



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: September 3, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Vesuvio Gardens, LLC, Special Permit**
Record Number: PLN-12609-SP
Assessor's Parcel Number (APN): 107-251-003
6279 Wilder Ridge Road, Honeydew Area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 3, 2020	Special Permit	Stephen Luther

Project Description: A Special Permit for 8,400 square feet of existing outdoor cannabis cultivation. Up to two harvests will be achieved with the use of light deprivation. An 800-square-foot greenhouse will be used for propagation utilizing supplemental light. Water for irrigation is sourced from an onsite spring supplemented by rainwater catchment. Water storage onsite consists of one 65,000-gallon steel tank and nine (9) additional rigid tanks for a total of 79,800 gallons of water storage. Estimated annual water use is 60,000 gallons. Drying will occur in the existing 1,600 square feet building. Processing will be off-site, with on-site processing occurring in the existing building in the future upon receipt of a commercial building permit for the existing structure. Applicant anticipates one full-time and two seasonal employees. Power is provided by PGE. A Special Permit is included for the diversion work within the spring wet area.

Project Location: The project site is located in the Honeydew area, on the east side of Wilder Ridge Road, approximately 0.68 miles north from the intersection of Fox Springs Road and Wilder Ridge Road, on the property known as 6279 Wilder Ridge Road.

Present Plan Land Use Designations: Residential Agriculture (RA20), General Plan (GP), Density: 5 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR-B-5(20))

Record Number: PLN-12609-SP

Assessor Parcel Number: 107-251-003

Applicant

Vesuvio Gardens, LLC
Joseph Jacovini
PO Box 520
Whitethorn, CA 95589

Owner

Joseph Jacovini
PO Box 520
Whitethorn, CA 95589

Agent

Clearwater Ag Services
Diana Totten
446 Maple Lane
Garberville, CA

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.

VESUVIO GARDENS, LLC
Record Number: PLN-12609-SP
Assessor's Parcel Number: 107-251-003

Recommended Zoning Administrator Action:

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

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

Executive Summary: Vesuvio Gardens, LLC seeks approval of a Special Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for an existing 8,400 square feet (SF) outdoor cultivation operation on Assessor's Parcel Number (APN) 107-251-003, which is approximately 20 acres in size. The site is developed with a residence served by a septic system, a 1,600 square foot drying building, and a 1,600 square foot multi-use building. Drying will occur in the drying building. Processing will occur off-site at a licensed facility until the building is brought up to meet commercial standards. The multi-use building is used for harvest storage, research and development, and pesticide and chemical storage. Up to three workers are needed at peak operations.

Cultivation activities occur from April to October. There is a maximum of two cultivation cycles annually using natural sun light and light deprivation techniques. Cultivation occurs in garden beds within hoop houses. There are two cultivation areas on the parcel and a total of twenty-one (21) 8' x 50' foot cultivation greenhouses. An indoor area is utilized for plant genetics and cloning, and two greenhouses are utilized for ancillary propagation. Existing cultivation was relocated away from a Class III watercourse to the northwest of the residence in order to comply with setback requirements. A condition of approval requires all cultivation infrastructure be removed and the area restored to its natural condition.

The applicant estimates 60,000 gallons of water is required to meet annual needs (approximately 7.1 gallons/sf). Water storage onsite consists of one 65,000-gallon steel tank and nine (9) additional rigid tanks for a total of 79,800 gallons of water storage. The water source for irrigation is a permitted diversion from an on-site spring that is tributary to Four Mile Creek. The applicant has a Final Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for the diversion. In addition, the applicant has a registered water right with the State Water Resources Control Board Division of Water Rights (H100105). The applicant will follow all provisions of the Small Irrigation Use Registration administered by the SWRQB. Irrigation will utilize a drip irrigation system and meter water usage. Storage tanks will be inspected on a regular basis to ensure proper functioning.

The nearest Northern Spotted Owl (NSO) Activity Center is located 1.38 mile to the west of the cultivation site. The nearest mapped Marbled Murrelet habitat is located 0.4 miles from the project site. Power is provided by P.G. & E. The applicant's proposed use of generators is for an emergency backup power source. Due to the close proximity of NSO and Marbled murrelet habitat, conditions of approval require the applicant to demonstrate noise from the operation, including fans and water pumps, may not exceed 50 dB at 100 feet from the noise source.

Access to the site is via Wilder Ridge Road, a paved County maintained road. The road has been evaluated by the Department of Public Works. It is on the approved list for commercial cannabis use. Public Works recommended conditions of approval regarding the relocation of fences and gates out of the County right of way and improvements to the driveway apron to commercial standards where it intersects the County road.

A timber conversion evaluation report was prepared by Timberland Resource Consultants for the parcel in July 2018. The report found approximately 1.7 acres of timber conversion occurred on the property in the area used for cultivation. The report included a review of aerial imagery and found a small clearing of 0.15 acres existed in the southeastern portion of the conversion area prior to the present owner's acquisition of the property. Between 2012 and 2014 this existing clearing was enlarged and expanded to the southwest to approximately 0.25 acres. Between 2014 and 2016, the remaining 1.45 acres was converted. Staff review of aerial imagery shows this unauthorized conversion occurred in spring 2016. The report from Timberland Resource Consultants recommended remedial actions that include treating slash and woody debris, which has been incorporated as a condition of approval. In order to mitigate the loss of timberland that occurred after 2016, the conditions of approval require the applicant to replant 0.4 acres on the parcel at a ratio of 3:1 to account for temporal loss. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. Conditions of approval for the project require the applicant to adhere to and implement the recommendations contained within the Timberland Resource Consultants report.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

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

Resolution Number 20-

**Record Number: PLN-12609-SP
Assessor Parcel Number: 107-251-003**

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

WHEREAS, Vesuvio Gardens, LLC submitted an application and evidence in support of approving a Special Permit for an existing 8,400 square foot outdoor cultivation operation. Annual water use for irrigation is 60,000 gallons. Water is provided by a spring diversion located on the subject parcel. There is 79,800 gallons of water storage. Drying and processing of cannabis occurs onsite in an existing building. Power is provided by P.G. & E.; and

WHEREAS, the applicant submitted an application and evidence in support of approving a Special Permit for after-the-fact work within the Streamside Management Area for the spring diversion; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-12609-SP) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 3, 2020.

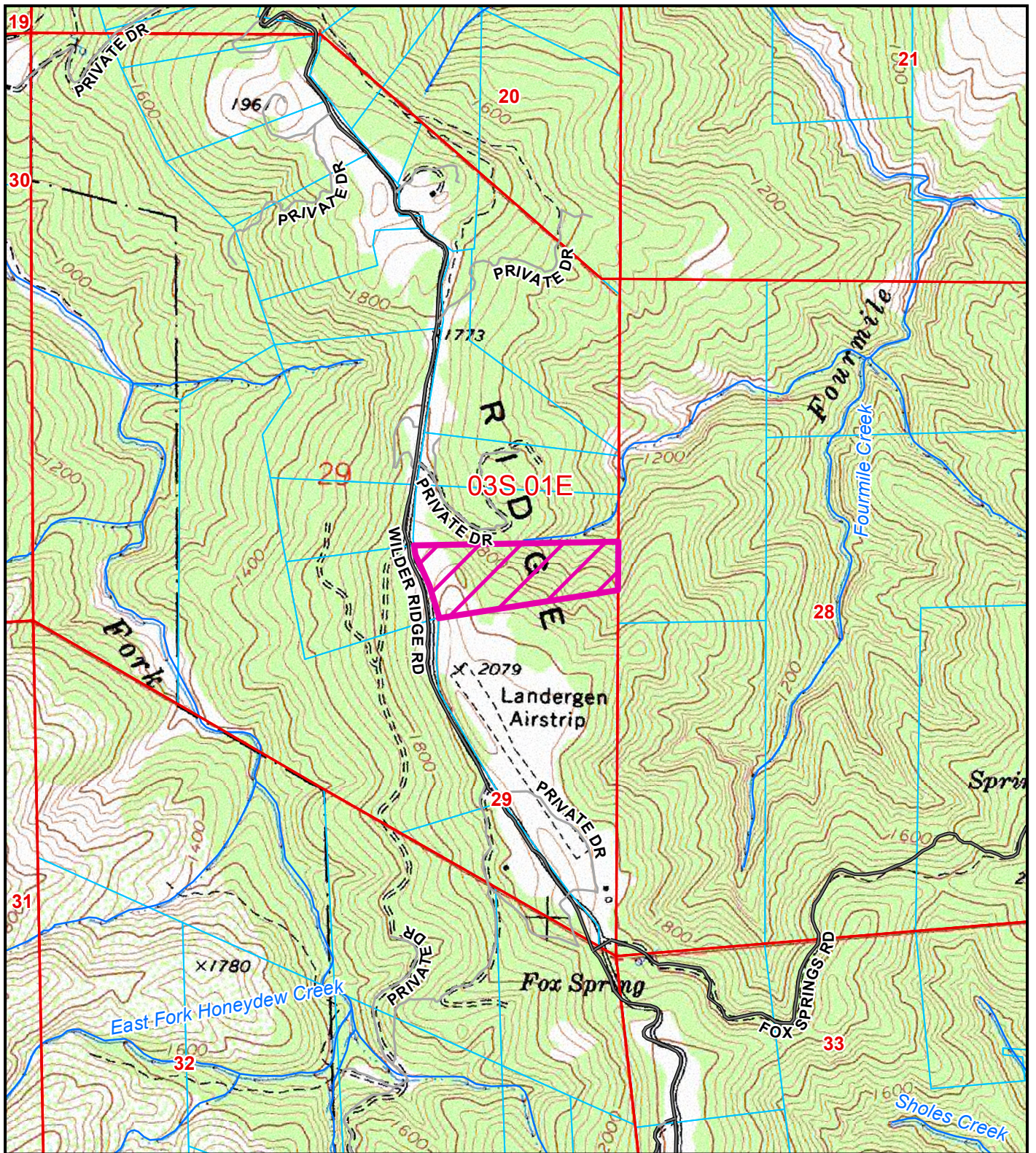
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

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 required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-12609-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on September 3, 2020.

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

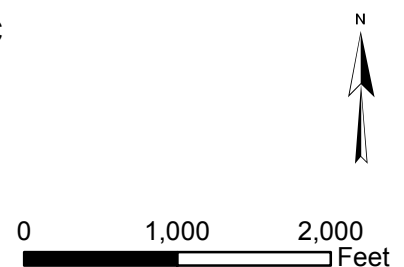
John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt

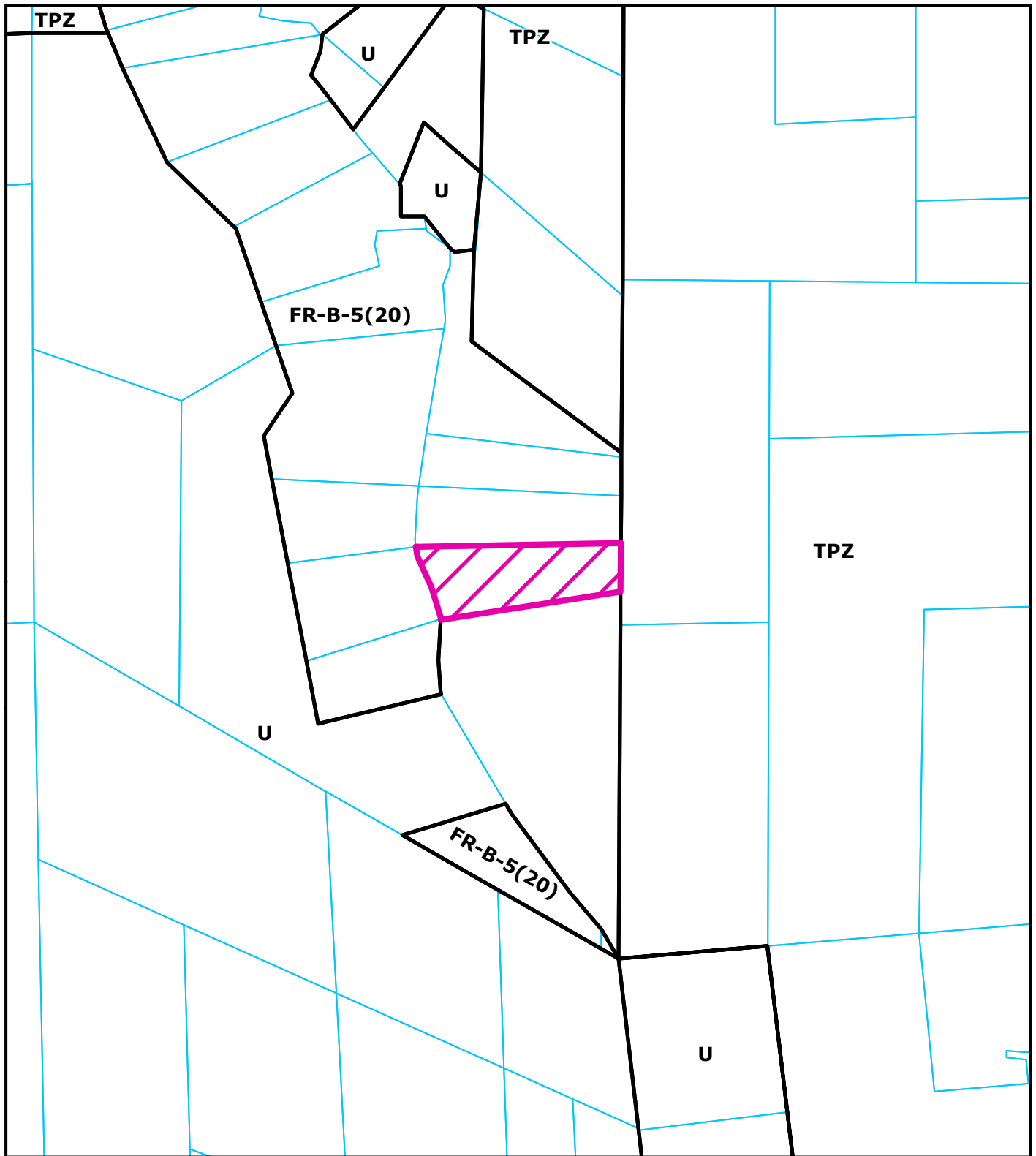


Project Area = 

TOPO MAP
PROPOSED VESUVIO GARDENS LLC
HONEYDEW AREA
SP-16-584
APN: 107-251-003-000
T03S R01E S29 HB&M (HONEYDEW)

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

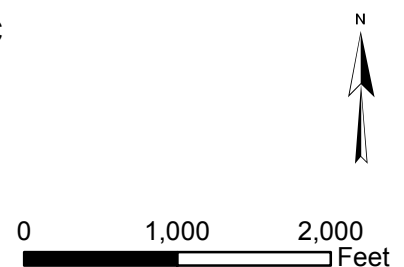


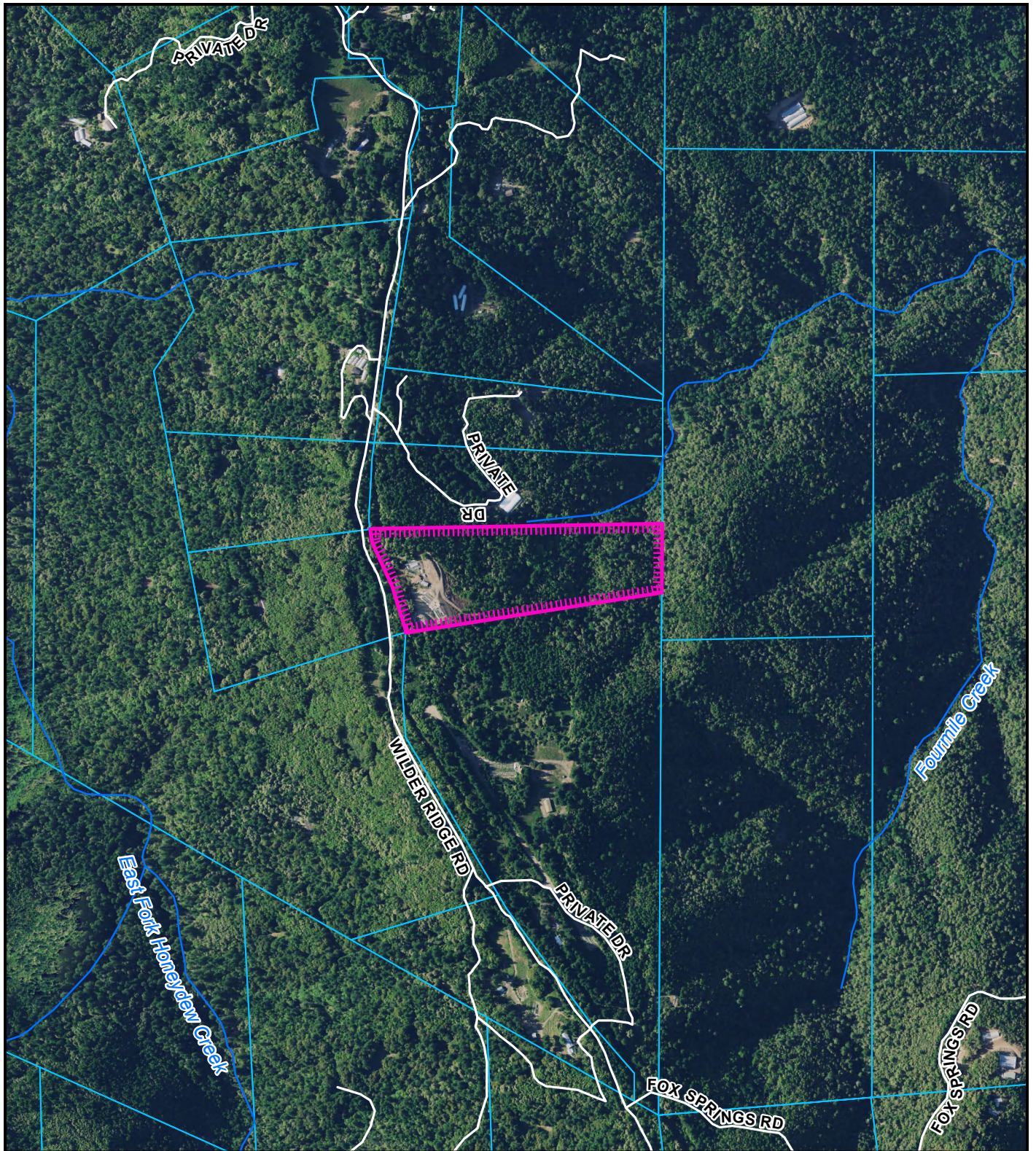


Project Area = 

ZONING MAP
PROPOSED VESUVIO GARDENS LLC
HONEYDEW AREA
SP-16-584
APN: 107-251-003-000
T03S R01E S29 HB&M (HONEYDEW)

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

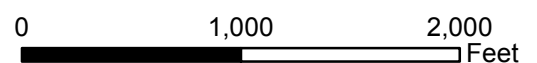




Project Area = 

**AERIAL MAP
PROPOSED VESUVIO GARDENS LLC
HONEYDEU AREA
SP-16-584
APN: 107-251-003-000
T03S R01E S29 HB&M (HONEYDEU)**

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



PROJECT INFORMATION:

PERMIT APPLICATION#:

APN#: 107-251-003-000

PARCEL CENTROID: 40.1750, -124.0858

SITE ADDRESS:

6274 WILDER RIDGE ROAD
HONEYDEW CA. 95545

APPLICANT:

VESUVIO GARDENS LLC.
JOSEPH JACOVINI
PO BOX 520
WHITETHORN, CA. 95584

PROPERTY OWNER: JOSEPH JACOVINI

APPLICANT'S AGENT:

CLEARWATER AG SERVICES
clearwateragservices@gmail.com

PARCEL SIZE: 21.64 GIS ACRES

ZONING: FR-B-5 (20)

RESIDENTIAL BUILDINGS:

SINGLE FAMILY RESIDENCE
WOODEN FRAMING: 30' x 58' = 1740 SQ'

CULTIVATION BUILDINGS:

DESIGNATED PROCESSING AREA
40' x 40' = 1600 SQ'

MULTI-USE BUILDING: 40' x 40' = 1600 SQ' TOTAL
HARVEST STORAGE AREA: 14' x 20' = 280 SQ'
FERTILIZER AND AGRICULTURAL CHEMICAL
STORAGE AREA: 14' x 20' = 280 SQ'
AND RESEARCH AND DEVELOPMENT AREA: 20' x 40' = 800 SQ'
*SEE MULTI-USE BUILDING DIAGRAM

CULTIVATION AREA:

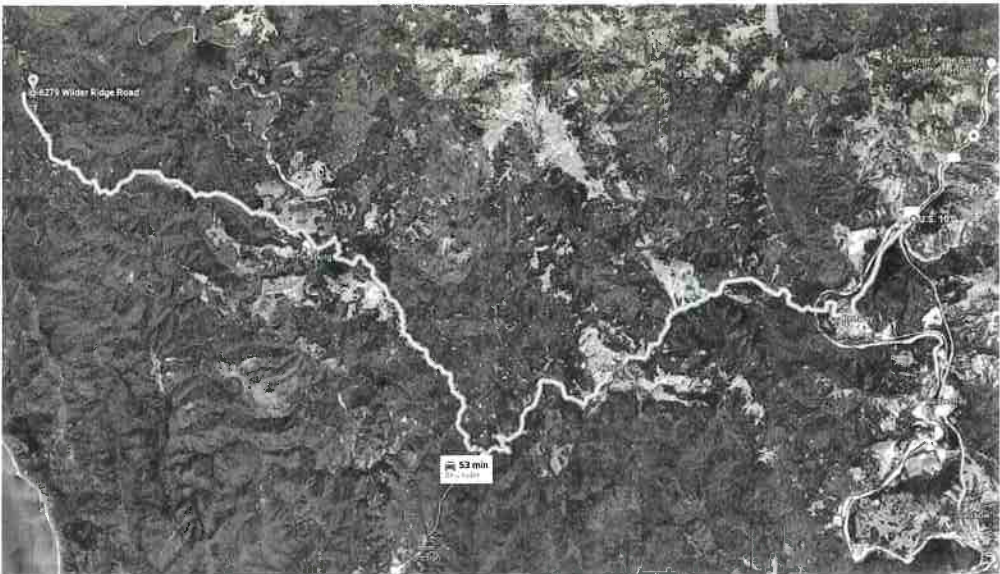
21 HOOP GREENHOUSES: 8' x 50' = 400 SQ' EACH
8400 SQ' TOTAL

IMMATURE PLANT AREA: 8' x 100 SQ' = 800 SQ'

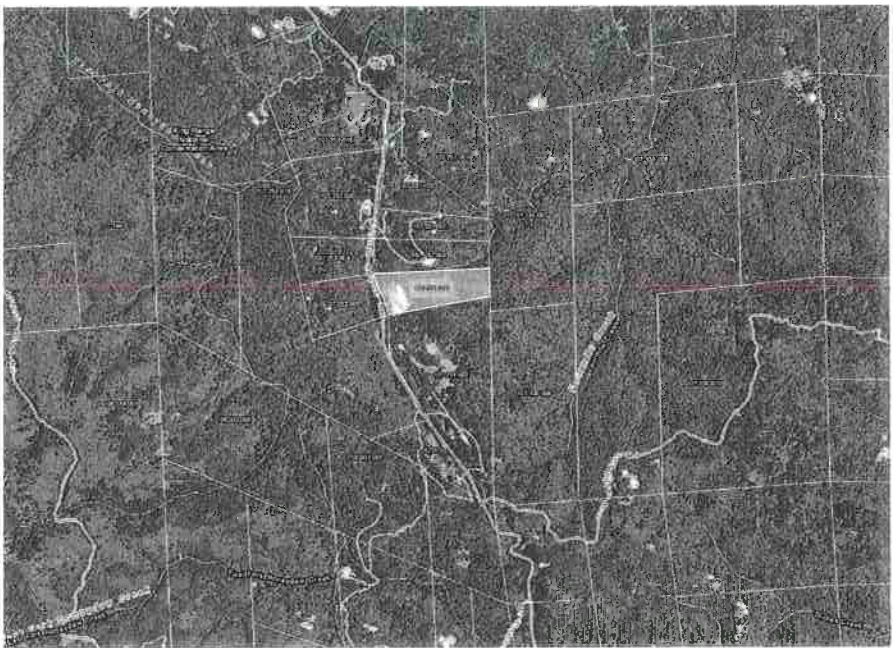
TOTAL AGGREGATE CANOPY AREA: 9200 SQ'

While every care has been taken to prepare this map, HUBER C&D and applicant make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unsuitable in any way and for any reason.

PLN-12609-SP Vesuvio Gardens, LLC



VICINITY MAP



PROXIMITY MAP

September 3, 2020

LAYOUT PAGE TABLE	
Label	Title
p-1	PROJECT OVERVIEW
p-2	PROPERTY DIAGRAM
p-3	PREMISES DIAGRAM
p-4	TOPOGRAPHY AND OFFSETS
p-5	3D ELEVATION VIEWS

DIRECTIONS:

US-101

Garberville, CA 95542
Head southwest on US-101 S 325 R
Take exit 642 for Redwood Drive toward Redway 0.2 mi
Continue onto Redwood Dr 1.6 mi
Turn right onto Briceland Rd 10.0 mi
Continue straight onto Ettersburg Rd/Ettersburg Honeydew Rd 2.4 mi
Turn left to stay on Ettersburg Rd/Ettersburg Honeydew Rd 3.0 mi
Follow Ettersburg Rd/Ettersburg Honeydew Rd to Wilder Ridge Rd 3.1 mi (13.0 mi)
Turn right to stay on Ettersburg Rd/Ettersburg Honeydew Rd 0.1 mi
Turn left to stay on Ettersburg Rd/Ettersburg Honeydew Rd 0.4 mi
Continue onto Wilder Ridge Rd 1.0 mi

6274 Wilder Ridge Rd
Honeydew, CA 95545



- NOTES:
- 1) The property lines and features in this document have not been surveyed or verified, and are per Humboldt County GIS and property owner knowledge. HCD makes no claims as to the accuracy of these maps.
 - 2) There are no nearby schools, school bus stops, places of worship or tribal resources within 600 feet of the existing cultivation area.
 - 3) There are no residences on adjoining parcels within 300 ft of the existing cultivation.



REVISION TABLE

NUMBER	DATE	REVISION BY	DESCRIPTION
VER. 2	10/25/19	TS	9200 SQ'
VER. 3	11/21/20	TS	COUNTY REV.

VESUVIO GARDENS, LLC
JOSEPH JACOVINI
APN#: 107-251-003-000
6274 WILDER RIDGE ROAD
HONEYDEW, CA. 95545

PROPERTY OVERVIEW

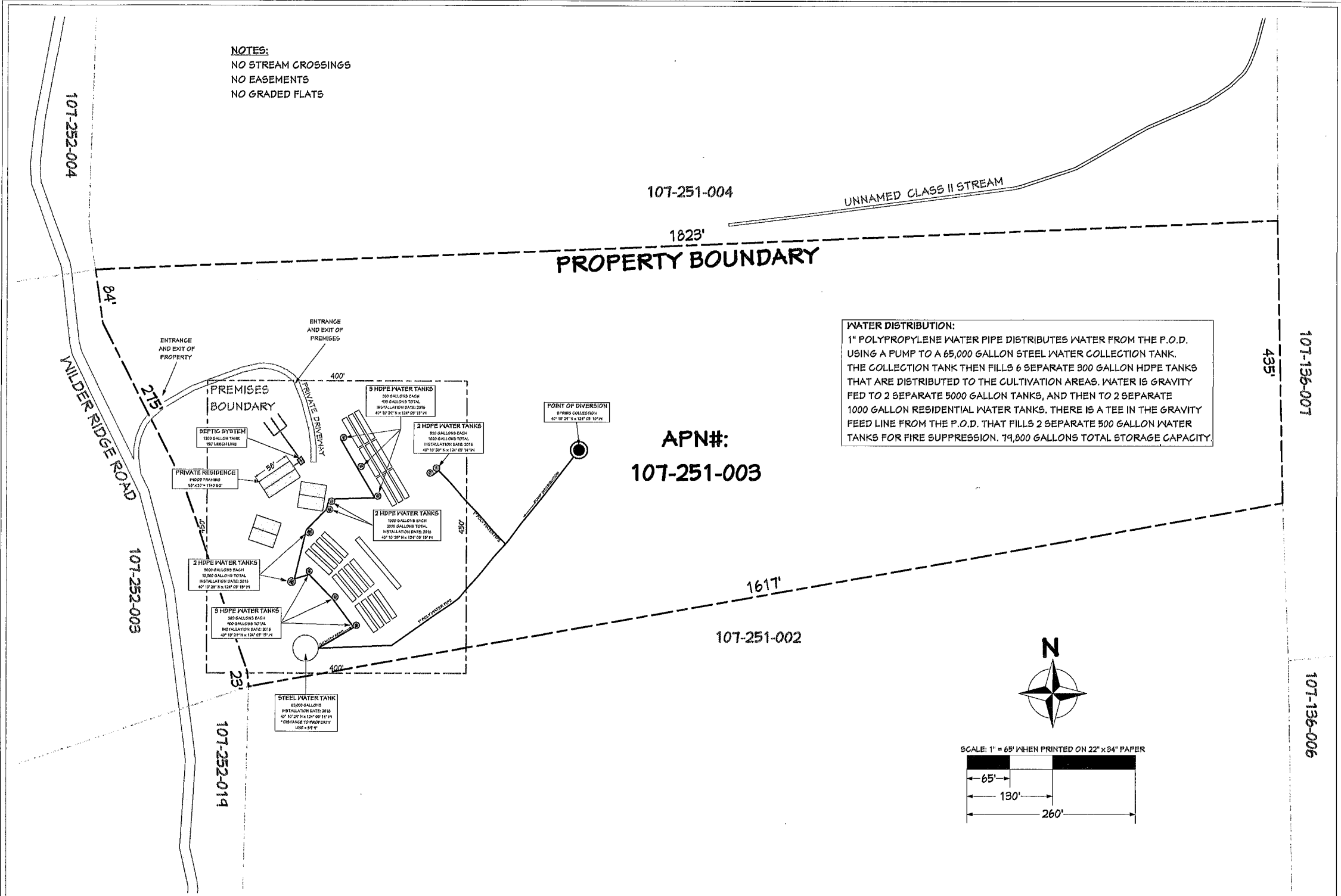
HUBER C&D

www.hubercad.com
email: info@hubercad.com
DRAWN BY: TANNER SPEAS

DATE:
1/21/2020

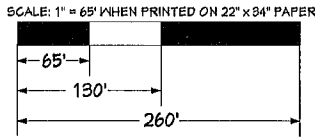
SCALE:

SHEET:
P-1
Page 9



NOTES:
NO STREAM CROSSINGS
NO EASEMENTS
NO GRADED FLATS

WATER DISTRIBUTION:
1" POLYPROPYLENE WATER PIPE DISTRIBUTES WATER FROM THE P.O.D. USING A PUMP TO A 65,000 GALLON STEEL WATER COLLECTION TANK. THE COLLECTION TANK THEN FILLS 6 SEPARATE 300 GALLON HDPE TANKS THAT ARE DISTRIBUTED TO THE CULTIVATION AREAS. WATER IS GRAVITY FED TO 2 SEPARATE 5000 GALLON TANKS, AND THEN TO 2 SEPARATE 1000 GALLON RESIDENTIAL WATER TANKS. THERE IS A TEE IN THE GRAVITY FEED LINE FROM THE P.O.D. THAT FILLS 2 SEPARATE 500 GALLON WATER TANKS FOR FIRE SUPPRESSION. 79,800 GALLONS TOTAL STORAGE CAPACITY.



REVISION TABLE		
NUMBER	DATE	DESCRIPTION
VER.2	4/25/19	9200 SQ'
VER.3	11/21/20	COUNTY REV.

VESUVIO GARDENS, LLC
JOSEPH JACOVINI
APN# 107-251-003-000
6274 WILDER RIDGE ROAD
HONEYDEW, CA 95545

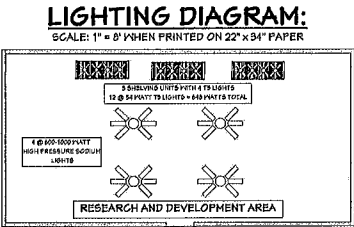
PROPERTY DIAGRAM

HUBER C&D
www.hubercad.com
email: hrc@hubercad.com
DRAWN BY: TANNER SPEAS

DATE:
1/21/2020
SCALE:
1" = 65'
SHEET:
P-2

NOTES:
NO STREAM SIDE MANAGEMENT AREA WITHIN PREMISES
NO STREAM CROSSINGS
NO EASEMENTS
NO GRADED FLATS

CULTIVATION AREA #1:
12 HOOP GREENHOUSES
8' x 50' = 400 SQ' EACH = 4,800 SQ' TOTAL
CULTIVATION AREA #2:
9 HOOP GREENHOUSES
8' x 50' = 400 SQ' EACH = 3,600 SQ' TOTAL
IMMATURE PLANT AREA: 8' x 100' = 800 SQ'
TOTAL AGGREGATE CANOPY AREA: 9,200 SQ'



RESEARCH AND DEVELOPMENT LIGHTING DIAGRAM:
4 x 1000 WATT HPS LIGHTS
3 SHELVES WITH FLUORESCENTS TOTALING 12 x 54 = 648 WATTS
TOTAL FOR RESEARCH AND DEVELOPMENT = 4,648 WATTS
NO LIGHTS ARE USED IN THE HOOP HOUSES.
GREENHOUSE TARP ARE USED FOR LIGHT DEPRIVATION.

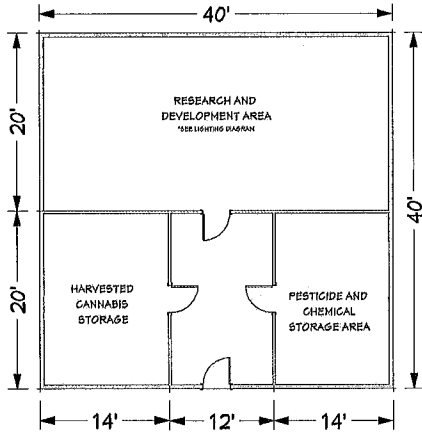
IMMATURE PLANT AREA:
8' x 100' = 800 SQ'

IMMATURE PLANT AREA LIGHTING DIAGRAM:
AREA IS COVERED AT NIGHT TO STOP LIGHT LEAKAGE.
100' ELECTRIC CABLE WITH LIGHTING HOODS
250 WATT COMPACT FLORESCENT EVERY 20'
4 LIGHTS PER GREENHOUSE = 1000 WATTS TOTAL

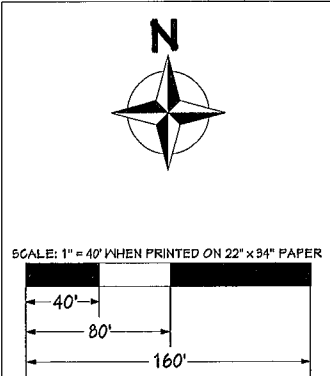
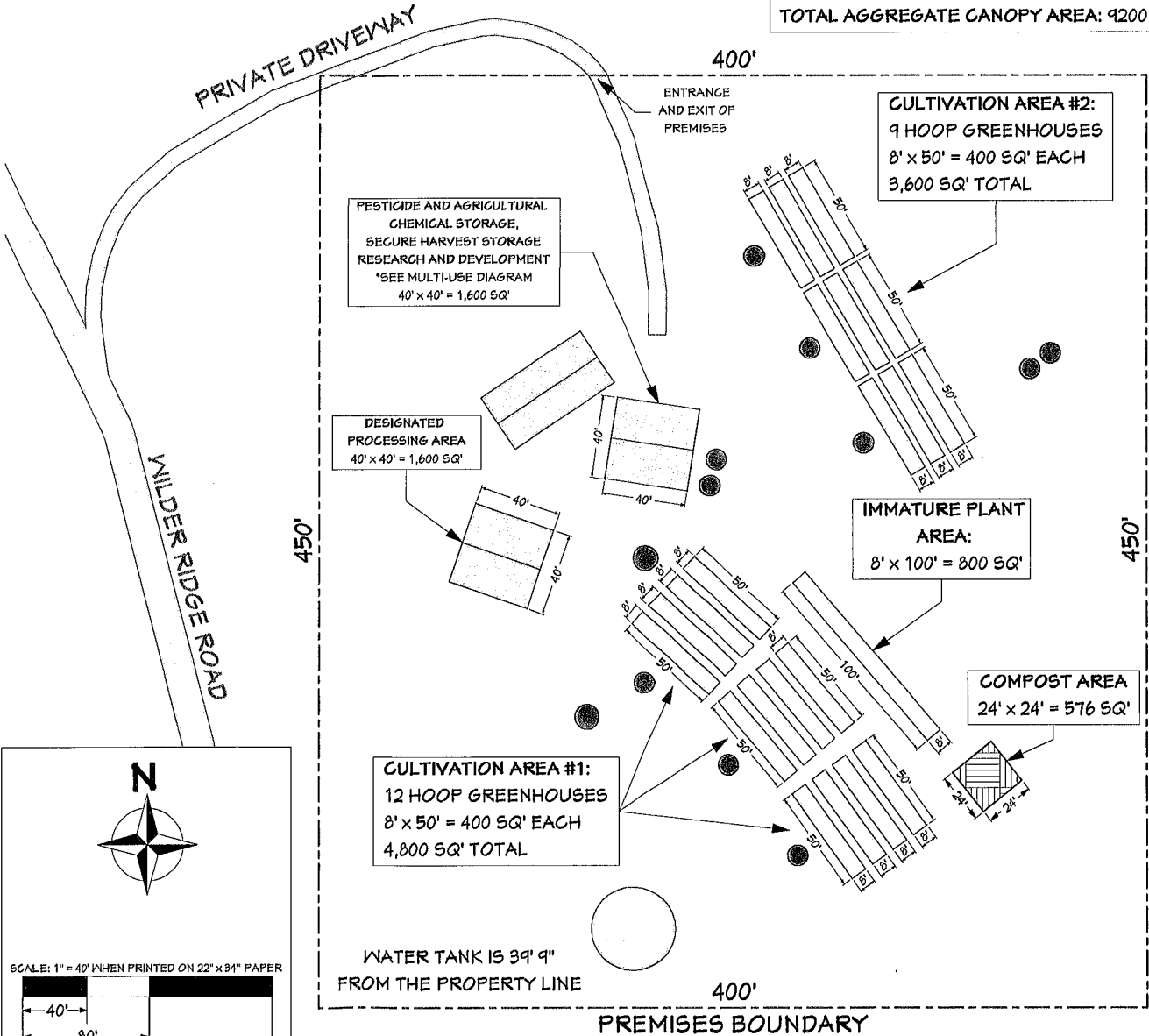
TOTAL FOR ALL AGRICULTURAL LIGHTING: 5,648 WATTS

NO SUPPLEMENTAL LIGHTING IS USED
IN THE CULTIVATION AREA.
LIGHT DEPRIVATION BY GREENHOUSE COVERS ONLY.
ZERO WATTS PER SQUARE FOOT OF CANOPY.

MULTI-USE BUILDING DIAGRAM:
SCALE: 1" = 8' WHEN PRINTED ON 22" x 34" PAPER



MULTI-USE BUILDING: 40' x 40' = 1,600 SQ'
PESTICIDE AND AGRICULTURAL CHEMICAL STORAGE AREA: 14' x 20' = 280 SQ'
HARVESTED CANNABIS STORAGE AREA: 14' x 20' = 280 SQ'
AND RESEARCH AND DEVELOPMENT AREA: 20' x 40' = 800 SQ'



REVISION TABLE
REVISION DATE REVISION BY
VER. 1 9/3/20 10/2016
VER. 2 1/21/20 1/25
VER. 3 1/21/20 1/25

YESUVIO GARDENS, LLC
JOSEPH JACOVINI
APN# 107-251-008-000
6274 WILDER RIDGE ROAD
HONEYDEW, CA 95545

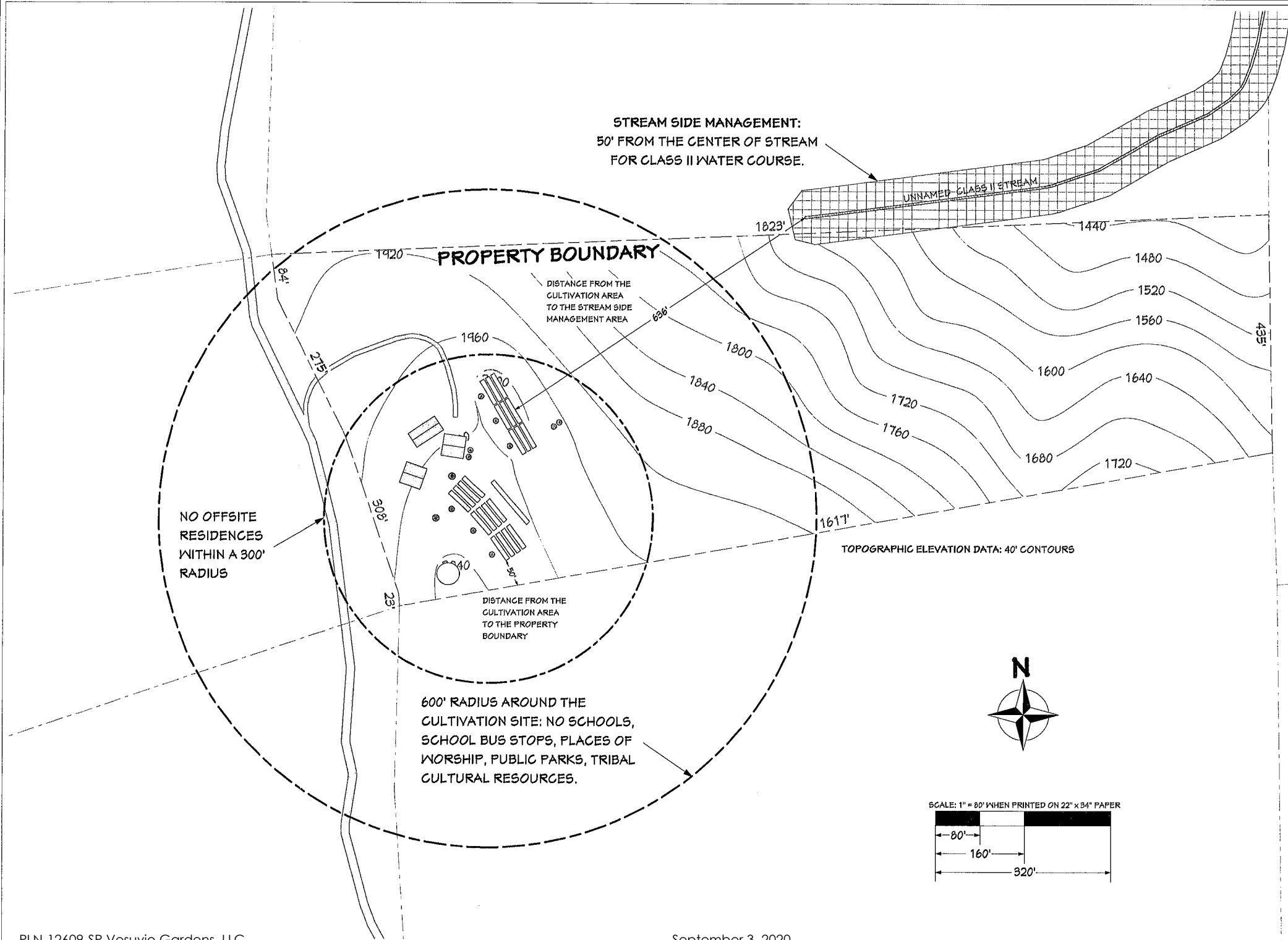
PREMISES DIAGRAM

HUBER C&D
www.hubercad.com
email: info@hubercad.com
DRAWN BY: TANNER SPEAS

DATE:
1/21/2020

SCALE:
1" = 40'

SHEET:



REVISION TABLE	
NUMBER	DATE
1	1/21/2020
2	1/21/2020
3	1/21/2020
4	1/21/2020
5	1/21/2020
6	1/21/2020
7	1/21/2020
8	1/21/2020
9	1/21/2020
10	1/21/2020

VESUVIO GARDENS, LLC
JOSEPH JACOVINI
APN# 107-251-009-000
6274 WILDER RIDGE ROAD
HONEYDEW CA 95245

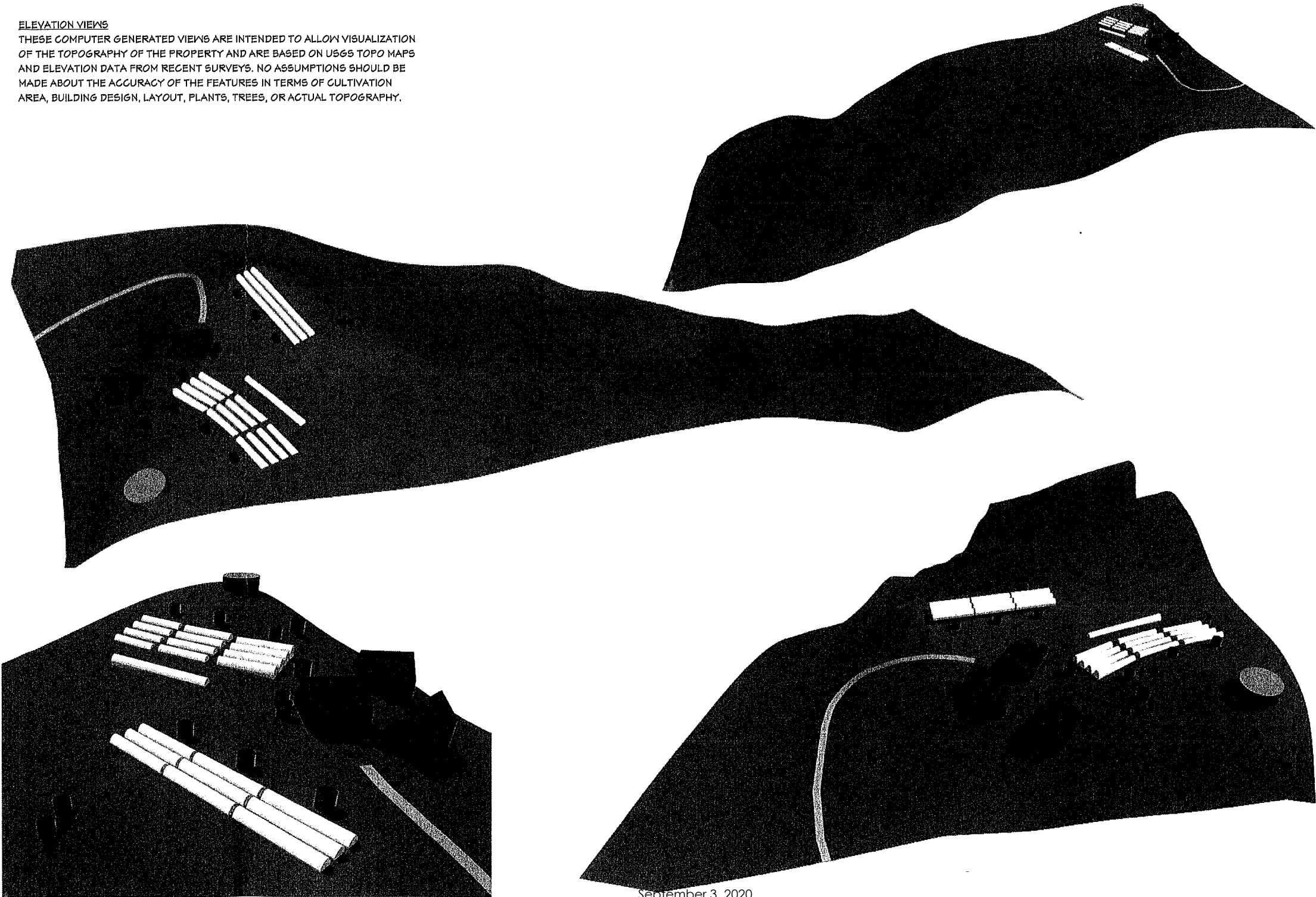
TOPOGRAPHY AND OFFSETS

HUBER C&D
www.hubercad.com
email: info@hubercad.com
DRAWN BY: TANNER SPEAS

DATE:
1/21/2020
SCALE:
1" = 80'
SHEET:
P-4
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ELEVATION VIEWS

THESE COMPUTER GENERATED VIEWS ARE INTENDED TO ALLOW VISUALIZATION OF THE TOPOGRAPHY OF THE PROPERTY AND ARE BASED ON USGS TOPO MAPS AND ELEVATION DATA FROM RECENT SURVEYS. NO ASSUMPTIONS SHOULD BE MADE ABOUT THE ACCURACY OF THE FEATURES IN TERMS OF CULTIVATION AREA, BUILDING DESIGN, LAYOUT, PLANTS, TREES, OR ACTUAL TOPOGRAPHY.



YESINO GARDENS, LLC
JOSEPH JACOVINI
APN# 107-251-005-000
6274 WILDER RIDGE ROAD
HONEYDEW, CA 95245

3D ELEVATION VIEWS

HUBER C&D
www.hubercad.com
email: info@hubercad.com
DRAWN BY: TANNER SPEAS

DATE:

1/21/2020

SCALE:

SHEET:

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-5. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, the drying building, multi-use building, graded flats, and metal water tank. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
3. The driveway shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Wilder Ridge Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. The applicant is also required to maintain sight visibility standards for the driveway intersection. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
4. The applicant shall adhere to and implement the recommendations contained within the Timberland Resource Consultants report, including treatment of slash and woody debris. The applicant shall replant 0.4 acres on the parcel at a ratio of 3:1 to account for temporal loss. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. Any additional recommendations based on the results of the monitoring report shall be implemented. A final effectiveness report shall satisfy this condition.
5. The applicant shall provide a Restoration Plan for the decommissioned cultivation area documenting the removal of all cultivation infrastructure. An effectiveness report documenting the area has been successfully revegetated will satisfy this condition.
6. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) submitted annually to the Planning and Building Department shall satisfy this condition.
7. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
8. The applicant shall adhere to the terms and reporting requirements of the Final Streambed Alteration Agreement. The applicant is required to contact CDFW to renew the LSA prior to the termination of the agreement in October 2021.

9. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

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

9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Install and maintain a metering device on all discrete points of water withdrawal.
12. Maintain weekly records of all irrigation water use.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Power is to be supplied by P.G.&E.. The generator on-site may only be used for domestic purposes with no nexus to the cannabis operation. The use of a generator for cultivation purposes is strictly prohibited.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the California Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. Security light shall be shielded to prevent light spillage onto neighboring properties and comply with International Dark Sky Association standards as set forth in the CCLUO.

Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
23. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work

- surfaces and equipment.
- II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written

statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
30. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit.

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

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

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

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

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

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

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

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

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access.</p> <p>Density range is 5 - 20 acres/unit.</p>	<p>The project is for 8,400 square feet of existing outdoor cannabis cultivation on lands designated Residential Agriculture. General agriculture is an allowable use type for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the project site is via a private driveway directly off Wilder Ridge Road, a paved County-maintained road. The project was referred to the Land Use Division of the Department of Public Works. As a condition of approval, all fences and gates shall be required to be relocated out of the County right of way. No materials can be stored or placed in the County right of way. All driveways and private intersections onto the County Road shall be maintained in accordance with the County Sight Visibility Ordinance. Further, the access road used to access the project shall be improved to current standards for a commercial driveway. These items have been included as conditions of approval.</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 measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located on a parcel zoned Forestry Recreation (FR), thus, it is within the Open Space Land Plan. The project can be found consistent with the Open Space Plan because the proposed project is an agricultural use that is consistent with the allowable uses of the Land Use Designation.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The majority of the parcel is forested with two open cultivation areas created by prior timber conversion. See findings for <i>Timber conversion</i> for additional discussion. Existing cultivation was relocated away from a Class III watercourse to the northwest of the residence in order to comply with setback requirements. A condition of approval requires all cultivation infrastructure be removed and the area restored to its natural condition. The California Natural Diversity Database (CNDDB) does not identify any threatened or endangered species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 1.38 mile to the west of the cultivation site. The nearest mapped Marbled Murrelet habitat is located 0.4 miles from the project site. Power is provided by P.G. & E. The applicant's proposed use of generators is for an emergency backup power source. Due to the close proximity of NSO and Marbled murrelet habitat, conditions of approval require the applicant to demonstrate noise from the operation, including fans and water pumps, may not exceed 50 dB at 100 feet from the noise source or to the edge of the treeline, whichever is closer. The irrigation water source is a Point of Diversion from an onsite spring consisting of a 1-inch screened polyline. A Special Permit is requested with this application in order to authorize the diversion pursuant to the County Streamside Management Area and Other Wet Areas ordinance. The applicant has a Final Lake and Streambed Alteration Agreement with the California Department of Fish for the POD, as well as a permit (H100105) with the State Water Board. The project was referred to the California Department of Fish and Wildlife (CDFW) on March 19, 2019. A request for comments was sent again on August 10, 2020. No response has been received to date. The project is conditioned on adhering to LSA reporting requirements and removing synthetic netting. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>This application was provided to the Northwest Information Center (NWIC), Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. The Bear River THPO recommended a cultural resources survey.</p> <p>A Cultural Resource Survey was prepared for the subject parcel by Archaeological Research and Supply Company in January 2020. The survey did not identify any artifacts or features that would, for the purposes of CEQA, be considered a historical resource or tribal cultural resource. An information note appended to the conditions of approval for this project stipulates that if any cultural resources are encountered during construction activities, the contractor shall immediately cease work and contact a qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) to evaluate the discovery and determine a treatment plan.</p> <p>The Bear River Band of the Rohnerville Rancheria responded. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project proposes the continued operation of 8,400 square feet of outdoor cultivation. No supplemental lighting will be used for flowering. An 800 square foot ancillary nursery area will utilize lighting. All lighting will meet International Dark Sky 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>A Site Management Plan was prepared by Timberland Resource Consultants (see Attachment 4). No erosion or runoff issues were identified. The applicant is required to maintain enrollment in the State Cannabis Discharge program. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. As conditioned, the project conforms to this section of the Water Resources Element.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The site is developed with a single-family residence served by a septic system. The project was referred to the County Division of Environmental Health which has recommended approval of the project. The onsite wastewater treatment system is adequate to serve the operation.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) Activity Center is located 1 mile from the cultivation site. The nearest mapped Marbled murrelet habitat is located 0.3 miles from the project site. Power is provided by P.G. & E. The applicant's proposed use of generators is for an emergency backup power source. Due to the close proximity of NSO and Marbled murrelet habitat, conditions of approval require the applicant to demonstrate noise from the operation, including fans, may not exceed 50 dB at 100 feet from the noise source.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The entire subject site consists of land classified as moderate seismic instability; however, the majority of the cannabis cultivation area is located on a portion of the property with a moderate slope (15-30%) and therefore lower risk of landslides or geologic instability. There are no historic landslides mapped on the parcel. In addition, because the cannabis operation is an agricultural activity located outdoors with only minor accessory structures to support the cultivation, the use is not expected to affect or to be affected by geologic instability. Conditions of approval require the applicant to obtain building permits for any grading conducted on the property related to commercial cannabis operations, such as roads and/or flats. Grading permits will require all graded areas to be stable. As conditioned, staff determined the project does not pose a threat to public safety related to exposure to natural or manmade hazards and conforms to this section of the Safety Element.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and at over 10 miles from the coast is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating and a very high fire severity rating. The subject property is located within the Honeydew Volunteer Fire Company 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. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>There will be a maximum of three employees on-site during peak conditions. There is 78,000 gallons of water storage on the subject parcel that could be used in case of an emergency. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. All applicable referral agencies were referred and did not identify any issues relating to fire hazards.</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 shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

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

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 107-251-003 is one legal parcel The subject parcel was created by Parcel Map 56 (lot 25) recorded in Book 1 of Parcel Maps page 71 There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Forestry Recreation	Forestry Recreation (FR): Intended to be applied in forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use. Cannabis cultivation is allowed on parcels zoned FR.	The applicant is seeking a Special Permit for 8,400 square feet of outdoor cultivation. The proposed use is specifically allowed with a Special Permit in these zoning districts under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	One (1) acre	21 acres
Maximum Ground Coverage:	35%	<5%
Minimum Lot Width:	200 feet	570 feet
Maximum Lot Depth:	None specified	1,800 feet

Minimum Parcel Setbacks: (Through the SRA setbacks)	Front: 20 feet Rear: 20 feet Sides: 10 feet SRA: 30 feet, all sides	Front: 195 feet Rear: 1,310 feet Sides: 30 feet
Maximum Building Height:	35 feet	<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.	A Streamside Management Area (SMA) for an unnamed Class II stream tributary to Four Mile Creek is mapped directly north of the subject parcel. There are no stream crossings in the project area, however several Class III drainages exist. Existing cultivation northwest of the residence was relocated out of a wet area in 2016. The area has naturally revegetated and no additional restoration is needed. The irrigation water source is a Point of Diversion from an onsite spring consisting of a 1-inch screened polyline. A Special Permit is requested with this application in order to authorize the diversion pursuant to the County Streamside Management Area and Other Wet Areas ordinance. The applicant has a Final Lake and Streambed Alteration Agreement with the California Department of Fish for the POD, as well as a permit with the State Water Board.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	2 spaces

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned FR. 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 timber conversion evaluation report was prepared by Timberland Resource Consultants for the parcel in July 2018. The report found approximately 1.7 acres of timber conversion occurred on the property in the area used for cultivation. The report included a review of aerial imagery and found a small clearing of 0.15 acres existed in the southeastern portion of the conversion area prior to the present owner's acquisition of the property. Between 2012 and 2014 this existing clearing was enlarged and expanded to the southwest to approximately 0.25 acres. Between 2014 and 2016, the remaining 1.45 acres was converted. Staff review of aerial imagery shows this unauthorized conversion occurred in spring 2016. The report from Timberland Resource Consultants recommended remedial actions that include treating slash and woody debris, which has been incorporated as a condition of approval. In order to mitigate the loss of timberland that occurred after 2016, the conditions of approval require the applicant to replant 0.4 acres on the parcel at a ratio of 3:1 to account for temporal loss. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. Conditions of approval for the project require the applicant to adhere to and implement the recommendations contained within the Timberland Resource Consultants report. As conditioned, the project therefore conforms to this section.
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On TPZ-zoned parcels 1 acre or larger in size, outdoor and mixed-light cultivation between 10,000 and 43,560 square feet in existence prior to January 1, 2016 may be permitted with a Use Permit. 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.	The proposed action is a Special Permit for 8,400 square feet of existing cannabis cultivation operation on APN 107-251-003, which is a 21-acre parcel zoned FR-B-5(20). Aerial imagery on Google Earth confirms approximately 6,000 SF of cultivation occurred on the property in 2014. The applicant provided additional evidence of cultivation scattered throughout the understory totaling approximately 2,600 square feet. Staff visited the site and corroborated the existence of cultivation activities under the canopy.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has one other application for commercial cannabis.

§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Drying, curing and trimming occur on-site in the existing 1,600 square foot building.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§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 applicant estimates 60,000 gallons of water is required for the operation. The water source for irrigation is a spring diversion and rainwater catchment. The applicant has obtained a Final Lake and Streambed Alteration Agreement. The applicant is required to obtain appropriative rights from the State Water Resources Control Board in order to divert and store water. Conditions of approval require the applicant to adhere to the terms and reporting requirements of the Final LSA issued by CDFW and operating requirements from the Small Irrigation Use Registration issued by the State Water Resources Control Board. Based on the submitted evidence, the project complies with the referenced section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan illustrates that all cannabis cultivation areas, including the metal water tank, are set back at least 30 feet from property lines. The site plan notes, and review of aerial imagery verifies, that there are no schools, school bus stops, public parks, places of worship, or tribal cultural resources within 600 feet of the project site. Based on Tribal review there are no TCRs present on the site.

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) Activity Center is located 1.38 mile to the west of the cultivation site. The nearest mapped Marbled Murrelet habitat is located 0.4 miles from the project site. Power is provided by P.G. & E. The applicant's proposed use of generators is for an emergency backup power source. Due to the close proximity of NSO and Marbled murrelet habitat, conditions of approval require the applicant to demonstrate noise from the operation, including fans, may not exceed 50 dB at 100 feet from the noise 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 filed the application on December 28, 2016.

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

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
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17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2019 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.
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6. Environmental Impact: The following evidence 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, on-site drying, relocation of cannabis to an environmentally superior location on the subject parcel and restocking of timber. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE ORDINANCE

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

APN 107-251-003, 6279 Wilder Ridge Road, Honeydew, County of Humboldt

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

August 2020

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 8,400 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an onsite spring. Water storage onsite totals 79,800 gallons in rigid tanks. Processing activities including drying and trimming are proposed onsite within an existing 1,600 square foot building. Applicant anticipates one full time and two seasonal employees would be required for operations. Power is provided by PGE.

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 a 8,400 square foot outdoor commercial cannabis operation and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and

adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. 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:

- A Cultural Resources Investigation Report dated May 2018
- Cultivation Plan for Vesuvio Gardens, LLC
- Relocation Justification prepared by Timberland Resource Consultants September 7, 2018
- Streambed Alteration Agreement No. 1600-2016-0268-R1
- Registered Professional Forester (RPF) report prepared by Timberland Resource Consultants

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 totaling 4,800 sf and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 4
Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Right to Divert and Use Water- Permit H100105- Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan and Notice of Applicability- 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. (Streambed Alteration Agreement No. 1600-2016-0268-R1- Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. Registered Professional Forester (RPF) report prepared by Timberland Resource Consultants July 21, 2018 evaluating the prior unpermitted conversion of timberland. (Attached)

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 for Wilder Ridge Road, prepared by applicant and dated December 15, 2018(Attached)
16. DEH Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)
17. Relocation Justification prepared by Timberland Resource Consultants September 7, 2018. (Attached)

Cultivation and Operations Plan



Vesuvio Gardens, LLC

APN 107-251-003

6279 Wilder Ridge Road, Honeydew, CA 95545

Vesuvio Gardens LLC

Project Description

Revised 01/20/20

Vesuvio Gardens LLC is seeking a special permit under the Humboldt County CMMLUO for 8,400 sq ft of existing outdoor commercial cannabis cultivation. This parcel is located at 6279 Wilder Ridge Road, Honeydew Ca. 95545. The parcel is 21 acres with zoning of FR-B-5.

There are no sensitive receptors within the setback requirements of the existing cultivation. This includes being at least 600 ft. from a School Bus Stop, School, Place of Worship or Cultural Resource or Public Park. No cultivation will take place within 300 ft of a neighboring residence. This includes no cultivation within 270 ft from a neighboring undeveloped property line as well as a 30 ft setback from property lines.

Electrical power is supplied by PGE.

Water source is a permitted spring and proposed rain catchment from roof of existing buildings.

No new grading is proposed. A timber conversion restoration plan has been prepared and will be enclosed with this document.

Operation Plan

Vesuvio Gardens LLC, will be using existing temporary hoop houses for outdoor cultivation. 2 growing cycles per season will be accomplished by using light deprivation techniques. No supplemental lighting will be needed for cultivation. Operations will consist of utilizing garden beds approximately 6 inches deep with commercial garden soil inside the hoop houses for the cultivation of the cannabis plants. The soil is fully contained in the wood framed garden beds and will be reconditioned and reused for each growing season. This will eliminate the need to purchase new soil.

One employee will be needed for this operation. All applicable employee labor laws will be followed. Housing for the employee is provided by the use of the onsite existing permitted residence. Sanitary facilities are provided at this residence.

Processing will take place at an off site permitted processing facility. Vesuvio Gardens LLC proposes to utilize an existing 40'x40' metal building for processing in the future, once the applicable permitting is obtained for this structure.

Although applicant does not use supplemental lighting as part of their cultivation, they will adhere to the International Dark Sky Guidelines. No light will escape any cultivation related activities between the hours of sunset and sunrise. No noise from any cultivation related activity will exceed 50db at 100' from noise source.

Cultivation Plan

Vesuvio Gardens LLC, will utilize a series of small existing hoop houses for their commercial cannabis cultivation. The cultivation will be in wood framed garden beds filled with approximately 6 inches of commercial gardening soil. This soil will be reused each season by reconditioning the soil with appropriate natural and organic amendments and nutrients. These amendments will be used, handled and stored as recommended by the manufacturer. All amendments and nutrients will be stored as required in appropriate area shown on site plan and have secondary containment.

Only natural pesticides will be used if needed for plant health. Integrated pest management practices will greatly reduce or eliminate the need for pesticides.

Natural sunlight will be used for cultivation. No supplemental lighting will be needed. Light deprivation techniques will be used to achieve 2 harvest per year. The use of black out tarps will be used to accomplish this process.

One employee will be needed for work in the cultivation project. Proper training for tasks as well as proper PPE will be provided by applicant. PPE provided will include gloves, dust masks, eye protection and any other PPE for a safe work environment.

Water for cultivation will be provided by a permitted spring and additional rain water catchment from roof of existing outbuildings. This water is collected and stored in a 65,000 gallon steel water tank and a series of 9 rigid plastic water tanks for a total water storage capacity of 79,800 gallons. This storage capacity will allow for forbearance from May 1 to Oct. 31. Garden beds will utilize drip irrigation system and water will be metered for efficiency and consistency.

Security

Vesuvio Gardens LLC has a security plan in place which consists of No Trespassing Signs and a locked gate leading to the cultivation site. Security cameras are installed at strategic locations on

the property. The cultivation site is not visible from any public place or road. The cultivation site is on a private driveway. This site is not open to public and very few vendors will be needed which reduces the visibility of the cultivation site. No public visitations will be allowed on the property.

Processing

Vesuvio Gardens LLC will process offsite at a permitted processing facility. Applicant proposes to use an existing 40'x40' metal building for future processing, on-site once required permits are obtained.

Materials Management Plan

Vesuvio Gardens LLC will not use any Hazardous Materials as part of their cannabis cultivation project. Any plastics such as tarps, waterlines, plastic pots or propagation trays or any unused greenhouse materials will be disposed of appropriately at a licensed disposal site such as the Redway Transfer Station or the Humboldt Waste Management Facility in Eureka.

Proper storage of trash in trash cans with containment will be utilized for other trash including household type trash. This will be transported weekly to the appropriate facility.

No fuel or any other hazardous material in any reportable quantities will be on site.

Parking and Roads

This cultivation site is located off the County maintained Wilder Ridge Road to a locked gate on a private driveway. The gravel driveway is well maintained for erosion control by shaping and using rolling dips when appropriate. The driveway is approximately 400 ft long from the paved county road to the cultivation site and residence. There is access for any type emergency vehicle with ample parking up to 6 vehicles including any type of emergency vehicle such as a type 3 fire apparatus. See site plan for parking areas.

Light Pollution Control

Vesuvio Gardens LLC will utilize natural sunlight and light deprivation techniques as part of their operations. Operator will monitor the cultivation greenhouses to ensure no light pollution occurs and correct any issues that might arise.

Soil Management

Vesuvio Gardens LLC will utilize the existing high-quality commercial garden soil for cultivation in wood framed garden beds in the hoop houses. This soil will be recycled and reused each growing season by adding appropriate amendments. Soil is contained in the garden beds which will eliminate the possibility of runoff or exposure to cause contamination of surrounding areas of water courses.

Hazardous Material Waste Statement

No hazardous waste is generated or used on this cultivation site.

Energy Plan

All electrical needs for Vesuvio Gardens LLC are provided by Pacific Gas and Electric Company.

Storm Water Management Plan

Vesuvio Gardens LLC will maintain driveways and access roads to eliminate erosion or runoff during storms. No stream crossings or culverts exist on the access to or on the cultivation site. During storm events operator will monitor roads and cultivation site to ensure that runoff from cultivation site as well as access roads will be corrected for minimum impact or erosion. If needed straw, seed, wattles, jute cloth or other industry standards for erosion control will be placed to eliminate runoff. Roads and cultivation site will be shaped with rolling dips and vegetation buffers which help absorb potential runoff. Site Management plan will contain additional information to ensure proper measures will be taken for appropriate storm water management.

Water Source and Water Rights

See attached documents.

Irrigation Plan

Vesuvio Gardens LLC will utilize metered drip irrigation for irrigation for consistent and appropriate quantity of water for cultivation. A water use plan is enclosed to show monthly water usage as well as annual use.

Water Storage

Visuvio Gardens LLC will store 79,800 of water to be used for cultivation. The storage will be in a series of rigid plastic water tanks as well as a steel water tank with a capacity of 65,000 gallons. The water is from a rain catchment system from the roof of an existing out building as well as a permitted spring. The water storage is sufficient for forbearance period from May 1 through October 31. See site plan for location of water storage.

Sewage Disposal

Vesuvio Garden LLC will use the facilities at the existing permitted residence.

Noise Source and Mitigation

This cultivation site produces minimal noise from cultivation activities. The electrical power source is grid power from PGE and no generators are used. The hoop houses have passive air flow so ventilation fans are not needed. No noise source exceeds 50db at 100'.

Timber Conversion

Vesuvio Gardens LLC will complete a restoration of timber conversion area as prepared by Timberland Resource Consulting. This plan and subsequent planting will commence in the fall of 2019. This will ensure the best rate of survival for the new trees.

(note: Planting of restoration trees was completed on 01/09/2020.)

Table 1: Water Usage Table				
Month	Propagation Activities	Cultivation Schedule	Processing Activities	Water Usage from Storage
January	None	N/A	N/A	0 gallons
February	None	N/A	N/A	0 gallons
March	None	N/A	N/A	0 gallons
April	Obtain clones	Prepare cultivation beds	N/A	1,000 gallons
May	Transplant clones	Plant starts	N/A	5,000 gallons
June	None	Cultivate plants	N/A	8,500 gallons
July	Obtain clones/transplant	Cultivate plants/Harvest	Drying	13,000 gallons
August	None	Cultivating.	Product shipped to processor	13,000 gallons
September	None	Cultivate plants	N/A	11,000 gallons
October	None	Cultivate plants/Harvest	Drying	8,500 gallons
November	None	None	Drying/ship product to processor	0 gallons
December	None	Cover crop on beds	N/A	0 gallons
Total Water Use				60,000 gal



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500725

CERTIFICATE H100105

Right Holder: Joseph Jacovini
PO Box 520
Whitethorn, CA 95589

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 04/20/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights re delegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Class II POD	Unnamed Stream	Fourmile Creek	Mattole River	40.1739	-124.0849	Humboldt	107-251-002

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	107-251-003	0.2295684

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/21/2018.

The place of use is shown on the map filed on 06/21/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.50 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.52 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd)** or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.

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

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

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

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

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

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


STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

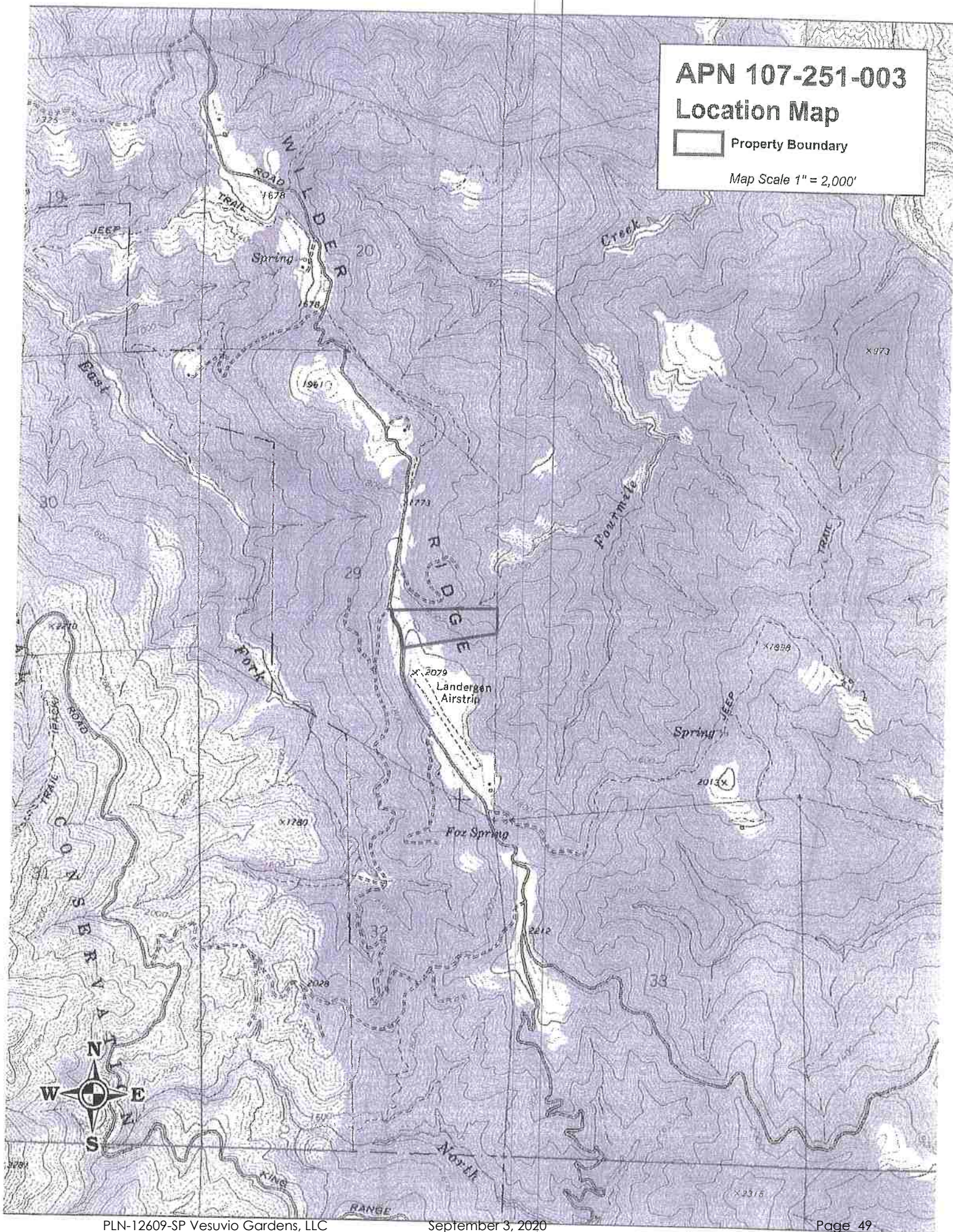
Dated: 06/21/2018 12:40:44

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APN 107-251-003
Location Map

 Property Boundary

Map Scale 1" = 2,000'




















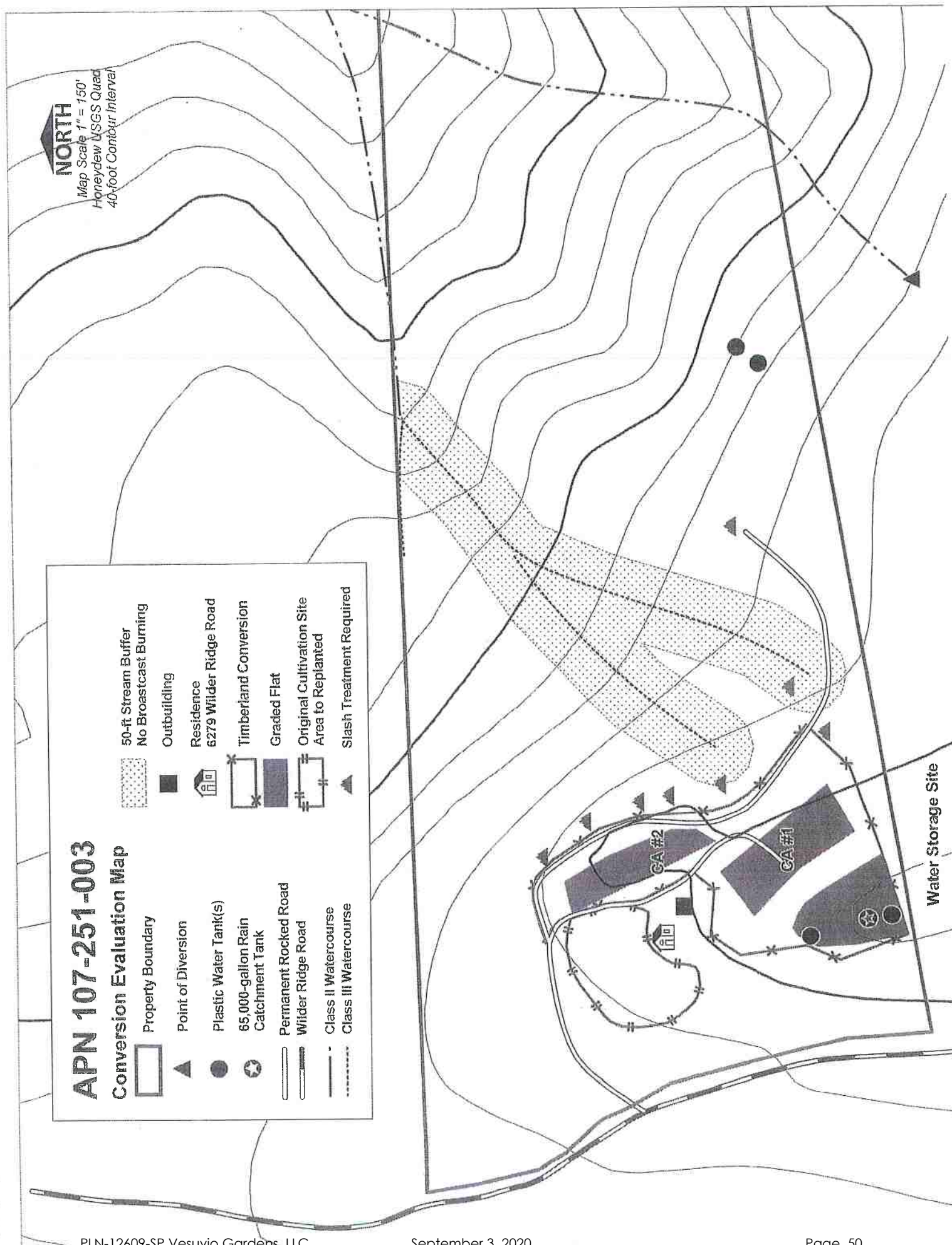
NORTH

Map Scale 1" = 150'
Honeydew USGS Quad
40-foot Contour Interval

APN 107-251-003

Conversion Evaluation Map

- | | | | |
|---|-----------------------------------|---|---|
|  | Property Boundary |  | 50-ft Stream Buffer |
|  | Point of Diversion |  | No Broadcast Burning |
|  | Plastic Water Tank(s) |  | Outbuilding |
|  | 65,000-gallon Rain Catchment Tank |  | Residence |
|  | Permanent Rocked Road |  | 6279 Wilder Ridge Road |
|  | Wilder Ridge Road |  | Timberland Conversion |
|  | Class II Watercourse |  | Graded Flat |
|  | Class III Watercourse |  | Original Cultivation Site Area to Replanted |
| | |  | Slash Treatment Required |



September 20, 2018

WDID:1_12CC402535

JOSEPH JACOVINI
PO BOX 520
WHITETHORN, CA 95589

Subject: Notice of Applicability - Waste Discharge Requirements Water
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

180917_1L_1_12CC402535_Wilder Ridge_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, JOSEPH JACOVINI, HUMBOLDT COUNTY APN(s) 107-251-003

Joseph Jacovini (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on July 30, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC402535**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date.

Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by October 27, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board

Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us

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

RECEIVED

OCT 18 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2016-0268-R1

Unnamed Tributary to Four Mile Creek, Tributary to the Mattole River
and the Pacific Ocean

Mr. Joseph Jacovini
Jacovini Water Diversion Project
1 Encroachment

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Joseph Jacovini (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 14, 2016, 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 accept 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 Four Mile Creek watershed, tributary to the Mattole River, approximately 5.1 miles south southeast of the town of Honeydew, County of Humboldt, and State of California. The project is located in Section 29, T3S, R1E, Humboldt Base and Meridian; in the Honeydew U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 107-251-03 at the Place of Use and 107-251-02 at the point of diversion (POD); latitude 40.1739 N and longitude 124.0849 W at the POD.

PROJECT DESCRIPTION

The project is limited to one encroachment for water diversion. A Class II spring/stream is diverted for domestic use and irrigation. Work for the project includes use and maintenance of the water diversion infrastructure.

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*), 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;

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 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.
- 1.4 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 that the bypass flows and diversion rates 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.
- 1.5 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.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

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 the Permittee Notification received with fees paid in full on June 14, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute or 25% of the total flow at any time.

- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted in total from either POD during the season from May 15 to October 15 of any year beginning when this Agreement is signed. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.6 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.7 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.8 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to

ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The link to file a Statement of Water Use can be found at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/intl_stmnt_form.pdf

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **water diversion records** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 office **no later than December 31 of each year beginning in 2016**.
- 3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan no later than May 15, 2017**, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

3.3 CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Joseph Jacovini
P.O. Box 520
Whitethorn, California 95589
707-986-3650

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0268-R1

LIABILITY

The 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 the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from 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.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse

disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 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 FGC section 1605(b), the 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, the 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 FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(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.

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 FGC section 1605(a)(2) requires.

AUTHORITY

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

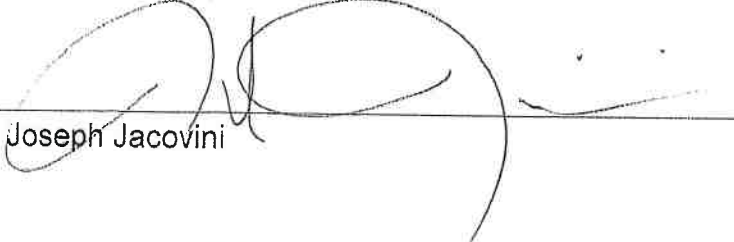
AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Joseph Jacovini

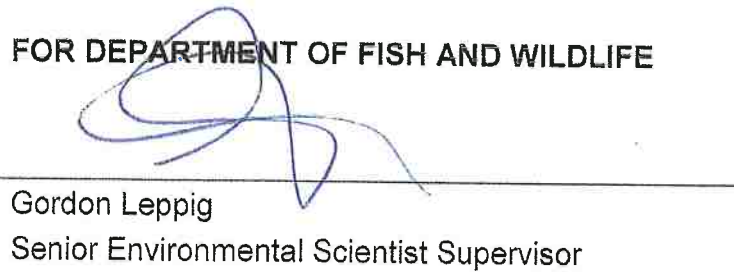


Joseph Jacovini

10/15/16

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Gordon Leppig
Senior Environmental Scientist Supervisor

10/19/16

Date

Prepared by: David Manthorne, Environmental Scientist, August 29, 2016

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Vesuvio Gardens, LLC

APN: 107-251-003

Planning & Building Department Case/File No.: SP16-584 - APPS 12609

Road Name: Wilder Ridge Road (complete a separate form for each road)

From Road (Cross street): Ettersburg Road

To Road (Cross street): private driveway at 6279 Wilder Ridge Rd

Length of road segment: 13.2 miles Date Inspected: 12-15-2018

Road is maintained by: ☒ County ☐ Other

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

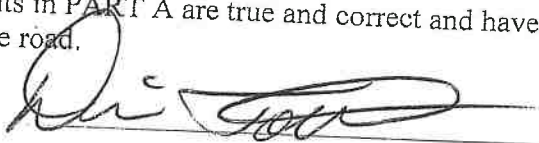
Box 2 ☐ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature



Date

12/15/18

Diana Totten
Name Printed

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

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

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

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

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

ADT: _____ Date(s) measured: _____

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: ☐ No. ☐ Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

Signature of Civil Engineer _____

Date _____

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



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

September 7, 2018

Attention: Stephen Luther
Planner, Cannabis Services Division
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Luther,

Re: APN 107-251-003 / Application #:12609

This letter is in response to Department Policy Statement No. 16-002, which states, *"If a workable alternative cultivation site exists on a parcel and its relocation will bring the cultivation into compliance with performance standards of the CMMLUO, this approach could meet the objectives of the CMMLUO provided it is the environmentally superior option."*

As a Third-Party representative to the Water Board and Registered Professional Forester managing your property for timber production, Timberland Resource Consultants recommends relocating the pre-existing cultivation site to the new sites as shown on the attached Conversion Evaluation Map. The relocation of the pre-existing site to the new sites is proposed for the following reasons detailed below;

The pre-existing cultivation site contains wet areas that would merit protection per Water Board Order No. 2015-0023, which states that discharges and related controllable water quality factors covered under the Order include activities within and adjacent to wetlands and riparian zones. In addition, Standard Condition (I)(A)(3)(a), states:

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

The "wet areas" have not been delineated as a "wetlands" as follows:

"Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." - Definition of wetlands as used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes.

However, regardless of the nomenclature, the wet areas appear to have the potential to interact with the cultivation site and potentially runoff the property, which is not in compliance with Water Board Order No. 2015-0023, Standard Condition (I)(A)(3)(c), which states:

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

The relocation areas, as shown on the attached Conversion Evaluation Map, are addressed in detail in the Conversion Evaluation Report dated July 21, 2018, comply with Water Board Order No. 2015-0023, Standard Condition (I)(A)(3)(a). The relocation areas are greater than 100 feet from Class III watercourses and therefore are environmentally superior to the pre-existing site from a water quality perspective.
















Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

APN 107-251-003

Conversion Evaluation Map

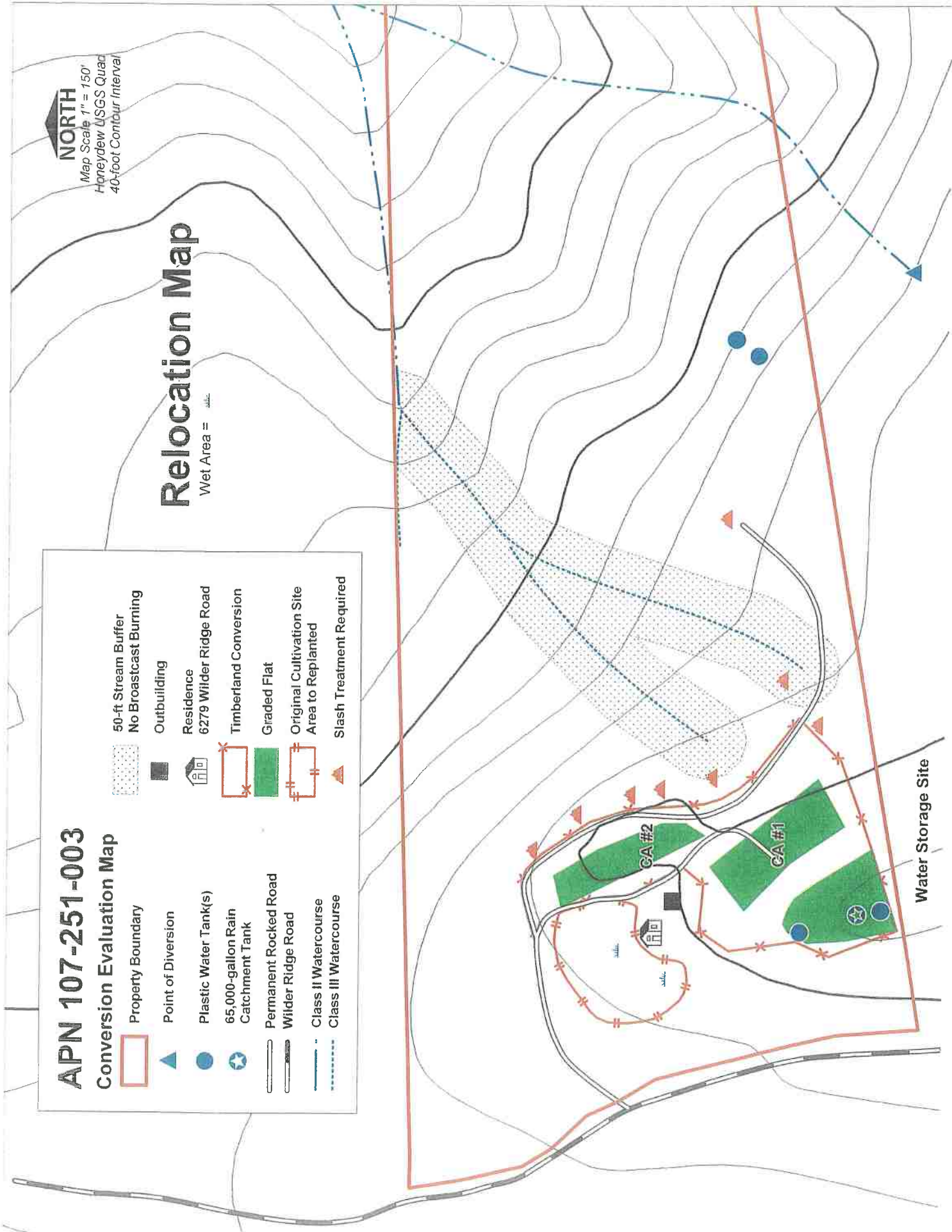
- | | |
|---|--|
|  Property Boundary |  50-ft Stream Buffer
No Broadcast Burning |
|  Point of Diversion |  Outbuilding |
|  Plastic Water Tank(s) |  Residence |
|  65,000-gallon Rain Catchment Tank |  Timberland Conversion |
|  Permanent Rocked Road |  Graded Flat |
|  Wilder Ridge Road |  Original Cultivation Site
Area to Replanted |
|  Class II Watercourse |  Slash Treatment Required |
|  Class III Watercourse | |

Relocation Map

Wet Area =

NORTH

Map Scale 1" = 150'
Honeydew USGS Quad
40-foot Contour Interval



ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works/Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Approval	Attached
Department of Fish & Wildlife		No response	Staff request for comments- Attached
CAL FIRE	✓	Comments	Attached
NWIC	✓	Further study requested	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval – Inadvertent Discovery Protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
NCUAQMD		No response	
Mattole Union Unified School District		No response	

▼ Pre-Site Inspection

Status:

[History](#)

PRE-SITE

Project Started

☐ Yes ☐ No

AOB Inspection

☐ Yes ☐ No

Soil Required Due to

Project is in flood zone A

☐ Yes ☐ No

2nd Flood Certificate Required

☐ Yes ☐ No

SRA requirements apply

☐ Yes ☐ No

SRA water storage requirements apply

☐ Yes ☐ No

Grading permit required

☐ Yes ☐ No

Erosion and sediment control measures required

Lot created prior to 1992

☐ Yes ☐ No

Incomplete Submittal Construction Plan

☐ Yes ☐ No

 [Standard Comment](#)

Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

Soil Report Required

☐ Yes ☐ No

FIRM panel number

(Text)

Flood elevation certificate required

☐ Yes ☐ No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

☐ Yes ☐ No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

☐ Yes ☐ No

Plot plan incomplete, must be revised

☐ Yes ☒ No

Other concerns exist

☐ Yes ☐ No

4/17/19
Plot plan looks complete.
Rm

check spelling

Attachment(s) : 



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	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: 03/22/2019

RE:

Applicant Name	VESUVIO GARDENS LLC
APN	107-251-003
APPS#	PLN-12609-SP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12609

☒ **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 END OF 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 //

PLN-12609-SP

Vesuvio Gardens, LLC (Joe Jacovini) - SP
 A Special Permit for 8,400 square feet of ex...

STATUS

> Staff Report
 03/05/2020 by Stephen Luther

LOCATION

> 6279 Wilder Ridge Rd
 Honeydew, CA 95545

CONTACT

> Joe Jacovini

WORKFLOW

> 19 total Task
 9 completed 2 active

Code Enforcement	County Counsel	PW Land Use	Environmental Health
<p>ASSIGNED STARTED by</p> <p>COMPLETED DUE</p>	<p>ASSIGNED STARTED by</p> <p>COMPLETED DUE</p>	<p>ASSIGNED Ken Freed STARTED 3/22/2019 by Ken Freed</p> <p>APPROVED WITH CONDITIONS DUE 4/1/2019</p>	<p>ASSIGNED LandUse1 DEH STARTED 3/29/2019 by Ben Dolf</p> <p>APPROVED DUE 4/8/2019</p>

Task Details Sub Tasks (0)

CANCEL HELP

Task Details	Current Status	Status Date	Due Date	Action By	Action
Task Details: Environmental Health	Approved	03/29/2019	04/08/2019	Ben Dolf	Action by Department Environmental Health
Assigned Date	03/20/2019	Assigned to Department Environmental Health	Assigned to LandUse1 DEH		
Comments					

1 Referral Assignments

2 Planning Information

3 Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (5)

Payment

Workflow History (36)

Comments (6)

From: [Luther, Stephen](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Johnson, Cliff](#)
Subject: Vesuvio Gardens, LLC, Record PLN-12609-SP, APN 107-251-003, Forecast ZA Sep 3
Date: Friday, August 7, 2020 1:03:00 PM

Hi Scott,

I'm forecasting this project for a Sept 3 decision. Please let me know if CDFW has comments.

Thanks,

Stephen

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: