



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: August 13, 2020

To: John H. Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Mattole Acres, LLC Special Permits and Zoning Clearance Certificate**  
Record Number: PLN-11169-SP  
Assessor's Parcel Number: 107-232-005  
2480 Panther Gap Road, Honeydew area

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Please contact Stephen Luther, Planner, at (707) 445-7541 or [sluther@co.humboldt.ca.us](mailto:sluther@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 13, 2020	Special Permits and Zoning Clearance Certificate	Stephen Luther

**Project Description:** A Zoning Clearance Certificate for 5,000 square feet of existing mixed-light commercial cannabis cultivation. Cultivation occurs in two greenhouses using supplemental light to achieve up to three harvest cycles. The irrigation water source is a groundwater well. Approximately 50,000 gallons is required for irrigation annually. Water storage for fire suppression, domestic use, and irrigation storage totals 60,000 gallons. Propagation occurs in a 500-square-foot area. Drying and processing occur in an existing shed and a proposed 20' x 60' (1,200 SF) building. Up to four employees are needed. The power source is P. G. & E with a backup generator. A Special Permit is also requested to reduce the setback from the King Range National Conservation Area and to authorize work within the Streamside Management Area to decommission a point of diversion.

**Project Location:** The project is located in the Honeydew area, on both sides of Panther Gap Road, approximately 2.25 miles south from the intersection of Mattole Road and Panther Gap Road, on the property known as 2480 Panther Gap Road.

**Present Plan Land Use Designations:** Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-11169-SP

**Assessor Parcel Number:** 107-232-005

**Applicant**

Mattole Acres, LLC  
805 Wiley Court  
Arcata, CA 95521

**Owner**

Lars and Jami Samuels  
PO Box 8  
Honeydew, CA 95545

**Agent**

North Point Consulting Group, Inc.  
1117 Samoa Boulevard  
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.

**Mattole Acres, LLC**  
Record Number: PLN-11169-SP  
Assessor's Parcel Number (APN): 107-232-005

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and Zoning Clearance Certificate based on evidence in the staff report, and adopt the Resolution approving the proposed Mattole Acres, LLC, project subject to the recommended conditions.*

**Executive Summary**

Mattole Acres, LLC, seeks approval of a Special Permit (SP) in compliance with Humboldt County Code Section 314-55.4.11(d) to allow a relaxation of the six hundred-foot (600') setback requirement from the portion of the King Range National Conservation Area located on APN 107-232-011. The setback is a performance standard pertaining to the location of cultivation and processing areas associated with commercial cannabis cultivation authorized by the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The greenhouse where cultivation occurs is located approximately 188 feet from the common property line. The Zoning Clearance Certificate would authorize five thousand (5,000) square feet (SF) of existing mixed-light commercial cannabis cultivation will also be considered. A Special Permit is included to authorize after-the-fact work within the Streamside Management Area.

The approximately 19-acre project site contains a residence, a drying building, and a storage shed. The applicant proposes a 1,200-square-foot drying and curing building, a generator shed, and a 500-square-foot ancillary nursery area for immature plants. Cultivation occurs in two (2) existing greenhouses each measuring 25' x 100'. The irrigation water source is a permitted groundwater well (16/17-0122). Current water storage capacity totals 10,000 gallons in hard tanks. An additional 60,000 gallons is proposed, of which 20,000 will be for domestic use. Processing will occur on-site in the proposed drying building using a combination of machine and hand trimming. An inspection was completed using aerial imagery to verify the accuracy of the Site Plan. The Building Division will conduct a site inspection for the proposed building.

Artificial light is used to achieve three (3) flowering cycles per year. Greenhouses will house 18,000-watt grow lights. Black out tarps will be employed on the inside of the structures and be operated automatically using timers and solar power. The operation will adhere to International Dark Sky Standards and will not allow light to escape at nighttime. All electricity needs are met by P. G. & E., with a generator onsite for emergency backup power.

The adjacent public lands located 188 feet from the northern cultivation greenhouse are subject to the 2005 King Range National Conservation Area Resource Management Plan (RMP). The lands adjacent to the project site are designated Frontcountry Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and watershed restoration. The project is consistent with the RMP management goals because the cultivation activities will protect fisheries and aquatic habitat on forest lands by eliminating irrigation run-off, maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the

County's Fire Safe Regulations. Supplemental lighting would be shielded to prevent light pollution and meet International Dark Sky Standards. The irrigation water source is a 130-foot deep groundwater well. The applicant has a waiver of waste discharge requirements and a conditional exemption under the State Water Board Cannabis General Order. All fertilizers and pesticides are safely stored in a garage. RMP's provisions for protection of heritage resources will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and trails.

There are no sensitive or threatened species mapped on the parcel according to the California Natural Diversity Database (CNDDB). There are no watercourses on the parcel. A natural wet area is located on the parcel. All cultivation activities and structures are more than 150 feet from the wet area. The nearest Northern Spotted Owl (NSO) Activity Center is 3.09 miles to the northwest. Another is 3 miles to the east, and another 3.25 to the southeast. Mapped critical habitat for the Marbled Murrelet and Northern Spotted Owl is located on California State Parks 0.33 to the east. Potential impacts to NSO and Marbled Murrelet habitat are minimized by the lack of generator noise and adherence to light pollution controls. The power source is P. G. & E. and solar. A backup generator will be fully contained. A condition of approval requires noise levels from the backup generator and fans will be less than 50 dB as measured 100 feet from the noise source.

The initial project application relied on a Point of Diversion from a spring located on the adjacent parcel APN 107-232-011 owned by the Bureau of Land Management (BLM). The diversion has been decommissioned and the sole irrigation water source is a permitted well on the subject parcel. A Special Permit is included to authorize the after-the-fact work within the Streamside Management Area. The use of surface water diversion for cultivation is out of compliance with this permit. The project was referred to California Department of Fish and Wildlife (CDFW) and the BLM. The applicant signed a Final Lake and Streambed Alteration Agreement with CDFW for a single encroachment involving the decommissioning of the spring-box. The BLM commented and noted the existing unauthorized diversion. A response was sent to the BLM with the LSA and consultant monitoring report demonstrating that the diversion has been removed. The applicant has provided a boundary exhibit prepared by Michael O'Hern, licensed land surveyor, to demonstrate that cultivation activities are not trespassing on BLM property. A condition of approval requires the applicant meter the well and provide records of monthly irrigation water use at the time of annual inspection. Ongoing operational conditions are incorporated regarding the standards for use of supplemental light and the protection of wildlife.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff supports a conditional approval of the provisional Special Permit request. Staff recommends that the Zoning Administrator include the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record, and approve the application subject to the recommended conditions.

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



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

**Resolution Number 20-**

**Record Number: PLN-11169-SP**

**Assessor's Parcel Number: 107-232-005**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mattole Acres, LLC, Special Permits and Zoning Clearance Certificate request.**

**WHEREAS**, Mattole Acres, LLC, submitted an application and evidence in support of approving the Special Permit to relax the six hundred-foot (600') setback from the King Range National Conservation Area; and

**WHEREAS**, Mattole Acres, LLC, submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit an existing five thousand (5,000) square foot mixed-light commercial cannabis operation with 500 square feet of propagation, a groundwater well irrigation source, drying in an existing building, and trimming in a proposed building; and

**WHEREAS**, Mattole Acres, LLC, submitted an application and evidence in support of approving a Special Permit for the removal of a point of diversion within a Streamside Management Area; and

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

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final 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 substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-11169-SP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 13, 2020.

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

1. The Zoning Administrator considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes the findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permits and Zoning Clearance Certificate Record Number PLN-11169-SP are approved as recommended and conditioned in Attachment 1.

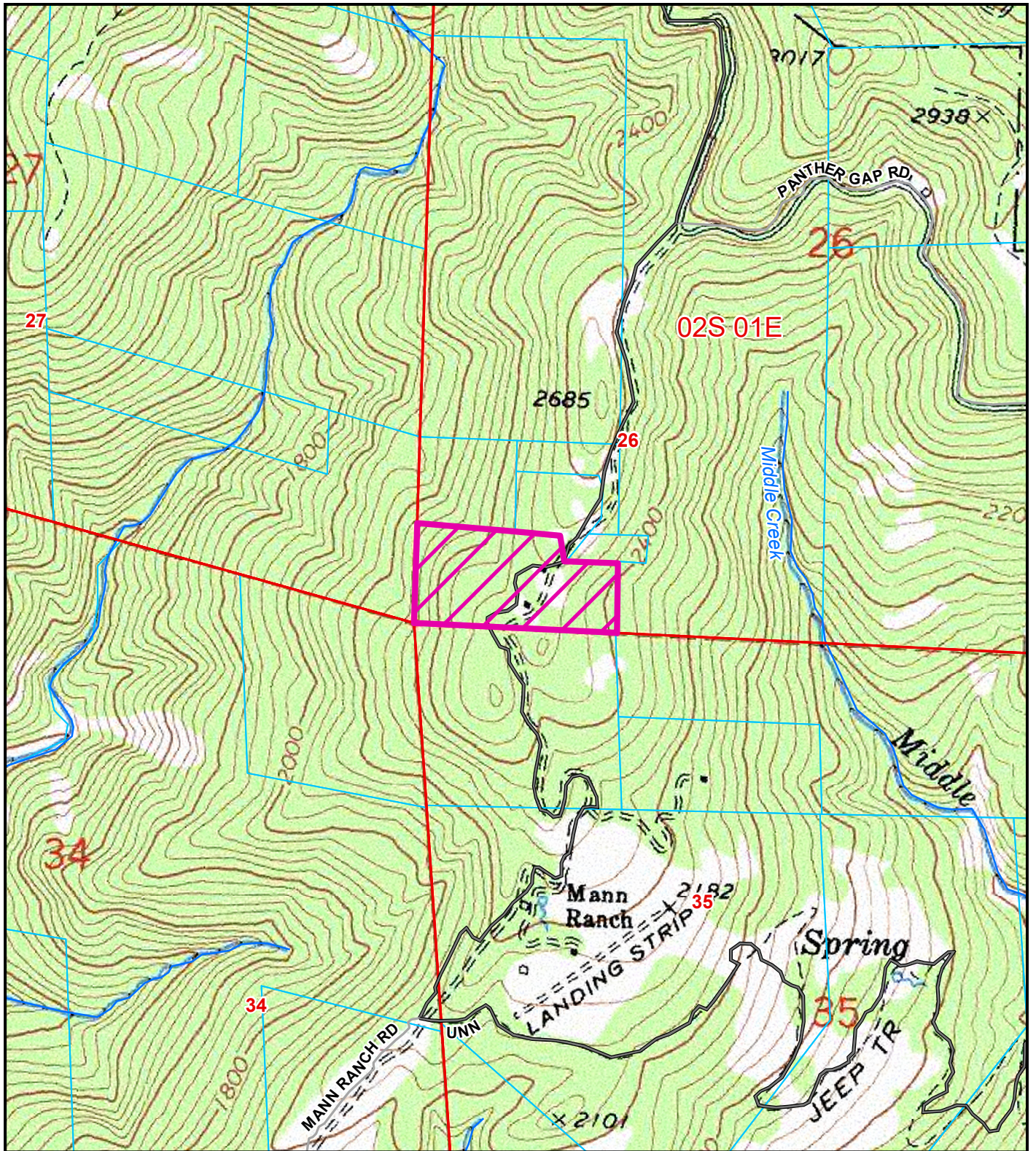
Adopted after review and consideration of all the evidence on August 13, 2020.

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

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





Project Area = 

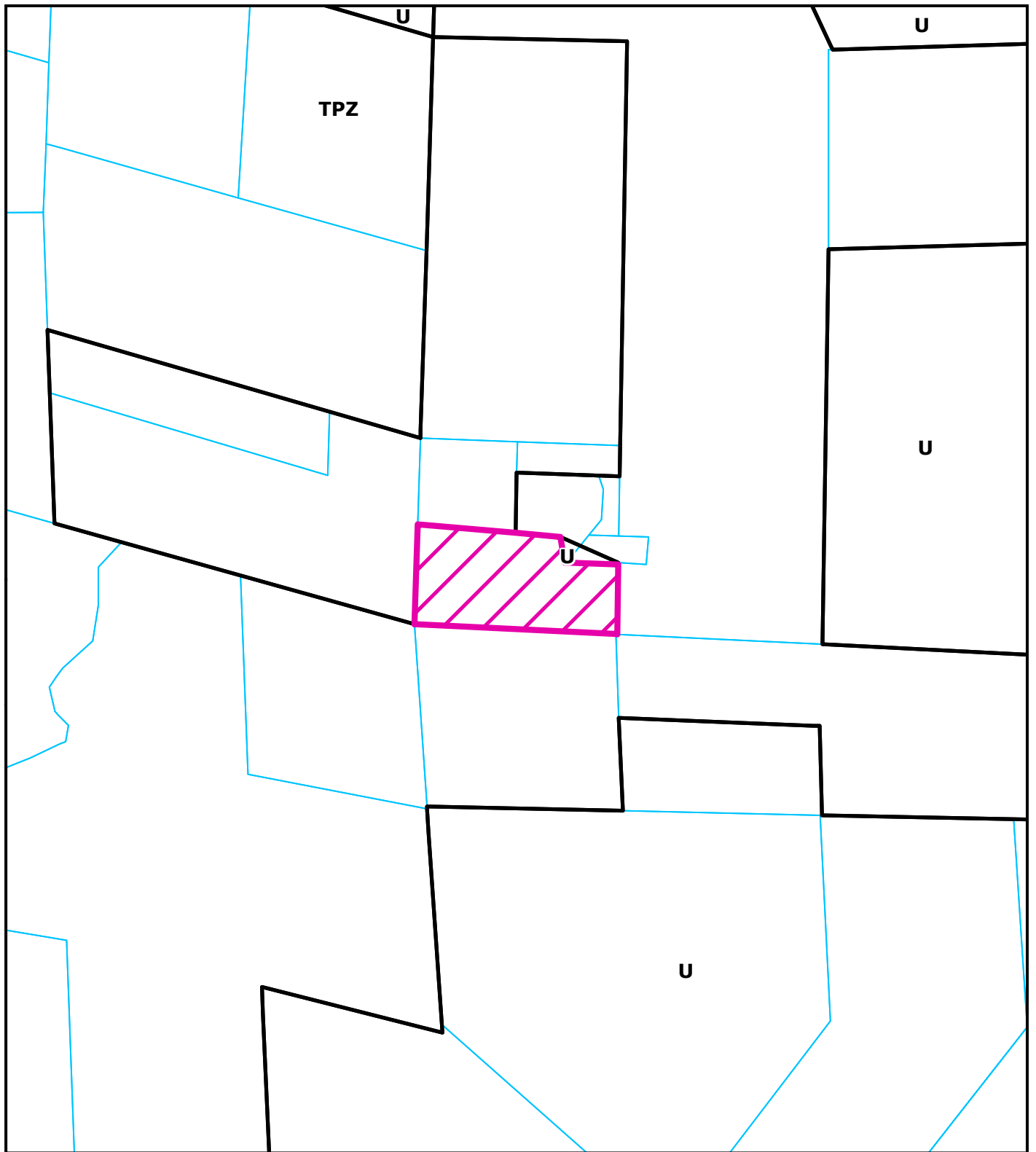
**TOPO MAP**  
**PROPOSED MATTOLE ACRES, LLC**  
**HONEYDEW AREA**  
**ZCC-16-097**  
**APN: 107-232-005**  
**T02S R01E S26 HB&M (BULL CREEK)**



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

0 1,000 2,000 Feet

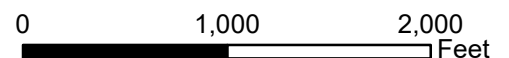




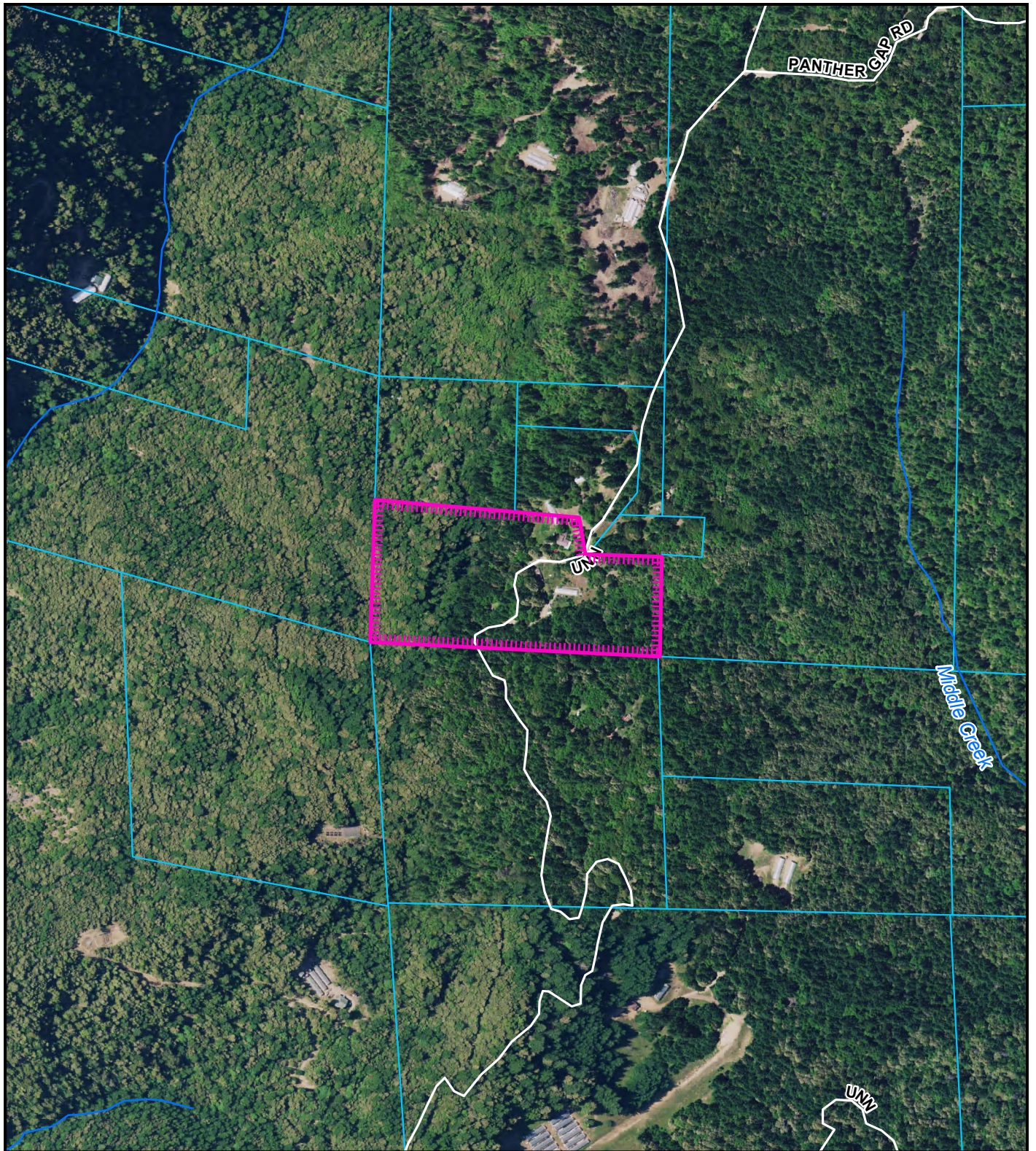
**Project Area =** 

**ZONING MAP  
PROPOSED MATTOLE ACRES, LLC  
HONEYDEW AREA  
ZCC-16-097  
APN: 107-232-005  
T02S R01E S26 HB&M (BULL CREEK)**

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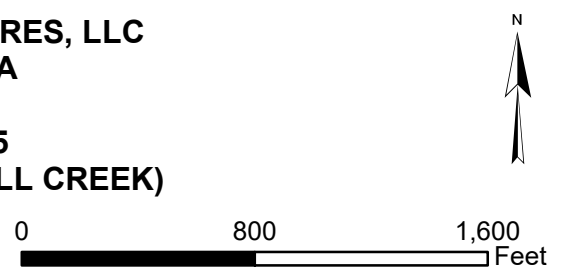




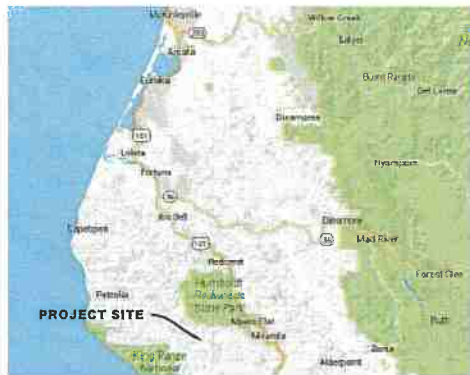
Project Area = 

**AERIAL MAP**  
**PROPOSED MATTOLE ACRES, LLC**  
**HONEYDEW AREA**  
**ZCC-16-097**  
**APN: 107-232-005**  
**T02S R01E S26 HB&M (BULL CREEK)**

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







VICINITY MAP  
NOT TO SCALE

**DIRECTIONS TO SITE:**

**FROM EUREKA, CA**

- SOUTH BOUND ON US101 (APPROX. 41.6 MILES)
- TAKE EXIT 663 FOR CA254 TOWARDS SOUTH FORK / HONEYDEW, STAY RIGHT ONTO BULL CREEK FLATS RD, BULL CREEK FLATS RD TURNS INTO LOWER BULL CREEK FLATS RD (APPROX. 1.6 MILES)
- TURN RIGHT ONTO MATTOLE RD (APPROX. 12.8 MILES)
- TURN LEFT ONTO PANTHER GAP RD (APPROX. 2.3 MILES)
- PROJECT SITE ON RIGHT

**PROJECT DESCRIPTION:**

MATTOLE ACRES, LLC IS PROPOSING TO PERMIT EXISTING MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 5,000 SQUARE FEET (SF) OF MIXED LIGHT MEDICAL CANNABIS CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, A NURSERY AND PROPAGATION GREENHOUSE, A DRYING AND STORAGE FACILITY, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.

**PROJECT INFORMATION:**

**APPLICANT:**  
MATTOLE ACRES, LLC  
805 WILEY CT.  
ARCATA, CA 95521

**PROPERTY OWNER:**  
LARS SAMUELS  
P.O. BOX 8  
HONEYDEW, CA 95545

**OWNERS AGENT:**  
RAIN & ZEPP, PLC  
BEORN ZEPP  
707-442-3034  
517 3RD STREET, SUITE 30  
EUREKA CA, 95501

**SITE ADDRESS:**  
APN: 107-232-005  
2480 PANTHER GAP RD  
HONEYDEW, CA 95545

EXISTING MIXED LIGHT CULTIVATION AREA = 5,000 SQ. FT

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE  
SEWER = PRIVATE

PARCEL SIZE = ±18.8 ACRES

ZONING: = U (UNCLASSIFIED)  
GENERAL PLAN DESIGNATION = AL 40.T (FRWK)

**BUILDING SETBACKS:**

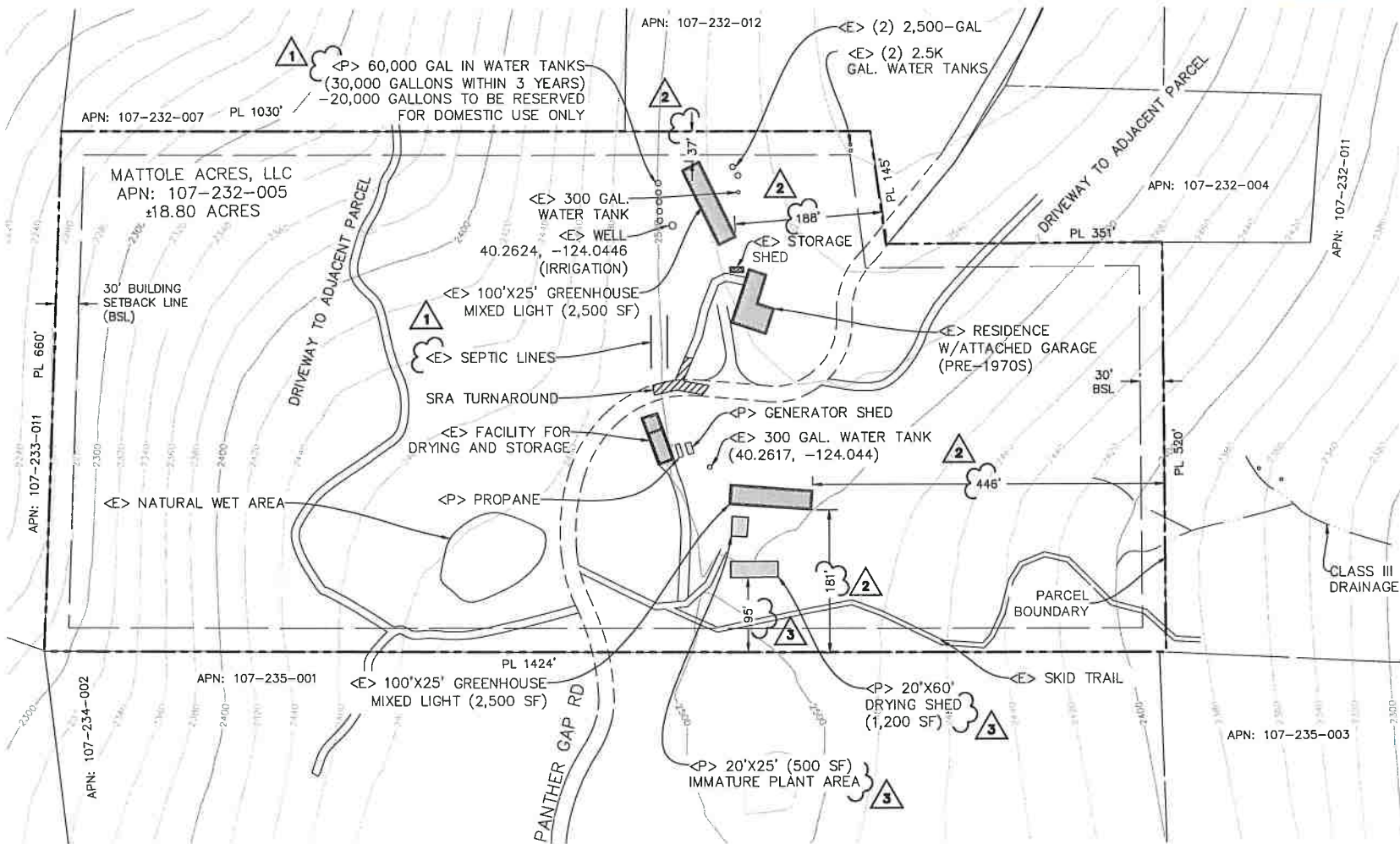
	U	SRA
FRONT	20'	30'
SIDE	5'	30'
REAR	10'	30'

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES  
IN COASTAL ZONE: = NO  
IN 100 YR FLOOD ZONE: = NO

# MATTOLE ACRES, LLC ZONING CLEARANCE CERTIFICATE

APN: 107-232-005



**IRRIGATION AND DOMESTIC WATER USE**

1. WATER FOR DOMESTIC USE AND IRRIGATION IS PROVIDED BY THE EXISTING GROUNDWATER WELL.

**NCRWQCB CANNABIS WASTE DISCHARGE ORDER R1-295-0023**

THE SUBJECT PARCEL IS ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM. WDD NUMBER 1B16925CHUM

**SHEET INDEX:**

C0 - ZONING PLOT PLAN, VICINITY MAP, & PROJECT NOTES

**PROPOSED PLANNING DEVELOPMENT**

1. 60,000 GALLONS IN WATER STORAGE TANKS - NOT REQUIRED; USED AS CONSERVATION MEASURE.
2. GENERATOR SHED - THE SITE IS SERVED BY ON GRID POWER, THE PROPANE GENERATOR WOULD PROVIDE BACK UP POWER.
3. PROPANE TANK - STORAGE NEEDS FOR DOMESTIC AND OPERATIONAL NEEDS

**PLOT PLAN**

22x34 SHEET: 1"=100'  
11x17 SHEET: 1"=200'



DATE	REVISION	DESCRIPTION
02/21/20	1	INITIAL SITE PLAN
02/21/20	2	REVISIONS
02/21/20	3	REVISIONS
02/21/20	4	REVISIONS
02/21/20	5	REVISIONS
02/21/20	6	REVISIONS
02/21/20	7	REVISIONS
02/21/20	8	REVISIONS
02/21/20	9	REVISIONS
02/21/20	10	REVISIONS

**NORTHPOINT**  
CONSULTING GROUP, INC.  
1117 Samoa Blvd., Arcata, CA 95521

MATTOLE ACRES, LLC / APN: 107-232-005

2480 PANTHER GAP RD, HONEYDEW, CA 95545

ZONING PLOT PLAN, VICINITY MAP, & PROJECT NOTES

PROJ. MGR:	PS
DRAWN BY:	PH
DATE:	02/21/20
SCALE:	AS SHOWN
SHEET	C0
19-024	

## ATTACHMENT 1

### Recommended Conditions of Approval

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6-10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. **Within thirty (30) days of the date of approval**, the applicant shall provide evidence of management practices in place to secure blackout tarps in order to prevent light spillage. No supplemental lighting is authorized until this condition has been met.
3. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No mixed-light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
4. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No use of generators, fans or dehumidifiers is authorized by this permit until the applicant can be demonstrated to comply with this standard.
5. The applicant shall contact the local fire service provider [Honeydew Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
6. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures and grading related to the commercial cannabis cultivation operation, including, but not limited to: all greenhouses, agriculture accessory structures, and processing facility. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete

sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.

7. The applicant shall complete and implement all corrective actions detailed within the Water Resource Protection Plan and/or Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. The applicant shall provide the Planning Department a copy of the Site Management Plan, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
8. The applicant shall contact the State Water Resources Control Board, Water Rights Division, to determine if appropriative water rights are required for the water diverted from the well. To satisfy this condition, the applicant shall provide a copy of the appropriate water rights, such as a Right to Divert and Use Water or, alternatively, the applicant may submit communication from the State Water Resources Control Board, Water Rights Division, that appropriative rights are not required.
9. Water meters shall be installed to measure water usage for irrigation. Logs of monthly water use shall be kept on site and made available during the annual inspection.
10. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
11. 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.
12. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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



1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
8. 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).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. 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.
12. The Master Log Books maintained by the applicant to track production and sales shall be

maintained for inspection by the County.

13. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
14. The use of monofilament netting for all uses, including but not limited to erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
15. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
16. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
17. All mixed light cultivation used in the mixed-light operation and appurtenant nursery shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. 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.

#### Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
19. 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).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing

shall comply with the following Employee Safety Practices:

- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
  - 1) Emergency action response planning as necessary;
  - 2) Employee accident reporting and investigation policies;
  - 3) Fire prevention;
  - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - 5) Materials handling policies;
  - 6) Job hazard analyses; and
  - 7) Personal protective equipment policies, including respiratory protection.
- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - 8) Operation manager contacts;
  - 9) Emergency responder contacts;
  - 10) Poison control contacts.
- iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

22. All cultivators shall comply with the approved Processing Plan as to the following:

- i. Processing Practices.
- ii. Location where processing will occur.
- iii. Number of employees, if any.
- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit 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.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail,

plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

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

Permittee further acknowledges and declares that:

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

25. 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:

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

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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for

curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #24 of the On-Going Requirements /Development Restrictions, above.

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

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

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

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

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

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

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

## ATTACHMENT 2

### Required Findings for Approval

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

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

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

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

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



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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p><b>Residential Agriculture (RA):</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The Special Permit seeks to relax the 600-foot setback from public lands. The project would allow the continued cultivation of 5,000 square feet of an existing mixed light cultivation area. The cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel is accessed via Green Gate Road, a County-maintained bypass for Panther Gap Road, and 1.3 miles down Panther Gap Road. A Road Evaluation Report has been prepared by the applicant self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard. The project is not expected to impact the road system, as there is a residence on-site and the 4 employees will not increase the daily trips over the existing level of usage on the road. The project was referred to the Department of Public Works. Public Works responded that a portion of Panther Gap Road up to mile 1.83 is maintained by the County and the Road Evaluation incorrectly states this is all private road. The intersection of the private road with the end of the County-maintained portion of Panther Gap Road has been rocky by the local community. The applicant should contact the road maintenance association if they did not participate in the costs of completing this requirements.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and</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</p>

	<p>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 residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is included in the Open Space Land Plan because the project site is in an area mapped with geologic instability. Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p> <p>The project is located adjacent to the King Range National Conservation Area. The adjacent public lands are subject to the <i>2005 King Range National Conservation Area Resource Management Plan (RMP)</i>. The lands adjacent to the project site are designated Frontcountry Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and watershed restoration. The project is consistent with the RMP management goals because the cultivation activities will protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations. The RMP's provisions for protection of heritage resources will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600-foot buffer separation from developed campgrounds and trails.</p> <p>See Section 10.3 <i>Biological Resources</i> for additional information.</p>
<p>Conservation and Open Space Chapter 10</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and</p>	<p>There are no sensitive or threatened species mapped on the parcel according to the California Natural Diversity Database (CNDDB). There are no watercourses on the parcel. There is a Northern Spotted Owl</p>

<p>Biological Resources Section 10.3</p>	<p>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>(NSO) activity center 3.25 miles away and an NSO observation 2.6 miles from the project site. Marbled Murrelet habitat is mapped on the California State Park land located 0.33 miles to the east of project activities. Potential impacts to NSO and Marbled Murrelet habitat are minimized by the lack of generator noise and adherence to light pollution controls. The power source is PG&amp;E and solar. A backup generator will be fully contained. Noise levels from the backup generator and fans will be less than 50 dB as measured 100 feet from the noise source. The initial project application relied on a Point of Diversion from a spring located on the adjacent parcel APN 107-232-011 owned by the Bureau of Land Management (BLM). The diversion has been decommissioned and the irrigation water source is a permitted well on the subject parcel. The project was referred to California Department of Fish and Wildlife (CDFW) and the BLM. The applicant signed a Final Lake and Streambed Alteration Agreement with CDFW for a single encroachment involving the decommissioning of the spring-box. The BLM commented and noted the existing unauthorized diversion. A response was sent to the BLM with the LSA and consultant monitoring report demonstrating that the diversion has been removed. Ongoing operational conditions are incorporated regarding the standards for use of supplemental light and the protection of wildlife.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded that a cultural resource survey may be needed. The Bear River Band responded indicating an archaeologic survey is not required at this time. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>Mixed light cannabis cultivation will utilize artificial lighting. 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-4, 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 project complies with International Dark Skies Association standards by covering greenhouses with lightproof covers during hours when supplemental lighting is applied.</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>There are no stream crossings or water bodies on the subject parcel. The irrigation water source is a groundwater well. Cultivation takes place within two greenhouses. A Water Resources Protection Plan (WRPP) was prepared for the parcel by Manhard Consulting in February 2017 (see Attachment 4). Corrective actions identified include installation of jute mats and fiber rolls for erosion control around greenhouse landings, adding secondary containment for fuel, removing garbage, and maintaining road outslopes and installing rolling dips. The applicant shall complete and implement all corrective actions. A condition of approval requires the applicant to provide the Planning Department a copy of the documents submitted pursuant to enrollment in the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order, including a Site Management Plan and Notice of Applicability.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that</p>	<p>The existing residence is served by an Onsite Wastewater Treatment System. The applicant will provide portable toilets for use by cultivation staff. The project was referred to the Division of Environmental Health. The response recommended conditional approval. No processing can</p>

	<p>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>occur on-site until a site suitability survey can demonstrate the existing septic system is adequate to meet the needs of employees. As conditioned, the project therefore conforms with this section.</p>
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures due to proximity to wildlife. The nearest Northern Spotted Owl (NSO) habitat is 3.09 miles to the northwest. Another is 3 miles to the east, and another 3.25 to the southeast. Mapped critical habitat for the Marbled Murrelet is located on California State Parks to the east. Power is provided by P. G. &amp; E., with solar power used for the well pump. A backup generator is on-site for emergencies and is fully contained. All noise from generators and fans will be less than 50 decibels at 100 feet from the source.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The parcel is mapped as having moderate geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. The slopes where cultivation occur are variable from less than 15% to 30%. Cultivation occurs on a ridgetop. The western portion of the parcel is mapped with historic landslides approximately 200 feet downslope to the west of the cultivation area. As a condition of approval, the applicant will obtain all grading permits for past grading of more than 50 cubic yards and building permits from the Building Inspection Division (BID). The existing uses, which are proposed to continue, are not expected to be affected by geologic instability. The applicant will obtain a Building Permit prior to construction of the new drying building. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14	<p>Goals and policies contained in this Chapter relate to the</p>	<p>The parcel is outside mapped flood zones. The project site is not within a mapped dam</p>

Flooding	<p>use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>or levee inundation area and, at approximately 12 miles distance from the coast, is well outside the area subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating and high fire severity. The subject property is located within the Honeydew Volunteer Fire Department Response Area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. With respect to the Fire Safe Ordinance (Section 3111-1 et seq.), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has proposed a designated fire turn-around and pullout area for emergency vehicles, management of trees and vegetation to maintain the 100 foot defensible space, and installation of storage designated for fire suppression.</p> <p>There would be a maximum of 4 employees on site during peak operations. There is a well that can provide water for fire protection purposes, if needed, and 60,000 gallons of water storage. The project therefore conforms to the Safety Element for fire hazards.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Honeydew Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE</p>

		EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.</p>

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



Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<p>§312-1.1.2</p> <p>Legal Lot Requirement</p>	<p>Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.</p>	<p>The subject parcel is a legal parcel as described in deed filed January 25<sup>th</sup>, 1934 and recorded in Book 213 of Deeds at page 70, Record of Humboldt County. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.</p>
<p>§312-2.4</p> <p>Zoning Clearance Certificates</p>	<p>The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and</p> <p>The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and</p> <p>The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel.</p>	<p>The Zoning Clearance Certificate is analyzed throughout this staff report in combination with Special Permits as all development will be on the same parcel. The project confirms with all the requirements of the Humboldt County Zoning Regulations. There are no active violations on the subject parcel. The project therefore conforms with the requirements to issue Zoning Clearance Certificates.</p>

314-8.1 Unclassified  §314-55.4.8.2.2 Approvals for existing mixed light and mixed- light cultivation	Unclassified (U): Principally permitted uses include general agriculture, including accessory agricultural uses and structures.	The applicant is seeking a Special Permit for a setback reduction to public lands, for work within the SMA, and a Zoning Clearance Certificate for an existing 5,000-square-foot might-light cannabis cultivation operation on a property zoned U. The proposed use is specifically allowed with a Zoning Clearance Certificate in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Min. Lot Size	6,000 sq ft	19 acres
Min. Lot Width	Fifty feet	975 feet
Max. Ground Coverage	Forty percent (40%)	1%
Minimum Yard Setbacks  (Through the SRA setbacks)	Front: 20 feet Side: 5 feet Rear: 10 feet SRA: 30 feet, all sides	Front: 37 feet Side: 188 feet Rear: 95 feet
Max. Building Height	None specified	<35 feet
§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.	There are no mapped Streamside Management Areas on the parcel per the Humboldt County WebGIS. The Site Plan denotes a natural wet area located on the western side of the road that bisects the parcel. The wet area is setback more than 200 feet from the cultivation area. The project historically utilized a point of diversion from an off-site spring located on the adjacent parcel APN 107-232-011 owned by the Bureau of Land Management (BLM). The applicant signed a Final Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for the removal of the POD infrastructure. The project required the removal of the watertank, cistern, pump, and waterlines from within the stream channel. The work was completed in August 2018 according to a Project Completion Report prepared by NorthPoint Consulting (see Attachment 4). The project area was small enough that the forest duff provided soil stabilization and the stream was not subjected to compaction. The removal of diversion infrastructure and storage tanks will improve stream flow and

		habitat. All work was completed under the terms of the Stream Alteration Agreement. A Special Permit is included with this report for after-the-fact permitting of work within the Streamside Management Area.
Off-Street Parking §314-109.1	Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.	4 spaces
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2  Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	A review of aerial imagery shows that cultivation occurs on existing non-forested flats and no conversion has occurred.
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit (SP) or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district... TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate	This application is a Special Permit to relax the 600-foot setback from public lands, and to allow the continued use of the existing 5,000-square-foot cultivation area on a parcel 19 acres in size. Cultivation occurs in two greenhouses. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.

	existing violations as specified in this ordinance. 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. No expansion of the existing cultivation area shall be permitted.	
§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, Mattole Acres, LLC, has one other application for a cannabis permit, and is entitled to four. If approved, the applicant would hold two permits.
§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.	Cannabis will be dried and processed on site in a proposed 1,200-square-foot building. Cannabis processed will only be cultivated on-site and under control of applicant.
§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. Contents of the application are on file.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	The cultivation operation will adhere to all applicable performance standards described in the CMMLUO. 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.	The irrigation water source is a well. According to the well log, the well is 210 feet deep and drilled through sandstone and shale layers. The well is 1,600 feet from the nearest watercourse Middle Creek. The screened intake is at 180 feet. It does not appear to be hydrologically connected. Estimated annual water use is 50,000 gallons. Water storage totals 10,600 gallons. Additional water storage will be added for conservation. The applicant is required to provide a <i>Notice of Applicability</i> and copies of the Annual Monitoring and Reporting documents submitted to the State Water Resources Control Board.
§314-55.4.11.d Performance	The area of cannabis cultivation and on-site processing shall be setback	The southern greenhouse is located 446 feet from public land owned by the Bureau of Land Management on the adjacent parcel

Standards-Setbacks	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).	APN107-232-011. Section 314-55.4.11(d) allows a relaxation of the 600-foot setback to public lands managed for open space and/or wildlife purposes. A Special Permit is requested to reduce the setback. 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. Per comments provided by the Bear River Band THPO, there are no TCRs present on the site. The site plan shows the project complies with property line setbacks.
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	The project site is approximately 0.33 miles from mapped Marble Murrelet habitat on California State Parks land 3 miles from an NSO Activity Center. Power to the site is provided by P. G. & E., and solar fans are used in greenhouses. A propane generator housed in a generator shed is only used as emergency backup. Any generator noise used in the operation shall be less than 50 decibels as measured 100 feet from the source.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the cultivation application on September 15, 2016.

**4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2019 Housing Inventory.

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

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

**ATTACHMENT 3**  
**CEQA Addendum**

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

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

*APN 107-232-005, 2480 Panther Gap Road, Honeydew, County of Humboldt*

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

July 2020



## Background

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

The modified project involves a Special Permit for a setback reduction to public lands and a 5,000-square-foot mixed-light cannabis cultivation operation. Cultivation occurs in two greenhouses to produce up to three (3) harvest cycles per year. Propagation takes place onsite in an existing 500 square foot ancillary nursery. Estimated annual water use is 50,000 gallons. Irrigation water is sourced from a permitted well. Water storage for fire suppression, domestic use, and irrigation storage totals 60,000 gallons. Processing, including drying and trimming, occurs onsite in an existing shed and a proposed building. No processing can be approved until a septic system is approved. The power sources are P. G. & E. and a generator for emergency backup. A Point of Diversion previously used for irrigation was decommissioned.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

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

substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the operation of a 5,000 square foot commercial cannabis farm 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. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan;
- California Department of Fish and Wildlife Lake and Streambed Alteration Agreement(1600-2018-0010-R1));
- Road Evaluation Report signed December 9, 2018; and
- Water Resource Protection Plan prepared by Manhard Consulting February 2017.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

**CONCLUSION**

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

## ATTACHMENT 4

### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Addendum to Operations Plan received December 6, 2017 - Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan- Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (16/17-0122- Attached)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not Applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report signed December 19, 2018. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)
17. Boundary Exhibit prepared by Michael O'Hern dated September 16, 2019 (Attached)

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2018-0010-R1

Unnamed Tributary to Middle Creek, Tributary to the Mattole River and  
the Pacific Ocean

Randall Speck  
Speck Water Diversion Infrastructure Removal Project  
1 Encroachment

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Randall Speck (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on January 3, 2018, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

**PROJECT LOCATION**

The project to be completed is located within the Mattole River watershed, approximately 4.3 miles east northeast of the locality of Honeydew, County of Humboldt, State of California. The project is located on Assessor's Parcel Number 107-232-005 and the point of diversion on APN 107-232-004; latitude 40.2615 N, and longitude -124.0421 W at the point of diversion.

**PROJECT DESCRIPTION**

The project is limited to one (1) encroachment (Table 1) for the removal of water diversion infrastructure from a natural spring that is tributary to Middle Creek and the Mattole River. Work involves removing the water diversion infrastructure, which may



include limited work within the spring, hauling off all materials, and ceasing the diversion of water from the spring.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Water Diversion Infrastructure Removal	40.2615, -124.0421	An existing water diversion at a natural spring will be removed and water diversion shall cease. All water diversion infrastructure will be hauled off site. Permittee will provide photo documentation when restoration is complete.

The Permittee has disclosed an active groundwater well, and has agreed to provide annual water use reports to CDFW (see Reporting Measures herein). The Permittee has disclosed a second shallow well that is no longer in use and will be filled with sand and gravel to reduce the risk of wildlife entrapment. The Permittee has disclosed a small off stream reservoir that does not hold water most of the year, and has agreed to monitor the reservoir for instability.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

### Impacts to water quality:

increased water temperature;  
reduced instream flow;  
temporary increase in fine sediment transport;

### Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

loss or decline of riparian habitat;  
direct impacts on benthic organisms;

### Impacts to natural flow and effects on habitat structure and process:

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;



indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the



anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**

- 1.8 **Notification to the California Natural Diversity Database.** If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on January 3, 2018.
- 2.2 **Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).

## **Project Timing**

- 2.3 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2019**. Failure to complete work by this date shall result in suspension or revocation of this Agreement. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

## **Vegetation Management**

- 2.4 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to

achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

- 2.5 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal to the use of hand tools. Vegetation management shall not include treatment with herbicides.

### 3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2019**. Failure to complete work by this date shall result in suspension or revocation of this Agreement. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.3 Measurement of Groundwater Extraction. Copies of the **Groundwater Extraction Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.

### CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Randall Speck  
805 Wiley Court  
Arcata, California 95521  
(707) 599-7197  
randyspeck420@hotmail.com

To CDFW:

Department of Fish and Wildlife

Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2018-0010-R1

## **LIABILITY**

Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and



subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

## **AMENDMENT**

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **EXTENSIONS**

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at [http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

## **AUTHORITY**

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

## **AUTHORIZATION**

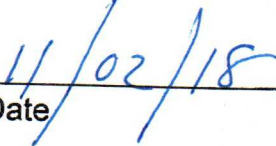
This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

**CONCURRENCE**


The undersigned accepts and agrees to comply with all provisions contained herein.

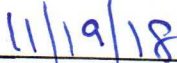
**FOR RANDALL SPECK**

  
\_\_\_\_\_  
Randall Speck

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Cheri Sanville  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

Prepared by: Andrew Orahoske, Environmental Scientist, October 19, 2018



RECEIVED

State of California  
**Well Completion Report**  
 WCR Form - DWR 188 Submitted 07/25/2017  
 WCR2017-002873

HUMBOLDT CO. DIVISION  
 OF ENVIRONMENTAL HEALTH

Owner's Well Number \_\_\_\_\_ Date Work Began 07/12/2017 Date Work Ended 07/24/2017  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/17-0122 Permit Date 08/22/2017

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name		Activity <u>New Well</u>
Mailing		Planned Use <u>Water Supply Irrigation - Agriculture</u>
City		

Well Location					
Address			APN 107-232-005		
City	Honaydow	Zip	95543	County	Humboldt
Latitude		N	Longitude		W
Deg.	Min.	Sec.	Deg.	Min.	Sec.
Dec. Lat.	40.2625320		Dec. Long.	-124.3446390	
Vertical Datum		Horizontal Datum	WGS84	Baseline Meridian	Humboldt
Location Accuracy		Location Determination Method		Ground Surface Elevation	
				Elevation Accuracy	
				Elevation Determination Method	

Borehole Information		Water Level and Yield of Completed Well	
Orientation	Vertical	Specify	
Drilling Method	Other - UNDER-REAM DOWN-HOLE HAMMER	Drilling Fluid	Air
Total Depth of Boring	210	Feet	
Total Depth of Completed Well	210	Feet	
		Depth to first water	182 (Feet below surface)
		Depth to Static	
		Water Level	160 (Feet) Date Measured 07/24/2017
		Estimated Yield*	10 (GPM) Test Type Air Lift
		Test Length	4 (Hours) Total Drawdown 50 (Feet)
*May not be representative of a well's long term yield.			

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	7	large brown sandstone
7	62	silty clay
62	111	large brown sandstone
111	122	shale
122	162	fractured sandstone
162	207	blue sandstone
207	210	shale

Casing								
Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casing Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size (if any inches)
1	0	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	8		
2	1	Blank	PVC	OD: 4.500 in.   SDR: 21   Thickness: 0.214 in.	0.214	4.5		
2	180	Screen	PVC	OD: 4.500 in.   SDR: 21   Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032

Annular Material				
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size
0	20	Bentonite	Other Bentonite	
20	210	Filter Pack	Other Gravel Pack	3/8 inch
				Description
				Sanitary Seal
				Pea Gravel

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	210	10

Certification Statement				
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief				
Name: FISCH DRILLING				
Person, Firm or Corporation				
3150 JOHNSON ROAD		HYDESVILLE	CA	95547
Address		City	State	Zip
Signed	<i>electronic signature received</i>	07/25/2017	683855	
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Attachments
Scan.pdf - Location Map

DWR Use Only	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
Site Number / State Well Number	
<div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <span>Latitude Deg/Min/Sec</span> <span>N</span> </div> </div>	<div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <span>Longitude Deg/Min/Sec</span> <span>W</span> </div> </div>
TRS:	
APN:	



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Mattole Acres, LLC APN: 107-232-005

Planning & Building Department Case/File No.: 11169

Road Name: Panther Gap Road (complete a separate form for each road)

From Road (Cross street): Mattole Road

To Road (Cross street): Subject Parcel

Length of road segment: 2.22 miles Date Inspected 07/15/2016

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.

D. Roelle  
Signature


12-19-18  
Date

Derek Roelle  
Name Printed

Mattole Acres, LLC  
Road Evaluation Report Map  
APN: 107-232-005  
APPS# 11169

 Panther Gap Road (Category 4 Road equivalent)

 Mattole Road  
(Maintained by County)

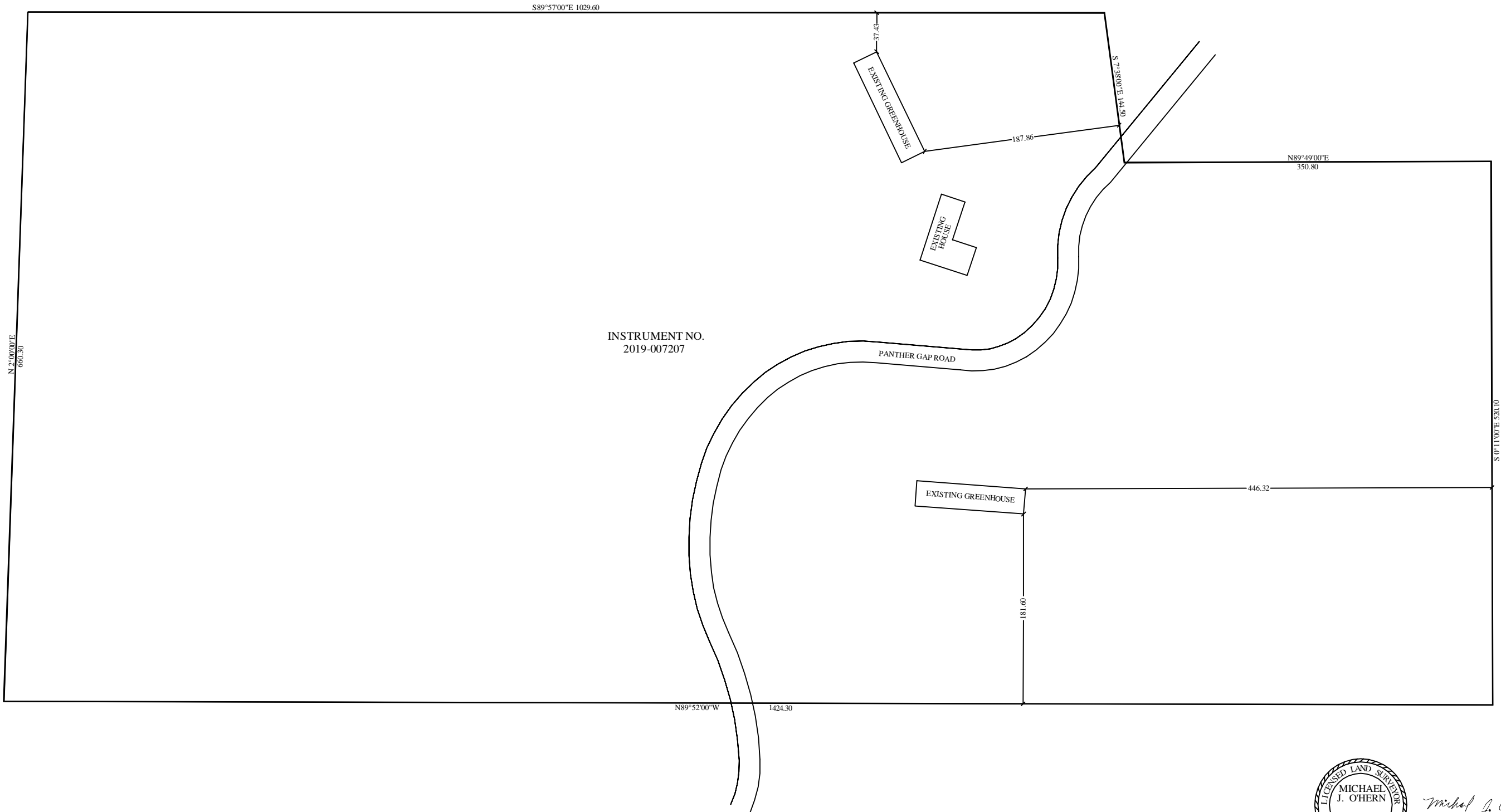
APN: 107-232-005 



Google Earth



5000 ft



INSTRUMENT NO.  
2019-007207

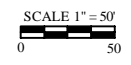


*Michael J. O'Hern*  
MICHAEL J. O'HERN L.S. 4829  
DATE: SEPTEMBER 16, 2019

LOCATION MAP  
FOR  
MATTOLE ACRES, LLC  
IN

SW 1/4 SW 1/4 SECTION 26 T2S, R1E, HUMBOLDT MERIDIAN  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
SEPTEMBER 2019 SCALE 1" = 50'

HUMBOLDT COUNTY  
STATE OF CALIFORNIA



KELLY-O'HERN ASSOCIATES  
EUREKA, CALIFORNIA

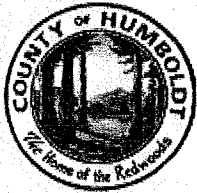
## ATTACHMENT 5

### Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	On File
Building Inspection Division		No response	
Division of Environmental Health	✓	Conditional Approval	Attached
Public Works	✓	Comments	Attached
CA Department of Fish and Wildlife		No response	
Bureau of Land Management (BLM)	✓	Comments	Attached
CA State Parks		No response	
CAL FIRE	✓	Comments	Attached
NWIC	✓	Recommended tribal consultation	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
CA Division of Water Rights		No response	
Humboldt County Sheriff		No response	
Southern Humboldt Joint Unified School District		No response	
Honeydew Volunteer Fire Company		No response	
District Attorney		No response	
NCRWQCB		No response	
Agricultural Commissioner		No response	





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

RECEIVED  
OCT 23 2017  
Humboldt County  
Planning Division

**PROJECT REFERRAL TO:** Health and Human Services Environmental  
Health Division

DEH received  
9-12-17

**Project Referred To The Following Agencies:**

17/18-0644

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Division of Water Rights, Humboldt County Sheriff, Sinkyone Tribe, Southern Humboldt Joint Unified School District School District

**Applicant Name** Ice Box Flat Farms Cooperative, Inc **Key Parcel Number** 107-232-005-000

**Application (APPS#)** 11169 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-097

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

**DISTRIBUTED**

10-18-17

**Comments:**

DEH recommends conditional approval pending the following:

- Operator shall apply to install a permitted Onsite Waste Treatment System (OWTS) within 12 months and obtain final approval of the installation within 24 months of receiving Planning approval. The use of portable toilets in the interim is approved in accordance with the following condition.
- Prior to renewal of permit the operator is required to submit receipts, or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for duration of first year.

\*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.





DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

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

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409  
ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493  
NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS 445-7421

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

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Stephen Luther, Planner, Planning & Building Department  
FROM: Kenneth M. Freed, Assistant Engineer  
DATE: 07/28/2020

RE:	<table><tr><td>Applicant Name</td><td>MATTOLE ACRES LLC</td></tr><tr><td>APN</td><td>107-232-005</td></tr><tr><td>APPS#</td><td>PLN-11169-ZCC</td></tr></table>	Applicant Name	MATTOLE ACRES LLC	APN	107-232-005	APPS#	PLN-11169-ZCC
Applicant Name	MATTOLE ACRES LLC						
APN	107-232-005						
APPS#	PLN-11169-ZCC						

The Department has reviewed the above project and has the following comments:

- ☐ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report for Panther Gap Road, dated 12/19/2018, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard. The Applicant has incorrectly stated that the road is privately maintained for 2.22 miles. Prior to the Panther Gap Road bypass, the County maintained 1.83 miles of the road. The applicant has combined the County maintained portion with the privately maintained portion on the road evaluation form. Applicant should separate the two segments, one for the County maintained road and one for the privately maintained roadway.

Note: The requirement to surface with rock the end of Panther Gap Road (County maintained portion) was completed by the local community. Donations are being accepted by the applicant that coordinated the work. Applicant should contact the road maintenance association if they did not participate in completing this requirement.

// END //



## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11169

☒ **COUNTY ROADS- PROXIMITY OF FARMS:**

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.// END //



**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521-4573  
[www.blm.gov/california](http://www.blm.gov/california)



March 25, 2019

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

Dear Sir or Madam:

In response to Application APP(S) # PLN-11169-ZCC (APN: 107-232-005)

According to the 1169-SiteMap provided in the application package, it appears that there is an existing unauthorized use on BLM land (APN # 107-232-011). The applicant should have their parcel surveyed by a professional land surveyor so that their operations do not trespass upon or cause resource damage to federal lands. In addition, the applicant should provide documentation of a deeded easement and water right in which the applicant has registered a point of diversion with the State Water Resources Control Board.

Any activity related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

Molly Brown  
Field Manager



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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**