COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 5, 2020

To: Humboldt County Planning Commission

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

Subject: **Benbow Valley Farms Conditional Use Permit and Special Permit**
Record Number: PLN-11802-CUP
Assessor's Parcel Number (APN): 223-032-004
4169 Ranch Road, Benbow area

Table of Contents **Page**

Agenda Item Transmittal		2
Recommended Action and Executive Summary		3
Draft Resolution		6
Maps		
Topo Map		8
Zoning Map		9
Aerial Map		10
Site Plan		11
Attachments		
Attachment 1:	Recommended Conditions of Approval	13
Attachment 2:	Required Findings for Approval	21
Attachment 3:	CEQA Addendum	38
Attachment 4:	Applicant's Evidence in Support of the Required Findings	44
	A. Cultivation Operations Plan	Separate
	B. Water Resources Protection Plan	Separate
	C. Road Evaluation Report	Separate
	D. Biological Assessment	Separate
Attachment 5:	Referral Agency Comments and Recommendations	84

Please contact Meghan Ryan, Senior Planner, at (707) 445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 5, 2020	Conditional Use Permit and Special Permit	Meghan Ryan

Project Description: A Conditional Use Permit for 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There will be a maximum of two harvests annually. Historic cultivation occurs in four distinct cultivation areas and the proposed project includes relocation of two cultivation areas to environmentally superior locations. The applicant is also proposing to reorganization 25,136 square feet of full-sun outdoor cultivation into greenhouses. There are four greenhouses in two cultivation areas totaling 11,475 square feet that will be used for propagation. Annual water use is 417,550 gallons. Water is sourced from a permitted well. There is 65,000 gallons of water storage in hard-sided tanks. There are three ponds on the subject parcel previously used for cultivation that will remain for aesthetics, fire protection and livestock uses. Processing is proposed on-site within one structure totaling 3,600 square feet. The project also includes a change of use for the existing 672-square-foot cabin, which will become an office for administrative functions. A maximum of five employees will be on-site during peak operations. Power is provided by generators and solar panels. The project also includes a Special Permit for development within the Streamside Management Area for an on-stream pond used historically for cultivation.

Project Location: This project is located in Humboldt County, in the Benbow area, on the north side of Ranch Road, approximately 2.12 miles southeast from the intersection of Ranch Road and Reed Loop Road, on the property known as 4169 Ranch Road and on the properties known to be in Section 21 of Township 05 South, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designation: 223-032-004 & 223-032-002: Agricultural Grazing (AG), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: Moderate Instability (2). 223-032-001: Agricultural Grazing (AG), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: Moderate (2) and High (3) Instability.

Present Zoning: Agricultural Exclusive (AE), Minimum Building Site Area 160 acres [B-5(160)]; Timber Production (TPZ).

Record Number: PLN-11802-CUP

Assessor Parcel Number: 223-032-004

Applicant	Owner	Agent
Benbow Valley Farms PO Box 1932 Redway, CA 95560	Chad D. Mussey and Jesse Nieblas PO Box 1988 Redway, CA 95560	DTN Engineering & Consulting David Nicoletti 2731 K Street, Unit A Eureka, CA 95501

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.

Benbow Valley Farms
Record Number: PLN-11802-CUP
Assessor's Parcel Number: 223-032-004

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 based on evidence in the staff report and approve the proposed Benbow Valley Farms project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit for 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There will be a maximum of two harvests annually. Historic cultivation occurs in four distinct cultivation areas and the proposed project includes relocation of two cultivation areas to environmentally superior locations. The applicant is also proposing to reorganization 25,136 square feet of full-sun outdoor cultivation into greenhouses. There are four greenhouses in two cultivation areas totaling 11,475 square feet that will be used for propagation. All product grown on-site is processed in a proposed 3,600-square-foot processing facility as shown on the site plan. The applicant is also proposing to change the use of an existing cabin to an office. The applicant is proposing to install an Onsite Wastewater Treatment System (OWTS) to accommodate a bathroom and handwashing facilities in the processing structure. There will be a maximum of five employees during peak operations. Electricity is sourced from generators and solar. Security measures include located gates, security cameras and video surveillance recording.

The proposed project includes relocation of the southern cultivation area consisting of 5,200 square feet due to steep slopes and will be relocated to the western cultivation area. The applicant submitted *Biological Resource Assessment for Commercial Cannabis Cultivation* prepared by O'Brien Biological Consultants received January 23, 2020, that found that is unlikely relocation will disturb plants and wildlife, however, preconstruction surveys were recommended to ensure the lack of sensitive species prior to development. Staff is supportive of the cultivation area being relocated to an area zoned AE and slopes in this area are less than 15% and there is sufficient area for a buffer to be maintained that is consistent with State and local regulations. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Because the relocation and reorganization will allow for improvement over the baseline conditions, staff supports the relocation and reorganization.

Estimated annual water usage is 417,550 gallons (5.7 gallons/sf/cycle). According to the operations plan, water for cultivation was historically provided by a spring diversion developed in 2012. Between 2014 – 2016, the applicant development two ponds and a well for irrigation. The applicant will continue to use the well and the ponds will remain for aesthetic and fire protection purposes. The applicant provided well completion report that shows the well is 160 feet deep and there is no screening. The nearest watercourse is approximately 680 feet southwest from the well and more than 300 feet lower in elevation. Staff determined the well is most likely hydrologically disconnected and does not require water rights from the State Water Resources Control Board or notification to the California Department of Fish and Wildlife. There is 65,000 gallons of water storage in hard-sided tanks that is filled by the well. Cannabis is irrigated by drip irrigation to eliminate potential water runoff and to minimize irrigation needs. According to the Water Resource Protection Plan (WRPP) prepared by Jacobzoon and Associates dated February 5, 2017, there are five stream crossings on the subject parcel, two of which require replacement to accommodate 100-year stream flows. Conditions of approval require the applicant to install water flow meters in accordance

with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement by CDFW for replacement of two culverts, and the historic point of diversion and outfalls of the ponds.

There are no mapped species of special concern on the California Natural Diversity Database. There are no mapped Streamside Management Area on the subject parcel according to the Humboldt County WebGIS. According to the *Water Resources Protection Plan* (WRPP) prepared by Jacobzoon and Associates dated February 6, 2017, there is a Class II watercourse in the western area of the subject parcel and a Class III watercourse in the southwestern portion of the subject parcel (see Attachment 4). The nearest mapped Marbled murrelet habitat is located 2.05 miles west of the subject parcel and the nearest Northern Spotted Owl (NSO) Activity Center is located 1.53 miles to the southeast. Northern Spotted Owl surveys occurred on the subject parcel in 2011 and 2012 with no positive responses. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known sensitive receptors. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the propagation greenhouses until the applicant can demonstrate compliance with these noise standards.

A review of Humboldt County WebGIS shows that the historic cultivation area on the subject parcel were developed in naturally occurring grassland areas. Timber removal occurred between 2014 – 2016 for development of two ponds used for irrigation. Conditions of approval require the applicant to submit a *Less Than Three Acre Mitigation Plan* prepared by a Registered Professional Forester (RPF) that describes the history of timber removal and makes recommendations for improvements that may be required to ensure the timber removal was conducted in accordance with the Forest Practices Act. The plan shall also include a plan for restocking any timber removal that occurred after January 1, 2016, at a rate of 3:1. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. A project referral was sent to CAL FIRE who provided comments regarding artificial lighting (see Attachment 5). The applicant is not proposing to remove any additional trees for the proposed project.

Access to the site is off Ranch Road. According to the *Road Evaluation Report* prepared by Whitchurch Engineering dated March 25, 2019, the southern portion of the access road (Reed Mountain Road) provides access for 7 parcels and is considered a low volume road. Although the majority of the road meets the functional capacity for a Category 4 road, there are several areas that are recommended for monitoring to ensure stability and one portion that requires re-grading to ensure the slope is less than 18% (see Attachment 4). A second *Road Evaluation Report* prepared by David Nicoletti, P.E., dated May 23, 2019, evaluated the entire length of the access road from Benbow Valley Drive. This report recommends construction of Best Management Practices (BMPs) for erosion control, such as installation of rolling dips and waterbars in locations described by the report. The report also recommends that roadside ditches be maintained (see Attachment 4). The project was referred to the Department of Public Works that recommended conditional approval.

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

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.

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-11802-CUP
Assessor Parcel Numbers: 223-032-001, -002 and 004

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Benbow Valley Farms Conditional Use Permit and Special Permit request.

WHEREAS, Benbow Valley Farms submitted an application and evidence in support of approving a Conditional Use Permit for 36,640 square feet of existing outdoor cannabis cultivation. There are four greenhouses in two cultivation areas totaling 11,475 square feet that will be used for propagation. Annual water use is 417,550 gallons. Water is sourced from a permitted well. There is 65,000 gallons of water storage in hard-sided tanks. There are three ponds on the subject parcel previously used for cultivation that will remain for aesthetics, fire protection and livestock uses. Processing is proposed on-site within one structure totaling 3,600 square feet. The project also includes a change of use for the existing 672-square-foot cabin, which will become an office for administrative functions. A maximum of five employees will be on-site during peak operations. Power is provided by generators and solar panels. The project also includes a Special Permit for development within the Streamside Management Area for an on-stream pond used historically for cultivation; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration, 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 (Record Number: PLN-11802-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 5, 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 Medial Marijuana Land Use Ordinance; and
1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-11802-CUP based on the submitted substantial evidence; and
2. The Conditional Use Permit (Record Number: PLN-11802-CUP) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on November 5, 2020.

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

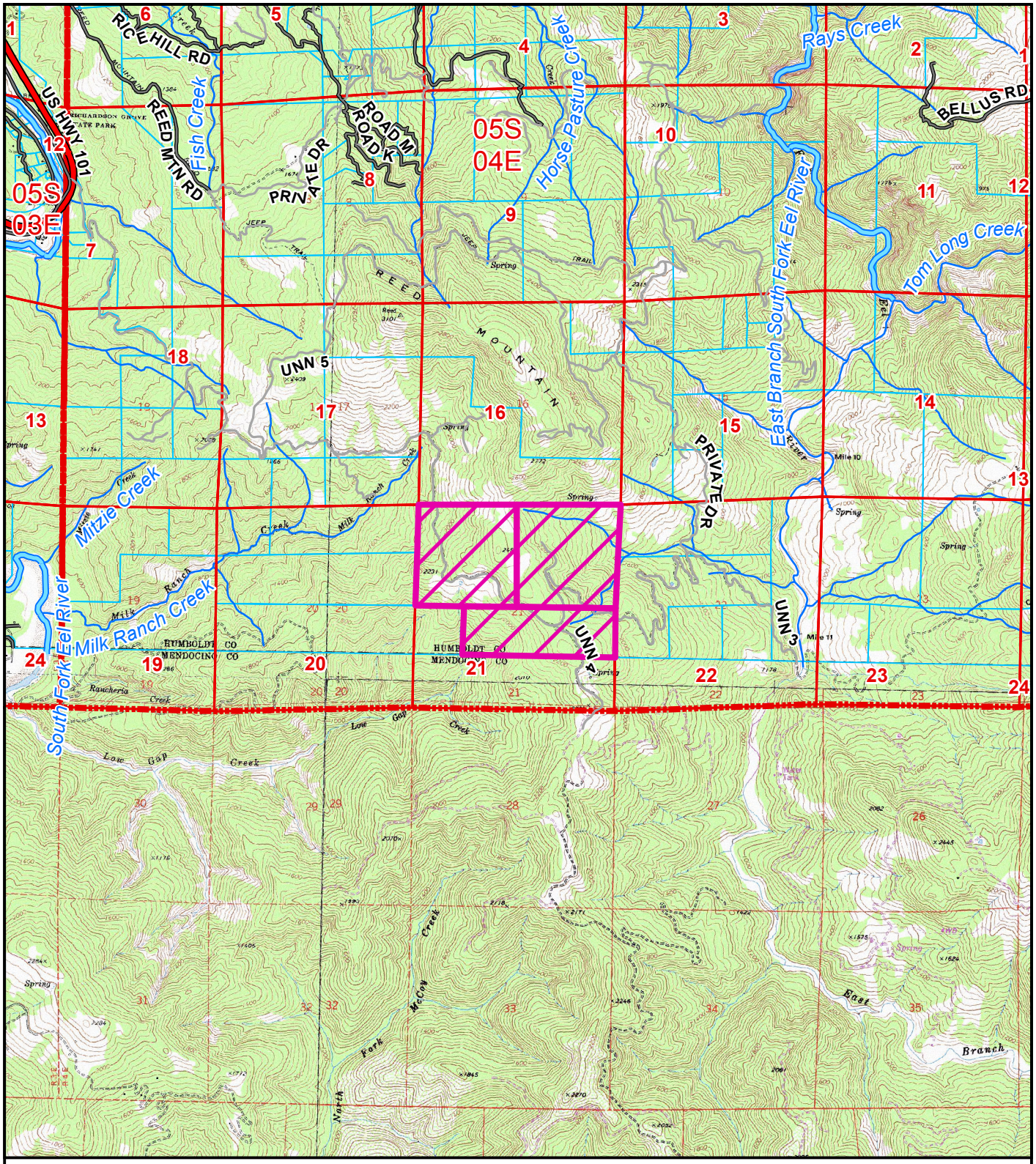
AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:

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



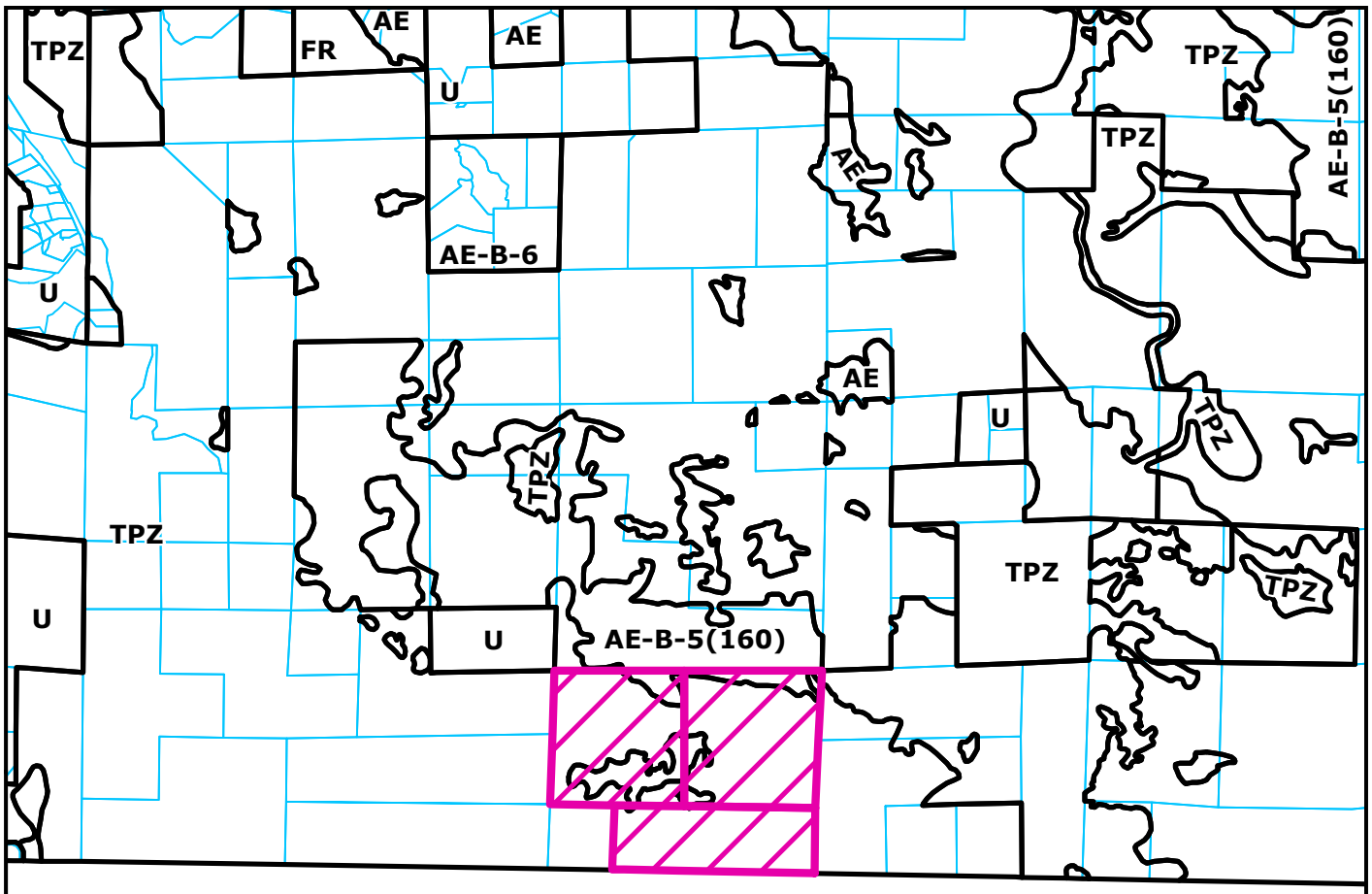
TOPO MAP
PROPOSED BENBOW VALLEY FARMS
BENBOW AREA
CUP-16-389
APN: 223-032-004-000; ET AL.
T05S R04E S21 HB&M (HARRIS)

Project Area =

N

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

0 0.375 0.75 1.5 Miles



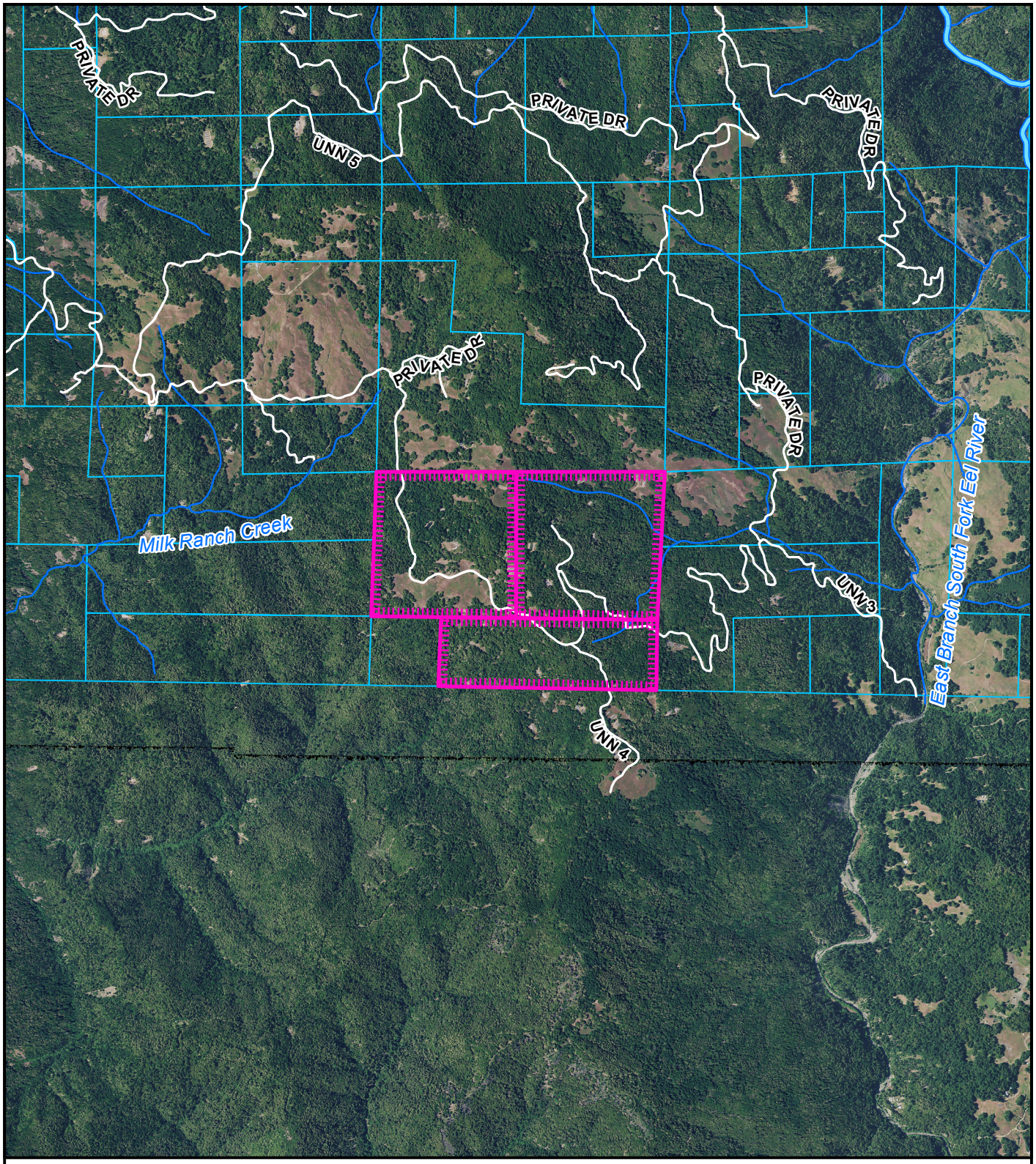
ZONING MAP
PROPOSED BENBOW VALLEY FARMS
BENBOW AREA
CUP-16-389
APN: 223-032-004-000; ET AL.
T05S R04E S21 HB&M (HARRIS)

Project Area =

N

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

0 0.375 0.75 1.5 Miles



AERIAL MAP
PROPOSED BENBOW VALLEY FARMS
BENBOW AREA
CUP-16-389
APN: 223-032-004-000; ET AL.
T05S R04E S21 HB&M (HARRIS)

Project Area =

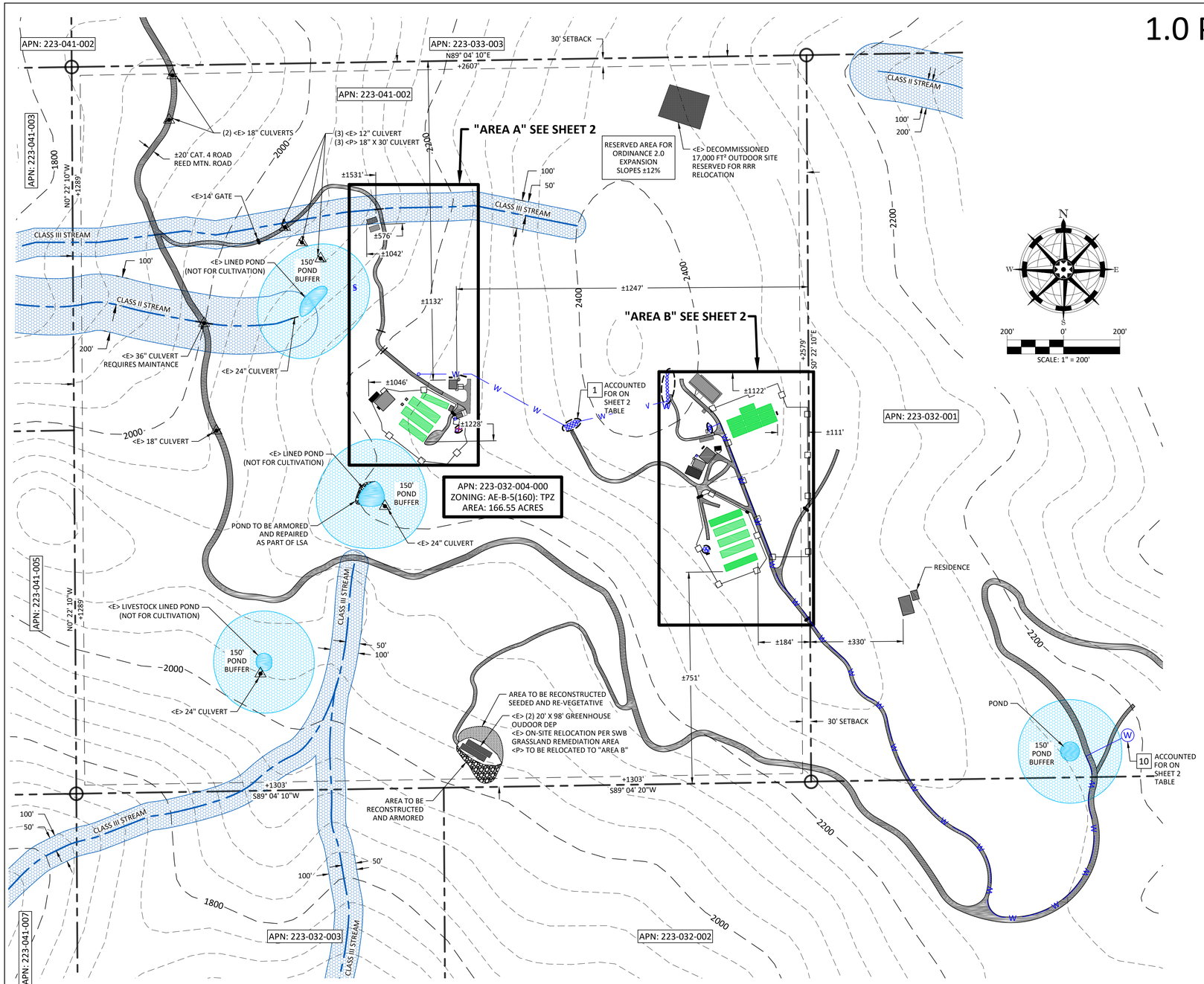
N

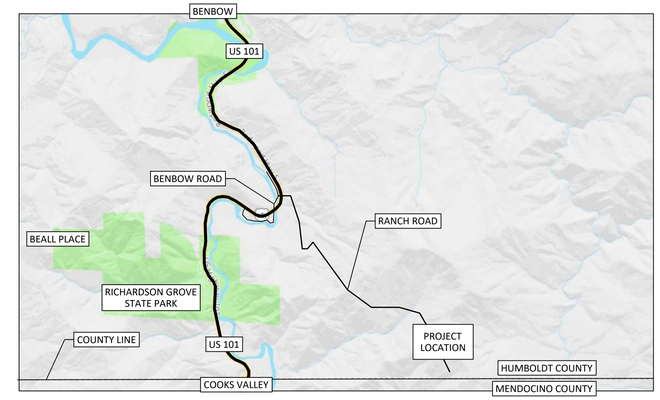
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5 1 Miles

1.0 PLOT PLAN - BENBOW VALLEY FARMS

APN: 223-032-004-000
4169 RANCH ROAD
BENBOW, CA 95542



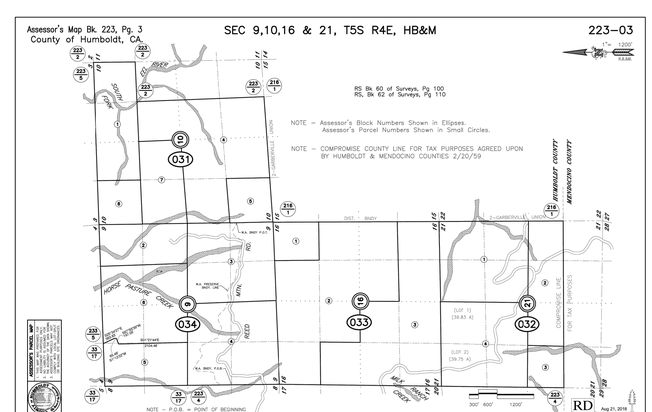


VICINITY MAP
N.T.S.

DIRECTIONS FROM EUREKA:
TAKE US-101 FROM EUREKA AND FOLLOW APPROXIMATELY 74 MILES. TURN LEFT ONTO BENBOW DRIVE THEN TURN RIGHT ONTO RANCH ROAD UNTIL ARRIVING AT DESTINATION. (BOTH ACCESS ROADS WILL BE LOCATED ON YOUR RIGHT).

LEDGEND

<P>	PROPOSED
<E>	EXISTING
W	WELL
<E>	<E> CULVERT
	STREAM / CREEK
	PROPERTY LINE
	EXISTING 40' CONTOUR
W W	WATER SUPPLY LINE
OHT	OVER-HEAD TELEPHONE
OHE	OVER-HEAD ELECTRIC
	FENCE / WALL
	PROPOSED
	STREAM MANAGEMENT AREA
	EXISTING WATER STORAGE
	EXISTING OUTDOOR DEP CULTIVATION
	PROPOSED OUTDOOR DEP CULTIVATION



PARCEL MAP
N.T.S.

PROPERTY LINE AND BEARING NOTES

THIS IS NOT A RECORD OF SURVEY. THE BOUNDARY SHOWN IS APPROXIMATE AND BASED OFF OF ASSESSOR'S PARCEL MAPS. NO SURVEY MONUMENTS ARE FOUND NOR SHOWN. CONTOURS SHOWN WERE IMPORTED FROM HUMBOLDT COUNTY GIS MAPPING DEPARTMENT. AERIALS ARE FROM DRONE FLIGHTS AND GOOGLE EARTH PRO.

CONTRACTOR ALERT!

CONTRACTOR MUST CONTACT USA NORTH DIG AT 811 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES. EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.

CULTIVATION NOTES

- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACE OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF CULTIVATION AREAS.
- THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS

SRA REQUIREMENTS

- PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS.
- PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS.

OWNER / APPLICANT INFORMATION

OWNER/APPLICANT: CHAD MUSSEY
MAILING ADDRESS: P O BOX 1932 REDWAY, CA 95560
EMAIL: mid.inc777@gmail.com
PHONE NUMBER: (707) 223-3377

PARCEL / SITE INFORMATION

ZONING: AE-B-5(160); TPZ
PARCEL CENTROID: 40.007492, -123.737305
PARCEL 4 OF ASSESSOR'S MAPS, BK 223 PG 03
CREEKS / STREAMS: YES
GRADING: YES (SEE GRADING PLANS)
WATER: ONSITE - PRIVATE (WELL), RAINWATER CATCHMENT
WASTE WATER: SEPTIC SYSTEM
POWER: SOLAR & GENERATOR
TREES TO BE REMOVED: NO

SHEET INDEX

1 COVER SHEET / PLOT PLAN

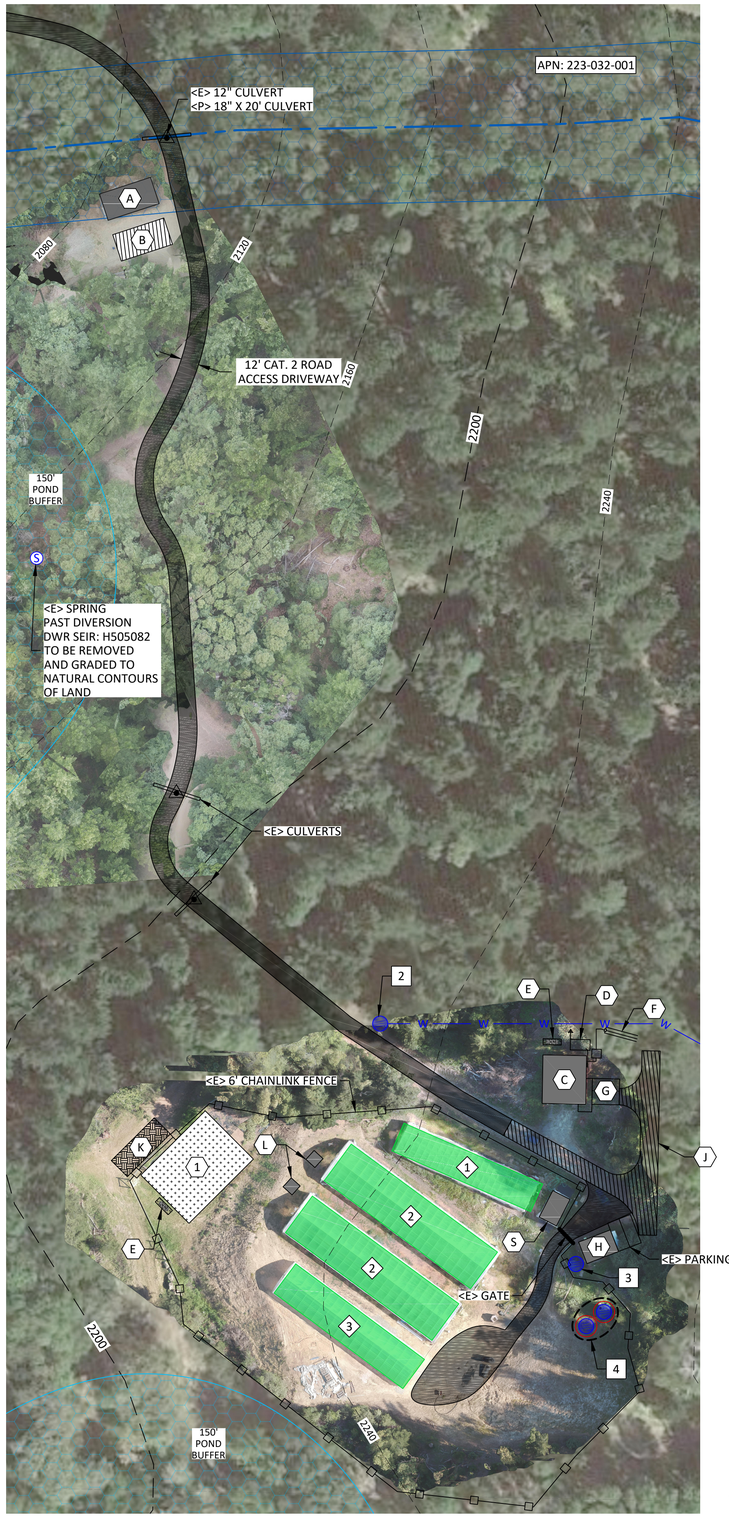
2 PLOT PLAN (AREA A & B)

DTN ENGINEERING&CONSULTING
dnicoletti@dtnengineering.com

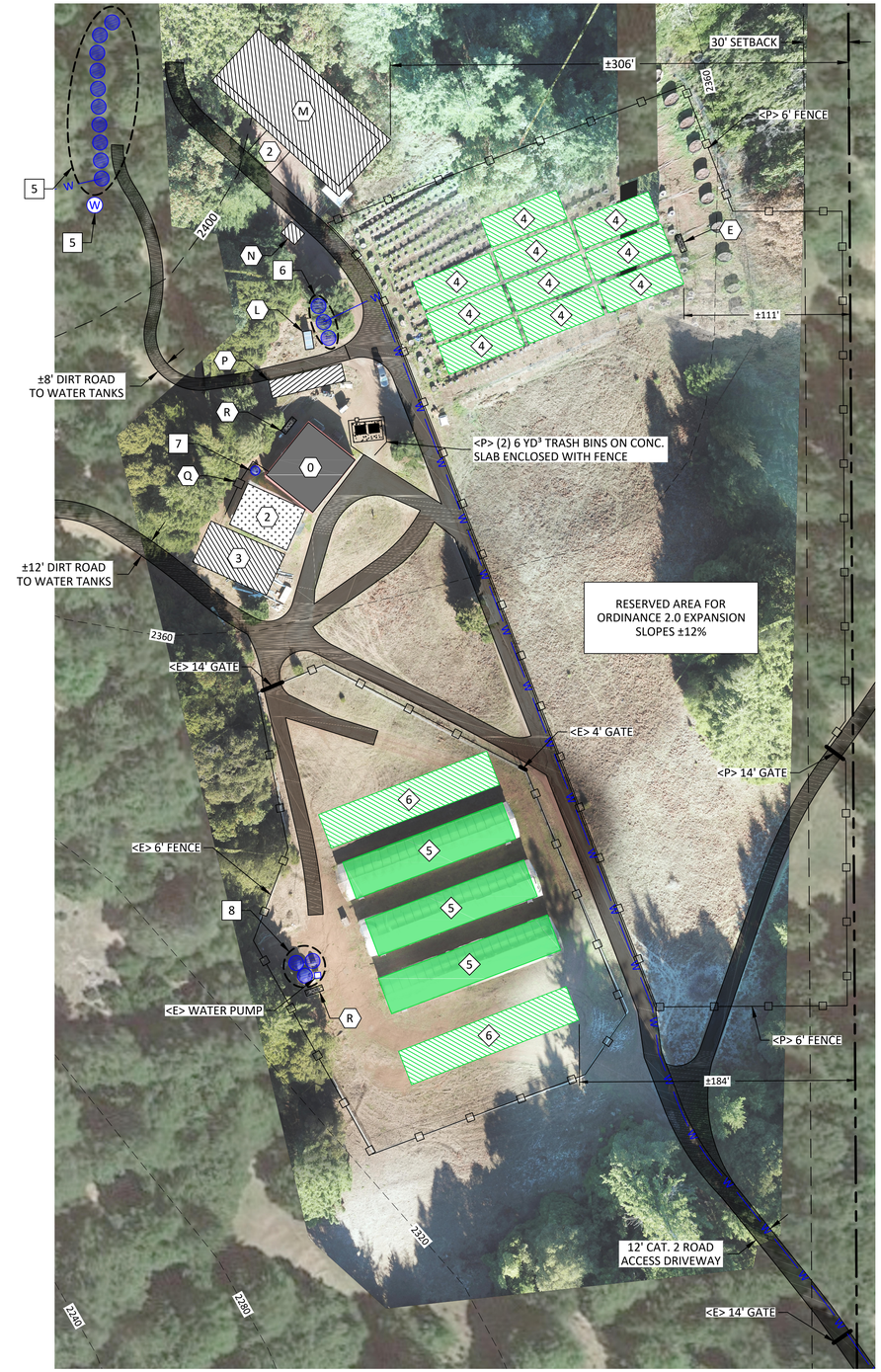
NO.	HISTORY / REVISIONS	BY	CHCK	DATE

BENBOW VALLEY FARMS - 1.0 PLOT PLAN
APN: 223-032-004-000
4169 RANCH ROAD
BENBOW, CA 95542

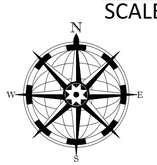
DRAWN BY: RGN - UDD
DATE: 2020-10-12
COVERSHEET
1.0 PLOT PLAN
SHEET NO.
1 OF 2

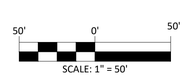


AREA A
SCALE: 1"=50'



AREA B
SCALE: 1"=50'





STRUCTURE & MISC. TYPE				
ITEM	DESCRIPTION	QTY	SPECS.	YEAR CONSTRUCTED
A	<E> AG EXEMPT STORAGE SHED W/ 2 DIESEL TANKS (DIESEL TANKS TO BE RELOCATED TO "ITEM B")	1	18' X 34' (612 FT²)	----------
B	<P> AG EXEMPT STORAGE SHED (TO STORE (2) <E> DIESEL TANKS)	1	18' X 34' (612 FT²)	FUTURE
C	<E> CABIN TO BE <P> OFFICE WITH ADA RESTROOM	1	24' X 82' (672 FT²)	----------
D	<P> CONCRETE SLAB WITH 100K TIER 4 GENERATOR	1	N/A	FUTURE
E	<P> CONCRETE SLAB WITH PROPANE TANK	3	N/A	FUTURE
F	<P> SEPTIC SYSTEM	1	N/A	FUTURE
G	<P> ADA VAN PARKING SPACE WITH LOADING AISLE	1	N/A	FUTURE
H	<E> AG EXEMPT FERTILIZER STORAGE SHED	1	12' X 16' (192 FT²)	----------
I	<E> AG EXEMPT RESEARCH AND DEVELOPMENT GREENHOUSE	1	----------	----------
J	<P> DRIVEWAY IMPROVEMENT WITH "SLIP T" TURN-A-ROUND	1	----------	FUTURE
K	<P> COMPOST	1	15' X 40' (600 FT²)	FUTURE
L	<E> SOLAR PANELS	3	VARIES	----------
M	<P> PROCESSING BUILDING W/ 45K TIER 4 GENERATOR	1	40' X 110' (4,400 FT²)	FUTURE
N	<P> AG EXEMPT FERTILIZER STORAGE SHED	1	10' X 12' (120 FT²)	FUTURE
O	<E> RESIDENCE AOB	1	40' X 45' (1,800 FT²)	----------
P	<P> STANDARD PARKING	5	----------	FUTURE
Q	<E> SEPTIC SYSTEM	1	----------	----------
R	<E> CONCRETE SLAP WITH PROPANE TANK	2	----------	----------
S	<E> STORAGE	1	12' X 20' (240 FT²)	----------
PROPAGATION				
1	<E> OPEN GARDEN AREA <P> GREENHOUSE (EQUAL AREA) IMMATURE PLANT AREA	1	45' X 60' 2,700 FT²	----------
2	<E> AG EXEMPT GREENHOUSE	1	30' X 42' (1,260 FT²)	----------
3	<P> AG EXEMPT GREENHOUSE	1	30' X 54' (1,620 FT²)	FUTURE

WATER STORAGE				
ITEM	DESCRIPTION	QTY	USAGE	TOTAL CAPACITY
1	<E> 5,000 GALLON PE TANK (SHEET 1)	9	IRRIGATION	45,000 GALLONS
2	<E> 5,000 GALLON PE TANK	1	DOMESTIC	5,000 GALLONS
3	<E> 5,000 GALLON PE TANK	1	IRRIGATION	5,000 GALLONS
4	<E> 5,000 GALLON PE TANK	2	SRA	10,000 GALLONS
5	<E> 5,000 GALLON PE TANK	10	IRRIGATION	50,000 GALLONS
6	<E> 5,000 GALLON PE TANK	3	IRRIGATION	15,000 GALLONS
7	<E> 5,000 GALLON PE TANK	1	DOMESTIC	5,000 GALLONS
8	<E> 5,000 GALLON PE TANK	2	IRRIGATION	10,000 GALLONS
	<E> 500 GALLON PE TANK	1	IRRIGATION	500 GALLONS
9	<E> WELL - PERMIT 15/16-0655	1	IRRIGATION & DOMESTIC	20 GALLONS PER MINUTE
10	<E> WELL - PERMITTED (SHEET 1)	1	IRRIGATION & DOMESTIC	20 GALLONS PER MINUTE

CULTIVATION / CANOPY AREA				
ITEM	DESCRIPTION	QTY	SPECS.	CANOPY AREA
1	<E> AG EXEMPT GREENHOUSE OUTDOOR DEP	1	20' X 100' 2,000 FT²	2,000 FT²
2	<E> AG EXEMPT GREENHOUSE OUTDOOR DEP	2	30' X 120' 3,600 FT²	7,200 FT²
3	<E> AG EXEMPT GREENHOUSE OUTDOOR DEP	1	24' X 96' 2,304 FT²	2,304 FT²
4	<P> AG EXEMPT GREENHOUSE OUTDOOR DEP	10	20' X 54' 1,080 FT²	10,696 FT²
5	<E> AG EXEMPT GREENHOUSE OUTDOOR DEP	3	24' X 120' 2,880 FT²	8,640 FT²
6	<P> RELOCATION FOR <E> AG EXEMPT GREENHOUSE OUTDOOR DEP	2	24' X 120' 2,880 FT²	5,760 FT²
TOTAL CULTIVATION / CANOPY AREA				36,600 FT²

DTN ENGINEERING&CONSULTING
dnicoletti@dtnengineering.com

NO.	HISTORY / REVISIONS	BY	CHCK	DATE

BENBOW VALLEY FARMS - 1.0 PLOT PLAN
APN: 223-032-004-000
4169 RANCH ROAD
BENBOW, CA 95542

DRAWN BY: RGN - UDD
DATE: 2020-10-12

1.0 PLOT PLAN

SHEET NO.
2 OF 2

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL 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 #3 – 9. 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. If any operations are to occur within 100 ft. of site boundaries, then the project implementation shall be monitored by a professional archaeologist or tribal representative. As designed, the project is outside the 100 ft. buffer and heightened inadvertent discovery protocol is recommended, including a tailgate meeting before project implementation discussing the heightened sensitivity of the area for historic resources.

3. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, proposed processing facility, change of use for the cabin and accessory structures) and grading (including road improvements and graded flats) related to the historic and proposed 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.

4. 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.

5. 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 not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees 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.

6. The applicant shall implement all recommendations contained within the *Road Evaluation Report* prepared by Whitchurch Engineering dated March 25, 2019, and the *Road Evaluation Report* prepared by David Nicoletti, P.E., dated March 13, 2019. The applicant may submit photographic evidence to satisfy this condition or schedule a site inspection with the Planning Department.

7. *The applicant shall adhere to and implement the recommendations within the Engineering-Geologic Soils Report for the Proposed Expanded Lined Water Storage Pond* prepared by Lindberg Geologic Consultants dated February 23, 2016. The applicant may submit photographic evidence to satisfy this condition or schedule a site inspection with the Planning Department.

8. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. 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.

9. The applicant shall submit a Less Than Three Acre Mitigation Plan for timber removal that occurred for development of the two ponds the subject parcel. The plan shall be prepared by a Registered Professional Forester and shall include any recommendations to ensure the timber removal occurred in compliance with the Forest Practices Act. The plan shall also include a plan for restocking any timber removal that occurred after January 1, 2016, at a rate of 3:1. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. The plan shall be reviewed and approved by the Planning Department prior to commencing any restoration. Monitoring data is required to be submitted annually thereafter at the time of the annual inspection.

10. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW that includes, but is not limited to, replacement of two culverts, outfalls for the ponds used for irrigation and the point of diversion used historically for cultivation. The applicant shall adhere to reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

11. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.

12. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

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 install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.

15. 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.

16. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200–foot buffer from Class I and Class II streams, per the requirements of CDFW. <u>No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.</u>

17. 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.

18. 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.

19. 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.

20. All artificial lighting used for propagation 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. <u>No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.</u>

21. 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. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

4. 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.

5. 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.

6. 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).

7. 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.

8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.

9. 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.

10. 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).

11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

12. Pay all applicable application and annual inspection fees.

13. 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.

14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.

15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

<u>Performance Standards for Cultivation and Processing Operations</u>

18. 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."

19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

20. Cultivators engaged in processing shall comply with the following Processing Practices:
    i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
    iv. Employees must wash hands sufficiently when handling cannabis or use gloves.

21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
    I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
        (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.

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

23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation 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 permitees and the permitted site have been found to comply with all conditions of approval.

24. If the inspector or other County official determines that the permitees 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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
Land Use Chapter 4 Land Use Designations Section 4.8	**Agriculture Grazing (AG):** This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. Density range is 20 -160 acres/unit.	The Applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 36,640 square feet of existing outdoor cannabis cultivation on lands designated as AG. General agriculture is allowable use type for this designation. The project is, therefore, consistent with the AG designation.
Circulation Chapter 7	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) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	Access to the site is off Ranch Road. According to the *Road Evaluation Report* prepared by Whitchurch Engineering dated March 25, 2019, the southern portion of the access road (Reed Mountain Road) provides access for 7 parcels and is considered a low volume road. Although the majority of the road meets the functional capacity for a Category 4 road, there are several areas that are recommended for monitoring to ensure stability and one portion that requires re-grading to ensure the slope is less than 18% (see Attachment 4). A second *Road Evaluation Report* prepared by David Nicoletti, P.E., dated May 23, 2019, evaluated the entire length of the access road from Benbow Valley Drive. This report recommends construction of Best Management Practices (BMPs) for erosion control, such as installation of rolling dips and waterbars in locations described by the report. The report also recommends that roadside ditches be maintained (see Attachment 4). The project was referred to the Department of Public Works that recommended conditional approval. As requested by DPW, conditions of approval require the applicant to Additionally, conditions of approval require the applicant to adhere to and implement the recommendations from the Road Evaluation Reports by Whitchurch Engineering and DTN Engineering as discussed above. As conditioned, the project complies with this section.

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 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 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. There are no mapped Streamside Management Area on the subject parcel according to the Humboldt County WebGIS. According to the *Water Resources Protection Plan* (WRPP) prepared by Jacobzoon and Associates dated February 6, 2017, there is a Class II watercourse in the western area of the subject parcel and a Class III watercourse in the southwestern portion of the subject parcel (see Attachment 4). See Section 10.3 *Biological Resources* for additional information.

Conservation and Open Space Chapter 10 Biological Resources Section 10.3	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) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	There are no mapped species of special concern on the California Natural Diversity Database. There are no mapped Streamside Management Area on the subject parcel according to the Humboldt County WebGIS. According to the *Water Resources Protection Plan* (WRPP) prepared by Jacobzoon and Associates dated February 6, 2017, there is a Class II watercourse in the western area of the subject parcel and a Class III watercourse in the southwestern portion of the subject parcel (see Attachment 4). The nearest mapped Marbled murrelet habitat is located 2.05 miles west of the subject parcel and the nearest Northern Spotted Owl (NSO) Activity Center is located 1.53 miles to the southeast. Northern Spotted Owl surveys occurred on the subject parcel in 2011 and 2012 with no positive responses. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. The 1,475 square feet of propagation area that will utilize artificial lighting. Greenhouses are equipped with fans and electricity is sourced from generators and solar. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable 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 generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. The proposed project includes relocation of the southern cultivation area consisting of 5,200 square feet due to steep slopes and will be relocated to the western cultivation area. The applicant submitted *Biological Resource Assessment for Commercial Cannabis Cultivation* prepared by O'Brien Biological Consultants received January 23, 2020, that found that is unlikely relocation will disturb plants and wildlife, however, preconstruction surveys were recommended to ensure the lack of sensitive species prior to development. Staff is supportive of the cultivation area being relocated to an area zoned AE and slopes in this area are less than 15% and there is sufficient area for a buffer to be maintained that is consistent with State and local regulations. Conditions of approval require the

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		applicant to adhere to the recommendations in the *Biological Resource Assessment for Commercial Cannabis Cultivation* prepared by O'Brien Biological Consultants received January 23, 2020 (see Attachment 4). Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source. Because the relocation and reorganization will allow for improvement over the baseline conditions, staff supports the relocation and reorganization. See findings for *Stormwater Drainage* (Chapter 11, *Water Resources*) for additional information regarding culvert replacements and permitting requirements. See findings for the *Streamside Management Area* (SMA) for additional information regarding culvert replacements and findings for development of the on-stream pond. See findings for *Performance Standards – Water* for additional information regarding water use and storage. The project was referred to the California Department of Fish and Wildlife (CDFW) on June 13, 2020, and no response was received. Staff contacted directly on April 6, 2020, and September 25, 2020, to inquire if there were any comments. Although no response was received, several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and 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 General Plan.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	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)	The project was referred to the Northwest Information Center (NWIC) and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC requested an archeological survey of the subject parcel. The applicant retained the Archeological Research and Supply Company for the preparation of a Cultural Resources Investigation for the subject parcel. Two archeological resources were identified by the survey. The report stated if any operations are to occur within 100 feet of site boundaries, then the project implementation shall be monitored by a

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]	professional archaeologist or tribal representative. As designed, the project is outside the 100 feet buffer and heightened inadvertent discovery protocol is recommended, including a tailgate meeting before project implementation discussing the heightened sensitivity of the area for historic resources. These recommendations are included in the conditions of approval. The project is therefore consistent with the Cultural Resource policies of the General Plan.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.6	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) Related policies: SR-S4. Light and Glare	The project involves the cultivation of approximately 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There is 11,475 square feet of propagation area that will utilize artificial lighting. The nearest mapped Marbled murrelet habitat is located 2.05 miles west of the subject parcel and the nearest Northern Spotted Owl (NSO) Activity Center is located 1.53 miles to the southeast. Because potential habitat exists on the subject parcel, the project has been conditioned to fully shield existing all proposed lighting so that it does not direct light within the property boundaries. The project site is not visible from Highway 101, a candidate for a scenic highway. 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.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Water Resources Chapter 11 Stormwater Drainage	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.	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 Jacobzoon and Associates dated February 6, 2017, that describes and addresses compliance with the 12 Standard Conditions established by the Order (see Attachment 4). The WRPP identifies six improvements that are needed on-site, including replacement of two culverts, improving storage of soils and implementation of Best Management Practices (BMPs) for erosion. The project has been conditioned to implement all recommendations listed in the WRPP. Replacement or maintenance of the two culverts require notification to the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB). With implementation of the proposed recommendations this project will conform to the requirements of the Plan. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to the *Notice of Availability* and *Site Management Plan* that confirms enrollment into the program. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Conditions of approval also require the applicant to notify the California Department of Fish and Wildlife (CDFW) to determine if the one culvert described by the *Site Management Plan* is appropriately sized to handle a 100-year flood. The project is consistent with the Water Resource policies of the General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Water Resources Chapter 11 Onsite Wastewater Systems	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) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.	According to the site plan, there are two Onsite Wastewater Treatment Systems (OWTS) on the subject parcel, one for the existing single-family residence and one for the processing structures and office. The applicant submitted a *Septic Suitability Analysis* prepared by DTN Engineering received September 30, 2019, that found that a 87-foot leechfield trench and a 1,000-gallon tank will be required to construction the OWTS for the processing and office structures (see Attachment 4). Department of Environmental Health recommended conditional approval for the project. Per DEH request, no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. Portable toilet and handwashing facilities will be allowed to be utilized during the construction of these permanent improvements. 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. As a part of this condition the applicant is required to provide receipts or other documentation to the DEH for the continual use of portable toilets for employee use either through 2020 or until the permanent septic system is installed to their satisfaction.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	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) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The project involves the cultivation of approximately 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There is 11,475 square feet of propagation area that will utilize artificial lighting. The nearest mapped Marbled murrelet habitat is located 2.05 miles west of the subject parcel and the nearest Northern Spotted Owl (NSO) Activity Center is located 1.53 miles to the southeast. Greenhouses contain fans; power is provided by generators and solar. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable 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 generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Geologic & Seismic	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) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	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 moderate Instability (2) in the County's GIS mapping. All existing features of the cultivation are located on graded pads or in grassland openings that were developed in prior to January 1, 2016. According to the *Water Resources Protection Plan* (WRPP) prepared by Jacobzoon and Associates dated February 6, 2017, the cultivation areas did not show any visible signs of sediment transport to nearby watercourses and recommended that most roads be outsloped to decrease sediment transport (see Attachment 4). The WRPP also recommends erosion control measures be implemented near the eastern cultivation areas to stabilize soil although it does not appear any sediment transport has occurred. The applicant submitted a *Engineering-Geologic Soils Report for the Proposed Expanded Lined Water Storage Pond* prepared by Lindberg Geologic Consultants dated February 23, 2016, which determined the pond appears to be stable and recommended maintaining current setbacks. Conditions of approval require the applicant to adhere to the recommendations contained within the *Engineering-Geologic Soils Report for the Proposed Expanded Lined Water Storage Pond* prepared by Lindberg Geologic Consultants dated February 23, 2016, and obtain grading permits from the Building Inspection Division for all grading conducted without the benefit of County review for development of the cannabis cultivation site. The project is consistent with the geologic resource policies of the Safety Element.
Safety Element Chapter 14 Flooding	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) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	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 1,700 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.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Fire Hazards	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. Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject property is located within an area with a high hazard severity. The parcel is located outside of the Garberville Fire Protection District Response Area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq*.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. According to the operations plan, a maximum of five employees will be on-site during peak operations. There is 65,000 gallons of water storage in hard-sided tanks. There are three ponds on the subject parcel previously used for cultivation that will remain for aesthetics, fire protection and livestock uses. The project is consistent with the fire protection policies of the Safety Element.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation. For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.	The subject parcel is located outside the response area for the Garberville Protection District and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Garberville Fire Protection District.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)	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.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	

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 223-101-004 is one legal parcel as described as Patent 71252. 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 Agricultural Exclusive §314-7.4 Timberland Production	**Agricultural Exclusive (AE):** Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which protection from encroachment from incompatible uses is essential to the general welfare. Existing outdoor cannabis cultivation is allowed on parcels zoned AE. **Timberland Production (TPZ):** Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking a Conditional Use Permit for an existing 36,640-square-foot outdoor cannabis cultivation operation on a property split-zoned AE;TPZ. The proposed use is specifically allowed with Conditional Use Permit in this zoning districts and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	AE: 20 acres TPZ: 160 acres or 40 acres if the provisions of Government Code Section 51119.5 are met.	166.55 acres
Maximum Ground Coverage:	AE: 35% TPZ: None specified	<5%
Minimum Lot Width:	AE: 100 feet TPZ: None specified	2,596 feet
Maximum Lot Depth:	None specified	2,652 feet

Minimal Parcel Setbacks: (Through the SRA requirements)	AE: Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required. TPZ: Front: 30 feet Rear: 20 feet Side: 20 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are no mapped Streamside Management Area on the subject parcel according to the Humboldt WebGIS, however, the site plan shows an unnamed Class II watercourse in the western portion of the subject parcel and a Class III unnamed watercourse in the southern portion of the subject parcel. According to the Water Resource Protection Plan (WRPP) prepared by Jacobzoon and Associates dated February 5, 2017, there are five stream crossings on the subject parcel, two of which require replacement to accommodate 100-year stream flows. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) for replacement of two culverts, development of the point of diversion historically used for cultivation and an on-stream pond. Conditions of approval require the applicant to submit a copy of the Final Streambed Alteration Agreement (SAA) issued for the subject parcel by CDFW. The applicant is required to adhere to and implement the project and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects includes in the Final SAA are completed to the satisfaction of CDFW.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	5 spaces

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	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.	The subject parcel is split-zoned AE;TPZ. A review of Humboldt County WebGIS shows that the historic cultivation area on the subject parcel were developed in naturally occurring grassland areas. Timber removal occurred between 2014 – 2016 for development of two ponds used for irrigation. Conditions of approval require the applicant to submit a Less Than Three Acre Mitigation Plan prepared by a Registered Professional Forester (RPF) that describes the history of timber removal and makes recommendations for improvements that may be required to ensure the timber removal was conducted in accordance with the Forest Practices Act. The plan shall also include a plan for restocking any timber removal that occurred after January 1, 2016, at a rate of 3:1. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. A project referral was sent to CAL FIRE who provided comments regarding artificial lighting (see Attachment 5). The applicant is not proposing to remove any additional trees for the proposed project. As conditioned, the project complies with this section.
§ 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 36,640 square feet of existing outdoor cultivation on APN 223-101-004, which is a 166.55-acre parcel split-zoned AE;TPZ. A review of Digital Globe imagery in 2015 found the 36,640 square feet of 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 obtained for one other cannabis activity permits and is entitled to four. This application is for a single permit for outdoor cultivation. If approved, the applicant will hold two cannabis activity permits.

§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All cannabis cultivated on-site will be processed (dried, cured and trimmed) in a proposed 3,600-square-foot structure shown on the site plan. There is also an existing cabin that the applicant is proposing a change of use to an office. A maximum of five employees will be on-site during peak operations. 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.
§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.	Estimated annual water usage is 417,550 gallons (5.7 gallons/sf/cycle). According to the operations plan, water for cultivation was historically provided by a spring diversion developed in 2012. Between 2014 – 2016, the applicant development two ponds and a well for irrigation. The applicant will continue to use the well and the ponds will remain for aesthetic and fire protection purposes. The applicant provided well completion report that shows the well is 160 feet deep and there is no screening. The nearest watercourse is approximately 680 feet southwest from the well and more than 300 feet lower in elevation. Staff determine the well is most likely hydrologically disconnected and does not require water rights from the State Water Resources Control Board or notification to the California Department of Fish and Wildlife. There is 65,000 gallons of water storage in hard-sided tanks that is filled by the well. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand. As conditioned, the project complies with this section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	Based on a review of aerial imagery and referral agency comments, 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.	The project involves the cultivation of approximately 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There is 11,475 square feet of propagation area that will utilize artificial lighting. The nearest mapped Marbled murrelet habitat is located 2.05 miles west of the subject parcel and the nearest Northern Spotted Owl (NSO) Activity Center is located 1.53 miles to the southeast. Greenhouses contain fans; power is provided by generators and solar. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable 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 generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the performance standards for noise.
§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 13, 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. It is developed with a single-family residence which will remain. 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, relocation and remediation of historic cultivation areas and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

CEQA Addendum

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

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

***APN*s 223-032-001, -002 and -004, 4961 Ranch Road, Benbow, Humboldt Base & Meridian, County of Humboldt**

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

September 2020

Background

Modified Project Description and Project History- The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND 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. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Conditional Use Permit for 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There will be a maximum of two harvests annually. There are four greenhouses in two cultivation areas totaling 11,475 square feet that will be used for propagation. All product grown on-site is processed in a proposed 3,600-square-foot processing facility as shown on the site plan. The applicant is also proposing to change the use of an existing cabin to an office. The applicant is proposing to install an Onsite Wastewater Treatment System (OWTS) to accommodate a bathroom and handwashing facilities in the processing structure. There will be a maximum of five employees during peak operations. Electricity is sourced from generators and solar.

The proposed project includes relocation of the southern cultivation area consisting of 5,200 square feet due to steep slopes and will be relocated to the western cultivation area. The applicant submitted *Biological Resource Assessment for Commercial Cannabis Cultivation* prepared by O'Brien Biological Consultants received January 23, 2020, that found that is unlikely relocation will disturb plants and wildlife, however, preconstruction surveys were recommended to ensure the lack of sensitive species prior to development. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use and change the irrigation source to a groundwater well as opposed to a diversionary source.

Estimated annual water usage is 417,550 gallons (5.7 gallons/sf/cycle). According to the operations plan, water for cultivation was historically provided by a spring diversion developed in 2012. Between 2014 – 2016, the applicant development two ponds and a well for irrigation. The applicant will continue to use the well and the ponds will remain for aesthetic and fire protection purposes. There is 65,000 gallons of water storage in hard-sided tanks that is filled by the well. Cannabis is irrigated by drip irrigation to eliminate potential water runoff and to minimize irrigation needs. According to the *Water Resource Protection Plan* (WRPP) prepared by Jacobzoon and Associates dated February 5, 2017, there are five stream crossings on the subject parcel, two of which require replacement to accommodate 100-year stream flows.

There are no mapped species of special concern on the California Natural Diversity Database. There is a Class II watercourse in the western area of the subject parcel and a Class III watercourse in the southwestern portion of the subject parcel. The nearest mapped Marbled murrelet habitat is located 2.05 miles west of the subject parcel and the nearest Northern Spotted Owl (NSO) Activity Center is located 1.53 miles to the southeast. Northern Spotted Owl surveys occurred on the subject parcel in 2011 and 2012 with no positive responses. The subject parcel is located in an area that requires special noise attenuation measures due

to proximity to known sensitive receptors. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the propagation greenhouses until the applicant can demonstrate compliance with these noise standards.

A review of Humboldt County WebGIS shows that the historic cultivation area on the subject parcel were developed in naturally occurring grassland areas. Timber removal occurred between 2014 – 2016 for development of two ponds used for irrigation. Conditions of approval require the applicant to submit a *Less Than Three Acre Mitigation Plan* prepared by a Registered Professional Forester (RPF) that describes the history of timber removal and makes recommendations for improvements that may be required to ensure the timber removal was conducted in accordance with the Forest Practices Act. The plan shall also include a plan for restocking any timber removal that occurred after January 1, 2016, at a rate of 3:1. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. A project referral was sent to CAL FIRE who provided comments regarding artificial lighting (see Attachment 5). The applicant is not proposing to remove any additional trees for the proposed project.

Access to the site is off Ranch Road. According to the *Road Evaluation Report* prepared by Whitchurch Engineering dated March 25, 2019, the southern portion of the access road (Reed Mountain Road) provides access for 7 parcels and is considered a low volume road. Although the majority of the road meets the functional capacity for a Category 4 road, there are several areas that are recommended for monitoring to ensure stability and one portion that requires re-grading to ensure the slope is less than 18% (see Attachment 4). A second *Road Evaluation Report* prepared by David Nicoletti, P.E., dated May 23, 2019, evaluated the entire length of the access road from Benbow Valley Drive. This report recommends construction of Best Management Practices (BMPs) for erosion control, such as installation of rolling dips and waterbars in locations described by the report. The report also recommends that roadside ditches be maintained (see Attachment 4). The project was referred to the Department of Public Works that recommended conditional approval.

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 relocation of historic cultivation areas away from Streamside Management Area buffers.

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 36,640 square feet of existing outdoor cannabis cultivation in two distinct cultivation areas. There are four greenhouses in two cultivation areas totaling 11,475 square feet that will be used for propagation.

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):

- Cultivation and Operations Plan for Benbow Valley Farms prepared by Cannafarms Consulting dated January 2020;
- Site plan received January 20, 2020;
- *Road Evaluation Report* prepared by Whitchurch Engineering dated March 25, 2019.
- *Road Evaluation Report Part 2* prepared by David Nicoletti, P.E., dated May 23, 2019.
- *A Cultural Resources Investigation for the Mussey Property* prepared by Archeological Research and Design Company, dated January 2019.
- *Biological Assessment for Commercial Cannabis Cultivation* prepared by O'Brien Wildlife Consultants dated received January 23, 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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, contact address and phone number(s) of the applicant. (Application form on file)

2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)

3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached separate as Attachment 4.A)

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 Resources Protection Plan* prepared by Jacobzoon and Associates dated February 6, 2017; On file – enrollment documents. Attached separate as Attachment 4.B)

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. (Condition of approval)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached – Well Completion Report dated June 9, 2016)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Attached - Less Than Three Acre

Conversion dated December 31, 2015 and CAL FIRE Notice of Inspections dated January 30, 2017, and March 30, 2017).

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)

13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)

14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)

15. DEH Worksheet. (On file)

16. *Road Evaluation Report* prepared by Whitchurch Engineering dated March 25, 2019. (Attached separately as Attachment 4.C)

17. *Road Evaluation Report Part 2* prepared by David Nicoletti, P.E., dated May 23, 2019. (Attached separately as Attachment 4.C)

18. *A Cultural Resources Investigation for the Mussey Property* prepared by Archeological Research and Design Company, dated January 2019. (On file and confidential)

19. *Biological Assessment for Commercial Cannabis Cultivation* prepared by O'Brien Wildlife Consultants dated received January 23, 2020. (Attached separately as Attachment 4.D)

20. *Pest Management Plan* prepared by Cannafarms Consulting dated November 28, 2018. (Attached)

21. *Septic Suitability Analysis* prepared by DTN Engineering received September 30, 2019. (Attached)

22. *Engineering-Geologic Soils Report* prepared by Lindbergh Geologic Consulting dated February 23, 2016. (Attached)

23. *Wastewater Management Plan* prepared by Cannafarms Consulting received December 22, 2018. (Attached)

State of California

Well Completion Report

WCR Form Submitted 06/13/2016

WCR2016-003934

Keep This Copy For Your Records

Owner's Well Number: 1

Date Work Began: 06/06/2016

Date Work Ended: 06/09/2016

Local Permit Agency: Humboldt County Department of Health & Human Services - Land Use Program

Secondary Permit Agency:

Permit Number: 15/16-0655

Permit Date: 04/25/2016

Well Owner (must remain confidential pursuant to Water Code 13752)

Name: Chad Mussey

Mailing Address: PO Box 1932

City: Redway State: CA Zip: 95560

Planned Use and Activity

Activity: New Well

Planned Use: Water Supply Domestic

Well Location

Address: 0 Reed Mountain RD

City: Garberville Zip: 95542 County: Humboldt

APN: 223-032-01

Latitude: 40 Deg. 0.545 Min. Sec. N

Longitude: -123 Deg. 44.093 Min. Sec. W

Township: 05 S

Range: 03 E

Section: 01

Dec. Lat.: 40.0554274

Dec. Long.: -123.7908819

Baseline Meridian: Humboldt

Vertical Datum:

Horizontal Datum: WGS84

Ground Surface Elevation:

Location Accuracy:

Location Determination Method:

Elevation Accuracy:

Elevation Determination Method:

Borehole Information

Orientation: Vertical Specify:

Drilling Method: Other - Under-Ream Down-Hole Hammer

Drilling Fluid: Air

Total Depth of Boring: 160 Feet

Total Depth of Completed Well: 160 Feet

Water Level and Yield of Completed Wall

Depth to first water: 73 (Feet below surface)

Depth to Static Water Level: 61 (Feet)

Date Measured: 06/08/2016

Estimated Yield*: 20

Test Type: Air Lift

Test Length: 4.0

Total Drawdown: 97 (Feet)

*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet	to Feet	Description
0	2	Top Soil
2	13	Brown Sandstone
13	73	Brown Clay
73	113	Brown Sandstone
113	160	Blue Sandstone

Casings

Casing #	Depth from Surface Feet	to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	160	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			

Annular Material

Depth from Surface Feet	to Feet	Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	160	Filter Pack	Other Gravel Pack	3/8 in	Pea Gravel

Other Observations:

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Page 1 of 2

Borehole Specifications

Depth from Surface Feet	to Feet	Borehole Diameter (inches)
0	160	10

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name: FISCH DRILLING
Person, Firm or Corporation

3150 JOHNSON ROAD | HYDESVILLE | CA | 95547
Address | City | State | Zip

Signed: DR
C-57 Licensed Water Well Contractor

06/13/2016
Date Signed

683865
C-57 License Number

Attachments

MusseySiteMapReedMtn.pdf - Location Map

DWR Use Only

Site Number / State Well Number

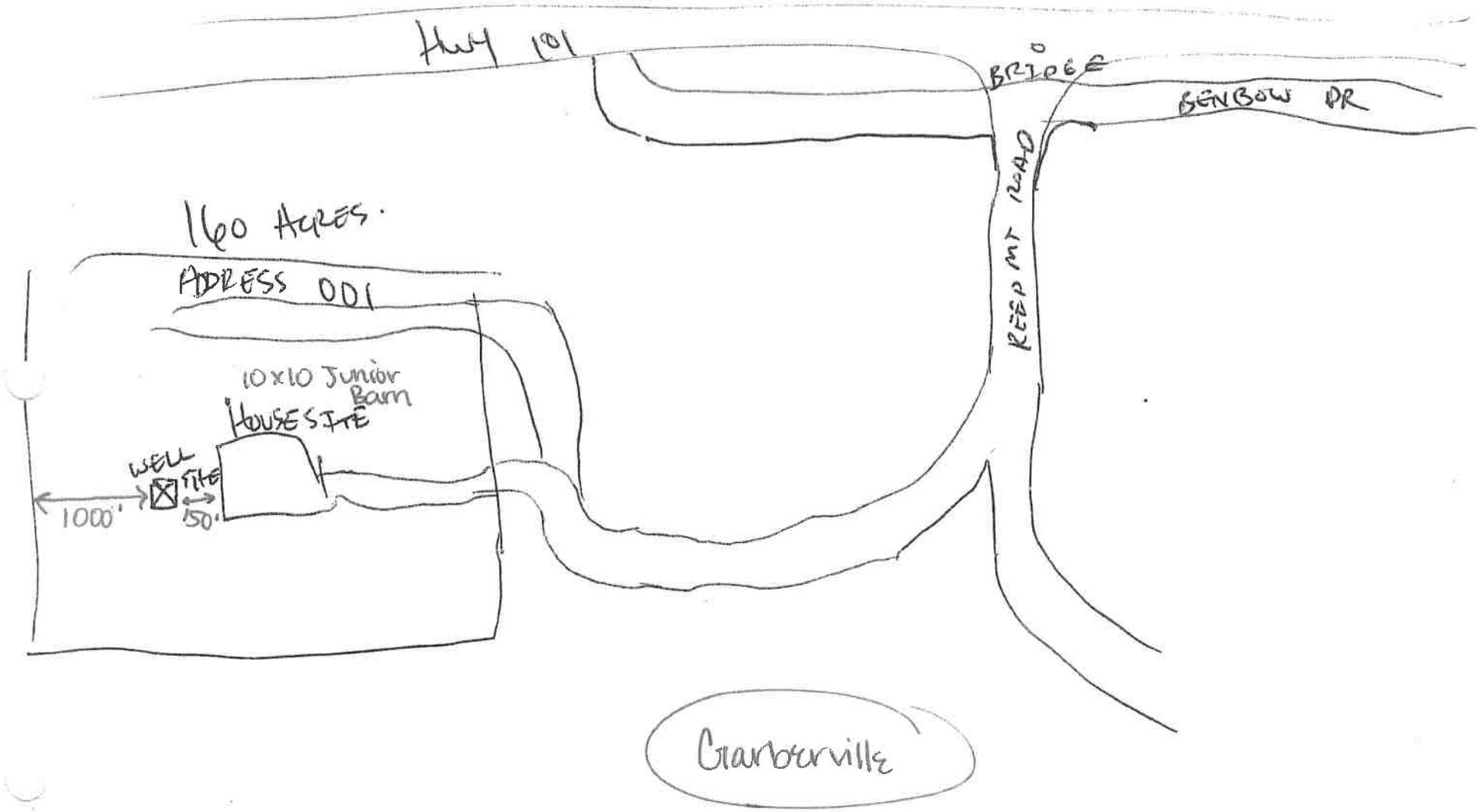
Latitude Deg/Min/Sec: N

Longitude Deg/Min/Sec: W

TRS:

APN:

Page 2 of 2



Chad Mussey
223-032-001

Pest Management Plan

Licensee: Chad Mussey **APN:** 223-032-004

Address: Reed Mountain Road, Garberville, CA 95542

County: Humboldt **Permit #:** 11325 & 11327

Cultivation: Multiple License Types

Telephone: (707)223-3377 **Email:** mld.inc777@gmail.com

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DEC 22 2018
Humboldt County
Cannabis Svcs.

1.0 Introduction

This Pest Management Plan (PMP) was prepared to be in compliance with California Department of Food and Agriculture (CDFA) requirements for CalCannabis cultivation licensing. This plan describes various pest management options that The Humboldt Cure will employ depending on conditions and circumstances. All pesticides and practices used will comply with California Department of Pesticide Regulation (DPR) and the Humboldt County Agricultural Commissioners (CAC) enforcement the use and sale of pesticides under Divisions 6 and 7 of the California Food and Agricultural Code (FAC), and Title 3 of the California Code of Regulations (CCR).

Pest management activities will be consistent with DPR recommendations provided in the October 9, 2017 version of "Legal Pest Management Practices For Cannabis Growers In California".

2.0 Cultural Pest Management Control Methods

The Humboldt Cure cultivation site was selected because it is ideal for cannabis cultivation. The Humboldt Cure utilizes crop isolation, cultivations beds with optimum plant density, vegetative stripping, and spacing as a means to manage pests. A buffer around the cultivation beds is used as further means of isolation from the surrounding environment. Pest repellent companion plant species are also used in the vicinity such as marigolds, red amaranthus, dill, cilantro, basil, chrysanthemum, and rosemary.

The Humboldt Cure staff performs routine ongoing maintenance activities for management of pests including, pruning, defoliation, thinning and topping. Irrigation and drainage is designed to eliminate standing water and runoff/pooling. Sanitation facilities are designed and located to reduce pest attraction. Additional maintenance activities include crop residue destruction, maintenance of clean cultivation bed borders, and weed control. The timing of harvesting is also used to reduce exposure to powdery mildew infestations.

3.0 Physical/Mechanical and Biological Pest Management Control Methods

The Humboldt Cure cultivation staff utilize physical/mechanical and biological pest management control methods. The table below contains potential pests and optional physical/mechanical and biological pest management control methods. Please note pest management options will employed depending on conditions and circumstances.

Table 1: Physical/Mechanical and Biological Pest Management Control Methods		
Pest or Disease	**Physical/Mechanical Practices**	**Biological Practices**
Spider Mites	Keep dust down by hosing off plants (if dust is a problem)	Release predatory mites
Broad Mites	Inspect plants; disinfest or dispose of infested plants	Release predatory mites and six-spotted thrips
Russet Mites		Release predatory mites
Whiteflies	Hang up yellow sticky cards, Use reflective plastic mulch	
Thrips	Hang up yellow or blue sticky cards	
Aphids	Hang up yellow sticky cards (alates), Hose off plants	
Leafminers	Remove older infested leaves	Release Diglyphus parasitoids
Cutworms	Use pheromone traps to detect adults. Remove weeds, which serve as a reservoir for cutworms and other noctuids	
Flea Beatles	Use reflective mulches Plant trap crops (e.g., radish or Chinese mustard)	

3.0 Chemical Pest-Management Control Methods

The following table contains a list of all of the chemicals will be used for pest management. The active ingredients are exempt from residue tolerance requirements and either exempt from registration requirements or registered for a use broad enough to include use on cannabis.

Table 2: Chemical Pest-Management Control Methods		
Pest or Disease	**Pesticide Active Ingredient**	**Pesticide**
Mites, powdery mildew, leafhoppers, aphids, whiteflies, moth larvae	Soy Oil,, Peppermint Essential Oil, Citric Acid, Plant Based Surfactant (Soap), Alcohol, Sodium Citrate, and Water	Lost Coast Plant Therapy

4.0 Pesticide and Agricultural Chemical Storage Area

Pesticides and agricultural chemicals (nutrients) are stored in a central location under a roofed structure. Pesticides and agricultural chemicals are stored in an orderly fashion on shelves and on the floor with original labels per manufacturers recommendations. The area is neat, orderly, and includes a table with measuring devices for calculating and mixing chemicals.

5.0 Pesticide Training and Compliance Activities

The Humboldt Cure shall undertake the following:

A. Apply for an Operator Identification Number from the Department of Pesticide Regulations.
B. Staff responsible for mixing and application of pesticides will be trained and certified as a Private Applicator.
C. Written Pesticide Training Program will be prepared and utilized at the site.
D. Hazardous Communications Program for Pesticides will be developed and available for all cultivation staff to review.
E. If pesticides used have requirements for respiratory protection Respirator Protection Plan will be developed and implemented at the cultivation site.
F. The Cannabis Waste Management Plan lists the location of hazardous waste disposal and shall hold all records of discarding at a licensed facility.

Produced
November 28, 2018 by:

CannaFarms Consulting

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SEP 30 2019
Humboldt County
Cannabis Svcs.

Septic Site Suitability Analysis

For

Benbow Valley Farms

APN # 223-032-004

By:

DTN Engineering

2731 K Street Unit A

Eureka, CA 95501

dnicoletti@dtnengineering.com

ENGINEERING, CONSULTING, & PERMITTING

REGISTERED PROFESSIONAL ENGINEER
DAVID T. NICOLETTI
No. 76814
12/31/20
CIVIL
STATE OF CALIFORNIA

Introduction:

DTN Engineering (Engineer) has contracted with Chad Mussey (Client) to perform a Site Septic Suitability Analysis as part of the Humboldt County Commercial Medical Marijuana Land Use Ordinance. A Referral from Health and Human Services, Environmental Health Division has been issued to complete a site suitability report to establish the potential for an onsite waste treatment system.

The project location (Appendix A) is approximately 6 miles SE of the town of Garberville. The legal description for APN 223-032-004 is the SW ¼ and the S ½ of the SE ¼ and the SW ¼ of the NW ¼ of Section 16, T. 5 S., R. 4 E (Appendix B). The Latitude and the Longitude for Test Pit 1 (TP1) is Lat: 40° 0'32.86"N; Long: 123°44'3.19"W. The Latitude and Longitude for Test Pit 2 (TP2) is Lat: 40° 0'32.76"N; Long: 123°44'2.34"W (Appendix C). The Client is proposing to support up to five agriculture employees with this septic system.

Evaluation:

This Septic Site Suitability Analysis is being conducted in accordance with the Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual. The locations of the test pits are shown in Appendix C. Laboratory results show that the site soils are of Zone 1 for TP-1 and Zone 2 for TP-2 (Appendix D), which are Loamy Sand and Sandy Loam, respectively (Appendix E).

This evaluation will size the proposed Cannabis processing facility as a Construction Campsite (semi-permanent) to accommodate 2 additional employees utilizing an outside lavatory. The Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual Table 1 – Septic Tank Sizing Requirements of the Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual recommend 50 gallons per day per person for the Construction Campsite (semi-permanent). An effluent demand of 250 gallons per day (50 gallons per day multiplied by 5 employees) will be assigned for leachfield sizing and a 1000 gallon septic tank will be used. The onsite wastewater treatment system will have one proposed leachfield and one proposed reserve leachfield.
The leachfield locations and septic tank location will not be within a 100 year flood plain, not be within 100 feet of a private water well, not be within 50 feet of a perennial stream, not be within 25 feet of an ephermal stream.

The loading rate for Loamy Sand (TP1) is .481 gallons per day (GPD) per square feet (Ft^2) for Zone 1 soils. Dividing the effluent demand of 250 GPD by .481 GPD/Ft^2 equals 520 Ft^2 of absorption area. Assuming 3 feet of sidewall on each side of the leachfield trench would create 6 Ft^2 per linear foot of absorption area. Dividing 520 Ft^2 of required absorption area by 6 Ft^2 of absorption area per foot equals a total of 87 feet of leachfield.

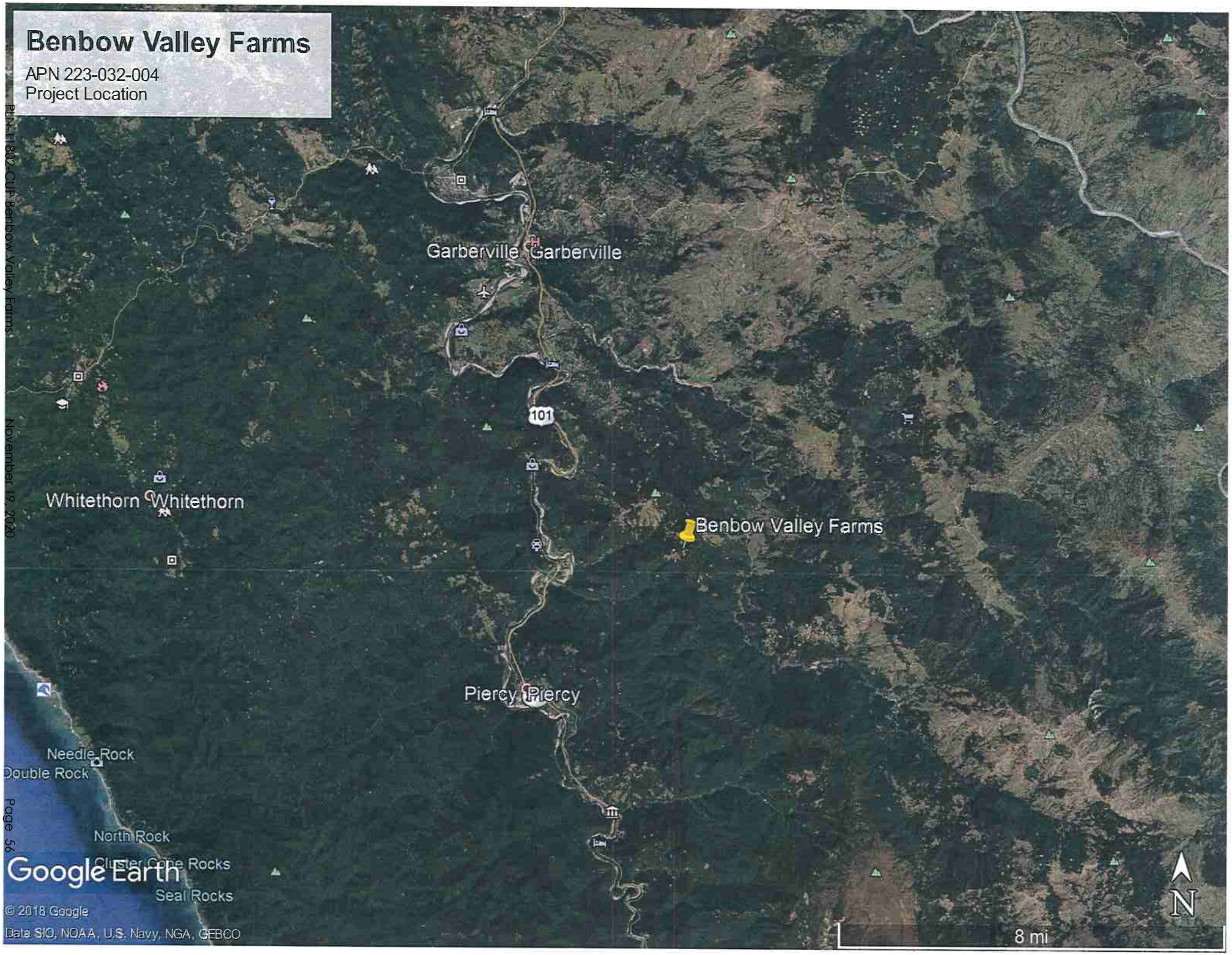
The loading rate for Sandy Loam (TP2) is .389 GPD/Ft^2 for Zone 2 soils. Dividing the effluent demand of 250 GPD by .389 equals 643 Ft^2 of absorption area. Assuming 3 feet of sidewall on each side of the leachfield trench would create 6 Ft^2 per linear foot of absorption area. Dividing 643 Ft^2 of required absorption area by 6 Ft^2 of absorption area per foot equals a total of 107 feet of leachfield.

Conclusion:

Based on the calculations from soil type, percolation testing and the proposed project, approximately 87 feet of leachfield trench would be required for the project and a 1000 gallon septic tank in the primary septic location.

Appendix A

Location Map


Benbow Valley Farms
APN 223-032-004
Project Location
Garberville
Garberville
101
Whitethorn
Whitethorn
Benbow Valley Farms
Piercy
Piercy
Needle Rock
Double Rock
North Rock
Cluster Cone Rocks
Seal Rocks
Google Earth
© 2018 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
8 mi
N

Appendix B

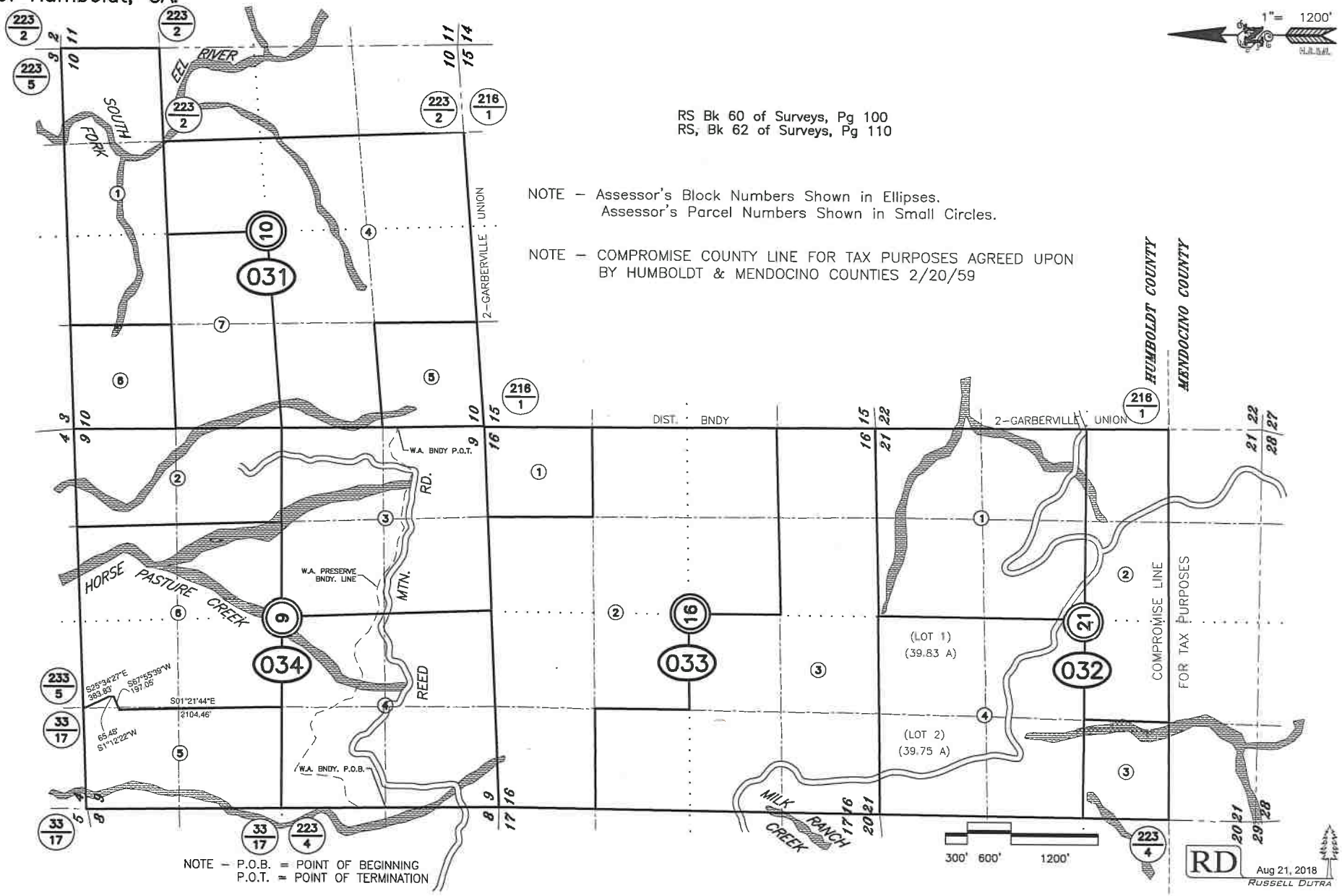
Parcel Map

Assessor's Map Bk. 223, Pg. 3
County of Humboldt, CA.

SEC 9,10,16 & 21, T5S R4E, HB&M

223-03

1" = 1200'



RS Bk 60 of Surveys, Pg 100
RS, Bk 62 of Surveys, Pg 110

NOTE – Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Small Circles.

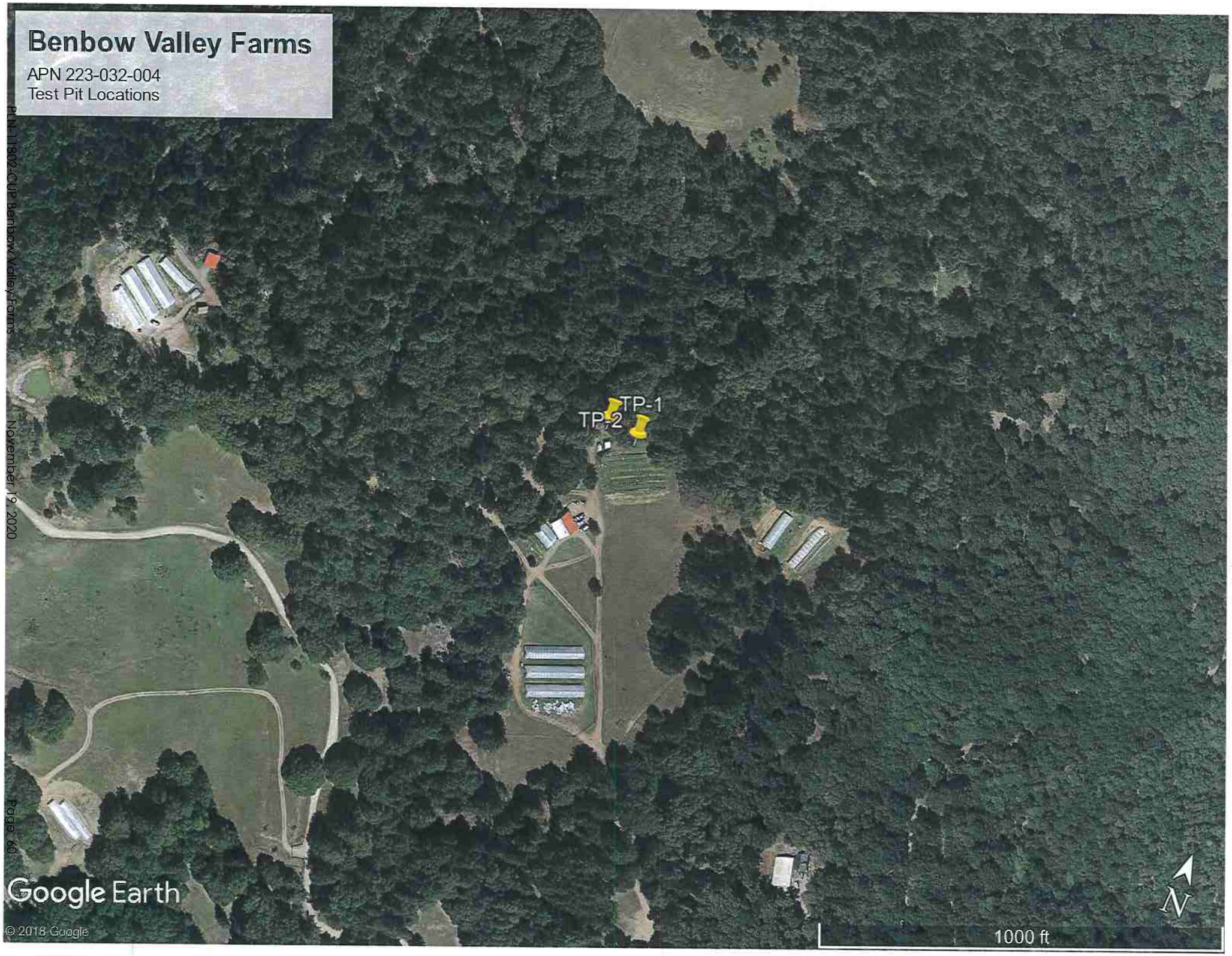
NOTE – COMPROMISE COUNTY LINE FOR TAX PURPOSES AGREED UPON BY HUMBOLDT & MENDOCINO COUNTIES 2/20/59

NOTE – P.O.B. = POINT OF BEGINNING
P.O.T. = POINT OF TERMINATION

ASSESSOR'S PARCEL MAP
1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.
COUNTY OF HUMBOLDT

Appendix C

Test Pit Location Map


Benbow Valley Farms
APN 223-032-004
Test Pit Locations
TP-1
TP-2
Google Earth
© 2018 Google
1000 ft
N

Appendix D

Laboratory Soil Test Results

Phone: (707) 441-8855 Email: info@shn-engr.com Web: shn-engr.com
812 W. Wabash Avenue, Eureka, CA 95501-2138

Reference: 019097

August 19, 2019

DTN Engineering & Consulting
2731 K Street, Unit A
Eureka, CA 95501

SOIL PERCOLATION SUITABILITY / TEXTURAL ANALYSIS RESULTS

Job Name: Benbow Valley Farms **Sampled By:** DN
Date Sampled: -- **Date Tested:** 08/19/19
Date Received: -- **AP Number:** Not Provided

Sample ID	Depth	% Sand	% Clay	% Silt	% Coarse Fragments by Volume	Zone	Bulk Density
TP-1		76.5	9.8	13.7	44.4	1	*
	Material: **Loamy Sand**						
TP-2		61.4	12.4	26.2	35.4	2	*
	Material: **Sandy Loam**						

* = no peds provided

Regional Water Quality Control Board Zone Descriptions:

Zone 1 - Soils in this zone are very high in sand content. They readily accept effluent, but because of their low silt and clay content they provide minimal filtration. These soils demand greater separation distances from groundwater.

Zone 2 - Soils in this zone provide adequate percolation rates and filtration of effluent. They are suitable for use of a conventional system without further testing.

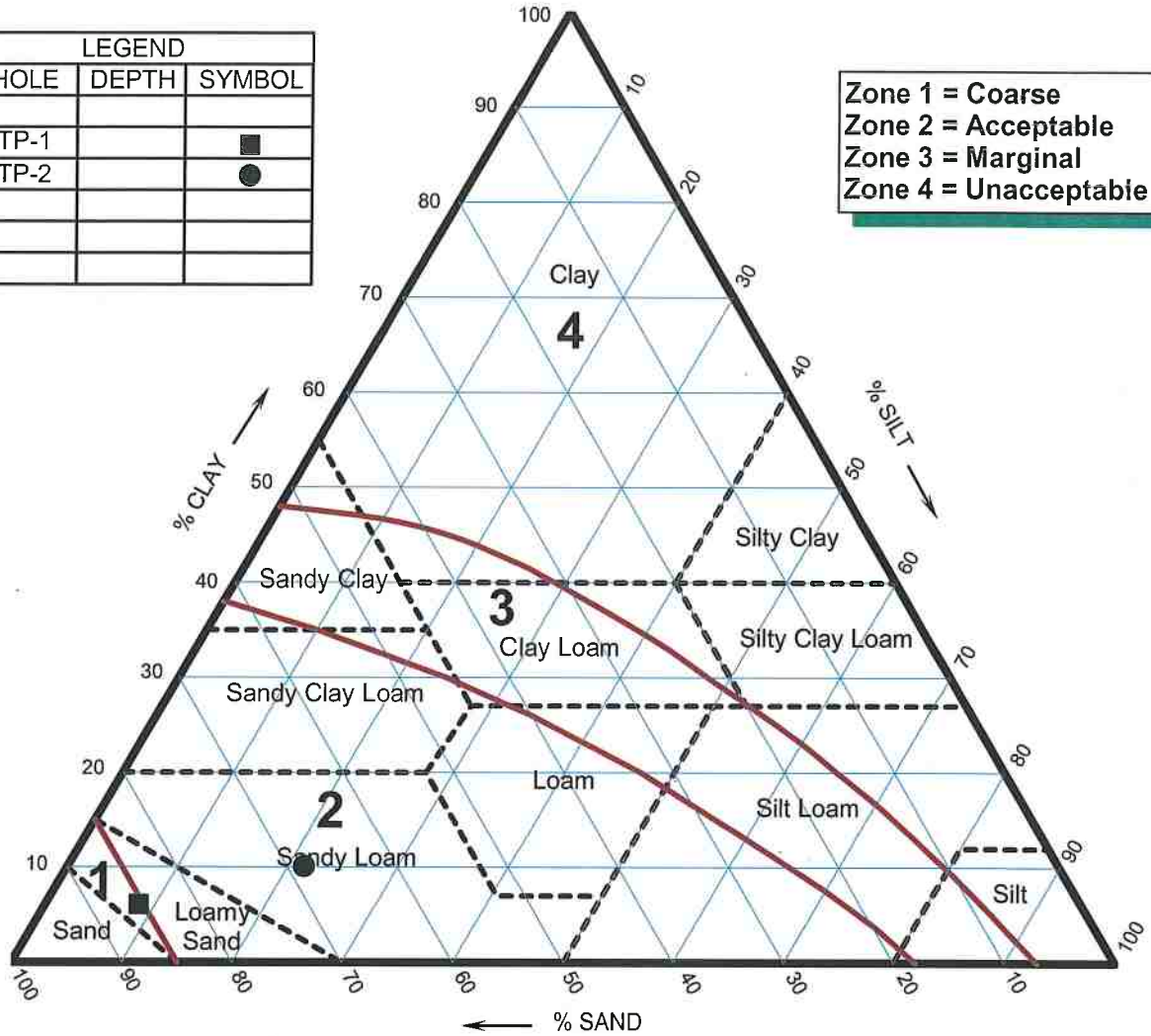
Zone 3 - Soils in this zone are expected to provide good filtration of effluent, but their ability to accept effluent at a suitable rate is questionable. These soils require wet-weather percolation tests to verify their suitability for effluent disposal by conventional leachfield methods.

Zone 4 - Soils in this zone are unsuitable for a conventional leachfield because of their severe limitations for accepting effluent.

SOIL PERCOLATION SUITABILITY CHART

LEGEND		
HOLE	DEPTH	SYMBOL
TP-1		■
TP-2		●

Zone 1 = Coarse
Zone 2 = Acceptable
Zone 3 = Marginal
Zone 4 = Unacceptable



NOTES

1. Soil texture is plotted on triangle based on percent sand, silt, and clay as determined by hydrometer analysis.
2. Adjustment for coarse fragments has been made by moving the plotted point in the sand direction an additional 2% for each 10% (by volume) of fragments greater than 2mm in diameter.
3. Adjustment for compactness of soil has been made by moving the plotted point in the clay direction an additional 15% for soils having a bulk-density greater than 1.7 gm/cc, when analyzed.
4. For soils falling in sand, loamy sand, or sandy loam, classification adjustment for bulk density will generally not affect suitability and a bulk-density analysis was not necessary.

JOB NUMBER:	**019097**	**DATE:**	**08/19/19**
JOB NAME:	**Benbow Valley Farms**	**APN:**	**Not Provided**

Phone: (707) 441-8855 Email: info@shn-engr.com Web: shn-engr.com
812 W. Wabash Avenue, Eureka, CA 95501-2138

Appendix E

Soil Profile

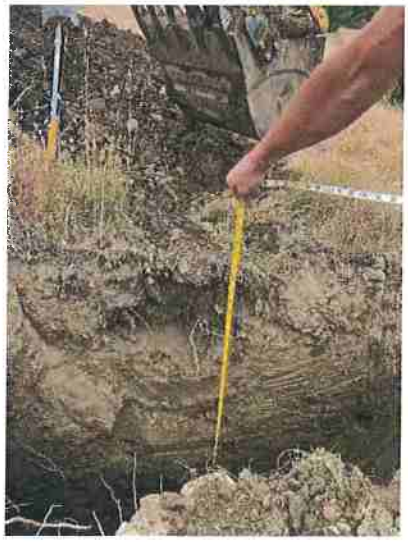
Soil Exploration Log

APN #223-032-004 Logged By: David Nicoletti PE

Date 7/25/2019

Test Pit #	Description	Color	Moisture	Consist	Depth	Soil Type	Percolation Rate
	0-1.5 feet Roots	Brn	Dry	Firm		TS	
TP-1		Brn	Dry	Firm	1.5 - 5 Feet	GM	
		Brn	Dry	Firm	5 -8 Feet	SCL	
TP-2		Brn	Dry	Firm	1.5 – 5 Feet	GC	
		Brn	Dry	Firm	5 - 8 Feet	SCL	

TP - 1



TP - 2

LINDBERG GEOLOGIC CONSULTING
David N. Lindberg, Certified Engineering Geologist

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Humboldt County
Planning Division

ENGINEERING-GEOLOGIC SOILS REPORT

REPORT OF FINDINGS

Proposed Expanded Lined Water Storage Pond
Mussey Property, Reed Mountain
Humboldt County, California

Assessor's Parcel Number 223-032-004

Prepared for:
Trinity Valley Consulting Engineers

ENGINEERING GEOLOGIST
DAVID N. LINDBERG
NO. 1895
EXP. 02/28/18
STATE OF CALIFORNIA

David N. Lindberg

David N. Lindberg, CEG 1895, Exp. 02/28/18

February 23, 2016

LGC Project No. 0041.17

Post Office Box 306 Cutten, California 95534 (707) 442-6900

TABLE OF CONTENTS

Page

1.0 INTRODUCTION 2
1.1 Site and Project Description 2
1.2 Scope of Work 3
1.3 Limitations 3
2.0 FIELD EXPLORATION AND LABORATORY TESTING 4
2.1 Field Exploration Program 4
3.0 SITE AND SUBSURFACE CONDITIONS 4
3.1 Topography and Site Conditions 4
3.2 Geologic Setting 4
3.3 Seismicity 5
3.4 Subsurface Conditions and Description of the Site Soils 6
3.5 Groundwater Conditions 6
4.0 GEOLOGIC AND SOIL HAZARDS 6
4.1 Seismic Ground Shaking 7
4.2 Surface Fault Rupture 7
4.3 Liquefaction 8
4.4 Settlement 8
4.5 Landsliding 8
4.6 Flooding and Groundwater 9
4.6.1 Flooding 9
4.6.2 High Groundwater 9
4.7 Soil Swelling or Shrinkage Potential 9
5.0 CONCLUSIONS AND DISCUSSION 9
6.0 RECOMMENDATIONS 10
6.1 Setback Considerations 10
6.2 Site Preparation 11
6.3 Temporary Excavations 11
6.4 Cut and Fill Slopes 11
6.5 Structural Fills 12
6.6 Compaction Standard 12
6.7 Erosion and Sediment Control Recommendations 13
7.0 REFERENCES 14
8.0 LIST OF FIGURES AND APPENDICES 14

LINDBERG GEOLOGIC CONSULTING
David N. Lindberg, CEG
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(707) 442-6000

ENGINEERING-GEOLOGIC SOILS REPORT
Proposed Lined Pond at APN: 223-032-004
Reed Mountain, near Cooks Valley, Humboldt County, California

1.0 INTRODUCTION

1.1 Site and Project Description

This report presents the results of an engineering-geologic soils exploration and site assessment conducted at the site of a proposed expansion of an existing rainwater catchment to create a native-clay lined pond on the subject property, in the headwaters of Low Gap Creek east of Cooks Valley, in southern Humboldt County, California. The subject property is located on the southern slopes of Reed Mountain, east of the South Fork Eel River, less than a mile north of the Humboldt - Mendocino County line, and approximately seven miles south-southeast of Garberville. The proposed pond site is in the NW ¼ of Section 21, T5S, R4E, Humboldt Baseline and Meridian, of the Harris, California, 7.5-minute quadrangle map (Figure 1), the subject parcel is accessed by Reed Mountain Road, a private road accessed from Benbow Drive. Area of the subject parcel is approximately 160 acres. The Humboldt County Assessor's Parcel Number (APN) is 223-032-004 (Figure 2). According to the Humboldt County Web GIS the latitude and longitude of the parcel centroid are 40.0087° and -123.7382°, respectively.

Located in the headwaters of Low Gap Creek, a tributary of the South Fork Eel River, the project location on the subject parcel was previously developed with a small pond for rain water catchment and water storage. The owner proposes to improve the pond and continue to use it for rainwater catchment and storage.

Ingress and egress to the site is from an existing, established private gravel road off of Reed Mountain Road. A legacy skid trail provides access to the pond from the private gravel road. The owner proposes to expand and line the pond with native clay. When completed, the pond will have a footprint of approximately 0.60 acre, and a water-surface area (at 2-feet of freeboard) of approximately 0.29 acres. Satellite imagery (Figure 3) shows the pond location. Based on Google Earth, latitude and longitude of the pond site are 40.0085° and -123.7840°, respectively.

Included in this report are brief assessments of the site geology and subsurface soil conditions, and potential geologic hazards associated with the proposed pond expansion on this property. Also included, as necessary and appropriate, are recommendations to mitigate potential effects of those hazards. Recommendations are provided for grading and compaction.

Lindberg Geologic Consulting (LGC) understands that the owner plans to expand the pond by excavation of the existing pond in autumn at the end of the dry season. The pond is located in an existing earth flow terrane. At the pond location on the parcel, the ground surface slopes generally to the south with gentle to steep slope gradients. Water will be supplied to the pond by precipitation and runoff from the private gravel driveway upslope.

1.2 Scope of Work

LGC was retained to investigate and characterize the soil conditions in the shallow subsurface, to provide recommendations for site grading, to assess the potential site geologic hazards, and to prepare this engineering-geologic soils report. Our specific scope included the following:

- Review available geologic reports and maps pertinent to the site
- Conduct a brief field-reconnaissance exploration program of the pond location.
- Observe the local cut banks and natural exposures to characterize soil conditions.
- Prepare this engineering-geologic soils report to support pond expansion.
- Provide earthwork recommendations for use of the owner, his designers and contractors.

Excluded from our scope of work is any environmental assessment for the presence or absence of any hazardous, toxic, or corrosive materials. Although we have explored subsurface conditions as part of this investigation, we have not conducted any analytical laboratory testing for the presence of hazardous material.

1.3 Limitations

This report has been prepared for the exclusive use of the owner, his contractors and subcontractors, and appropriate public authorities for specific application to the specific developments presently proposed at this site. LGC has complied with the engineering geologic standard of care common to the local area at the time this work was performed. LGC makes no other warranty, express or implied.

The analyses and recommendations contained in this report are based on data obtained from field observations and limited subsurface explorations. Such methods can not always be relied on to accurately reflect stratigraphic or lithologic variations that may commonly exist between sampling locations, nor do they necessarily represent conditions at any other time.

The recommendations included in this report are based, in part, on assumptions about subsurface conditions that may only be tested during earthwork. Accordingly, the validity of these recommendations is contingent upon how they are applied in the field. Experienced equipment operators, and engineers should be retained where necessary and appropriate to provide a complete professional service. LGC cannot assume responsibility or liability for the adequacy of our recommendations when they are applied in the field unless we are retained to observe those phases of the work applicable to our recommendations. We are available to discuss the extent that such observations may provide assurance of the validity of our recommendations.

Do not apply any of this report's conclusions or recommendations if the nature, timing, design, or location of the proposed development is changed. Should any such changes be contemplated, it is important that LGC be consulted to review the impact of the changes on the applicability of

the recommendations in this report. LGC is not responsible for any claims, damages, or liability associated with any other party's interpretation of the data herein, or reuse of this report for other projects (or at another location) without our express written authorization.

2.0 FIELD EXPLORATION AND LABORATORY TESTING

2.1 Field Exploration Program

In-situ soil conditions were assessed by direct observation during a site exploration performed on November 11, 2015. In our opinion, soils conditions at the proposed pond site are generally consistent across the proposed pond site. Our investigation utilized no borings or exploratory test pits to assess the in-situ soil profile beneath the anticipated pond berm footprint. Soil stratigraphy, as exposed in natural exposures and existing road cuts was observed in the field.

3.0 SITE AND SUBSURFACE CONDITIONS

3.1 Topography and Site Conditions

The project area on the subject parcel is situated on sloping ground with a southwesterly aspect. More gently sloping areas are associated with the pond site, beyond which, slope gradients are steep, up to 100 percent above and below the pond.

The U.S. Geologic Survey (USGS, 1969) 7.5-minute Harris, California topographic quadrangle indicates the project site is at an elevation of approximately 2,100 feet above mean sea-level (NAD27). In the vicinity of the pond, the ground surface was historically disturbed by logging activities such as skid trails and landings. Undisturbed slopes in the immediate vicinity of the proposed pond site are variable. At the time of our explorations and observations, and despite the fact that slopes in the proposed pond area are in unstable (on a geologic time scale) earthflow terrane, slopes at the time of our observations appeared stable in their present configuration.

3.2 Geologic Setting

This pond expansion project is located on slopes associated with landscape-scale earthflows. Based on field review of the site, and published geologic maps (McLaughlin et al, 2000), the project site is underlain by Eocene to Paleocene-aged rocks of the Yager terrane. Specifically, the project site is mapped as being underlain by the contact between subunits of the Yager terrane. Yager terrane is described by McLaughlin et al. (2000), as consisting of thin to medium bedded, rhythmically interbedded, argillite and arkosic sandstone; massive to thickly bedded arkosic sandstone with minor interbeds of argillite; and minor lenses of polymict boulder to pebble conglomerate (Figure 5a). Yager terrane is further described as being highly folded and penetratively sheared.

This project site appears to be underlain by subunit y1, sheared and highly folded mudstone of the Yager Formation (McLaughlin et. al., 2000). Subunit y1 is described as including some minor rhythmically interbedded sandstone, locally with lenses of conglomerate, and exhibiting irregular topography and lacking well-incised sidehill drainage systems. South and west of the pond, the hillslopes are mapped as highly folded, broken mudstone, sandstone and conglomeratic sandstone; subunit y2, (Figure 5). Subunit y2 is described as exhibiting topography with sharp ridge-crests and well-incised sidehill drainages. Geologic mapping by the State of California (Spitler, 1984) included here (Figure 6), agrees well with the McLaughlin (2000) mapping.

At the pond site on the subject parcel, the soil subgrade consists of weathered highly fractured mudstone. Surface soils at the site appeared to be medium dense, dry to moist, silt and silty clay. With a full-sized tracked excavator, the bedrock can be expected to be rippable in the limited depth range to be excavated in this project. Similar or harder bedrock may be encountered below the range of depths anticipated to be excavated for pond expansion.

3.3 Seismicity

This project site is located within California's Northern Coast Ranges Geomorphic Province (CGS, 2002), a seismically active region in which large earthquakes are expected to occur during the assumed economic life span (50 years) of the site developments (Heaton and Kanamori, 1984). Relative to the subject property, the Northern San Andreas fault is the nearest fault recognized and zoned as active by the State of California. The Northern San Andreas fault is more than 10 miles west and is a northwest-striking, near-vertical, right-lateral strike slip fault. The upper-bound earthquake considered likely to occur on the Northern San Andreas fault has an estimated maximum moment magnitude (Mw) of 7.9 (Petersen et al., 1996).

The Garberville-Briceland fault is closer to the project site, but it is not zoned as active by the State of California (CDMG, 1983). The Garberville-Briceland fault is an older fault, believed to have been most-recently active in Pleistocene time, approximately 11,000 to 1.6 million years before the present. The Garberville-Briceland fault is located west of the subject property. The Garberville-Briceland fault is a northwest-striking, near-vertical, strike slip fault. The upper-bound earthquake considered likely to occur on the Garberville-Briceland fault has an estimated maximum moment magnitude (Mw) of 6.9 with a relatively-low probability of occurrence (Petersen et al., 1996).

Additional faults of mainly-academic interest are mapped to the east of the subject property. Two apparent strands or splays of the Coastal Belt Thrust (McLaughlin, et al., 2000) are located within 2 miles of this site. The Coastal Belt thrust is a significant structural boundary between the Franciscan Formation and the Yager Formation, and or, the Wildcat Group. The seismicity of the Coastal Belt Thrust is indeterminate, and because it is not considered active, the Coastal Belt Thrust is not zoned as an active fault by the State.

Based on the record of historical earthquakes (approximately 150 years), faults within the North American plate boundary zone and internally deforming Gorda Plate have produced numerous small-magnitude and several moderate to large (i.e. magnitude 6 or greater) earthquakes affecting the local area. The Cascadia subduction zone (CSZ) is located northwest of the site at a distance of approximately 60 miles, and is estimated to produce earthquakes of magnitude 9.0 when it ruptures along its entire length from Cape Mendocino to Vancouver Island in British Columbia (Satake, et al, 2003). Several active regional seismic sources in addition to the CSZ, the Northern San Andreas Fault, and the Garberville-Briceland fault, are proximal to the project site and have the potential to produce strong ground motions. These seismic sources include:

- The Mendocino fault, an offshore, high-angle, east-west-trending, right-lateral strike-slip fault that forms the boundary between the Gorda and Pacific plates
- Faults within the internally-deforming Gorda plate consisting of high-angle, northeast-trending, left-lateral, strike-slip faults

3.4 Subsurface Conditions and Description of the Site Soils

Subsurface data suggest soils within the upper 100 feet of the ground surface to be composed primarily of fractured mudstone and siltstone bedrock. These soils were generally medium dense to dense within 1 foot of the ground surface. Topsoil was less than one-foot thick at the pond location. Based on field observation of the soil profile, the site soils appear subject to seasonally-high groundwater conditions, especially during the winter wet season. Soils at the pond are considered likely to be saturated at depths shallower than three feet during the wet season.

3.5 Groundwater Conditions

At the time of our field explorations in the dry season (November, 2015), groundwater was not observed at the ground surface. Shallow groundwater was indicated by the (low) level of water in the pond, the presence of hydrophytes, and suggested by small springs. Despite the fact the springs were dry in mid- November, it was evident from observation that they discharged more significantly in the wet season. In the area of the pond, groundwater may be encountered in excavations less than three feet deep, even during the dry season (when excavation is proposed), and effectively at the surface during the wet season.

4.0 GEOLOGIC AND SOIL HAZARDS

Potential geologic and soil hazards associated with the region and assessed for the proposed pond grading project at this site include seismic ground shaking, surface fault rupture, liquefaction and related phenomena, settlement, slope instability, flooding and high groundwater, and shrink - swell soils. Assessments of these potential hazards are presented below.

4.1 Seismic Ground Shaking

This project site is in a seismically active area near multiple seismic sources capable of generating moderate to strong ground motions. Given the presence of significant regional active faults within, and offshore of northern California, the project site will experience strong ground shaking during the economic life span of the proposed development; 50 years or more.

Site-specific seismic Spectral Response Accelerations are presented in Table 1 in accordance with 2013 CBC requirements. These values were obtained from the United States Geological Survey (USGS) on-line calculator. The on-line USGS ground motion parameter calculator provides spectral acceleration values (SS and S1) based on the site specific geographic coordinates, the latest available seismic database maintained by the USGS, the site classification, site coefficients, and adjusted maximum considered earthquake values (Fa, Fv, SMs and SM1).

Table 1. Spectral Response Accelerations

Site Information	Latitude / Longitude*	40. 0087° / -123.7382°
	Occupancy Category (2013 CBC, Sect. 1604.5)	NA, use I, II or III
	Seismic Design Category (2013 CBC, Sect. 1613.3.5)	NA, use D
	Site Class (2013 CBC, Sect. 1613.3.2)	D
Spectral Acceleration	S_s (Site Class C)	2.179
	S_1 (Site Class C)	1.007
Site Coefficients	F_a / F_v	1.0 / 1.5
Response Accelerations	S_{MS}	2.179
	S_{M1}	1.510
	S_{DS}	1.452
	S_{D1}	1.007

* Coordinates for the Parcel Centroid per Humboldt County WebGIS.

Based on the site conditions and an assumption of the soils within 100 feet of the ground surface, we classify the site as Site Class D consisting of a "stiff soil profile" (Section 1613.3.2, 2013 CBC). Parameters were based on this classification and determined using ASCE Standard 7-05, Minimum design loads for buildings and other structures (USGS, 2014).

4.2 Surface Fault Rupture

The Coastal Belt thrust is located nearby, (McLaughlin, et al., 2000) and the trace of the Garberville-Briceland fault (CDMG, 1983) is to the west. These faults are not zoned as active by the California Geologic Survey therefore; the project site is not located within an Alquist-Priolo earthquake fault zone. Based on the distance between the project site and the nearest recognized,

active fault trace, the San Andreas fault south of Shelter Cove, the potential for surface fault rupture (earthquake ground breakage) to occur at this proposed pond site on the subject parcel is negligible.

4.3 Liquefaction

Liquefaction is a loss of soil strength that results in fluid mobility through the soil. Liquefaction typically occurs when uniformly-sized, loose, saturated sands or silts are subjected to strong shaking in areas where the groundwater is less than 50 feet below ground surface. In addition to the necessary soil and groundwater conditions, the ground acceleration must be high enough, and the duration of the shaking must be sufficient, for liquefaction to occur.

According to Special Publication 115 (CDMG, 1995), the project site is not located within an area of recognized liquefaction potential. Based on the apparent lack of saturated, loose, poorly-graded sand or silt in the subsurface, the potential for liquefaction at this site is low.

4.4 Settlement

The shallow bearing soils at this project site are medium dense to dense within the upper foot of the soil profile. The proposed berm and pond is, and will be constructed on similar firm native soil subgrade, and as such, differential and total settlement is expected to be minimal. Settlement is also expected to occur closely with the application of the loads and long-term settlement is, again, likely to be minimal.

4.5 Landsliding

The pond project site is on a gently-sloping surface within an area of mapped earthflows. Some areas were historically disturbed by grading for logging roads, landings and skid trails. In our opinion, slopes around the proposed pond site are capable of supporting the cut and fill slopes associated with the proposed pond.

Geomorphic landslide mapping of the area by the State of California (Figure 7) shows large areas of potential instability and landsliding in the areas surrounding the subject parcel, but does not indicate any large active or dormant landslides on, or in the immediate vicinity of the proposed pond site on the subject property (Spittler, 1984). Spittler (1984) mapped the site as disrupted ground rather than a landslide or earthflow.

Based on our field explorations and observations, a review of aerial imagery and the minimal landsliding at the pond site, the potential for slope instability to pose a hazard to the proposed lined pond at this site is considered low. We examined the hill slopes immediately surrounding the proposed pond site and, while noting some features suggestive of instability, we concur with Spittler that the disrupted ground features are suggestive of slope instability; however these

slopes are anticipated to be suitably stable for the proposed expansion of the existing pond. In our opinion, the pond will not contribute to local slope instability, nor be subject to damage by landsliding from above, provided that our recommendations are adhered to and the erosion potential is minimized.

4.6 Flooding and Groundwater

4.6.1 Flooding

Located in the upper headwaters, this pond site is located well above the anticipated 100-year flood level of any of the nearby watercourses. There is little potential for flooding to affect this project site. In our opinion the risk of damage to the proposed pond by flooding is low.

4.6.2 High Groundwater

As noted, seasonally high groundwater conditions appeared prevalent at the pond site. Observations made during our field explorations indicate groundwater will probably rise to within three feet of the ground surface during the winter wet season. For brief periods of time, during heavy precipitation associated with large winter storms, the ground is likely saturated to the surface. Shallow groundwater conditions are not expected to have an adverse effect on early-fall construction or performance of the proposed lined pond.

4.7 Soil Swelling or Shrinkage Potential

The subsurface soils at structural load bearing depths are composed primarily of fractured weathered bedrock soils with a silt and clay matrix. Clayey soils such as those at this proposed pond site may be subject to shrink swell phenomenon. Based on the fact that the soils beneath the berm of the pond are unlikely to be subject to significant cyclic wetting and drying, in our opinion, the potential for damage by soil swelling or shrinkage is low.

5.0 CONCLUSIONS AND DISCUSSION

1) This project site appears to be adequate for the use proposed. Slope stability concerns, the primary potential geologic hazard to development of the site, do not appear to be a significant hazard to the expansion of the proposed pond on the property.

2) The site is underlain by weathered, fractured mudstone and siltstone to an undetermined depth. Near-surface native soils in some areas have been disturbed by historic grading associated with past logging and pond grading. Site materials appear suitable to support the fill for the pond berm.

3) Our field exploration found evidence suggestive of seasonally-high groundwater at depth

postulated to be less than three feet below grade during the winter wet season. In our opinion, the potential for groundwater to be encountered during dry-season excavation work is moderate.

4) The nearest faults to the site are the inactive Coastal Belt Thrust to the east, and the Garberville-Briceland fault, west-southwest of the pond site. As stated, the State of California does not consider either the Coastal Belt Thrust or the Garberville-Briceland fault to be active faults. Due to the fact that there are no recognized active faults within ten miles of the site; the risk of fault surface rupture at the site appears to be low.

5) Strong seismic ground shaking can occur during the economic life of the proposed developments. Risks associated with strong ground motions are typical of the region and as such, these risks, as mitigated by prudent design and construction practices, are typically assumed by owners building in the region. Given the fact that the current project consists of a small pond contained by a compacted-earth berm, the potential for seismic ground shaking to adversely affect the pond is low, provided our recommendations are adhered to.

6) A presumptive Load-Bearing value of 2,000 pounds per square foot (psf) for vertical foundation pressure may be used for design. For lateral bearing use 150 psf per foot of embedment below existing grade. Use a coefficient of friction of 0.25 times the dead load.

7) The soil matrix, and the weathered fractured bedrock, underlying the site appear suitable for the proposed use of supporting a typical lined water-storage pond.

8) Provided that the moisture content is within three percent of optimum, native soils excavated appeared suitable to be utilized as fill for the berm intended to contain the pond.

9) The engineer has designed a balanced cut/fill such that the expansion of the pond will generate sufficient suitable material to construct the containment berm.

10) In our professional opinion, the proposed expanded pond project will not contribute to, nor be subject to increased risk from the site-specific geologic hazards.

6.0 RECOMMENDATIONS

6.1 Setback Considerations

Due to the site setting, between steep ascending and descending slopes, north and south of the pond, we have no setback recommendations related to slopes. No existing structures are located in proximity of the proposed pond.

This proposed pond expansion is located within an island of apparent stability within an existing earthflow terrane. Estimated based on Google Earth imagery, the nearest property line is more than 500 feet to the south.

Cannabis Waste Management Plan

Licensee: Chad Mussey **APN: 223-032-004**

Address: Reed Mountain Road, Garberville, CA 95542

County: Humboldt **Permit #: 11325 & 11327**

Cultivation: Multiple License Types

Telephone: (707)223-3377 **Email: mld.inc777@gmail.com**

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DEC 22 2018
Humboldt County
Cannabis Svcs.

I. Preface

This Cannabis Waste Management Plan (CWMP) is hereby submitted to comply with Sections 8108 and 8308 of the 2018 California Emergency Regulations for Cannabis Cultivation (CERCC). Compliance is required by CalCannabis Cultivation Licensing, a division of the California Department of Food and Agriculture (CDFA). The purpose of this plan is to identify and outline the methods to be used to meet the minimum requirements for a CWMP, CDFA licensing, along with other local and state requirements.

The following items are regulated by CDFA within the CWMP:

A. Cannabis Waste which is organic waste as defined in by the California Integrated Waste Management Act (CIWMA) in Division 30 Part 3 Chapter 12.8 of the Public Resources Code §42649.8(c) of the Public Resources.
   1. "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.
      a. A business shall take at least one of the following actions:
         I. Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste; and/or,
         II. Recycle its organic waste onsite or self-haul its own organic waste for recycling; and/or,
         III. Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.

B. Recycling of Commercial Solid Waste as defined by the CIWMA in Division 30 Part 3 Chapter 12.8 of the Public Resources Code §42649-42649.7.
   1. "Commercial solid waste" includes all types of solid waste (i.e. trash and recyclables) generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.
      a. A business that generates four cubic yards or more of commercial solid waste per week shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or

recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

b. A commercial waste generator shall take at least one of the following actions:
   i. Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials; and/or,
   ii. Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

C. Hazardous waste as defined by the CIWMA in Division 30 Part 3 Chapter 12.8 of the Public Resources Code §40141 of the Public Resources Code, in compliance with all applicable other hazardous waste statutes and regulations, both state and local.
   1. "Hazardous waste" means a waste, defined as a "hazardous waste" in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:
      a. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
      b. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

II. Integrated Waste Management Plan

CERCC requires that the project be in compliance with the California Integrated Waste Management Act (CIWMA). In addition to cannabis waste, which is regulated by CERCC, the CIWMA requires that the project manage recycling of commercial solid waste and organic waste. The following project policies are regulated by the CWMP to be in compliance with the CERCC, CIWMA, and other local and state requirements:

A. All cannabis waste shall be stored in a secure waste receptacle, or secured area, and disposed of in accordance with local and state regulations, CERCC, and CWMP.
   1. "Secure waste receptacle" or "secured area" means that physical access to the receptacle or area is restricted to the licensee and its employees, or the local agency, or waste hauler franchised or contracted by a local agency.

B. Public access to the designated cannabis waste receptacle or area shall be strictly prohibited.

C. All commercial solid waste shall be stored separately from cannabis waste in disposal bins secure from wildlife and watershed discharge, divided out from trash and recyclables, and disposed in accordance local and state regulations, CERCC, and CWMP.

D. All hazardous waste regulated by the Integrated Pest Management Plan shall be dispose of properly utilizing protocols within that plan in compliance with all local and state regulations.

III. Tracking, Records, and Inspections

CERCC requires that the project be in compliance with the Track-and-Trace System and local requirements. The following policies shall be implemented to ensure compliance with the CERCC and CWMP:

A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDFA inspection or their designated representative.
    1. Inspections shall occur at standard business hours from 8:00am to 5:00pm.
    2. Prior notice for inspections is not required by the inspecting agency.
D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions:
    1. Denying the department access to the licensed premises;
    2. Providing false or misleading statements;
    3. Providing false, falsified, fraudulent or misleading documents and records; and
    4. Failing to provide records, reports, and other supporting documents.
E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDFA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

IV. Internal Waste Management Policies

The following waste management policies shall be implemented to ensure compliance with the CIWMA, CERCC and, CWMP:

A. The CWMP shall be retained on-site at all times.
B. Each new laborer that comes onto the site shall be provided with a copy of the CWMP and it shall be their responsibility to read the CWMP.
C. The operator shall instruct all laborers as to the location and proper disposal of cannabis waste.
D. The operator shall monitor the process of waste management and reuse of cannabis waste to ensure compliance with the CWMP, local requirements, Integrated Waste Management Act, and CERCC.

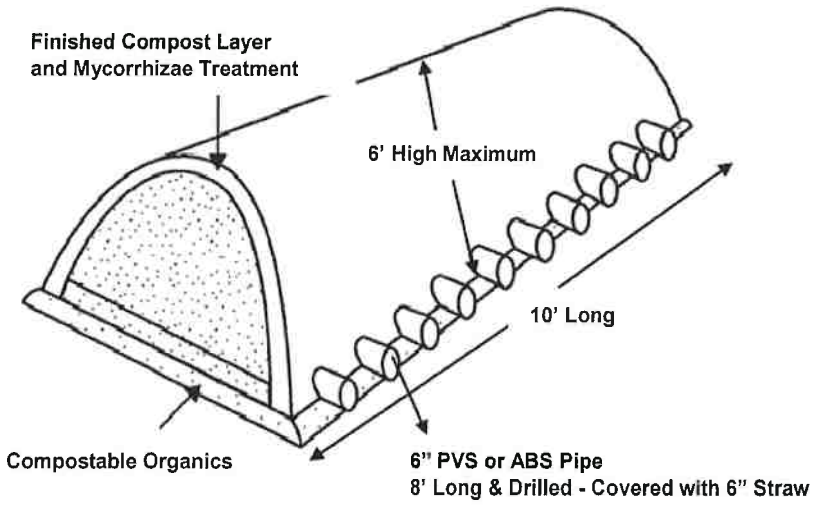
E. The operator shall ensure that all supporting documentation which demonstrates compliance with the CWMP is provided to the local or state enforcement agency upon request or when required.
F. Waste reduction and recycling strategies shall be periodically reviewed.
G. Every effort shall be made to use to reduce the amount of cannabis waste sent to landfills by on-site composting and reuse.
H. Any person hauling away cannabis waste shall notify the operator of the materials, location of disposal, and provide written record.
I. The waste hauler shall track the total amount of cannabis waste leaving the project by weight or by volume and supply the operator with copies of tickets or detailed receipts from all loads of cannabis waste removed from the site.

V. Cannabis and Organic Waste Management

The CWMP identifies one or more of the following approved methods for cannabis waste and organic waste according to the CIWMA, CERCC and, CWMP:

A. ☒ **On-premises disposal of cannabis and organic waste**: Composting cannabis waste shall be in compliance with title 14 of the California Code of Regulations Division 7 Chapter 3.1 (commencing with Section 17850) by one or more of the following methods:

1. ☒ **Passive Aerated Static Pile**: cannabis waste shall be chipped with organics, such as straw and on-site organics, and piled in a compost row.



2. ☒ **Land Application: final deposition of compostable material shall be spread on-site land (i.e. compost used within gardens).**

AND/OR

B. ☒ **Self-haul cannabis waste to the following;**

1. ☒ **A manned fully permitted transfer/processing facility or manned transfer/processing operation.**

   a. Name of Facility: **Redway Transfer Station**
   b. Address: **Conservation Camp Road**
   c. City: **Redway, CA 95560**
   d. Telephone: **(707)923-3944**
   e. Hours:
      - **Sunday: 12:00 pm- 4:00 pm**
      - **Monday – Tuesday: 9:00 am – 4:00 pm**
      - **Wednesday – Thurs: Closed to the public; commercial customer hours: 9:00 am – 1:30 pm**
      - **Friday – Saturday: 9:00 am – 4:00 pm**
   f. Website: **https://www.recology.com/recology-eel-river/redway-transfer-station/**

2. **Frequency: ☒ 1X ☒ 2X** ☐ Week ☐ Month

3. ☒ **Documentation shall be obtained and retained from the local agency or permitted facility that indicates the date and time of each disposal of solid waste and recyclables.**

V. Solid Waste and Recyclables Management

The CWMP identifies one or more of the following methods for managing solid waste and recyclables according to the CIWMA, CERCC and, CWMP:

A. ☒ **Self-haul solid waste and recyclables to the following;**

4. ☒ **A manned fully permitted transfer/processing facility or manned transfer/processing operation.**

   g. Name of Facility: **Redway Transfer Station**
   h. Address: **Conservation Camp Road**
   i. City: **Redway, CA 95560**
   j. Telephone: **(707)923-3944**
   k. Hours:
      - **Sunday: 12:00 pm- 4:00 pm**
      - **Monday – Tuesday: 9:00 am – 4:00 pm**
      - **Wednesday – Thurs: Closed to the public; commercial customer hours: 9:00 am – 1:30 pm**
      - **Friday – Saturday: 9:00 am – 4:00 pm**
   l. Website: **https://www.recology.com/recology-eel-river/redway-transfer-station/**

5. **Frequency: ☒ 1X ☒ 2X** ☐ Week ☐ Month

6. ☒ **Documentation shall be obtained and retained from the local agency or permitted facility that indicates the date and time of each disposal of solid waste and recyclables.**

VI. Hazardous Waste Management

The CWMP identifies one or more of the following methods for hazardous waste according to the CIWMA, CERCC and, CWMP:

A. ☒ **Self-haul hazardous waste to the following**;

1. ☒ **A manned fully permitted hazardous waste facility**.
   a. Name of Facility: **Humboldt Waste Management Authority Hazardous Waste Facility**
   b. Address: **1059 W Hawthorne Street**
   c. City: **Eureka**
   d. Telephone: **(707) 441-2005**
   e. Hours:
      - **Monday to Friday: 8:00 am - 4:00 pm By Appointment**
      - **First Saturday of the Month: 9:00 am - 2:00 pm**
      - **Sunday: Closed**
   f. Website: http://hwma.net/facilities/hazardous-waste-facility
2. Frequency: ☒ **1X** ☐ 2X ☒ **Week** ☐ Month
3. ☒ **Documentation shall be obtained and retained from the local agency or permitted facility that indicates the date and time of each disposal of hazardous waste.**

CWMP Produced
November 30, 2018 by:

CannaFarms Consulting

On Premises Composting Cannabis Waste Records APN: 223-032-004 Address: Reed Mountain Road, Garberville, CA 95542								
Harvest Date	**Location & Area**	**Unique Identifiers**	**Weight**	**Date Processed**	**Processing Method**	**Disposal Date**	**Disposal Method**	**Date Track & Traced**
(Example) *07/01/2018*	*Grenhouse #1 Area #1*	*#0001 - #0099*	*10lbs Wet*	*07/02/2018*	*Chipped with Organics*	*07/02/2018*	*Vermi-culture & Windrow Compost*	*07/03/2018*

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	On file with Planning (Accela)
CAL FIRE	✓	Comments	Attached
Department of Fish & Wildlife		No response	Attached – Staff email to CDFW inquiring if there are any project comments
SWRCB – Division of Water Rights	✓	Conditional approval	Attached
NWIC	✓	Further Study	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
North Coast Unified Air Quality Management District		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	
Southern Humboldt Unified School District		No response	

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

7/1/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Benbow Valley Farms **Key Parcel Number** 223-032-004-000

Application (APPS#) PLN-11802-CUP **Assigned Planner** Meghan Ryan

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: 7/16/2019

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: 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: Notes in Accela

DATE: 7/5/19 PRINT NAME: Rudy Marenghi

HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name Benbow Valley Farms

Address 1 Chad D. Mussey **Address 2** P.O. Box #1932

City Redway **State** CA **Zip** 95560

OWNERS NAME AND MAILING ADDRESS

Name Mussey Chad D & Broughton Farrell & Nieblas Jesse
Email

Address 1 **Address 2**

SITE INFORMATION

Parcel Number 223-032-001-000 **Application Number** PLN-11802-CUP

Street Address **City** **State** **Zip**

PRESITE INVESTIGATION

Project is already started

Soil report is required due to

Project is in flood zone A per

Flood elevation certificate required

Plans stamped by a licensed person required

SRA water storage requirements apply

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

Driveway slope appears to be

Grading permit required

Incomplete submittal Construction Plan

Erosion and sediment control measures req.

AOB Inspection

Project appears to be within wet area

FIRM panel number

Is 2nd Flood Certificate Required?

SRA requirements apply

Lot created prior to 1992

Plot plan incomplete, must be revised Yes

Submit engineered foundation for

Applicant must locate property lines

Other concerns exist

Inspector Notes
7/5/19 11802
-Revise site map to show nursery as "propagation", proposed processing building and change use of existing processing building at east end of parcel if actually proposing new processing building (if not leave as is), proposed greenhouses at NE section of parcel, and all proposed greenhouses.
RM

QUESTIONS? Please contact the County of Humboldt Building Division

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/27/2019

RE:

Applicant Name	**BENBOW VALLEY FARMS**
APN	**223-032-001**
APPS#	**PLN-11802-CUP**

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

☐ The Department's recommended conditions of approval are attached as **Exhibit "A"**.

☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**

☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**

☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**

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

No re-refer is required.

Additional comments/notes:

Applicant has submitted a road evaluation report dated March 23, 2019, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed. This report appears to have combined two roads into one road evaluation.

Applicant has also submitted a road evaluation report dated March 25, 2019, no date stamp received by the Humboldt County Planning Division, with no County forms included.

The Department requires all recommendations from engineers on all access roads to be completed.

It is unclear what the name of the access road off of the County maintained road is called. The County GIS has the name as UNN4. The Department has seen from previous road evaluations the road called unnamed road, Reed Mountain Road, and Reed Ranch Road. In addition, two miles north of the subject road intersection with Benbow Drive is another road named Reed Mountain Road. This Reed Mountain Road (6B182) is County maintained for 0.50 miles. The two roads do not connect.

The unnamed access road is surfaced to County standards, intersection of the County road and the non-County maintained road is paved for more than fifty feet from the edge of the County. roadway.

// END //

U:\PWRK_LandDevProjects\REFERRALS\Cannabis referrals\223-032-001 Benbow Valley Farms PLN-11802-CUP.docx

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

- [x] The Department has no comment at this time.
- [ ] Suggested conditions attached.
- [ ] Applicant needs to submit additional information. List of Items attached.
- [ ] Recommend denial.
- [ ] Other comments.

Forester Comments: Date: 7/2/19 Name: Tim meyers

If trees are proposed for removal a permit from CALFIRE will be required.

Battalion Chief Comments: Date: Name:

Summary:

From:	Ryan, Meghan
To:	Bauer, Scott@Wildlife
Subject:	FW: APPS #11802 - Benbow Valley Farms - APN 223-032-004: NOVEMBER 5, 2020 - TARGETED HEARING DATE
Date:	Friday, September 25, 2020 9:40:43 AM

Good morning, Scott – I hope you're doing well! I am reaching out again to see if CDFW has any comments for APPS #11802.

Best,
Meghan

From: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>
Date: Monday, April 6, 2020 at 9:27 AM
To: "Manthorne, David@Wildlife" <David.Manthorne@wildlife.ca.gov>
Cc: "Bocast, Kalyn@Wildlife" <Kalyn.Bocast@Wildlife.ca.gov>
Subject: APPS #11802 - Benbow Valley Farms - APN 223-032-004

Good morning, David – I hope this email finds you well. I am working on APPS #11802, Benbow Valley Farms, and did not see any CDFW comments in Accela. Please let me know if you have any questions or comments regarding this project.

Best,
Meghan

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

6/13/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, Southern Humboldt JUSD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Benbow Valley Farms **Key Parcel Number** 223-032-001-000

Application (APPS#) PLN-11802-CUP Historic Planning **Assigned Planner** Meghan Ryan

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: 6/28/2019

Planning Commision Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: 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: SIUR required waiting for approval.

DATE: 6.18.19 PRINT NAME: Dyana McPherson