



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 6, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Gardens, LLC, Special Permit**
Record Number: PLN-2019-16092
Assessor's Parcel Number: 107-300-008
Honeydew area

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

AGENDA ITEM TRANSMITTAL

Hearing Date August 6, 2020	Subject Special Permit	Contact Stephen Luther
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Project Description: A Special Permit for 5,572 square feet of existing outdoor cannabis cultivation. The applicant is anticipating one harvest annually. The irrigation water source is a groundwater well. Estimated annual water use is 55,720 gallons. Water storage totals 4,000 gallons in two (2) rigid tanks. Drying occurs onsite in an existing 520-square-foot shed. Processing occurs off-site at a licensed 3rd party facility. Two (2) workers are needed. Power will be provided by a proposed mobile solar and battery unit.

Project Location: The project is located in the Honeydew area, on the east side of Mattole Road, approximately 1.14 miles south and 0.47 miles west as the crow flies from the intersection of Mattole Road and Panther Gap Road, on the property known to be in the northwest and southwest quarters of Section 27 of Township 02 South, Range 01 East, Humboldt Base & Meridian.

Present Plan Land Use Designation: Timberland (T), 2017 General Plan, Density: range is 40 to 160 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning: Timberland Production (TPZ)

Record Number: PLN-2019-16092

Assessor's Parcel Number: 107-300-008

Applicant

Humboldt Gardens, LLC
Gueorgi Mandelov
1928 Central Ave, #112
McKinleyville, CA 95519

Owner

Gueorgi Mandelov
4360 Fallbrook Road
Concord, CA 94521

Agent

Green Road Consulting
Kaylie Saxon
1650 Central Avenue, Suite C
McKinleyville, CA 95519

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

Major Issue: None.

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

Humboldt Gardens, LLC, Special Permit
Record Number: PLN-2019-16092
Assessor's Parcel Number: 107-300-008

Recommended Zoning Administrator Action:

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

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

Executive Summary

This is an application to allow 5,572 square feet of existing outdoor cannabis cultivation to occur in two (2) greenhouses. The greenhouses will be constructed in the same footprint as they historically existed prior to January 1, 2016. The historic cultivation verified by staff totaled 11,144 square feet and the applicant is entitled to 50% that amount. The parcel was served with an abatement notice, and the greenhouses were taken down as part of resolving the violation. The applicant has provided engineered as-built grading plans for the flats where cultivation will occur.

Humboldt Gardens, LLC, produces one harvest annually. Clones are purchased from a licensed supplier and brought to the site. The irrigation water source is a permitted groundwater well (DEH 17/18-1484). The well log indicates the depth to first water is 150 feet, and the geologic formation is clay and shale. Evidence supports that the well draws from a confined aquifer and is not connected to surface water. Estimated annual water use is 55,720 gallons (10 gal/sf). Water storage totals 4,000 gallons in two (2) tanks. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. A condition of approval is also included requiring the applicant to monitor the well for drawdown.

The site is developed with two (2) structures, a drying shed and nutrient shed. The well pump, fans and dehumidifiers used in the cultivation operation will be exclusively solar powered. Drying occurs onsite in an existing 520 sf shed. Processing occurs off-site at a licensed 3rd party facility. There will be two workers on site. The adjacent parcel APN 107-300-013 is owned in common and contains an onsite waste treatment system that is being evaluated for permitting. The project was referred to the Division of Environmental Health. The response stated the applicant must obtain a permit for the onsite wastewater treatment system serving the operation. Portable toilets and handwashing station will be available for use by cultivation staff.

The parcel is accessed by a private road called Green Gate Road that is currently serving as a County-maintained bypass for Panther Gap Road. The road passes directly through the subject parcel and cultivation premises. A Road Evaluation Report was provided by the applicant self-certifying the roadway is a Category 4 equivalent. The Department of Public Works did not comment on the project, but has commented on the applicant's project on the adjacent parcel that uses the same access road and recommended conditional approval. The applicant will demonstrate that the driveway intersection is maintained in accordance with the Sight Visibility

Ordinance and that all fences and gates are outside the County right-of-way. The driveway apron used to access the cultivation premises will be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects Green Gate Road.

A biological resource assessment was prepared for the project site by TransTerra Consulting received June 12, 2020. The cultivation site is a rocked, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.25 miles northwest of the project site. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat. The applicant has submitted a Notification for a Streambed Alteration to the California Department of Fish and Wildlife (CDFW). The project is a stream crossing of a failed metal culvert that once allowed vehicle travel between two flats. The existing culvert will be removed and the channel excavated to natural contours. Excavated fill will be removed to a stable upland location where it will be spread and compacted project was referred to) on July 7th. No comments have been received.

The project occurs on a forested parcel zoned for Timber Production. The site was cleared prior to June 2009 and expanded on prior to 2016. No timber conversion occurred on the property after January 1, 2016. A Registered Professional Forester (RPF) evaluated the parcel conversion history and identified 1.4 acres of unauthorized timber conversion on the subject parcel (conversion site #8). Water runoff was concentrating on the site and erosion control measures are recommended. The project is conditioned on providing an annual monitoring report evaluating the erosion stabilization measures.

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

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

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

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

Resolution Number 20-

Record Number: PLN-2019-16092

Assessor's Parcel Number: 107-300-008

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

WHEREAS, Humboldt Gardens, LLC, submitted an application and evidence in support of approving the Special Permit for 5,572 square feet existing outdoor cannabis cultivation with propagation and processing off-site. Irrigation water is provided by a groundwater well. Power is provided by solar; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-16092) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 6, 2020.

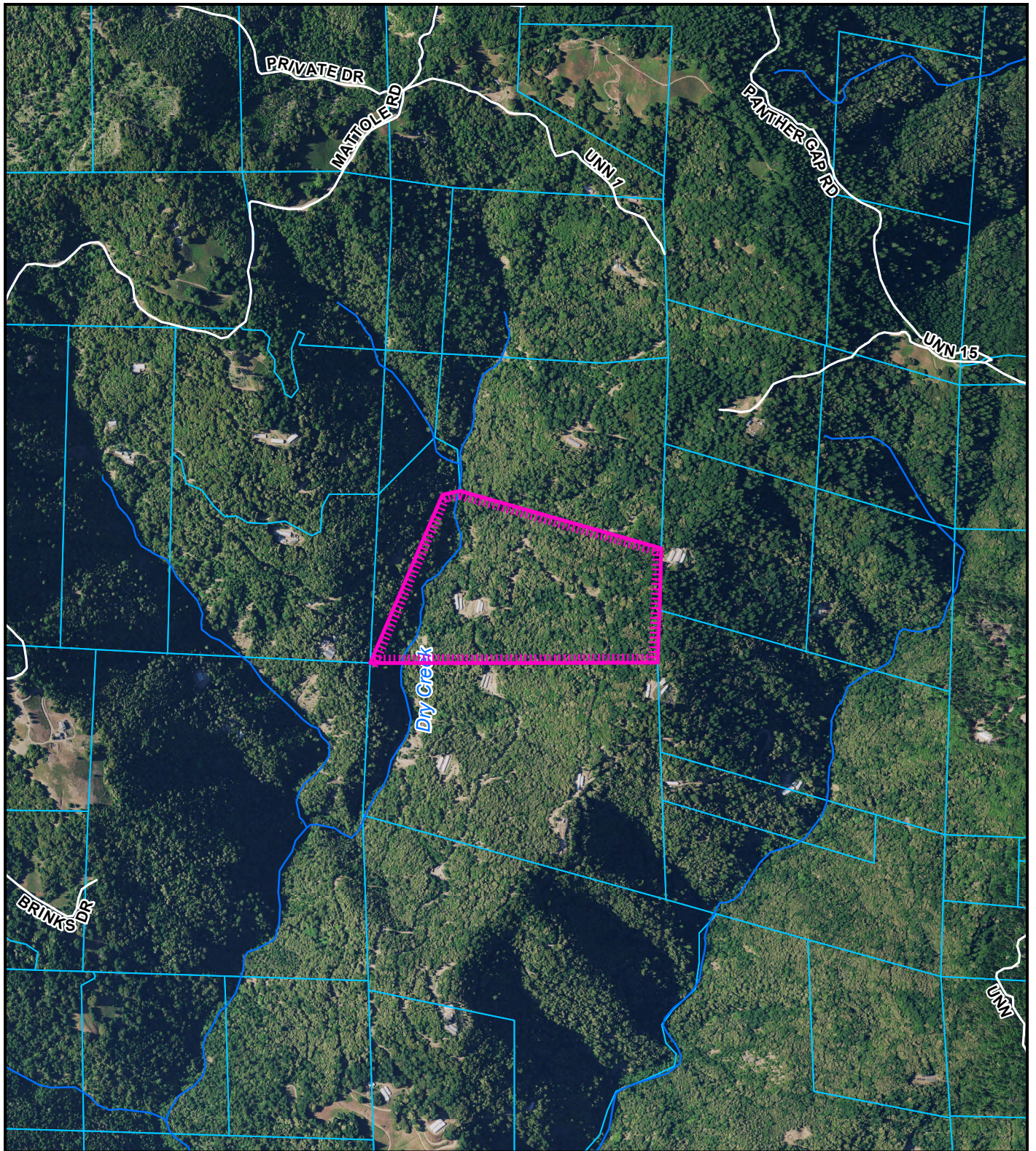
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2019-16092 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on August 6, 2020.

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

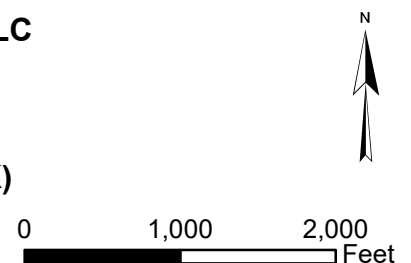
John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt

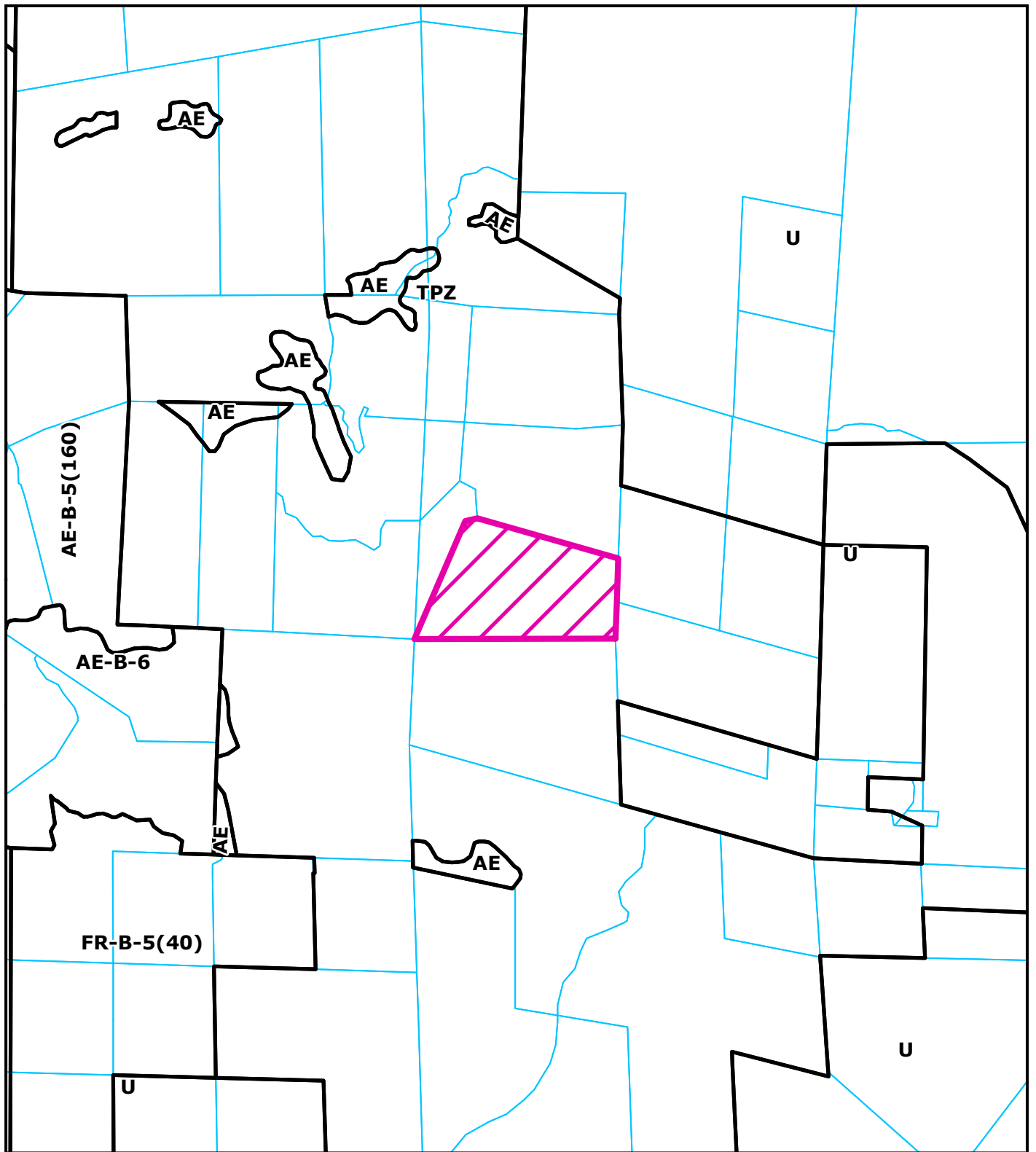


Project Area = 

**AERIAL MAP
PROPOSED HUMBOLDT GARDENS, LLC
HONEYDEW AREA
PLN--2019-16092
APN: 107-300-008-000
T02S R01E S27 HB&M (BULL CREEK)**

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

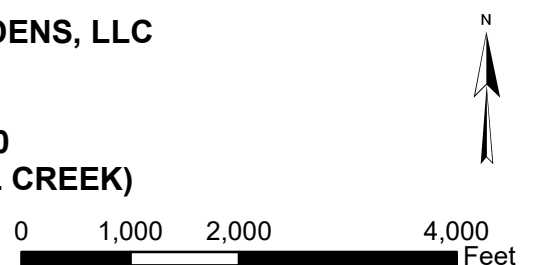


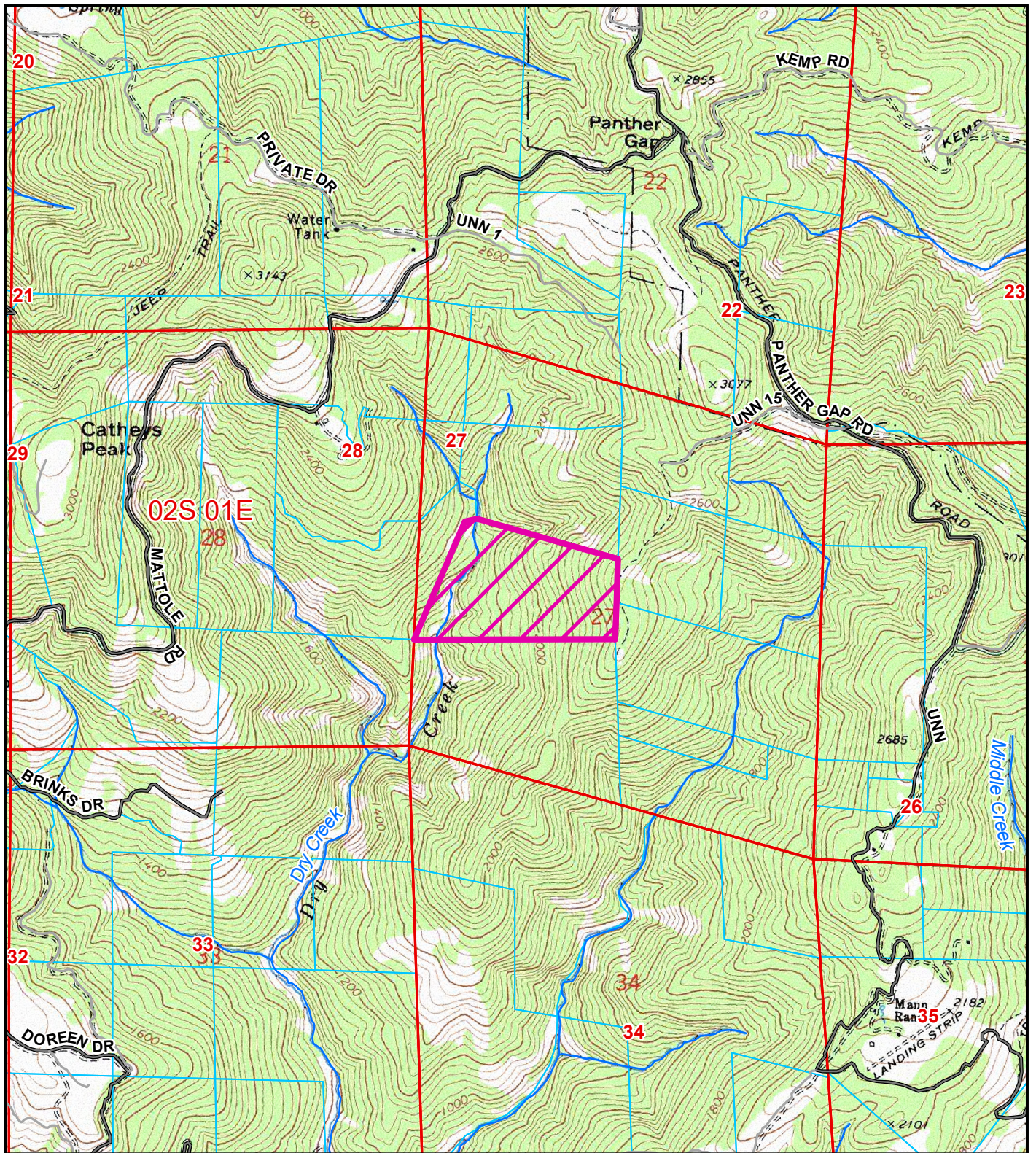


ZONING MAP
PROPOSED HUMBOLDT GARDENS, LLC
HONEYDEW AREA
PLN--2019-16092
APN: 107-300-008-000
T02S R01E S27 HB&M (BULL CREEK)

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 = 

TOPO MAP
PROPOSED HUMBOLDT GARDENS, LLC
HONEYDEW AREA
PLN--2019-16092
APN: 107-300-008-000
T02S R01E S27 HB&M (BULL CREEK)

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

0 1,000 2,000 4,000 Feet



HUMBOLDT GARDENS LLC

APN: 107-300-008

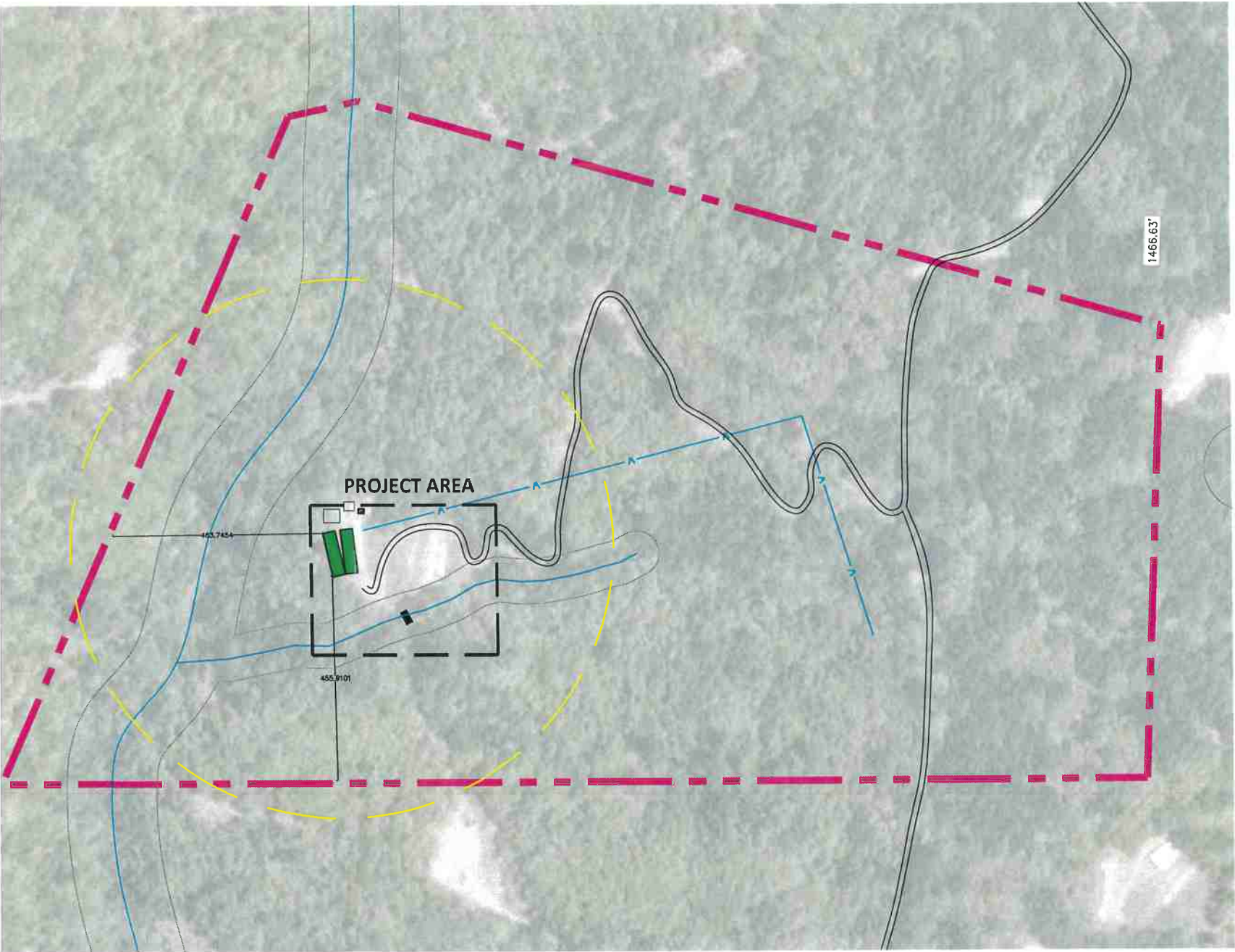


VICINITY MAP

NOT TO SCALE



SITE MAP



PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US-101 (41.6 MI)
 - TAKE EXIT 633 FOR CA-254 TOWARD SOUTH FORK/HONEYDEW (0.2 MI)
 - MERGE ONTO BULL CREEK FLATS RD (.04 MI)
 - CONTINUE ONTO LOWER BULL CREEK FLATS RD (1.1 MI)
 - CONTINUE ONTO MATTOLE RD (6.4 MI)
 - MATTOLE RD TURN RIGHT AND BECOME CUNEO RD (0.4 MI)
 - TURN LEFT ONTO HUMBOLDT REDWOODS STATE PARK (246 FT)
 - MAKE A U-TURN (246 FT)
 - TURN RIGHT AT THE 1ST CROSS STREET ONTO MATTOLE RD (6.3 MI)
 - TURN LEFT ONTO PANTHER GAP RD (0.9 MI)
 - TURN RIGHT, DESTINATION AHEAD (0.2 MI)

TRAVEL TIME

APPROXIMATELY: 1H 28 MIN (59 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.2700, -124.0610
APN: 107-300-008
APPLICANT: GUEORGUI MANDELOV
PARCEL SIZE: 67± ACRES
ZONING: TPZ CURRENT GENERAL PLAN:T

COASTAL ZONE: N
100 YEAR FLOOD: N

AGENT:

KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041

PROPERTY LINES, DISTANCES, AND
BUILDING LOCATIONS ARE
APPROXIMATE AND BASED ON
AERIAL MAPS AND GPS DATA
TAKEN IN THE FIELD.

GREEN
ROAD
CONSULTING



PROJECT INFORMATION

PROPERTY OWNER GUEORGUI MANDELOV

ADDRESS APN: 107-300-008

SHEET INFO COVER PAGE

REVISIONS

NO.	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE

DRAFTER

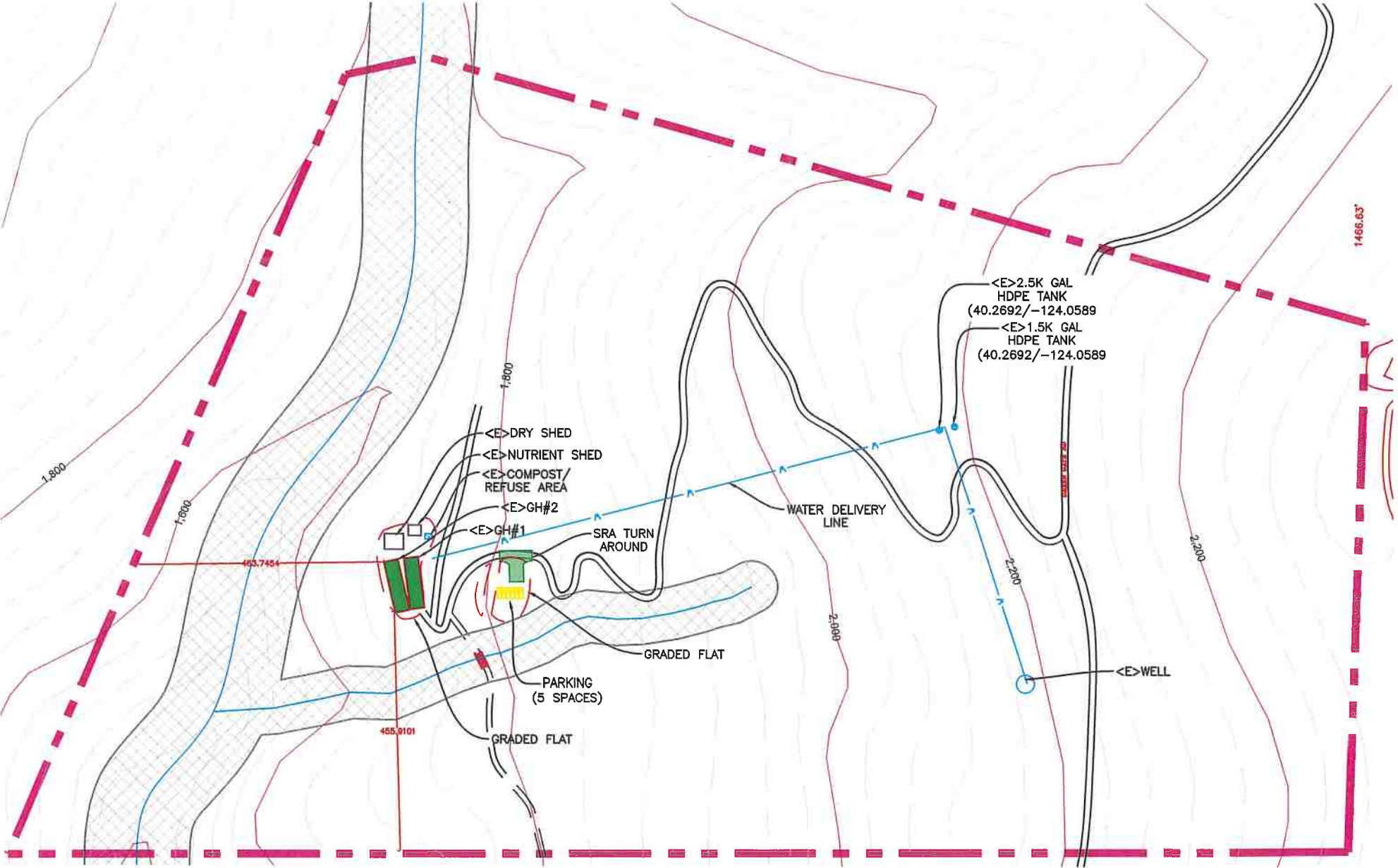
SCALE

SHEET

CP

PARCEL OVERVIEW

APN: 107-300-008



CULTIVATION INFORMATION

LIGHT DEPRAVATION (OUTDOOR) CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	100	X	2,800
2	99	X	2,772

TOTAL LIGHT DEPRAVATION (OUTDOOR) CULTIVATION AREA = 5,572 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
DRY SHED	DRYING & CURING	36'x30'	2012
NUTRIENT SHED	TOOL/FERTILIZER/FERTILIZER STORAGE	24'x20'	2012

WATER STORAGE AND USE

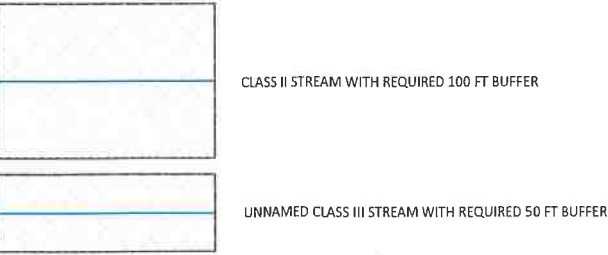
TYPE	DATE OF INSTALLMENT	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	2015	1	2,500	2,500
HDPE TANK	2015	1	1,500	1,500

TOTAL AMOUNT OF WATER STORAGE= 4,000 GALLONS

WATER SOURCE

TYPE	LAT/LONG
WELL	40.2692, -124.0589

LEGEND



SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

PROJECT INFORMATION

PROPERTY OWNER: GUEORGUI MANDELOV
ADDRESS: APN: 107-300-008
SHEET INFO: PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE
1	NOTES - INITIALS	00-00-00
2	NOTES - INITIALS	00-00-00
3	NOTES - INITIALS	00-00-00
4	NOTES - INITIALS	00-00-00
5	NOTES - INITIALS	00-00-00
6	NOTES - INITIALS	00-00-00

DATE: 12/28/19
DRAFTER: XX XX
SCALE: AS SHOWN
SHEET: C1

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-10. 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 shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, the storage shed, and solar array. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
3. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, 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.
4. The applicant shall manage winter run-off as recommended in Table 2 of Timber Conversion Evaluation Report. An annual monitoring report evaluating the effectiveness of winterization and erosion stabilization methods provided to the Department for a period of two years shall satisfy this condition.
5. The applicant shall provide a post-project sound evaluation study. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise, as documented in the pre-project Sound Evaluation Report prepared by Green Road Consulting received July 15, 2019. Results from the study shall be submitted to the Planning Department for review and approval. Any increase in noise levels above three decibels may require modification of this permit to ensure performance standards for noise are achieved.
6. The applicant shall contact the local fire service provider [Honeydew Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning

Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

7. The private driveway shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County-maintained Green Gate Road. The applicant shall apply for an encroachment permit with the Department of Public Works prior to commencement of any work in the County maintained right of way.
8. All private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
9. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
10. 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.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

5. 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.
6. 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.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
8. Maintain enrollment in State Water Resources Control Board Cannabis General Order.
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. Install and maintain a metering device on all discrete points of water withdrawal.
12. Maintain weekly records of all irrigation water use for review at the time of Annual Inspection.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Power is to be supplied by solar. The generator on-site may only be used for domestic purposes with no nexus to the cannabis operation. The use of a generator for cultivation purposes is strictly prohibited.
14. 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.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the California Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be

made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

19. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. Security light shall be shielded to prevent light spillage onto neighboring properties and comply with International Dark Sky Association standards as set forth in the CCLUO.

Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
23. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:

- 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
- If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.
28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing,

manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and

- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

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

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

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

Informational Notes:

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

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

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

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils,

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

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

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

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

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

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

ATTACHMENT 2

Required Findings for Approval

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations 4.8	Timberland (T): This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Density range is 40-160 acres/unit.	The proposed project is for 5,572 square feet of outdoor cannabis cultivation on lands designated as Timberland. General agriculture is allowable use type for this designation.
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	The parcel is accessed by a private road called Green Gate Road that is currently serving as a County-maintained bypass for Panther Gap Road. A driveway turnout off the private road is used to access the premises. The applicant provided a Road Evaluation Report certifying the road meets Category 4 standards. The Department of Public Works did not comment on this project, however comments were provided on the adjacent parcel owned by the applicant that uses the same access, and recommended conditional approval. The applicant will demonstrate that the driveway intersection is maintained in accordance with the Sight Visibility Ordinance and that all fences and gates are outside the County right-of-way. The driveway apron used to access the cultivation premises will be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects Green Gate Road.
Housing Chapter 8	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	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

	<p>housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Timberland and is zoned Timber Production. The project can be found consistent with the Open Space Plan because the proposed project is an agricultural use that is consistent with the allowable uses of the Land Use Designation.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>An unnamed Class II stream runs west to east across the center of the parcel, and drains into Dry Creek which is tributary to the Mattole River, in the Middle Mattole River subwatershed. The cultivation area is setback more than 150 feet from the watercourse. No riparian habitat is associated with the watercourse. A biological resource assessment was prepared for the project site by TransTerra Consulting received June 12, 2020 The cultivation site is a rocky, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.25 miles northwest of the project site. Mapped critical habitat for NSO is located 1.47 miles away. Critical habitat for the Marbled Murrelet is 0.43 miles from the parcel. A pre-</p>

		<p>project sound evaluation survey was conducted on the parcel and noise levels were measured at approximately 41 decibels. The project is conditioned on providing a second sound survey after project activities begin, and noise levels cannot increase by more than 3 decibels. No supplemental light is used in the operation, and any security lighting will be shielded to prevent glare. By adhering to the standards in the CCLUO, the operation will not impact biological resources. The project was referred to the California Department of Fish and Wildlife (CDFW) on July 7th, and comments were requested on January 6 and on February 4, 2020. No comments have been received. Standard operational conditions regarding the protection of wildlife and monitoring of well drawdown have been included.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeological survey is not required at this time. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 11.4</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>The subject parcel is forested with a Timberland land use designation. The cultivation site is located 0.4 miles from the Humboldt Redwoods State Park. The cultivation area occupies a flat with a disturbed area of approximately 30,000 square feet according to Humboldt County WebGIS. The flat was historically used as a log landing. Timber conversion occurred between 2009 to 2010. The commercial activities are limited to a small clearing that does not change the scenic value of the timberland.</p>

	Related policies: SR-S4. Light and Glare	
Water Resources Chapter 11 Stormwater Drainage	<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>	The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
Water Resources Chapter 11 Onsite Wastewater Systems	<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>	The site is developed with a single-family residence served by an unpermitted septic system. The project was referred to the County Division of Environmental Health which has recommended conditional approval of the project. As a condition of approval, the applicant must permit the onsite wastewater treatment system serves the operation, and continue to furnish receipts showing the continual use of portable bathroom facilities until the OWTS is permitted.
Noise Chapter 13	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)	Noise sources in the cultivation operation include solar-powered snap fans, the well pump, and dehumidifiers used in drying. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.25 miles northwest of the project site. Mapped critical habitat for NSO is located 1.47 miles away. Critical habitat for the

	<p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Marbled Murrelet is 0.43 miles from the parcel. A pre-project sound evaluation survey was conducted on the parcel and the highest ambient noise level measured at approximately 41 decibels. The project is conditioned on providing a second sound survey after project activities begin, and noise levels cannot increase by more than 3 decibels. The standard for noise from the operation to not exceed 50 dB as measured 100 feet from the source will therefore be met.</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 parcel is mapped as having moderate geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. Areas of the parcel are mapped with historic landslides. The flat where cultivation occurs is outside the area of mapped historic landslides. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation occur are variable from less than 15% to 30%. As a condition of approval, the applicant will obtain a grading permit for the flat and building permit for the existing shed used for drying and processing. The existing uses are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p>	<p>Goals and policies of this Chapter encourage development designed to</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The subject property is located within the</p>

Fire Hazards	<p>reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>Honeydew Volunteer Fire Department response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>With respect to the Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turn-around and pullout area for emergency vehicles and 2,500 gallons of water storage dedicated for fire suppression.</p>
<p>Community Infrastructure and Services Element Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Honeydew Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.</p>

	Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	
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2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel (parcel 8) as shown on Parcel Map recorded in Book 18 of Parcel Maps page 48. 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.
314-7.4 Timberland Production Zone	TPZ: This zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The proposed project is a Special Permit for 5,572 square feet of existing cannabis cultivation on a parcel zoned TPZ. The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.
Min. Lot Size	160 acres 40 acres of the provisions of Government Code Section 51119.5 are met.	40 acres
Min. Lot Width	None specified	1,333 feet
Max. Ground Coverage	None specified	<40%
Minimum Yard Setbacks: (Through the SRA requirements)	Front: 20 feet Rear: 30 feet Side: 30 feet SRA: 30 feet, all sides	>30 feet all sides
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside	Purpose: To provide minimum standards pertaining to the use and	An unnamed Class II stream runs west to east across the center of the parcel, and drains into Dry Creek which is tributary to the Mattole River,

Management Area (SMA)	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.	in the Middle Mattole River subwatershed. The cultivation area is setback more than 150 feet from the watercourse. The Biological Report states there is no riparian habitat associated with the watercourse. No project activities are proposed in the SMA. The irrigation water source is a well. The project will not impact any SMAs and therefore no Special Permit is required.
Off-Street Parking §314-109.1	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	2 spaces
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		

§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Humboldt Gardens, LLC, submitted three applications proposing approximately one acre of existing cultivation area and is entitled to eight acres. This application is one Special Permit for a 5,572-square-foot cultivation area.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS and Google Earth shows the cultivation area was initially cleared between 2005 and 2009, and enlarged to its present condition between 2009 and 2010. No timber conversion occurred on the property after January 1, 2016. A Registered Professional Forester (RPF) evaluated the parcel conversion history and identified 1.4 acres of unauthorized timber conversion on the subject parcel (conversion site #8). Water runoff was concentrating on the site and erosion control measures were recommended. The project is conditioned on providing an annual monitoring report evaluating the erosion stabilization measures.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. No nearby Tribal Cultural Resources or Tribal Ceremonial Sites have been identified. The cultivation area is setback 48 feet from the nearest property line.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.12.1.8 Performance Standards–</p> <p>Road Systems</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The parcel is accessed by a private road that is currently serving as a County-maintained bypass for Panther Gap Road. A driveway turnout off the private road is used to access the premises. The Department of Public Works commented on the project. The applicant will demonstrate that the driveway intersection is maintained in accordance with the Sight Visibility Ordinance and that all fences and gates are outside the County right-of-way. The driveway apron used to access the cultivation premises will be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the Panther Gap Bypass.</p>
<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1i, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>A biological resource assessment was prepared for the project site by TransTerra Consulting received June 12, 2020. The cultivation site is a rocked, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.25 miles northwest of the project site. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat. The project was referred to the California Department of Fish and Wildlife (CDFW) on July 7th. No comments have been received from CDFW to date.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.</p>

<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The proposed project is for 5,572 square feet of existing outdoor cannabis cultivation. Greenhouses will utilize light deprivation only. No mixed-light or ancillary propagation activities are authorized by this permit. Clones are sourced off site from a licensed nursery. Security lighting will comply with performance standards.</p>
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The power source for the project will be a solar array. Generators are used for domestic purposes only, as described in the attached Operations Plan (see Attachment 4).</p>
<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Power for the operation is provided by solar. The applicant provided a pre-project 24-hour baseline noise survey. A second noise survey will be provided following the commencement of cultivation activities. The operation cannot result in an increase of more than 3 decibels. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.</p>

§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	The irrigation water source is a permitted groundwater well (DEH 17/18-1484). The well log indicates the depth to first water is 150 feet, and the geologic formation is clay and shale. The evidence supports the conclusion the well is not hydrologically connected to surface water. Estimated annual water use is 55,720 gallons. Water storage totals 4,000 gallons in two (2) tanks. A condition of approval is included requiring the applicant provide the results of an annual pump test evaluating draw down.
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The project has previously imported soil to be used in cultivation. All soil remains onsite and is reused. Soils piles are covered with secured traps and surround by straw waddles or equivalent when not in use. Spent soil will be disposed of at the Fortuna transfer station.
314-55.4.12.11 Performance Standards – Existing Site Reconfiguration	Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.	The project involves a Special Permit for an existing 5,572 square foot (SF) mixed-light cannabis cultivation. The cultivation area was in existence prior to January 1, 2016 and the cultivation configuration has not changed.
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	All proposed cultivation will occur on existing graded flats that were previously used for cannabis cultivation. The cultivation infrastructure was removed in 2018 due to an abatement order from the Code Enforcement Unit. A restoration plan was provided, and the work was completed in 2018 as part of resolving this violation. No remediation is proposed as part of the project.

314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	Should invasive species be encountered on the property, the applicant shall submit a plan for the removal of invasive species to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
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4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project.

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land

Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of an existing cultivation operation with irrigation water provided by a groundwater well, on-site drying and off-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

ATTACHMENT 3

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

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

APN 107-300-008, SW1/4 OF NE1/4 SEC27 T2S R1E, Honeydew, County of Humboldt

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

July 2020

Background

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

The modified project is for 5,572 square feet of cannabis cultivation proposed in two (2) greenhouses that were in existence prior to January 1, 2016. The greenhouses were considered as part of the CEQA baseline conditions. Humboldt Gardens, LLC is anticipating one harvest annually. Clones are purchased from a licensed supplier and brought to the site. The irrigation water source is a permitted groundwater well (DEH 17/18-1484). The well log indicates the depth to first water is 150 feet, and the geologic formation is clay and shale. Evidence supports that the well draws from a confined aquifer and is not connected to surface water. Estimated annual water use is 55,720 gallons. Water storage totals 4,000 gallons in two (2) tanks. Drying occurs onsite in an existing 520 sf shed. Processing occurs off-site at a licensed 3rd party facility. There will be two workers on site. Power is provided by solar.

A biological resource assessment was prepared for the project site by TransTerra Consulting received June 12, 2020. The cultivation site is a rocky, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.25 miles northwest of the project site. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a groundwater well, and electricity from a solar array, and utilizing a Category 4 equivalent road system.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize 5,572 square feet of existing mixed-light cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan received February 4, 2020
- A Site Plan prepared by Green Road Consulting received February 4, 2020
- Biological Resources Report prepared by S. McAllister & Associates Wildlife Consultants received July 15, 2019
- Well Completion Report (Permit 17/18- 1483)
- Sound Evaluation Report prepared by Green Road Consulting received July 15, 2019
- Cultural Resource Survey prepared by Archaeological Research and Supply Company in November 2018
- Timberland Conversion Evaluation Report prepared by Blair Forestry received February 18, 2020
- Site Management Plan prepared by Green Road Consulting for SWRCB General Order

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached – Site plan)
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; Condition of Approval - provide copies of Right to Divert and Use Water)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached- Site Management Plan prepared for State Water Resources Control Board General Order enrollment)
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. (On file)
9. If the source of water is a well, a copy of the County well permit (Attached -Permit 17/18- 1483)

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. (Timberland Conversion Evaluation Report prepared by Blair Forestry received February 18, 2020)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report prepared by Green Road Consulting received February 20, 2020 (Attached)
16. Sound Evaluation Report prepared by Green Road Consulting received July 15, 2019 (Attached)
17. Division of Environmental Health Worksheet. (On-File)
18. Biological Report prepared by TransTerra Consulting(Attached)



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Humboldt Gardens, LLC
1928 Central Avenue, #112
McKinleyville, CA 95519
APN: 107-300-008
Phone Number: 925-595-0704

Agent

Dante Hamm
Green Road Consulting
1650 Central Avenue, Suite C
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I. Site Plan Overview

1.0 Project Information

Humboldt Gardens, LLC ("Applicant") is submitting this application for a Special Permit for 5,572-square feet of existing outdoor, open-air commercial cannabis cultivation on a 67-acre parcel, located near Honeydew, CA ("Parcel"), Assessor's Parcel Number 107-300-008.

The Applicant sources water from a permitted, ground water well on the parcel. A well completion report is included with the project and will be included in the 1602 Stream and Lakebed Alteration Notification with the California Department of Fish and Wildlife.

There are two (2) HDPE water tanks onsite totaling to 4,000-gallons of water storage for the parcel. The Applicant estimates their annual water use to be 55,720-gallons.

There are two (2) buildings on site. The Dry Shed is approximately 36'x30' and was built sometime before 2012. It is used for Drying and storing harvested Cannabis. The Nutrient Shed is a 24'x20' structure It was constructed sometime before 2012. It is used to store nutrients and amendments for cannabis cultivation.

The Applicant source of power for cannabis operations will be solar. There is a compost pile on site. Trash and refuse are stored in watertight containers next to the Nutrient Shed.

The Applicant is anticipating one (1) harvest from the greenhouses, sometime in October. The Applicant will be utilizing an off-site, 3rd party processor.

This application is submitted through their agent Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Cannabis Land Use Ordinance ("CCLUO").

The Special Permit would achieve the following results for the Applicant:

- a. Permit 5,572 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the State Water Resources control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Honeydew, CA. The Parcel is comprised of 67-acres and is identified by Assessor's Parcel Number ("APN") 107-300-008. There is no street address for the parcel.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is TPZ with a Current General Plan Framework of T. The CCLUO permits existing commercial cannabis cultivation on land zoned as TPZ with open air cultivation sites between 5,000 square feet and 10,000 square feet with a Zoning Clearance Certificate or Special Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in Evidence of Ownership and Authorization section of this application.

Exhibit "A"

Description

That real property situate in the County of Humboldt, State of California,

described as follows: PARCEL A:

Parcel 8 as shown on Parcel Map No. 2062, on file in the Office of the County Recorder of Humboldt County, California, in Book 18 of Parcel Maps, Pages 48, 49, and 50.

EXCEPTING therefrom, rights reserved by Jerry R. Klima, Jr., his heirs, successors and assigns, by Deed recorded March 27, 2015, under Recorder's Serial No. 2015-005753-2, Humboldt County Records, the rights to all timber, standing or downed, within the Parcel 8 described above, in perpetuity, and right of entry to prepare and conduct timber harvest in accordance with said right.

Any and all timber harvests shall be conducted according to properly issued permits and access to procure said permits and cruise said timber shall not be denied.

EXCEPTING from that portion of said land which lies within the East Half of the Northwest Quarter of Section 27, Township 2 South, Range 1 East, Humboldt Meridian, all the coal and other minerals, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat. 862), as reserved by the United States of America in Patent recorded May 18, 1923 in Book 23 of Patents, Page 311, under Recorder's Serial No. 1863, Humboldt County Records.

ALSO EXCEPTING from Parcel 8, all oil, hydrocarbon substances and minerals in and under said land, together with the right to enter thereon for the purpose of exploration and development thereof and removal of same, as reserved by Joseph Koff and Emilie Koff, husband and wife, in the Deed recorded October 21, 1955 in Book 363 of Official Records, Page 5, under Recorder's Serial No. 16934, Humboldt County Records.

PARCEL B:

A non-exclusive easement for ingress, egress, public and private utilities over, under, along and within:

A strip of land of the uniform width of 50 feet extending across Parcels 1, 2, and 7 of said Parcel Map No. 2062, and designated thereon as "SKYLINE DRIVE".

4.0 Natural Waterways

There is one (1) Class II Watercourse that runs through the parcel. The cultivation resides more than 100-feet away from the watercourse.

5.0 Location and Area of Existing Cultivation

The cultivation occurs in one general area in the eastern section of the parcel.

Outdoor, Open-Air Cultivation – 5,572 ft²

*The Applicant anticipates one harvest annually from each cultivation area.

Greenhouse #1

Greenhouse #1 is a 100'x28' greenhouse totaling 2,800 ft² of light depravation (outdoor) cultivation area.

Greenhouse #2

Greenhouse #2 is a 99'x28' greenhouse totaling 2,772 ft² of light depravation (outdoor) cultivation area.

6.0 Setbacks of Cultivation Area

All cultivation is setback by 100' or more.

7.0 Access Roads

The following details regarding the Access Roads, Stream Crossings and Legacy Waste Discharges are pulled from the Site Management Plan, which was created in accordance with SWRCB Order WQ 2017-0023-DWQ. Map points referenced are from the Site Management Plan.

Access Roads

The site contains 1,200-feet of permanent roads, recently named "Green Gate Road" which is maintained by Humboldt county as the Panther Gap Road. The site also contains 2,500-feet of seasonal dirt access road which connects Green Gate Road with the cultivation site. Evaluation of the design, functionality, and performance conditions of all segments of private roadways was conducted by a licensed civil engineer, and Green Gate Road (which connects to Mattole Road, a Category 4 roadway) is currently maintained to category 4 equivalency.

Stream Crossings

There is one (1) stream crossing on the property that is the responsibility of the property owner. This was a historical stream crossing leading south from the cultivation site that has long since failed and is no longer in navigable condition. This stream crossing will be decommissioned with the channel returned to natural contours. A Lake and Streambed Alteration Agreement notification has been filed with CDFW, awaiting final approval.

Legacy Waste Discharges

The site was historically logged with main logging roads, skid roads, and log landings on the property. The site utilized the existing infrastructure from logging practices which required minimal grading and brush clearing.

8.0 Graded Flats

There are two (2) graded flat on the parcel that was in existence prior to 2016. Per the Compliance Agreement, the Applicant will be obtaining a Grading Permit.

9.0 Existing Buildings

Cultivation Related Buildings

Dry Shed

The Dry Shed is a 36'x30' building (1,080 ft² total) where harvested cannabis is dried and stored. The Dry Shed was constructed sometime prior to 2012.

Nutrient Shed

The Nutrient Shed is a 24'x20' building (480 ft² total) it is used to store nutrients and amendments. The Nutrient Shed was constructed sometime prior to 2012.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Use

10.1 Water Source

Water used for cannabis irrigation is sourced from the on-site, permitted groundwater well.

10.2 Water Storage

The Applicant has two (2) HDPE tanks totaling to 4,000-gallons of water storage as outlined below.

- One (1) 2,500-gallon HDPE tanks
- One (1) 1,500-gallon HDPE tanks

10.3 Irrigation Plan

The Applicant hand waters cannabis plants at an agronomic rate. A Water Use Assessment including a water budget that outlines projected monthly irrigation demands

broken out by each discrete cultivation site and the monthly water demands. The Water Use Assessment is included as Attachment, "B."

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

10.5 On-Site Water Conservation Measures

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. Water conservation such as water timing and drip irrigation will be implemented to ensure water is applied at agronomic rates. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years.

10.6 Water Use Record Keeping Practices

Per Sections 55.4.12.7.5 through 55.4.12.7.7, the applicant will adhere to the following metering and record keeping practices.

- A metering device shall be installed and maintained on all discrete points of diversion or other locations of water withdrawal (in this case, the Applicant's well). The meter shall be located at or near the point of diversion or withdrawal.
- A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation.
- Operators shall maintain a weekly record of water collected from Diversionary sources, as well as a record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately of differentiated from any record of water use for domestic, fire protection, or separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

The following details are pulled from the Site Management Plan, which was created in accordance with SWRCB Order WQ 2017-0023-DWQ. Map points referenced are from the Site Management Plan. The Applicant will be enrolled in the Order as a Tier 1, Low Risk Site.

Erosion Prevention and Sediment Capture

The disturbed areas consisted of the cultivation areas, soils/amendment piles, unstable road

segments, and a processing area as shown on the Disturbed Area Map. For details on erosion prevention and sediment capture, see the Site Erosion and Sediment Control Plan.

Water Uses

Water for cannabis irrigation and domestic use will be sourced from the sites groundwater well. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. Since the site sources water from a confined aquifer there are no forbearance restrictions. The estimated annual water use is summarized below.

Table 1: Annual water use on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Well	Cannabis	Apr. 1	Nov. 1		55,720

Water meters will be installed to monitor use. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water conservation methods such as watering method and timing will be employed to ensure water is applied at agronomic rates.

Table 2: Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Hard Tank	2,500	1	2,500
Hard Tank	1,500	1	1,500
	Total		4,000

Fertilizers, Pesticides and Herbicides

Application, Storage and Disposal

All fertilizers, Pesticides, Herbicides and Rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, Pesticides, Herbicides and Rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in *separate* secondary containment. During the off season all chemicals will be stored in a locked building. **Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches.** Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below.

Table 2: Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Age Old Grow	Fertilizer	12-6-6	5 Gal
Age Old Bloom	Fertilizer	5-10-5	5 Gal
Soluble Kelp	Fertilizer	0.5-0.5-17	4 lbs.
Triple 16	Fertilizer	16-16-16	3 lbs.
Cal Mag	Fertilizer	9-0-0	4 lbs.
Full Vex	Fertilizer	16-4-8	4lbs.
Green Clean	Insecticide Fungicide	Soybean Oil, Sodium Lauryl Sulfate, citric acid and isopropyl alcohol	3 Gal

Spill Prevention and Clean Up

A spill cleanup kit will be located in the chemical storage area at all times where it can be easily accessed. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

Petroleum

Use, Storage, and Disposal

The discharger is in the process of installing solar panels as the primary power source for the operation. Generators are only used as a backup system and are not the primary power source. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building.

Table 3: Overview annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	TBD
Motor Oil	Petroleum	TBD

Cultivation Waste, Trash/Refuse and Domestic Wastewater

Trash/Refuse Overview

All trash will be kept and stored in lidded trash bins and removed on a weekly basis to an authorized landfill. Trash bins shall be located in stable locations and outside of riparian setbacks. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

Domestic Wastewater BPTC Measures

The site has an unpermitted septic system which will require a back permit. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

Winterization Measures

Summary

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning **November 1st** and concluding **April 1st**. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways.

One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and

ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers.

Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater.

Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For Moderate and High-Risk sites all three monitoring reports need to be completed. See "Site Erosion and Sediment Control Plan" for details on the Site Maintenance and Storm Water Runoff Monitoring.

Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following:

Facility Status, Site Maintenance, and Storm Water Runoff Monitoring

Name and contact information for the person responsible for operation, maintenance, and monitoring.

Reporting documents can be emailed to northcoast@waterboards.ca.gov or mailed to **5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403.**

Table 4: Facility status monitoring requirements.

<u>Monitoring Requirement</u>	<u>Description</u>
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as lbs./canopy acre/time (month or year) as described in Nitrogen Management Plan.

12.0 Biological Assessment

The Applicant has contracted the services of TransTerra Consulting and expects to have a full biological reconnaissance survey completed in 2020.

13.0 Stormwater Management Plan

The Applicant's Compliance Agreement required a Remediation Plan, which was designed specifically to address erosion issues from stormwater and is included with the application. The Applicant has followed through with remediation measures, and along with their rainwater catchment system, anticipate little issues of erosion from stormwater.

14.0 Energy Use

The greenhouses will utilize solar powered Snap Fans. All cultivation activities will be powered by solar power by the time activities begin. As this application is for outdoor cultivation, therefore there will be no lights in the greenhouses. Thus the energy needs would be significantly less than a mixed light operation of the same size. The owner/operator has purchased four 2.5kW trailer-mounted solar power generators with battery packs which will be used to power the dry rooms throughout this and the neighboring permitted properties.

15.0 Compliance Agreement Summary Status

The Applicant has an executed compliance agreement and has completed all necessary documentation. All fees/fines have been paid. A copy of all items produced for the Compliance Agreement are included in this Application.

16.0 Timber Conversion Evaluation

The Applicant has contracted with Blair Forestry Consultants to complete a Timber Conversion Evaluation.

17.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, or state parks within 600 feet of the cultivation site. There are also no Tribal Lands, areas of Traditional Tribal Cultural Affiliation within 1,000 feet of the cultivation site. The Applicant has completed a report with a licensed archaeologist.

II. Cultivation and Operations Plan

1.0 Materials Storage

All fertilizers and amendments are located in the Nutrient Shed on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

The Applicants Materials Management Plan is included with the Application further detailing their waste management practices.

1.1 On-Site Waste Treatment System Information

The Applicant has an unpermitted septic system on their neighboring site. They are contracted to have this system evaluated and permitted through the Humboldt County Department of Environmental Health.

The system currently only is used for domestic purposes, should employees be on site, the Applicant will first have portable toilets and handwashing stations delivered for use.

2.0 Cultivation Activities

The Applicants Cultivation Chart is included as Attachment "B."

Cultivation Standards

The Applicant will adhere to and uphold the following cultivation standards:

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- Where subject to state licensures, participate in local and state programs for "Track and Trace" once available.
- Maintain a current, valid business license at all times.
- 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).
- Pay all applicable application and annual inspection fees.
- Comply with any special conditions applicable to the permit or Premises which may be imposed.

3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Shed where it will be dried and cured. Harvested cannabis will be processed off-site by a licensed 3rd party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

While the Applicant is currently not anticipating the use of any employees, the following standards will be upheld if employees are hired.

- Applicant 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.)
- 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:
 - Emergency action response planning as necessary;
 - Employee accident reporting and investigation policies;
 - Fire prevention;
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - Materials handling policies;
 - Job hazard analyses; and
 - Personal protective equipment policies, including respiratory protection.
- Applicant will visibly post and maintain an emergency contact list which includes at a minimum:
 - Operation manager contacts;
 - Emergency responder contacts;
 - Poison control contacts.
- 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.
- On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

The Applicant will ensure the following standards are upheld by the 3rd party processor.

- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis
- Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- Employees must wash hands sufficiently when handling cannabis or use gloves.

Parking and Public Accommodations

The Applicant does not intend to have their facility open to the public. There is enough space for 5 vehicles to park at any given time. Should employees be added, an additional 2 spaces per employee and compliance with the Americans with Disabilities Act will be maintained

4.0 Security Measures

The access road to the cultivation area is gated and locked.



Humboldt County
Department of
Health & Human
Services



Division of Environmental Health
100 H Street - Suite 100 - Eureka, CA 95501
Phone: 707-445-6215 - Toll Free: 800-963-9241
Fax: 707-441-5699
envhealth@co.humboldt.ca.us

FEB 20 2018

17/18-1484

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by
Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete both sides and submit the Water Well Application with required fee. Include Well Driller's signature and property owner's signature.
2. Work on a well shall not be started prior to approval of the Water Well Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. Well Driller shall notify DEH a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>Mattale rd. / Panther gnp</u>	APN	<u>107-233-013-000</u>
City/State/Zip	<u>Honeydew CA 95545</u>	CA	
Directions to Site	<u>2 miles passed Panther gap rd. - first gate on the left</u>		
Applicant	<u>GEORGII Mandelov</u>	Contact	
Mailing Address	<u>4360 FALLBROOK RD</u>	Work Phone	
City/State/Zip	<u>CONCORD CA 94521</u>	Cell Phone	<u>925 595 0704</u>
Property Owner		Home Phone	
Mailing Address	<u>same</u>	Work Phone	
City/State/Zip		Cell Phone	
I hereby grant 'right-of-entry' for inspection purposes			
Drilling		C-57	
Contractor	<u>Watson Well Drilling Inc.</u>	License #	<u>1014048</u>
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature:			
Would driller like a copy of approved application?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> U.S. Mail address:			
<input checked="" type="checkbox"/> Email address:		<u>Admin@watsonwelldrillinginc.com</u>	
Type of Application:	Construction:	Intended Use:	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.)	<input type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.)	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.)	<input checked="" type="checkbox"/> Irrigation / <u>Agg.</u>	
	Sealing Material	<input type="checkbox"/> Other	
	<u>7'-20'</u>		
	<u>13"</u>		
	<u>20'</u>		
	<u>Bentonite</u>		

State of California
Well Completion Report
 Form DWR 188 Complete 7/24/2018
 WCR2018-004413

Owner's Well Number Well #3 Date Work Began 05/15/2018 Date Work Ended 05/17/2018
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 17/18-1484 Permit Date 03/02/2018

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name <u>Georgul Mandelov</u>	Activity <u>New Well</u>	
Mailing Address <u>4360 Fallbrook Road</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>	
City <u>Concord</u> State <u>CA</u> Zip <u>94521</u>		

Well Location			
Address <u>0 Mattole RD</u>		APN <u>107-233-013</u>	
City <u>Honeydew</u> Zip <u>95545</u> County <u>Humboldt</u>	Township <u>02 S</u>		
Latitude _____ N Longitude _____ W	Range <u>01 E</u>		
Deg. Min. Sec. _____	Section <u>27</u>		
Dec. Lat. <u>40.2660000</u> Dec. Long. <u>124.0615000</u>	Baseline Meridian <u>Humboldt</u>		
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____		
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____		
	Elevation Determination Method _____		

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>150</u> (Feet below surface)
Drilling Method <u>Downhole Hammer</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>260</u> Feet	Water Level <u>131</u> (Feet) Date Measured <u>05/17/2018</u>
Total Depth of Completed Well <u>260</u> Feet	Estimated Yield* <u>25</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>6</u> (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	45	Brown Clay
45	80	Grey Shale
80	170	Brown Shale
170	260	Bluish Grey Shale

RECEIVED

JUL 25 2018

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

ENTERED
7-30-18

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size if any (Inches)	Description
1	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			*
2	20	120	Blank	Low Carbon Steel	N/A	0.188	6.625			*
2	120	220	Other: Screen-Knife Cut	Low Carbon Steel	N/A	0.188	6.625		0.25	*
2	220	240	Blank	Low Carbon Steel	N/A	0.25	6.625			*
2	240	260	Other: Screen-Knife Cut	Low Carbon Steel	N/A	0.25	6.625		0.25	*

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8" Hole Plug
0	260	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	20	13
20	260	7.625

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>WATSON WELL DRILLING, INC.</u>			
Person, Firm or Corporation			
<u>500 Summer Street</u>	<u>Eureka</u>	<u>CA</u>	<u>95501</u>
Address		City	State Zip
Signed <u>electronic signature received</u>	<u>06/07/2018</u>	<u>1014048</u>	
C-57 Licensed Water Well Contractor		Date Signed	C-57 License Number

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: *Part A may be completed by the applicant*

Applicant Name: Humboldt Gardens, LLC APN: 107-300-008

Planning & Building Department Case/File No.: _____

Road Name: Green Gate Road (complete a separate form for each road)

From Road (Cross street): Mattole Road

To Road (Cross street): APN 107-300-008

Length of road segment: 1.39 Miles miles Date Inspected: Dec 17, 2019

Road is maintained by: ☒ County ☐ Other _____
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature

Date

Robin Collins, PE

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (Post Mile _____) Planning & Building
To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
(Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: _____ Date(s) measured: _____

Method used to measure ADT: ☐ Counters ☐ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☐ Yes ☐ No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one: ☐ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☐ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☐ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

(SEAL)

Signature of Civil Engineer _____

Date _____

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



Green Gate Road (recently named): County maintained detour for Panther Gap Road, brought up to category 4 equivalency summer 2019



**GREEN
ROAD**
CONSULTING



Sound Evaluation Report

Prepared For:

Humboldt Gardens, LLC

APN: 107-300-008

Signature of Civil Engineer

12/20/19

Date



Seal

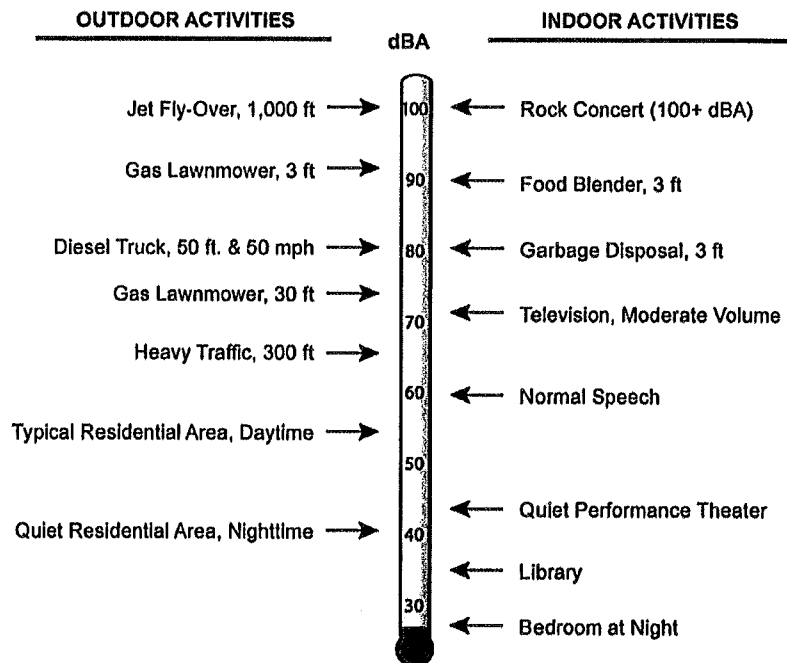
Introduction:

Green Road Consulting (GRC) performed a sound evaluation study to determine changes in ambient noise levels related to cannabis cultivation activities. Cannabis cultivation in Humboldt County is typically done in rural areas that require the use of off-grid power from diesel generators. The use of diesel generators in conjunction with cannabis cultivation activities has the potential to significantly alter natural sound levels and disturb native animals. However, parcels with zoning TPZ or U (with a General Plan Land Use Designation of "Timberland") are prohibited from using generators.

Background:

On May 6, 2018, the Humboldt County Board of Supervisors passed Ordinance No. 2599 defining the rules and regulations of commercial cultivation, processing, manufacturing, distribution, testing and sale of cannabis for medicinal or adult use outside the coastal zone. Section 55.4.12 of the ordinance describes the performance standards related to all commercial cannabis activities at cultivation sites that must be met for the applicant to be eligible for a commercial cannabis cultivation permit issued by Humboldt County. As defined in Section 55.4.12.6 regarding noise, "Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site."

Oxford Dictionary defines noise as "a sound, especially one that is loud or unpleasant or that causes disturbance" (Oxford Dictionary 2018). In terms of physics, sound is a mechanical disturbance from a state of equilibrium that propagates through an elastic material medium, such as water or air (Britannica 2018). Humans have evolved to be more receptive to sound frequencies between 500 Hz and 6 kHz (measured in decibels, dB), however, sounds can occur below or above the range of human hearing. To account for the full range of human hearing, the "A-weighted" scale was created to include a full range of frequencies, from 20 Hz up to 20 kHz and is measured in dBA (Britannica 2018). Several activities and their associated noise level for indoor and outdoor settings have been measured and are shown in Figure 1 for reference (West Los Angeles College ND).



Sources: FTA, 1995; ATS Consulting, 2005

Figure 1: Examples of noise levels for indoor and outdoor settings.

Site Summary:

APN: 107-300-008

Coordinates: <40.2700, -124.0610>

Acreage: 66.64

Zoning: TPZ

Methods:

Two, 24-hour studies will be conducted by GRC on APN 107-300-008 using four CEM DT-8852 Industrial High Accuracy Digital Sound Noise Level Meter Data Loggers. These sound level data loggers feature a measurement range of 30-130 dB with an accuracy of ± 1.4 dB, and internal memory for standalone data recording. The first study was conducted before cannabis cultivation activities began on the parcel to establish a baseline ambient sound level to compare to future measurements. After cannabis cultivation activities begin, a second 24-hour study will be conducted to capture the increase, if any, of sound levels related to cannabis cultivation.

If the parcel is located within one mile of mapped critical habitat for Marbled Murrelet or Northern Spotted Owls, the maximum noise expose from background cultivation related noise cannot exceed 50 decibels at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. If pre-existing cultivations sites submitted for permitting prior to December 31, 2019 are located within 0.7 miles of a known Northern Spotted Owl activity center a qualified biologist shall conduct a disturbance and habitat modification assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species.

Two sound monitoring studies are required to determine how cannabis cultivation activities effect the ambient noise levels on the property. For the duration of each study, one (1) noise level data logger was placed as close to each property boundary line as possible (minimum of 3) to capture the noise level being emitted from within the parcel (Figure 2). Data was collected every 6 seconds for at least 24 hours. The first 24-hour study was conducted from 6/14/2018 through 6/15/2018, before cannabis cultivation activities occurred on the property. The data was uploaded to Microsoft Excel, where a moving average was performed on 2,000 data points to relax any extreme short-term fluctuations in the time-series data. The second 24-hour study will be conducted when commercial cannabis activities begin.

Critical habitats for Marbled Murrelet and Spotted Owls have been mapped by California Department of Fish and Wildlife (CDFW) and were viewed using a commercial license to the California Natural Diversity Database (CNDDDB). The CNDDDB uses the Biogeographic Information and Observation System (BIOS) to project observed critical habitat for Marbled Murrelet and Spotted Owls in an online mapping tool. This online mapping program has a distance measuring tool that was used to find the distance from this parcel to the nearest marked critical habitat.

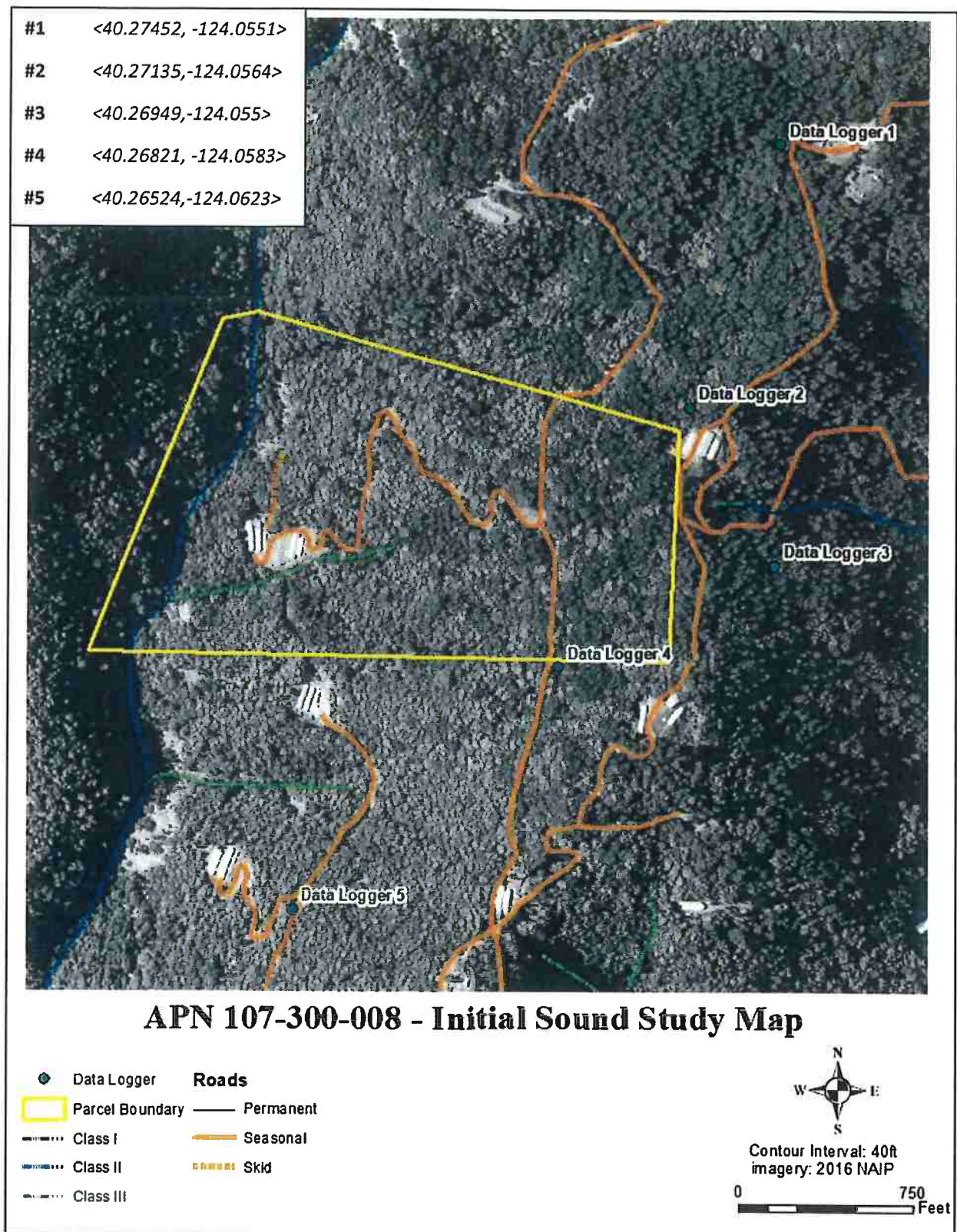


Figure 2: Map showing location of Data Loggers on APN 107-300-008.

Results:

Data from the sound study conducted during the no cultivation period were imported into excel and plotted on a line chart to visualize the measurements over time. Rolling averages were applied to groups of 500, 1,000, and 2,000 data points, which were compared to the original data (Figures 3-7).

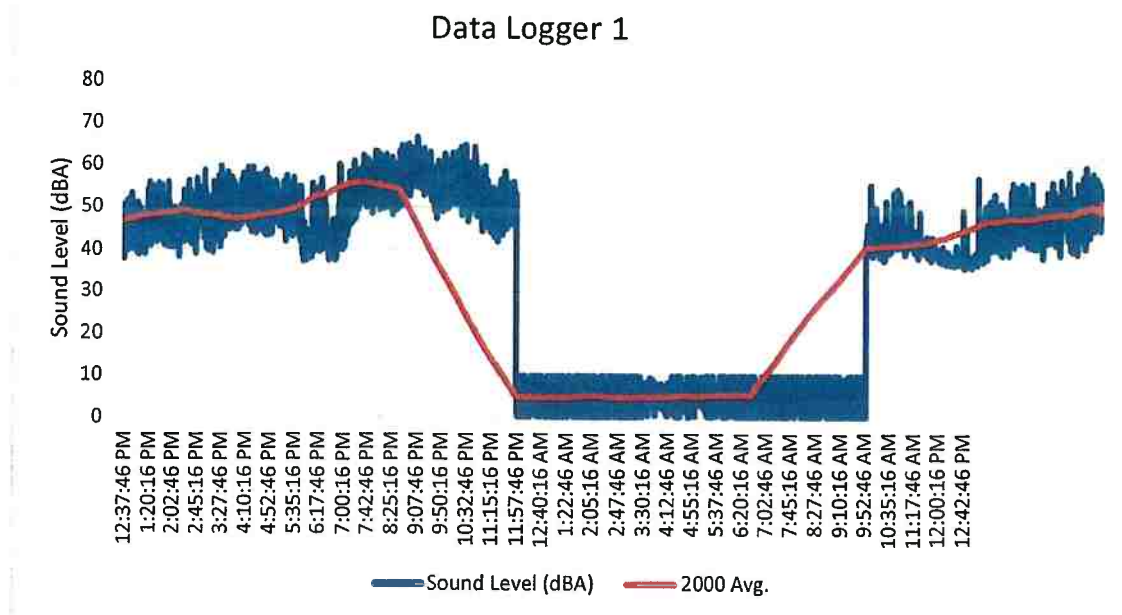


Figure 3: Results from 24 hours of sound data collected on 6/14/2018 northeast of the parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 32.45**

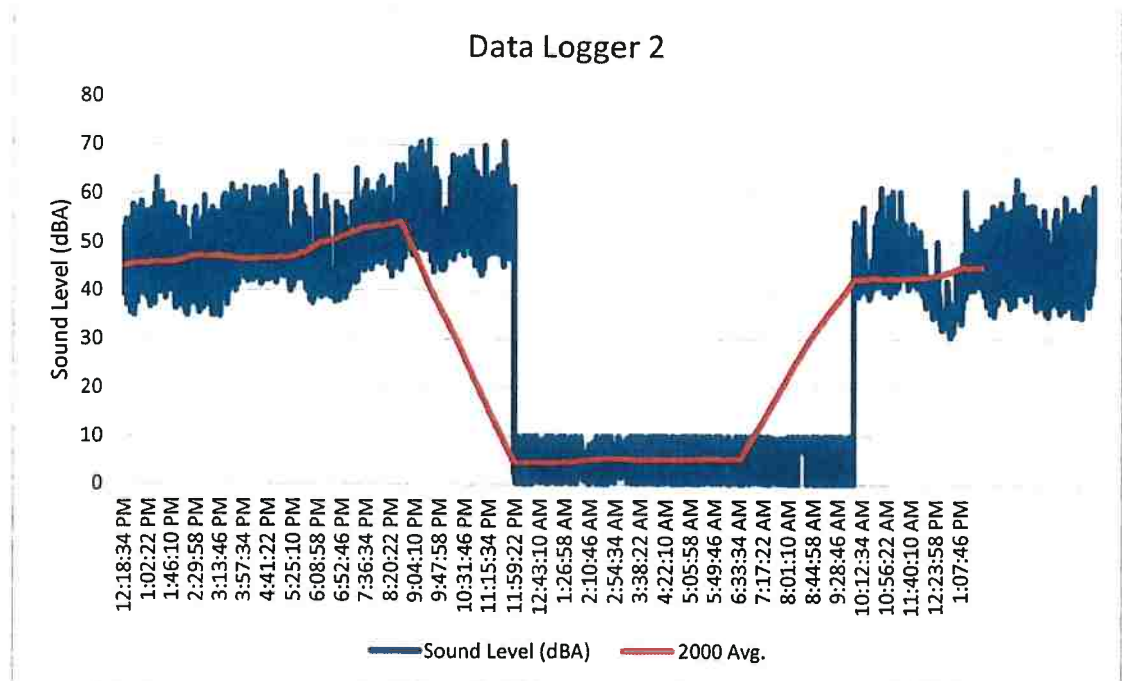


Figure 4: Results from 24 hours of sound data collected on 6/14/2018 near the northern parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 32.29**

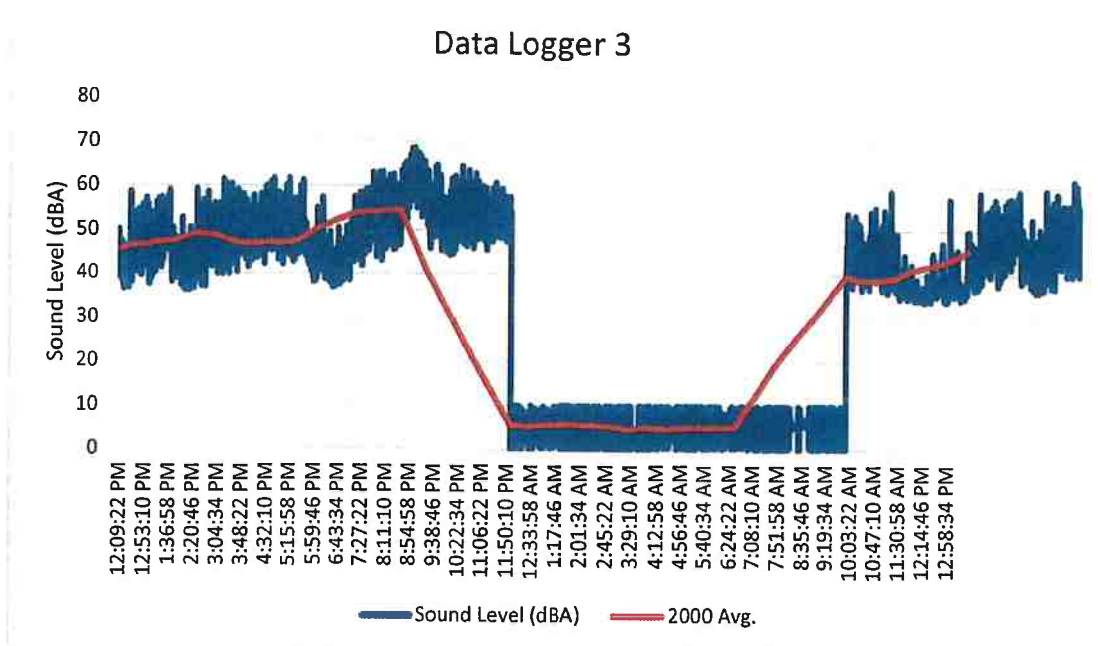


Figure 5: Results from 24 hours of sound data collected on 6/14/2018 East of the parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 32.17**

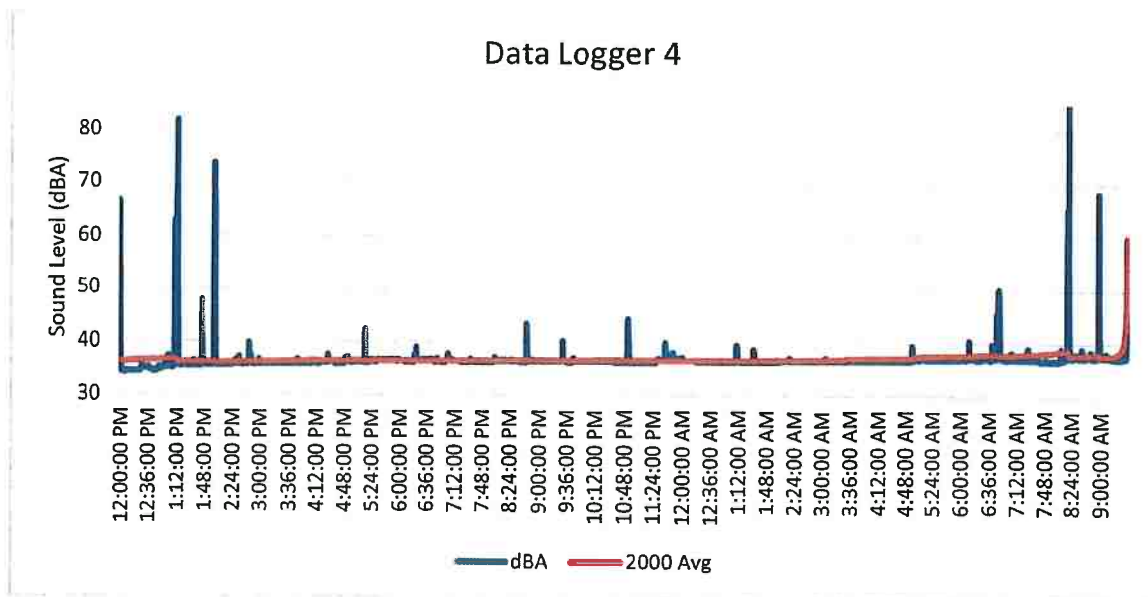


Figure 6: Results from 24 hours of sound data collected on 12/6/2018-12/7/2018 near the southeastern parcel boundary. The 2,000 data point rolling average are overlaid on the original data. **Average dBA: 36.67**

Data Logger 5

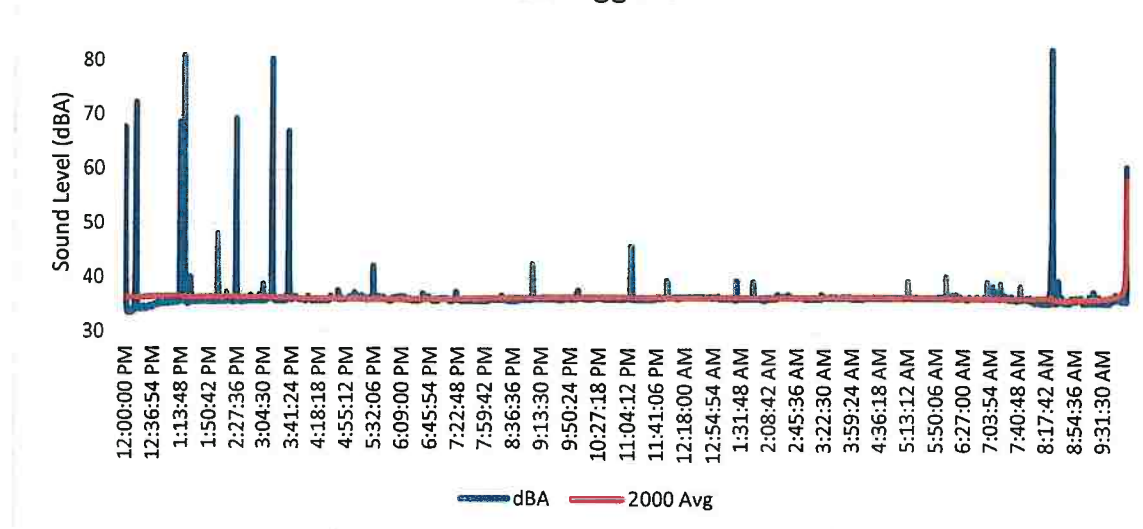


Figure 7: Results from 24 hours of sound data collected on 12/6/2018-12/7/2018 South of the parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 36.45**

The second sound study will be performed after Cannabis cultivation commences. That study will be used to identify if there is an increase of 3 decibels or more. If an increase of over 3 decibels is observed, changes will be made to reduce the sound levels.

Critical Habitat:

Considerations of noise levels affecting the Marbled Murrelet and Northern Spotted Owl was determined using the California Department of Fish and Wildlife's Biogeographic Information and Observation System (BIOS). This system utilizes the California Natural Diversity Database (CNDDDB) to visualize positive observations and critical habitat for rare and sensitive species.

Critical habitat areas for the Marbled Murrelet and Spotted Owl were viewed in the CNDDDB BIOS Viewer. The property was located over five miles from mapped critical habitat areas, and the effects of noise on the Marbled Murrelet should be negligible if existent.

Activity centers for the Northern Spotted Owl have been observed in Panther Gap. Activity centers are historic nesting sites that have been observed by qualified professional and entered in the CNDDDB database. Two activity centers have been mapped near the parcel, one to the North and one to the South. The distance from the center of the parcel to the edge of the activity centers were measured using the embedded Measure Tool within the BIOS Viewer.

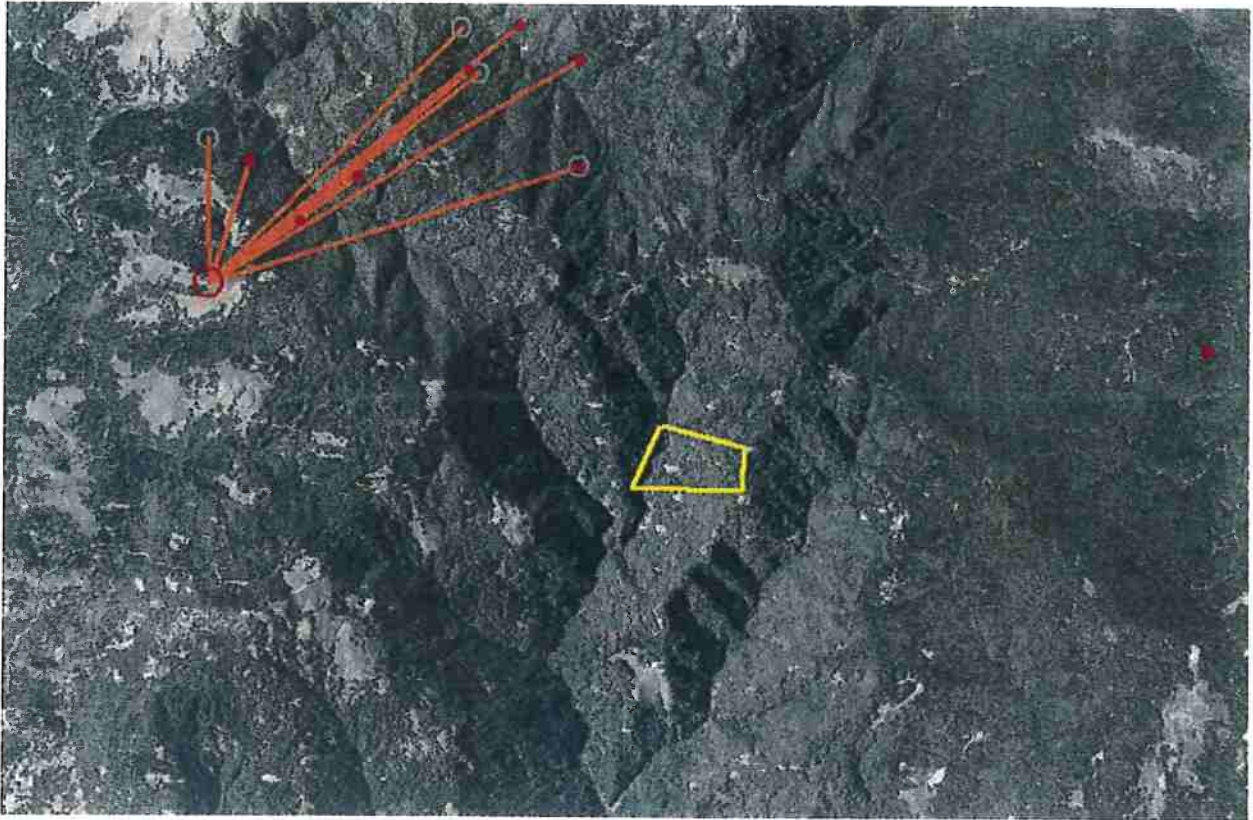


Figure 8: The Northern Spotted Owl activity center to the Northwest of the property is located approximately 2.18 miles away from the property of interest.

The Northern Spotted Owl activity center is more than the required minimum .7 miles from the site, and does not require any qualified biological assessment for the specific noise attenuation section of the cannabis ordinance.

Conclusion:

An initial sound study was conducted during a no-cultivation period on APN 107-300-008. During this study, the site was free of cultivation related activities, free of noise pollution, and produced no noise from any generators or fans. Only ambient noise from county roads and wildlife could be heard during this initial study. Data from this first study will be compared to a second sound study. The second study will take place once a cultivation permit has been issued by Humboldt County and cultivation begins in order to determine changes in ambient noise levels caused by cannabis cultivation activities. The Pre-cultivation and active cultivation studies will be compared for each Data Logger point (North, East, South, West) to assess if there is an average increase of 3 decibels or more from any pre-cultivation data logger average. If an increase of 3 decibels or more is observed after the second study, changes will be made to attenuate sound production at the site. See Appendix A for mitigation methods.

Three of the five sound data loggers recognized extremely low noise levels from 12AM to 10AM. This is likely due to a wind storm subsiding in the night. During this sound study, Panther Gap experienced gusts of up to 29 mph, which likely caused the higher ambient noise levels prior to 12 am and after 10 am. These gusts caused spikes in the data, but averages show relatively normal ambient noise levels. The North, East, South, and West Data Logger point measured average levels of 32.45 dBA, 40.73 dBA, 32.17 dBA, and 32.29 dBA, respectively. These measurements will serve as a baseline for ambient noise levels at the site. We would hope to find sound levels not exceeding 44 decibels in the following study due to the 3-decibel increase cap set forth by Humboldt County Ordinance 2.0 Performance Standards for Noise at Cultivation Sites.

The parcel is located 2.18 miles from a mapped Northern Spotted Owl activity center to the No activity centers are located inside of the 0.7-mile buffer set by California Department of Fish and Wildlife. Therefore, it is unlikely noise caused by cultivation operations on this parcel will negatively impact Northern Spotted Owl activity. A Biological Assessment Report prepared for this site by Trans Terra consulting will confirm the potential for impact on spotted owl or other protected species.

References:

Humboldt County Ordinance No. 2599.

"Noise." Def.1. OxfordDictionaries.com. Oxford Dictionaries, 2018. Web. 5/31/18.

Berg, R. 2018. "Sound", Encyclopaedia Britannica, Inc., Encyclopaedia Britannica. 6/1/2018

"Noise Basics". West Los Angeles College Noise Monitoring Program. ND. 6/26/2018

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Public Works Land Use Division			
Division of Environmental Health	✓	Conditional Approval	On file with Planning
California Department of Fish & Wildlife		No Response- See Staff email request	Staff email attached
CAL FIRE	✓	No comment	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent discovery protocol	On file with Planning
CA State Parks		No comments	
Intertribal Sinkyone Wilderness Council		No Response	
Humboldt County Agricultural Commissioner		No Response	
State Water Resources Control Board- Department of Water Resources		No Response	
Honeydew Volunteer Fire Department		No Response	
Mattole Union Unified School District		No Response	
District Attorney		No Response	
Humboldt County Sheriff	✓	No Criminal Record	On file with Planning

From: [Luther, Stephen](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Johnson, Cliff](#)
Subject: RE: PLN-2019-16092 Humboldt Gardens APN 107-300-008 ZA 8/6
Date: Wednesday, July 22, 2020 4:57:00 PM
Attachments: [image001.png](#)

Good afternoon Scott,

The above-referenced application was referred on July 7, 2020. The project is scheduled for the August 6, 2020 ZA hearing. Please let me know if CDFW has any additional comments.

Thank you,



Stephen Luther
Planner, Cannabis Division
[Planning and Building Department](#)
707.268.3737

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: