



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 Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Indra Valley Strategic Marketing Group, LLC, Conditional Use Permit**
Application Number 11122
Record Number CUP16-154
Assessor's Parcel Number (APN) 314-201-001, 314-153-005, 314-143-006
Mountain View Road, Kneeland area

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Please contact Misael Ramos, Planner, at 707-445-7541 or by email at mramos1@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 6, 2020	Conditional Use Permit	Misael Ramos C.

Project Description: A Conditional Use Permit for an existing 21,500 square foot (SF) mixed-light and an existing 11,000 SF of outdoor medical cannabis cultivation operation. Processing occurs in the 2,400 SF on-site commercial processing building which will be retrofitted to meet ADA standards. Water for irrigation is sourced from an existing permitted groundwater well and a spring. Water storage consists of twelve hard-sided water storage tanks totaling 30,300 gallons for cannabis cultivation. Additionally two 20,000 gallon bladders are to be removed. The Applicant estimates approximately 375,000 gallons of water is required for the annual operations (11.5 gallons per square foot). The power source comes from a noise-attenuated generator.

Project Location: The project is located in the Kneeland area, on the north side of Mountain View Road, approximately 2.6 miles due east from the intersection of Kneeland Road and Mountain View Road, on the property known to be in the north half of the northwest quarter of Section 19, Township 04 North, Range 03 East.

Present Plan Land Use Designations: Timberland (T), Density: 40-160 acres per dwelling unit: High Instability (3).

Present Zoning: Timber Production Zone (TPZ).

Application Number: 11122

Case Number: CUP16-154 and PLN-11122-CUP

Assessor Parcel Numbers: 314-201-001, 314-153-005, 314-143-006

Applicant

Indra Valley Strategic
Marketing Group, LLC
920 Samoa Blvd. Suite 219
Arcata, CA 95521

Owner

Stoic Estates, LLC
920 Samoa Blvd. Suite 219
Arcata, CA 95521

Agent

Mother Earth Engineering
Kendra Miers
425 I St.
Arcata, CA 95521

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

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

Major Issues: None.

INDRA VALLEY STRATEGIC MARKETING GROUP, LLC
Case Numbers: CUP16-154 and PLN-11122-CUP
Assessor's Parcel Number: 314-201-001, 314-153-005, 314-143-006

Recommended Commission 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 Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CMLLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use based on evidence in the staff report and adopt the Resolution approving the Hwy 36 Farms, LLC, Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: The Indra Valley Strategic Marketing Group, LLC seeks approval of two Conditional Use Permits (CUP) for an existing outdoor and mixed-light medical cannabis cultivation operation located on one legal parcel comprised of Assessor's Parcel Numbers (APNs) 314-201-001, 314-153-005 and 314-143-006 which are approximately 64 acres, 40 acres and 40 acres in size, respectively.

The projects consists of an existing 11,000 SF of outdoor on APN 314-153-005 and 21,500 SF of mixed-light medical cannabis cultivation on APN 314-201-001. The outdoor cultivation is carried out within a 6,000 SF full sun area and in two 2,500 SF hoop houses. The mixed-light cultivation takes place in 10 hoop houses in one graded area between 1,100 SF and 2,600 SF in size. As a Condition of Approval, the applicant will submit a remediation and monitoring plan prepared by a qualified professional.

The project includes other ancillary structures and uses including two storage containers, a chemical storage building, a 2,400 SF processing shop and restroom facilities.

Irrigation water is currently sourced from an existing permitted groundwater well (Humboldt County Division of Environmental Health Permit # 17/18-0523). Water is pumped from the well to the existing hard storage tanks or gravity fed from the spring in the eastern property area to the tanks at lower elevation. Water storage currently consists of nine 2,500-gallon tanks, three 2,600-gallon tank, and two 20,000-gallon bladders which are to be removed totaling 70,300 gallons. The Applicant estimates approximately 375,000 gallons of water is required for the annual operations. Cultivation areas will be watered at an agronomic rate and both by hand and using a drip system on timers to decrease runoff.

Cultivation activities will consist of one cycle for the outdoor cultivation area and up to four cycles for the mixed-light cultivation. Once harvested, plants will be dried on-site and in the proposed 2,400 SF ancillary processing building. Plants are inspected and then processed in the existing permitted 540 SF on-site processing building. Cut flowers will be de-leafed and be prepared for drying. Once the proper moisture is achieved flowers will be bucked and placed into bins then placed in the curing room. Cured flowers will be bagged until being hand trimmed and finishing. Finished product is packaged and sealed to await transport. Trimmed waste material will be recycled for secondary markets.

The Applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID 1-12CC402607). A Water Resource Protection Plan (WRPP) was prepared by Mother Earth Engineering (MEE).

No timber conversion has occurred after the adoption of the Commercial Medical Marijuana Land Use Ordinance and associated Mitigated Negative Declaration. However, a previous potentially illegal timber conversion may have occurred without the review and approval of the CALFIRE. A less-than-3 acre Conversion Exemption was issued on October 14, 2011 by CALFIRE. Based on a review of aerial photographs, standing timber was lost or removed between 2010 and 2012. A total of .98 acres appears

to have been harvested at two locations. The harvest did not exceed the three-acre exemption maximum and the conversion activities conducted on the property comply with the California Forest Practices Act and the California Forest Practices Rule. Subsequent timber removal has involved removal of individual trees to promote defensible space and to remove dead trees and hazardous branches. No additional recommendations were made.

The Applicant will comply with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1. Lighting used for mixed-light cultivation and nursery activities will be shielded and lights used will comply with CCMLUO requirements. Power to the site is provided by no generators are used that would cause excessive noise.

All garbage and cannabis related waste is stored in two secure 10'x20 cannabis waste storage containers. The Applicant will self-haul waste bi-weekly to a fully permitted and manned waste transfer facility (Recology Eel River). As part of the soil management plan, the Applicant will compost plant related waste to use as soil amendments in secure bins to prevent nutrient transport. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff.

Employees will travel to the site daily as no on-site housing is proposed. Access to the site is via Mountain View Road which is paved and striped and meets Category 4 standards. The interior of the site is accessed via private road approximately 1.75 miles in length. Adequate parking for up to fifteen employees is provided on site near the lower cultivation site and at the end of the private road. There are locked gates on the private access road. All interior structures have lockable doors and windows and all finished cannabis is stored in locked shipping containers. The main entrance, as well as along the property lines, are posted with "No Trespassing" signs.

Four known activity center for Northern Spotted Owl (NSO) is located 0.7 miles south of the project site. The project includes generators, and construction activities could disturb NSO should they be on the project site. The applicant will assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature.

Per the applicant and based on the Site Plan, all cultivation areas are setback at least 30-feet or more from property lines. No portions of any cultivation related appurtenant structures are located within the setback. All structures are one story or less. The only other permanent structures are the 2,400 SF processing facility and three 200 SF fertilizer, chemical and secure cannabis storage containers. The structures conform to firesafe setback regulations required under Section 3115-2. All proposed structures will be built in conformance with the regulations.

There are no schools, school bus stops, churches, public parks, public lands, or known tribal cultural resources within 600-feet of the nearest cultivation area.

The Humboldt Bay Municipal Water District submitted comments on this project stating that the project is prohibited in TPZ zoning, that it may impact the Sustainable Groundwater Management Act, and that the project is subject to CEQA review. The project is for existing cultivation, which is allowed in TPZ under the CCMLUO and a CEQA addendum has been prepared for the project. Additionally, it is unclear how the proposed use of 375,000 gallons of groundwater annually would jeopardize the California Sustainable Groundwater Management Act. There is no Sustainable Groundwater Management Agency and the project does not conflict with any adopted Sustainable Groundwater Management Plan in existence for the Mad River Valley Groundwater Basin. This amount of water equates to slightly more than 1-acre foot per year, which is approximately .00009% of the total average runoff of the Mad River watershed.

Environmental review for the proposed project as proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. 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 MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included as Attachment 3.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the Applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Case Numbers: CUP16-154, PLN-11122-CUP
Assessor Parcel Number: 314-201-001, 314-153-005, 314-143-006**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Indra Valley Strategic Marketing Group, LLC Conditional Use Permit request.

WHEREAS,

Indra Valley Strategic Marketing Group, LLC submitted an application and evidence in support of approving one Conditional Use Permit for the existing 21,500 square foot (SF) mixed-light and existing 11,000 SF of outdoor medical cannabis cultivation. The project includes ancillary processing in an existing 2,400 SF facility which is to be retrofitted to commercial and ADA standards.

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit; and

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

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Case Numbers CUP16-154 and PLN-11122-CUP, based on the submitted substantial evidence; and
3. Conditional Use Permit CUP16-154 and PLN-11122-CUP is approved as recommended and conditioned in Attachment 1.

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

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

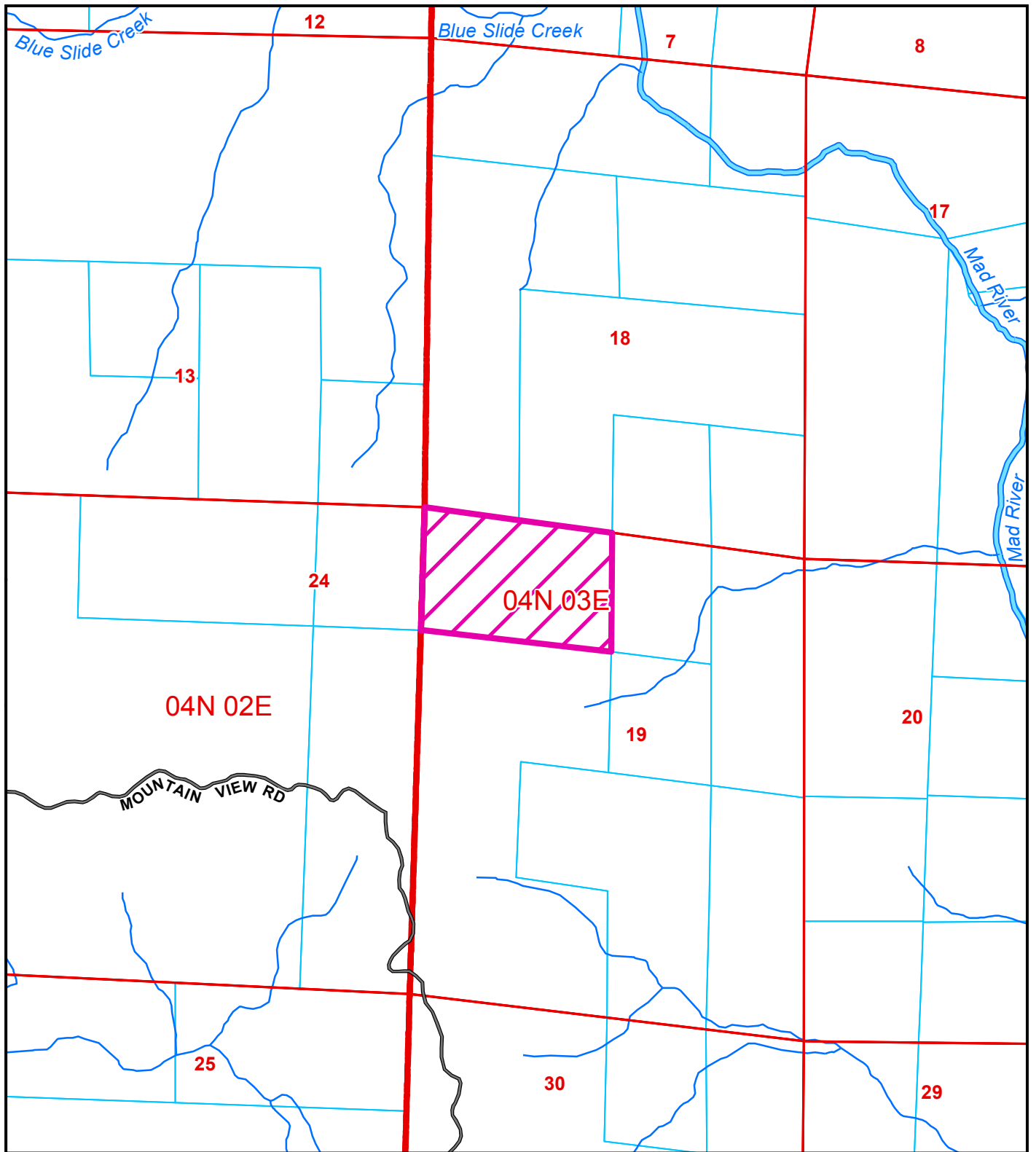
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



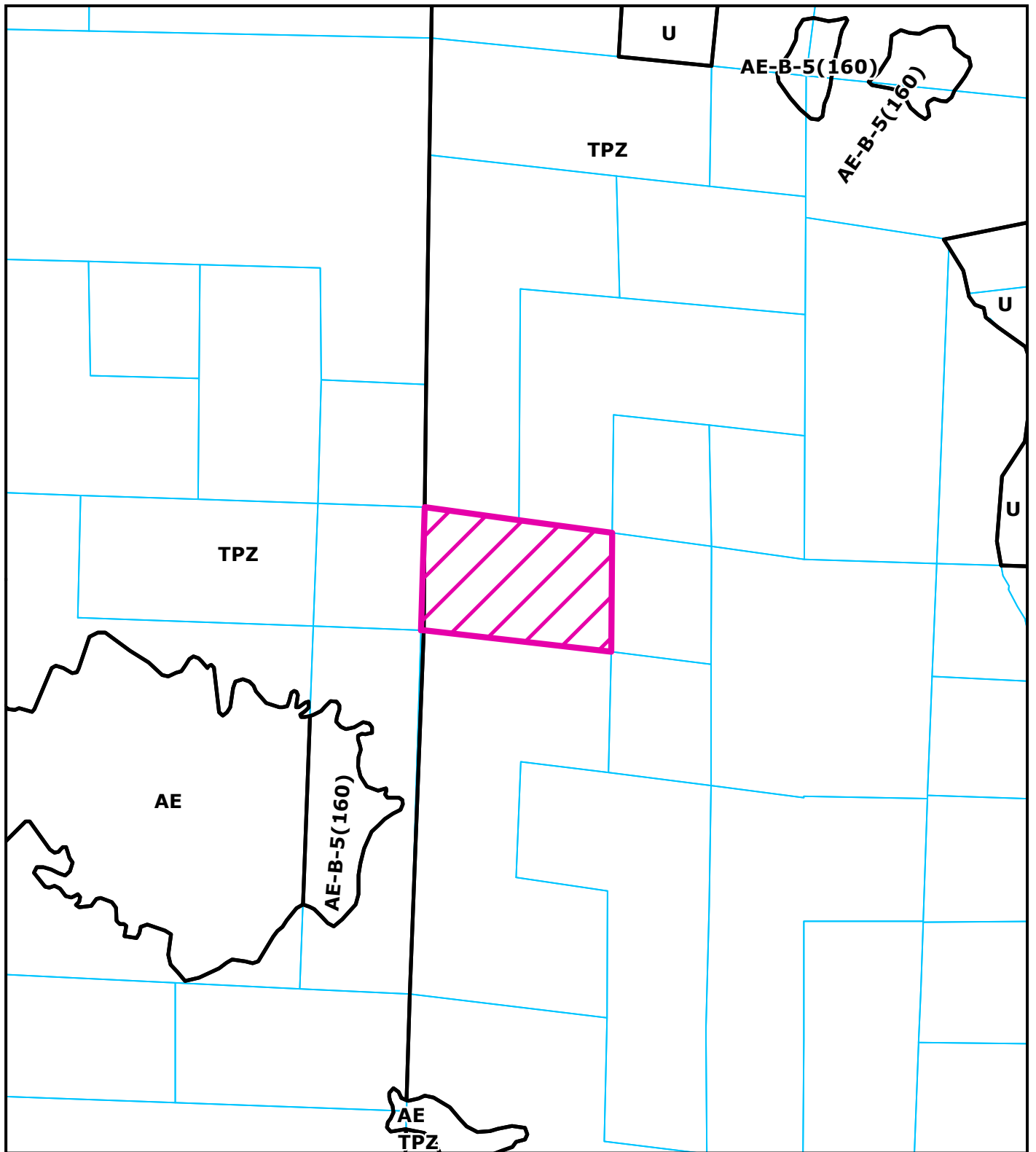
TOPO MAP
PROPOSED INDRA VALLEY STRATEGIC MARKETING GROUP LLC
KNEELAND AREA
CUP-16-154
APN: 314-201-001
T04N R03E S19 HB&M (IAQUA BUTTES)



Project Area = 

0 1,000 2,000
 Feet

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.



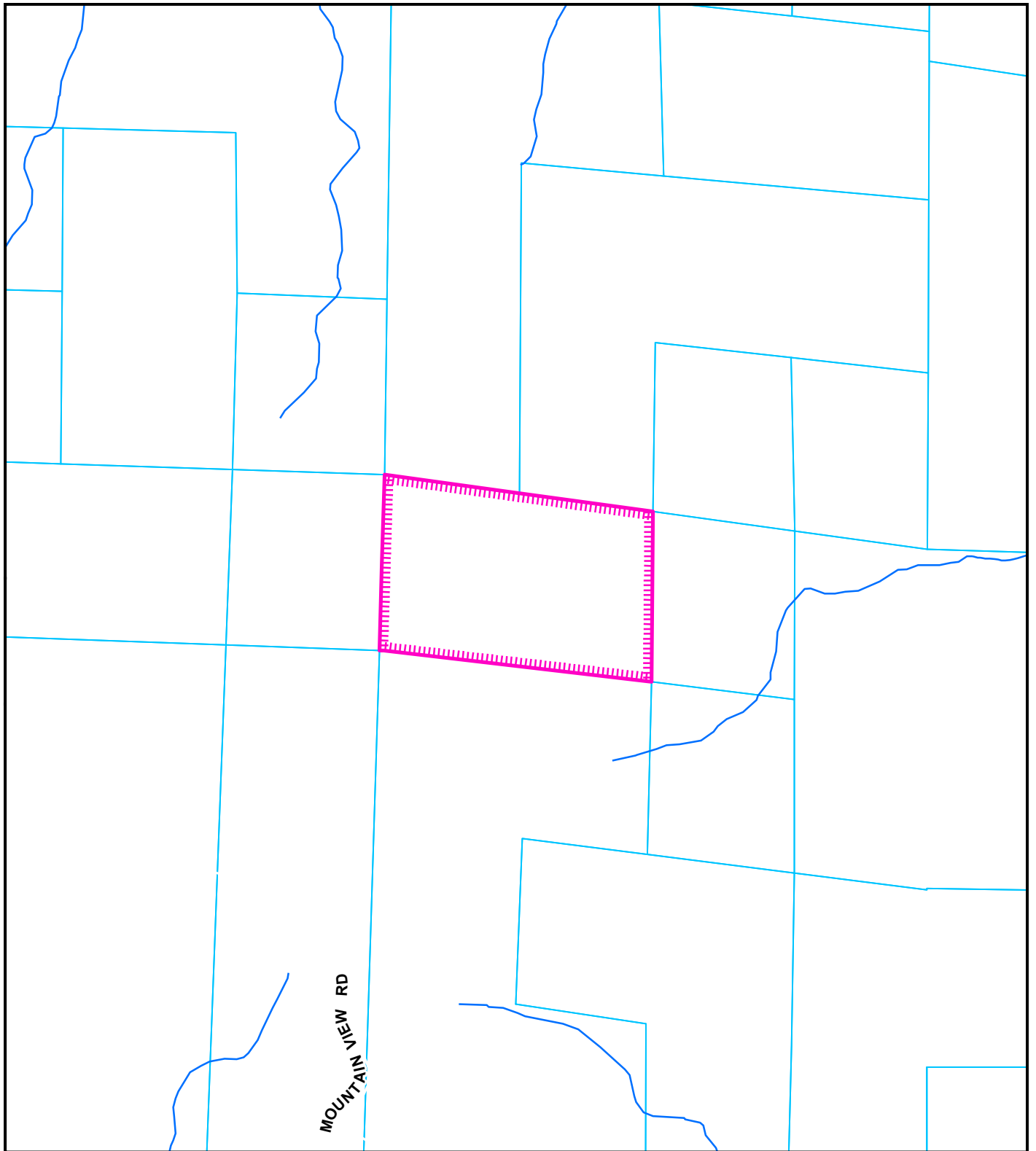
Project Area =

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 INDRA VALLEY STRATEGIC MARKETING GROUP LLC
KNEELAND AREA
CUP-16-154
APN: 314-201-001
T04N R03E S19 HB&M (IAQUA BUTTES)

0 1,000 2,000

Feet



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.

AERIAL MAP
PROPOSED INDRA VALLEY STRATEGIC MARKETING GROUP LLC
KNEELAND AREA
CUP-16-154
APN: 314-201-001
T04N R03E S19 HB&M (IAQUA BUTTES)

0

1,000

2,000

Feet

PARCEL INFORMATION
APN: 314-153-005
ZONING: TPZ
LOT SIZE: 40 ACRES (ASSESSED)

DIRECTIONS:
FROM EUREKA, CA
- Follow Myrtle Avenue, Freshwater Rd and Kneeland Rd to Mountain View Rd
36 min (17.4 mi)
- Continue on Mountain View Rd to private access road
14 min (4.2 mi)
- Turn left onto private access road, continue to your destination
5 min (2.45 mi)

LEGEND

PROPERTY LINE

30 FT SETBACK FROM PROPERTY LINE

300 FT SETBACK FROM CULTIVATION AREAS

600 FT SETBACK FROM CULTIVATION AREAS

EXISTING GRADED AREA (< 5% AVERAGE SLOPE)

PROPOSED GRADED AREA (< 5% AVERAGE SLOPE)

EXISTING CULTIVATION AREA

GREENHOUSE

PRIVATE ACCESS ROAD (12' WIDTH, UNPAVED)

ACCESS PATH

CLASS II WATERCOURSE

STREAMSIDE MANAGEMENT AREA BOUNDARY

SPRING

WELL

CULVERT

WATER TANK

SETBACK DIMENSION TO PROPERTY LINE

U/C

USED FOR CULTIVATION ACTIVITIES

N/U

NOT USED FOR CULTIVATION ACTIVITIES

(E)

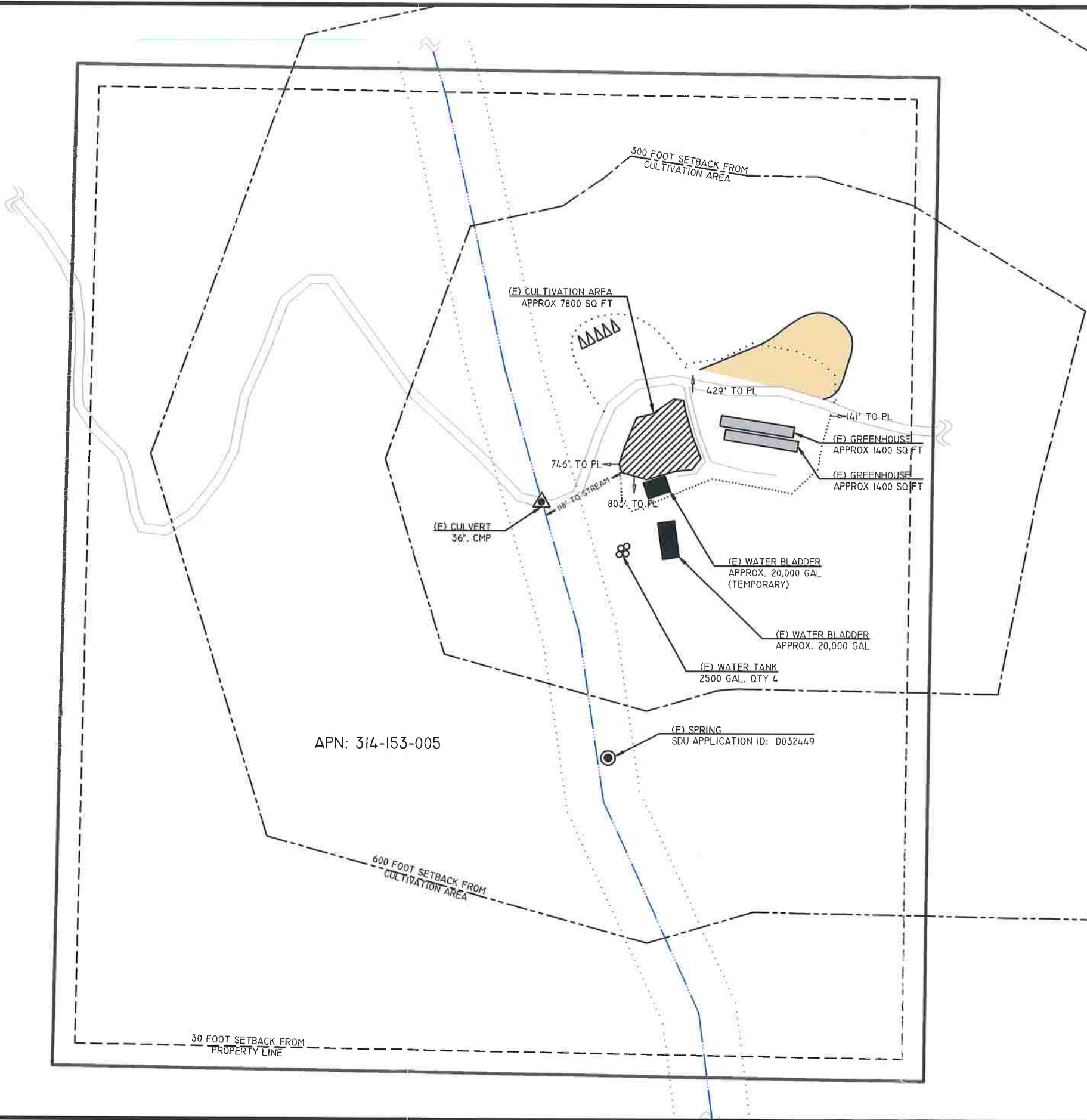
EXISTING

- GENERAL NOTES:
1. NO KNOWN EASEMENTS EXIST ON SUBJECT PARCEL.
 2. PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
 3. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
 4. NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
 5. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
 6. PARCEL IS SERVICED BY WATER ORIGINATED ON PARCEL (APN:

N

PLOT PLAN

SCALE: 1" = 150'



MOTHER EARTH

ENGINEERING

920 SAMOA BLVD, SUITE 210
ARCATA, CA 95521, 707-633-8321

APN: 314-153-005
ADDRESS: N/A

APPLICANT: INDRA VALLEY STRATEGIC MARKETING GROUP LLC
ADDRESS: 920 SAMOA BLVD SUITE 219, ARCATA, CA 95521

PLOT PLAN

CULTIVATION PERMIT

JOB NO: 016010
DATE: 05-15-2018
PAPER SIZE: 11" X 17"
DRAWN: CO/COO
CHECKED: PL
SHEET NO:

1

OF 1

PARCEL INFORMATION
APN: 314-201-001
ZONING: TPZ
LOT SIZE: 64.4 ACRES (ASSESSED)

APN: 314-193-008

APN: 314-193-009

CULTIVATION AREA

CULTIVATION AREA DESIGNATION	AREA (SQ FT)
A	2480
B	2600
C	2550
D	2500
E	1100
F	2200
G	1870
H	2200
I	2200
Z	1800

APN: 314-201-001

600 FOOT SETBACK FROM
CULTIVATION AREA

300 FOOT SETBACK FROM
CULTIVATION AREA

(E) FIRE WATER TANK
2,600 GAL
(E) METAL BUILDING
PROCESSING, DRYING, ADA RESTROOM
2,400± SQ FT

(E) GENERATOR SHED
SECONDARY CONTAINMENT

(E) (2) PROPANE TANKS
1,000 GAL EA

(E) WATER TANKS, QTY 5
2,500 GAL EA

(E) WELL, HUMCO PERMIT NO.
XXXXXXX

(E) WATER TANKS, QTY 3
2,600 GAL EA

(E) SHED, 100± SQ FT

(E) STORAGE CONTAINERS, QTY 2
200± SQ FT EA

991' ± TO PL

(E) NURSERY
2,100± SQ FT

(E) SOIL
CONTAINMENT
AREA

794' ± TO PL

(E) COMPOST
AREA

(E) STORAGE SHED
200± SQ FT

169' ± TO PL

DIRECTIONS:
FROM EUREKA, CA

- Follow Myrtle Avenue, Freshwater Rd
and Kneeland Rd to Mountain View Rd
36 min (17.4 mi)

- Continue on Mountain View Rd to your
destination
14 min (4.2 mi)

Mountain View Rd
Kneeland, CA 95549

LEGEND

- PROPERTY LINE
- 30 FT SETBACK FROM PROPERTY LINE
- 300 FT SETBACK FROM CULTIVATION AREAS
- 600 FT SETBACK FROM CULTIVATION AREAS
- GRADED AREA
- EXISTING CULTIVATION AREA (19,800 SQ FT TOTAL)
- PRIVATE ACCESS ROAD
- WATER TANK
- WELL
- PARKING SPACE
- SETBACK DIMENSION TO PROPERTY LINE
- USED FOR CULTIVATION ACTIVITIES
- NOT USED FOR CULTIVATION ACTIVITIES
- EXISTING
- PROPOSED

PLOT PLAN
SCALE: 1" = 200'

GENERAL NOTES:

- PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
- ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
- NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
- NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
- NON EXCLUSIVE EASEMENT FOR INGRESS/EGRESS AND UTILITIES
- DEEDED ACCESS TO SPRING ON APN: 314-153-005 (SDU# DO32449)
- IRRIGATION WATER SOURCE: PERMITTED WELL ON APN: 314-153-005 TO E DRILLED SUMMER 2017

APN: 314-201-009

APN: 314-201-011

APN: 314-201-012



APN: 314-201-001
ADDRESS: N/A

APPLICANT: INDRA VALLEY STRATEGIC MARKETING GROUP LLC
ADDRESS: 920 SAMOA BLVD, SUITE 219, ARCATA, CA 95521

PLOT PLAN

CULTIVATION PERMIT

JOB NO: 016010

DATE: 03-29-2018

PAPER SIZE: 11" X 17"

DRAWN: CO CHECKED: PL

SHEET NO:

1

OF 1

PARCEL INFORMATION
APN: 314-201-001 ; 315-153-005
ZONING: TPZ
LOT SIZE: 64 ACRES ; 40 ACRES (ASSESSED)

APN: 314-193-008

DIRECTIONS:

FROM EUREKA, CA
- Follow Myrtle Avenue, Freshwater Rd and Kneeland Rd to Mountain View Rd
36 min (17.4 mi)
- Continue on Mountain View Rd to private access road
14 min (4.2 mi)
- Turn left onto private access road, continue to your destination
5 min (0.45 mi)



APN: 314-201-001 ; 314-153-005
ADDRESS: N/A

PLOT PLAN

APPLICANT: INDRA VALLEY STRATEGIC MARKETING GROUP LLC
ADDRESS: 920 SAMOA BLVD SUITE 219, ARCATA, CA 95521

CULTIVATION PERMIT

JOB NO. 016010

DATE: 05-15-2018

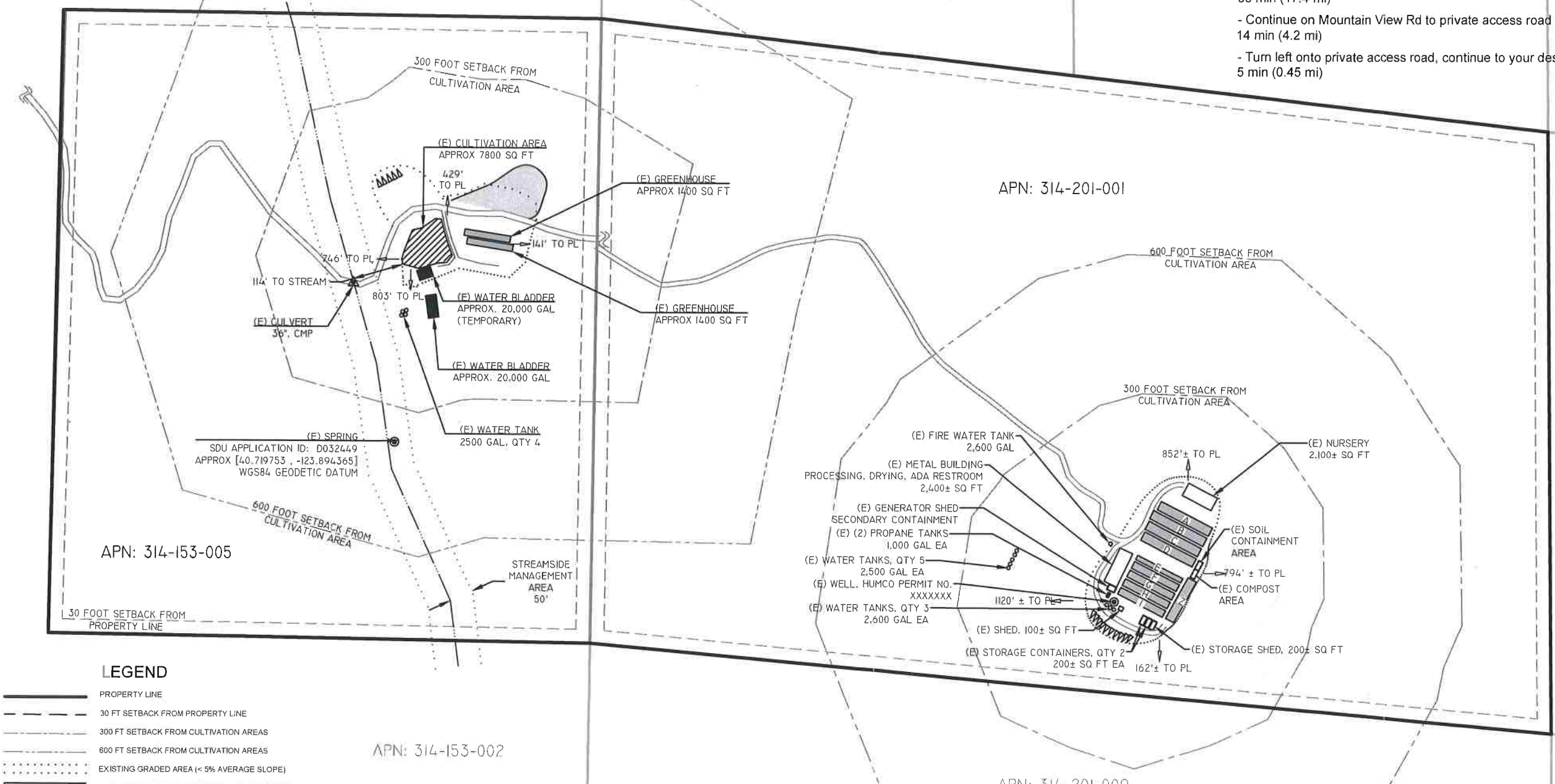
PAPER SIZE: 11" X 17"

DRAWN: CO/OO CHECKED: PL

SHEET NO.

1

OF 1



LEGEND

- PROPERTY LINE
- 30 FT SETBACK FROM PROPERTY LINE
- 300 FT SETBACK FROM CULTIVATION AREAS
- 600 FT SETBACK FROM CULTIVATION AREAS
- EXISTING GRADED AREA (< 5% AVERAGE SLOPE)
- PROPOSED GRADED AREA (< 5% AVERAGE SLOPE)
- EXISTING CULTIVATION AREA
- GREENHOUSE
- PRIVATE ACCESS ROAD (12' WIDTH, UNPAVED)
- ACCESS PATH
- CLASS II WATERCOURSE
- STREAMSIDE MANAGEMENT AREA BOUNDARY
- SPRING
- CULVERT
- WATER TANK
- SETBACK DIMENSION TO PROPERTY LINE
- U/C USED FOR CULTIVATION ACTIVITIES
- N/U NOT USED FOR CULTIVATION ACTIVITIES
- (E) EXISTING

GENERAL NOTES:

- PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
- ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
- NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
- NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
- NON EXCLUSIVE EASEMENT FOR INGRESS/EGRESS AND UTILITIES
- DEEDED ACCESS TO SPRING ON APN: 314-153-005 (SDU# D032449)
- IRRIGATION WATER SOURCE: PERMITTED WELL ON APN: 314-153-005
- APN: 314-153-005 SERVED BY WATER SOURCE ON APN: 314-201-001.

CULTIVATION AREA , APN :314-201-001

CULTIVATION AREA DESIGNATION	AREA (SQ FT)
A	2480
B	2600
C	2550
D	2500
E	1100
F	2200
G	1870
H	2200
I	2200
Z	1800

DIRECTIONS TO PROJECT SITE



INDRA VALLEY
APPS # 11122 + 11123

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the Applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3-16. 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. Photo documentation shall be provided, indicating that proper containment of all hazardous chemicals/materials within thirty-days, following execution of the final Project permit.
3. Processing on-site must be supported by a permitted onsite wastewater treatment system. A system must be installed with DEH approval within the 2-year compliance period. Portable toilets shall be provided to cultivation staff and provide a copy of the receipt to the Planning Department.
4. The groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise and submitted to the Planning Department for review. The Planning Department reserves the right to require additional water storage if necessary.
5. The Applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off of the Occupancy Permit by the Building Division shall satisfy this requirement.
7. Applicant must obtain an encroachment permit from the Public Works Department prior to paving the intersection of the private access road for 20 feet by 50 feet in the same manner as Mountain View Road as recommended by the Public Works Department.
8. 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.
9. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report 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 NCRWQCB. A letter or similar communication from

the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]

10. The Applicant shall secure a final Lake and Streambed Alteration Agreement for the point of diversion as required by the California Department of Fish and Wildlife and comply with all applicable terms.
11. The applicant shall submit a final site plan updated to include existing emergency drying hoop and final orientation of proposed hard sided storage tanks.
12. The Applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to the planned 5,000-gallon tank for emergency water, and fuel modification standards conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The Applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
13. 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.
14. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. The applicant shall remove all cultivation related wastes, debris materials and other debris including defunct structures and automobiles on the project site.
16. The Applicant shall assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
17. All on-site lighting used in mixed-light greenhouses and nursery propagation facilities that is existing or installed in the future shall be fully shielded and designed and installed to eliminate light leakage that could lead be visible from all property boundaries between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
18. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual

review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

19. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
20. 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.
21. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at

least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

9. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
11. 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).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
14. If any wildlife is encountered during the authorized activity, the Applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
15. Pay all applicable application and annual inspection fees.
16. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer
17. 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.
18. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an Applicant seeking a cultivation license shall "provide a statement declaring the Applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

22. 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).
23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
25. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the 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.
26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #18 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

27. 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.
28. Permittee further acknowledges and declares that:
- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
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 CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical 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. 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 #19 of the On-Going Requirements /Development Restrictions, above.
2. 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.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

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

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.

1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program. The following table documents 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.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T):</p> <p>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.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 11,000 SF of existing outdoor and 21,500 SF of existing mixed-light cultivation on lands designated as Timberland. General is an allowable use type for this designation.</p> <p>The MAUCRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is off Mountain View Road which is a paved and striped road maintained the County. The interior of the site is accessed via an approximate 1.52-mile private driveway. A Road Evaluation Report was prepared by the Applicant and a Functional Capacity study and a Road Evaluation and Hydrologic Assessment were carried out by Mother Earth Engineering and was submitted to the County on January 28, 2019. The Road Evaluation Report states that the road segment of Mountain View Road from Kneeland Road to the intersection with the private drive is developed to a Category 4 standard and is adequate to accommodate the proposed use. The Functional Capacity Study measured traffic on the private driveway for two consecutive 24 hour periods on October 31, 2018 and November 1, 2018. An Average Daily Traffic of 32 trips per day. This qualifies the road as a very low volume road. The report includes recommendations for mitigating the dead-end road conditions including widening, turnouts, and secondary access routes.</p> <p>The Road Evaluation and Hydrologic Assessment provides an inventory of points along the private access road where remedial action is necessary to mitigate erosion of and runoff from the road surface. These actions include repair and replacement of culverts, adding and fortifying riprap, and re-contouring the road surface with rolling dips with armored outflows and water bars and installing drainage at intersections with energy dissipations and sediment capture.</p> <p>Per comment by Humboldt County Department of Public Works on March 27, 2020, the applicant must pave the intersection of the private and County roads in the same manner as the County road is paved. As Condition of approval, the applicant must obtain an encroachment permit from the Department of Public Works.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 project is located within an Open Space Action Program because the project site is planned Timberland (T) and zoned Timber Production Zone (TPZ). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Timberland land use designation. General agriculture is also a principal permitted use in the TPZ zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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>A query of the California Natural Diversity Database (CNDDB) as observable on Humboldt County WebGIS shows there are observations of a sensitive, rare, threatened or endangered species of special concern in the project vicinity. This species, the (summer-run steelhead trout) is located approximately 5,000 feet outside the project boundaries on the in the Mad River. The project site contains a Class II watercourse but it does not support habitat for this species. The CNDDB also shows five (5) known Northern Spotted Owl (NSO) activity center within 1.25 miles (6,600 feet) of the project site.</p> <p>The applicant shall assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. construction.</p> <p>An unmapped Class II watercourse traverse the eastern portion of the project site and flow to a blue line stream approximately 1,000 feet north of the nearest cultivation area. The Class II watercourse is not shown as Streamside Management Area (SMAs) in the County WebGIS. The site plan prepared by Mother Earth Engineering shows the watercourse and it's 50' buffers with all project aspects falling outside of the buffers.</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>No known significant archaeological or historic period cultural resource are located in the project area. The project was referred to the Bear River of Rohnerville Rancheria who responded on November 13, 2017 and recommended inadvertent discovery protocols as a condition of approval. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The proposed project includes the continued use of outdoor and mixed-light cannabis cultivation in greenhouses and full-sun outdoor cultivation. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The proposed project is not located in proximity to any scenic highway or roadway.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant has submitted a WRPP prepared by Mother Earth Engineering. The as a condition of approval, the applicant will follow all recommendations laid out in the WRPP.</p> <p>The Applicant will file an LSAA with CDFW. Once the final LSAA is received, the Applicant will implement all requirements specified by CDFW to protect adjacent biological resources, and water quality for the site and downstream areas. Conditions of approval related to preparation of these documents and conformance to permit requirements have been added to the project making the project consistent with this policy.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The processing building will be retrofitted to include one ADA compliant restroom. A septic tank destruction permit will be required for removal of the existing cabin. Processing on-site must be supported by a permitted onsite wastewater treatment system. A system must be installed with DEH approval within the 2-year compliance period. These requirements have been incorporated as conditions of approval.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures. The existing cultivation areas are mixed-light and outdoor, and do use generators, but there will be minimal noise generated by the project. A Noise Source Analysis was prepared by Mother Earth Engineering in November 2018. Using a Tacklife MLM02 Digital Sound Level Meter at three different observation points, the report concludes that the on-site generator will produce less than 50dBA at 43' or further from the running generator given sound attenuation measures currently in place.</p> <p>Noise generated from any future generator use shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which limits the combined decibel level for all noise sources to 60 decibels at the property line.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The site is seismically classified as high instability. The existing cultivation uses in the southern and eastern portions of the project site, which are proposed to continue, are not expected to be affected by geologic instability nor will the uses create or exacerbate any existing geologic condition. The project does not pose a threat to public safety related from exposure to natural or manmade hazards. The project is not located in an airport regulation area or military training route.</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-PX3, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 20 miles distance from the coast and elevation ranges from approximately 1,640 to 2,640 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a very high fire severity rating. The subject property is located within the Kneeland Fire Response Area and in an SRA where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended turnarounds for emergency access, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The Applicant will install a 2,600 gallon water tank dedicated to fire suppression. This, as well as continued conformance to all other fire safe requirements are added as conditions of approval to the project.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	The project is located in the Kneeland Fire Response Area jurisdiction.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
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§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 parcels known as APN's 314-143-006, 314-153-005 and 314-201-001 is comprised of one legal parcel being that land patent issued under Certificate No. 4745 to William Singer for 161 acres on January 20, 1883.
§314-8.1 Timber Production Zone (TPZ)	<u>Timber Production Zone (TPZ):</u> The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The project consists of an existing 11,000 SF outdoor and 21,500 SF of mixed-light medical cannabis cultivation operation on Assessor's Parcel Number (APN) 314-201-001, and 314-153-005 a property zoned (TPZ). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	40 acres	144 acres
Maximum Ground Coverage:	None specified	Below 10%
Minimum Lot Width:	As determined during subdivision review and approval	3,340 feet
Maximum Lot Depth:	None specified	2,740 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 30 feet Side: 30 feet SRA setback from all property lines: 30 feet	Front: 100 feet Rear: 1,795 feet Side: 830 feet
Max. Building Height:	35 feet	Single story
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *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.	The cultivation is operated by up to 15 seasonal staff, who drive to the site daily. The site plan does indicate fifteen (15) designated parking areas, sufficient space is available for fifteen vehicles.

§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	A Special Permit for working and remediating within the SMA. All cultivation activities that are located within a SMA. As a Condition of Approval, the applicant will submit a remediation and monitoring plan. Irrigation water is come from a permitted groundwater well.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2	In zoning district TPZ, existing outdoor cultivation may be permitted with a Conditional Use Permit.	The project site is a forested site zoned TPZ. The Applicant has applied for the necessary CUP to bring the existing 11,000 square foot (SF) outdoor and 21,500 SF of mixed-light medical cannabis cultivation into compliance.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned FR.	The application is for an existing 11,000 SF outdoor and 21,500 SF of mixed-light medical cannabis cultivation on APN 314-201-001 and 314-153-005, which comprise a single 144 acre parcel zoned TPZ. Aerial imagery on Google Earth indicates that existing cultivation operations on the property began between 2010 and 2012. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The Applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Applicant, holds no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The Applicant proposes to process the cannabis at an on-site facility. Once harvested, cannabis plants will be inspected and then processed. All cannabis processing shall occur within the 2,400 SF processing building. Cut flowers will be de-leafed and prepared for drying. Once the proper moisture is achieved flowers will be bucked and placed into bins in the curing room. Once cured flowers will be bagged until they are hand trimmed and finishing. Finished product will then be packaged and sealed and await transport.

§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The Applicant submitted the required Commercial Cannabis Registration Form for the existing cultivation on APN 314-201-001, with the Planning Division on August 4, 2016, and within the specified window.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Irrigation water will be sourced from a groundwater permitted well. The well is permitted (Humboldt County Division of Environmental Health Permit # 17/18-0523). The well is to be the primary source of irrigation water. Based on the submitted evidence, the project complies with the referenced section and is not defined as a surface water diversion. The groundwater well is required to be inspected annually to evaluate drawdown and potential for the well to go dry. The conditions indicate that the Planning Department reserves the right to require additional water storage if necessary.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. The site plan shows the project complies with property line setback. Conditions of approval have been included related to inadvertent discovery protocol based on the recommendation of the Bear River Band of the Rohnerville Rancheria.

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>The site obtains electricity from generator and the applicant shall assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The Applicant filed the application on September 7, 2016.</p>

4. Public Health, Safety and Welfare: The following table identifies the evidence which documents the finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The property was not included in the 2019 Housing Inventory and is not in a Housing Opportunity Zone. The site does not have an existing residence but would not disallow future residential use. The project does not involve housing, but does not limit the ability of the parcel to be developed for residential uses if in conformance with the General Plan and Zoning designations. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following 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 Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

*APNs 314-201-001, 314-053-005 and 314-143-006, Mountain View Road, Kneeland area, County of
Humboldt*

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

August 2020

Background

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

The modified project involves a Conditional Use Permit for an existing 11,000 SF outdoor and 21,500 SF of mixed-light medical cannabis, and 2,100 square feet of propagation. All cannabis processing shall be conducted on-site in the existing 2,400 square processing building to be retrofitting to commercial and ADA standards.

Water for irrigation is sourced from a permitted groundwater well. The site contains a total of 30,300 gallons of hard tank storage. The applicant estimates, 375,000 gallons of water is required for the annual operations. Plants are harvested and dried on-site in a proposed 2,400 square-foot ancillary processing building. All processing and operations associated with cannabis for Indra Valley Strategic Marketing Group, LLC will be conducted by the owners of Indra Valley Strategic Marketing Group, LLC with the assistance of up to 15 planned employees.

Power to the site is provided by a noise attenuated generator. The modified project will also comply with provisions of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light through the requirement to develop a light and noise attenuation plan. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

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

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

substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal is to authorize an existing 11,000 SF outdoor and 21,500 SF of mixed-light medical cannabis cultivation commercial operation, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Road Evaluation Report dated December 20, 2017. (Attached)
- Functional Capacity Study and Road Evaluation dated January 28, 2019. (Attached)
- Road Evaluation and Hydrologic Assessment dated January 28, 2019. (Attached)
- DEH Worksheet (on file)
- Noise Analysis Technical Report prepared by Mother Earth Engineering dated November 2018. (Attached)
- Water Resources Protection Plan prepared by Mother Earth Engineering dated November 2019. (Attached)

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the Applicant. (Application form on file)
2. If the Applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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)
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. (Well Permit On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached within 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. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the 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. (Less than 3-ac Conversion Exemption dated October 2011 On file)

10. 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)
11. 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)
12. 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)
13. Road Evaluation Report dated December 20, 2017. (Attached)
14. Functional Capacity Study and Road Evaluation dated January 28, 2019. (Attached)
15. Road Evaluation and Hydrologic Assessment dated January 28, 2019. (Attached)
16. DEH Worksheet (on file)
17. Noise Analysis Technical Report prepared by Mother Earth Engineering dated November 2018. (Attached)
18. Water Resources Protection Plan prepared by Mother Earth Engineering dated November 2019. (Attached)



Cultivation and Operations Plan

1 WATER

Water source + Storage:

Spring on adjacent APN: 314-153-005 with deeded access is currently primary water source. Ground water well to be installed Summer 2017 on APN: 314-153-005 and will also be utilized on 314-201-001. Plan is to transition to ground water as exclusive source of irrigation.

Irrigation Plan:

Drip irrigation is utilized. Straw mulch used for water conservation. Water is applied at no more than agronomic rates.

Projected Water Usage:

Estimated 225,000 gallons for irrigation annually. Water usage is recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R-12015-0023.

2 SITE CHARACTERISTICS

Drainage:

At all times water is used appropriately and applied at no more than agronomic rates.

Site has well-draining soils and natural vegetation is maintained around all cultivation areas. Rock and riprap is installed on all drainage ditches rock to reduce flow velocity and minimize erosion.

Runoff and Erosion Control Measures:

Drip irrigation is utilized and the irrigation practices do not produce runoff.

Buffers of native vegetation are maintained around all cultivation areas. The majority of the parcel is covered by trees and perennial bushes and is conserved as wilderness.

All exposed areas of soil have been reseeded and mulched with straw and are monitored and maintained to promote revegetation. Erosion control measures (hay waddles, straw bales, etc.) are implemented prior to each rainy season to help minimize sediment discharge.

3 WATERSHED + HABITAT PROTECTION

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat are maintained around all areas of human activity. The majority of parcel is conserved in a wild state.

Cultivation areas are maintained to prevent nutrient and sediment transport at all times.

Applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program and is developing and implementing a Water Resources Protection Plan to ensure riparian watershed and habitat protection.

4 STORAGE + HAZARDOUS MATERIALS

The primary storage location of cultivation related items and fuels is in the metal outbuilding.

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater, and cannot enter the environment.

Amendments and Nutrients:

Amendments are brought to site and used immediately. No amendment storage onsite. Any leftovers are palletized, covered, and stored in metal outbuilding or in metal cargo containers.

All other fertilizers, nutrients, etc are stored in metal building or in metal cargo containers. Secondary containment is provided for all liquid products. All products are applied using package directions.

Pesticides and Herbicides:

Only OMRI listed products are utilized for pest and disease control. All products are stored in a shed. Secondary containment is provided for all liquid products. All products are applied using package directions.

Fuel:

One 500-gal metal fuel storage tank is located in a concrete enclosure with secondary containment. All fuels stored onsite are in compliance with Regional Water Board standard conditions.

5 SOLID WASTE/RECYCLING

Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in trash cans with lids in metal building.

Removal Frequency: Trash and recycling removed from site at least once weekly or more frequently.

Disposal Facility: McKinleyville or Eureka transfer station.

Waste Soil/ Growth Media: All soil is amended and reused.

6 DESCRIPTION OF CULTIVATION ACTIVITIES

Mixed light cultivation, approximately 4 harvests per year.

7 SCHEDULE OF ACTIVITIES

Generator use:

Generator electricity is utilized with a 125kW generator in containment enclosure with noise dampening. Generator noise is less than 60 decibels at property line.

Farm operates year round. Plant and harvest in 3 month intervals dependent upon climate and logistics.

Month	Activities
January	Farm operation and maintenance.
February	Farm operation and maintenance.
March	Farm operation and maintenance.
April	Farm operation and maintenance.
May	Farm operation and maintenance
June	Farm operation and maintenance
July	Farm operation and maintenance.
August	Farm operation and maintenance.
September	Farm operation and maintenance
October	Farm operation and maintenance
November	Farm operation and maintenance
December	Farm operation and maintenance

8 OPERATIONS AND PROCESSING PROTOCOLS

Processing Practices:

Plants are harvested and dried onsite in metal building.

Great care is taken to maintain all work surfaces and equipment in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew are strictly followed. Curing takes place in an environment with temperature and humidity control. The finished product is then moved to a secure location.

Processing operations include the following Processing Practices:

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

Location: Processing offsite with licensed third party and/or onsite use of trim machine with supplemental hand trimming.

Staffing + Staff Screening Processes

Indra Valley Strategic Marketing Group runs the farm operations. The number of employees required to operate the facilities is to be determined and will utilize private contractors.

All candidates for staff will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a criminal history or a history of drug abuse will be screened from employment.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 7 AM to 7 PM; however, during periods of seasonally high workload, the hours of operations within the facility may increase to 16 hours per day. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM. Due to the remote location of the facility and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

Employee Safety Practices: Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. B and B port-a-potty service for agricultural workers to provide and maintain toilet and hand-washing facilities in accordance with the requirements of Cal-OSHA and ADA/California Accessibility regulation.

Increased Road Use: Not applicable.

Onsite Housing:

There is no intent to provide on-site housing at this time. Any and all on site-housing provided to employees, if any, shall comply with all applicable federal, state, and local laws and regulations.

9 SECURITY PLAN

The security measures located on the premises will include the following:

- a) Lighting and Surveillance- Motion sensor lighting and game cameras are installed around the facilities such that personnel and the video surveillance system can effectively monitor the space in and around the facility.
- b) Alarm —A security system will be installed and operated at all appropriate times within the facility. Guard dogs are also present on the property during operations.
- c) Access Control - All entrances to the facility are restricted by an access control system. 24-hour access to the facility by emergency responders will be provided via a lock box. There are three additional locked gates on the private road leading up to property. Full time occupancy of parcel and neighboring farms.
- d) Fencing — The cultivation area is fenced with wildlife providing intrusion protection.
- e) Safety of Staff — working in concert together, the access control system, lighting, fencing, and alarm system, will provide a secure and protected facility for the staff to occupy.
- f) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.
- g) All Medical Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed medical cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

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

Applicant Name: _____ APN: 314-153-005

Planning & Building Department Case/File No.: Cup 16-155

Road Name: MT. View Rd (complete a separate form for each road)

From Road (Cross street): Fresh water rd

To Road (Cross street): Private rd

Length of road segment: 2.6 miles Date Inspected 12/20/17

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.

Signature

Date

Name Printed

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Indra Valley Strategic Marketing APN: 314-153-005

Planning & Building Department Case/File No.: Group LLC Cup 16-155

Road Name: Private rd (complete a separate form for each road)

From Road (Cross street): MT View

To Road (Cross street): _____

Length of road segment: 2.5 miles Date Inspected 12/20/17

Road is maintained by: ☐ County ☒ Other road association/private
(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.

Max S. Petrus
Signature

12/20/17
Date

Max S. Petrus
Name Printed

If you have questions regarding this form, or need assistance in filling it out, please call the Department of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Indra Valley Strategic Marketing Group LLC APN: 314-201-001

Planning & Building Department Case/File No.: CUP 16-154

Road Name: MT. View Rd (complete a separate form for each road)

From Road (Cross street): Fresh water rd.

To Road (Cross street): Private rd.

Length of road segment: 2.6 miles Date Inspected 12/20/17

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.

Max S. Petrus
Signature

12/20/17
Date

Max S. Petrus
Name Printed

If you have questions regarding this form, or need assistance in filling it out, please call the Department of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Indra Valley Strategic Marketing Group LLC APN: 314-201-001

Planning & Building Department Case/File No.: Cup 16-~~155~~ 154

Road Name: Private rd (complete a separate form for each road)

From Road (Cross street): MT View rd

To Road (Cross street): _____

Length of road segment: 2.5 miles Date Inspected 12/20/17

Road is maintained by: ☐ County ☒ Other road association / private
(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.

Signature

Max S. Petrus

Name Printed

Date

12/20/17

Functional Capacity Study and Road Evaluation

November 5, 2018



Prepared for:

Indra Valley Strategic Marketing Group, LLC

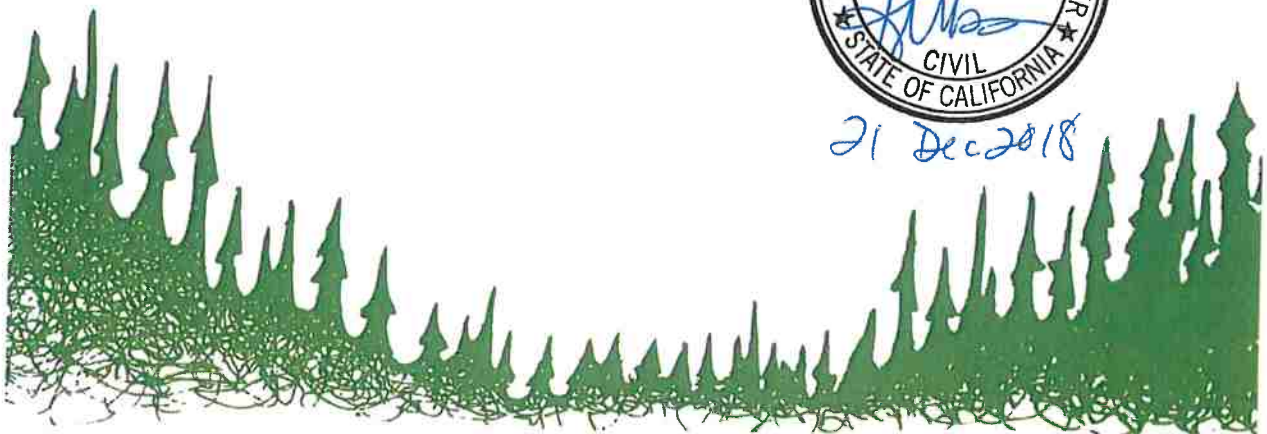
Prepared by:



920 Samoa Blvd Suite 210 Arcata, California 95521
707-633-8321 | motherearthengineering.com



21 Dec 2018



1.0 Introduction

Mother Earth Engineering performed a traffic study on an unnamed private road in Kneeland, California. The study was performed at the request of Indra Valley Strategic Marketing Group, LLC which owns a parcel that is accessed by the road studied.

The Average Daily Traffic (ADT) count was measured at two points along this private road to determine if the road complies 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*. The ADT must be under 400 to be considered a low-volume local road.

2.0 Methods

The private road was monitored at two locations with motion activated cameras from 10/30/18 until 11/02/18. Camera 1 was positioned at a cattle gate (40.7163, -123.9080) approximately 0.23 miles from where the private road meets Mountain View Road. Camera 2 was positioned at a security gate (40.7200, -123.9060) approximately 0.59 miles from where the private road meets Mountain View Road.

The cameras were set to record a photograph every 5 seconds when motion was detected. These images have been evaluated to determine the traffic count for a given 24 hour period. Each period for tallying the traffic count was from 12:00 A.M. until 11:59 P.M. for a given day.

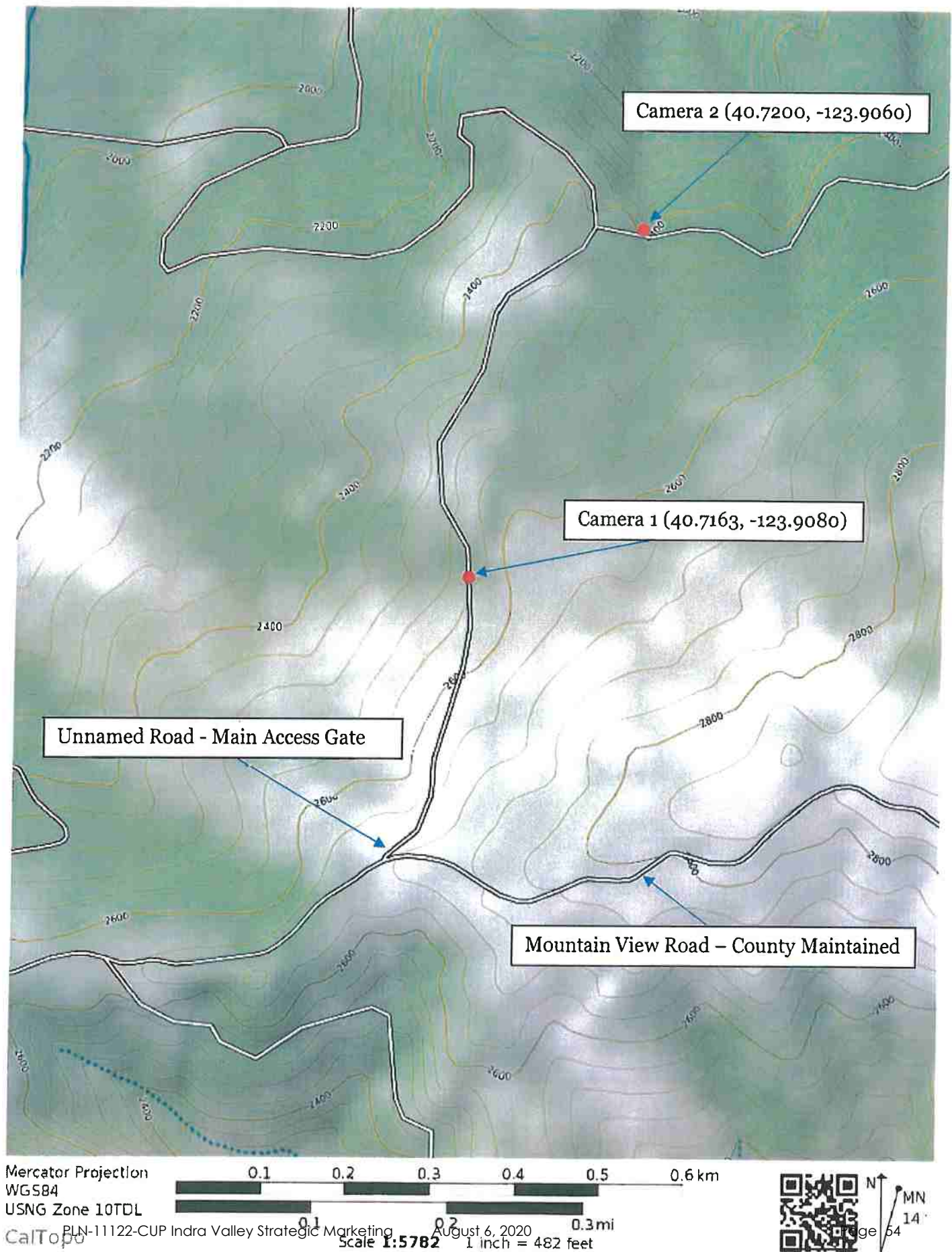
3.0 Conclusion

The traffic count for the two 24 hour periods were used to determine the ADT at each point on the unnamed road.

Table 1: Traffic count at each monitoring point during the two 24-hour study periods.

Date	Camera 1	Camera 2
10/31/2018	32	32
11/01/2018	32	32
ADT	32	32

The ADT for this private road as evaluated by Mother Earth Engineering was determined to be 32 vehicles per day. This qualifies the private road on the evaluated segment as a low-volume local road according to the ADT<400 standard set by AASHTO. This classification of road requires Part B: Sections 2 & 3 of the Humboldt County Department of Public Works Road Evaluation Report to be filled by a Civil Engineer licensed by the State of California. Attached with this memo are filled Road Evaluation Reports for two properties that are accessed by the subject unnamed private road. There are also Dead-End Road Length Statements for the two properties.



**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

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

Applicant Name: Indra Valley Strategic Marketing Group, LLC APN: 314-201-001, 314-153-005, & 314-143-006

Planning & Building Department Case/File No.: 11122 & 11123

Road Name: Unnamed Road (Private) (complete a separate form for each road)

From Road (Cross street): Mountain View Road

To Road (Cross street): Parcel Boundary of 314-153-005

Length of road segment: 1.5 miles Date Inspected: 10/31/18-11/01/18

Road is maintained by: ☐ County ☒ Other Private
(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

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.

314201-001, 314-153-005, & 314-143-006

Road Name: Unnamed Road (Private) Date Inspected: 10/31/18-11/01/18 APN: _____
From Road: Mountain View Road (Post Mile n/a) Planning & Building
To Road: Unnamed Road (Private) (Post Mile n/a) Department Case/File No.:
11122 & 11123

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.)

4

ADT: 32

Date(s) measured: 10/31/18-11/01/18

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.

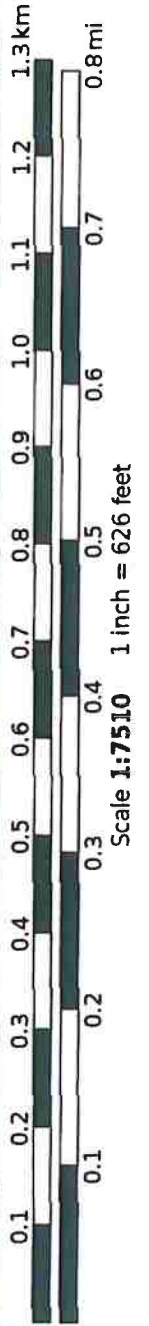
A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.



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.



Mercator Projection
WG84
USNG Zone 10TDL
CalTopo

Humboldt County Cannabis Compliance

Performance Standard-Road Systems

Standard 1 – Dead End Road Length

Projects shall not be located more than 2-miles (measured in driving distance) from the nearest intersection with a Category 4 road or secondary access for emergency vehicles and personnel, including wildland fire equipment.

Where access to a site exceeds the Dead-End Road Length standard, the application may request an exception to the standard with a Special Permit. The exception request shall include a report prepared by a licensed engineer evaluation the design, condition, and performance of all related road segments for simultaneous emergency access and evacuation. The report shall include recommendations for road system enhancements (widening, turnouts, secondary access routes) to help mitigate the dead-end road condition. To approve the exception, it must be found current conditions or proposed improvements provide sufficient access for emergency vehicles and personnel while allowing for simultaneous evacuation.

Dead End Road Length Standard	
Property Owner	Indra Valley Strategic Marketing Group, LLC
APN	314-201-001, 314-153-005, 314-143-006
APPS #	11122, 11123
Closest Category 4 Road	Mountain View Road
Distance to Category 4 Road	1.52 miles

Noise Analysis Technical Report

November 2018



Prepared for:

Indra Valley Strategic Marketing Group, LLC

Prepared by:



920 Samoa Blvd Suite 210 Arcata, California 95521
707-633-8321 | motherearthengineering.com
(12 pt. font)

1.0 Introduction

This noise analysis was conducted for Indra Valley Strategic Marketing Group (IVSMG) to establish the noise impact associated with operating a diesel generator on a commercial cannabis cultivation operation. The analysis was conducted on Humboldt County Parcel APN: 314-201-001 where IVSMG is permitted to cultivate 21,500 square feet of mixed light commercial cannabis. Mixed light cultivation requires the use of artificial lighting in combination with sunlight to facilitate seasonally independent flowering cycles.

These lighting arrays require substantial electrical power which is often supplied by diesel generators when a utility connection is not feasible. Mixed light cultivation requires generators to operate after sunset and before sunrise. This is a concern as noise pollution can cause disruption of communication, nesting, and mating behavior within many wildlife species like birds and frogs (Patricelli & Blickley, 2006).

2.0 Purpose and Setting

The purpose of this noise analysis is to establish what the noise impact of the generator on the subject property is during normal operating conditions. This will provide compliance documentation for existing and proposed noise threshold requirements for the current operations on the subject parcel. The property was visited on October 30, 2018 and the measurements were taken from 1:30pm to 1:45 pm. During the data collection the generator was running and providing power as required for cultivation operations.

The generator that was in place for this analysis is the MQ Whisperwatt model DCA70USI. Model DCA70USI is designed to have a high power output to noise ratio with a 60 dBA rating running full load at 23 feet. This was the only generator in operation on the property at the time of the analysis. The generator was in a covered addition to the pre-fab metal processing facility on site. The processing facility is located approximately 200 feet from the south boundary of the parcel, the closest boundary to the generator location. Photos of the generator and its location are included in section 7.0. The only other activity on site that registered within the same scale of noise impact was the vehicle traffic.

3.0 Methods

The following devices were used to conduct the analysis;



Mother Earth Engineering

Noise Analysis Technical Report

- Trimble TDC100: The TDC100 is an all-in-one GNSS device. The device records photos, location, and time for each observation point.
- Tacklife MLM02 Digital Sound Level Meter: This device measures decibels in a range from 30 to 130 dBA.
- Lufkin Measuring Wheel: The measuring wheel was used to determine the horizontal distance from where the measurement was taken to the generator.

Multiple measurements were taken at the following points: 100 feet from the generator, 50 feet from the generator, and at the distance the 50dBA threshold was crossed. The locations for observation points were selected due to a clear line of sight to the generator. The 50dBA threshold observation point was selected by gradually moving directly towards the generator until a 50dBA reading occurred.

4.0 Data

The following are the representative measurements taken on site:

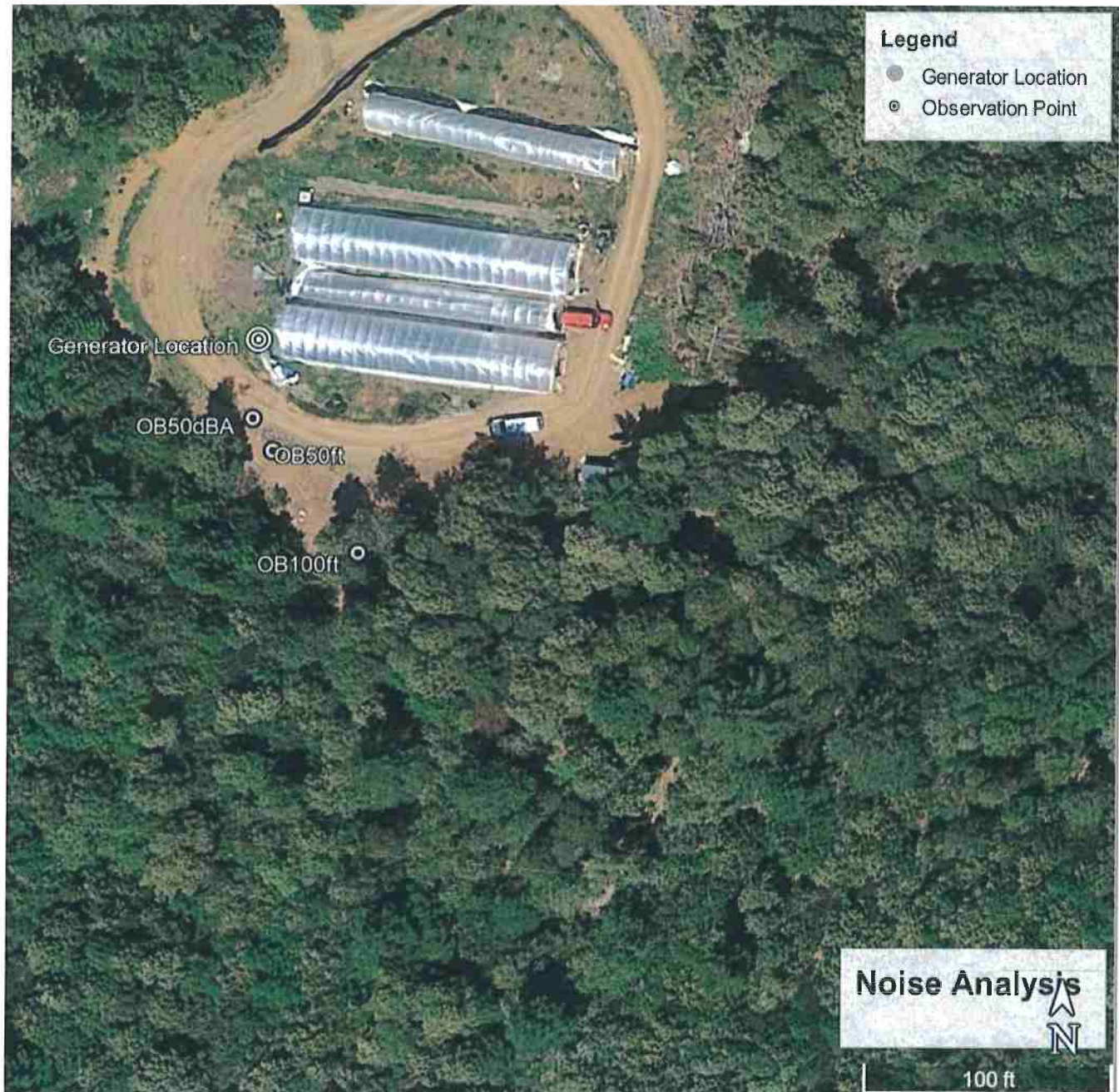
Observation Point ID	Distance from Generator	Measurement #1	Measurement #2
OB50dBA	43'	49.0 dBA	49.4 dBA
OB50ft	50'	47.2 dBA	47.2 dBA
OB100ft	100'	39.6 dBA	37.9 dBA

5.0 Conclusions and Discussion

The distance that the 50dBA threshold is crossed is at 43' from the generator. As measurements are taken further from the generator the decibel reading continues to drop. This indicates that the decibel reading due to the generator at the closest property boundary, approximately 200 feet away, will be less than 50 dBA. Should the owners want to attenuate the decibel levels more than the existing conditions, noise barriers within the enclosure should be considered. Included with this report are a copies of Noise Monitoring and Dark Sky Monitoring forms. These should be copied and filled out as instructed.



6.0 Observation Point Diagram





WHISPERWATT
DIESEL POWERED AC GENERATOR

MODEL **5000TSS** SERIAL NO. **1000000000**

AC GENERATOR

MODEL **5000TSS** SERIAL NO. **1000000000**

VOLTAGE **120V** FREQUENCY **60Hz**

WATER STOP **ON** WATER CUTOFF **ON**

STOP **ON** FUEL **ON**

ENGINE

MODEL **5000TSS** SERIAL NO. **1000000000**

YEAR **1984** FUEL **DIESEL**

MQ POWER MADE IN U.S.A.

A hand holding a handheld GPS device in the foreground, with a background showing a building, a vehicle, and a large yellow pipe.

Mother Earth Engineering
Noise Analysis Technical Report



Photo taken at observation point OB50ft showing that the decibel reading is at 47.2 dBA.



Additional photo taken at observation point OB50ft showing that the decibel reading is at 47.2 dBA.

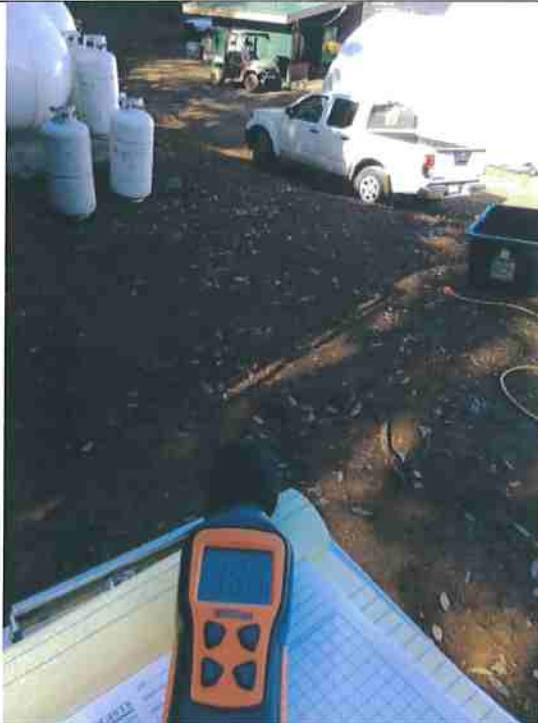


Photo taken at observation point OB100ft showing that the decibel reading is 39.6 dBA.

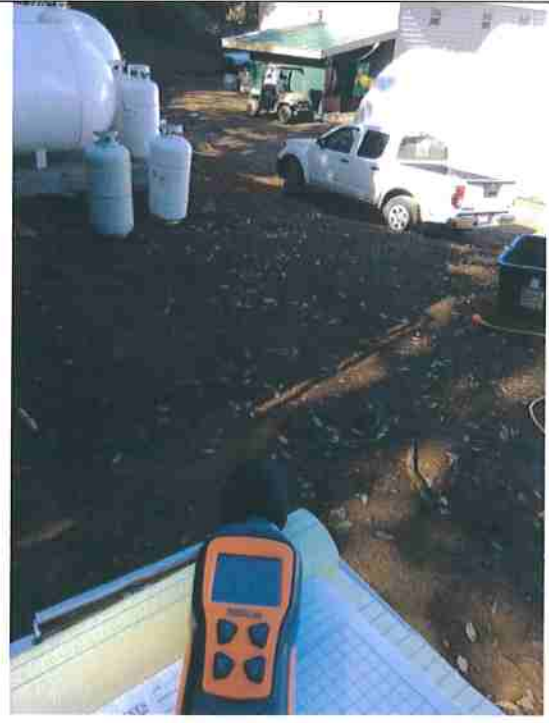


Photo taken at observation point OB100ft showing that the decibel reading is at 37.9 dBA.

8.0 References

Patricelli, G.L., & Blicklet, J.L. (2006). Avian Communication in Urban Noise: Causes and Consequences of Vocal Adjustment. *The Auk: Ornithological Advances* 123(3), 639-649

Noise Plan

All generators shall be located on flat, stable area 150' away from any watercourse. All generators shall be placed in an enclosure with appropriate ventilation and insulation to dampen generator noise. Noise produced by generators used for cultivation shall be no more than 50 decibels at 100 feet from the generator or at the edge of *Strix occidentalis caurina* (Northern spotted owl) habitat. Combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Generator noise shall be monitored monthly to assure that noise dampening measures remain effective. The Noise Monitoring Form is included in the next page.

Noise Monitoring Form

Self-inspection to be conducted monthly.

Name: _____

Date: _____

Time: _____

Combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels.

Is decibel reading at 60 decibels or under at property lines? No Yes

If no, describe mitigation measures to ensure noise management at property line:

Location of generator shed:

Decibel reading at generator shed:

Decibel reading at 100 feet away (in clear sight; no obstruction):

Is decibel reading 50 decibels or under? No Yes

If no, how far away until 50 decibels or under (in clear sight; no obstruction)?

(Fill If Applicable)

Location of second generator shed:

Decibel reading at generator shed:

Decibel reading at 100 feet away (in clear sight; no obstruction): _____

Is decibel reading 50 decibels or under? No Yes

If no, how far away until 50 decibels or under (in clear sight; no obstruction)?

Other Notes/Observations:

Lighting Plan

Mixed light greenhouses shall include supplemental lighting. Lighting will be used to keep plants in vegetative phase of growth, and to supplement natural light during flowering phase on days with low ambient light conditions. During vegetative growth phase of the cycle, artificial lighting will be added for 2 hours before sunrise and 2 hours after sunset. Supplemental lighting use may vary, but tentatively is expected to occur May 1 to May 15 and August 15 to August 30 each annually. Solid black out tarps shall be used to contain artificial light inside the greenhouses during hours before sunrise or after sunset. Artificial light will never be allowed to escape greenhouses during darkness period, therefore no light pollution will ever occur as a result of the project. Facility and vicinities shall be self-inspected twice annually at nighttime during artificial light use period to assure the continued effectiveness of light containment measures. The Dark Sky Monitoring Form is included on the next page.

Dark Sky Monitoring Form

Self-inspection to be conducted after dark, twice annually when supplemental artificial lighting is in use.

Name: _____

Date: _____

Time: _____

Walk perimeter of greenhouses.

Is light visible? No Yes

If yes describe:

Observe cultivation area from road.

Location of observation:

Observation approximate distance from cultivation areas:

Is light visible? No Yes

If yes describe:

Observe cultivation area from river bar.

Location of Observation:

Observation approximate distance from cultivation areas:

Is light visible? No Yes

If yes describe:

Other Notes/Observations:

WORK PLAN

(Identified Problems and Proposed Solutions)

Figure 1: Map points shown with solutions and completion dates shown below in Table 1.

Table 1: A description of one each one point is given with its associated standard condition, proposed BMP implementation, and scheduled completed date.

Map Point	Map Point Description	Associated Standard Condition	Permanent BMP	Priority for Action	Permanent BMP Completion Date	Completion Date
RS	Road segment	1.a	Rock eroding ditch and resurface roadway	Med	6/30/18	Some done 10/1/17
SP	Stockpiled Materials	1.f	Secure Storage	Med	9/30/17	7/20/17
CV	Culvert	2	Notify CDFW of Stream Crossing	Med	5/01/2018	
Spring	Spring	5	Utilize ground water well as primary water source, Notify CDFW of spring diversion	High	5/01/2018	
Bladder	Bladder	5	Phase out bladder and replace with appropriate storage	Med	5/01/2019	
FS	Storage shed	9.b	Fuel containers stored within secondary containment	High	9/30/17	7/20/17
CW	Cultivation materials and waste	10	Cultivation materials that will be reused organized and stored and waste properly disposed of	High	9/30/17	8/15/17
CW	Refuse/Waste	11	Proper refuse storage (wildlife proof) and removed from site weekly	High	9/30/2017	9/15/17
BB	PortaPotty	11	Install permitted septic system	Low	5/1/2019	Septic Study 3/18



WATER RESOURCES PROTECTION PLAN

Prepared For:

Indra Valley
APN 314-153-005
APN 314-201-001

Prepared by:



920 Samoa Boulevard Suite 203
Arcata, CA 95521
707.633.8321
motherearthengineering.com

Liability Waiver

As a condition of approval for enrollment into the Water Quality Order R1-2015-0023 for the cultivation, processing, manufacture, or distribution of cannabis, the owner or permittee shall indemnify and hold harmless Mother Earth Engineering, Inc. and its agents and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use. As the preparer, Mother Earth Engineering, Inc. is not responsible for any water quality violations.

I/we agree to be responsible to the stated terms and conditions of the Order, and release Mother Earth Engineering, Inc., its employees, contractors, and consultants from any defense costs, including attorneys' fees or other loss connected with any legal challenge which may arise from implementation of said Order.

Landowner Printed Name: _____

Signature: _____ Date: _____

Discharger Printed Name: _____

Signature: _____ Date: _____

WRPP prepared by: Mother Earth Engineering, Inc.
920 Samoa Blvd., Suite #203
Arcata, CA 95521
(707) 633-8321

WRPP prepared on: April 2017

Signature: _____ Date: _____



Water Resource Protection Plan

APN 314-153-005 314-201-001	County Humboldt	Zoning TPZ – Timber Production Zone
Site Address N/A	Lot Size 118.5 acres combined	HUC-12 180101020403
Date April 27, 2017	Time 4:00 PM	Weather Conditions Partially Cloudy
Site WDID Pending	Tier Classification Tier 2	Total Cultivation Area Approx. 37,000 sq ft combined

Summary:

The adjacent parcels are located approximately 1 mile due east of Kneeland Airport. The closest county maintained road is Mountain View Road which is less than a mile away connected by a private road. The closest named watercourse is 1.2 miles north of the parcels, Blue Slide Creek. The water source for cultivation operations is from a spring, an Initial Statement has been filed with the Division of Water Rights concerning its use. The discharger is on a waiting list to have a groundwater well drilled on one of the parcels which would become the sole source of irrigation water for both parcels.



Site Assessment of Standard Conditions

1. Site maintenance, erosion control and drainage features

a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

Nearly all the roadway was observed to be in adequate condition. Roads shall be monitored throughout the year and maintained as necessary. Roadway near entrance to the two cultivation areas was showing signs of erosion, see part e below.

b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

There were no signs of erosion at outlets of ditches at the time of site visit. Ditches and outlets shall be monitored throughout the year and maintained as necessary. Road maintenance is ongoing and there is a rock quarry onsite which provides high quality fractured rock.

c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

No unstable features were observed, and no runoff drainage or evidence of runoff drainage directed towards unstable features was observed.

d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

Cleared areas are well established and no evidence of hydrologic connectivity to surface waters was observed.

e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

Erosion was observed on the road surface at the entrance of both cultivation areas. These portions of the road should be resurfaced. Enhanced rock armoring of rolling dip outlets and ongoing maintenance of road drainage in these areas will minimize road surface erosion. See Work Plan.



f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

Stockpiled construction materials shall be organized on flat ground away from any receiving waters.

2. Stream Crossing Maintenance

a. Culverts and stream crossings shall be sized to pass the expected 100- year peak streamflow.

There is one 36" diameter corrugated metal stream crossing culvert that is sized to pass the expected 100-year peak streamflow. Stream crossing shall be notified per CDFW 1602 requirements. See Work Plan.

b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.

N/A

c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.

N/A

d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.

N/A

e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.

N/A

f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.

N/A

3. Riparian and Wetland Protection and Management

a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The



Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

All cultivation areas as well as areas of human activity meet the appropriate setbacks per Water Board requirements.

b. Buffers shall be maintained at natural slope with native vegetation.

All buffers surrounding cultivation areas were observed to be at natural slope with native vegetation.

c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.

Appropriate buffers between cultivation areas and watercourses are maintained at the site and appeared to be of sufficient width to provide runoff attenuation and dissipation.

d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

Riparian areas were observed to be in their natural condition.

4. Spoils Management

a. Spoils shall not be stored or placed in or where they can enter any surface water.

b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

Spoils generated through road maintenance or cultivation shall be placed in areas with no potential for transport to surface waters. Spoils piles shall be shored and/or seeded to prevent erosion, or used for the production of compost to be used on site.

5. Water Storage and Use:

a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed,



defined at the scale of a HUC-12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

Discharger is pursuant of water rights for spring diversion. Notification with CDFW per 1602 is required. See Work Plan. Discharger is on a waiting list to have a groundwater well drilled as primary water source.

b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

Cultivation is irrigated by a drip irrigation system.

c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

All water storage is offstream.

d. Water is applied using no more than agronomic rates.

Water is applied at no more than agronomic rates.

e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

Water registrations were filed per Chris Carroll/Timberland Resources Consultants in June 2015. Spring requires an LSAA per CDFW 1602. See Work Plan. The intention is to transition to groundwater well as primary water source upon installation.

f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

Existing tanks are installed in areas with no potential for release into surface waters. Water bladder is installed in flat stable area and will need to be phased out and replaced with alternate storage. See Work Plan.

6. Irrigation Runoff

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management



practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing offstream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

Irrigation water, fertilizers, and soil amendments are applied conservatively and do not leave the immediate area of cultivation. Irrigation practices do not create runoff. At close of cultivation season, all exposed soils are mulched with straw and cover crop seed is applied. During the wet season, the boundary of the cultivation area is shored with hay bales and straw waddles to prevent any constituents and sediment from flowing away from the area towards watercourses.

7. Fertilizers and Soil Amendments

a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

Fertilizers and amendments shall be stored in covered storage eliminating any possibility leaching or transport to surface waters. See Work Plan.

b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

Fertilizers and amendments are used conservatively and applied at manufacturer's recommended rates.

c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

Cultivation area is shored with straw bales and waddles before the rainy season each year.

8. Pesticides/Herbicides

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site



shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters. (See also Appendix E.)

Pesticides in use are exempt from residue tolerance requirements and exempt from registration requirements.

9. Petroleum products and other chemicals

a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

Fuel shall be stored in appropriate containers in weatherproof shed.

b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

At time of site visit discharger was in the process of having concrete basins constructed for generator and tank secondary containment. See Work Plan.

c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

N/A

d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

Spill kits are kept in all chemical and fuel storage areas.

e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

N/A

10. Cultivation-related wastes

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.



Plant pots and miscellaneous cultivation-related waste shall be either organized and stored in weatherproof storage or properly disposed at an appropriate facility. See Work Plan.

11. Refuse and human waste

a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

Portable toilets shall be used until a permitted septic system is installed on site.

b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

Articles of refuse throughout property shall be gathered and properly disposed of at an appropriate facility. See Work Plan.

c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

Garbage shall be kept in plastic wildlife-proof containers and disposed of at a proper facility regularly. See Work Plan.

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rock native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures. These protection and mitigation measures have been developed to prevent or reduce the environmental impacts and represent minimum, enforceable standards by which cleanup activities shall be conducted under this Order.

Mitigation measures outlined in Appendix B shall be adhered to as directives for all maintenance and restoration activities. At this site, such work includes road repair



and maintenance, proper storage of fertilizers and amendments, secondary containment for fuel, and the proper disposal of refuse throughout the property. See Work Plan for details on these elements.



WORK PLAN

(Identified Problems and Proposed Solutions)

Figure 1: Map points shown with solutions and completion dates shown below in Table 1.

Table 1: A description of one each one point is given with its associated standard condition, proposed BMP implementation, and scheduled completed date.

Map Point	Map Point Description	Associated Standard Condition	Permanent BMP	Priority for Action	Permanent BMP Completion Date	Completion Date
RS	Road segment	1.a	Rock eroding ditch and resurface roadway	Med	6/30/18	
SP	Stockpiled Materials	1.f	Secure Storage	Med	9/30/17	
CV	Culvert	2	Notify CDFW of Stream Crossing	Med	5/01/2018	
Spring	Spring	5	Utilize ground water well as primary water source, Notify CDFW of spring diversion	High	5/01/2018	
Bladder	Bladder	5	Phase out bladder and replace with appropriate storage	Med	5/01/2019	
FS	Storage shed	9.b	Fuel containers stored within secondary containment	High	9/30/17	
CW	Cultivation materials and waste	10	Cultivation materials that will be reused organized and stored and waste properly disposed of	High	9/30/17	
CW	Refuse/Waste	11	Proper refuse storage (wildlife proof) and removed from site weekly	High	9/30/2017	
BB	PortaPotty	11	Install permitted septic system	Low	5/1/2019	



Other Measures to be Implemented

As a condition of enrollment, the Regional Water Board requires all dischargers to conduct periodic monitoring, inspection, and reporting of site. Information shall be recorded, and these records shall be kept and maintained onsite for monitoring and reporting purposes.

Chemical Storage and Use

List of chemicals stored onsite, and information about use (e.g., quantities used and frequency applied).

A chemical storage and use log is included as a part of this document binder. The discharger has been instructed to document information about chemicals used onsite.

Fertilizer and Amendment Use

List fertilizers and amendments stored onsite, and information about use (e.g., quantities used and frequency applied). This information must be reported annually to Regional Waterboard on page 4 of Appendix C (MRP) or an attached sheet.

A fertilizer and amendment log is included as a part of this document binder. The discharger has been instructed to document information about chemicals used onsite.

Monitoring Element

Monitoring element (see discussion at section I.D.) to ensure that BMPs are being implemented and to evaluate their effectiveness.

Inspection monitoring forms are included as a part of this document binder. Discharger has been instructed to conduct and document pre-season and post-season self-assessments annually.

Water Use

Plan shall record water source, relevant water right documentation, and amount used monthly. Plan must describe water conservation measures and document approach to ensure that the quantity and timing of water use is not impacting water quality objectives and beneficial uses



(including cumulative impacts based on other operations using water in the same watershed). Water use will be presumed to not adversely impact water quality under one of the following scenarios:

- No surface water diversions from May 15-Oct 31.
- Water diversion pursuant to a local plan that is protective of instream beneficial uses.
- Other options: (e.g., % of flow present in stream; riffle depth; gage at bottom of Class I stream; AB2121 equations; DFW flow recommendations; promulgated flow objective in Basin Plan).

All irrigation water utilized is from rainwater catchment. No surface water diversions occur May15-Oct31. No water diversions occur for irrigation purposes.

A water usage log has been included with this binder. Discharger has been instructed to install flowmeters and document all future water use.

- **Install flow meters and record water usage weekly.**



The table below provides a summary of the other measures to be implemented in order to comply with NCRWCQB Order No. R-12015-0023.

Table 1: List of record keeping, monitoring, and other measures needed for compliance.

Other measures to be implemented		
Description	BMP procedure	Comments
Install flow meters	Install flow meters for water use and record water use weekly	Use log pages provided and provide additional documentation as needed
Record water use	Read flow meters weekly and record irrigation use by water source	Use log pages provided and provide additional documentation as needed
Wet weather facilities road inspection	Inspect road and facilities during wet weather annually. Observe water and sediment discharge.	Document observations. Apply corrective measures to prevent erosion as needed based on observations. Any rainfall event of more than 3 inches in 24 hours requires wet weather inspection.
Pre and post season inspection	Conduct self-assessment twice annually.	Use log pages provided and provide additional documentation as needed.
Keep chemical storage and use logs	List chemicals stored onsite and information about quantities used and frequency applied	Use log pages provided and provide additional documentation as needed
Record annual fertilizer and amendment use	Record lbs or gal of amendments, and fertilizers used by type, product name, nutrient content	Use log pages provided and provide additional documentation as needed



ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
CalFire	✓	Conditional Approval	Attached
CA Department of Fish & Wildlife			
Environmental Health Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	On file with Planning
Humboldt Bay Municipal Water District		Comments	On file with Planning
Humboldt County Sheriff		Response	On file with Planning
Eureka High School District		Comments	On file with Planning
State Water Resources Control Board – Division of Water Rights		No Response	
Bear River Band of Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
NWIC	✓	Conditional Approval	On file with Planning
Humboldt Bay Municipal Water District	✓	Comments in opposition	Attached



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

10/15/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Kneeland Elementary School District, Eureka High School School District, Humboldt Bay Municipal Water District

Applicant Name Indra Valley Strategic Marketing Group LLC **Key Parcel Number** 314-201-001-000

Application (APPS#) 11122 **Assigned Planner** Zsafia Odry (707) 268-3727 **Case Number(s)** CUP16-154

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

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

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

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

Return Response No Later Than 10/30/2018

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.
- ☒ Other Comments: See attached letter

DATE: 10/30/18 PRINT NAME: John Friedenbach, General Mgr.



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

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GENERAL MANAGER

JOHN FRIEDENBACH

October 30, 2018

Planning Commission Clerk
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

RE: Case Number CUP16-154, Key Parcel Number 314-201-001-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit application 16-154 submitted by Indra Valley Strategic (Applicant).

The Applicant seeks a conditional use permit for development and operation of an existing 21,500 SF mixed light commercial cannabis facility (project). Applicant proposes to add a 3,000SF nursery on the property. The irrigation water will initially be sourced from a deeded spring on an adjoining property and a proposed new well on the property. Applicant plans to transition exclusively to groundwater as a source of irrigation. The District requests confirmation that based on the well permit drilling log and local geology the water source is hydrologically disconnected from surface water or the influence of surface water.

The District requests that the Planning department confirm with CDFW and NCRWQCB the terms and conditions of the deeded spring water source on an adjoining property. These water rights may not be legally available to the applicant.



I. The Project Is Prohibited in TPZ

The project is located in a Timberland Production Zone (TPZ). The project proposed is in TPZ where new or expanded cultivation activities are prohibited. Expansion of pre-existing cultivation site permits is specifically prohibited in TPZ's. TPZ is a special zoning designation affording superior protection to timberland preserves. (Humboldt County Code, § 314-7.1; Government Code, § 51101, 51102.) These areas are devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. (Humboldt County Code, § 314-


7.4; Government Code, § 51110, subd. (b).) The Cannabis Ordinance provides “[e]xpansion of Pre-Existing Cultivation Sites is prohibited where located within the [Commercial Timberland (TC)] or TPZ.” (Humboldt County Code, § 55.4.6.5.)



The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. We encourage the County to request materials including: Irrigation Plan, and documentation of water use, source, and storage.

II. The Project May Jeopardize the SGMA-Subject Mad River Valley Basin.

The California legislature passed the Sustainable Groundwater Management Act (SGMA) in 2014 in order to identify strategies and conservation plans to provide long-term sustainable groundwater management across the State. (Wat Code, § 10720 et seq.) Medium and high priority basins are required to form sustainability plans in order to prevent the basins from being depleted any further than they currently are. (*Id.*, § 10720.5, subd. (a).) This means that increased protections and water management techniques are to be required in certain areas.

 The Mad River Valley Basin is a medium-priority basin where the groundwater resources in the area are stressed and subject to SGMA controls. (2018 SGMA Basin Prioritization Process and Results, May 2018, p. 6.) The project plans to draw an undisclosed amount of groundwater per year from the Mad River Valley Basin. This project would further stress the limited groundwater resources in the area that are relied on by the nearby communities and other established commercial uses.

III. The Project Is Subject to CEQA Review

There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review may need to be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.



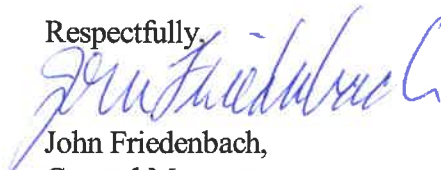
Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, “taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant.” (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit application 16-154 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,



John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW
Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory



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



DEH received
8-23-17

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

17/18-0409

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Kneeland Elementary School District, Eureka High School School District

Applicant Name Indra Valley Strategic Marketing Group LLC **Key Parcel Number** 314-201-001-000

Application (APPS#) 11122 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-154

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

- (1) No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DISTRIBUTED

Response Date: 10/25/2017 **Recommendation By:** Adam Molofsky

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DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: August 29, 2017



John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Indra Valley Strategic Marketing Group, LLC
APN: 314-201-001-000
Area: Kneeland
Case Numbers: CUP16-154

Humboldt County Application #: 11122
Type of Application: Special Permit
Date Received: 8/24/2017
Due Date: 9/6/2017

Project Description: A Conditional Use Permit for an existing 21,500 square foot (SF) mixed-light cannabis cultivation operation. The CUP is associated with another project located on the adjoining property (APN: 314-153-005; App# 11123) and together they are operated by Indra Valley Strategic Marketing Group LLC (Indra Valley). Indra Valley shares a water source, an appurtenant nursery, processing building and materials storage, and are connected by a non-exclusive access easement. Currently, irrigation water is sourced from a deeded spring on the adjoining property; however, Applicant is in the process of drilling a permitted well (on adjoining property) and will transition to groundwater as the exclusive source of irrigation for Indra Valley. Total estimated water usage for this property is 225,000 gallons and total water storage is 7,000 gallons in four (4) tanks. An approximately 3,000 SF nursery is proposed on this property. Processing is done on this property in a 1,200 SF processing building and includes drying and trimming by machine or hand, or will be sent off-site to a licensed processor. Cultivation materials are stored on this property in a 200 SF shed. A generator provides power to the operation which is located on this property and housed in a containment enclosure with noise dampener.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



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



8/23/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Kneeland Elementary School District, Eureka High School School District

Applicant Name Indra Valley Strategic Marketing Group LLC **Key Parcel Number** 314-201-001-000
Application (APPS#) 11122 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-154

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

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

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

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

Return Response No Later Than 9/7/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☒ Other Comments: _____

DATE: 9-22-17 PRINT NAME: Guston Dumler

314-201-01



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11122 (44561)
Parcel No.: 314-201-001
Case No.: CUP 16-154

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

☒ Site/plot plan appears to be accurate.

☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments: _____

☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

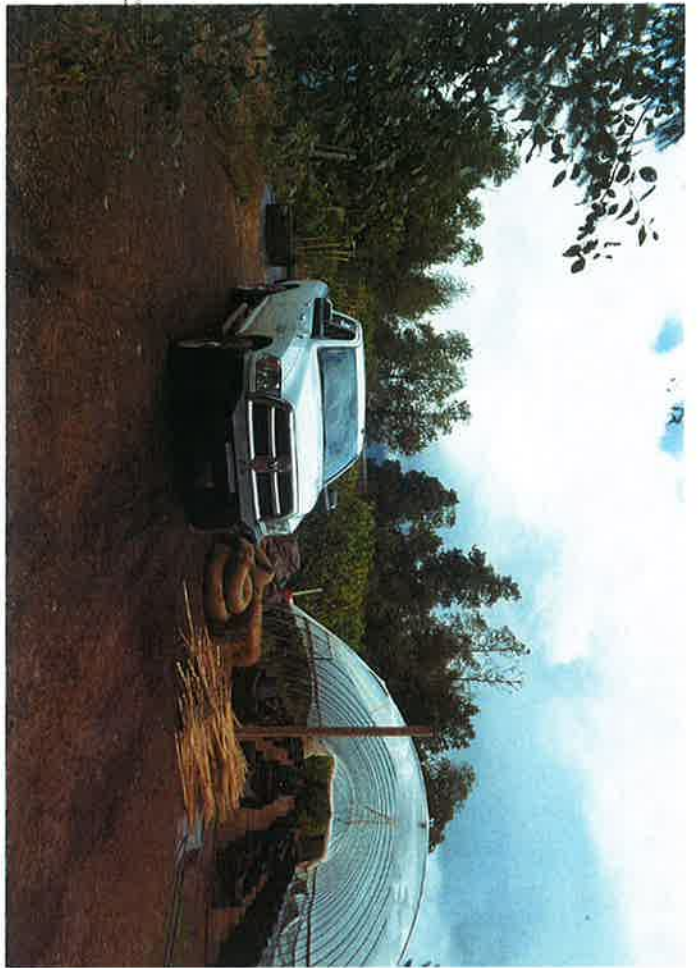
☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☒ Other Comments: Revised Plot Plan received @ Site.
See photos @ CUP 16-154 - folder 314-201-001

Name: Gustin Dumlauer

Date: 9-25-17

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



9/9/17 314-201-011 Out building

GH's

9-19-17 314-201-011

Lean to on Outbuilding





9/19/17

314-201-009

Out building

9-19-17 314-201-009

Storage shed / outdoor kitchen



9-19-17 311-201-009 Subpanels in all 6H's



Processing Site



9-19-17 314-201-001