



**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 17, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner of Planning and Building Department

Subject: **Rambling Rose, Inc, Special Permits**  
Record Number PLN-11129-SP  
Assessor's Parcel Number (APN): 316-171-005, 316-185-008, 316-186-006  
Titlow Hill area

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Please contact Misael Ramos, Planner, at 707-441-2633 or by email at [mramos1@co.humboldt.ca.us](mailto:mramos1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 17, 2020	Special Permits	Misael Ramos

**Project Description:** A Special Permit for an existing 9,000 square feet of outdoor medical cannabis cultivation. A Special Permit is also sought for an encroachment within in a Streamside Management Area (SMA), for structure removal and stream channel restoration and revegetation. Water for irrigation is sourced from a permitted non-hydrologically connected well with a maximum flow rate of 8 gallons a minute as well as two points of diversion. A Special Permit is also being sought for the ongoing use and maintenance of the diversions within the SMA. Water is and will be stored in tanks with a total capacity of 106,400 gallons. There are an existing eighteen (18) tanks totaling 46,800 gallons and a proposed 59,600 gallons in 16 tanks for water storage. The Applicant estimates that 120,000 gallons of water is required for the annual operations. Processing on-site is limited to drying and curing and will occur in a facility for drying, trimming, and storage needs on the farm. Processing will be done off-site. There will be (2) permanent employees and the owner/ manager. In addition, there will be 1-3 seasonal part time employees when needed. Power is sourced from a solar array and a generator. The applicant proposes to expand the solar system within two years so it can provide as primary power source for the project. A small Honda generator will remain on site for emergency purposes only.

**Project Location:** The project is located in Humboldt County, in the Titlow Hill area, on the west side of Titlow Hill Road, approximately 2.42 Miles south from the intersection of State Highway 299 and Titlow Hill Road, on the property known as 2292 Titlow Hill Road Blue Lake, CA 95525.

**Present Plan Land Use Designations:** Agricultural Grazing (AG), Density range is 20 -160 acres/unit and Residential Agriculture, 40 acres/unit (RA40); High Instability (3).

**Present Zoning:** Unclassified (U).

**Record Number:** PLN-11129-SP

**Assessor Parcel Number:** 316-171-005, 316-185-008, 316-186-006

Applicant	Owner	Agent
Rambling Rose, MBC P.O. Box 1341 Willow Creek, CA 95573	Zachary P. Whyman P.O. Box 1341 Willow Creek, CA 95573	Rain and Zepp, Inc 517 3 <sup>rd</sup> St. Eureka, CA 95501

**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.

**Recommended Commission Action**

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

*Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the Rambling Rose, Inc., Special Permit subject to the recommended conditions.*

**Executive Summary:** Rambling Rose, MBC seeks approval of one Special Permit (SP) for an existing outdoor medical cannabis cultivation operation located on Assessor's Parcel Numbers (APN's) 316-171-005, 316-185-008, 316-186-006 which is approximately 160 acres in size. A Special Permit (SP) is also sought for an encroachment within in a class III Streamside Management Area, for structure removal and stream channel restoration and revegetation.

The project consists of an existing 9,000 SF outdoor medical cannabis cultivation operation. The Applicant proposes removal of a utility shed currently in the environmentally sensitive Streamside Management Area (SMA) with steep slopes. As a Condition of Approval, the Applicant will submit a remediation plan for this removal and restoration within and adjacent to an SMA. The up to 9,000 SF of outdoor cultivation would be within two areas. The north area is comprised of 2,129 sf of full sun outdoor in pots of varying sizes and two 595 sf hoop houses and one 372 sf hoop house. The south area is comprised of 1,692 sf of full sun outdoor and a 2,500-sf greenhouse. The project includes other ancillary structures and uses including a drying shed, a generator shed, a fuel shed and restroom facilities.

Irrigation water is currently sourced from an existing permitted groundwater well (Humboldt County Division of Environmental Health Permit # 16/17-0111). Water for irrigation is pumped from the well using a solar powered pump to the existing hard storage tanks or gravity fed from two points of diversion in the central and western property area to the tanks at lower elevation. There are an existing (5) 2,500-gallon tanks, (3) 500-gallon tanks, (4) 3,300-gallon tanks, (3) 2,800 gallon, (1) 1,200-gallon tanks, (2) 5,000-gallon tanks, (12) proposed 3,300-gallon tanks, and (4) proposed 5,000 gallon tanks, for a total of 106,400 gallons of existing and proposed storage. The Applicant estimates that 120,000 gallons of water is required for the annual operations. Cultivation areas will be watered at an agronomic rate and both by hand and using a drip system on timers to decrease runoff. Analysis of hydrologic connectivity shows that the well is not likely to be connected to the adjacent class II stream. The well, as measured on Google Earth, is 444 feet North perpendicular to the center of the run of the class II stream. The top of the aquifer was encountered at 77 feet below the stream perpendicular to the point measured from. The materials bored through, from the surface down were 19 feet of top soil, 21 feet of Blue Clay, 20 feet of Blue Franciscan Complex with Blue Clay, and 150 feet of Basalt. Therefore, hydrologic connectivity between surface and ground water is not likely. Forbearance will be implemented for all irrigation diversions. The Applicant has designated a (2) 2,500-gallon tanks, with a fire valve, near the end of the private road accessing the site to meet SRA and Firesafe regulations.

The SMA encroachment areas will be restored and revegetated with native plants and protected with erosion control measures as a condition of approval. Vegetation will be planted around existing and proposed cultivation areas to promote water infiltration and prevent sediment runoff to receiving waters. Areas around discharge points will be reinforced with straw waddles and sediment control fencing to prevent off-site transport. In June 2020, the applicant submitted a biological assessment which was for the purpose of evaluating the impacts of retaining or removing the Quonset hut which is within the Class III SMA. The assessment states that the effects of removing the Quonset hut would likely be greater than those

of keeping it in place. The Hut's foundation can be seen in aerial images from 1977 and therefore predates the ratification of the SMA Ordinance. The Quonset Hut is not a part of the proposed cannabis project and will not be used to facilitate commercial cannabis cultivation. The shed which is not on a permanent foundation and encroaches further into the SMA will be removed and its footprint revegetated.

Cultivation activities will consist of one cycle for the outdoor cultivation. Once harvested, plants will be air dried on-site and in the proposed 800 SF drying shed. Cut flowers will be de-leafed and be prepared for drying. Once the proper moisture is achieved flowers will be bucked and placed into bins for curing. Cured flowers will be packaged to await transport to off-site processor. Trimmed waste material will be recycled composted on-site.

The Applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID 1B11630CHUM). A Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates (PWA).

On November 1, 2019 the applicant submitted a Less-than-three-acre Timber Conversion Mitigation Plan prepared by Hohman and Associates. The Registered Professional Forester (RPF) found that the conversion was not carried out in compliance with the Forest Practice Rules. Reference was made to the numerous improvements that have been and are to be implemented to lessen water quality impacts on-site. The report was made available to CalFire and they replied in concurrence with the mitigation measures laid out in the report which predominantly pertain to water quality improvements.

The Applicant will comply with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1. Lighting used for nursery activities will be shielded and lights used will comply with CCMLUO requirements. Power to the site is provided by solar and a small Honda generator which operates at 48 to 57 dBA, which is less noise than a normal conversation. Based upon the inverse square law, if 57dB are measured at 23 feet from the generator, then 44dB will be measured at a further 100 feet.

All garbage and cannabis related waste is stored and composted in two secure 10x10' cannabis waste storage containers. The Applicant will self-haul waste weekly to a fully permitted and manned waste transfer facility (Hoopa Valley Public Utilities District and Humboldt Sanitation and Recycling). As part of the soil management plan, the applicant will compost plant related waste to use as soil amendments in secure bins to prevent nutrient transport. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff.

The 1-2 employees will travel to the site daily as no on-site employee housing is proposed. Access to the site is via Titlow Hill road which is paved and meets Category 4 standards. The interior of the site is accessed via private access road approximately 4,075 feet in length. A Road Evaluation Report was prepared by Trinity Valley Consulting Engineers, Inc. The report states that the road will be operated under ongoing maintenance to minimize the transport of sediments and to keep pullouts clear of large vegetation and debris. It concluded by stating that the road, which also serves as access to two other parcels, will provide for the intended use. Adequate parking for up to three employees is provided on site near the well site and near the residence. The eastern parking area was also described by the road evaluation as being a suitable emergency vehicle turnaround if managed as such. The gate is locked with a padlock. All interior structures have lockable doors and windows and all finished cannabis is stored in a separate locked facility. On the main entrance, as well as along the property lines, are posted with "No Trespassing" signs.

A known activity center for Northern Spotted Owl (NSO) is located 1.23 miles west of the project site. The project includes a generator, and construction activities could disturb NSO should they be on the project site during such activities. The applicant will assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of construction work, generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the commencement of construction or

use of any lights, generators, or fans. The proposed back-up generator is specified to operate at 57dB. Based upon the inverse square law, if 57dB are measured at 23 feet then 44dB will be measured at a further 100 feet.

A Biological Assessment was completed in May 2020. It concluded that restoration is needed to mitigate for degradation of upland habitat resulting from Oak removal. The assessment recommends no further oak tree removal, and to remove Douglas Firs to prevent meadow encroachment. The assessment also recommends that the Quonset hut be retained in the SMA given that its foundation is stable, non-erosive, and predates the ratification of the SMAO. Disturbance required for the removal of the Hut will likely result in greater adverse effects to water quality than keeping the structure. The Quonset hut is not a part of the cannabis project or premises.

Per the applicant and based on the Site Plan, all cultivation areas are setback at least 30-feet or more from property lines. No portions of any cultivation related appurtenant structures are located within the setback. All structures, except the two-story residence, are one story or less. The project site contains a cabin which is proposed for use as ancillary propagation. 240 sf will be used for propagation, and two cloning incubators are contained in the cabin. The other existing permanent structures are the generator shed, the fertilizer and chemical storage shed, and the wood/fuel shed. An 800-sf ag-exempt drying shed, a 160-sf ag-exempt storage shed is proposed and a 320-sf ag-exempt secure harvest storage structure are proposed. The structures conform to firesafe setback regulations required under Section 3115-2. All proposed structures will be built in conformance with the regulations.

In August of 2020, the applicant submitted a letter which stated their intent to expand their solar system and adopt solar power as their primary source of project electricity with an emergency back-up generator. As a condition of approval, the applicant must make this transition within two years of obtaining project approval.

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

Environmental review for the proposed project as proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included as Attachment 3.

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

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

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

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

**Record Number: PLN-11129-SP  
Assessor Parcel Numbers: 316-171-005, 316-185-008, and 316-186-006**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rambling Rose, MBC Special Permits request.**

**WHEREAS**, Rambling Rose, MBC. submitted an application and evidence in support of approving one Special Permit for the existing 9,000 square foot (SF) outdoor medical cannabis cultivation. The project also includes a Special Permit for restoration work being done in the Streamside Management Area and a Special Permit for the ongoing use and maintenance of two points of diversion on the property.

**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 Permits (Record Number PLN-11129-SP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 17, 2020.

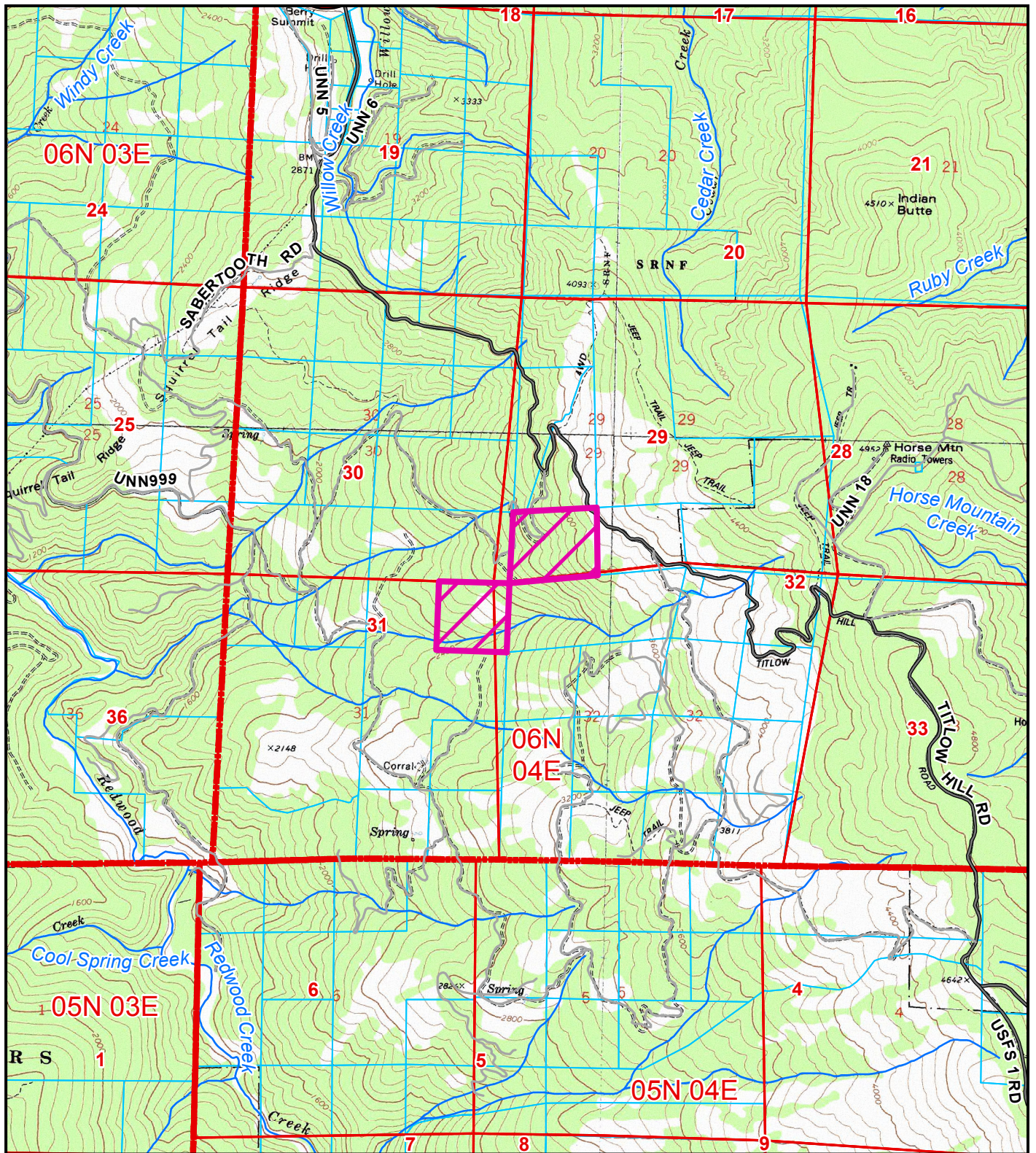
**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all of the required findings in Attachment 2 of the Planning Division staff report for approval of Record Number PLN-11129-SP, based on the submitted substantial evidence; and
3. The Special Permits included in Record Number PLN-11129-SP are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on December 5, 2019.

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



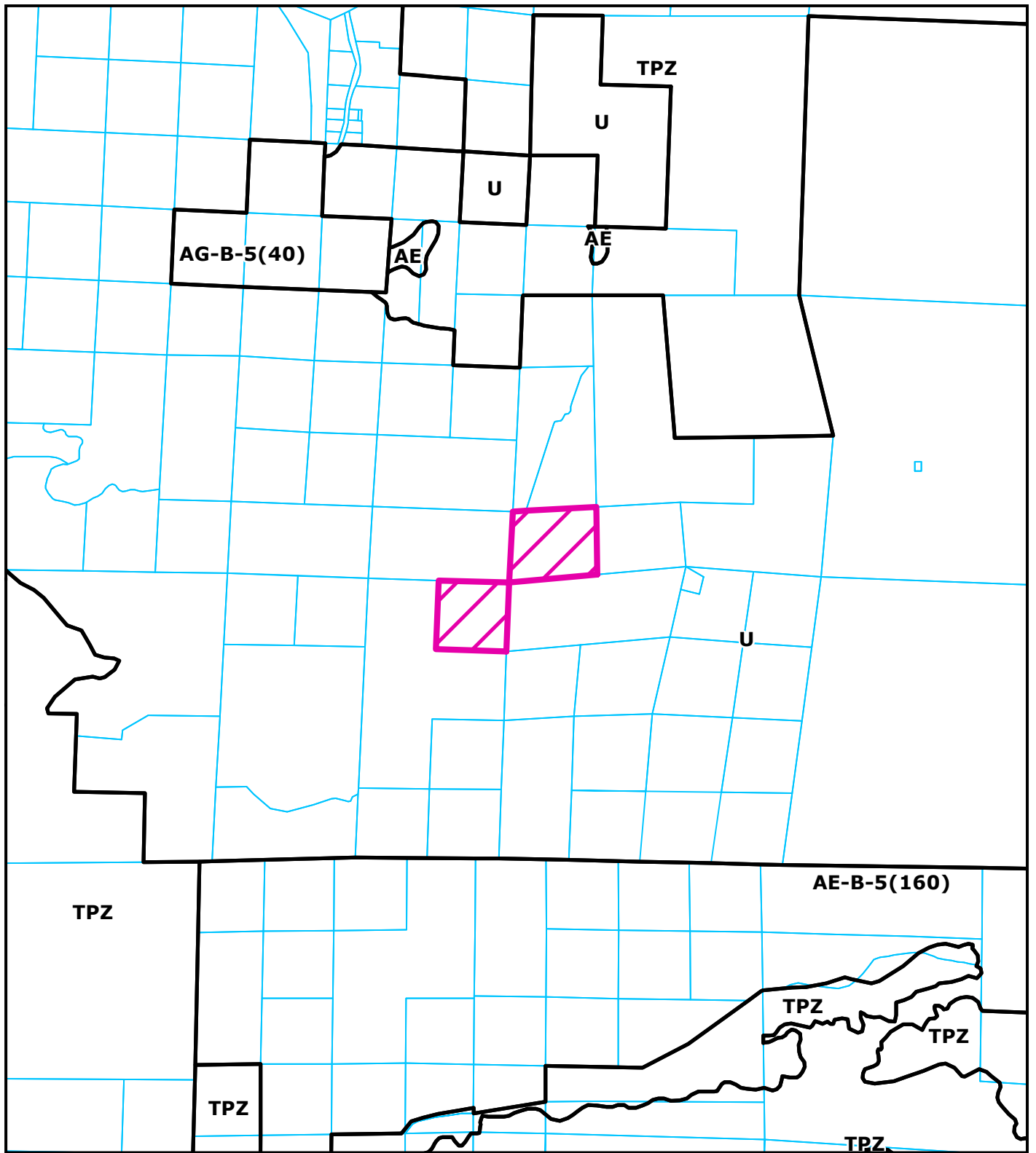
**TOPO MAP  
PROPOSED RAMBLING ROSE INC  
TITLOW HILL AREA  
CUP-17-006**

**Project Area =** 

**APN: 316-171-005; 316-185-008  
T06N R04E S29; S32; S31 HB&M (GROUSE MTN)**

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

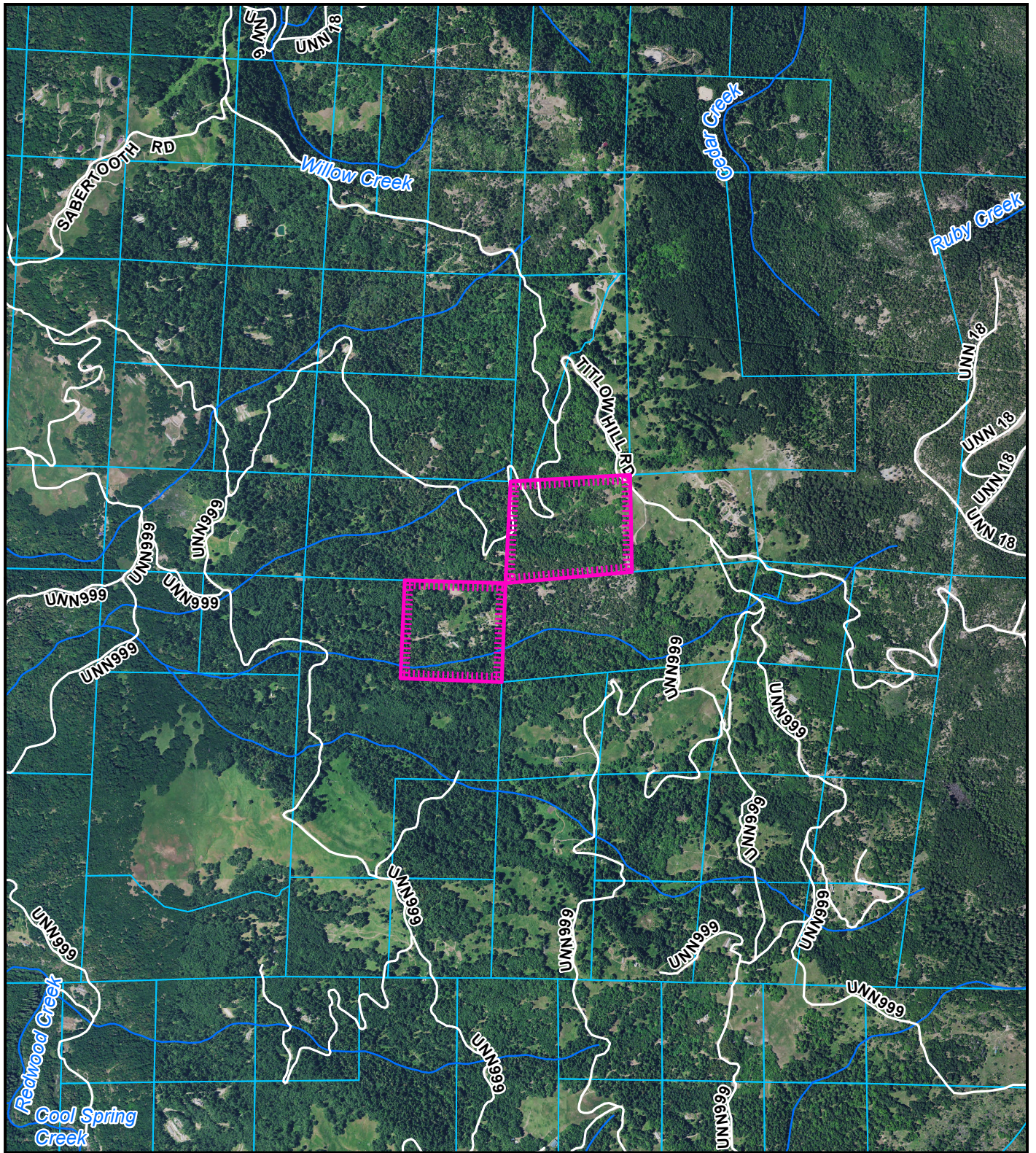
0 0.25 0.5 1  
Miles



**Project Area =**

**ZONING MAP**  
**PROPOSED RAMBLING ROSE INC**  
**TITLOW HILL AREA**  
**CUP-17-006**  
**APN: 316-171-005; 316-185-008**  
**T06N R04E S29; S32; S31 HB&M (GROUSE MTN)**

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



**AERIAL MAP  
PROPOSED RAMBLING ROSE INC  
TITLOW HILL AREA  
CUP-17-006**

**Project Area =** 

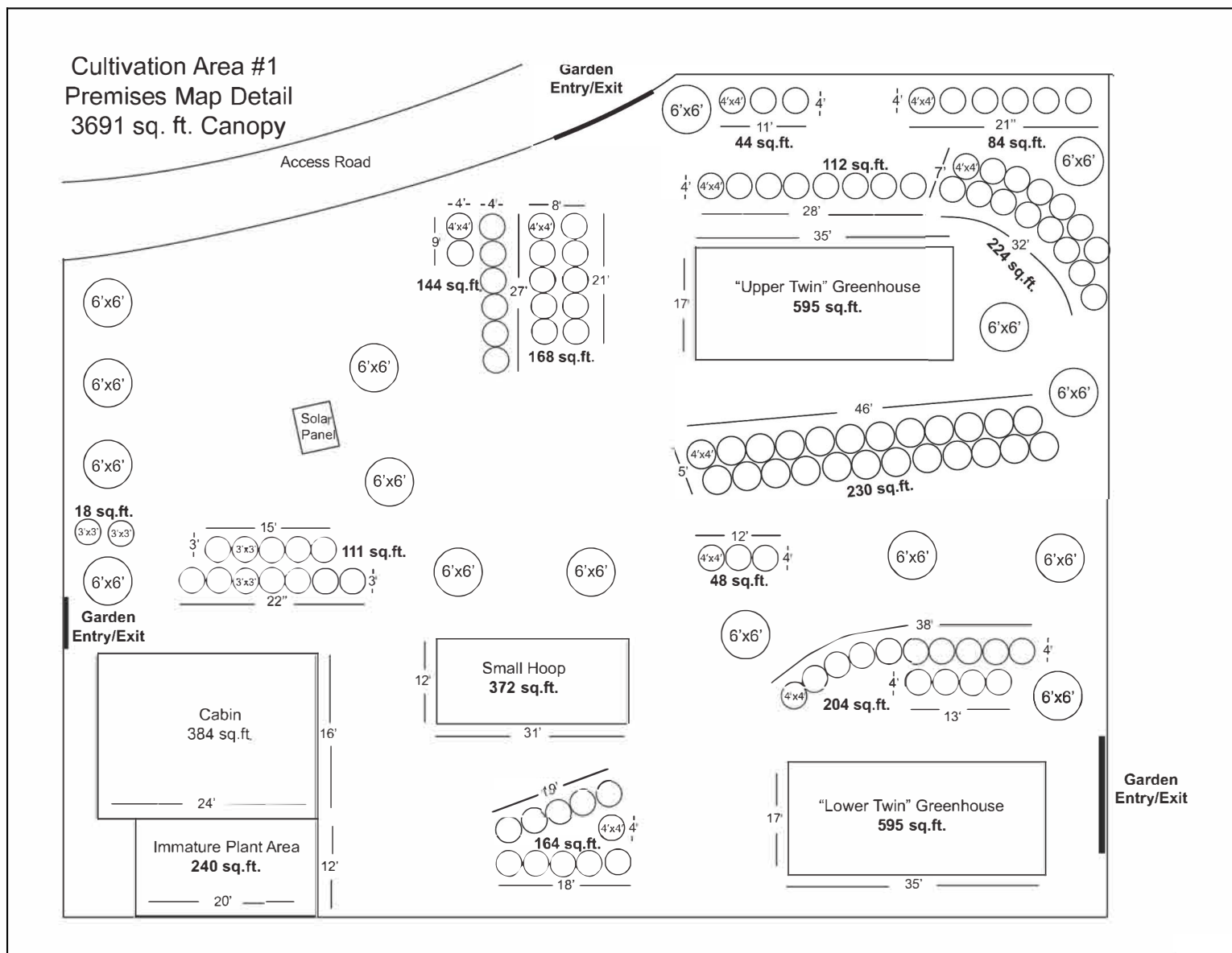
**APN: 316-171-005; 316-185-008  
T06N R04E S29; S32; S31 HB&M (GROUSE MTN)**

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

0 1,000 2,000 4,000  
Feet



EXISTING CULTIVATION AREA #1 CANOPY DETAIL
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EXISTING CULTIVATION AREAS	
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APN	CULTIVATION AREA #	OUTDOOR (SQ. FT)
316-165-005	1	3691
316-171-005	2	4192
316-171-005	NURSERY	240
TOTAL	ALL	8,123

TOTAL CULTIVATION CANOPY AREA FOR LICENSING= 8,123 SQ FT

NOTE: \*ALL SLOPE MEASUREMENTS WERE CONDUCTED IN THE FIELD ON MAY 19 2018 BY PROFESSIONALS OF RAIN HARVEST SYSTEMS, LLC USING HIGHLY ACCURATE LASER LEVEL EQUIPMENT.

**ADDITIONS / EDITS TO THIS SITE PLAN  
BY 1-DEGREE CONSULTING JUNE 18TH, 2020  
APPROVED BY ZACH WHYMAN**

- | General Notes   |
|---|
| REVISIONS IN RESPONSE<br>TO COUNTY OF<br>HUMBOLDT PLANNING AND<br>BUILDING DEPARTMENT<br>CANNABIS SERVICES<br>DIVISION, AND<br>CALIFORNIA DEPARTMENT<br>OF AGRICULTURE (CDFA) |

PERMIT NUMBER 11129

1. ADDED CULTIVATION AREA #1 CANOPY DETAIL
2. SPECIFIED PREMISE PERIMETER
3. REMOVED R&D BREEDING AREAS AND ASSOCIATED SQ. FOOTAGE FROM LEGEND
4. ADDED 30" CULVERT TO PLAN (NE CORNER OF PROP.)
5. INCLUDED EXISTING WATER SYSTEM PIPING LAYOUT
6. PROPOSED FARM EQUIPMENT STORAGE CONTAINER (8'X40')
7. PROPOSED SECURE HARVEST AREA/ADMINISTRATIVE HOLD AREA (8'X40')

STATE LICENSE #

	LCA-19-000833	
No.	Revision/Issue	Date

**RAIN HARVEST  
SYSTEMS, LLC  
580 H, ST  
ARCATA 95521**

Project Name and Address

**ZACH WHYMAN  
TITLOW HILL ROAD  
BLUE LAKE, CA**

Project	Sheet
<b>WHYMAN</b>	
Date	<b>1</b>
<b>7.14.19</b>	
Scale	

**NOTES:**  
-NO KNOWN EASEMENTS  
-THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.  
-THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

**DISCLAIMER: PARCEL BOUNDARIES ARE ALIGNED PER HUMBOLDT COUNTY GIS**

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the Applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3–16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Photo documentation shall be provided, indicating that proper containment of all hazardous chemicals/materials within thirty-days, following execution of the final Project permit.
3. The Applicant shall provide portable toilet(s) to cultivation staff and the Applicant shall provide a copy of the receipt or invoice to the Planning Department, annually.
4. The Applicant shall pave the access road for minimum width of 20 feet and a length of 50 feet where it intersects the County road. An encroachment permit must be obtained prior to initiating work within the public right-of-way.
5. The Applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Buildings that require permits or agricultural exemptions include the greenhouses, storage sheds, propagation nursery or shed and water tanks.
6. The Applicant shall remove the wooden shed existing within the Streamside Management Areas and adhere to and implement the recommendations of the Biological Assessment and the Site Management Plan.
7. The Applicant will submit a remediation and monitoring plan prepared by a qualified professional, for the removal of the structure within the Streamside Management Area and shall meet the requirements of that plan.
8. The Applicant shall adhere to and implement the recommendations of the Biological Resource Assessment prepared in May 2020.
9. The Applicant shall expand the existing solar system to facilitate the transition to solar power as the primary source of power for the project within two years of project approval.
10. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off of the Occupancy Permit by the Building Division shall satisfy this requirement.
11. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

12. The Applicant shall adhere to and implement the Less-Than-3 Acre Timber Conversion Report prepared by Hohman and Associates dated November 1, 2019. The applicant shall submit a copy of a Restocking Plan by a Registered Professional Forester (RPF) for "Site 1" the .3-acre conversion that occurred between 2014-2016 for review and approval by the Planning Department prior to starting restocking. The restocking plan shall include monitoring and reporting requirements for at least 3 years of monitoring and an 85% success rate. A letter from an RPF stating the restocking plan was complete or a confirm by Planning staff after a site visit will satisfy this condition.
13. The Applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to the planned 5,000-gallon tank for emergency water, and fuel modification standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The Applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
14. The applicant shall submit an ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES.
15. The applicant shall secure a Right to Divert and Use Water from the State Water Resources Control Board, Division of Water Rights for the points of diversion on the property.
16. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. The Applicant shall assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
18. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding, and alignment has been repaired, inspected, and corrected as necessary.
19. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
20. The Applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the Applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
21. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. The intersection of the access road and the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. All artificial light used shall be fully contained within structures from between 30 minutes prior to sunset through 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and shall comply with International Dark Sky Standards Fixture Seal of Approval Program.
5. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
9. 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.
10. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
11. Maintain enrollment with the State Water Board Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ), if applicable, or any substantially equivalent rule that may be subsequently adopted by the State of California, County of Humboldt or other responsible agency.

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

#### Performance Standards for Cultivation and Processing Operations

23. 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."
24. 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).
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:
  - (a) Emergency action response planning as necessary;
  - (b) Employee accident reporting and investigation policies;
  - (c) Fire prevention;
  - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - (e) Materials handling policies;
  - (f) Job hazard analyses; and
  - (g) Personal protective equipment policies, including respiratory protection.
- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - (a) Operation manager contacts;
  - (b) Emergency responder contacts;
  - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

26. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
27. 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 SP 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.
28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #27 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
29. 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.
30. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
31. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - c. The specific date on which the transfer is to occur; and
  - d. Acknowledgement of full responsibility for complying with the existing Permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
32. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

1. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #27 of the On-Going Requirements /Development Restrictions, above.
2. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
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,

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

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Agriculture Grazing (AG):</b> This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation.</p> <p>Density range is 20 -160 acres/unit.</p> <p><b>Residential Agriculture (RA-40):</b> 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. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The project consists of 9,000 SF of existing outdoor commercial cannabis cultivation operation on lands designated as Agricultural Grazing and Residential Agriculture. General and intensive agriculture are allowable use types for these designations. The cultivation and related work is proposed entirely within the AG Land Use Designation.</p> <p>The MAUCRSA, Health and Safety Code section 11362.777(a) provides that commercial cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use, and the drying facility and supportive infrastructure may be considered accessory to the agricultural use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is off Titlow Hill road which is a paved and striped road maintained by the County that meets or is equivalent to Road Category 4 standard. The interior of the site is accessed via an approximately 4,075-foot private driveway. A Road Evaluation Report prepared by the Applicant and was submitted to the County on December 17, 2019 and indicated that the private roadway serving the subject property is developed to a Category 4 standard and is adequate to accommodate the proposed use. The report states that ongoing maintenance will be part of the normal operation of the road to maintain Category 4 equivalence. This will include frequent evaluation of drainage characteristics, and debris removal from the roadway and debris and large vegetation removal from pullouts.</p> <p>The Public Works Department required that the access road for the project shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with Titlow Hill Road. The applicant shall obtain an encroachment permit prior to commencement of any work in the County maintained right of way. The intersection shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). The project has been conditioned accordingly.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>Although one residence currently exists on the property, the project does not involve residential development. However, the project will not preclude any future residential development if in conformance with the General Plan and Zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project is located within an Open Space Action Program because the project site is planned Agricultural Grazing (AG), has elements within Streamside Management Areas and has a mapped Very High Fire Severity General Plan overlay. (see Fire Hazards and Streamside Management Area discussions below). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designation. General agriculture is a use type permitted in the AG land use designation. General agriculture is also a principal permitted use in the U zoning district. The proposed cultivation of cannabis, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

<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 California Natural Diversity Database indicates that several mapped sensitive species exist in the immediate vicinity of the subject property. The project does not propose any further ground disturbance, and it has been conditioned to require a Biological Resources Survey prior to any new ground disturbance.</p> <p>Records indicate that there is one known Northern Spotted Owl (NSO) activity center within 1.25 miles (6,600 feet) of the project site. The applicant shall assume presence of NSO and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. This has been made a condition of project approval.</p> <p>A Biological Assessment was completed in May 2020. It concluded that restoration is needed to mitigate for degradation of upland habitat resulting from Oak removal. The assessment recommends no further oak tree removal, and to remove Douglas Firs to prevent meadow encroachment. The assessment also recommends that the Quonset hut be retained in the SMA given that its foundation is stable, non-erosive, and predates the ratification of the SMAO. Disturbance required for the removal of the Hut will likely result in greater adverse effects to water quality than keeping the structure. Adherence to and implementation of all recommendations in the assessment are a condition of approval.</p> <p>Two watercourses traverse the project site. A class III stream flows from the north property line for approximately 3,400 feet to the southwest and is a tributary to a blue line stream which flows across the width of the property from east to west and is approximately 200 feet south of the nearest cultivation area. The Class II watercourse is shown as Streamside Management Area (SMAs) in the County WebGIS. The project includes a Special Permit for an encroachment within the SMA for removal of a shed and revegetation of areas within and in proximity to the Class III watercourse. As a Condition of Approval, the applicant will submit a remediation and monitoring plan prepared</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		by a qualified professional.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The Northwest Information Center (NWIC) indicated that the site has a possibility of containing unrecorded archaeological sites, the NWIC recommended that the project be referred to local Native American Tribes. The Bear River of Rohnerville Rancheria recommended that inadvertent discovery language be added to the conditions of project approval. This has been made an on-going condition of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The proposed project includes the continued use of outdoor cannabis cultivation in greenhouses and open areas. Regarding the potential impact from artificial light being visible at night, the project involves outdoor cultivation with no artificial light used to moderate the vegetative phases of growth. Low intensity (12 watts) artificial light is used for Nursery operations. As a condition of project approval, all artificial lighting (including exterior security lighting) must comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The proposed project is not located in proximity to any scenic highway or roadway.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The applicant was enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order). The applicant enrolled in the State Cannabis Discharge program on March 28, 2016 (WDID# 1B16629CHUM). The applicant's Water Resources Protection Plan (WRPP) lays out twelve standard conditions which, when met, allow applicant to achieve compliance with the Order. There are 40 sub-conditions, of which the applicant currently meets twenty, has submitted an LSAA to remedy road stream crossings, intends to water at agronomic rates, has a Nutrient and Pesticide Management Plan for proper use thereof going forward and has had an On-Site Wastewater Treatment System site suitability report prepared, leaving 10 outstanding of which two only apply to dikes and subterranean tanks neither of which are present.</p> <p>The project is subject to the State Cannabis Cultivation General Order which requires preparation of a Site Management Plan (SMP). The applicant had previously submitted a Water Resources Protection Plan (WRPP) pursuant to the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order) before the state law changed. The project is no longer required to adhere to the WRPP, but instead is required to adhere to all standard conditions of the 2019 State Cannabis Cultivation General Order as a condition of approval. As an additional condition of approval, the applicant is required to submit a copy of a Site Management Plan (SMP) prepared for the property and implement all recommended actions of the SMP.</p> <p>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 (see Attachment 4). 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.</p> <p>Applicant also will ensure the full restoration of disturbance areas and stabilization of developed areas (Shed) in the SMA to improve protection of watershed and habitat on the project site. This will be achieved through a remediation plan, the preparation of which is a condition of approval. In addition to the above measures, the Applicant filed an LSAA with the CDFW. The final LSAA was received on May 8<sup>th</sup>, 2019. The Applicant will implement all requirements specified by CDFW to protect adjacent biological resources, and water quality for the site and downstream areas. Conditions of approval related to preparation of these documents and conformance to permit requirements</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		have been added to the project making the project consistent with this policy.
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The Site Plan shows an existing septic system on the property; however, further analysis would be required to permit the system for use as part of the commercial cannabis operation. Per a recommendation from the DHHS – Environmental Health Division (DEH), the property must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This will be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until and unless the applicant fulfills this requirement, portable toilets must be provided to operators as a condition of project approval.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Potential noise sources from cannabis operations generally come from generator use, ventilation fans, and related machinery. The existing cultivation areas are outdoor and use of the generator is limited to emergency back-up power. The generator is a small Honda generator which produces a maximum of 57dB at ¾ load. So, there will be minimal noise generated by the project. Noise generated from the generator use shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which limits the combined decibel level for all noise sources to 60 decibels at the property line. It will be demonstrably less than that. As a condition of project approval, noise released shall be no more than 50 decibels measured 100 feet from the source or from the edge of habitat, whichever is closer.</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 &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The site is seismically classified as high instability. The slope of the developed areas and areas proposed for development on average is 5-20%. The existing cultivation uses in the westerly portions of the project site, which are proposed to continue, are not expected to be affected by geologic instability nor will the uses create or exacerbate any existing geologic condition. The project does not pose a threat to public safety related from exposure to natural or manmade hazards. The project is not located in an airport regulation area but is in the military training route. No new inhabited structures are proposed.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P13; Construction Within Special Flood Hazard Areas; S-P15</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 21 miles distance from the coast and elevation ranges from approximately 2,315 to 3,925 feet above mean sea level, 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-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a High and a Very High fire hazard severity rating. The subject property is located outside of the jurisdiction of any Fire Protection District Response Area and is in the SRA where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended turnarounds for emergency access, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The Applicant has two 5,000-gallon water tanks dedicated to fire suppression and has up to four (4) portions of their drive that could be designated an emergency vehicle turn around. This, as well as continued conformance to all other fire safe requirements are added as conditions of approval to the project.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside of Local Responsibility Area's and Fire Protection District's. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. A condition of approval will be acquisition of an acknowledgment no of available emergency response and fire suppression services.</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>	<p>Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p> <p>Sources of greenhouse gas (GHG) emissions may include vehicle trips to the site and use of a generator. The applicant states that approximately six individuals are needed at peak operational periods. Carpooling would be utilized to minimize the quantity of GHG emissions from vehicle trips. Power for the project is supplied by solar and an emergency back-up generator.</p>

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:**

The following table documents the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§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 comprised of APN 316-171-005, APN 316-185-008, and APN 316-186-006 is one separate legal parcel created in the current configuration by Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded on January 23, 2002 as document 2002-1878-3 of Humboldt County Official Records. 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.

§314-8.1  Unclassified (U)	<b>Unclassified (U):</b> As provided in this Code, all of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications.	The project consists of an existing 9,000 SF outdoor commercial cannabis cultivation operation on Assessor's Parcel Numbers (APNs) 316-171-005, 316-186-006, 316-185-008 a property zoned (U). Although State law specifies it as an agricultural use and general agricultural uses are permitted in the U zone, the commercial cultivation of cannabis is a regulated specialty crop (per Humboldt County Code Section 314-55.4.3.7) and is thus not a principally permitted use under the U use type classifications. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
§314-17.1 "B" Combining Zone Designation – Special Building Site		
Minimum Lot Size:	6,000 square feet	160 acres
Maximum Ground Coverage:	Forty percent (40%)	Below 10%
Minimum Lot Width:	50 feet	4,460 feet
Maximum Lot Depth:	Three (3) times the width	2,578 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 20 feet Side: 10 feet SRA setback from all property lines: 30 feet	Front: 430 feet Rear: >500 feet Side: > 400 feet
Max. Building Height:	35 feet	Two story residence (< 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 Special Permit for removal of a utility shed and remediating within the SMA is requested. As a Condition of Approval, the applicant will submit a remediation and monitoring plan. Irrigation water is to come from a permitted groundwater well and two (2) points of diversion, which also requires a Special Permit. The well was analyzed by staff for hydrologic connectivity and it was found that the top of the aquifer was significantly below the level of the surface water, suggesting that the well is not hydrologically connected. A third point of diversion is used domestically and is not a part of this project.
Off-Street Parking §314-109.1	Off Street Parking: Agricultural use*: Parking space per employee at peak shift.  *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.	Up to 4 parking spaces are provided for the up to three employees. The parking for the employees is located by the residence and along the driveway approximately 600' into the property from the gate.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2 Allowed Zones for Cannabis Activity	Commercial cannabis cultivation is allowed on parcels zoned U, with no parcel size limitation. 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.	The project site is a site zoned Unclassified. The Applicant has applied for the necessary SP to bring the existing 9,000 square foot (SF) outdoor medical cannabis cultivation into compliance.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned FR.	The applicant has provided evidence of the cultivation areas in existence prior to January 1, 2016, which was confirmed by staff through the Cultivation Area Verification (CAV) process for issuance of the interim permit. The application is for an existing 9,000 SF of outdoor cannabis cultivation on APNs 316-171-005, 316,185-006, and 316-186-006 which is a 160-acre parcel zoned Unclassified. Aerial imagery on Google Earth indicates that existing cultivation operations on the property began before 2009. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The Applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Applicant, holds no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The Applicant proposes to process the cannabis at an off-site facility. Once harvested, cannabis plants will be inspected and then dried and cured in the proposed ag-exempt drying shed. Cut flowers will be de-leafed and prepared to be hung-up for drying. Once the proper moisture is achieved flowers will be bucked and placed into bins for curing. Once cured, flowers will be bagged. Finished product will then be packaged and sealed to await transport to an off-site processor.

§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The Applicant submitted the required Commercial Cannabis Registration Form for the existing cultivation on the parcel with the Planning Division on December 30, 2016, and within the specified window.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Irrigation water will be sourced from a groundwater permitted well. Well permit (Humboldt County Division of Environmental Health Permit # 16/17-0111). There are also two points of diversion that supplement irrigation needs. Water will not be diverted during the forbearance period. The applicant has secured a final Lake and Streambed Alteration Agreement for the points of diversion. The applicant shall secure a Right to Divert and Use Water from the State Water Resources Control Board, Division of Water Rights for the points of diversion on the property. This is a condition of project approval.
§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 shows the project would comply with the 30' property line setback requirement. County records indicate that there are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. The Bear River Band has requested Inadvertent Discovery Protocol as a condition of approval which is included in the ongoing conditions.

§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	There is a generator onsite that is to be used for emergency back-up power. Therefore, the applicant shall assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature.
§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 30, 2016.

**4. Public Health, Safety and Welfare, and 6. Environmental Impact:** The following table identifies the evidence which supports the finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

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

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

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

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

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

ATTACHMENT 3

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

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

*APNs 316-171-005, 316-185-008, 316-186-006, Titlow Hill area, County of Humboldt*

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

August 2020

## Background

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

The modified project involves a Special Permit for an existing 9,000 SF outdoor medical cannabis, and 240 square feet of propagation. The utility shed used for cannabis cultivation within and adjacent to the westerly Streamside Management Area will be removed and remediated. The site will be restored to its natural state.

Water for irrigation is sourced from an existing well and two points of diversion. The site contains a total of 106,400-gallons of hard tank storage. The applicant estimates, 120,000 gallons of water is required for the annual operations. Plants are harvested and dried on-site in a proposed 800 square-foot ag-exempt shed. All processing and operations associated with cannabis for Rambling Rose, MBC will be conducted by the owners of Rambling Rose, MBC with the assistance of two planned employees. All cannabis processing shall be conducted off-site at a licensed processing facility.

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

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

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal is to authorize the project, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Registered Professional Forester evaluation prepared by Timberland Resource Consultants on November 1, 2019.
- Site Management Plan prepared by Trinity Valley Consulting Engineers, Inc. in May 2020.
- Steve's Septic Service prepared an On-Site Wastewater Treatment System Inspection Report on October 10, 2019.
- The Applicant prepared a Road Evaluation Report on December 17, 2019.
- The applicant submitted evidence of existing cultivation on December 30, 2016.
- Staff analysis of Hydrologic Connectivity carried out on November 5, 2019.
- Biological Assessment prepared by Corrina Kamoroff in May 2020.
- Biological Opinion from 1 Degree Consulting analyzing the effects of the proposed SMA restoration as described by the applicant's SMP and Biological Assessment as well as a historical assessment of when development occurred in the SMA completed June 2020.
- Final Lake and Streambed Alteration Agreement with California Fish and Wildlife dated June 2020.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

## CONCLUSION

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

## ATTACHMENT 4

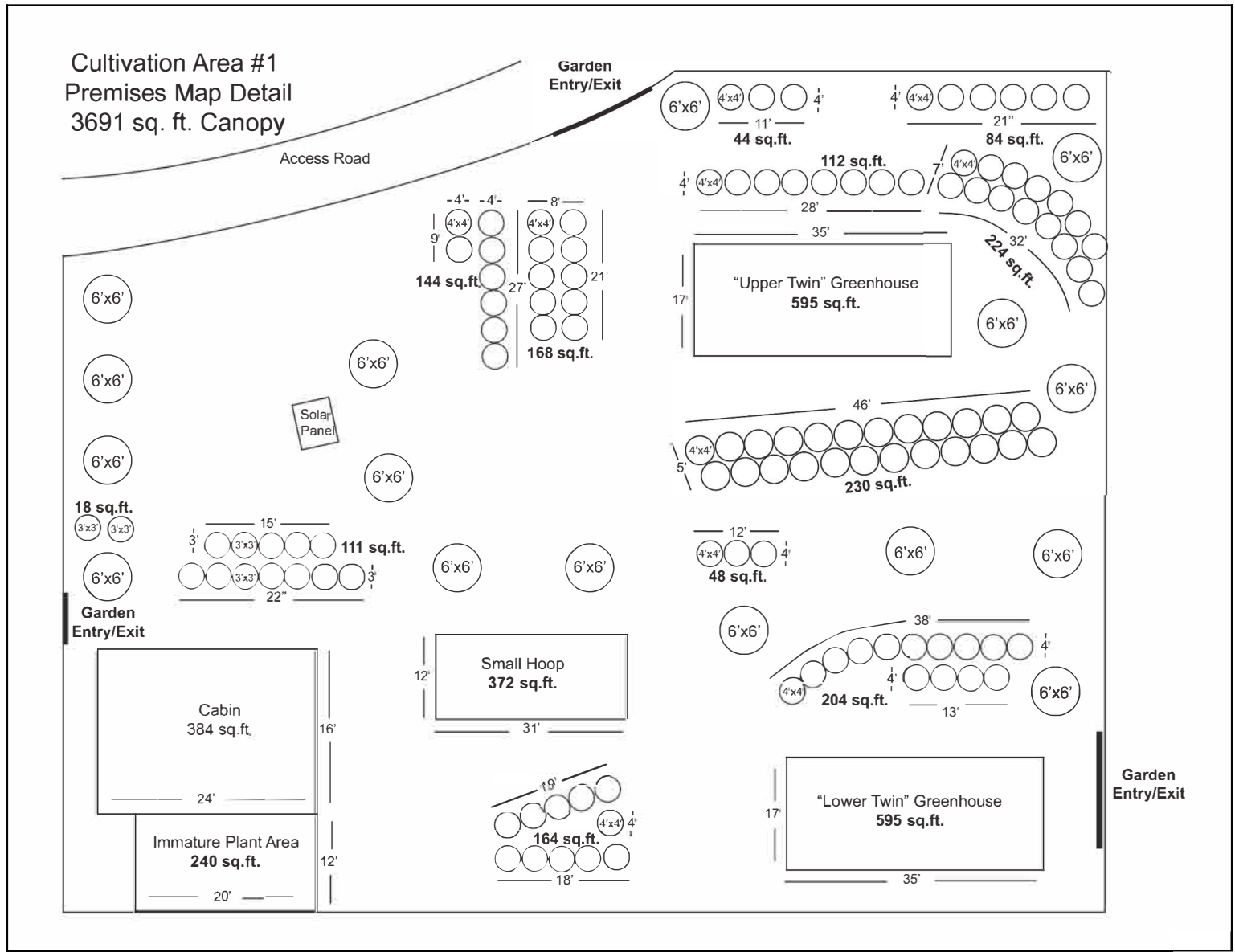
### Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the Applicant. (Application form on file)
2. The Applicant is the record title owner of the legal parcel, and 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  $\frac{1}{4}$  mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – Cultivation and Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. November 1, 2019. (Attached)
10. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the Applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

11. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
12. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
13. Road Evaluation Report dated December 17, 2019. (Attached)
14. Evaluation of On-site Wastewater Treatment System: November 1, 2019. (Attached)
15. Letter from 1 Degree Consulting analyzing the effects of the proposed SMA restoration as described by the applicant's SMP and Biological Assessment as well as a historical assessment of when development occurred in the SMA (Attached).
16. Biological Assessment prepared by Corinna Kamoroff in May 2020 (Attached).
17. Hydrologic Connectivity Well Assessment prepared by staff in Nov 2019 (Attached).
18. Well Completion Report dated May 2019 (Attached).
19. Power Source Addendum drafted by the applicant in August 2020 (Attached).

EXISTING CULTIVATION AREA #1  
CANOPY DETAIL



EXISTING CULTIVATION AREAS

APN	CULTIVATION AREA #	OUTDOOR (SQ. FT)
316-185-005	1	3691
316-171-005	2	4192
316-171-005	NURSERY	240
TOTAL	ALL	8,123

TOTAL CULTIVATION CANOPY AREA FOR LICENSING= 8,123 SQ FT

NOTE: \*ALL SLOPE MEASUREMENTS WERE CONDUCTED IN THE FIELD ON MAY 19 2018 BY PROFESSIONALS OF RAIN HARVEST SYSTEMS, LLC USING HIGHLY ACCURATE LASER LEVEL EQUIPMENT.

ADDITIONS / EDITS TO THIS SITE PLAN  
BY 1-DEGREE CONSULTING JUNE 18TH, 2020  
APPROVED BY ZACH WHYMAN

- WATER STORAGE
- DOMESTIC HOOPHOUSE  
VEGETABLE GARDEN

General Notes

REVISIONS IN RESPONSE  
TO COUNTY OF  
HUMBOLDT PLANNING AND  
BUILDING DEPARTMENT  
CANNABIS SERVICES  
DIVISION, AND  
CALIFORNIA DEPARTMENT  
OF AGRICULTURE (CDFA)

PERMIT NUMBER 11129

- ADDED CULTIVATION  
AREA #1 CANOPY  
DETAIL
- SPECIFIED PREMISE  
PERIMETER
- REMOVED R&D  
BREEDING AREAS  
AND ASSOCIATED  
SQ. FOOTAGE FROM  
LEGEND
- ADDED 30" CULVERT  
TO PLAN (NE  
CORNER OF PROP.)
- INCLUDED EXISTING  
WATER SYSTEM  
PIPING LAYOUT
- PROPOSED FARM  
EQUIPMENT  
STORAGE  
CONTAINER (8'X40')
- PROPOSED SECURE  
HARVEST  
AREA/ADMISNITRATIVE  
HOLD AREA (8'X40')

STATE LICENSE #

LCA-19-000833

No. Revision/Issue Date

Firm Name and Address

RAIN HARVEST  
SYSTEMS, LLC  
580 H, ST  
ARCATA 95521

Project Name and Address

ZACH WHYMAN  
TITLOW HILL ROAD  
BLUE LAKE, CA

Project

WHYMAN

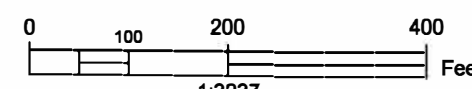
Date  
7.14.19

Scale

Sheet

1

NOTES:  
-NO KNOWN EASEMENTS  
-THERE ARE NO SCHOOLS, SCHOOL  
BUS STOPS, PLACES OF WORSHIP,  
PUBLIC PARKS, OR TRIBAL CULTURAL  
RESOURCES WITHIN 600 FEET OF THE  
CULTIVATION SITE.  
-THERE ARE NO OFF SITE RESIDENCES  
WITHIN 300 FEET OF THE CULTIVATION  
SITE.



DISCLAIMER: PARCEL BOUNDARIES ARE ALIGNED PER HUMBOLDT COUNTY GIS

NAME

REVDATE

USER



**#1 IN THE #2 BUSINESS !**

1810 Murray Road  
McKinleyville, CA 95519

# Invoice

Date	Invoice #
10/10/2019	23284

**PAID**  
10/10/2019



Bill To
Zach Whyman PO BOX 1341 Willow Creek, CA 95573

P.O. No.	Terms	Due Date	Location
		10/8/2019	316-151-006

Serviced	Item	Description	Qty	Rate	Amount
10/10/2019	Standard Inspection	Evaluation Of Septic System		295.00	295.00
10/10/2019	Travel Fee	Travel Fee		55.00	55.00
		Sales Tax		7.75%	0.00

Invoice will be subject to submittal to Collection Agency if not paid in full within 60 days.

**Total** \$350.00

**Payments/Credits** -\$350.00

**Balance Due** \$0.00

Phone #	Fax #	E-mail
(707) 839-2270	(707) 839-2112	info@stevesseptic.com



**#1 IN THE #2 BUSINESS !**

1810 Murray Road  
McKinleyville, CA 95519

# Invoice

Date	Invoice #
10/21/2019	24350

**PAID**  
10/21/2019

Bill To
Zach Whyman PO BOX 1341 Willow Creek, CA 95573

P.O. No.	Terms	Due Date	Location
	Due on receipt	10/21/2019	Titlow Hill APN316-151-0...

Serviced	Item	Description	Qty	Rate	Amount
10/21/2019	Pump Septic-C	Pump 1500 gallon septic tank		675.00	675.00
10/21/2019	Travel Fee	Travel Fee		110.00	110.00
		*Paid check #1371			
		Sales Tax		7.75%	0.00

Invoice will be subject to submittal to Collection Agency if not paid in full within 60 days.	<b>Total</b>	\$785.00
	<b>Payments/Credits</b>	-\$785.00
	<b>Balance Due</b>	\$0.00

Phone #	Fax #	E-mail
(707) 839-2270	(707) 839-2112	info@stevesseptic.com



#1 IN THE #2 BUSINESS!

1810 Murray Road, McKinleyville, CA 95519

(707) 839-2270 / Fax: (707) 839-2112

License #1022884

E-mail: info@stevesseptic.com

## Onsite Wastewater Treatment System Inspection Report

Ordered by Whom: Zach Whymman  
Send Copy to: \_\_\_\_\_  
Site Address: APN# 316-151-006

Date/Time Scheduled: 10/10/19  
Fax to: \_\_\_\_\_  
Billing Address: \_\_\_\_\_

Phone: 707-498-9601

Phone: \_\_\_\_\_

**A. General Information:** (Obtain as much as possible when inspection ordered)  
Was a Homeowner Questionnaire completed? ☒ Yes ☐ No

Additional Comment: \_\_\_\_\_

Inspector Signature: [Signature]

1.) Age of wastewater treatment system: 18 years.

☐ Water softener ☐ Garbage disposal ☐ Whirlpool bath ☐ Cleaning service

In-Home Business: type canal Marketing & Branding Canals  
Flow Meter: \_\_\_\_\_

2.) Number of people occupying dwelling: Currently: 2 Anticipated: \_\_\_\_\_

If currently unoccupied, for how long has it been vacant? \_\_\_\_\_ Months

3.) Number of bedrooms in dwelling: 2

Design: \_\_\_\_\_ Listing: \_\_\_\_\_

4.) Has there ever been a backup in the house? ☐ Yes ☒ No

5.) List any known repairs made to the system: N/A

6.) Has the system recently been inspected by others? ☐ Yes ☒ No

7.) Is there a service contract for system components? ☐ Yes ☒ No

Company: \_\_\_\_\_

8.) Date the treatment tank last pumped: \_\_\_\_\_ ☒ Never to my knowledge

At what frequency? \_\_\_\_\_ Company: \_\_\_\_\_

The above information is true to the best of my knowledge.

[Signature]  
Owner

10/10/19  
Date

### E. Checklist Summary

- 1.) Pretreatment Unit 1 is in ☐Excellent ☒Satisfactory ☐Poor condition.  
 Pretreatment Unit 2 is in ☐Excellent ☐Satisfactory ☐Poor condition.

Comments: Recommend septic tank be pumped. Minor deformation around the septic tank lids.  
 Septic tank scheduled to be pumped on 10/21.

- 2.) Soil Treatment area is in:

Rating:	Division of Environmental Health Standards
<input checked="" type="radio"/> Excellent Condition Comments:	No noticeable rise in water level during filling.
<input type="radio"/> Good Condition Comments:	Maximum water level rise of about 1-inch, with rapid decline to initial level within 5-minutes after end of filling.
<input type="radio"/> Satisfactory Condition Comments:	Maximum water level rise of about 2-inches, with decline to initial level within about 15-minutes after end of filling.
<input type="radio"/> Marginal Condition Comments:	Maximum water level rise of about 3-inches, with decline to initial water level within 30-minutes after end of filling.
<input type="radio"/> Poor Condition Comments:	Water level rise of more than 3-inches, with decline not reaching initial level within 30 minutes after end of filling.
<input type="radio"/> Failed Comments:	Water level rise of more than 3-inches, with no noticeable decline within 30-minutes after end of filling.

- 3.) Pump and pump tank is in ☐Excellent ☐Satisfactory ☐Poor condition.  
 Comments:

## F. Disclaimer

Based on what we were able to observe and our experience with onsite wastewater technology, we submit this Onsite Wastewater Treatment System Inspection report based on the present condition of the onsite wastewater treatment system. Steve's Septic Service has not been retained to warrant, guarantee, or certify the proper functioning of the system for any period of time in the future. Because of the numerous factors (usage, soil characteristics, previous failures, etc.) which may effect the proper operation of a wastewater treatment system, this report shall not be construed as a warranty by our company that the system will function properly for any particular buyer. Steve's Septic Service DISCLAIMS ANY WARRANTY, either expressed or implied, arising from the inspection of the wastewater treatment system or this report. We are also not ascertaining the impact the system is having on the environment.





**#1 IN THE #2 BUSINESS !**

1810 Murray Road, McKinleyville, CA 95519

(707) 839-2270 / Fax: (707) 839-2112

E-mail: [info@stevesseptic.com](mailto:info@stevesseptic.com)

  
\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Print Name



1391 G Street Arcata, Ca 95521

[Greg@GoHumboldtGreen.com](mailto:Greg@GoHumboldtGreen.com) (707) 890-6600

June 8, 2020

To Whom it May Concern,

On May 21<sup>st</sup>, 2020 I conducted a site visit at Rambling Rose, LLC to evaluate potential threats to water quality as well as data collection needs for a signed LSAA and acceptable 401/404 permit applications. My preparation included review of the project WRPP; subsequently, I reviewed the Site Management Plan and Biological Assessment.

With regard to structures within a riparian buffer at SC#1: although the Quonset Hut was constructed in 1998, the pad that it is located on is an old road intersection and/or staging or log deck - it is visible in 1977 aerial photographs. What would be considered the SMA is compacted road fill or road cut that has grass growing on the undriven areas. Moreover, the disturbance was created in a grassland area of the landscape. There is no drip-line in the vicinity of the Quonset Hut. The Hut itself has no nexus to cannabis and is not proposed to be removed. There is a free-standing tool shed outside the Hut that shall be removed. It is my opinion that the impacts to habitat posed by the structure are negligible - and shall remain negligible if BMPs are followed - compared with the road building that far pre-dates the QH establishment.

The Biological Assessment prepared for Rambling Rose, LLC by Corrina Kamoroff references the potential impacts of the QH location; the first paragraph of Section 5.1:

*There is a large Quonset within the SMA of a class III watercourse. At this time, the structure is not proposed to be used for any cannabis activity. It is recommended to retain the Quonset structure, given that the French drain system is maintained, the foundation is resilient to erosion, and removing the structure may cause more long-term erosion potential for the class III water course.*

Similarly, the Rambling Rose, LLC Site Management Plan states that removing the QH poses more threat to water quality than leaving it in this setting:

*The amount of temporary impacts that will be created to remove QH and remediate the site are greater than leaving QH in place for the next 50 years. These estimates do not take into account the other environmental impacts that removing QH will cause, including increased, localized hardship of the farm for loss of use of the hut, nor the cost burden to remediate QH, or replace QH with another shed in another location on the property.*

*The relative ability for the surrounding area to provide canopy shade, temperature controls, sediment filtration, and relative storm water infiltration is not substantially changed by the presence of a 1500 square foot structure and disturbed area. The current flora regime is sufficient to provide necessary hydrological functionality of the landscape, and endangered plant species are not impacted by the ongoing presence of QH. Animal species are similarly not impacted by the presence of QH, and more than the continuing presence of the seasonal road adjacent to QH which sees continual vehicle traffic. Given the increased temporary impacts that will be created by removing and remediating QH, the relative low ongoing permeant impacts of QH's current status, and the financial burden to remove, remediate and replace QH, the most effective option is to leave QH in place.*

There is an upgrade proposed for the stream crossing adjacent to the Quonset Hut (QH) that will partially mitigate road impacts: An existing 18-inch diameter plastic culvert in a 24-inch wide channel. This culvert also accepts discharge from a French Drain at the cutbank behind



1391 G Street Arcata, Ca 95521

[Greg@GoHumboldtGreen.com](mailto:Greg@GoHumboldtGreen.com) (707) 890-6600

the Quonset Hut. The Stream crossing is under a legacy road intersection / landing. Disturbance (road) at this location can be observed in 1977 aerial photographs. The riparian buffer in this grassland area has been a combination of compacted road tread and grasses with sporadic shrubs for several decades. The Quonset Hut was constructed on the existing flat in 1997- 1998. No sediment transport associated with either the French Drain behind the QH (connected to SC1) or the grassy depression on the West side of the QH.

Enclosed are photographs from my site visit.

Thank You,  
Greg Gibbs, CPESC #9359  
Erosion Control Specialist  
(707) 890-6600 ext. 364



1391 G St.  
Arcata, CA 95521



Quonset Hut, looking northwest. Class III stream is solid line; approximate culvert location is dashed arrow. Orange bars are topographic high between waterway and cultivation.



SC #1. Inboard Edge of Road, Looking Upstream.



SC #1. Culvert Inlet, Looking Upstream.



SC #1. Upstream of Road, Looking Downstream at Culvert Inlet. Arrow is approximate location of French Drain path.



SC #1. From Inboard Edge of Road, Looking Downstream towards Outboard edge of road. Blue arrow is approximate culvert location.



SC #1. Free-standing tool shed and other materials outside of Quonset Hut will be removed.



SC #1. From Outboard Edge of Road, Looking Downstream (south). Rock Wall to be removed as component of crossing upgrade.



SC #1. Downstream of Road, Looking Upstream at Culvert Outlet. Class III is blue line; approximate culvert location is dash arrow.

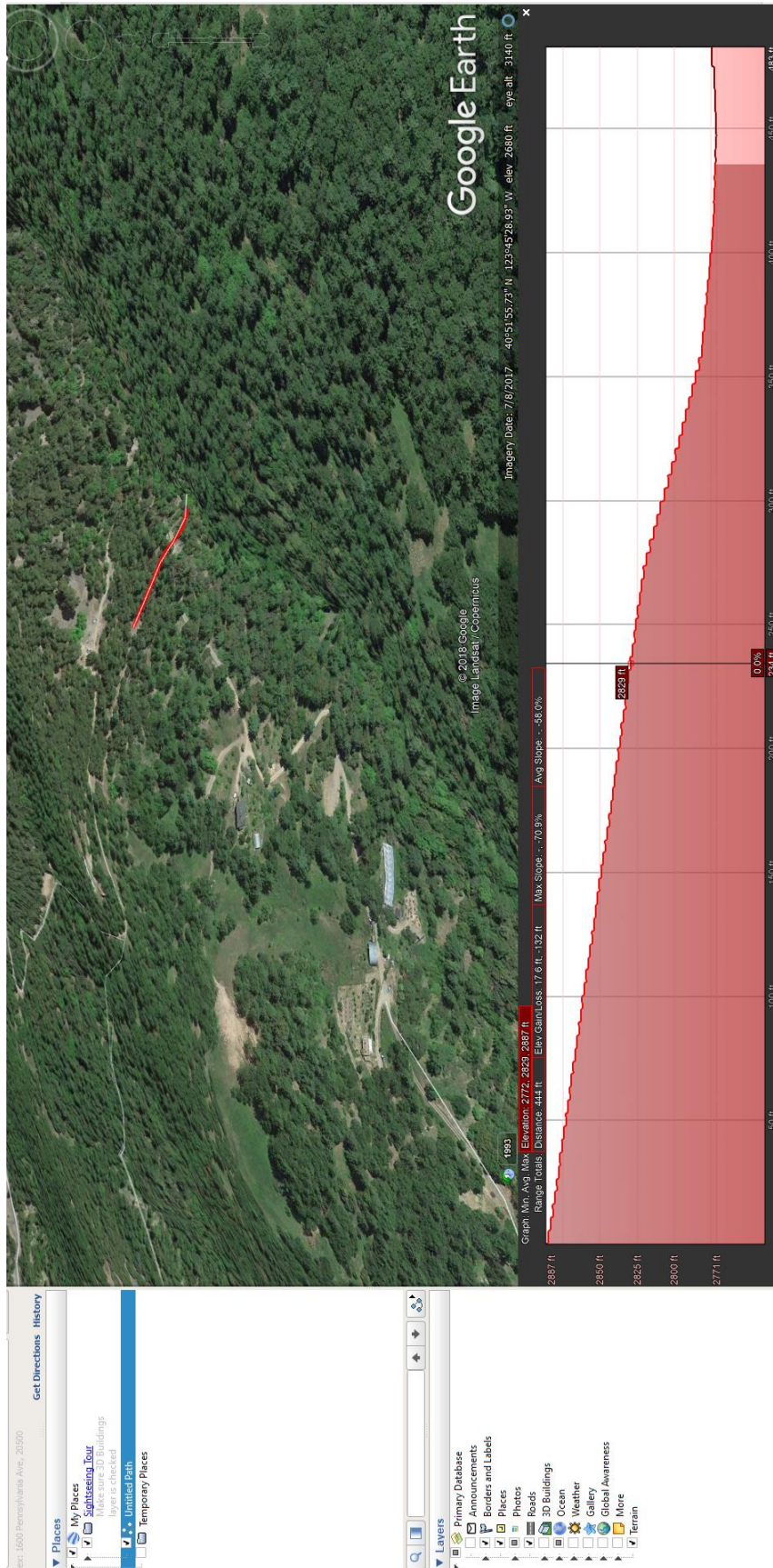


Figure 1: Line from well Class II stream showing 444ft of distance and 18 ft of elevation difference. Well completion report indicated that first water was encountered 72 feet below this Class II stream. This indicates that the stream is not hydrologically connected to the well as the aquifer is significantly below the surface waters.



Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	20	12
20	210	7.5

<b>Certification Statement</b>			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name		WATSON WELL DRILLING	
Person, Firm or Corporation			
500 Summer Street	Eureka	CA	95501
Address	City	State	Zip
Signed	12/07/2016	1014048	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Name	WATSON WELL DRILLING			
	Person, Firm or Corporation			
	500 Summer Street	Eureka	CA	95501
	Address	City	State	Zip

Signed	12/07/2016	1014048
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

<b>DWR Use Only</b>									
<b>Site Number / State Well Number</b>									
									<b>N</b>
<b>Latitude Deg/Min/Sec</b>									
								<b>W</b>	
<b>Longitude Deg/Min/Sec</b>									
<b>TRS:</b>  <b>APN:</b>									

			N
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				W
--	--	--	--	---

**APN:**

Rambling Rose, LLC  
Application #11129  
Cultivation Plan - Power Source Addendum

The primary power source on the farm is a photovoltaic solar array, complete with battery charger, batteries and inverter. There is also a Honda EU2000 in a quiet box, that is a backup generator for emergency use. We will maintain and upgrade the solar array and system, as our primary power source.

## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
CalFire	✓	Conditional Approval	Attached
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
California Department of Transportation District #1		No Response	
Environmental Health Division	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
Public Works Land Use Division	✓	Conditional Approval	Attached
RWQCB		No Response	
Humboldt County Sheriff		No Response	
Northern Humboldt Union High School District	✓	Recommend Denial	Attached
State Water Resources Control Board – Division of Water Rights		No Response	
Bear River Band of Rohnerville Rancheria	✓	Conditional Approval	Confidential and on file with Planning
NWIC	✓	Conditional Approval	Confidential and on file with Planning

**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:**

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

Ref: 7100 Planning  
Date: September 21, 2017



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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Rambling Rose, MBC  
**APN:** 316-171-005-000  
**Area:** Titlow Hill  
**Case Numbers:** CUP17-006

**Humboldt County Application #:** 11129  
**Type of Application:** Conditional Use Permit  
**Date Received:** 9/14/2017  
**Due Date:** 9/27/2017

**Project Description:** A Conditional Use Permit for an approximately 6,000 square feet of mixed-light cultivation and 14,000 square feet of outdoor existing medical cannabis cultivation operation. Water is sourced from a permitted well with the capacity of eight (8) gallons a minute. Storage for water is contained within tanks with a total capacity of 73,100 gallons. There are one (1) 2,500 gallon water tank, one (1) 500 gallon water tank, four (4) 3,300 gallon water tanks, two (2) 1,200 gallon water tanks, two (2) 5,000 gallon water tanks, five (5) 2,500 gallon water tanks, and eight (8) 4,000 gallon water tanks for storage. All processing, in the future, will occur in a processing facility for drying, manicuring, and storage needs on the farm. There will be two (2) permitted employees: owner & manager. In addition, there will be one (1) to three (3) part-time employees, when needed. Power source will come from a Honda EU-3000 generator or a Honda EU-2000 generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## **RESOURCE MANAGEMENT**

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

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

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

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



Applicant: Rambling Rose, MBC		Date: 7/25/2019	
APPS No.: 11129	APN: 316-171-005, 316-185-008	DFW CEQA No.: 2017-0754	Case No. CUP17-006
<input type="checkbox"/> New <input type="checkbox"/> Existing		Proposed: <input checked="" type="checkbox"/> Mixed-light (SF):6,000 <input checked="" type="checkbox"/> Outdoor (SF): 14,000 <input type="checkbox"/> Indoor (SF):	

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

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

**Please provide the following information and/or note the following:** *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical, and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" ( See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1> )
- ☒ All or part of the Project (shop/shed) appears to be located within the CDFW recommended minimum stream setback area and County Streamside Management Area (SMA). CDFW recommends that the applicant relocate the shed put of the riparian buffer and restore the area as closely as possible to its natural condition. The shed should be relocated to a stable area away from watercourses on parcel. CDFW requests that the relocation site be assessed to ensure that it complies with CEQA and does not pose a potential significant impact to biological resources.

**If the County elects to move this Project forward to hearing, CDFW requests the following items be incorporated as conditions of Project approval:**

- ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ All artificial light used for cannabis cultivation, including indoor, mixed-light and ancillary cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of

Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. Light attenuation shall be effective immediately.

- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft, effective immediately.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Angel's Hair Lichen (*Ramalina thrausta*), northern meadow sedge (*Carex praticola*), Tracy's Sanicle (*Sanicula tracyi*), Pink-margined Monkeyflower (*Erythranthe trinitiensis*), Giant Fawn Lily (*Erythronium oregonum*), Foothill Yellow-legged Frog (*Rana boylei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

**From:** Ramos, Misael  
**Sent:** Friday, August 16, 2019 11:18 AM  
**To:** Manthorne, David@Wildlife; Bocast, Kalyn@Wildlife  
**Cc:** Schatz, Elizabeth  
**Subject:** Apps 11129 Response to CDFW Comments

Good Afternoon,

I am the assigned planner for Rambling Rose, Inc application no. 11129 for a CUP and appurtenant SP for SMA remediation. Thank you for your review.

To address your office's comments starting with "Please provide...":

The project will be conditioned to complete a biological scoping report prior to ground disturbance for their proposed drying shed. It is proposed on an area that has already been disturbed along their drive. Applicants are aware of their need to remove the Quonset hut from the SMA and will prepare a remediation plan to do so. A special permit for SMA encroachment will be incorporated.

"If the County..."

The fuels storage shed is located well outside of the SMAO buffers for the class 3 stream that is nearest. Secondary containment of HazMats will be conditioned.

The applicant's are no longer proposing mixed light (9,000sf OD) and will only need lighting for their nursery (>900sf). Dark-Sky Assoc. conformance will be conditioned.

The applicants are proposing use of a Honda generator which produce a peak volume of 57dB. According to the inverse square law, at 100ft a 57dB noise source should comply with being less than 50dB. Use of no synthetic materials will be conditioned. At this time, geotextiles are used in cultivation structures.

Applicant will be notified of your recommendations and they will be incorporated as CoA's into the final staff report.

Thank you,



*Misael Ramos C.*  
Planner  
Cannabis Services Division  
707.441.2633  
[mramos1@co.humboldt.ca.us](mailto:mramos1@co.humboldt.ca.us)



Please consider your environmental responsibility before printing this e-mail.



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



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

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Tsnungwe Council, City of Blue Lake, Regional Water Quality Control Board, Humboldt County District Attorney, California Division of Water Resources, Humboldt County Sheriff, Blue Lake Union School District, Green Point Elementary School District, Northern Humboldt Union High School School District

**Applicant Name** Rambling Rose, MBC **Key Parcel Number** 316-171-005-000

**Application (APPS#)** 11129 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP17-006

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

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

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

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

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

(1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

**Response Date:** 10/25/2017 **Recommendation By:** Adam Molofsky  
PLN-11129-SP Rambling Rose, Inc. September 17, 2020

2746

**DISTRIBUTED**

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DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1108 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCAIA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3598

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: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 03-15-2018

RE:

Applicant Name	<i>Rambling Rose, MBC</i>
APN	<i>316-171-005</i>
APPS#	<i>11129</i> <i>CUP 17-006</i>

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"**. **No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11129

☐ **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:**

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 //

## Exhibit "D"

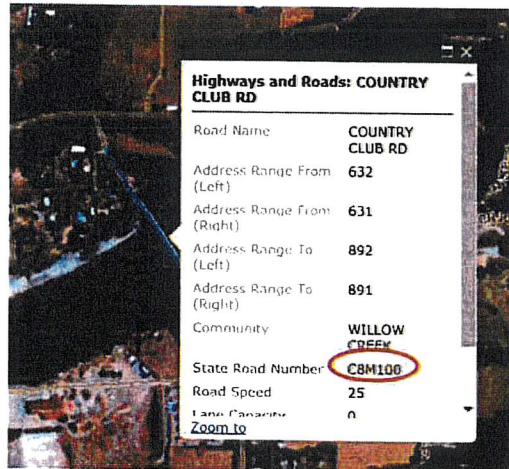
### Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a Road Evaluation Report form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a Road Evaluation Report form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The Road Evaluation Report form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C is a grid identifier letter for the Y-axis for the grid.
- DDD is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD

A3M020 Murray Road

F6B165 Alderpoint Road

6C040 Thomas Road

## Exhibit "D"

### Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

<b>"APPROVED LIST"</b> <b>List of County Maintained Roads that meet (or are equivalent to)</b> <b>Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

**Exhibit "D"****Road Evaluation Reports**

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M. 12.20
McCann Road	6D090	P.M. 1.0 to P.M. 2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M. 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M. 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M. 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



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

N/A  
50' 9/18/17

9/12/2017

**PROJECT REFERRAL TO: Northern Humboldt Union High School School District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Tsungwe Council, City of Blue Lake, Regional Water Quality Control Board, Humboldt County District Attorney, California Division of Water Resources, Humboldt County Sheriff, Blue Lake Union School District, Green Point Elementary School District, Northern Humboldt Union High School School District

**Applicant Name** Rambling Rose, MBC **Key Parcel Number** 316-171-005-000

**Application (APPS#)** 11129 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP17-006

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

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

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

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

**Return Response No Later Than 9/27/2017**

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☒ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \_\_\_\_\_

DATE: 9/19/17

PRINT NAME: Ross / MacDonald



## Northern Humboldt Union High School District

2755 McKinleyville Avenue, McKinleyville, CA 95519-3400  
TELEPHONE: (707) 839-6470 • FAX: (707) 839-6477  
[www.nohum.k12.ca.us](http://www.nohum.k12.ca.us)

**ROGER MACDONALD**  
District Superintendent

**CINDY VICKERS**  
Director of Fiscal Services

September 19, 2017

Humboldt County Planning Commissioners  
Planning Commission Clerk  
3015 H Street  
Eureka, CA 95501

RE: Case No. CUP17-006

The proposed facility is not within 600 feet of a school or existing bus stop. However, Northern Humboldt Union High School District has concerns about this proposed facility as cannabis is still illegal under federal law and our district receives federal funds.

Additionally, the district has concerns about a grow operation in an area where current and/or future students may live in the area or near the facility, and be required to pass by it to and from school.

Should you have any further questions, please let me know.

Sincerely,



ROGER MACDONALD  
Superintendent