is pre-existing, is supported by evidence, and involves natural light, with exception of nursery activities.

Location Description

The proposed Project would occur on legal Parcel No. 210-191-049 at 41600 Hwy 36, Bridgeville, CA 95526, in the northwest quarter of the northwest quarter of Section 8, Township 1 North, Range 5 East, Humboldt Meridian.

The Project features nine (9) cultivation areas comprised of four (4) greenhouse structures, two (2) hoop house structures, and three (3) outdoor areas designated for cultivation.

Zoning

The property features zoning FR and the following characteristics:

- GIS acres: 24.44.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Outside.
- Alquist-Priolo Fault Hazard Zone: Outside.

- FEMA FIRM Flood Rating & Panel Number: Not applicable.
- Slope: <15% in most cultivation areas.
- Relative Slope Stability (Per General Plan Geologic maps): High Instability.

Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is pre-existing, no prime agricultural soil rating requirement pertains.

Moving Road Purposal

Picture A on map



We are purposing re-open the old skid road that is in existence already so that we can utilize as much square footage in the area that we will be grading and relocating garden area. The road section is approximately 255' long that would move to the south of the existing road and purposed grading area. The tape measure is approximately 14' wide pictured above. This is plenty of space for a large pickup to go through without having to remove trees.

This picture is approximately 34' SW from the cabin.

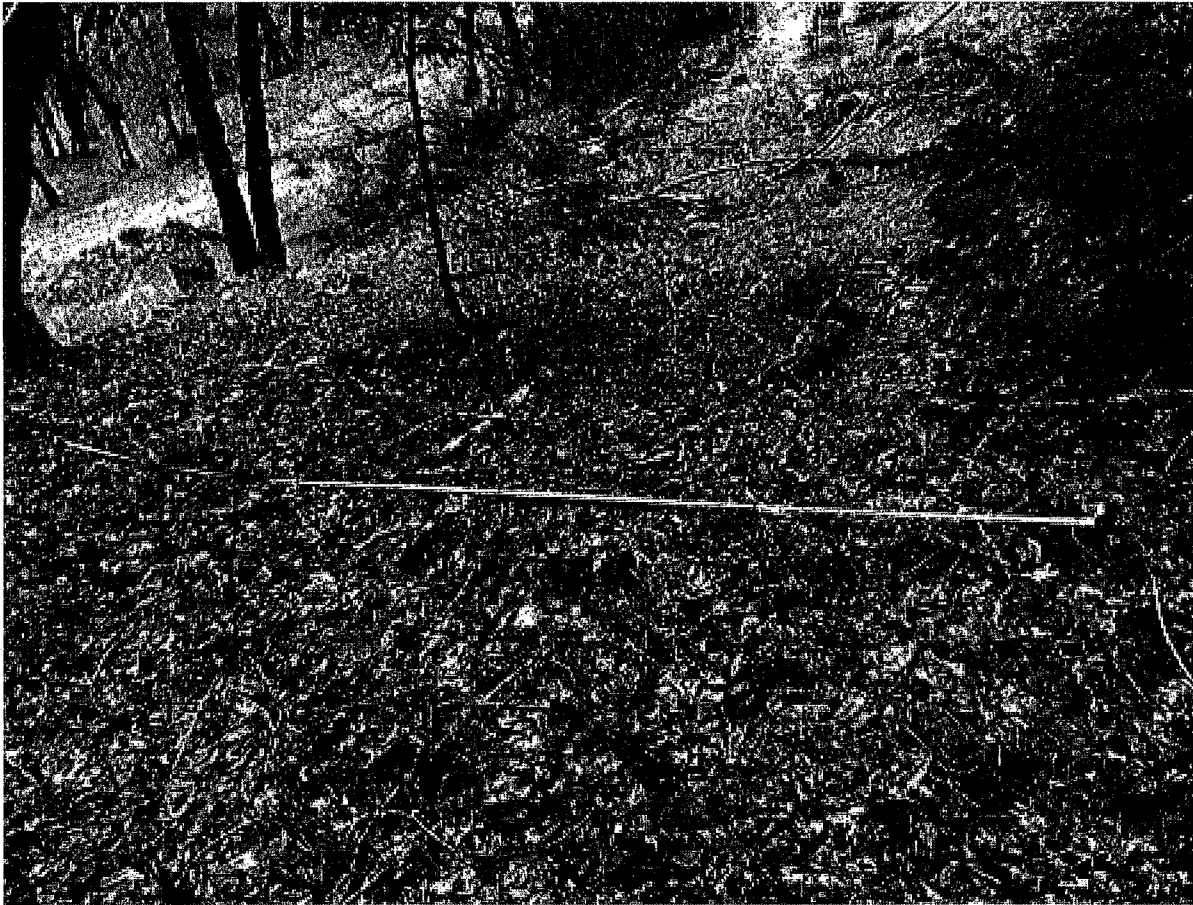


Photo B on the map

This picture is facing towards the cabin NE approximately 125' away from the cabin.



Photo C on the map

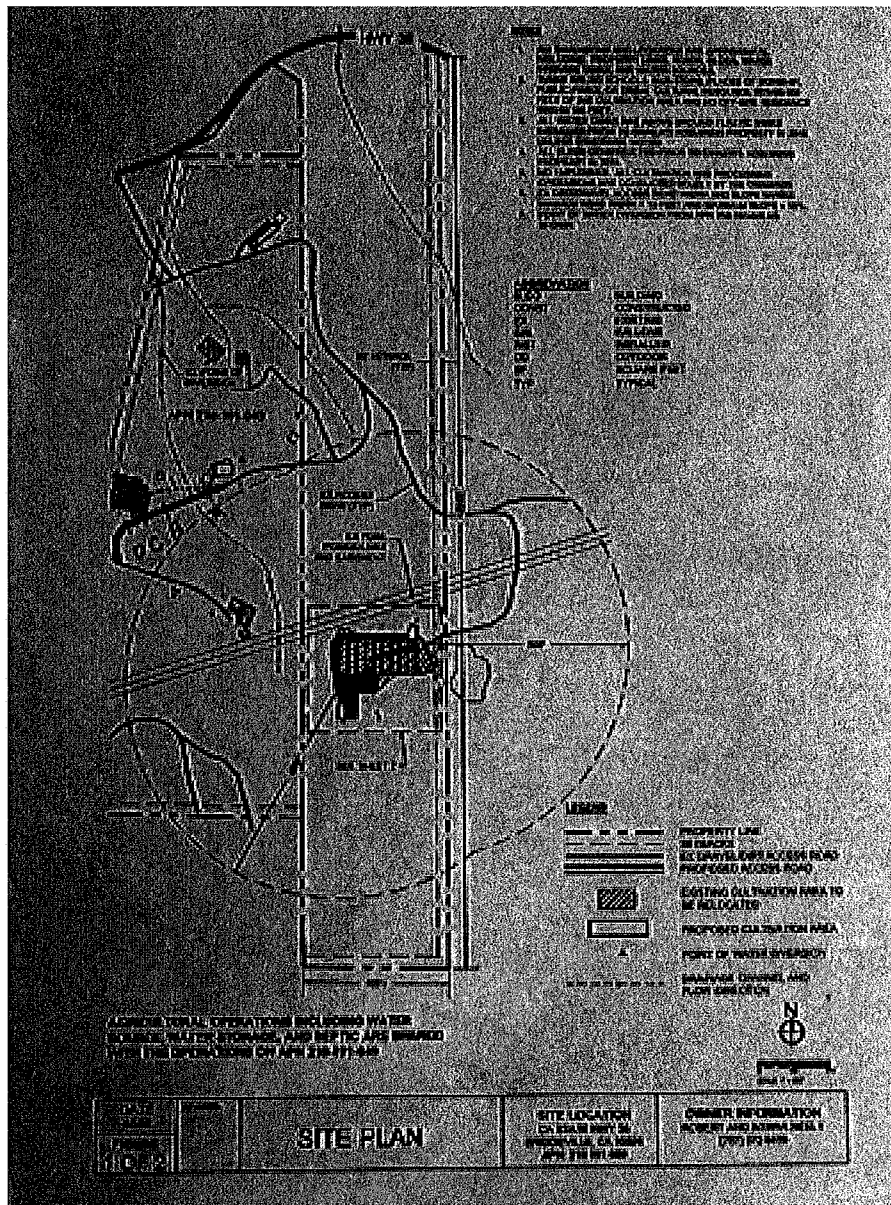
This picture is facing SW and the 2 largest trees are 13' apart. There is no need to cut the trees, just a little limbing of them.



Photo D above

This picture is facing North and showing the last 75' section to connect to the new road. There is only part of a tree to clear and no other trees obstructing the road.

Map is marked A,B,C,D below.



**MONITORING AND REPORTING PROGRAM
FOR
WAIVER OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R1-2015-0023**

The Monitoring and Reporting Program has two components (Monitoring and Reporting), reflected in the two sections below. The information collected through site monitoring and inspections, per Section I and reporting forms completed per Section II must be retained on site and made available upon request by Regional Water Board staff. As part of the initial enrollment, a filled copy of the Annual Reporting form in Section II must be submitted, in addition to the Notice of Intent and filing fee. Following enrollment, the Annual Reporting form shall be submitted annually by March 31.

Monitoring, including periodic site inspections and reviews of operational practices, helps to ensure that standard conditions are being met, that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly. Whether submitted directly to the Regional Water Board or through an approved third party program, the required reporting elements allow the Regional Water Board to assess general program implementation and compliance by tier category and by subwatershed. For example, reporting form information can allow staff to determine how many Tier 2 Dischargers are in the process of developing water resource protection plans, how many have developed and are implementing plans, how many are in compliance with standard conditions, how effectively BMPs are performing, and what changes or improvements are needed to improve program effectiveness or compliance rate.

On a sub-watershed-wide scale, this information enables the Regional Water Board staff to comprehensively track activity from Tier 3 cleanup and restoration sites and individual instream work proposed under Tier 2 water resource protection plans to help correlate cleanups and activities or restoration or remediation work in streams or wetlands that are proposed and underway in individual watersheds and subwatersheds. It may be necessary to limit the number of individual potential construction-related impacts occurring at any given time in any given subwatershed.

I. Monitoring

This information below is applicable to all sites and may also be part of or incorporated into the water resource protection plan for Tier 2 sites.

A. Site Map:

Please create a legible map identifying the features listed below where applicable. You may need to use a full-page satellite map (e.g. Bing, Google, or similar) and one or more additional maps at appropriate scales. The map(s) may be preliminary upon enrollment and refined upon completion of a thorough site inventory:

1. Property topography
2. Perimeter of land owned or leased
3. Watercourses and stream crossings
4. Roads, clearings, and developed areas
5. Perimeters of cultivation areas
6. Water source types and locations (surface water diversion, well, rainwater catchment) and water storage types and locations (storage tanks, ponds, bladders)¹
7. Nutrient and chemical storage locations (i.e. fertilizers, pesticides, petroleum)
8. Buildings
9. Garbage/refuse storage facilities/locations
10. Human waste facilities (e.g. septic tanks and leach fields, privy, composting toilet)
11. Unstable earthen features
12. Soil or spoils storage/stockpile/disposal areas
13. Controllable sediment discharge sources identified for upgrade, cleanup, remediation, or restoration (as part of Tier 2 Water Resource Protection Plan or Tier 3 Cleanup and Restoration Plan)
14. Mark or highlight those locations where wastes or pollutants, whether spilled, placed, or stored could be transported into surface water or leached into groundwater
15. Management measures to control wastes and other water quality factors
16. Map legend

¹ A basis of water right and relevant documentation shall be kept on site with the site map and monitoring records. Relevant documentation may include:

- A letter, or email from the State Water Board acknowledging that a statement has been filed with the State Water Board in support of a pre-1914 or riparian water right claim.
- A copy of an appropriative water permit, license, registration, or filed statement.
- A true and correct copy of an application, or other documentation verifying that an application has been submitted to the State Water Board to obtain such a right, permit, registration, or license.
- Explanation of why such documentation cannot be provided.

Note: Copies of documents may be downloaded from the State Water Board's Electronic Water Rights Information Management System (eWRIMS).

B. Monitoring Inspections:

Sites shall be inspected periodically to ensure conformance with standard conditions. Site inspections should include visual inspection of the site, including any management measures, to ensure they are being implemented and are functioning as expected. Inspections include photographic documentation of any controllable sediment discharge sites, as identified on the site map, and a visual inspection of those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent or minimize discharges of waste to surface water:

1. Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
2. Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
3. By December 15.
4. Following any rainfall event with an intensity of 3 inches precipitation in 24 hours
Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

Note that Tier 2 Dischargers must include a monitoring element in their water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 3 Dischargers must incorporate monitoring and reporting elements into their cleanup and restoration plans for approval by the Executive Officer.

II. Annual Reporting

The information in the following form must be submitted upon initial enrollment, and annually thereafter by March 31. The reported information shall be reflective of site conditions.

Enrollees shall submit this information either directly to the Regional Water Board or through an approved third party program.

The preferred method of submittal is electronically via e-mail to NorthCoast@waterboards.ca.gov or on disk (CD or DVD) in Portable Document Format (PDF) file in lieu of paper-sourced documents. The guidelines for electronic submittal of documents can be found on the Regional Water Board website at <http://www.waterboards.ca.gov/northcoast>.

If electronic submission is infeasible, hard copies may be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Blvd. Suite A, Santa Rosa, CA 95403.

The Regional Water Board is developing a method for submittal of reporting information directly to the CIWQS Program Web site at <http://www.waterboards.ca.gov/ciwqs/index.html>.

Information about this alternative submittal process will be made available on the North Coast Regional Water Board website at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Once this method is established, direct submittal to CIWQS will be available for enrollees and approved third party programs, and will become the preferred reporting mechanism.



**REPORTING FORM BEGINS ON NEXT PAGE. PLEASE COMPLETE AND SUBMIT THE
REPORTING FORM UPON ENROLLMENT AND ANNUALLY THEREAFTER**

**Order No. R1-2015-0023
REPORTING FORM**

A. Site WDID: 1B16626CHUM

B. Subwatershed (HUC-12)²: 180101050703

C. Enrollment date: 4/25/2016

D. Reporting date: 3/29/2017

E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).

☐ Tier 1 ☒ Tier 2 ☐ Tier 3

Has the site's tier status changed since the last reporting period? Y ☐ / N ☒

If YES, briefly explain: _____

F. Check all fields that apply to the enrolled site:

i. Tier 1 sites:

(see Order at page 6 for details on Tier 1 characteristics)

- ☐ Average slope of each individual cultivation area is no more than 35% slope.
- ☐ Total cultivation area is no more than 5,000 square feet.
- ☐ No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)
- ☐ No surface water diversion from May 15 through October 31.
- ☐ The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.

ii. Tier 2 sites:

a. A Water Resource Protection Plan has been developed and is being implemented?

Y ☐ / N ☒

If NO, expected date when plan will be ready and implementation will begin:

WRPP is under review

If YES, have there been changes to the implementation schedule since the prior year of reporting? Y ☐ / N ☐

² 12-digit HUC-12 subwatershed codes are available online at
http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE:

REPORTING FORM

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ii. Tier 2 sites continued:

- b.** Check below as to whether or not the site meets Standard Conditions under Order R1-2015-0023, section I.A. If a standard condition is not yet met, please indicate the expected date of compliance as identified in the Water Resource Protection Plan. Upon initial enrollment, provide an estimated expected date of compliance.

Standard Condition MetIf NO, expected date of compliance

1. Site maintenance, erosion control, and drainage features Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	10/31/2020
2. Stream crossing maintenance Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	10/31/2020
3. Riparian and wetland protection and management Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	10/31/2017
4. Spoils management Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	
5. Water storage and use Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	6/30/2017
6. Irrigation runoff Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	
7. Fertilizers and soil amendments Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	10/31/2017
8. Pesticides and herbicides Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	
9. Petroleum products and other chemicals Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	
10. Cultivation-related wastes Y <input type="checkbox"/> / N <input checked="" type="checkbox"/>	10/31/2017
11. Refuse and human waste Y <input checked="" type="checkbox"/> / N <input type="checkbox"/>	

- c.** All management measures are being implemented as part of the Water Resource Protection Plan? Y ☐ / N ☒

If YES, do management measures appear to be effective in preventing and minimizing discharges of waste to surface water? Y ☐ / N ☐

If management measures do not appear to be effective, are additional measures being implemented iteratively to prevent and minimize discharges of waste to surface water? Y ☐ / N ☐

If NO, describe management measures or practices that have not been effective in preventing and minimizing discharges of waste to surface water, if applicable. Describe plans for new or additional management measures to prevent and minimize discharges of waste, if applicable. Attach additional sheets as necessary.

The Water Resource Protection Plan is currently under editorial review. Monitoring will be conducted and reported in the annual MRP.

REPORTING FORM

Page 3/5

- d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y ☐/N ☒

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

- ☐ I plan to submit my project plans to the Regional Water Board by the following date: _____
- ☐ I submitted my project plans to the Regional Water Board on the following date: _____
- ☐ The Regional Water Board Executive Officer authorized my project plans on the following date: _____
- ☐ I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows:

- ☐ Instream work anticipated to occur between the following dates: _____

iii. Tier 2* sites:

Total cultivation area is less than 10,000 square feet? Y ☐/N ☐

Water resource protection plan developed and fully implemented? Y ☐/N ☐

All Standard Conditions met? Y ☐/N ☐

Site was inspected and verified as Tier 2* by Regional Water Board staff

(NAME) _____ or approved third party program (NAME):
_____ on (DATE) _____.

iv. Tier 3 Sites:

- ☐ A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.
- ☐ The Cleanup and Restoration Plan has been approved by the Regional Water Board.
- ☐ The timeline for the approved Cleanup and Restoration plan is being followed.
- Will restoration work require disturbance to a stream or wetland in the coming year?
Y ☐/N ☐
- Instream work anticipated to occur between the following dates: _____
- ☐ Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed as well).

REPORTING FORM

Page 4/5

v. For All Sites:

Annual Reporting Period (Calendar Year), or CHECK HERE ☐ if this is the report accompanying initial enrollment.

0	1	0	1	1	6	TO	1	2	3	1	1	6
Month/Day/Year							Month/Day/Year					

(See Order at page 6 for details regarding cultivation area and slope measurements, and watercourse definitions).

Total cultivation area (square feet)	9513																										
Distance to surface waters (feet) from nearest edge of each cultivation area or associated facility. Provide distance measurement for each cultivated area separately, as appropriate.	CA1- 25 ft CA2- 85 ft CA3- 5 ft																										
Average slope (percent slope) of each cultivated area List each cultivated area separately, as appropriate.	CA1- 28%; CA2- 24%; CA3- 27%																										
Total number of road crossings of surface waters Surface waters include wetlands and Class I, II, or III watercourses.	5																										
Annual soil amendment and chemical use (pounds or gallons). Total mass and/or volume of soil amendment and/or chemical usage by type, product name, and nutrient content such as N-P-K ratio, if applicable.*	See Attached																										
Total water storage capacity (gallons or acre feet)	46,325																										
Total surface water diversion by month (gallons or acre feet)*																											
	<table border="1"> <tr> <th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> <tr> <td>See</td><td>Attached</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	See	Attached												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec																
See	Attached																										
Water input to storage by source and month (gallons or acre-feet) Report water volume input to storage, listing each source separately. This may include inputs from rainfall catchment, surface water diversions, groundwater pumping, or water delivery. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.*																											
	<table border="1"> <tr> <th>Source</th><th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> <tr> <td>See</td><td>Attached</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	See	Attached											
Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec															
See	Attached																										
Water use by source and month (gallons or acre feet) Report water volume used, listing each source separately. This may include use of stored water, immediate use of pumped groundwater, diverted surface water, or delivered water. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.*																											
	<table border="1"> <tr> <th>Source</th><th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> <tr> <td>See</td><td>Attached</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	See	Attached											
Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec															
See	Attached																										
* Upon initial enrollment only, a best estimate is acceptable for reporting annual soil amendment and chemical use, monthly water stored, and monthly water use. Attach additional sheets if more space is needed for your responses.																											



Onsite Relocation: Remediation Plan and Environmental Superiority Analysis

August 2019

Prepared for:

Highway 36 Homestead, LLC
APN 210-191-049

Prepared by:



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

1.0 Project Location

Humboldt County APN: 210-191-049

APPs#: 12572

Directions to Site: Heading south on Highway 101 from Eureka. Turn left onto Highway 36 and head East for approximately 39 miles to mile marker 39.3. Turn right onto dirt road and go through gate, stay left at the fork and take the first right, follow driveway.

2.0 Project Description

This project is for a Special Permit for an existing 10,000 square feet of outdoor cultivation. Two locations on the property are targeted for on-site relocation and remediation. The first existing area targeted for relocation consists of three separate cultivation canopy areas labeled as 1, 2 and 3 on the Revised Site Plan, dated 8/16/2019 (Revised Site Plan, Appendix A). These three canopy areas were found to be in a wetland area, as defined by a Preliminary Jurisdictional Determination from the U.S. Army Corps of Engineers, as well as sited between two Class III watercourses. The second existing area targeted for relocation consists of two cultivation canopy areas labeled as 8 and 9 on the Revised Site Plan. These two canopy areas were found to be located within the Streamside Management Area of a Class III stream.

3.0 Methods

Two field visits were conducted by Mother Earth Engineering staff in April and July 2019 to inspect the remediation areas, relocation sites and to assess the parcel for overall compliance with Regional Water Board, Humboldt County and California Department of Fish and Wildlife (CDFW) regulations.

4.0 Habitat Scoping

A Biological Resource Assessment (BRA) was prepared to provide data concerning the type and extent of biological resources under the jurisdiction of the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) that are currently or potentially present at the project location, see Attachment B. The California Natural Diversity Database (CNDDB) RareFind and Spotted Owl Database, and California Native Plant Society (CNPS) databases were used to assess potential rare species. A habitat assessment was conducted by TransTerra Consulting's Principal Biologist Tamara Camper on September 29, 2018. The assessment evaluated listed species and species of special concern (SOC). The study area was scanned for wildlife sign including tracks, scat, tree habitat (cavities, nests scrapes or accumulated vegetation) as well as special habitat types and habitats associated with rare plant species. The observations were concentrated around cultivation sites, roads and watercourses. The CNDDB 9-Quad area was queried to generate occurrences of special-status animal species. (Biological Resource Assessment for Highway 36 Homestead, TransTerra Consulting)

5.0 Environmental Superiority of Relocation Sites

Based on the site investigations, the four proposed cultivation canopy areas 10, 11, 12 and 13 (see the Revised Site Plan), were found to be environmentally superior to the targeted relocation grow sites 1, 2, 3, 8

Mother Earth Engineering

Highway 36 Homestead, LLC Remediation and Relocation Plan

and 9. Proposed canopy areas 11 and 12 will require grading to expand the existing cultivation area. A grading plan and permit application will be submitted to the Humboldt County Planning and Building Department that accounts for the quantity and type of ground disturbing activities required as part of the relocation. No work will be done on the proposed grading area until approved. The two other proposed canopy areas will not require any significant grading. The proposed areas were all found to be environmentally superior to the former grow sites. This is primarily due to increased distances from riparian and wetland areas which provides larger buffer and reduces overall impacts to water quality and improves the wetland ecological integrity. The sections below summarize the key areas of environmental superiority with respect to the relocation sites.

5.1 Superior Riparian Buffers

The proposed relocation sites all provide enhanced riparian buffers over the former grow sites. The enhanced riparian buffers are beneficial for environmental protection. Cultivation areas 1, 2 and 3 were located in a wetland area near two Class III streams. Cultivation areas 8 and 9 were located within the 50 ft of a streamside management area. The first proposed relocation site, canopy area 10 on the Revised Site Plan, is over 100 ft from any watercourse and is located on a flat bench of grassy land. The second proposed relocation site, canopy areas 11 and 12, consolidate the displaced cultivations to an already existing cultivation area that is at least 100 ft from any watercourse. The third proposed relocation site, canopy area 13, increases the distance of the riparian buffer to accommodate a 50 ft setback. The increased distances minimize the risk of potential impact to the seasonal springs and drainage.

5.2 Reduced Impacts to Wetland Area

All proposed relocation areas are located well away from Wetland Waters of the U.S., as shown in the preliminary jurisdictional determination (Attachment C). Relocating all cultivation sites away from the wetland area may allow for passive restoration by removing the source of degradation and allowing the former cultivation areas to recover (EPA 2018).

5.3 Reduced Impacts to Water Quality

The proposed relocation sites provide reduced impacts to water quality over the former grow sites. Sediment deposition impairs waterways and increases water temperatures, affecting the health of riparian species. The proposed relocation sites and their surrounding buffers, as well as the consolidation of the grow sites, provide superior dissipation and attenuation of storm water and sediment flows. This significantly reduces the potential for sediment transport and delivery to nearby watercourses.

6.0 Remediation and Monitoring Protocol

6.1 Best Management Practices (BMPs)

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

1. State Water Resource Control Board – Order WQ 2019-0001-DWQ, Attachment A
2. California Department of Fish and Wildlife



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Highway 36 Homestead, LLC Remediation and Relocation Plan

6.2 Remediation of Former Grow Sites

All sites as indicated on the project map shall be decommissioned with all debris removed. Native erosion control seed and/or plantings will be implemented with straw mulch for erosion control. Ongoing remediation requires monitoring of erosion control and revegetation measures, with additional installation of erosion control and seeding/plantings on an as-needed basis per regular self-inspections. Applicant shall refer to their WRPP and 1) assure that the WRPP is fully implemented 2) follow BMP installation and monitoring protocols as prescribed in the State Water Board General Order No. WQ 2019-0001-DWQ, and other standard industry BMP regulations.

6.3 Revegetation of Relocation Sites

The proposed relocation areas will be monitored for evidence of erosion or sediment transport, and the cultivation areas will be attenuated by natural buffers. For the former cultivation sites, ongoing revegetation and erosion control protocols will take place. Immediate application of weed free mulch to the former cultivation sites will occur as a short-term measure. Revegetation of 10,500 sq ft consisting of the former cultivation canopy areas and the surrounding disturbed areas will occur. The areas will be seeded with a mix of native grasses including quick establishing annual grasses and perennial deeper rooting grasses and legumes, adhering to a grass to legume ratio of 80:20. Seeding will commence in late October before the wet season and again after last chance of frost in spring. Revegetation will occur as outlined in the State Water Resources Control Board Cannabis General Order No. WQ 2019-0001-DWQ, and the area shall be monitored per the protocol outlined in the section below.

6.4 Monitoring and Criteria for Success

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

1. One month prior to commencing season's cultivation activities
 - a. Self Inspection with Documentation
 - b. Documentation will include;
 - i. Quarterly photos of each site
 - ii. Documenting remediation, making note of any observation erosion and establishment
2. After self-inspection and before commencing season's cultivation activities
 - a. Implementation of additional corrective as needed per self inspection
 - b. Document all measure installed per item 2.a above.
3. Mid-season
 - a. Self Inspection with Documentation
4. October 1st
 - a. Self Inspection with Documentation
5. October 1st – 15th
 - a. Implementation of additional corrective as needed per self inspection.
 - b. Document all measures installed per 5.a above.
6. By December 15th
 - a. Self Inspection with Documentation



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Highway 36 Homestead, LLC Remediation and Relocation Plan

7. Winter wet weather monitoring

- a. Self Inspection with Documentation following any rainfall event with an intensity of 3 inches of precipitation or greater in 24 hours.

The following success criteria shall be utilized:

- Revegetation at 70% coverage or better.
- No evidence of significant erosion or sediment transport during post wet-weather event monitoring.

7.0 References

- Weaver, W.E., Weppner, E.M. and Hagans, D.K., 2014, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads, Mendocino County Resource Conservation District, Ukiah, California, 416p.
- (2018). "Principles of Wetland Restoration." *EPA*, Environmental Protection Agency, <<https://www.epa.gov/wetlands/principles-wetland-restoration>> (Aug. 16, 2019).



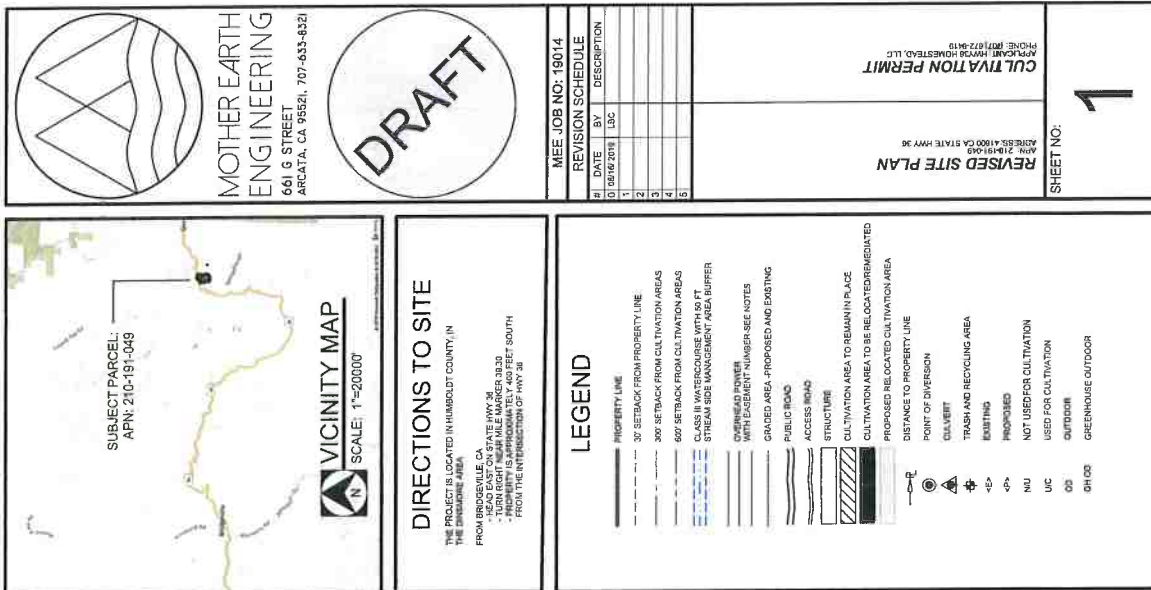
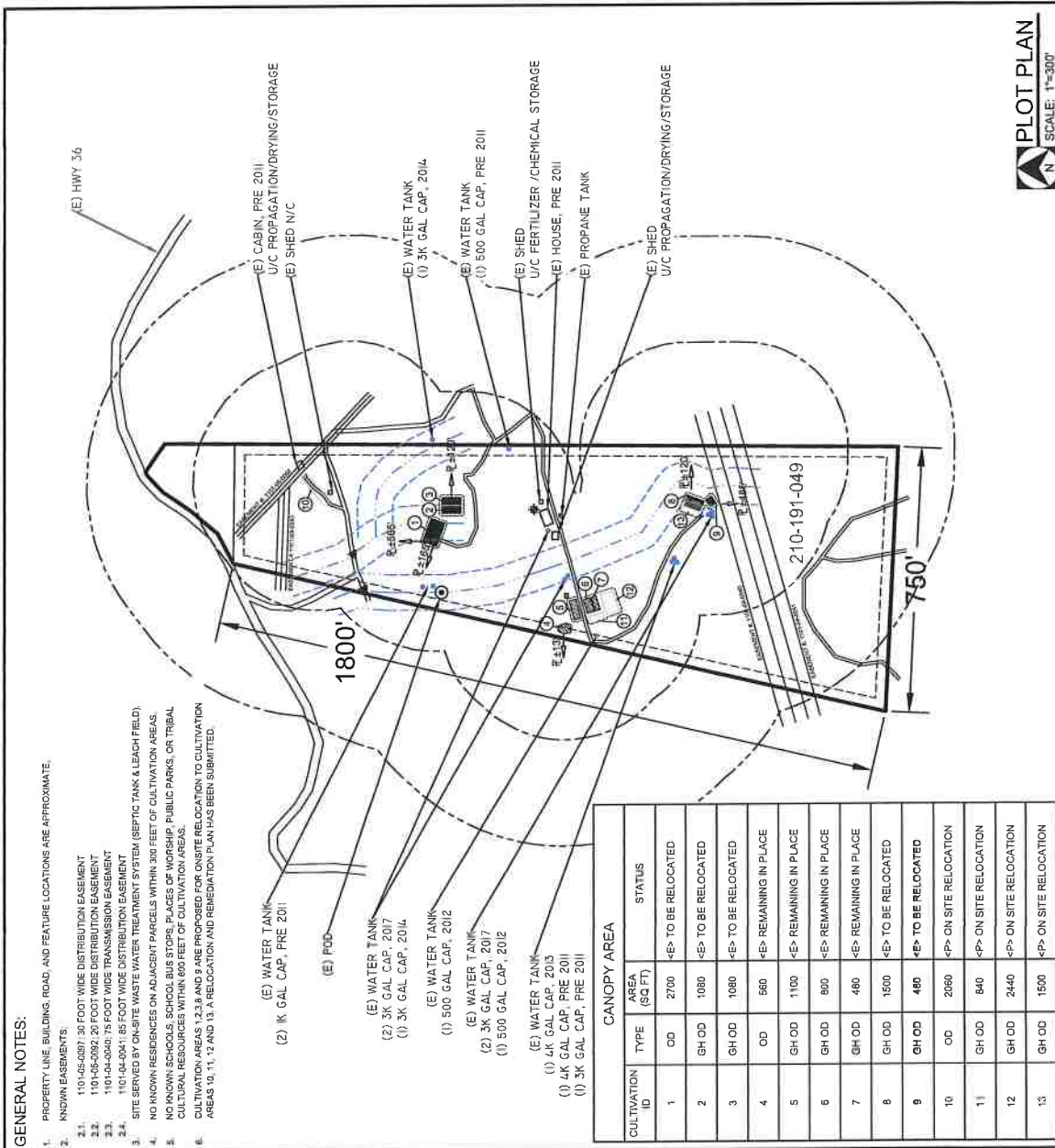
**MOTHER EARTH
ENGINEERING**

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\2019.07.30-RemediationRelocationPlan-Neely-19014.docx"

Attachment A



Revised Site Plan





STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H500901*

CERTIFICATE *H100350*

Right Holder: *Robert Neely II*
600 F St Ste 3 PMB200
Arcata, CA 95521

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *06/08/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Point of Diversion 1	Unnamed Stream	Van Duzen River	Eel River	40.4837	-123.6450	Humboldt	210191049

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic, Fire Protection, Recreational	Humboldt	210191049	0.23

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *11/29/2018*.

The place of use is shown on the map filed on *11/29/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.2793 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.28 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 11/29/2018 11:58:34

© 2018 - State Water Resources Control Board

Property Owner Consent

AUG 10 2017
Planning Division

As per Humboldt County's Commercial Cannabis permitting process, owner(s) of properties must authorize the permittee(s) to cultivate and/or pursue the permitting required to continue cultivation lawfully under Humboldt County's Commercial Medical Marijuana Land Use Ordinance guidelines. This document serves as the consent to cultivate and to pursue the necessary permitting to cultivate cannabis commercially.

I, Sunny Simmons, authorize Tree Pharm, LLC. to commercially cultivate cannabis on my property under the necessary permits and licenses required to do so. I am aware that the cultivation activities are to occur on parcel number 210-191-015 in Bridgeville, CA.

Now 210-191-059

As the owner of this property, I promise to provide any information and/or documentation required to pursue such permitting and/or authorize the permittee to obtain the required documentation (i.e: Proof of ownership, deed, easements, liens/judgements, existing leases, and existing permits, etc.)

This document must be signed by witness of and notarized with an official notary.

Signature of Owner(s):

Date:



5/10/17

*Neighbor's
Consent*



ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	10/18/18	Conditional approval	Attached
Land Use Division	9/25/18	Conditional approval	On file
Division of Environmental Health	11/14/18	Approval	Attached
Department of Fish & Wildlife	3/4/2019	Conditional approval	Attached
CALFIRE	6/18/18	Conditional approval	Attached
Northwest Information Center	6/19/18	Cultural resources study and contact local tribes	On file with Planning
Bear River Band of the Rohnerville Rancheria	10/22/18	Site Visit and changes to Cultural Resource Study	On file with Planning
CAL TRANS	11/27/18	Conditional approval	Attached
County Counsel		No Comment	
Regional Water Quality Control Board		No Comment	
District Attorney		No Comment	
Ag Commissioner		No Comment	
Humboldt County Sheriff		No Comment	
SWRCB Division of Water Rights		No Comment	
Brigeville Elementary School District		No Comment	
Fortuna High School District		No Comment	
NCUAQMD		No Comment	
Bridgeville Fire Protection		No Comment	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 12572
Parcel No.: 210-191-049
Case No.: SP16-572

The following comments apply to the proposed project, (check all that apply).

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____

- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show all CA's that are to be relocated as "to be relocated", all CA's that are the receiving sites of relocations as "relocated CA" with dimensions, the use of each shed (if associated w/ Cannabis), all utility easements (if any). Update plan of operation.

Name: Rudy Marenghi

Date: 10/18/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Bridgeville Elementary School District, Fortuna High School District, NCUAQMD, Bridgeville Fire Protection District

Applicant Name HWY36 Homestead, LLC Key Parcel Number 210-191-049-000

Application (APPS#) 12572 Assigned Planner Elizabeth Moreno (707) 268-3713 Case Number(s) SP16-572

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

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

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

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

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

We have reviewed the above application and recommend the following:

Approval

Comments:

Response Date: 11/14/2018 Recommendation By: Benjamin Dolf







Applicant: HWY36 Homestead, LLC		Date: 3/4/2019	
APPS No.: 12572	APN: 210-191-049	DFW CEQA No.: 2018-12572	Case No.: SP16-572
<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Proposed: <input type="checkbox"/> Mixed-light (SF): <input checked="" type="checkbox"/> Outdoor (SF): 10,000 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR		

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

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

-  ☒ A site visit on December 27, 2018 revealed nearly one acre of what appears to be unpermitted conversion of trees on the north side of two cultivation areas at 40.4824, -123.6455 and 40.4818, -123.6446. The recently cut trees included many mature Oregon white oak (*Quercus garryana* var. *garryana*), a sensitive natural community. It appears these tree were cut to provide more light to the cultivation areas. The tree clearing does not appear to be part of the project description and potential impacts have not been evaluated. Please provide more information.
-  ☒ CDFW is not clear on how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW request, prior to Project approval, that the applicant re-evaluate the required water storage necessary for seasonal water diversion minimization.
-  ☒ All or part of the Project is located within the CDFW recommended minimum stream setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers. CDFW requests confirmation of this setback prior to Project approval.
-  ☒ If the Project proposes ground disturbing activities (e.g. relocation of cultivation areas within stream setbacks) include **protocol level** surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site, **prior to commencing ground disturbing activities**. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

If the Project Staff Report is written prior to receipt of the additional information requested (above), please note the following information and/or requested conditions of Project approval:

- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2018-0701). As of February 2019, the LSA Agreement is in process and has not been deemed Final.
- ☒ Referral materials and onsite review suggest that damage/removal of oak woodlands has occurred in association with cannabis cultivation activities. CDFW requests, as a condition of Project approval, that the Permittee avoid damage to oak woodlands in the genus *Quercus*, and where applicable, plant five oak trees for every one oak tree damaged or removed, with a minimum 5-year monitoring plan or release one-acre of oak woodlands from conifer encroachment for every one tree removed as determined by a qualified biologist, in consultation with CDFW and CAL-FIRE.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Oregon goldthread (*Coptis laciniata*), Tracy's sanicle (*Sanicula tracyi*), Coast Fawn Lily (*Erythronium revolutum*), Foothill Yellow-legged Frog (*Rana boylei*), Southern Torrent Salamander (*Rhyacotriton variegatus*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt-Del Norte Unit
118 S. Fortuna Blvd
707-777-1720
Fortuna, CA 95540
Website: www.fire.ca.gov



March 13, 2019

HWY36 Homestead, LLC
Rob and Aiyana Neely
APP# 12572



NOTICE OF INSPECTION

Section 4604 of the Public Resources Code (PRC) requires the department to inspect timber operations for compliance with the Forest Practice Act and rules of the Board of Forestry and Fire Protection.

Comments: On March 12, 2019, an inspection was conducted on APN# 210-191-049 with landowner Rob Neely. The inspection was conducted at the request of the landowner who is currently in the application process for a Commercial Cannabis permit. On June 18, 2018, I reviewed the application for this property and stated that CAL FIRE RM had no issues at the time with the subject property. On December 27, 2018 California Department of Fish and Wildlife inspected the property and provided project referral comments based on the inspection. After the inspection by CDF&W I was contacted by telephone by Aiyana Neely who asked a series of questions about tree removal and the Forest Practice Rules. She placed another call regarding conversion activities and tree removal and we decided it was best to inspect the site in person. On March 12, 2019 Rob Neely and I went to the subject property and evaluated what has occurred on the property and its relationship to the Forest Practice Rules. Rob admitted to cutting trees in the fall of 2018 around two of the cannabis sites involved in the application process. The first site inspected had several Douglas-fir and Oak trees laying on the ground in roughly less than 0.25-acre area. The second site had Douglas-fir trees cut above the greenhouses in a narrow strip and were still laying on site. Rob stated he cut the trees to protect the greenhouses and planned to use the trees for firewood and personal use. At both locations, no stumps were removed and the landowner doesn't plan to remove the stumps. The landowner has no operational documents from CAL FIRE to sell or convert any timberland on the property. He also doesn't attend to barter or trade the wood products so now no operational document is needed. The actions the landowner has engaged in doesn't constitute a timberland conversion and no violations or civil actions will be taken at this time by CAL FIRE based on the current conditions. Furthermore, after reviewing past imagery and onsite conditions no timberland conversion report is needed based off the Forest Practice Rules and it appears the landowner is in compliance with CAL FIRE. The property has some dense stands of Douglas-fir and Oak woodlands that may be harvested under different operational documents and CAL FIRE is encouraging landowners to make their property defensible in case of a wildfire occurring. Please call if you have any questions or concerns.

Signature

Lucas Titus RPF# 2870

Forester I

For Kurt McCray, Unit Chief

CA Dept. of Forestry and Fire Protection

Humboldt - Del Norte Unit

cc: TLO, Humboldt County Planning

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

6/7/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Bridgeville Elementary School District, Fortuna High School District, NCUAQMD, Bridgeville Fire Protection District

Applicant Name HWY36 Homestead, LLC Key Parcel Number 210-191-049-000

Application (APPS#) 12572 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-572

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

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

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

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

Return Response No Later Than 6/22/2018

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: _____

PRINT NAME: _____

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:



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

10/31/2018

**PROJECT REFERRAL TO: California Department of Transportation
District #1**

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Bridgeville Elementary School District, Fortuna High School District, NCUAQMD, Bridgeville Fire Protection District

Applicant Name HWY36 Homestead, LLC **Key Parcel Number** 210-191-049-000

Application (APPS#) 12572 **Assigned Planner** Elizabeth Moreno (707) 268-3713 **Case Number(s)** SP16-572

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

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

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

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

Return Response No Later Than 11/15/2018

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

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

☐ Recommend Approval. The Department has no comment at this time.

☒ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: See attached letter.

DATE: 11/27/2018

PRINT NAME: Jesse Robertson, Caltrans Planning

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

PHONE (707) 441-4693

FAX (707) 445-6314

TTY 711

www.dot.ca.gov

*Making Conservation
a California Way of Life.*

November 27, 2018

1-HUM-36-39.25
HWY36 Homestead SP
Application #12572Ms. Elizabeth Moreno
Planning & Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Dear Ms. Moreno:

Thank you for giving Caltrans the opportunity to review and comment upon Special Permit 16-572, requesting to cultivate 10,000 square feet of outdoor commercial cannabis. The project is located in the unincorporated Dinsmore area of Humboldt County, adjacent to State Route 36 on Assessor's Parcel 210-191-049. We have the following comment:

The driveway serving the subject parcel will need to meet current Caltrans standards for a commercial road approach. This parcel accesses highway 36 through a private road on a property adjacent to the applicant's parcel. As a condition of project approval, we request that the County require the applicant to produce evidence that the project applicant possesses an easement to use and maintain the proposed access to State Highway 36. The applicant will also need to produce a Caltrans encroachment permit issued to the current property-owner or easement-holder. If a valid permit can't be produced, a new Caltrans encroachment permit will need to be obtained. Any work within Caltrans Right-of-Way will require an Encroachment Permit from Caltrans. Applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we encourage 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) 445-6389. A permit fee of \$820 and a bond in the amount of \$20,000 will be required with the permit application. For additional information, the Caltrans Permit Manual and Standard Application is available online at: <http://www.dot.ca.gov/trafficops/ep/manual.html>.

Please contact me with questions or for further assistance at the number above, or by email at: jesse.robertson@dot.ca.gov.

Sincerely,

JESSE ROBERTSON
Transportation Planning
District 1 Caltrans