



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 19, 2020

To: Humboldt County Planning Commission

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

Subject: **Mamba Humboldt Logistics, LLC Conditional Use Permit and Special Permit**
PLN-12949-CUP
Assessor's Parcel Number (APN): 208-251-006
1375 Oak Road, Dinsmore, CA.

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Please contact Elizabeth Moreno, Planner II, at (707) 445-7541 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 19, 2020	Conditional Use Permit and Special Permit	Elizabeth Moreno

Project Description: A Conditional Use Permit for 10,000 square feet (SF) of existing outdoor and 4,500 SF of existing mixed light cannabis cultivation with appurtenant propagation area and processing facility. A Special Permit is also requested for an encroachment within a Streamside Management Plan to allow onsite relocation and remediation. Approximately 3,600 SF of mixed light cultivation is to be relocated from an area within a streamside management area to an existing graded flat. Water source is a groundwater well and about 25,500 gallons of water stored in hard tanks. The total water usage for cannabis irrigation about 183,700 gallons a year (12.6 gallons per square foot). Processing will occur onsite in a proposed, 1,600 SF ADA complaint facility. Four employees are required to meet operational needs. Power Source is currently provided by a generator; however, the applicant is proposing to install solar power to support operations.

Project Location: The project site is located in Humboldt County in the Dinsmore area, on the north side of Coyote Flat Road, approximately 12 miles from the intersection with Bear Creek Road, on the property known to be in Section 33 of Township 02 North, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 160 to 5 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR-B-5(40)), with a Special Building combining zone (B).

Record Number: PLN-12949-CUP

Assessor Parcel Number: 208-251-006

Applicant

Mamba Humboldt Logistics, LLC
Brittany Massaro
50 Thistle Ridge Road
Eureka, CA 95503

Owner

Malfatti Rhonda
P.O. Box 6133
Eureka, CA 95502

Agent

N/A

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

MAMBA HUMBOLDT LOGISTICS, LLC
Record Number: PLN-12949-CUP
Assessor's Parcel Number: 208-251-006

Recommended Commission Action:

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

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit on evidence in the staff report and approve the proposed Mamba Humboldt Logistics, LLC project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit for 10,000 square feet (SF) of outdoor and 4,500 SF of mixed light cannabis cultivation on two graded flats on the 40-acre parcel. The parcel is also developed with a legacy hunting cabin and a storage shed. A Special Permit is also requested for the relocation of 3,600 SF of mixed light greenhouses out of an encroachment of a Streamside Management Area (SMA).

Our Evolution Energy & Engineering (OEE&E) prepared a Water Resources Protection Plan (WRPP) and Relocation report, dated June 2018. The WRPP details measures to bring the site into compliance through relocation of existing legacy cultivation. The existing cultivation was located in one of a graded flat, which encroached in a Class II SMA. The cultivation will be relocated to the other graded flat cultivation area, which will consolidate the cultivation for a total of 10,000 SF of outdoor cultivation and 4,500 SF of mixed light greenhouse cultivation. As a condition of approval, the applicant will submit a remediation and monitoring plan to the Planning Department.

Cultivation consists of two harvests within the mixed light greenhouses made possible using supplemental lighting and light deprivation techniques. As a condition of approval, light shall be shielded to prevent visible detection from neighboring parcels and comply with the International Dark Sky Association standards. A 2,000 SF immature area is proposed to be located out of the SMA.

Water source is proved by a groundwater well. There are five hard tanks totaling 13,500 gallons of water storage onsite. The total water usage for cannabis irrigation about 183,700 gallons a year, about 12 gallons per square foot. There will also be twenty-four (24) 5,000gallon non-diversionary self-caught rainwater catchment tanks placed onsite for non-diversionary water catchment and storage. A 2,500-gallon tank is left onsite for fire as its beneficial use.

Processing will occur onsite in a proposed, 1,600 SF ADA complaint facility. Once permitted and built, the proposed processing facility is projected to accommodate up to eight employees (four full time, four seasonal) to process all cannabis onsite using a combination of wood heat, dehumidifiers, and electric and manual trimming. The four full time employees are proposed to live onsite in the existing residence once permitted by the Building Inspection Division (BID); occupation of this facility is prohibited until BID permits are in hand as a condition of approval. Portable toilets with hand washing stations will be used until a new onsite wastewater treatment system can be permitted and built. Power Source is currently provided by a generator; however, the applicant is proposing to install solar power to support operations.

The applicant is registered as a Tier 2 discharger with the North Coast Regional Water Quality Control Board (NCRWQB; WDID #1B161415CHUM). There are two seasonal drainages on the parcel and three culverted stream crossings in need of minor maintenance or repair. OEE&E has submitted a WRPP and a final Lake and Streambed Alteration Agreement application (LSAA) for three jurisdictional encroachments for culvert replacements to the California Department of Fish and Wildlife (CDFW) has been granted for this parcel. Additionally, a project referral was sent to CDFW on September 5, 2017 and provided no comments.

Additionally, the applicant was required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.

The applicant submitted a *Biological Assessment*, prepared by SL Consulting, dated June 2020. The report concludes that project is considered to have no direct impacts to the environmental or surrounding habitat. The report recommends housing the generator and completely shielding all light used in the project. As a condition of approval, the applicant to adhere to the recommendations made in the report.

The applicant has submitted a *Registered Professional Forester Report (RPF)* and a *Restocking Plan*, prepared by Hohman & Associates, dated June 2019. The RPF Mitigation Plan detailed 2.47 acres of land on the property that was converted to cannabis cultivation in 2011 and re-graded in 2017 without the benefit of County review. CalFire did not respond to the project referral, including the conversion mitigation report. As a condition of approval, the applicant shall submit a monitoring plan for the restocking plan and the applicant is to adherence to the mitigation measures are made in the report.

The Humboldt Bay Municipal Water District (HBMD) provided comments regarding the water source of the project. The primary concern was the Mad River watershed and drawing water from surface water. The original application proposed drawing water from a point of diversion. However, the applicant has since then revised the project and now proposes to use exclusively water from the groundwater well. The applicant has provided the well log to the well, which indicates that the well is a groundwater well. Planning Staff responded to HBMD on October 6, 2020 and provided the supporting evidence.

The applicant provided a self-certified road evaluation for a 2.6-mile private drive (Oak Road) leading from Highway 36, and a 1.4-mile private drive (Bear Creek Road). The Road Evaluation report contained photo documentation at 11 typical points along the roads. Public Works recommended project approval. Additionally, as a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation for the encroachment onto Highway 36. Additionally, the applicant shall consent to join or establish a Road Association to maintain Bear Creek Road for at a minimum the portion of the road from Hwy 36 to the applicant's parcel.

The Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officer recommended inclusion of standard inadvertent archaeological discovery language as a condition of approval.

The project site encroaches the conical air space of the Dinsmore Airport. The applicant has obtained a Determination of No Hazard to Air Navigation, from the Federal Aviation Administration dated July 2019. The project has been referred to the Airport Director who has approved project on October 14, 2020.

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If 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 the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is consistent with the MND for the CMMLUO as stated above. 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-12949-CUP
Assessor Parcel Number: 208-251-006**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mamba Humboldt Logistics LLC Conditional Use Permit and Special Permit request.

WHEREAS, Mamba Humboldt Logistics, LLCA seeks approval of a Conditional Use Permit for 10,000 square feet (SF) of existing outdoor and 4,500 SF of existing mixed light cannabis cultivation with appurtenant propagation area and processing facility. A Special Permit is also requested for an encroachment within a Streamside Management Plan to allow onsite relocation and remediation. Approximately 3,600 SF of mixed light cultivation is to be relocated from an area within a streamside management area to an existing graded flat. Water source is a groundwater well and about 25,500 gallons of water stored in hard tanks. The total water usage for cannabis irrigation about 183,700 gallons a year (12.6 gallons per square foot). Processing will occur onsite in a proposed, 1,600 SF ADA complaint facility. Two employees are required to meet operational needs. Power Source is currently provided by a generator; however, the applicant is proposing to install solar power to support operations.

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, and no new information of substantial importance that was not known and could not be known at the time was presented as described by Section 15162 (c) of the State CEQA Guideline; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number PLN-11207-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 19, 2020; and

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

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Case Number PLN-12949-CUP based on the submitted substantial evidence; and
2. The Conditional Use Permit (Case Number PLN-12949-CUP) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on November 19, 2020.

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

AYES: Commissioners:

NOES: Commissioners:

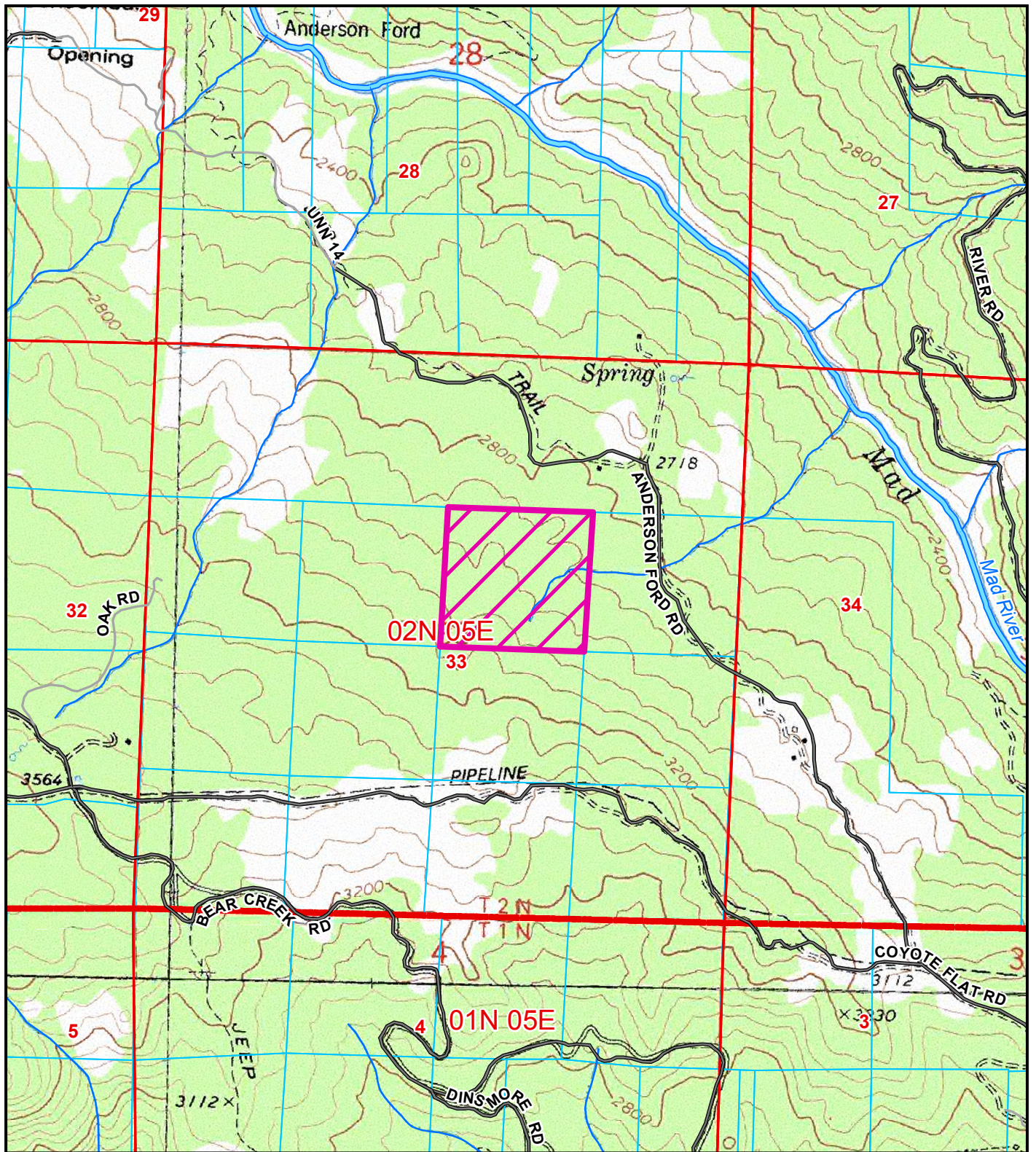
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

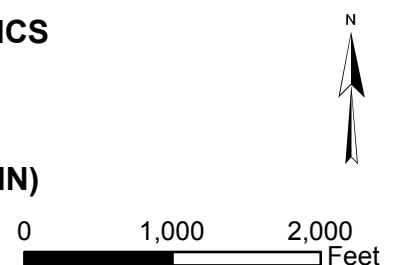
John Ford, Director
Planning and Building Department

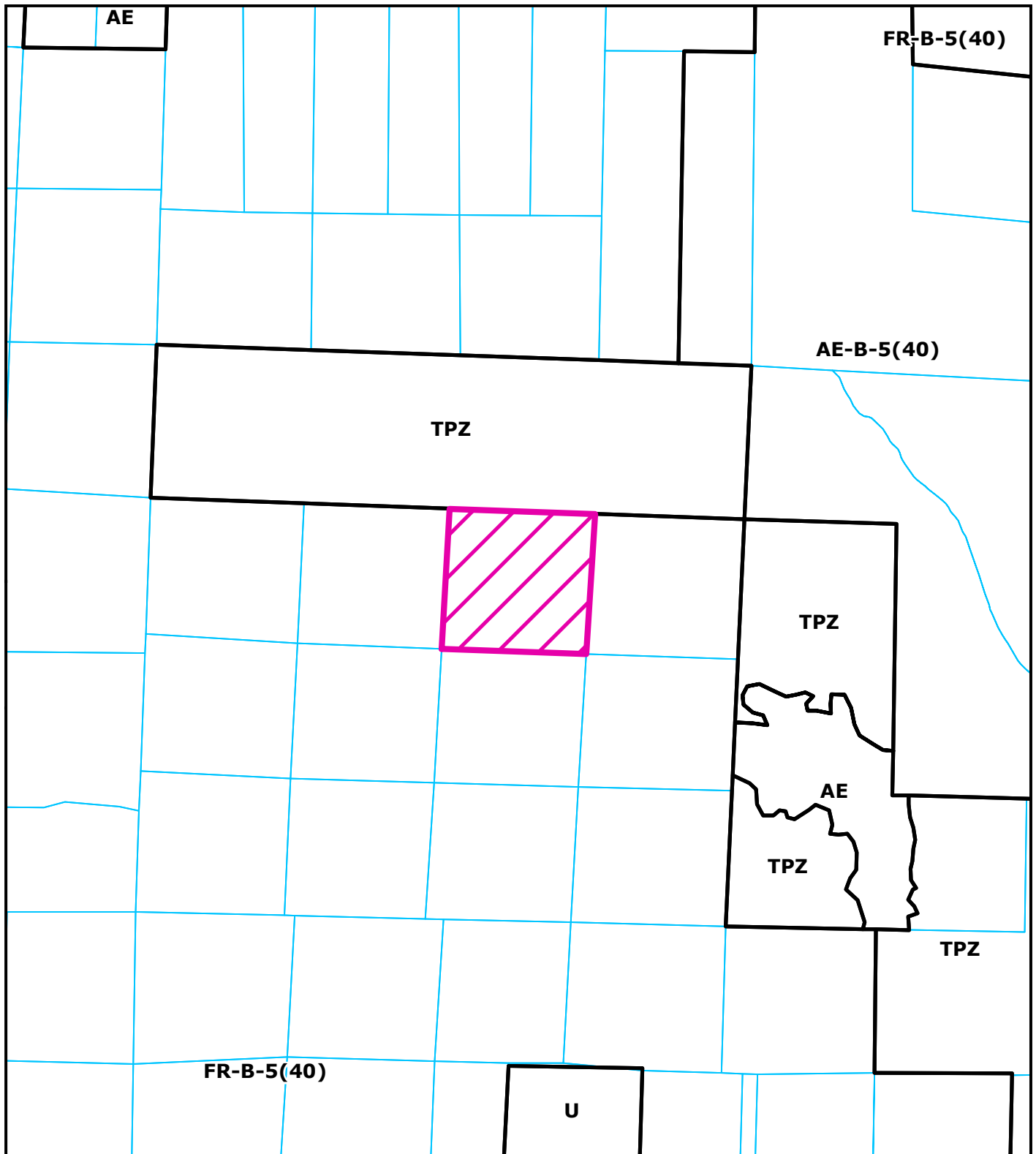


TOPO MAP
PROPOSED MAMBA HUMBOLDT LOGISTICS
DINSMORE AREA
SP-16-697
APN: 208-251-006
T02N R05E S33 HB&M (BLAKE MOUNTAIN)

Project Area = 

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





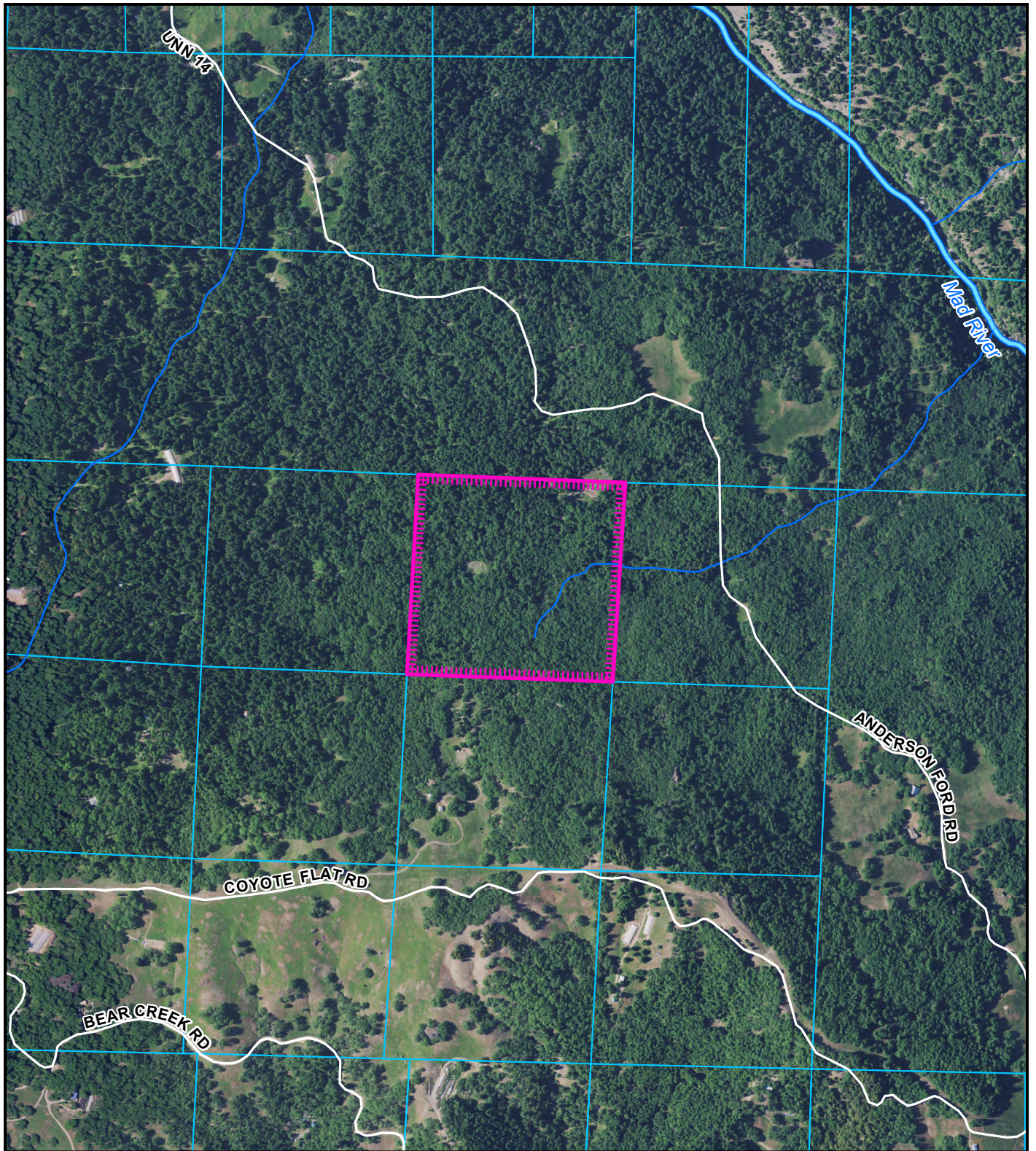
Project Area =

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

ZONING MAP
PROPOSED MAMBA HUMBOLDT LOGISTICS
DINSMORE AREA
SP-16-697
APN: 208-251-006
T02N R05E S33 HB&M (BLAKE MOUNTAIN)

0 1,000 2,000

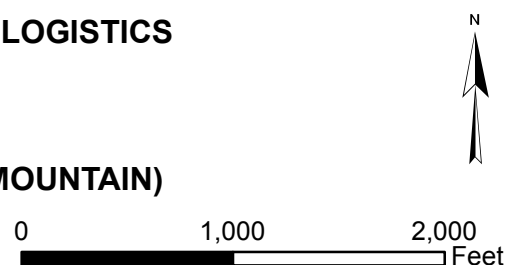
Feet



Project Area = 

**AERIAL MAP
PROPOSED MAMBA HUMBOLDT LOGISTICS
DINSMORE AREA
SP-16-697
APN: 208-251-006
T02N R05E S33 HB&M (BLAKE MOUNTAIN)**

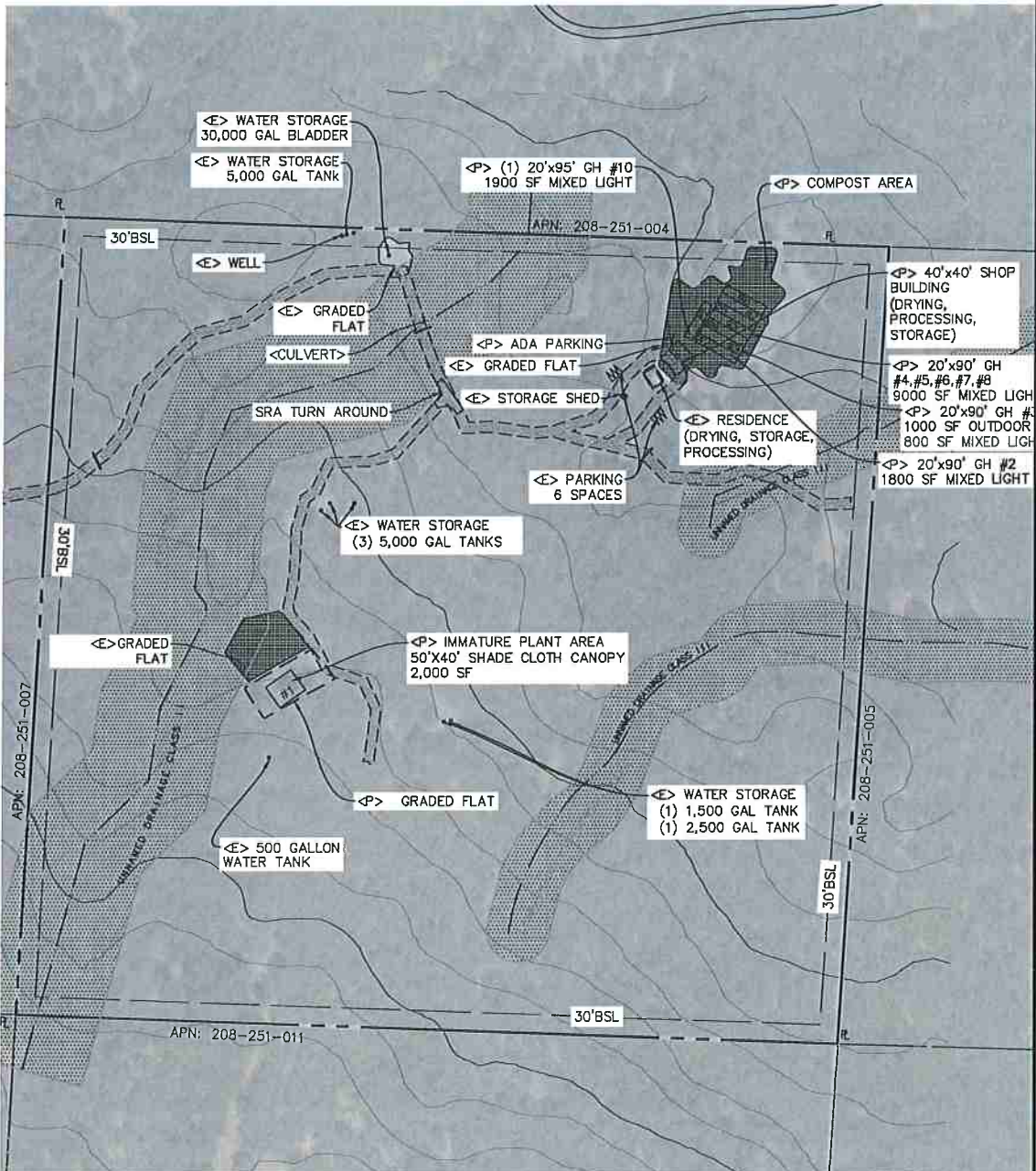
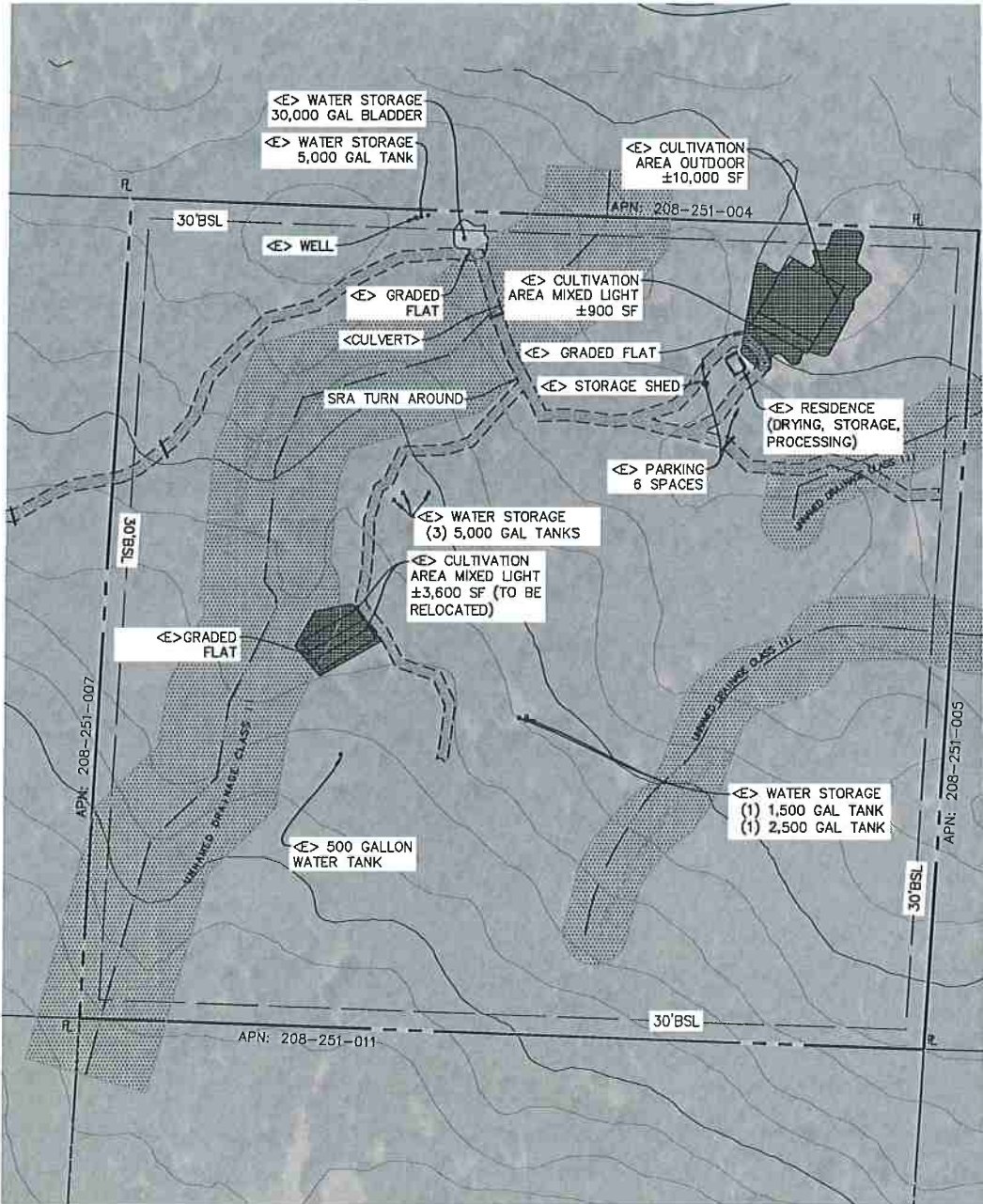
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MAMBA HUMBOLDT LOGISTICS

APN: 208-251-006



PLOT PLAN
11x17 SHEET: 1"=240'



MAMBA HUMBOLDT LOGISTICS
BRIDGEVILLE, CA 95526 / APN: 208-251-006
PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. NO.: 1901
PROJ. NO.: 1901
DRAWN BY: J.E./J.S.
DATE: 10/28/2019
SCALE: AS SHOWN
SHEET
C1
MHL/DIC/01
© 2019 ALL RIGHTS RESERVED

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date 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 #2 – 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. The applicant shall secure permits for all structures (including, but not limited to greenhouses, and accessory structures) and grading (including road improvements, graded flats) 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. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
3. The applicant is to submit a Remediation and Monitoring Report for onsite relocation to the Planning Department.
4. The applicant is to adhere to the Registered Professional Forester Report and a Restocking Plan, prepared by Hohman & Associates, dated June 2019. Additionally, the applicant is to submit a Monitoring Report at annual inspection.
5. The applicant is to adhere to the recommendations made in Biological Assessment, prepared by SL Consulting, dated June 2020. The applicant shall submit a lighting plan demonstrating how no light pollution will occur on site.
6. The applicant will install solar power and move away from generator usage to support cannabis activities. The applicant is to provide evidence that backup generator and fan noise exposure levels will not exceed 50 dB when measured at 100 feet or edge of habitat.
7. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees either through 2020 or until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
8. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.
9. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation

Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

10. The applicant shall obtain and adhere to and comply with all applicable terms of the Streambed Alteration Agreement issued by California Department of Fish and Wildlife (CDFW). Reporting requirements shall be submitted to the Planning Department and to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
11. 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 on the Occupancy Permit by the Building Division shall satisfy this requirement.
12. The applicant shall submit compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, and fuel modification standards.
13. 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.
14. The applicant shall obtain an encroachment permit from the California Department of Transportation and provide a copy to the Planning Department. Additionally, the applicant shall consent to join or establish a Road Association to maintain Bear Creek Road for at a minimum the portion of the road from Hwy 36 to the applicant's parcel.
15. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. All mixed light from the propagation area shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant must demonstrate and submit evidence that no light will escape from the propagation structures.
18. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval.

Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. 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.
3. 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, on a regular and on-going basis. 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.
4. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
5. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
6. 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.
7. 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.
8. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
9. 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).
10. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
11. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
12. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
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. Pay all applicable application and annual inspection fees.
16. The noise produced by a 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.
17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. 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.

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

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

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 #23 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. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified

archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan 2017, 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 State CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan. 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 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA40): 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. General and Intensive agriculture are allowed uses.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The project entails outdoor cultivation of 10,000 SF of outdoor and 4,500 SF of mixed light commercial medical cannabis on two graded flats on the parcel. An appurtenant 2,000 SF nursery and a 1,600 SF metal processing facility are proposed.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site directly from State Highway 36 a publicly maintained road onto Bear Creek Road and then onto Oak, both privately maintained road. The applicant has prepared a Road Evaluation, self-certifying with photos that the roads are equivalent to category 4 standards. As a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation for the encroachment onto Highway 36. Additionally, the applicant shall consent to join or establish a Road Association to maintain Bear Creek Road for at a minimum the portion of the road from Hwy 36 to the applicant's parcel. Evidence shall be provided to the satisfaction of the County that may include, minutes from a meeting. Written correspondence from the RMA Secretary, or similar information.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the 2019 Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the Housing Element.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) 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.	The proposed project is located outside the Open Space land Plan because the project site is designated Residential Agriculture and is zoned Forestry Recreation. The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.

<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>There are mapped rare or species of special concern on the subject parcel based on a review of the California Natural Diversity Database. The nearest Northern Spotted Owl Activity Center is located 1.68 miles to the northeast of the project site. Artificial lighting is proposed for use within the propagation area and within the mixed light cultivation; the applicant must demonstrate that no light will escape from the propagation structures. Planning staff believes that use of supplemental lighting in propagation areas complying with dark-sky standards can adequately address any lighting impacts on NSO.</p> <p>The applicant submitted a Biological Assessment, prepared by SL Consulting, dated June 2020. The report concludes that project is considered to have no direct impacts to the environmental or surrounding habitat. The report recommends housing the generator and completely shielding all light used in the project. As a condition of approval, the applicant to adhere to the recommendations made in the report.</p> <p>The project includes a Special Permit for an encroachment within a Streamside Management Area that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation. About 3,600 SF will be relocated to an environmentally superior location onsite to an existing grading flat, consolidating the cannabis cultivation. The relocation sites will meet of all riparian setbacks. As a condition, of approval the applicant is to submit a remediation report for onsite relocation and submit a monitoring report to the Planning Department.</p> <p>The applicant is to obtain a Lake Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for stream crossing improvements. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement issued by CDFW.</p> <p>Additionally, a project referral was sent to CDFW on September 5, 2017 and provided no comments. Although no comments were received, several conditions of approval requested by CDFW for wildlife and watershed protection, such as a prohibition on use of synthetic netting, are incorporated into the project. As conditioned, the project is consistent with the Biological Resource policies of the</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		General Plan.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria (BRB). NWIC and BRB requested an archeological survey of the subject parcel. The applicant retained DZC Archaeology & Cultural Resource Management for the preparation of a Cultural Resources Investigation for the Project site. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. The Cultural Resources Investigation was sent to BRB for their review, and who recommended inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources. The project is therefore consistent with the Cultural Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately of 10,000 SF of outdoor and 4,500 SF of mixed light cannabis cultivation. Additionally, the project has been conditioned to fully shield all of the propagation area and mixed light hoop houses so that it does not direct light within the property boundaries. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>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); and Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. A WRPP has been prepared for the project by Our Evolution Energy & Engineering (OEE&E) prepared, dated June 2018 (Attachment 4). The WRPP identifies several improvements that are needed on-site, including the installation of a water meter to accurately track water usage and repair or installation of culverts. The project has been conditioned to implement all recommendations listed in the WRPP. With implementation of the proposed recommendations this project will conform to the requirements of the Plan.</p> <p>Additionally, the applicant was required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The Water Resources Protection Plan (WRPP) states that the site will develop an Onsite Wastewater Treatment System (OWTS) that meets the NCRWQCB's standard condition.</p> <p>An appropriately designed and sized OWTS will need to be sited and installed once pending application is approved by Humboldt County Planning and Building Department. These requirements have been incorporated as conditions of approval. In the interim, the applicant agrees to use portable toilets and handwashing stations capable of supporting the peak number of employees.</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>Artificial lighting is proposed for use within the propagation area and within the mixed light cultivation. Power Source is currently provided by a generator; however, the applicant is proposing to install solar power to support operations. The nearest Northern Spotted Owl Activity Center is located 1.68 miles to the of the project site.</p> <p>Ongoing conditions of approval require the maximum allowable backup generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that backup generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. As conditioned, the project is consistent with the Noise Element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as High Slope Instability (3) in the County's GIS mapping. All of the cultivation will be located on slopes 15 % or less. Conditions of approval require the applicant to obtain gradings permits from the Building Inspection Division for all grading and grading conducted without the benefit of County review. The project is consistent with the geologic resource policies of the Safety Element.</p> <p>Given the relatively mild slope where mixed light and nursery greenhouses are currently located, the proposed construction of a 1,600 SF processing facility, is not expected to be affected by geologic instability.</p> <p>Prior to issuance of any building or construction permits a grading, erosion, and sediment control plan shall be prepared by a qualified engineer. These measures are a made a condition of approval.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 3,000 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high and very high fire hazard severity. The parcel is located within the Ruth Lake Community Service District and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>CAL FIRE did not provide any comments, nonetheless the project is conditioned to meet compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, 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.</p> <p>The applicant will designate a 2,500-gallon water tank for emergencies. The project is consistent with the fire protection policies of the Safety Element.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</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.	The parcel is located within the justification of the Ruth Lake Community Service District.
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project is consistent with these policies of the General Plan.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 208-251-006 is Parcel 6 of Parcel Map No. 251 recorded in Book 208 of Parcel Maps Page 25 on June 10, 2015. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Forestry Recreation (FR-B-5 (40))	<p>Forestry Recreation (FR)</p> <p>The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>B-Special Building Site Combining Zone</p> <p>As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</p>	The applicant is seeking a Conditional Use Permit for an existing 10,000 SF of outdoor and 4,500 SF of mixed light cannabis cultivation operation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size:	1 acre	40 acres
Maximum Ground Coverage:	None Specified	<1%
Minimum Lot Width:	200 feet	1,300 feet
Maximum Lot Depth:	None specified	1260 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	Front: 20 feet Rear: 20 feet Side:10 SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >2 feet
Max. Building Height:	35	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are a few mapped Streamside Management Areas, there are a Class II and two Class III watercourses shown on the site map and maps prepared for the Water Resources Protection Plan (WRPP). The project includes a Special Permit for an encroachment within one Streamside Management Area onsite that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation. About 3,600 SF will be relocated to an environmentally superior location. The relocation site will meet of all riparian setbacks. The existing cultivation was located in one of a graded flat, which encroached in a Class II Streamside Management Area. The cultivation will be relocated to the other graded flat cultivation area, which will consolidate the cultivation for a total of 10,000 SF of outdoor cultivation and 4,500 SF of mixed light greenhouse cultivation. As a condition of approval, the applicant will submit a remediation and monitoring plan to the Planning and Building Department.

§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*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.</p>	Six parking spaces is available onsite, and it is illustrated in the Site Plan.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2 Timber Conversion	<p>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, subject to the conditions and limitations set forth in this Section.</p>	<p>The subject parcel is zoned Forest Recreation. Cultivation and cultivation related operations occurred in two locations on site. Based on a review of aerial imagery no timber conversion has occurred. A project referral was sent to CAL FIRE who did not have any comments regarding timber conversion.</p> <p>The applicant submitted an RPF Mitigation Plan that detailed that 2.47 acres of land on the property underwent unauthorized conversion from timberland to cannabis cultivation in 2011 and re-graded in 2017 without a permit. CalFire did not respond to the project referral, including the conversion mitigation report, and adherence and institution of the identified mitigation measures are made a condition of approval.</p> <p>As a condition of approval, the applicant shall agree to institute the identified mitigation measures relating to the historic conversions.</p>
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§ 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 AE.	The proposed action is a Conditional Use Permit for 10,000 SF of outdoor and 4,500 SF of mixed light cannabis cultivation on APN 208-251-006, which is a 40-acre parcel zoned FR- B-(5(40)). A review of Google Earth imagery in 2014 found the cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for outdoor cultivation.
§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.	All cannabis cultivated on-site will be processed (dried, cured and trimmed) will occur onsite in a proposed, 1,600 SF ADA complaint facility. Until the Onsite Wastewater Treatment Facility (OWTS) is installed to the satisfaction of the Department of Environmental Health, processing is required to take place at an off-site licensed processing facility. The applicant can also take harvested cannabis to a licensed processing facility for processing should they choose once the OWTS is installed. Conditions of approval require processing to occur off-site until the septic system is permitted. Conditions of approval also require the applicant to obtain building permits from the Humboldt County Building Inspection Division for use of the barn for commercial activities.
§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.	The water source is provided a well. The applicant has provided a well log that indicates that the well is not connected to surface water.
§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 applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources.
§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	Artificial lighting is proposed for use within propagation greenhouse. Greenhouses are equipped with fans and power is provided by a generator. The nearest Northern Spotted Owl Activity Center is located 1.68 miles to the northeast of the project site. Ongoing conditions of approval require the maximum allowable from a backup generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer.
§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 29, 2016.

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

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

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

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

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

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

ATTACHMENT 3

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

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

APN 208-251-006, 1375 Oak Road, Dinsmore, CA. County of Humboldt

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

December 2020

Background

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

The modified project involves a Conditional Use Permit for 10,000 square feet (SF) of outdoor and 4,500 SF of mixed light cannabis cultivation on two graded flats on the 40-acre parcel. The parcel is also developed with a residence and a storage shed. A Special Permit is also requested for the relocation of 3,600 SF of mixed light greenhouses out of an encroachment of a Streamside Management Area (SMA).

Our Evolution Energy & Engineering (OEE&E) prepared a Water Resources Protection Plan (WRPP) and Relocation report, dated June 2018. The WRPP details measures to bring the site into compliance through relocation of existing legacy cultivation. The existing cultivation was located in one of a graded flat, which encroached in a Class II SMA. The cultivation will be relocated to the other graded flat cultivation area, which will consolidate the cultivation for a total of 10,000 SF of outdoor cultivation and 4,500 SF of mixed light greenhouse cultivation. As a condition of approval, the applicant will submit a remediation and monitoring plan to the Planning Department.

Cultivation consists of two harvests within the mixed light greenhouses made possible using supplemental lighting and light deprivation techniques. As a condition of approval, light shall be shielded to prevent visible detection from neighboring parcels and comply with the International Dark Sky Association standards. A 2,000 SF immature area is proposed to be located out of the SMA.

Water source is proved by a groundwater well. There are five hard tanks totaling 13,500 gallons of water storage onsite. The total water usage for cannabis irrigation about 183,700 gallons a year, about 12 gallons per square foot.

Processing will occur onsite in a proposed, 1,600 SF ADA complaint facility. Once permitted and built, the proposed processing facility is projected to accommodate up to eight employees (four full time, four seasonal) to process all cannabis onsite using a combination of wood heat, dehumidifiers, and electric and manual trimming. The four full time employees are proposed to live onsite in the existing residence once permitted by the Building Inspection Division (BID); occupation of this facility is prohibited until BID permits are in hand as a condition of approval. Portable toilets with hand washing stations will be used until a new onsite wastewater treatment system can be permitted and built. Power Source is currently provided by a generator; however, the applicant is proposing to install solar power.

The applicant is registered as a Tier 2 discharger with the North Coast Regional Water Quality Control Board (NCRWQB; WDID #1B161415CHUM). There are two seasonal drainages on the parcel and three culverted stream crossings in need of minor maintenance or repair. OEE&E has submitted a WRPP and plans to submit a Lake and Streambed Alteration Agreement application (LSAA) for three jurisdictional encroachments for culvert replacements to the California Department of Fish and Wildlife (CDFW). As a condition of approval, the applicant shall obtain a LSAA with the CDFW for all culverted stream crossings. Additionally, a project referral was sent to CDFW on September 5, 2017 and provided no comments.

Additionally, the applicant was required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.

The applicant submitted a Biological Assessment, prepared by SL Consulting, dated June 2020. The report concludes that project is considered to have no direct impacts to the environmental or surrounding habitat. The report recommends housing the generator and completely shielding all light used in the project. As a condition of approval, the applicant to adhere to the recommendations made in the report.

The applicant has submitted a Registered Professional Forester Report (RPF) and a Restocking Plan, prepared by Hohman & Associates, dated June 2019. The RPF Mitigation Plan detailed 2.47 acres of land on the property that was converted to cannabis cultivation in 2011 and re-graded in 2017 without the benefit of County review. CalFire did not respond to the project referral, including the conversion mitigation report. As a condition of approval, the applicant shall submit a monitoring plan for the restocking plan and the applicant is to adherence to the mitigation measures are made in the report.

The Humboldt Bay Municipal Water District (HBMD) provided comments regarding the water source of the project. The primary concern was the Mad River watershed and drawing water from surface water. The original application proposed drawing water from a point of diversion. However, the applicant has since then revised the project and now propose water only from a groundwater well. The applicant has provided the well log to the well, which indicates that the well is a groundwater well. Planning Staff responded to HBMD on October 6, 2020 and provided the supporting evidence.

The applicant provided a self-certified road evaluation for a 2.6-mile private drive (Oak Road) leading from Highway 36, and a 1.4-mile private drive (Bear Creek Road). The Road Evaluation report contained photo documentation at 11 typical points along the roads. Public Works recommended project approval. Additionally, as a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation for the encroachment onto Highway 36. Additionally, the applicant shall consent to join or establish a Road Association to maintain Bear Creek Road for at a minimum the portion of the road from Hwy 36 to the applicant's parcel.

The Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officer recommended inclusion of standard inadvertent archaeological discovery language as a condition of approval.

The project site encroaches the conical air space of the Dinsmore Airport. The applicant has obtained a Determination of No Hazard to Air Navigation, from the Federal Aviation Administration dated July 2019. The project has been referred to the Airport Director who has approved project on October 14, 2020.

There is no substantial evidence of potentially significant adverse environmental effects resulting from the permitting of a recognized legal agricultural use (cultivation of medical marijuana) on property zoned FR and a source of irrigation with documented appropriative water right, or other permitted non-diversionary source.

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

Purpose- Section 15164 of the California Environmental Quality Act (CEQA) Guidelines 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

The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the adopted MND and no changes are proposed to the original MND's recommended mitigation measure for the proposal to authorize an existing 14,500 -square-foot cannabis cultivation and 2,000-square-foot mixed light propagation greenhouse.

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

- Water Resources Protection Plan and Relocation Report compared by Our Evolution Energy & Engineering prepared a, dated June 2018.
- Biological Assessment, prepared by SL Consulting, dated June 2020.
- Registered Professional Forester Report (RPF) and a Restocking Plan, prepared by Hohman & Associates, dated June 2019.
- Cultural Resource Investigation, prepared by DZC Archaeology & Cultural Resource Management, dated April 2017.
- Self-certified Road Evaluation report.

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.

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

If the source of water is a well, a copy of the County well permit, if available. (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. (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. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
12. 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)
13. 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)
14. DEH Worksheet. (On file)
15. Water Resources Protection Plan and Relocation Report compared by Our Evolution Energy & Engineering prepared a, dated June 2018. (Attached)
16. Biological Assessment, prepared by SL Consulting, dated June 2020. (Attached)
17. Registered Professional Forester Report and a Restocking Plan, prepared by Hohman & Associates, dated June 2019. (Attached)
18. Cultural Resource Investigation, prepared by DZC Archaeology & Cultural Resource Management, dated April 2017. (On file)
19. Self-certified Road Evaluation report. (Attached)



MAMBA HUMBOLDT LOGISTICS CULTIVATION AND OPERATIONS MANUAL HUMBOLDT COUNTY, CA

CANNABIS CULTIVATION FACILITIES

PREPARED FOR:



July 2019

**Cultivation and Operations Manual
For
Mamba Humboldt Logistics
APN: 208-251-006**

Proposed Medical Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Mamba Humboldt Logistics
1375 Oak Road
Dinsmore, CA 95552

July 2019

OPERATIONS MANUAL
MAMBA HUMBOLDT LOGISTICS

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Appendix A: Site Plan

Appendix B: Cultivation Activities Schedule

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Mamba Humboldt Logistics is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit (CUP) for 10,000 square feet of outdoor and 4500 square feet (sf) of mixed light medical cannabis cultivation. MHL has successfully obtained a CDFA Medium Tier 1 Cultivation License. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses and a cultivation facility for drying, curing, and trimming of medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at 1375 Oak Road, (APN 208-251-006) just north of the community of Dinsmore. The subject parcel is approximately 39.78 acres in size (per the County of Humboldt's WebGIS). It has varying topography and slopes up to 33% gradient. The property is primarily forest, with two unnamed streams crossing through the property. The property is developed with an existing cabin.

1.3. LAND USE

The subject property has a General Plan designation of Agriculture Lands (AL20) as identified by the Humboldt County General Plan and is zoned Forestry Recreation (FR-B-5(40)). There are no prime agricultural soils on site according the Humboldt WebGIS. Land uses surrounding the parcel are comprised of residential, timber and agriculture. The surrounding parcels are zoned Timber Production Zone (TPZ) and Forest Recreation (FR).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Mamba Humboldt Logistics obtained a Commercial Cannabis Activity license from the State of California for a Medium Mixed Light Tier 1 license and is in the process of a Distribution Transpot Only license.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for domestic and cultivation uses is provided by a well. An initial statement of diversion and use has been filed. Watson Well Service put in a well at the end of 2017 and MHL has been using that and fully abandoned and remediated the spring and surrounding areas to pristine condition and environmental superiority.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective September 20, 2016, Mamba Humboldt Logistics enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number 1B161415CHUM). A Water Resources Protection Plan was developed by OurEvolution Engineering, and will be implemented for activities associated with onsite cultivation by November 2023. MHL has also transitioned into the SWRCB successfully before the deadline of July 1 2019.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been obtained for culverts and points of diversion. These requirements will be fulfilled by 2023 in the full term span unless another agreement comes up to extend another 5 years with DFW.

1.4.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are obtained from both off-site nurseries but will be obtained from the on-site nurseries once developed. Juvenile plants are typically obtained from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Cuttings are sampled from the mother plants and are rooted into a growing medium, to produce 'clones.' Once fully rooted after 2-3 weeks, they are transplanted directly into two gallon containers at which point they are brought to the site. The juvenile plants are irrigated using hand watering methods. After 2-4 weeks, the clones are then transplanted into raised beds or a Royal Gold Kings mix growbag pot with Olivia's Organic Cloning Solution and Vitamin B1, and moved into a greenhouse where they continue their 'vegetative' cycle. The old cultivation site that was moved to be further away from the creek for environmental superiority reasons is MHL's immature plant area. No flowering of plants will ever be executed on this flat.

2.2. MIXED LIGHT AND OUTDOOR CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation will occur greenhouses 20'x96' greenhouses utilize a metal frame for a total cultivation area of 14,500 sf.. The mixed light and outdoor light deprivation greenhouses utilize a combination of artificial light and light deprivation to produce up to two (2) flowering cycles per

year. Some plants may also be grown in outdoor pots which would yield one (1) flowering cycle per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the mixed light cultivation operation for a typical two cycle year.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering methods until the plants get transplanted into the greenhouses. Once transplanted, the adult plants are fed via drip emitters and hand watering. Mamba Humboldt Logistics maintains that irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans, a wood stove, and a dehumidifier. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and fed into an automated trimming machine. The machine-trimmed buds receive a finishing trim by hand before being weighed, labeled, logged, and sealed.

The finished product is stored in the processed materials room before being transported to a licensed distribution facility. The waste product, or 'trim' is stored, weighed, labeled, and sealed and then sold to an offsite, licensed manufacturing facility. If not used, it will be composted onsite.

2.5. PROCESSING FACILITY

All cannabis processing will occur on site at the proposed 1,600 square foot processing facility. The facility will incorporate all aspects of processing including drying, curing, and trimming, and will include an ADA restroom for employees in the future. The restroom will include a working flush toilet as well as a sink with cold and hot running water provided by an on demand electric water heater. The proposed metal building will have an engineered concrete slab and will conform to commercial building standards per the 2016 California Building Code.

2.6. EMPLOYEE PLAN

Mamba Humboldt Logistics 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the Mamba Humboldt Logistics. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a full-time, year-round position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be

off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.

- Seasonal Laborer: Provides cultivation, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time, seasonal position.

2.6.2. STAFFING REQUIREMENTS

In addition to the *Agent, Lead Cultivator, and Assistant Cultivator positions*, one full-time and up to four (4) part-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of eight (8) employees on site.

2.6.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, drying, and trimming is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers; trim machine use and cleaning; and correct hand trimming methods. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

2.6.4. TOILET AND HANDWASHING FACILITIES

The proposed drying and processing building will include one (1) ADA-compliant restroom in the future, including a working flush toilet as well as a sink with hot and cold running water. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 750 feet from the restroom facility. MHL will be proposing a new septic system at the end of the 2019 season.

2.6.5. ON SITE HOUSING

The existing single family residence located on site is occupied by up to four employees. All other full-time and seasonal employees live off site and commute daily to the cultivation site.

2.6.6. FACILITY SECURITY

3 entry gates are located along Oak Road and the access drive. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The roads may have solar-powered lights installed in the future to illuminate the entrances. All lighting will be designed and located so that direct rays are confined to the property. Security cameras may be installed in the future at the main access gates and at the proposed processing facility.

2.6.7. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 5 AM and extend no later than 10 PM.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses is provided by a spring. The client is on the list for a permitted well at Watson Well Service and will begin using that when construction has been completed. Water is bought and brought on site if the spring dries up.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	11,000	13,000	18,000	43,000	43,000	43,000	7,700	5,000	0	0

3.2. WATER STORAGE

Water storage for irrigation use is provided in the form of water storage tanks. The property has a 500 gallon tank, two (2) 2,500 gallon tanks, two (2) 4,000 gallon storage tanks for a total storage volume of 13,500 gallons. Mamba Humboldt Logistics intends to install a 300,000 gallon rain catchment pond in the future.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Mamba Humboldt Logistics is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) will be developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below are referenced from the WRPP in Appendix E.

3.3.1. SITE DRAINAGE AND RUNOFF

The site has varying topography. Surface flow onsite is directed to two unnamed streams that are tributary to the Mad River. The access road is regularly maintained and will be rocked. Drainage from the road has been disconnected from the stream system. There is one stream crossings on the site. The existing and proposed greenhouses are located away from riparian zones. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff.

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed no evidence of surface runoff with associated with the cultivation. Moreover, the cultivation structures are located approximately 450 feet from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. EROSION CONTROL

Mamba Humboldt Logistics will utilize best management practices including but not limited to:

1. Maintenance of roads, including rocking and armoring.
2. Proper management of solid, liquid and cultivation waste (see section 3.8)
3. Mamba Humboldt Logistics will secure a DFW LSAA for its culverts and stream crossings.
4. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
5. Irrigation and application of fertilizers will be applied at argonomic rates.
6. Regulated products will be safely stored with secondary containment (see section 3.7)

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >450 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP. Refer to the WRPP in Appendix E for detailed descriptions of watershed and habitat protection measures.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.6. ENERGY AND GENERATOR USE

On-grid electricity is provided by generators, Whisperwatt MQ and Honda models 7000, 6500, and 1000, for all cultivation and domestic uses. Use of the on-site generators follows all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel

fuel are located within a secondary containment trough. MHL is in the process of creating soundboard proof containers for the generators to be running in if they are in use.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

3.7.2. FERTILIZERS, PESTICIDES AND FUNGICIDES

Nutrients and biological inoculants used for cultivation include:

- Azomite – 58 lbs
- Dolomite Lime – 100 lbs
- Sparetime Glacial Rock Dust – 7 lbs
- Stuntzmans Chicken Manure – 1,200 lbs
- Black gold Organic Earth Worm Castings – 100 gallons
- Malibu Compost Bu's Blend Biodynamic Compost – 2,300 lbs
- Anazazi Gold Organics Humic Acid – 3 gallons
- Age Old Grow Fish & Seaweed – 3 gallons
- Happy Frog Soil Conditioner – 10 cy
- Dr. Earth Tomato Herb & Vegetable – 600 lbs
- Dr. Earth All purpose fertilizer – 200 lbs
- Dr. Earth Nitro Big – 3 gallons
- Dr. Earth Golden Bloom – 3 gallons
- Botanicare Silica Blast – 1 quart
- Rice Hulls – 26 lbs
- Pacific Pearl Oyster Shell – 66 lbs
- Sparetime Crab Meal – 132 lbs
- Western Mining & Minerals AG Gypsum – 53 lbs
- Fox Farm Ocean Forest Potting Soil – 10 cy
- Dinsmore Store Alfalfa Meal Bayle – 13 Bayles
- Sparetime Mocha Bat Guano
- Sparetime Archipelago Bat Guano
- The Guano Company Budswell – 33 gallons
- DTE Kelp Meal – 53 lbs

See Appendix B - *Regulated Products Resource List* for product details.

3.7.3. FUELS AND OILS

Fuels and oils stored on site include:

- Propane

- Gasoline

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located near the residence. A dumpster on a concrete pad will be installed in the future. The trash container will be enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Eureka Waste Management transfer station at least once per week.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted or burned on site. Spent potting soil is stockpiled the first year. After, the soils are amended and reused. Used pots will be collected and stored in the shed for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

A permitted septic system will be installed for the proposed processing building and existing residence

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the Mamba Humboldt Logistics logo, and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by MHL once a Distribution Transport Only License by the BCC is obtained, until then a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight

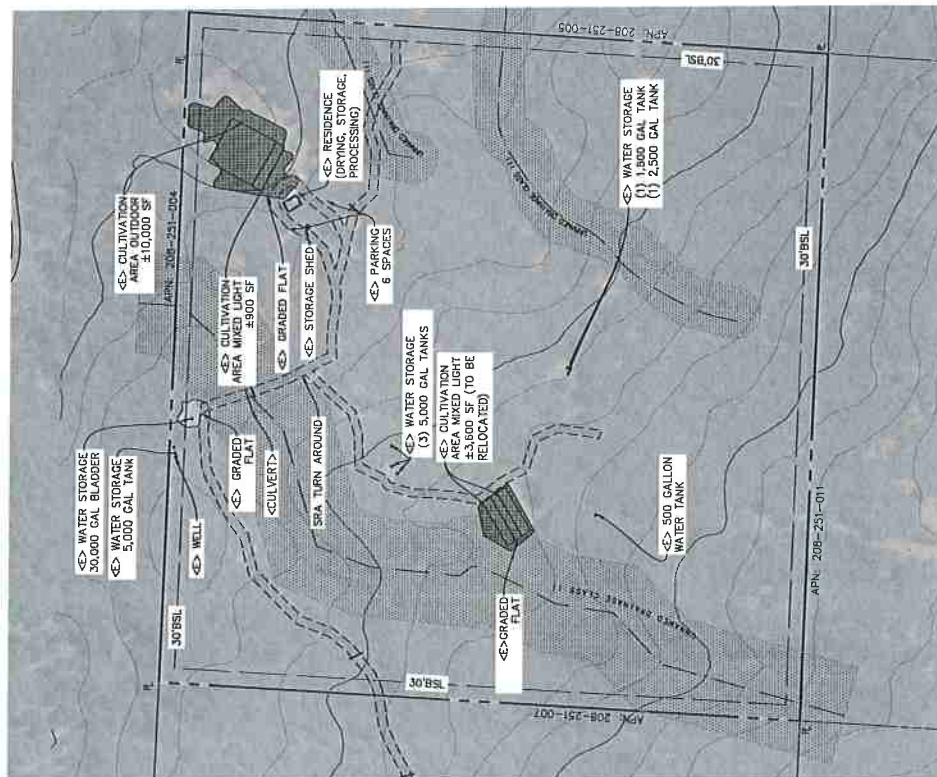
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

Appendix A: Site Plan

MAMBA HUMBOLDT LOGISTICS

APN: 208-251-006



MAMBA HUMBOLDT LOGISTICS
BRIDGEVILLE, CA 95626 / APN: 208-251-006
PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011
APN: 208-251-006	APN: 208-251-007	APN: 208-251-011

Appendix B: Cultivation Activities Schedule

CULTIVATION ACTIVITIES SCHEDULE MAMBA HUMBOLDT LOGISTICS

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization												
	Temporary Erosion Control BMP's												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
	Cultivation waste hauled off site												
Irrigation Activities	Cover soil beds and seed/straw with cover crop												
	Juvenile plants /clones watered by hand												
	Flowering plants watered by hand												
Pre-cultivation Activities	Import new cultivation soil												
	Transplant cuttings into 4" pots												
	Transplant clones into 20-gallon 'Smart-pots'												
	Amend soil in greenhouses and/or indoor cultivation building												
	Mixed Light Cycle 1												
Mixed Light Cultivation and Harvest Schedule	Mixed Light Cycle 2												
	Harvest activities												
	Light deprivation: Greenhouses are covered with blackout covers												
Outdoor Cultivation and Harvest	Outdoor Cultivation Cycle												
	Harvest activities												
Drying and Processing	Drying activities												
	Trimming activities												
Staffing Presence	Agent in Charge												
	Lead Cultivator												
	Assistant Cultivator/ Processing Manager												
	1 - 2 Seasonal Laborers												

Appendix C: References

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

Water Resources Protection Plan – Mamba Humboldt Logistics / APN: 208-251-006

Water Resources Protection Plan (WRPP) – Mamba Humboldt Logistics APN: 208-251-006

Background & Purpose

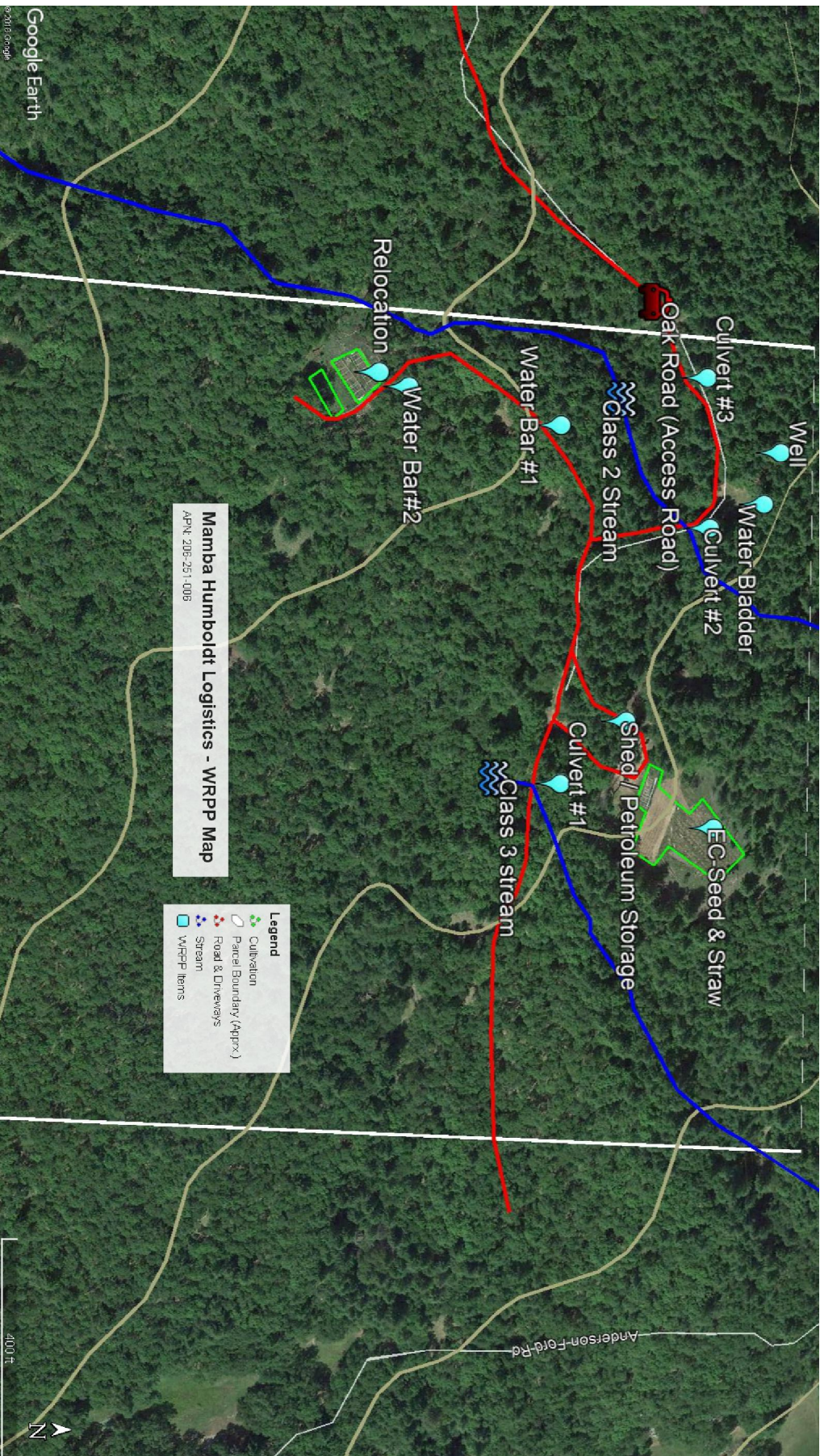
On August 13, 2015, the North Coast Regional Water Quality Control Board (NCRWQCB) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. One of the requirements of the order is to prepare a water resource protection plan (WRPP) for all sites that are enrolled under Tier 2 of the order. Mamba Humboldt Logistics enrolled for coverage under the NCRWQCB as a tier II discharger under the Order.

Mamba Humboldt Logistics has received an interim permit from Humboldt County pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance for a Zoning Clearance Certificate for an Interim Permit for existing cannabis cultivation and ancillary activities on. Cultivation consists of 10,000 square feet of existing outdoor cultivation and 4,500 square feet of existing mixed light cultivation. (See Appendix B: County Site Plan)

The subject parcel has also notified California Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement to cover the three stream crossings on the parcel. (See Appendix C: LSAA Notification Packet)

Water Resources Protection Plan – Mamba Humboldt Logistics / APN: 208-251-006

Mapping & Measures



Water Resources Protection Plan – Mamba Humboldt Logistics / APN: 208-251-006

Map Feature	Description	Corrective Action	Environmental Priority (I High–IV Low) & Anticipated Completion Date
Culvert #1	Culvert Replacement with Armored Fill Crossing	See Appendix C: LSAA Notification Packet, section 2.1 of Narrative for description	III - October 2020* *Pending LSAA
Culvert #2	Culvert Replacement with Larger Culvert	See Appendix C: LSAA Notification Packet, section 2.2 of Narrative for description (Includes critical dip in vicinity of culvert)	I - October 2019* *Pending LSAA
Culvert #3	Culvert Replacement with Larger Culvert	See Appendix C: LSAA Notification Packet, section 2.3 of Narrative for description	II - October 2019* *Pending LSAA
Water Bladder	Remove Water Storage Bladder	Drain & remove existing water bladder. Groundwater well does not require forbearance so this bladder presents a hazard if full with no redeeming value to water quality.	IV - October 2021
Well	Maintain well for irrigation & domestic use	Maintain to avoid surface water diversion. Plan water storage to accommodate lower well yields in dry season.	II - Ongoing
Relocation	Relocation legacy cultivation area to flat near residence	Remove any existing structures, trash, potting soil and/or debris in lower section of legacy cultivation, closest to the nearby class II stream. Relocate according to Site Plan submitted to Humboldt County.	IV - October 2019
EC-Seed & Straw	Erosion Control Measure: Seed and straw	Apply native grass seed and straw over all exposed earth areas on graded flat until vegetation has established.	II – October 2018
Water Bar #1	Install & Maintain Rolling Dip	Install Rolling dip or water bar at map location according to Handbook for Forest, ranch and rural roads, Chapter 5:Construction, Section K, pg. 194-196 Direct runoff to the East side of road.	IV – October 2020
Water Bar #2	Install & Maintain Rolling Dip	Install Rolling dip or water bar at map location according to Handbook for Forest, ranch and rural roads, Chapter 5:Construction, Section K, pg. 194-196 Direct runoff to the East side of road.	IV – October 2020

Water Resources Protection Plan – Mamba Humboldt Logistics / APN: 208-251-006

Road Surfacing (Not shown on map)	Surface all roads & driveway areas on property	Apply 2-3" diameter angular rock, 6" minimum pre-compaction depth along road length with priority given according to traffic and areas within 100 feet of a stream crossing. An optional additional surface layer of smaller rock with fines may be applied for driving comfort and weather sealing.	IV – October 2022
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Site Conditions & Additional Measures

Site maintenance, erosion control, and drainage features

Upon implementation of the prescribed rolling dips and surfacing, the road will be in compliance with the Standard Conditions and the *Handbook for Forest, Ranch and Rural Road*. Evidence for rilling and channelization on the road surface is sparse due to the generally mild slopes and rolling topography. Never-the-less, rutting exists indicating that vehicular traffic occurs during periods where road surface is wet enough for that phenomenon to occur. A proper road base course as described in the table above should improve road drainage and any contributions of sediment that may be occurring in hydrologically connected sections.

Stream crossing maintenance

Existing stream crossings on the site suffer from numerous issues with potential to impact water quality. These will be addressed after implementation of measures covered in Appendix C: LSA Notification Narrative Section 2, attached.

Riparian and wetland protection and management

After relocation of one of the cultivation sites as shown on the map, all cultivation areas will comply with the required riparian & wetland setbacks.

Spoils management

No stockpiles of spoils are located on site. Any temporary storage of spoils necessary to perform permitted operations or improvements will be stored in a flat area, away from riparian areas with covering when not in use. Work performed on corrective measures will be done following the appropriate construction Best Management Practices necessary to prevent adverse impacts to the watershed.

Water storage and use

Mamba Humboldt Logistics has a permitted well believed to be non-jurisdictional as covered in section 3 of the attached LSAA Narrative (Appendix C). As groundwater does not currently require forbearance according to the State Water Resources Control Board, no water storage is legally necessary. Never-the-

Water Resources Protection Plan – Mamba Humboldt Logistics / APN: 208-251-006

less, existing water storage on the site was filled in the 2017-2018 wet season. This will serve as a buffer to cover irrigation and domestic needs in the event that the well yields drop below requirements during the dry season. If required by actual well yields, additional storage will be acquired to ensure that irrigation and domestic needs can be met during the lower yielding periods.

Irrigation runoff

Drip irrigation and other management strategies currently employed are effective in controlling irrigation runoff. Cultivation areas do not appear to be contributing run-off to nearby wetlands or riparian areas. Water is applied at agronomic rates, and sufficient buffers exist in the form of vegetation and topography to control the entry of irrigation runoff into waters of the state. Additional protection will be gained when the cultivation area proposed for relocation has been moved.

Fertilizers and soil amendments

When not in use, all nutrients are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates follow manufacturer recommendations and will be tracked and reported annually. Soil amendments are used immediately upon being acquired and are not stored permanently on site. Temporary storage of soil and soil amendments when not in use, is to be in an area on the cultivation flat designated by the operations manager and covered with tarps.

Nutrients and biological inoculants used for cultivation include:

- Azomite – 58 lbs
- Dolomite Lime – 100 lbs
- Sparetime Glacial Rock Dust – 7 lbs
- Stuntzmans Chicken Manure – 1,200 lbs
- Black gold Organic Earth Worm Castings – 100 gallons
- Malibu Compost Bu's Blend Biodynamic Compost – 2,300 lbs
- Anazazi Gold Organics Humic Acid – 3 gallons
- Age Old Grow Fish & Seaweed – 3 gallons
- Happy Frog Soil Conditioner – 10 cy
- Dr. Earth Tomato Herb & Vegetable – 600 lbs
- Dr. Earth All purpose fertilizer – 200 lbs
- Dr. Earth Nitro Big – 3 gallons
- Dr. Earth Golden Bloom – 3 gallons
- Botanicare Silica Blast – 1 quart
- Rice Hulls – 26 lbs
- Pacific Pearl Oyster Shell – 66 lbs
- Sparetime Crab Meal – 132 lbs
- Western Mining & Minerals AG Gypsum – 53 lbs
- Fox Farm Ocean Forest Potting Soil – 10 cy
- Dinsmore Store Alfalfa Meal Bayle – 13 Bayles
- Sparetime Mocha Bat Guano

Water Resources Protection Plan – Mamba Humboldt Logistics / APN: 208-251-006

- Sparettime Archipelago Bat Guano
- The Guano Company Budswell – 33 gallons
- DTE Kelp Meal – 53 lbs

Pesticides and herbicides

None are used on site.

Petroleum products and other chemicals

Fuels and oils stored on site include small quantities of gasoline in portable containers. These are stored in secondary containment bins in the storage shed. Portable generators, when not in use are also stored in the storage shed with secondary containment. During use, they are to be located on secondary containment pads, and covered. Spill clean-up kits are to be stored in the shed, and in the immediate vicinity of generators being used or fueled. Fueling is to be performed in situ, over secondary containment pads.

Cultivation Related Waste

Cultivation vegetative matter such as root balls, branches, and leaves are composted or burned on site. Used pots will be collected and stored in the shed for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

Refuse and human waste

A permitted septic system will be installed for the proposed processing building and existing residence. Currently, human waste is being collected in portable toilets which are regularly serviced. Existing measures are sufficient to meet standard conditions.

State of California
Well Completion Report
 Form DWR 188 Submitted 11/17/2017
 WCR2017-005368

Owner's Well Number 1 Date Work Began 10/19/2017 Date Work Ended 10/25/2017
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 16/17-0662 Permit Date 02/01/2017

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name <u>Rhonda (Pomeroy) Kelley</u>	Activity <u>New Well</u>	
Mailing Address <u>4371 Liberty Bell Ct</u>	Planned Use <u>Water Supply Domestic</u>	
City <u>Eureka</u> State <u>CA</u> Zip <u>95503</u>		

Well Location	
Address <u>0 Oak RD</u>	APN <u>208-251-006</u>
City <u>Dinsmore</u> Zip <u>95526</u> County <u>Humboldt</u>	Township _____
Latitude _____ N Longitude _____ W	Range _____
Deg. Min. Sec. Deg. Min. Sec.	Section _____
Dec. Lat. _____ Dec. Long. _____	Baseline Meridian _____
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>35</u> (Feet below surface)
Drilling Method <u>Other - Casing Advance</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>160</u> Feet	Water Level <u>50</u> (Feet) Date Measured <u>10/25/2017</u>
Total Depth of Completed Well <u>160</u> Feet	Estimated Yield* <u>12</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>4</u> (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	21	Brown Clay
21	50	Brown Clay with Gravel
50	160	Blue Clay with Black Shale

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			
2	0	60	Blank	Low Carbon Steel	N/A	0.188	6.625			
2	60	120	Other: Knife Cut	Low Carbon Steel	N/A	0.188	6.625		0.25	
2	120	140	Blank	Low Carbon Steel	N/A	0.25	6.625			
2	140	160	Other: Knife Cut	Low Carbon Steel	N/A	0.25	6.625		0.25	

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 Hole Plug
20	160	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	20	13
20	160	7.44

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>WATSON WELL DRILLING, INC.</u>			
Person, Firm or Corporation			
<u>500 Summer Street</u>	<u>Eureka</u>	<u>CA</u>	<u>95501</u>
Address	City	State	Zip
Signed <u>electronic signature received</u>	<u>11/17/2017</u>	<u>1014048</u>	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

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



P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax

Mamba Humboldt Logistics
50 Thistle Ridge Road
Eureka, CA 95503

Mamba Humboldt Logistics Less Than Three Acre Conversion Mitigation Plan

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act.

1. Contact Information

a. Timberland/Timber Owner of Record:

William R. Pomeroy (deceased)
Rhonda Lee Malffati (widow)
P.O. Box 6133
Eureka, CA 95502

This property was originally bought by William R. Pomeroy in 1984. After purchasing the property he married Rhonda Kelley. After marrying Ms. Kelley he died due to a logging accident. The parcel map has her maiden name written on the parcel. Ms. Kelley has since remarried and changed her name to Rhonda Lee Malffati.

b. Registered Professional Forester Preparing Report:

Stephen Hohman
PO Box 733
Hydesville CA. 95547

2. Location of Project

a. Site Address: NA

b. Community Area: Dinsmore

c. Assessor's Parcel No(s): 208-251-006

d. Parcel Size(s): 40 Ac.

3. Project Description

a. Timber stand characteristics including species composition and age class.

The Mamba Humboldt Logistics property is composed of a mixed Douglas fir / oak forest. The current composition consists primarily of an even aged stand of second growth Douglas-fir, black oak, Oregon white oak, and pacific madrone with a minor amount of other hardwood species. All species combined (conifer & hardwood) basal areas is approximately 160 square feet (sq. ft.) per acre with an approximately 80% closed canopy. The property is zoned FR-B_5(40).

b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

The property contains several class II and III watercourses that require WLPZ or ELZ protection. As per the Forest Practice Rules, the riparian buffers requirements are listed as follows:

Class II standard watercourse 14CCR 916.9(g): (Class II watercourses within the Coastal Anadromy Zone)

ZONE WIDTHS:

Channel Zone = channel between the WTL.

<30% = 15' Core Zone and 50' Inner Zone

30%-50% = 15' Core Zone and 75' Inner Zone

>50% = 15' Core Zone and 100' Inner Zone

Class III watercourses 14CCR 916.9(h): (Class III watercourses within a coastal anadromy zone)

ELZ WIDTHS:

30 ft. for side slopes <30%.

50 ft. for side slopes >30%.

As per the zone widths listed above it appears that no portions of either Sites A or B are present within the riparian zones of Class II and III watercourses. See Site discussion below for more specifics.

c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

The area has had at least one previous entree. The past harvesting incorporated the removal of large diameter old growth by tractor skidding.

d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

There are a total of 2 sites, totaling 2.47 acres of converted land on the property. The table below lists the sites with the acres cleared.

Site #	Acres Converted	Date Converted	Ownership Status
A	1.53	2011	Mamba Humboldt Logistics
B	0.94	2011	Mamba Humboldt Logistics

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules.

Conversion Site A (Hunting Cabin)

History: The initial area was originally cleared for a log landing or grazing in 1998. No timber harvesting has occurred in or around this site in the last ten years. The conversion was expanded in 2011 to facilitate cannabis cultivation and regraded in 2017. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Owner ship at the time of the initial illegal conversion was William Pomeroy.

Numbers of acres converted without 14CCR1104.1: **1.53**

Mitigations for Site: Road points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Road points have been identified from where the access road enters the property to and around the conversion site.

RP#1: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#2: Existing 12" diameter cross drain for a class III across a permanent road. Inlet is being filled with sediment. Clean out sediment and rock from the culvert or replace it. Dig small settling depression at inlet to trap future sediment. 14CCR 923.5

RP#3: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#4: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#5: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#6: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#7: Existing 36" diameter cross drain across a permanent road. Outlet is two feet above channel and road bank is unsecure. Build up channel at outlet with >12" diameter rock. Line/cap road bank with 4" to 6" diameter rock. 14CCR 923.5

RP#8: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#9: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#15: Drain surface drainage and cultivation site. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#16: Drain surface drainage and cultivation site. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#19: Drain surface drainage and conversion site (A). Install rocked rolling dip. Install rocked ditch for 25' leading to rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#20: Newly graded conversion site (A). Remove or chip slash piles 14CCR 1104.1(a)(2)(D)(6)). Install ditch along in-slope perimeter. Seed, straw, and waddle all exposed soil. 14CCR 923.5

RP#21: Drain surface drainage and conversion site (A). Install rocked rolling dip. Install rocked ditch for 25' leading to rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#22: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

Conversion Site B (Nursery)

History: The initial area was originally cleared for a log landing in 1998. No timber harvesting has occurred in or around this site in the last ten years. The conversion was expanded in 2017 to facilitate cannabis cultivation. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDB search. No hazard reduction issues present. Owner ship at the time of the initial illegal conversion was William Pomeroy.

Number of acres converted without 14CCR 1104.1: **0.94**

Mitigation for Site: Road points have been identified from where this site's access road leaves the main access road to and around the conversion site. 14CCR 923.5

RP#10: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#11: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP13#: Newly graded conversion site (B). Create drainage channel and line/cap with 4" to 6" diameter rock. 14CCR 923.5

RP#14: Drain surface drainage and cultivation site. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

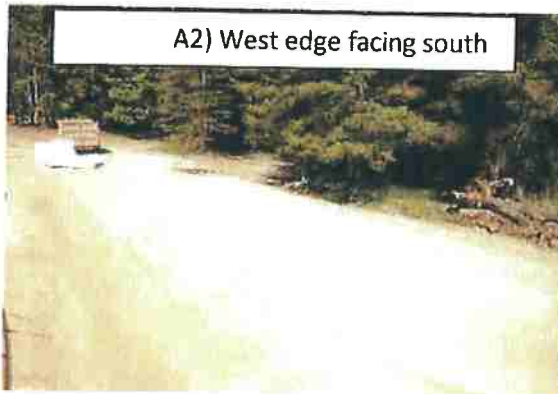
6. Photos, Figures, and Maps

Conversion Site A (Hunting cabin)

A1) South edge facing north



A2) West edge facing south



A3) West edge facing north



A4) Northwest edge facing east

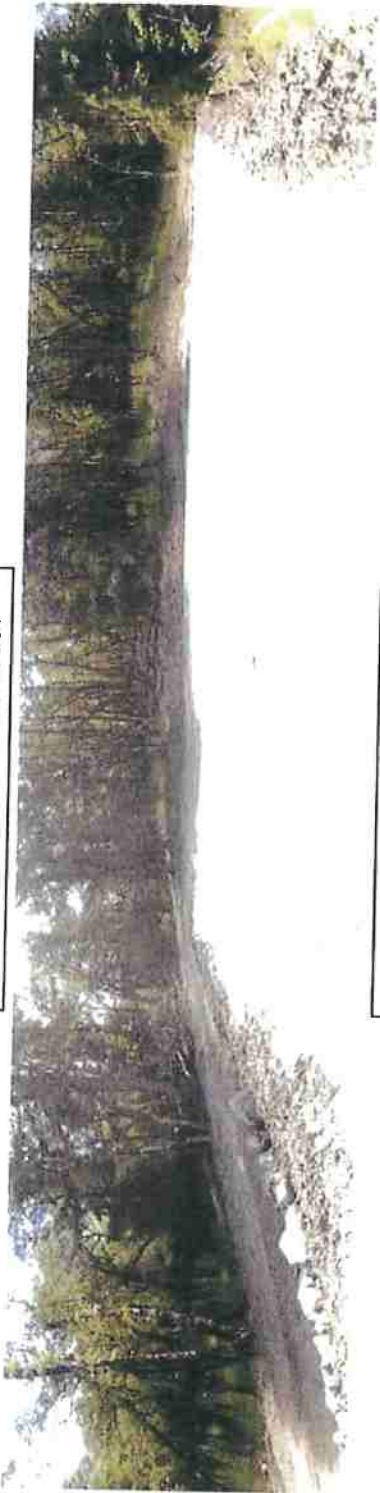


A5) Southwest edge facing east



Conversion Site B (Nursery)

B1) Central position facing south



B2) Central position facing north



B3) Centered facing north



B4) Centered facing east

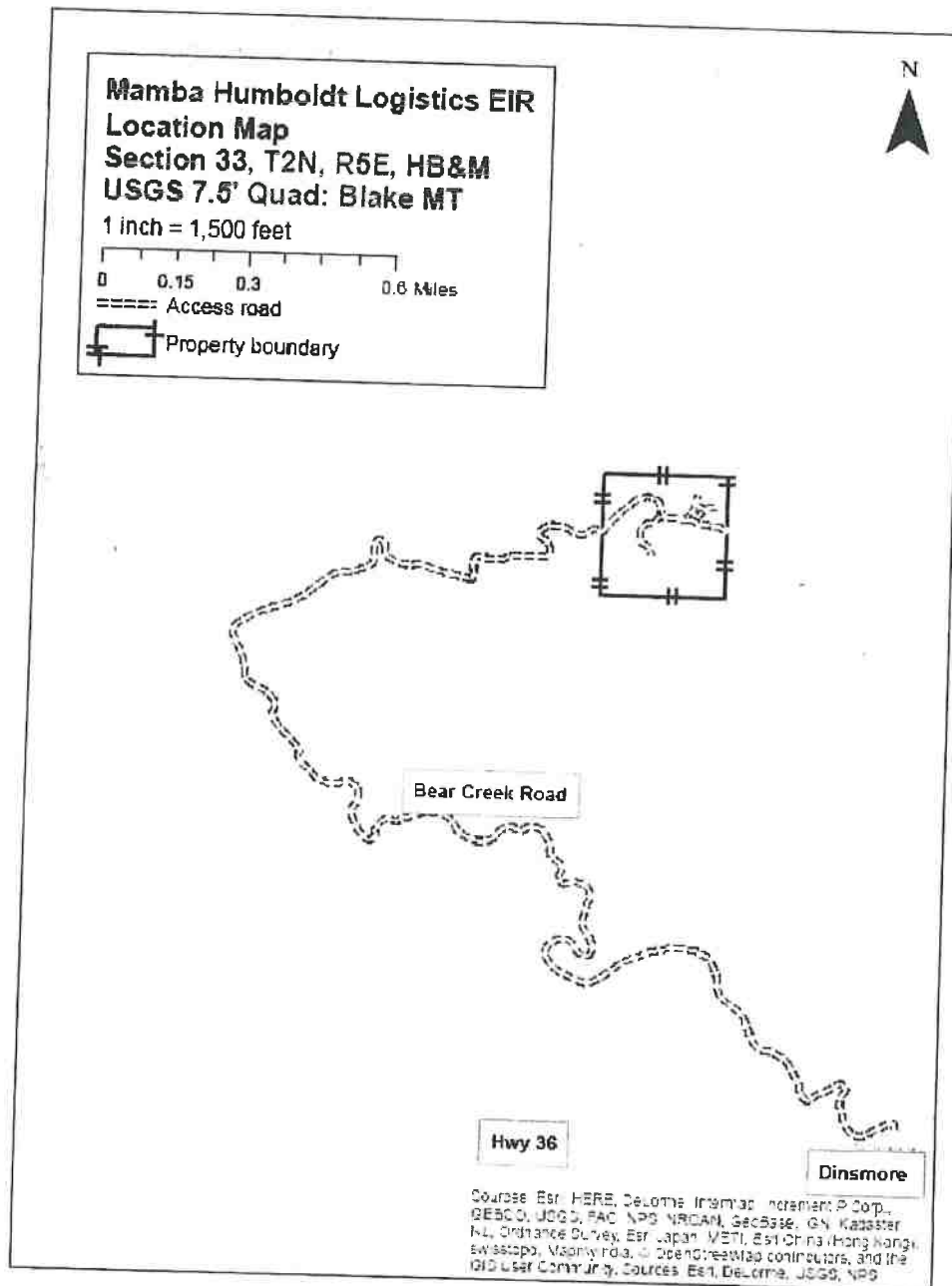


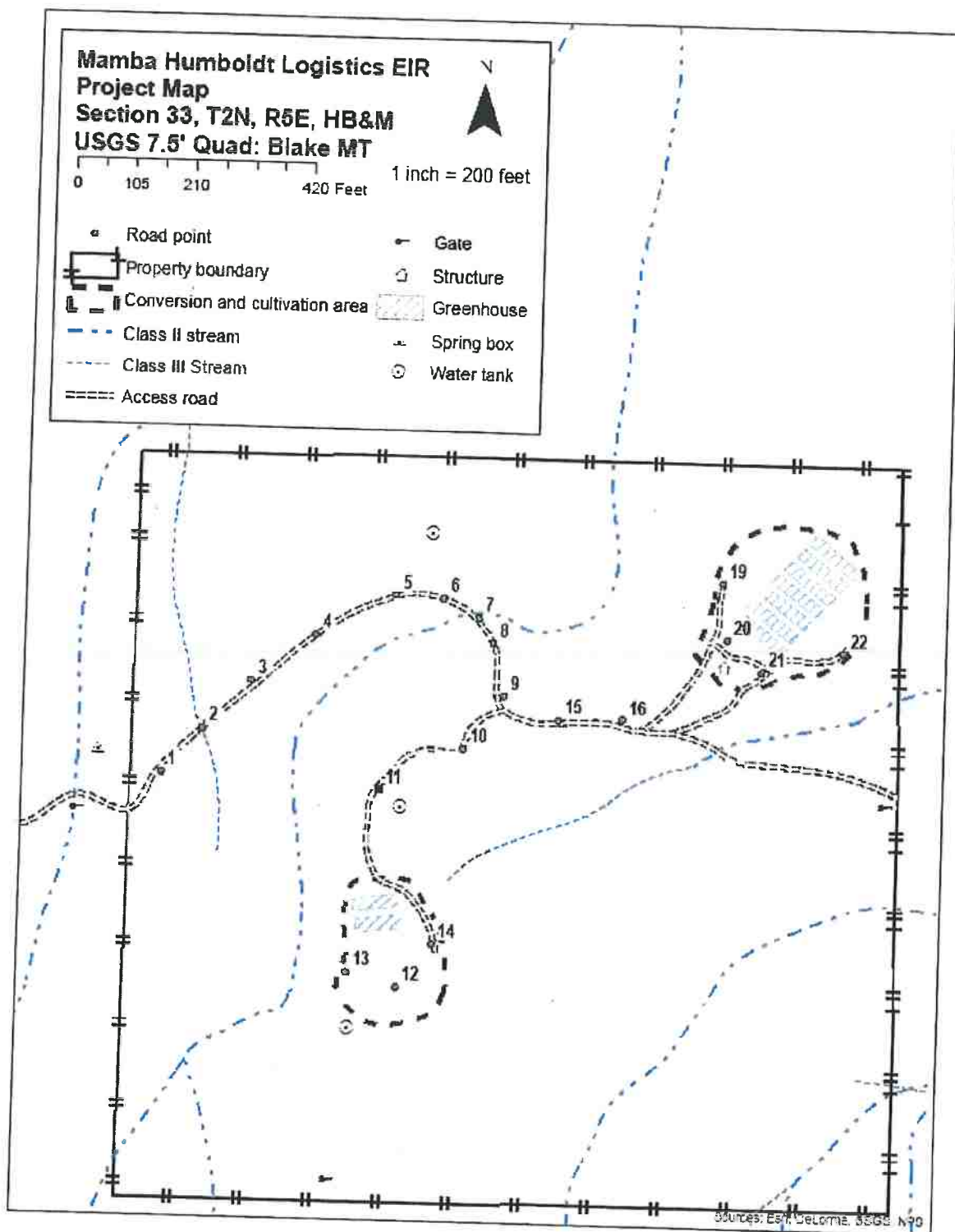
B5) Centered facing south Road point 14

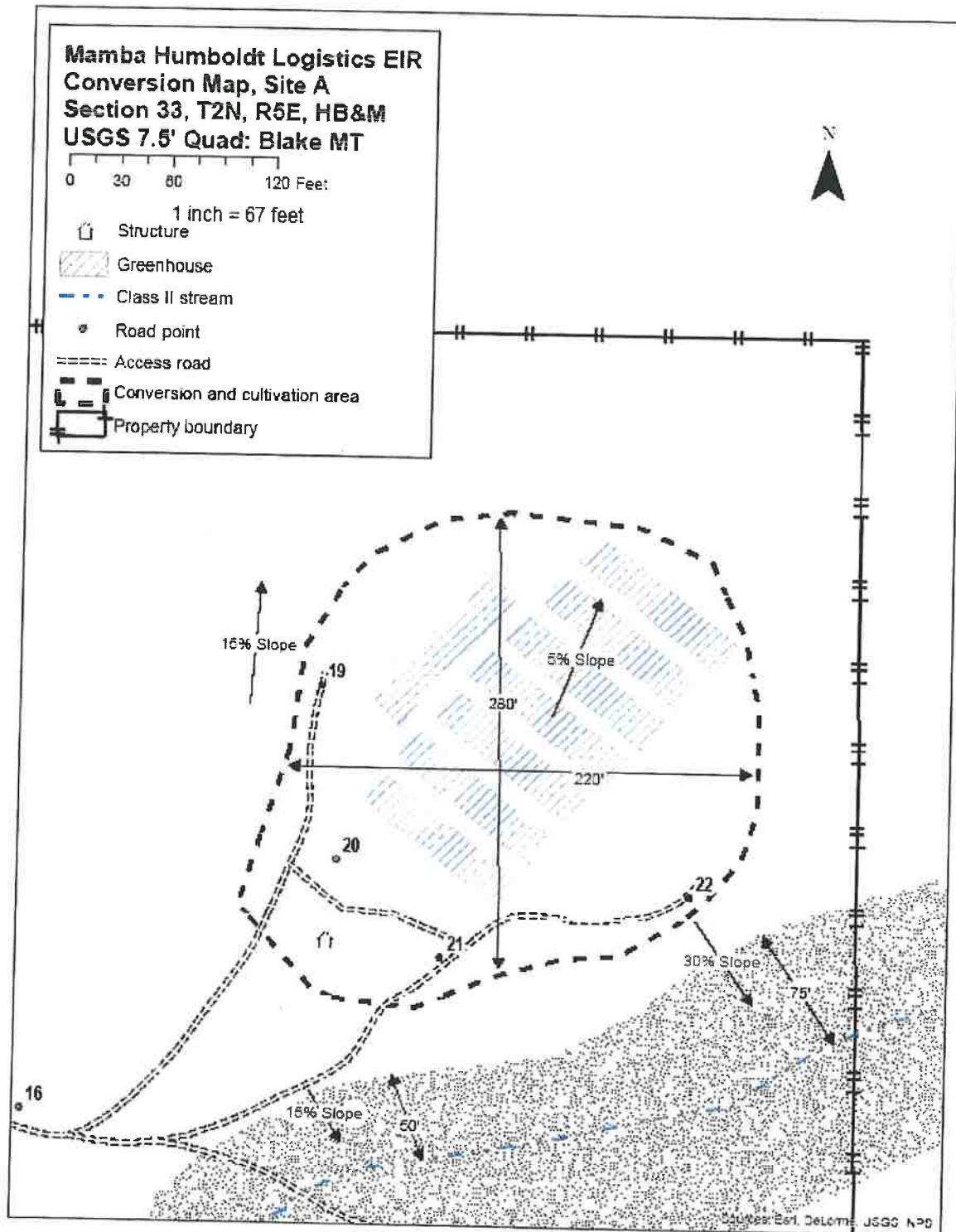


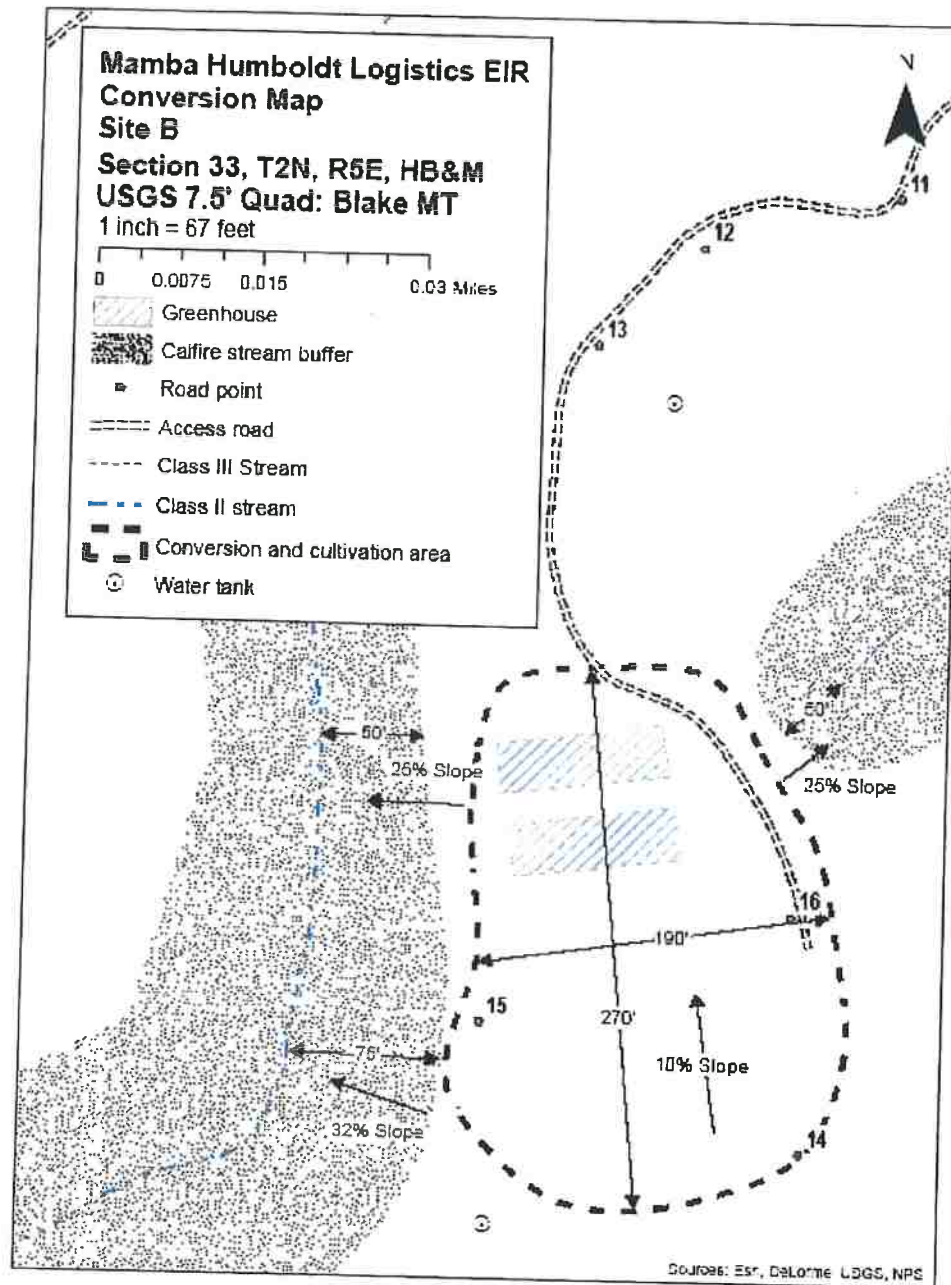
B6) Road point 13











1268

RECEIVED BY
SUPERIOR TITLE COMPANY
JAN 17 1984 351

JAN 23 2 15 PM '84

WHICH ACCORDING, PLEASE MAIL TO:

William B. Fennerty
5711 Trinity Street
Berkeley, CA 94701

TAX STATEMENT TO ABOVE:

31283 LN

TAX COLLECTED BY

DOCUMENTARY TRANSFER TAX \$ 44.00

☒ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR

☐ COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING THEREON AT TIME OF SALE.

Signature of Seller or Agent Conveying Tax: *Donald L. English* SURETY TITLE COMPANY

Signature of Buyer or Agent Conveying Tax: _____

Donald L. ENGLISH and BETTY ANN ENGLISH, husband and wife

GRANTOR(S) CONVEYANCE, DO HEREBY GRANT TO

WILLIAM B. FENNER, a single man

ALL THAT PROPERTY IN THE UNINCORPORATED AREA OF THE County of Humboldt, State of CALIFORNIA, DESCRIBED AS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

AC. 202-274416

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

Subscribed and sworn to before me on January 12, 1984

Notary Public for the State of California

Donald L. English
Betty Ann English

Witness my hand and official seal this 12th day of January, 1984.

Notary Public for the State of California

OFFICIAL SEAL
LEONARD J. FAHNER
NOTARY PUBLIC - CALIFORNIA
HUMBOLDT COUNTY
20 YEARS EXPIRES OCT 26, 2004

SURETY TITLE COMPANY

This Note is subject to Section 2966 of the Civil Code, which provides that the holder of this note shall give written notice to the Trustor or his successor in interest, of prescribed information at least 60 and not more than 150 days before any

Note Secured by Deed of Trust
INSTALLMENT NOTE, INTEREST INCLUDED

\$ 30,000.00 Eureka, California, January 12th, 1984
In installments as herein stated, for value received, undersigned promisee to pay to DONALD L. ENGLISH and
BETTY ANN ENGLISH, husband and wife as joint tenants
any place designated by the payee or order, at
the sum of THIRTY THOUSAND AND NO/100 Dollars
with interest from January 23, 1984 (close of escrow) on unpaid principal at the
rate of ten (10%) per cent per annum; principal and interest payable in installments of
THREE HUNDRED AND NO/100 Dollars
or more on the 23rd day of each and every
on the 23rd day of February month, beginning
and continuing until five years from close of escrow, at which time the entire
remaining balance of principal and interest shall be due and payable

Each payment shall be credited first on interest then
due, and the remainder on principal; and interest shall thereupon cease upon the principal so credited. Should default be
made in payment of any installment, the whole sum of principal and interest shall become immediately due at the option
of the holder hereof. Principal and interest payable in lawful money of the United States. If action be instituted on this
note I promise to pay such sum as the Court may fix as attorney's fees. This note is secured by a DEED OF TRUST to
EUREKA TITLE COMPANY a corporation.

William R. Pomroy
William R. Pomroy

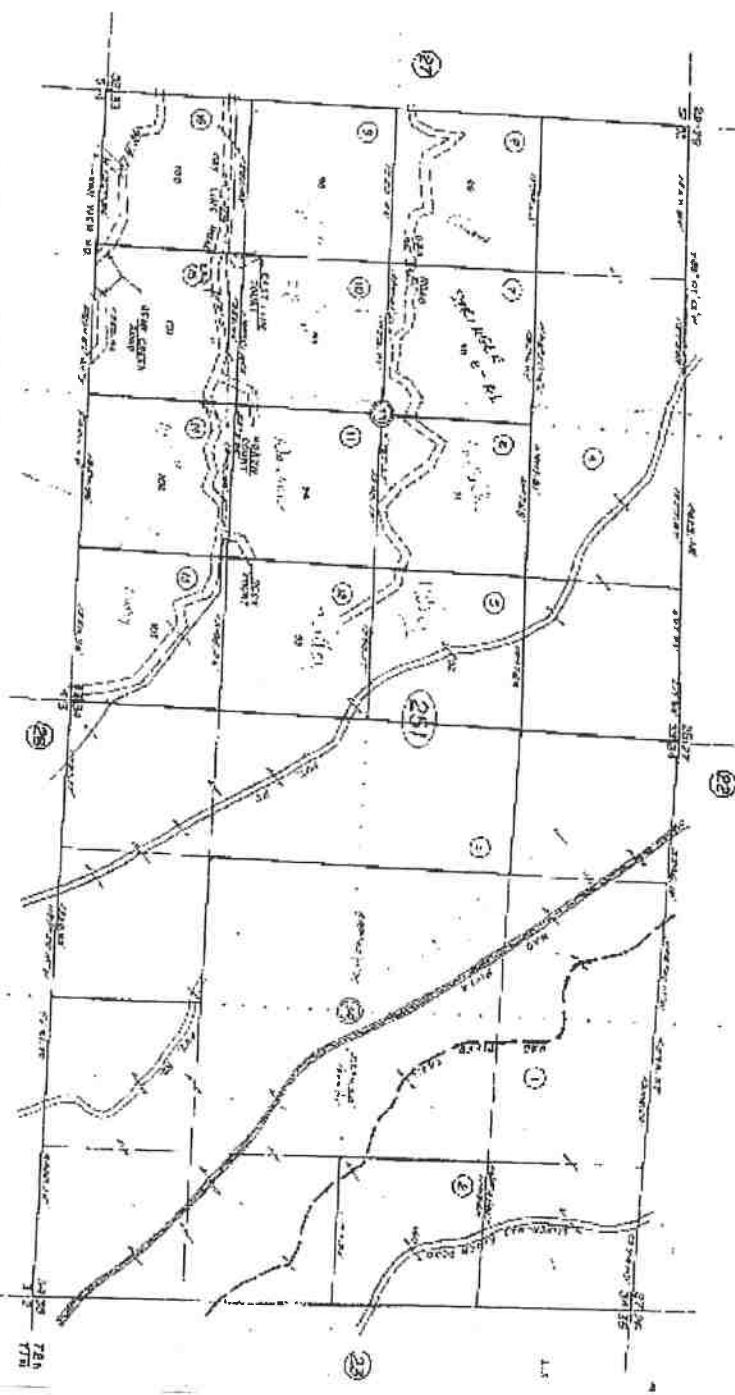
DO NOT DESTROY THIS NOTE: When paid, this note with Deed of Trust securing
same, must be surrendered to Trustee for cancellation, before reconveyance will be made.
851245 LM

ETCO - 105

ELIENKA TITLE COMPANY
 735 PULSTH STREET
 EUREKA, CALIFORNIA 95504

SECS. 33 & 34, T2N R5E
 TIMBERLINE RANCH ESTATES

208-2
 208-2
 208-2



This plat is not a survey. It is property
 that is used as a convenience to locate
 other lands and does not guarantee its
 dimensions, distances, bearings or acreage.

NOTE - Survey of Section Numbers Shown in this map
 is based on the Survey of Section Numbers Shown in this map
 is based on the Survey of Section Numbers Shown in this map

7. References

California Forest Practice rules, 2017; Title 14, California Code of Regulations, Chapters 4, 4.5, and 10

California Natural Diversity Database June 1, 2017 – <http://bios.dfg.ca.gov>

Parcel Quest Data – County Assessor information; <http://pqweb.parcelquest.com>

Land Owner of Record: Rhonda malfatti

Signature: Rhonda malfatti Date: 6-26-17

Registered Professional Forester: Stephen Hohman RPF #2652

Signature: Stephen Hohman Date: 6-22-17



P.O. Box 733, Hydesville, CA 95547 . (707) 768-3743 . (707) 768-3747 fax



Mamba Humboldt Logistics
50 Thistle Ridge Road
Eureka, CA 95503

Mamba Humboldt Logistics Restocking Plan

This document has been prepared for Application 12949/APN208-251-006/Mamba Humboldt Logistics. The document provides Registered Professional Foresters (RPF's) recommendations for conifer stocking on portions of the property cleared after 2016. This remedial action is necessary to bring the post conversion area into compliance with provisions of the Forest Practice Act and meet Humboldt County Planning's request from Blake Batten dated March 20, 2019 to complete Item 6.

This property has been addressed within a Less than Three Acre Conversion Mitigation Plan and is on file with Humboldt County. The results of the mitigation plan is that portions of sites A and B have been cleared after 2016. Please see map attached designating stocking and proposed non stock areas for Site A and B. Site A contains approximately .87 of an acre to be planted. The existing greenhouse footprint shall not be planted. Total number of trees expected to be planted around the green houses is 261 trees. Site B contains .72 of an acre to be planted. The original pre 2016 site boundary was located toward the top of the site adjacent to claylike soils and was bordered east and west by watercourses. This site appears inferior showing signs of slow percolation and difficulties in draining the site away from the watercourses. It is my opinion that the 2018 site noted on the Site B map be the new non stocked area. The old pre 2016 site shall be planted. No greenhouse is proposed for the 2018 site. There is little to no difference in the acreage swap between the areas. The Total number of trees expected to be planted is 216 trees.

To rectify the violation both sites shall be restocked following the minimum provisions of the Forest Practice Act. The areas shall be planted with Douglas-fir or other conifer species following a 12' x 12' spacing. The trees can consist of 1 year old plugs or 1-2 year old bare root stems. The sites shall be planted this winter after the soil moisture conditions have improved. The sites shall be monitored over a 3 year period. During the three year period, if mortality occurs to more than 50% of the planted stand, additional stocking shall be planted to meet the minimum 50% threshold.

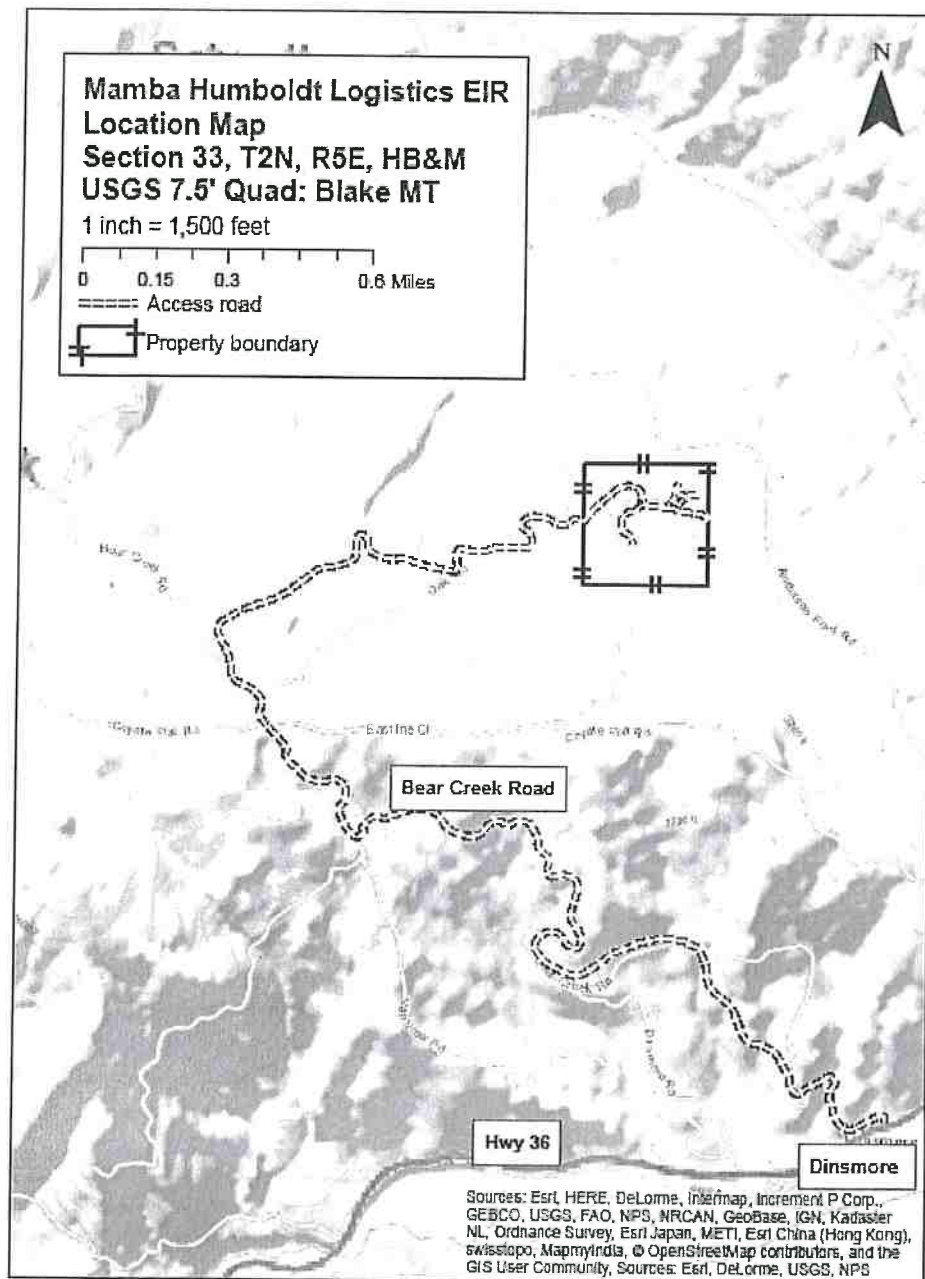
Registered Professional Forester: Stephen Hohman RPF #2652

Signature: 

Date: 6-25-18

Mamba Humboldt Logistics Restock Ltr.

1



**Mamba Humboldt Logistics EIR
Restocking Map, Site A
Section 33, T2N, R5E, HB&M
USGS 7.5' Quad: Blake MT**

0 25 50 100 Feet

1 inch = 50 feet



Restock Area



Non-Restock Area



Structure



Greenhouse

- - - Class II stream

===== Access road



Conversion Boundary



Property boundary

0.87 ac

**Mamba Humboldt Logistics EIR
Restocking Map, Site B
Section 33, T2N, R5E, HB&M
USGS 7.5' Quad: Blake MT**

0 25 50 100 Feet

1 inch = 50 feet

N

Restock Area



Non-Restock Area



Structure



Class II stream



Access road



Conversion Boundary



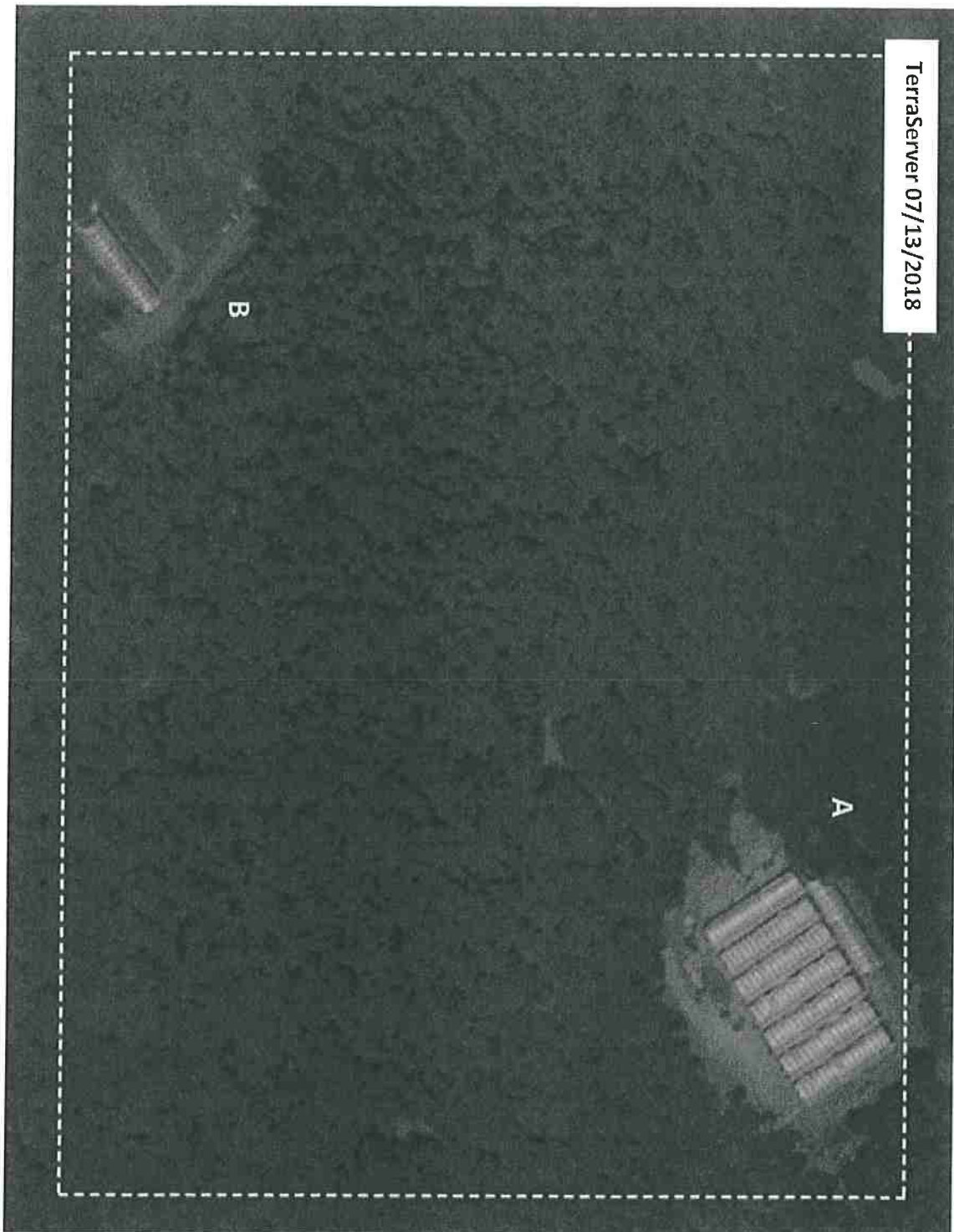
Property boundary



Water tank

Old Site
Restock

0.72 ac





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

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

Applicant Name: Mamba Humboldt Logistics APN: 208-251-006

Planning & Building Department Case/File No.: Apps #12949

Road Name: Bear Creek Road (complete a separate form for each road)

From Road (Cross street): Highway 36

To Road (Cross street): Oak Road

Length of road segment: 2.6 miles Date Inspected: 6/7/2018

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

Check one of the following:

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

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

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

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

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

Signature

Brittany Massaro

6/30/2018

Date

Name Printed

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

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

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

Applicant Name: Mamba Humboldt Logistics APN: 208-251-006

Planning & Building Department Case/File No.: Apps #12949

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

From Road (Cross street): Bear Creek Road

To Road (Cross street): Subject Parcel (APN:208-251-006)

Length of road segment: 1.4 miles Date Inspected: 6/7/2018

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

Check one of the following:

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

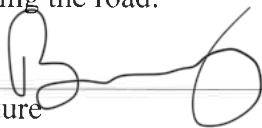
Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Signature



6/30/2018

Date

Brittany Massaro

Name Printed

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

Road Evaluation Report Documentation

Road

Segments

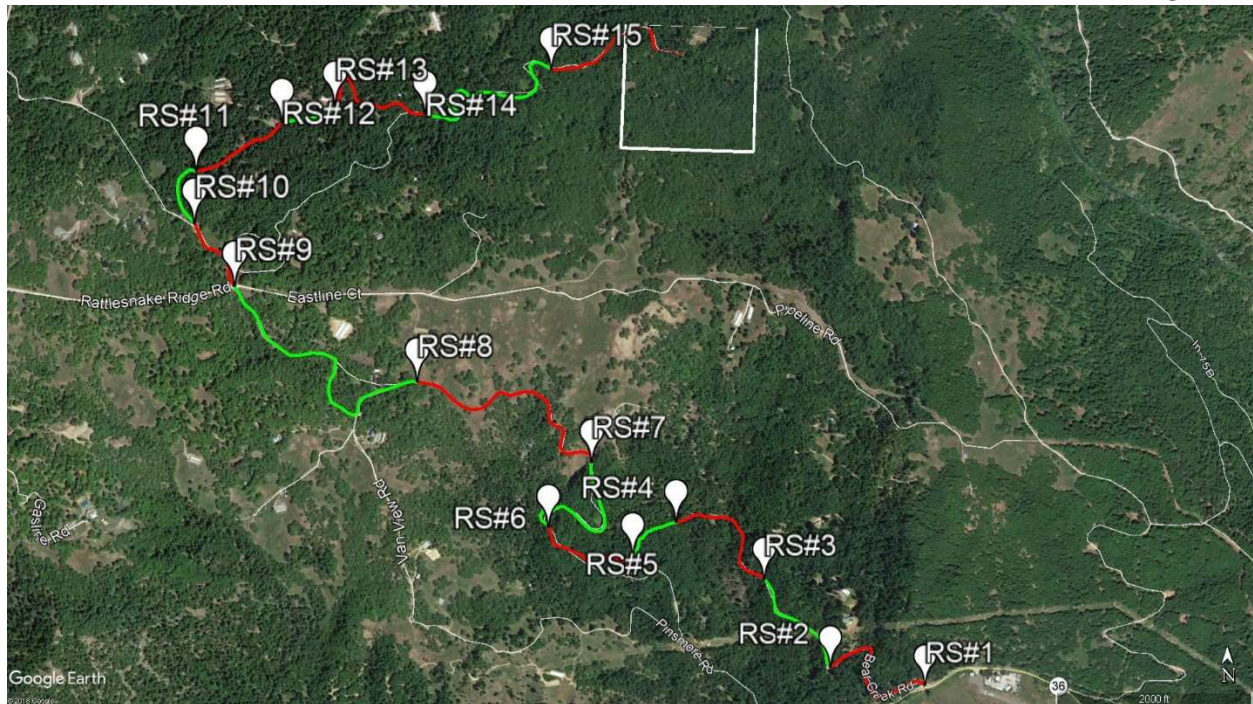


Figure 1: Map of road in segments from Highway 36 Intersection with Bear Creek Road to subject parcel.

RS#1

Length: 0.32 miles

Start: Intersection of Highway 36 and Bear Creek Road

End: 0.32 miles, Bear Creek Road, Intersection with private road

Surfacing: Dirt and gravel

Description: Category 4 Equivalent, no pinch points. Estimated 20' minimum. At least one turnout at approximate mid-point. Forested area with good light penetration from sky.



Figure 2: Image # 6686 at near midpoint of road segment

RS#2

Length: 0.25 miles

Start: 0.32 miles Bear Creek Road, Intersection with private road

End: 0.57 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 20' minimum except one potential pinch point with adequate visibility in both directions. At least one turnout at approximate mid-point. Forested area with good light penetration from sky.

RS#3

Length: 0.26 miles

Start: 0.57 miles Bear Creek Road

End: 0.83 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 20' minimum with no apparent pinch points. Forested area with moderate light penetration from sky.

RS#4

Length: 0.12 miles

Start: 0.83 miles Bear Creek Road

End: 0.95 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 18'-20' minimum with a few apparent pinch points. Visibility appears adequate to allow passing at areas with widened shoulders. Forested area with diffuse light penetration from sky.

RS#5

Length: 0.21 miles

Start: 0.95 miles Bear Creek Road

End: 1.16 miles Bear Creek Road, Near apparent intersection with Dinsmore Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent, Estimated 18-20' minimum with some apparent pinch points located on straight sections of road. Approximately 2 or 3 turnout areas. Forested area with diffuse light penetration from sky.



Figure 3: Image #6762 Typical view of road segment. Note parking/turnout area to the left.

RS#6

Length: 0.31 miles

Start: 1.16 miles Bear Creek Road, Near apparent intersection with Dinsmore Road

End: 1.47 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated 20' minimum with no apparent pinch points. Forested area with moderate to diffuse light penetration from sky.



Figure 4: Image #6780 Typical section of road segment 6.

RS#7

Length: 0.46 miles

Start: 1.47 miles Bear Creek Road

End: 1.93 miles Bear Creek Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated greater than 20' minimum width with no apparent pinch points. Grassy open area with trees.



Figure 5: Image #6800 Typical section of segment 7

RS#8

Length: 0.52 miles

Start: 1.93 miles Bear Creek Road

End: 2.45 miles Bear Creek Road, 4-way intersection with Rattlesnake Ridge Road & Eastline Ct.

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated greater than 20' minimum with no apparent pinch points. Approximately 3 residential driveways along road segment. At least one major turnout along the length of the segment. Lightly forested area with good light penetration from sky.



Figure 6: Image #6820, typical section of road segment 8. Note turn off to the left.

RS#9

Length: 0.15 miles

Start: 2.45 miles Bear Creek Road, 4-way intersection with Rattlesnake Ridge Road & Eastline Ct./Coyote Flat Road

End: 2.60 miles Bear Creek Road, intersection with Oak Road

Surfacing: Dirt and gravel

Description: Category 4 equivalent. Estimated 20' minimum with no apparent pinch points. Approximately 1 residential driveway near beginning of road segment. Lightly forested area with good light penetration from sky.

RS#10

Length: 0.15 miles

Start: Beginning of Oak Road

End: 0.15 miles Oak Road

Surfacing: Dirt

Description: Borderline Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. Two apparent turnouts to allow vehicles to pass. There is 1 residential driveway near end of road segment. Heavily forested area with diffuse light penetration from sky.



*Figure 7: Image #6884 Typical section of road segment 10 in pinch point.
Note possible turnout area to the left.*

RS#11

Length: 0.18 miles

Start: 0.15 miles Oak Road near residential driveway

End: 0.33 miles Oak Road

Surfacing: Dirt

Description: Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. At least one apparent turnout to allow vehicles to pass. There is 1 residential driveway with cannabis operations near end of road segment. Heavily forested area with diffuse light penetration from sky.



Figure 8: Image #6910. Typical section of road segment 11.

RS#12

Length: 0.11 miles

Start: 0.33 miles Oak Road near residential driveway

End: 0.44 miles Oak Road

Surfacing: Dirt

Description: Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. At least one turnout to allow vehicles to pass. Heavily forested area with diffuse light penetration from sky.



Figure 9: Image #6919, typical road section of segment 12.
Note turnout area to the left on approach to pinch point.

RS#13

Length: 0.25 miles

Start: 0.44 miles Oak Road

End: 0.69 miles Oak Road

Surfacing: Dirt

Description: Category 4 equivalent. Estimated 18-20' minimum with some apparent pinch points. At least one turnout to allow vehicles to pass. One residential driveway near the midpoint of the segment. Heavily forested area with diffuse light penetration from sky.



*Figure 10: Image #6965. Typical section of road segment 13.
Note pinch point ahead with turnout areas to the left and right on approach.*

RS#14

Length: 0.39 miles

Start: 0.69 miles Oak Road

End: 1.08 miles Oak Road

Surfacing: Dirt

Description: Borderline Category 4 equivalent. Road serves only the subject parcel and one additional hunting cabin with little traffic. Estimated 12'-20' minimum with some apparent pinch points. Narrowest sections appear on straight sections with decent visibility. These sections appear to have sufficient turnouts to allow vehicles to pass. Heavily forested area with diffuse light penetration from sky.



*Figure 11: Image #6974. Apparent narrowest road section.
Note flat grassy area to the left to allow vehicles to turnout and pass.*

RS#15

Length: 0.32 miles

Start: 1.08 miles Oak Road

End: 1.40 miles Oak Road

Surfacing: Dirt

Description: Borderline Category 4 equivalent. Road serves only the subject parcel and one additional hunting cabin with little traffic. Estimated 12'-20' minimum with some apparent pinch points. Narrowest sections appear on straight sections with decent visibility. These sections appear to have sufficient turnouts to allow vehicles to pass. Heavily forested area with diffuse light penetration from sky.



ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works - Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
CAL FIRE		No response	
Ruth Lake CSD Community Services District		No response	
Department of California of Fish & Wildlife		No response	
State Water Resources Control Board – Division of Water Rights		No response	
CA Division of Water Resources		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	On file with Planning
RWQCB		No response	
North Coast Unified Air Quality Management District		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Sheriff		No response	
Mad River Joint School District		No response	
County Counsel		No response	
Trinity County Joint SD School District		No response	
Humboldt Bay Municipal Water District	✓	Additional Information	Attached
Airport Director	✓	Approved	On File with Planning



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
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

DATE: 03-02-2018

RE:

Applicant Name	MAMBA HUMBOLDT LOGISTICS
APN	208-251-006
APPS#	12949 SPI6-697

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:

Review items 1, 2, 6, and 7 on Exhibit "C"

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12949

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
☐ YES ☐ NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
☐ YES ☐ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- o If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- o If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- o If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- o If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO** or **NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

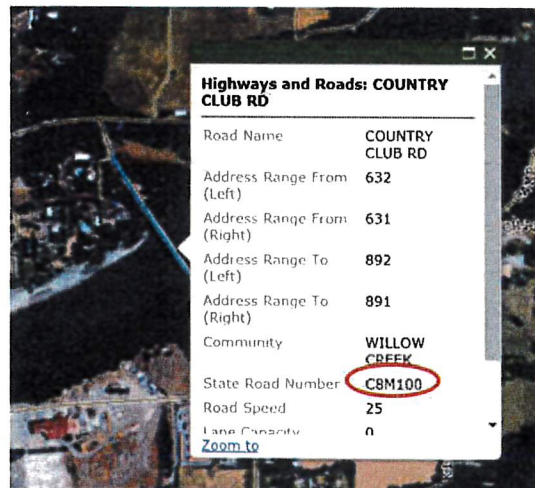
Road Evaluation Reports

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

A 3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road



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

10/24
RECEIVED
MAR 08 2018
Humboldt County
Planning Division
RECEIVED
DEC 11 2017
Humboldt County
Planning Dept.

9/5/2017

PROJECT REFERRAL TO: Building Inspection

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Trinity County Joint SD School District, Mad River Joint School District, Ruth Lake CSD Community Services District

Applicant Name Mamba Humboldt Logistics **Key Parcel Number** 208-251-006-000

Application (APPS#) 12949 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-697

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 9/20/2017

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.

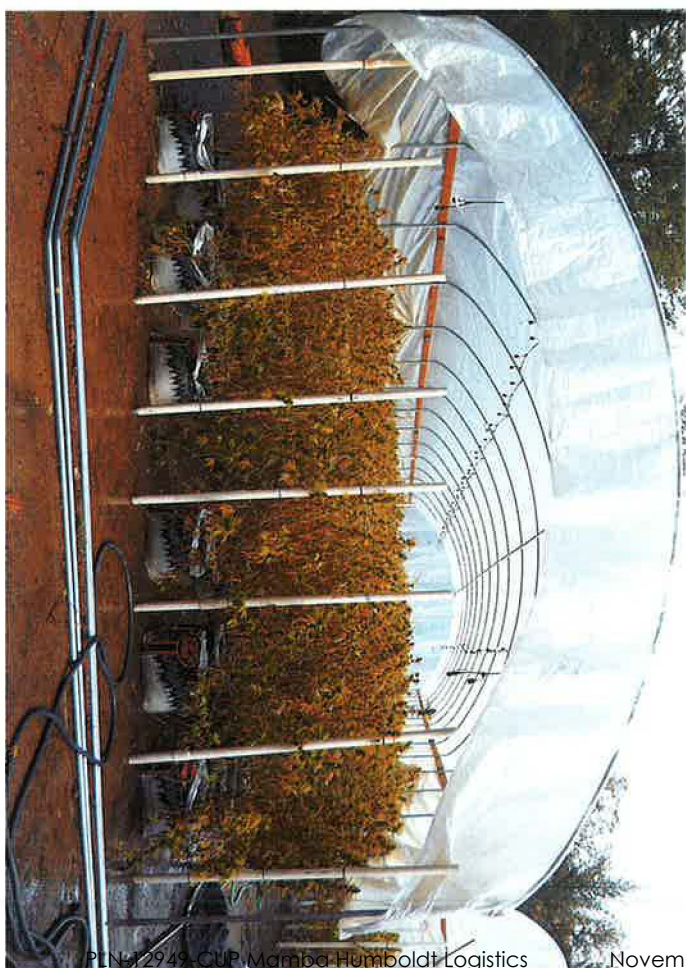
☐ Other Comments: _____

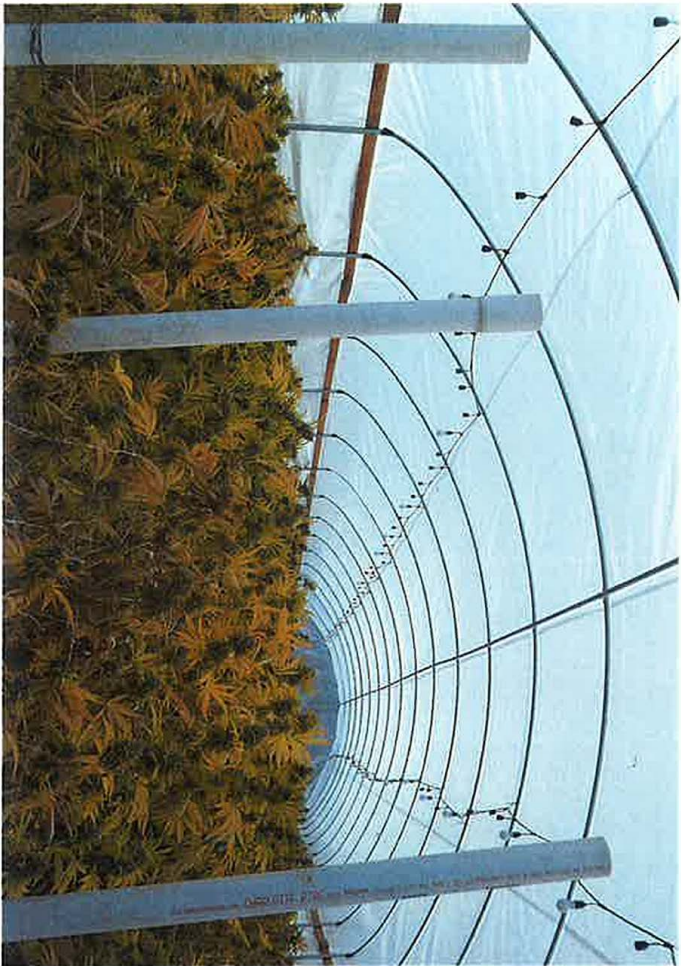
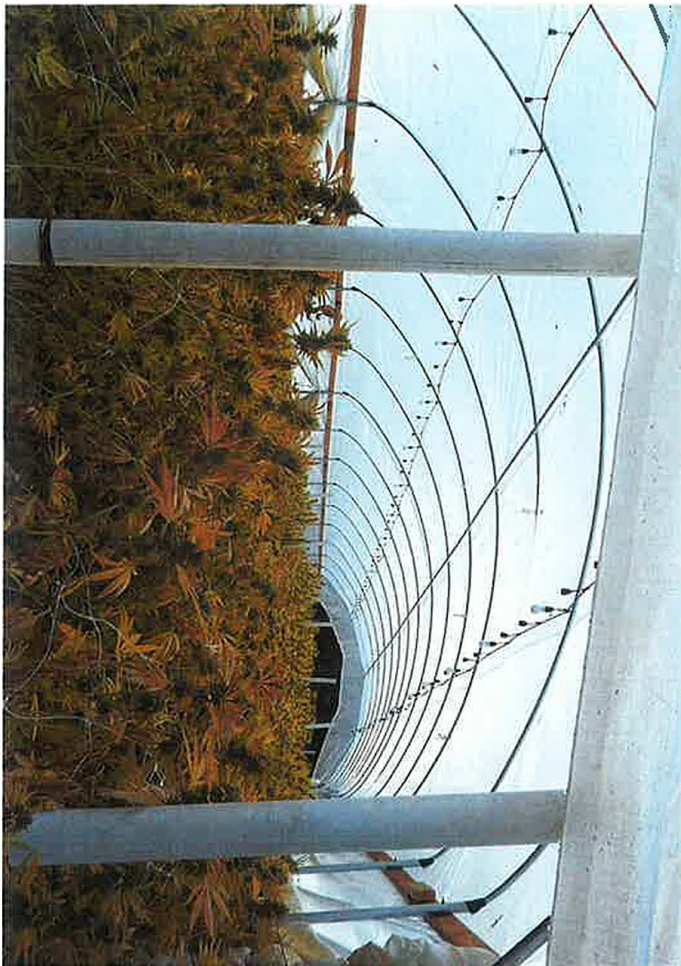
DATE: 12/4/17

PRINT NAME: Ian Mion

208-251-006

to be omitted









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

DEH Received
9-6-17

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, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Trinity County Joint SD School District, Mad River Joint School District, Ruth Lake CSD Community Services District

17/18-0576

Applicant Name Mamba Humboldt Logistics **Key Parcel Number** 208-251-006-000

Application (APPS#) 12949 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP17-072

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED
3-26-18

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: 3/23/2018 **Recommendation By:** Joey Whittlesey

2 746



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

11/20/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, Trinity County Joint SD School District, Mad River Joint School District, Ruth Lake CSD Community Services District, Humboldt Bay Municipal Water District

Applicant Name Mamba Humboldt Logistics **Key Parcel Number** 208-251-006-000

Application (APPS#) 12949 **Assigned Planner** Steven Lazar (707) 268-3741 **Case Number(s)** CUP17-072

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 12/5/2018

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: See attached letter

DATE: 12-5-18

PRINT NAME: John Friedenbach
General Manager

Humboldt Bay
Municipal
Water District



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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

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

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

BARBARA HECATHORN, DIRECTOR

MICHELLE FULLER, DIRECTOR

GENERAL MANAGER

JOHN FRIEDENBACH

December 5, 2018

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

RE: Case Number CUP17-072, Key Parcel Number 208-251-006-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 17-072 submitted by Mamba Humboldt Logistics (Applicant). There are a number of impacts from these projects that need to be considered including water quality and impacts on protected species.

The Applicant seeks a conditional use permit for operation of an existing 16,000 square foot medical cannabis cultivation operation. The irrigation water is sourced from an on-site spring and proposed well. Water storage capacity is 13,500 gallons stored in hard tanks with a proposed 300,000 gallon rain water catchment pond. The spring may be a tributary of the Mad River.

It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted by the applicant prior to issuing a SP.

The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. Given the on-site spring, we encourage the County to request a number of these materials including: Irrigation Plan, documentation of water use, source, and storage.

The applicant indicates a proposed well will be an additional water source. The District requests confirmation that based on the well permit drilling log and local geology the water source is hydrologically disconnected from surface water or the influence of surface water.

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

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

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

The proposed pond could be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained.

II. The Project May Be Subject to CEQA Review

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

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

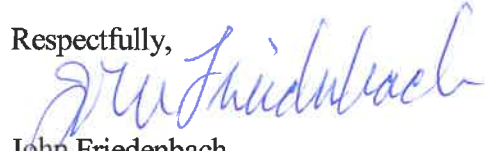
There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually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

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit applications CUP17-072 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

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

Respectfully,



John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW

Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory