



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

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: January 21, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Humboldt County Planning and Building Director

Subject: **Rising Goat Limited Special Permit**  
Record Number: PLN-2020-16188  
Assessor's Parcel Number: 223-101-004  
1400 Ross Road, Garberville area

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 21, 2021	Special Permit	Meghan Ryan

**Project Description:** A Special Permit for 18,000 square feet (sf) of new mixed light cannabis cultivation. The proposed project would be phased to begin outdoor at 10,000 sf and expand to a total of 18,000 sf mixed light cultivation within two years. There will be a maximum of three cultivation cycles. Annual water use is estimated at 366,660 gallons. The irrigation source is a permitted groundwater well and rainwater catchment. Processing, such as trimming, will occur at an off-site licensed processing facility. There will be a maximum of 3 employees during peak operations. Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source.

**Project Location:** This project is located in Humboldt County, in the Garberville area, on the west side of Dyerville Loop Road, approximately 1,021 feet west from the intersection of Dyerville Loop Road and Ross Road, on the property known as 1400 Ross Road.

**Present Plan Land Use Designation:** Residential Agriculture: 40 acres (RA40), Density: 40 acres per unit, 2017 General Plan, Slope Stability: High Instability (3).

**Present Zoning:** Agricultural Exclusive (AE), Building site area is shown on subdivision maps, front, side, and rear yards must be greater than the B-4 requirements (one acre), unless otherwise indicated on the subdivision maps (B-6).

**Record Number:** PLN-2020-16188

**Assessor's Parcel Number:** 223-101-004

Applicant	Owner	Agent
Rising Goat Limited Paul Soares 798 Lighthouse Ave, #330 Monterey, CA 93940	Rising Goat Limited Paul Soares PO Box 132 Samoa, CA 95564	Same as Applicant

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of the State CEQA Guidelines.

**Major Issue:** None.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**Recommended Planning 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 Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Rising Goat Limited project subject to the recommended conditions.*

**Executive Summary:** A Special Permit for 18,000 square feet (sf) of new mixed light cannabis cultivation. The proposed project would be phased to begin outdoor at 10,000 sf and expand to a total of 18,000 sf mixed light cultivation within two years. Drying and curing will occur on site in Processing, such as trimming, will occur at an off-site licensed processing facility. There will be a maximum of 3 employees during peak operations. Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source.

While the application is technically for new cannabis cultivation, the site itself was verified to be in existence at just under 10,000 square feet prior to January 1, 2016. An application for commercial cannabis under the CMMLUO (1.0) was submitted and in process until late 2019 at which time the property changed hands and the new owner was unable to obtain a transfer of the application. By the time the new owner was able to submit an application the application window for pre-existing cannabis cultivation had been closed. Because the property qualifies for new cultivation, an application for the existing cannabis operation to be considered as new was submitted.

Annual water use is estimated at 366,660 gallons (20.37 gallons per sf). The irrigation water source is from a groundwater well and rainwater catchment. There will be 17,500 gallons of water storage on the subject parcel. According to the operations plan and site plan, the well is located in the northern portion of the main cultivation area. The groundwater well is permitted (Permit #16/17-0123) by the Department of Environmental Health. The well is located approximately 40 feet southeast of the single-family residence (as shown by the Well Completion Report, see Attachment 4) and approximately 307 feet southeast of the Class II watercourse located in the northern portion of the parcel. The well and the nearby watercourse appear to be located at approximately 2040 feet in elevation. The well is 200 feet deep with water first occurring at 50 feet. The well yields 25 gallons per minute (gpm). Planning staff determined that because the well and the watercourse appear to be at the same elevation and drilled through soil layers including clay that the well is most likely hydrologically disconnected from surface waters. Conditions of approval require that a water meter will be used to quantify irrigation water use.

The subject parcel is primarily forested with open grassland areas. There are no mapped special status species occurring on the subject parcel according to the California Natural Diversity Database. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel. A *Biological Survey Report* was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Recommendations include adherence to CCLUO noise standards, no use of plastic support netting and no use of rodenticides. The proposed cultivation site is on a less than 15% slope, which is a graded flat

developed prior to January 1, 2016. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

*A Cultural Resources Investigation for a Commercial Cannabis Cultivation Rising Goat Limited, APN 223-101-004 Humboldt County, California*, prepared by William Rich and Associates dated July 2020. The report found light-density lithic scatter is various locations throughout the property. The Bear River Band THPO recommendation included that no ground distances or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of Ross Road and Dyerville Loop Road. The Bear River Band also stated that they prefer that additional water storage tanks to be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving.

The subject parcel is accessed via a private driveway approximately 0.2 miles on Ross Road, a graveled privately-maintained road. Ross Road intersects with Dyerville Loop Road, which is County-maintained. The applicant submitted a Road Evaluation Report that states Ross Road meet the functional capacity for a Category 4 road. Public Works has commented and requested conditions of approval. The intersection at Ross Road and Dyerville Loop Road shall be maintained in accordance with the County Site Visibility Ordinance and have a gravel encroachment 20 feet wide and 50 feet long. All fences and gates shall be relocated out of the County right of way.

The project was first scheduled to be heard by the Zoning Administrator on December 17, 2020. Due to public comments received, including a request for the project to be heard by the Planning Commission, the Zoning Administrator did not hear the project and referred the project to the Planning Commission. Attachment 6 of the staff report contains the public comments received prior to the Zoning Administrator on December 17, 2020, and staff response to the comments. Attachment 7 of the staff report includes correspondence with applicant prior to the hearing and correspondence with the public commenters notifying them the project will be heard by the Planning Commission at the January 21, 2021, hearing. Public comments generally have been regarding water use, noise, potential traffic improvements and timber conversion. The majority of comments and concerns have been regarding the amount of water that is proposed to be utilized for the cannabis operation and the well's possible connection to the water source of adjacent landowners. The well itself produces approximately 25 gallons a minute and is 200 feet in depth. It is screened to draw water from between the depths of 40-75 feet, 95-155 feet and 175-200 feet. The nearest surface water feature is approximately 200 feet away at the approximately the same elevation as the elevation of the surface of the well, indicating that the well is drawing its water from well below the elevation of the surface flow of this creek and is not a diversion. The parcel itself is 20 acres in size and is planned for 40 acre parcels and is not required under the CCLUO to prepare a determination of connectivity of the well to adjacent wells as this requirement applies to parcels planner or zoned for lots of 10 acres or smaller in size. However, concerns from the adjacent landowners on water use may be able to be addressed through the requirement for adding water storage for use during the dry season and/or a rainwater collection system. This has not been added as a recommended condition of approval and so should the commission determine this to be appropriate it is recommended that the motion be amended to include such a condition of approval.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the new cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous EIR. An addendum to the Final EIR has been prepared for consideration per § 15164 of the State CEQA Guidelines.



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

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number: 21-**

**Record Number: PLN-2020-16188**

**Assessor's Parcel Number: 223-101-004**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rising Goat Limited Special Permit request.**

**WHEREAS**, Rising Goat Limited, submitted an application and evidence in support of approving a Special Permit for 18,000 square feet (sf) of new mixed light cannabis cultivation. The proposed project would be phased to begin outdoor at 10,000 sf and expand to a total of 18,000 sf mixed light cultivation within two years. Annual water use is estimated at 366,660 gallons. The irrigation source is a permitted groundwater well and rainwater catchment. Processing, such as trimming, will occur at an off-site licensed processing facility. There will be a maximum of 3 employees during peak operations. Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source; and

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

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2020-16188) and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021.

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2020-16188 is approved as recommended and conditioned in Attachment 1.

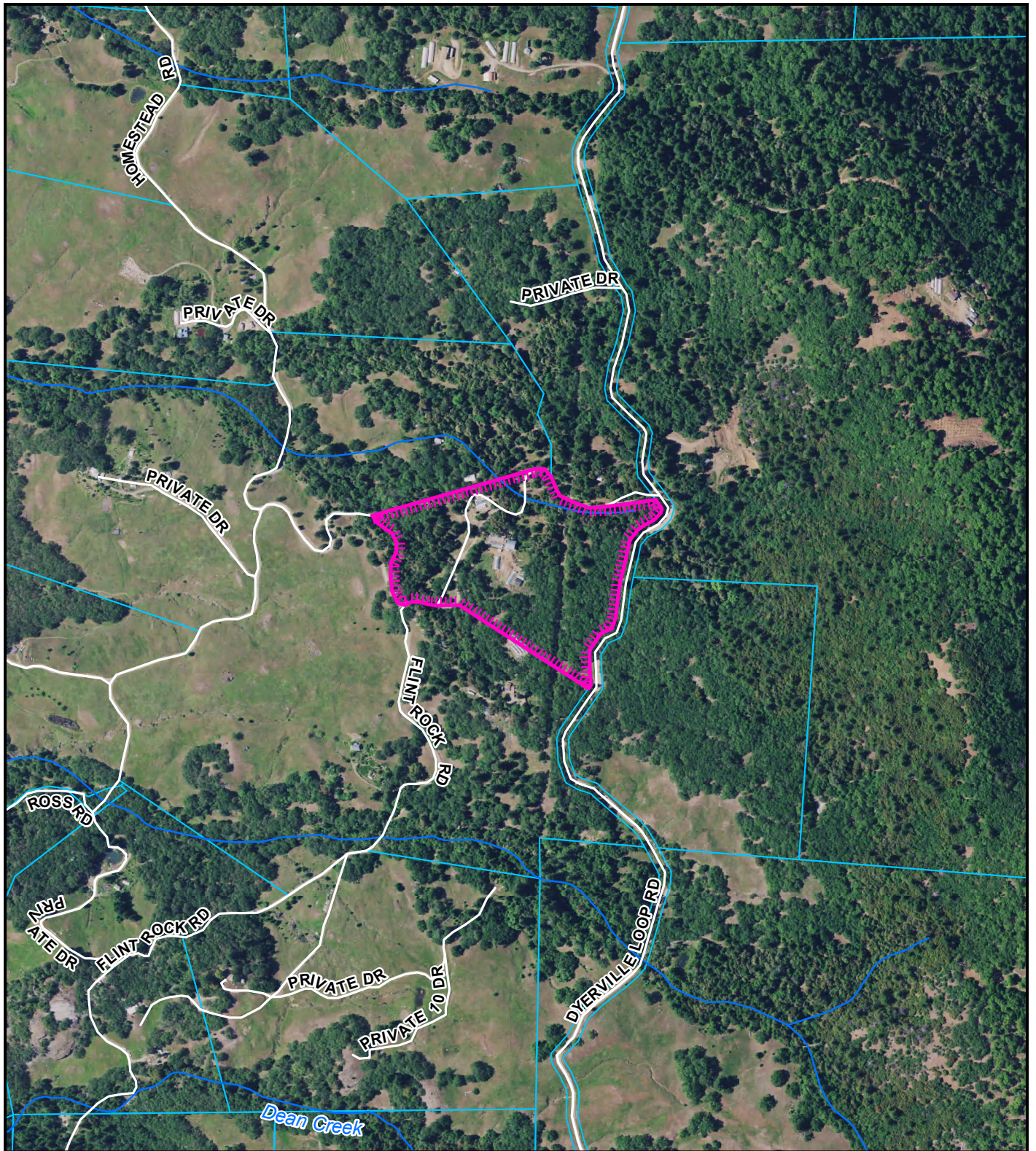
Adopted after review and consideration of all the evidence on January 21, 2021.

I, John Ford, 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 Planning Commission at a meeting held on the date noted above.

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John Ford, Planning Commission  
Planning and Building Department  
County of Humboldt





Project Area = 

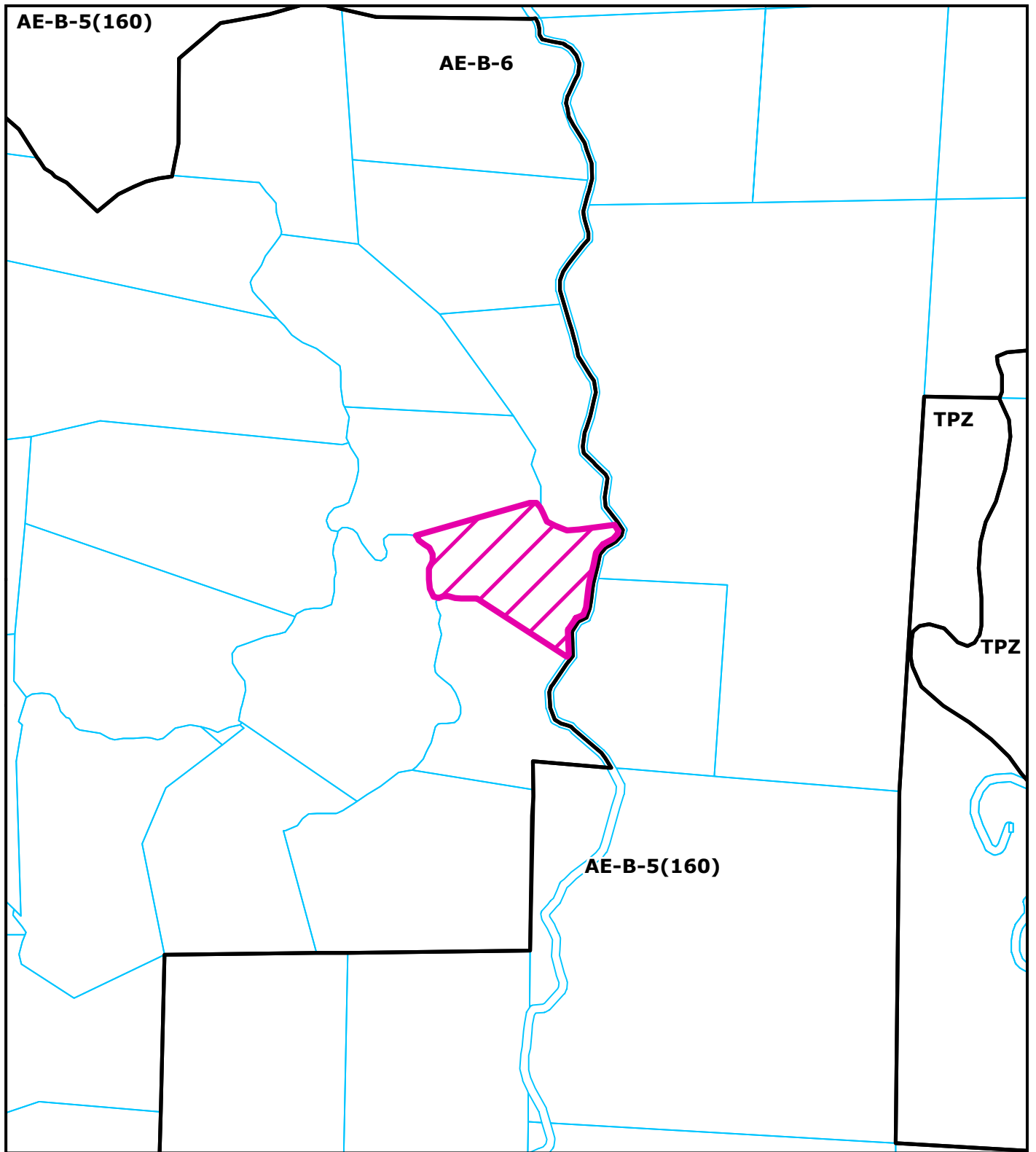
**AERIAL MAP  
PROPOSED RISING GOAT LIMITED  
GARBERVILLE AREA  
PLN-2020-16188  
APN: 223-101-004  
T04S R04E S11 HB&M (FORT SEWARD)**

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.

0 900 1,800 Feet








Project Area = 

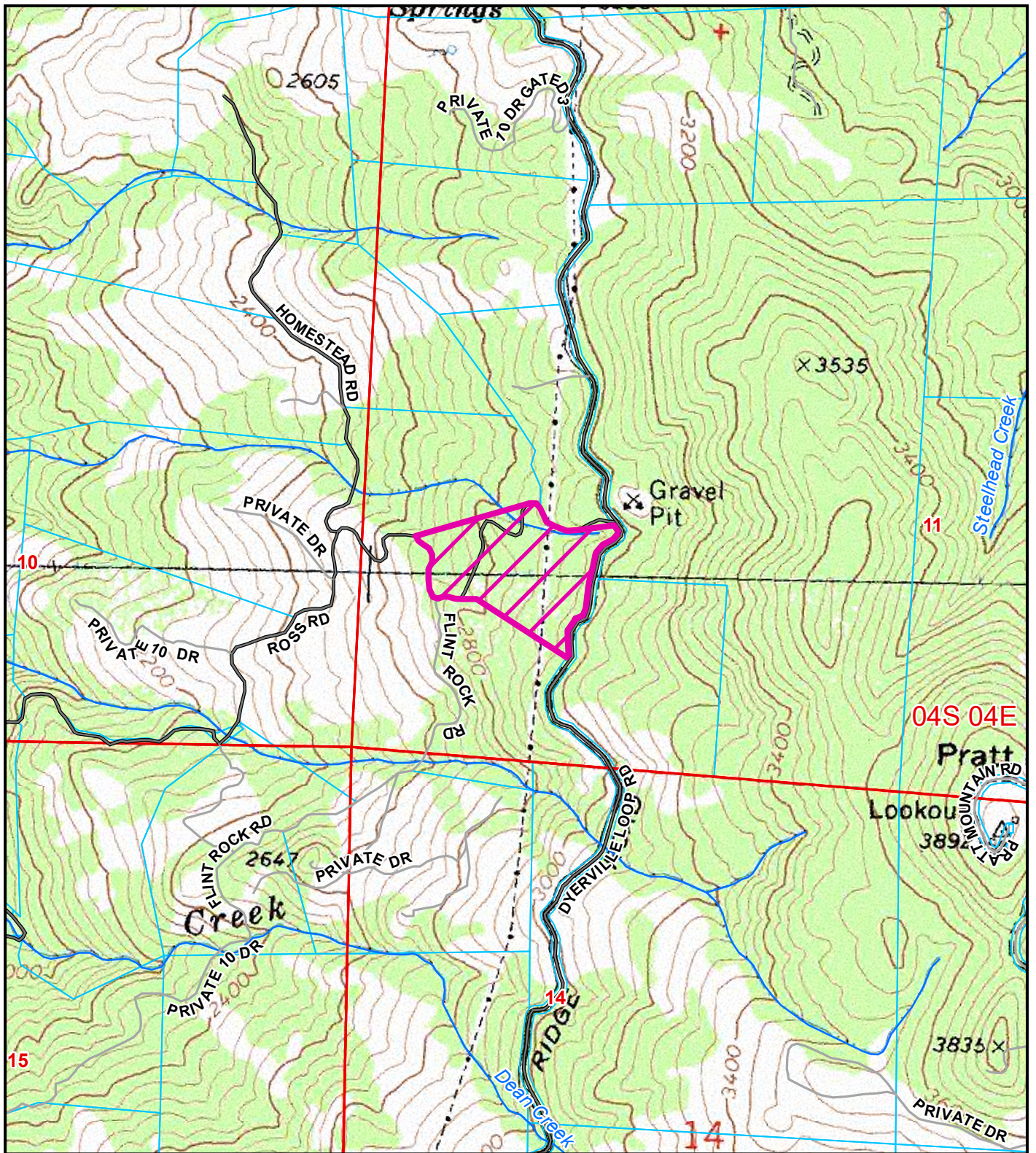
**ZONING MAP**  
**PROPOSED RISING GOAT LIMITED**  
**GARBERVILLE AREA**  
**PLN-2020-16188**  
**APN: 223-101-004**  
**T04S R04E S11 HB&M (FORT SEWARD)**

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.

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Project Area = 

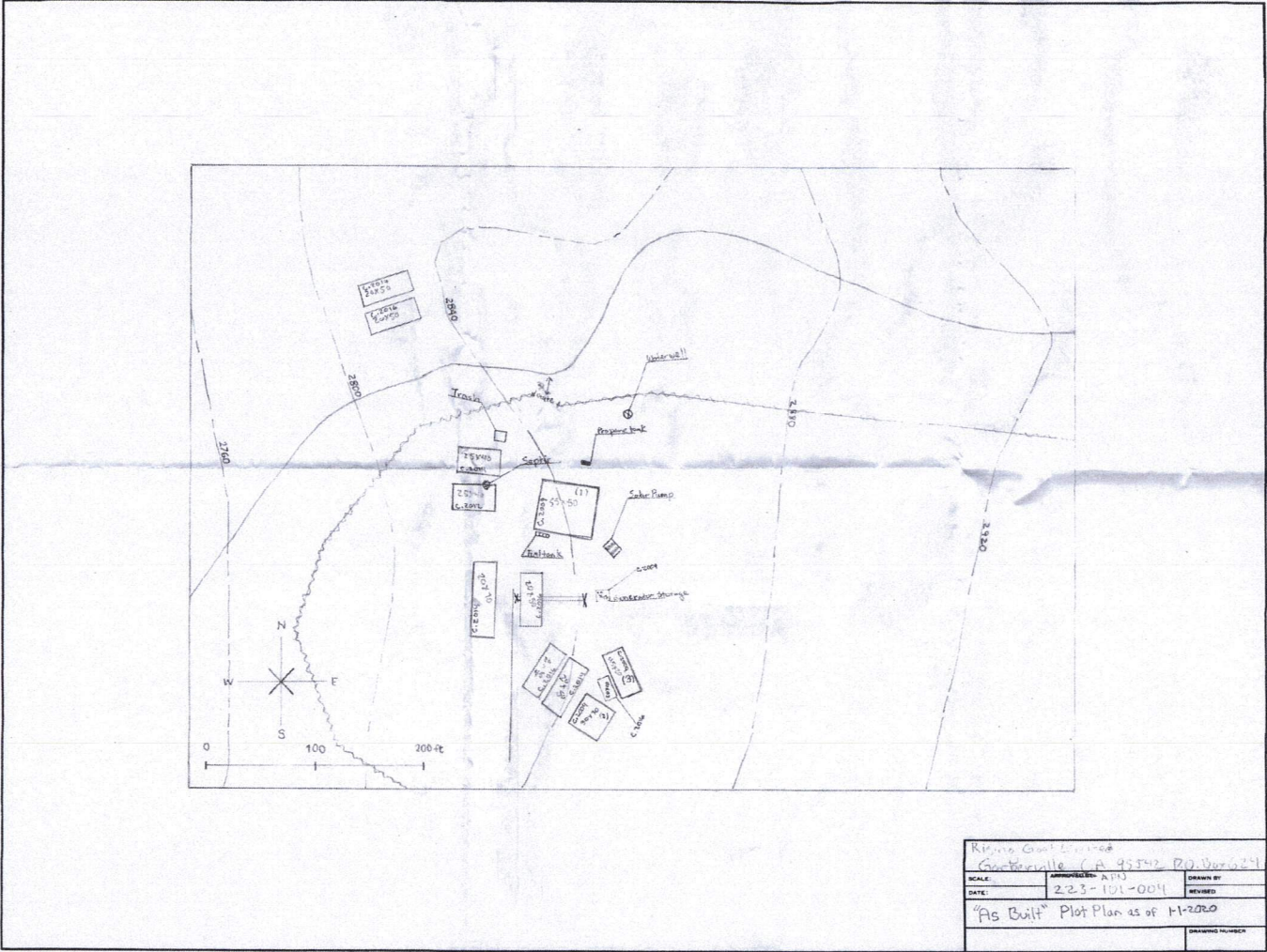
**TOPO MAP  
PROPOSED RISING GOAT LIMITED  
GARBERVILLE AREA  
PLN-2020-16188  
APN: 223-101-004  
T04S R04E S11 HB&M (FORT SEWARD)**

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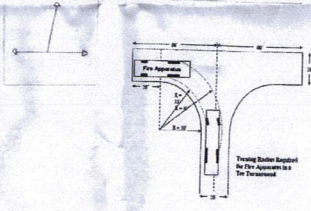
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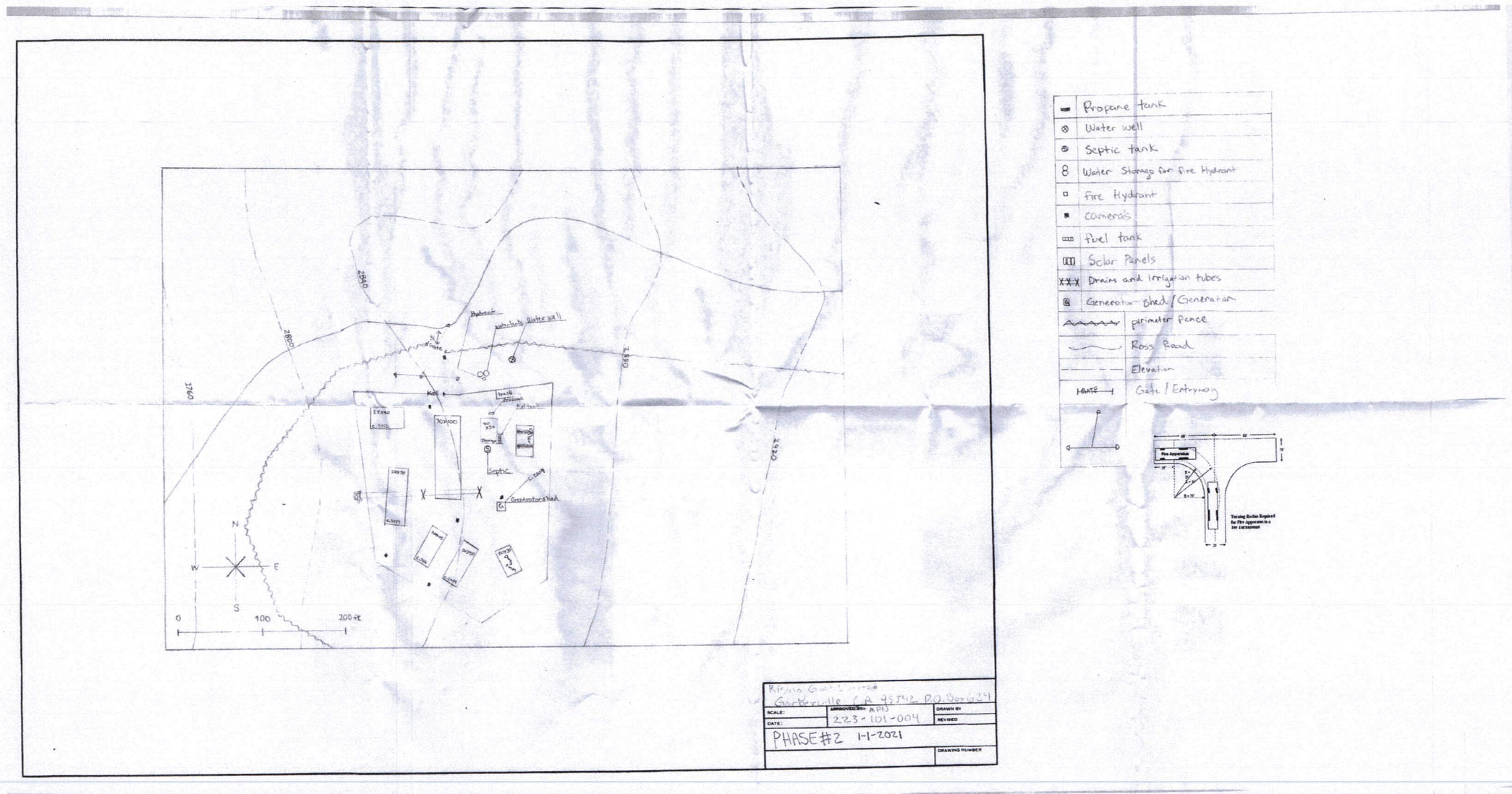


■	Propane Tank
⊙	Water Well
⊙	Septic Tank
⊙	Water Storage Tank for Hydrant
□	Fire Hydrant
■	Cameras
■	Fuel Tank
■	Solar Panels
XXX	Drains and Irrigation Tubes
⊙	Generator Shed/Generator
~~~~~	Perimeter Fence
~~~~~	Roads
~~~~~	Elevation
~~~~~	Gate/Entrance

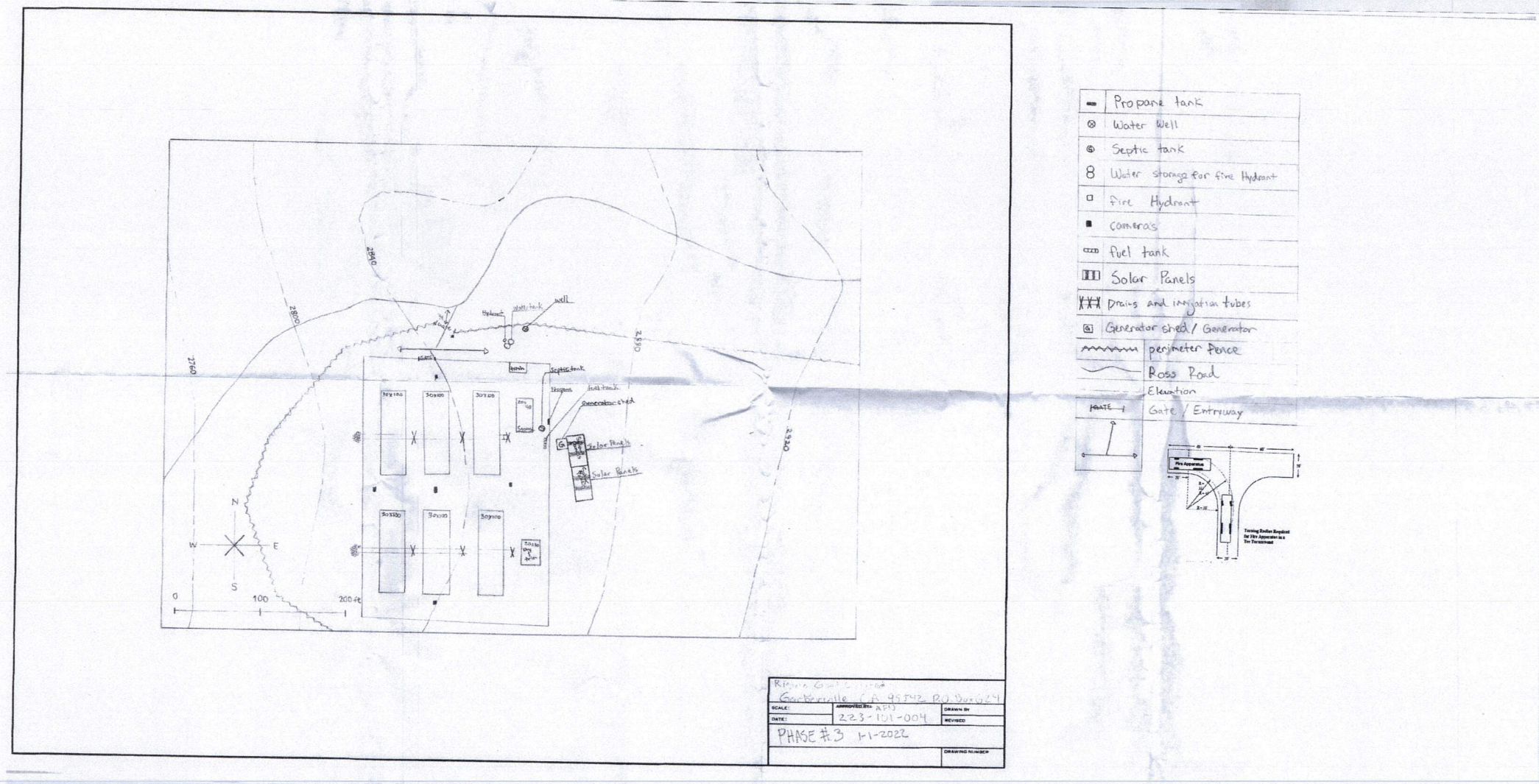


Rising Goat Limited  
 Guelphville, ON N1H 2Y1  
 SCALE: 1" = 100' DATE: 2-23-2021 DRAWN BY: [Signature] CHECKED BY: [Signature]  
 "As Built" Plot Plan as of 1-1-2020  
 DRAWING NUMBER: [Blank]











**ATTACHMENT 1**  
**Recommended Conditions of Approval**

**APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE CANNABIS CULTIVATION USE MAY BE INITIATED.**

1. No ground disturbances or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of Ross Road and Dyerville Loop Road. Additional water storage tanks shall be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving, that location will suffice.
2. Within 30 days of the effective date of this permit, the applicant shall submit a revised site plan showing the location of proposed water storage tanks consistent with the recommendations of the Bear River Band of Rohnerville Rancheria (see COA #1).
3. The applicant shall submit an energy plan that shows the total energy use projected for the project as designed in the final stage where all cultivation is mixed light cultivation. Generator use prior to installation of the solar power system, in the first two years of operation, shall be limited to 20% of the overall power needs for the project. This report shall identify the maximum amount of power supplied by generators in the first 2 years of the operation. The report shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
4. The applicant shall submit an Invasive Species Control Plan that includes the requirements of invasive species removal as required by the CCLUO. The plan shall be submitted to the Humboldt County Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
5. Prior to commencing operations, the applicant will provide a noise survey to establish ambient noise conditions, and the project activities will not create a noise source above the existing agricultural activities. An on-going condition of approval requires noise from the operation not to exceed 3 decibels above ambient noise levels.
6. The applicant shall to adhere to the recommendations contained within the *Biological Survey Report* was prepared by NRM Corp. Inc., dated July 2020.
7. The applicant shall comply with the *Timber Conversion Evaluation Report* prepared by NRM Corp., Inc., dated November 30, 2020, including white oak species to be restocked at a rate of 7:1. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. The applicant shall provide evidence of completing the recommendations at the time of the annual inspection or may schedule an inspection with the Humboldt County Planning Department.
8. 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.
9. The applicant shall provide receipts or other documentation to the DEH for the continual use of portable toilets for employees. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
10. Prior to commencing operations, the applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including, but not limited to, greenhouses and graded flats developed for the cultivation areas. The applicant shall submit floor plans

including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Planning Commission.

11. The applicant to submit copies of all documents filed and/or obtained from the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
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. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
13. Ross Road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects with Dyerville Loop Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
14. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
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 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 CCLUO 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 and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown

within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

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 10 feet from the side property lines and 20 feet from the front and rear property lines, 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 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
7. Maintain enrollment in Tier 1, 2 or 3, certification with the 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. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. Power is to be supplied by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source. The noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 50 decibels.
12. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
13. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
14. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
15. Any project related noise shall be contained to the extent feasible (e.g. containment of fans,

dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.

16. 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.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 1) Operation manager contacts;
    - 2) Emergency responder contacts;
    - 3) Poison control contacts.

- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  - VIII. Plan to minimize impact from increased road use resulting from processing.
  - IX. On-site housing, if any.
26. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, 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.
28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or

employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and

- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

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

#### **Informational Notes:**

1. 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.
2. 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.
3. 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.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines, the Department will file the NOD and will charge this cost to the project.
5. 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.

6. 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.
7. 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 Environmental Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card". This information shall also be provided to all employees as part of the employee orientation.

## ATTACHMENT 2

### Required Findings for Approval

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

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

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



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

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 4.8	<b>Residential Agriculture (RA):</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems.  Density: 1 unit/40 acres.	The proposed project is for 18,000 square feet of mixed light cannabis cultivation on lands designated as Residential Agriculture. General and intensive agriculture is allowable use type for this 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,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)  Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	The subject parcel is accessed via a private driveway approximately 0.2 miles on Ross Road, a paved privately-maintained road. Ross Road intersects with Dyerville Loop Road, which is County-maintained. The applicant submitted a Road Evaluation Report that states Ross Road meet the functional capacity for a Category 4 road. Public Works has commented and requested conditions of approval (see Attachment 5). The intersection at Ross Road and Dyerville Loop Road shall be maintained in accordance with the County Site Visibility Ordinance and have a paved or gravel encroachment 20 feet wide and 50 feet long. All fences and gates shall be relocated out of the County right of way. The Department of Public Works also notes that County maintained roads may generate dust and other impacts to farms. The applicant shall hold the County harmless for these impacts. These have been included as Conditions of Approval for the project.
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.
Conservation and Open Space	Goals and policies contained in this Chapter relate to an	The proposed project is located within Open Space Land Plan because the

<p>Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>project site is planned Residential Agriculture and zoned Agriculture Exclusive. There is one mapped Streamside Management Area (SMA) located in the northern area of the subject parcel that is an unnamed tributary to Dean Creek. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation. See Section 10.3 <i>Biological Resources</i> for additional information.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The subject parcel is primarily forested with open grassland areas. There are no mapped special status species occurring on the subject parcel according to the California Natural Diversity Database. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel. A <i>Biological Survey Report</i> was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Recommendations include adherence to CCLUO noise standards, no use of plastic support netting and no use of rodenticides. No further surveys were recommended. Conditions of approval require the applicant to adhere to the recommendations contained within the <i>Biological Survey Report</i> was prepared by NRM Corp. Inc., dated July 2020.</p> <p>Ongoing operational conditions require the applicant to maintain noise levels no more than 3 decibels above existing ambient noise. Supplemental lighting in the mixed-light greenhouses and nursery will be covered to prevent light leakage. The project as conditioned to operate meets the mitigation measures of the EIR.</p> <p>See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>) for additional information regarding culvert replacements and permitting requirements.</p> <p>See findings for the <i>Streamside Management Area</i> (SMA) for additional information regarding culvert</p>

		<p>replacements and findings for development of the on-stream pond.</p> <p>See findings for <i>Performance Standards – Water</i> for additional information regarding water use and storage.</p> <p>The project was referred to CDFW on March 6, 2020 and no comments were received. A request for comments was sent directly to staff on December 10, 2020. No response was received as of the date of drafting this staff report. Any comments received will be presented to the Planning Commission as a supplemental item. As conditioned, the project therefore conforms to this section.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC and Bear River Band responded indicating a Cultural Resource Survey is required. The applicant submitted <i>A Cultural Resources Investigation for a Commercial Cannabis Cultivation Rising Goat Limited, APN 223-101-004 Humboldt County, California</i>, prepared by William Rich and Associates dated July 2020. The report found light-density lithic scatter in various locations throughout the property. The Bear River Band THPO recommendation included that no ground disturbance or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of Ross Road and Dyerville Loop Road. The Bear River Band also stated that they prefer that additional water storage tanks be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving, that location will suffice. Conditions of approval also incorporate inadvertent discovery protocols. As conditioned, the project conforms with this section.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways</p>	<p>The proposed project is for 18,000 square feet of mixed light cannabis cultivation that will utilize artificial lighting. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitat is located more than 2 miles from the project site. The project site is not visible from Highway 101, a candidate for a scenic highway. The CCLUO requires that lighting used for</p>

	<p>that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>cultivation activity comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG), which is included as a condition of approval for this project. As conditioned, the project therefore conforms to this section.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The project site is mostly forested with a graded flat where cultivation site occurring. Slopes range from less than 15% to 30%. The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Conditions of approval also require the applicant to obtain a grading permit for areas developed for cannabis cultivation which will ensure stability of graded flats and implementation of best management practices for erosion control. As conditioned, the project therefore complies with this section.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-</p>	<p>The site is developed with a single-family residence served by an unpermitted septic system. The applicant will utilize portable toilets for cultivation staff. No processing will occur on-site. The project was referred to the County Division of Environmental Health which has recommended conditional approval of the project. As a condition of approval, the applicant must continue to furnish receipts showing the continual use of portable bathroom facilities.</p>

	Site Sewage Disposal Requirements.	
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source. Greenhouses will be equipped with fans and dehumidifiers. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel. A <i>Biological Survey Report</i> was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Prior to commencing operations, the applicant will provide a noise survey to establish ambient noise conditions, and the project activities will not create a noise source above the existing agricultural activities. An on-going condition of approval requires noise from the operation not to exceed 3 decibels above ambient noise levels. As conditioned the project therefore complies with this section.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The parcel is mapped as having high geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped landslides on the agricultural portion of the property. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation will occur are less than 15%. The operation will comply with best practices for winterization. The proposed uses are not expected to be affected by geologic instability. Conditions of approval also require the applicant to obtain a grading permit for areas developed for cannabis cultivation which will ensure stability of graded flats and implementation of best management practices for erosion control. As conditioned, the project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14	Goals and policies contained in this Chapter relate to the use of natural drainage	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation

Flooding	<p>channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>area and, at more than 2600 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The subject property is located within the Garberville Fire Protection District response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>With respect to the Fire Safe Ordinance (Section 3111-1 et seq.), all existing and proposed improvements are setback at least 30 feet from all property lines. There will be a maximum of three employees on-site during peak operations. There is 100,000 gallons of water storage on the subject parcel that could be used for fire protection as needed. The project therefore complies with this section.</p>
<p>Community Infrastructure and Services Element Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p> <p>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.</p>	<p>The subject parcel is located within the response area for the Garberville Fire 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.</p>

Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.
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2. **Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§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 subject parcel (APN 223-101-004) has been determined to be one legal parcel as described as Parcel 10 in Book 7 on Parcel Map 819, Pages 45-52. 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 Agriculture Exclusive  §314-17 Special Building Site Combining Zone	<p><b>AE:</b> This zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.</p> <p><b>B-6:</b> Building site area as shown on subdivision maps of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the subdivision map of record.</p>	The proposed project is a Special Permit for 18,000 square feet of new cannabis cultivation on a parcel zoned AE. The proposed use is an agricultural use that is specifically allowed with a Special Permit in the AE zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.
Min. Lot Size	20 acres	19.98 acres
Min. Lot Width	100 feet	162 feet

Maximum Lot Depth	None specified	911 feet
Max. Ground Coverage	35%	<35%
Minimum Yard Setbacks:  (Through the SRA requirements)	Front: 30 feet Rear: 20 feet Side: 10% of the lot width on each side but not more than 20 feet  SRA: 30 feet, all sides	>30 feet all sides
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.	According to the Biological Resource Survey prepared by NRM Corp., Inc., dated August 2020, states there is one Class II and one Class III watercourse on the subject parcel. The Class II watercourse is a tributary to Dean Creek then the South Fork Eel River. The Class III watercourse is ephemeral and did not have water present in the channel in July 2020. All cultivations are located outside the Streamside Managements (SMAs). The irrigation source is a permitted groundwater well and rainwater catchment, which are both non-diversionary sources. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) if any culvert installation, repair or maintenance is required once the Site Management Plan is developed. The cultivation area meets all required setbacks of the SMA Ordinance.
Off-Street Parking §314-109.1	Off Street Parking: Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.  <i>*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.</i>	8 spaces



**314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)**

<p>§314-55.4.5.4</p> <p>Permit Limits and Permit Counting</p>	<p>No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).</p>	<p>According to records maintained by the Planning Department, Rising Goat Limited has no other applications for cultivation. This application is one Special Permit for a 18,000-square-foot cultivation area. The applicant meets the referenced standard.</p>
<p>§314-55.4.6.0</p> <p>Conversion of Timberland</p>	<p>Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.</p>	<p>The subject parcel is a mixed of forested and grassland habitat. A review of aerial imagery on the Humboldt County WebGIS shows an existing grassland opening was expanded for cannabis cultivation between 2005 to 2009 and again between 2010 – 2012. A second clearing along the central portion of the southern parcel boundary was converted between 2012 to 2014. The applicant submitted a <i>Timber Conversion Evaluation Report</i> prepared by NRM Corp., Inc., dated November 30, 2020. The report found that approximately 1.85 acres of timber conversion occurred in two distinct areas with an additional small amount of white oak species cleared by an adjacent property owner that may have occurred on the property. The report recommends road improvements, removal of soils and restocking of white oak species. Conditions of approval require the applicant to adhere to the recommendations contained within the <i>Timber Conversion Evaluation Report</i> prepared by NRM Corp., Inc., dated November 30, 2020. Conditions of approval also require that the white oak species are restocked, at a rate of 7:1. The plan shall include a monitoring plan for a minimum of three years that requires an 85% success rate for any timber restocking. No additional timber conversion is proposed as part of the project. As conditioned, the project therefore conforms to this section.</p>

<p>§314-55.4.6.4.3</p> <p>Limitation on Use of Prime Soils</p>	<p>The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged</p>	<p>There are no mapped prime agricultural soils on the subject parcel. The project therefore conforms to this section.</p>
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§314-55.4.6.4.4  Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	A review of the Humboldt County WebGIS, referral responses and the applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The applicant submitted <i>A Cultural Resources Investigation for a Commercial Cannabis Cultivation Rising Goat Limited, APN 223-101-004, Humboldt County, California</i> , prepared by William Rich and Associates dated July 2020. The report found light-density lithic scatter is various locations throughout the property. The Bear River Band THPO recommendation included that no ground distances or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of Ross Road and Dyerville Loop Road. The Bear River Band also stated that they prefer that additional water storage tanks to be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving, that location will suffice. Conditions of approval also incorporate inadvertent discovery protocols. As conditioned, the project therefore conforms to this section.
§314-55.4.11 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.
§314-55.4.12 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.

<p>§314-55.4.12.1.8 Performance Standards–  Road Systems</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The subject parcel is accessed via a private driveway approximately 0.2 miles on Ross Road, a paved privately-maintained road. Ross Road intersects with Dyerville Loop Road, which is County-maintained. The applicant submitted a Road Evaluation Report that states Ross Road meet the functional capacity for a Category 4 road. Public Works has commented and requested conditions of approval (see Attachment 5). The intersection at Ross Road and Dyerville Loop Road shall be maintained in accordance with the County Site Visibility Ordinance and have a paved or gravel encroachment 20 feet wide and 50 feet long. All fences and gates shall be relocated out of the County right of way. The Department of Public Works also notes that County maintained roads may generate dust and other impacts to farms. The applicant shall hold the County harmless for these impacts. These have been included as Conditions of Approval for the project.</p>
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<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>There are no mapped special status species occurring on the subject parcel according to the California Natural Diversity Database. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel. A <i>Biological Survey Report</i> was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Recommendations include adherence to CCLUO noise standards, no use of plastic support netting and no use of rodenticides. No further surveys were recommended. Conditions of approval require the applicant to adhere to the recommendations contained within the <i>Biological Survey Report</i> was prepared by NRM Corp. Inc., dated July 2020.</p> <p>Ongoing operational conditions require the applicant to maintain noise levels no more than 3 decibels above existing ambient noise. Supplemental lighting in the mixed-light greenhouses and nursery will be covered to prevent light leakage. The project as conditioned to operate meets the mitigation measures of the EIR.</p> <p>See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>) for additional information regarding culvert replacements and permitting requirements.</p> <p>See findings for the <i>Streamside Management Area</i> (SMA) for additional information regarding culvert replacements.</p> <p>See findings for <i>Performance Standards – Water</i> for additional information regarding water source, water use and storage.</p> <p>As conditioned the project therefore conforms with this section.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.</p>

<p>§314-55.4.12.4 Performance Standards–  Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The proposed project is for 18,000 square feet of mixed light cannabis cultivation that will utilize artificial lighting. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitat is located more than 2 miles from the project site. The CCLUO requires that lighting used for cultivation activity comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG), which is included as a condition of approval for this project. As conditioned, the project therefore conforms to this section.</p>
<p>§314-55.4.12.5 Performance Standards–  Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> <li>• Grid power supplied from 100% renewable source; and</li> <li>• On-site renewable energy system with twenty percent net non-renewable energy use</li> </ul> <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source. Greenhouses will be equipped with fans and dehumidifiers. Once the solar power system is installed, the project will be supplied with an on-site renewable energy system with the use of generators limited to 20%. Prior to energy use to support operations, the applicant shall submit an energy plan that shows the total energy use projected for the project as designed in the final stage where all cultivation is mixed light cultivation. Generator use prior to installation of the solar power system, in the first two years of operation, shall be limited to 20% of the overall power needs for the project. This report shall identify the maximum amount of power supplied by generators in the first 2 years of the operation. As conditioned, the project therefore confirms to the performance standards of energy use.</p>

<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source. Greenhouses will be equipped with fans and dehumidifiers. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel. A <i>Biological Survey Report</i> was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Prior to commencing operations, the applicant will provide a noise survey to establish ambient noise conditions, and the project activities will not create a noise source above the existing agricultural activities. An on-going condition of approval requires noise from the operation not to exceed 3 decibels above ambient noise levels. As conditioned the project therefore complies with the performance standards for noise.</p>
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<p>§314-55.4.12.7 Performance Standards –  Cannabis Irrigation</p>	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>Annual water use is estimated at 366,660 gallons. The irrigation water source is from a groundwater well and rainwater catchment. There will be 17,500 gallons of water storage on the subject parcel. According to the operations plan and site plan, the well is located in the northern portion of the main cultivation area. The groundwater well is permitted (Permit #16/17-0123) by the Department of Environmental Health. Annual water use is estimated at 366,660 gallons. The irrigation water source is from a groundwater well and rainwater catchment. There will be 17,500 gallons of water storage on the subject parcel. According to the operations plan and site plan, the well is located in the northern portion of the main cultivation area. The groundwater well is permitted (Permit #16/17-0123) by the Department of Environmental Health. The well is located approximately 40 feet southeast of the single-family residence (as shown by the Well Completion Report, see Attachment 4) and approximately 307 feet southeast of the Class II watercourse located in the northern portion of the parcel. The well and the nearby watercourse appear to be located at approximately 2040 feet in elevation. The well is 200 feet deep with water first occurring at 50 feet. The well yields 25 gallons per minute (gpm). Planning staff determined that because the well and the watercourse appear to be at the same elevation and drilled through soil layers including clay that the well is most likely hydrologically disconnected from surface waters. Conditions of approval require that a water meter will be used to quantify irrigation water use. As conditioned, the project therefore conforms to the this section.</p>
<p>314-55.4.12.10 Performance Standards –  Soils Management</p>	<p>A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.</p>	<p>Cultivation shall occur in pots or raised beds according to the operations plan. Mixing, filling and amending will occur in the raised beds. Soils will be reused and/or composted on-site. No unpermitted, off-site dumping of soils is authorized by this permit. Conditions of approval require the applicant to submit a soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed. As conditioned, the project complies with the performance standards for soils management.</p>



314-55.4.12.13 Performance Standards –  Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	All proposed cultivation will occur on existing agricultural land. According to the <i>Biological Survey Report</i> prepared by NRM Corp., Inc., dated July 2020, the two northernmost greenhouses were used for the 2020 growing season, pending permitting, then dismantled. This area will be cleared of garbage and cultivation waste and replanted with native vegetation such as a native grass mix. See the Timberland Conversion section above for conditions of approval that require restocking of any timberlands that were converted after January 1, 2016, and/or areas that were converted in a manner that does not comply with the Forest Practice rules. Conditions of approval require the applicant to adhere to the <i>Biological Survey Report</i> prepared by NRM Corp., Inc., dated July 2020. As conditioned, the project complies with the performance standards for remediation activities.
314-55.4.12.16 Performance Standards –  Invasive Species Control	It is the responsibility of a certificate or permit holder to provide a plan to control the spread of invasive species.	Conditions of approval require the applicant to submit an Invasive Species Control Plan that includes the requirements of invasive species removal as required by the CCLUO. As conditioned, the project complies with the performance standards for invasive species control.

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

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

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for 18,000 square feet of mixed light cultivation with irrigation water provided by a groundwater well and rainwater catchment, with off-site processing and propagation. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3**  
**CEQA ADDENDUM**

CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

*Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)*  
*(State Clearinghouse # 2017042022), January 2018*

*APN 223-101-004, 1400 Ross Road, Garberville, County of Humboldt*

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

January 2021

## Background

**Project Description and Project History** – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project is a Special Permit for 18,000 square feet (sf) of new mixed light cannabis cultivation. The proposed project would be phased to begin outdoor at 10,000 sf and expand to a total of 18,000 sf mixed light cultivation within two years. Drying and curing will occur on site in Processing, such as trimming, will occur at an off-site licensed processing facility. There will be a maximum of 3 employees during peak operations. Power is provided by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source.

Annual water use is estimated at 366,660 gallons. The irrigation water source is from a groundwater well and rainwater catchment. There will be 17,500 gallons of water storage on the subject parcel. According to the operations plan and site plan, the well is located in the northern portion of the main cultivation area. The groundwater well is permitted (Permit #16/17-0123) by the Department of Environmental Health. The well is located approximately 40 feet southeast of the single-family residence (as shown by the Well Completion Report, see Attachment 4) and approximately 307 feet southeast of the Class II watercourse located in the northern portion of the parcel. The well and the nearby watercourse appear to be located at approximately 2040 feet in elevation. The well is 200 feet deep with water first occurring at 50 feet. The well yields 25 gallons per minute (gpm). Planning staff determined that because the well and the watercourse appear to be at the same elevation and drilled through soil layers including clay that the well is most likely hydrologically disconnected from surface waters. Conditions of approval require that a water meter will be used to quantify irrigation water use.

The subject parcel is primarily forested with open grassland areas. There are no mapped special status species occurring on the subject parcel according to the California Natural Diversity Database. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel. A *Biological Survey Report* was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Recommendations include adherence to CCLUO noise standards, no use of plastic support netting and no use of rodenticides. The proposed cultivation site is on a less than 15% slope, which is a graded flat

developed prior to January 1, 2016. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

*A Cultural Resources Investigation for a Commercial Cannabis Cultivation Rising Goat Limited, APN 223-101-004 Humboldt County, California*, prepared by William Rich and Associates dated July 2020. The report found light-density lithic scatter is various locations throughout the property. The Bear River Band THPO recommendation included that no ground distances or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of Ross Road and Dyerville Loop Road. The Bear River Band also stated that they prefer that additional water storage tanks to be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a non-diversionary source and electricity from renewable sources.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize 18,000 square feet of new mixed light cultivation is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operations Plan;
- Site Plan prepared by prepared by the applicant;
- Division of Environmental Health Worksheet; and
- Biological Survey Report prepared by NRM Corp., Inc. dated July 2020.

#### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

#### **FINDINGS**

1. The proposed project will permit a new 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 EIR was adopted as complete.

#### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

## ATTACHMENT 4

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

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached in map section)
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. (**Attachment 3A** – Attached Separately and on file)
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 – see 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. (Condition of approval)
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 October 21, 2018)
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. (Condition of approval)

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. Division of Environmental Health Worksheet. (On file)
16. *Road Evaluation Report* prepared by the applicant dated April 10, 2020. (Attached)
17. *A Cultural Resources Investigation for a Commercial Cannabis Cultivation Rising Goat Limited, APN 223-101-004, Humboldt County, California*, prepared by William Rich and Associates, dated July 2020. (On file and confidential)
18. *Biological Survey Report* prepared by NRM Corp.; Inc. dated July 2020. (**Attachment 3B** – Attached Separately and on file)
19. *Timber Conversion Evaluation Report* prepared by NRM Corp., Inc., dated November 30, 2020 (Attached)

# RECEIVED

AUG 8 2016



HUMBOLDT CO. DIVISION  
OF ENVIRONMENTAL HEALTH

Environmental Health  
1001 Street, Suite 100, Eureka, CA 95501  
phone: (707) 445-6215 fax: (707) 441-5699

## WATER WELL APPLICATION CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by  
Humboldt County Division of Environmental Health (DEH)

### Instructions:

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address	400 Ross Rd.	APN	22810104
City/State/Zip	Garberville, Ca.	CA	
Directions to Site			
Applicant	Watson Well Drilling Inc.	Contact	Nancy
Mailing Address	500 Summer St.	Work Phone	412-2849
City/State/Zip	Eureka, Ca. 95501	Cell Phone	
Property Owner	Mitchell Lefel	Home Phone	492-7477
Mailing Address	1643 Tompkins Hill Rd.	Work Phone	492-8327
City/State/Zip	Fortuna, Ca. 95540	Cell Phone	
I hereby grant 'right-of-entry' for inspection purposes. <u>Mitchell Lefel</u>			
Drilling Contractor	Watson Well Drilling Inc.	C-57 License #	1014048
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature: <u>[Signature]</u>			
Would driller like a copy of approved application? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> U.S. Mail address:			
<input checked="" type="checkbox"/> Email address: <u>nancy@watsonwelldrilling.com</u>			
Type of Application:	Construction:	Intended Use:	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.)	<input type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.)	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.)	<input type="checkbox"/> Irrigation	
	Sealing Material	<input type="checkbox"/> Other	

Page 1 of 2  
Revised 12-14-15

\\all.co.humboldt.ca.us\dlms\files\ENV\EH Resources\Forms and Hand Outs Public\Land Use\Permits\Water Well Permit Application.docx



State of California  
**Well Completion Report**  
WCR Form In Review 11/29/2016  
WCR2016-007753

Owner's Well Number 1 Date Work Began 10/13/2016 Date Work Ended 10/21/2016  
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
Secondary Permit Agency \_\_\_\_\_ Permit Number 16/17 123 Permit Date 08/22/2016

<p>Name <u>Mitchell Leffel</u></p> <p>Mailing Address <u>1643 Tompkins Hill Rd</u></p> <p>City <u>Fortuna</u> State <u>CA</u> Zip <u>95540</u></p>	<p>Activity <u>New Well</u></p> <p>Planned Use <u>Water Supply Domestic</u></p>
--	---

Address <u>1400 Ross RD</u>		APN <u>223-101-004</u>	
City <u>Garberville</u>	Zip <u>95560</u>	County <u>Humboldt</u>	Township <u>04 S</u>
Latitude _____ N _____ W	Longitude _____	Range <u>04 E</u>	Section <u>11</u>
Dec. Lat. <u>40.1294866</u>	Dec. Long. <u>-123.7086637</u>	Baseline Meridian <u>Humboldt</u>	Ground Surface Elevation _____
Vertical Datum _____	Horizontal Datum <u>WGS84</u>	Elevation Accuracy _____	Elevation Determination Method _____
Location Accuracy _____	Location Determination Method _____		

Orientation <u>Vertical</u> Specify _____		Depth to first water <u>50</u> (Feet below surface)	
Drilling Method <u>Direct Rotary</u>	Drilling Fluid <u>Air</u>	Depth to Static _____	
Total Depth of Boring <u>200</u> Feet		Water Level _____ (Feet)	Date Measured _____
Total Depth of Completed Well <u>200</u> Feet		Estimated Yield* <u>25</u>	Test Type <u>Air Lift</u>
		Test Length <u>2</u>	Total Drawdown _____ (Feet)
*May not be representative of a well's long term yield.			

Depth from Surface Feet to Feet			Description
0	5		Top Soil
5	25		Sand & Gravel w/Clay
25	75		Brown Serpentine Gravel
75	80		Blue Clay
80	200		Fractured/Broken Franciscan Sandstone

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	21	Blank	Low Carbon Steel	Grade: ASTM A53	0.25	8			
2	0	40	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	40	75	Screen	Low Carbon Steel	Grade: ASTM A53	0.188	6	Milled Slots	0.125	Knife Cut
2	75	95	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	95	155	Screen	Low Carbon Steel	Grade: ASTM A53	0.188	6	Milled Slots	0.125	
2	155	175	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	175	200	Screen	Low Carbon Steel	Grade: ASTM A53	0.25	6	Milled Slots	0.125	

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	21	Bentonite	Non Hydrated Bentonite		
21	200	Other Fill	See description.		no annular fill

Other Observations:

Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	21	12
21	200	7.44

**WATSON WELL DRILLING**

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

Name WATSON WELL DRILLING

Person, Firm or Corporation

500 Summer Street Eureka CA 95501

Address City State Zip

Signed 11/09/2016 1014048

C-57 Licensed Water Well Contractor Date Signed C-57 License Number

WellReport\_20161110\_064523.pdf - WCR Final

**WATSON WELL DRILLING**

Site Number / State Well Number

Latitude Deg/Min/Sec Longitude Deg/Min/Sec

TRS:

APN:



RECEIVED  
AUG 8 2016

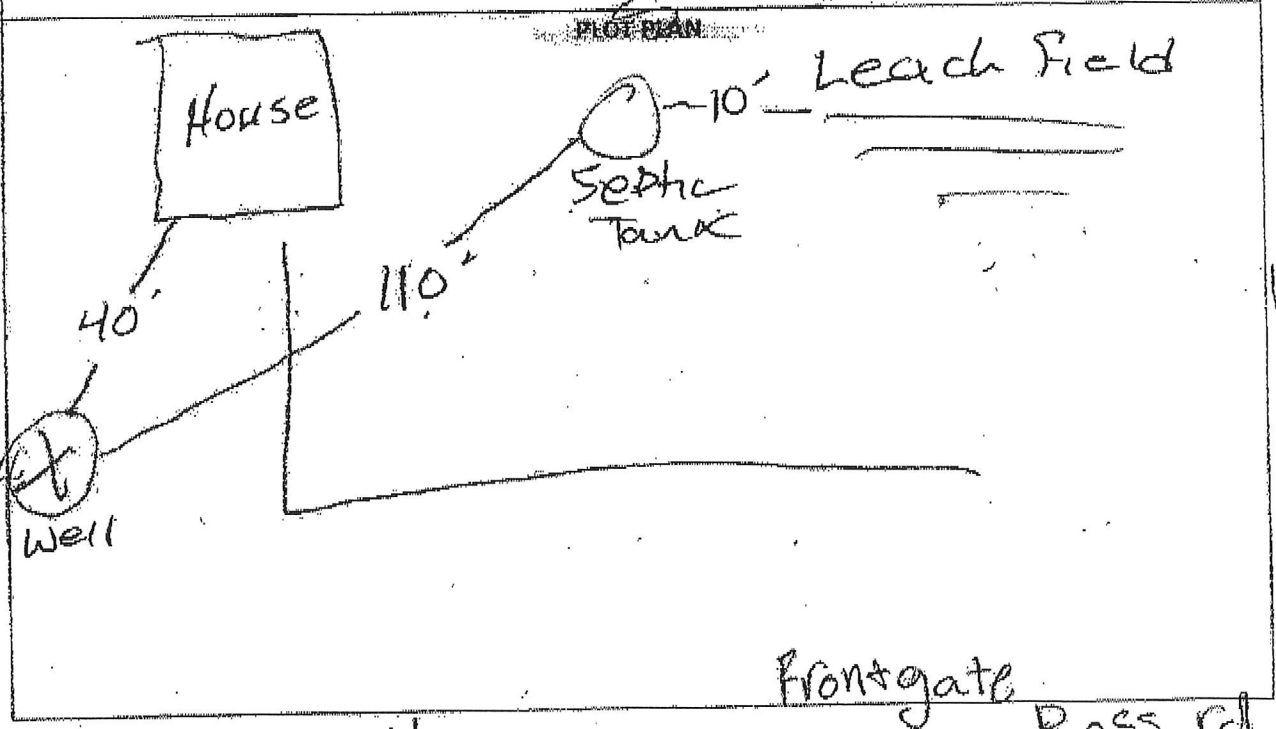
<b>Estimated Work Dates:</b>	<b>Casing:</b>	<b>Type of Sewage System:</b>
Start _____	Diameter (in.) _____	<input type="checkbox"/> Community Sewer
Completion _____	Material _____	<input type="checkbox"/> OWTS (Septic)
		Distance from well site to OWTS _____

**Special Requirements/Comments:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



<b>FOR OFFICE USE ONLY</b>	
Fee: <u>373</u>	Site Approved by: <u>[Signature]</u>
Date: <u>8/8/16</u>	Site Approved Date: <u>8/8/16</u>
Receipt: <u>917118</u>	Sealed to Depth of: _____
Project #: <u>116/17-0123</u>	Seal observed: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Final Approved Date: _____

paid for by Watson Well Drilling

# State of California

## Secretary of State

### CERTIFICATE OF STATUS

ENTITY NAME: CBD FARMS, LLC

FILE NUMBER: 201621710118  
FORMATION DATE: 07/25/2016  
TYPE: DOMESTIC LIMITED LIABILITY COMPANY  
JURISDICTION: CALIFORNIA  
STATUS: ACTIVE (GOOD STANDING)

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

The records of this office indicate the entity is authorized to exercise all of its powers, rights and privileges in the State of California.

No information is available from this office regarding the financial condition, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of November 16, 2016.

A handwritten signature in black ink, appearing to read "Alex Padilla".

ALEX PADILLA  
Secretary of State

MMS

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Rising Goat Ltd. (Paul Soares) APN: 223-101-004

Planning & Building Department Case/File No.: PLN-2020-16188

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

From Road (Cross street): Djerville Loop/Ross Rd. Intersection

To Road (Cross street): Property entrance

Length of road segment: 0.2 miles Date Inspected: 4/2/20

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

Check one of the following:

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

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

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

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

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

Signature

Kimberly S. Preston

Date

4-10-2020

Name Printed

KIMBERLY S. PRESTON

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

November 30, 2020

Rising Goat Limited, a California Corporation  
798 Lighthouse Ave #330  
Monterey CA, 93940

**Rising Goat Limited Conversion Evaluation Report  
for Humboldt APN #223-101-004  
1400 Ross Road, Garberville, CA 95542  
Portion of SW ¼ of Section 11, T4N, R4E HB&M**

Rising Goat Limited has applied for a Humboldt County *Cannabis* cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL FIRE, the applicant shall secure the services of a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL FIRE written Notice of Availability of the RPF's report. If CAL FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act (FPA). On April 15, 2020, Ethan Coonen RPF #3089 of Natural Resources Management Corp. visited the property and inspected the converted areas. The clearing efforts that occurred during the previous ownership are considered conversion of timberland and were performed without a proper permit from CAL FIRE.

1. Contact Information

a. Timberland/Timber Owner of Record:

Rising Goat Limited  
798 Lighthouse Ave #330  
Monterey CA, 93940  
(831) 601-1220  
[risinggoatlimited@gmail.com](mailto:risinggoatlimited@gmail.com)

b. Registered Professional Forester Preparing Report:

Ethan Coonen RPF # 3089  
1434 Third Street  
Eureka, CA 95501  
(707) 442-1735  
[ecoonen@nrmcorp.com](mailto:ecoonen@nrmcorp.com)

2. Location of Project

- a. Site Address: 1400 Ross Road, Garberville, CA 95542
- b. Community Area: Garberville
- c. Assessor's Parcel No(s): 223-101-004
- d. Parcel Size(s): 20 acres



Note: A legal parcel boundary survey was not a part of this Timber Conversion Report. Parcel boundary lines on maps in this report are from Humboldt County GIS data and do not constitute a legal survey. Actual boundaries maybe different than as depicted on maps in this report.

### 3. Project Description

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

The property is within a white oak forest with scattered mature Douglas-fir. Young Douglas-fir trees have seeded into some portions of the white oak stands and will shade them out over the next couple decades if not treated. With all species combined, basal area ranges between 100 to 160 square feet per acre with 20% to 100% closed canopy. The property is zoned Forest Recreation with Building Site (FR-B-6).

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

#### *RIPARIAN BUFFER WIDTHS:*

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

*Channel Zone = channel between the WTL.*

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

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

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

*Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)*

*30 ft. for side slopes <30%.*

*50 ft. for side slopes >30%.*

There are several class II and class III watercourses on the parcel.

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

Nearly all the conifer forests in the area were harvested in the late 40's and early 50's; Large diameter Douglas-fir trees were tractor yarded.

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

There are two unpermitted conversions on this parcel, totaling **1.85 acres**. The potential trespass conversion on the south boundary is not included in the total conversion area.

Name	Year Converted	Acres
Site A	2012	1.59
Site B	2012	0.26

### Conversion Site A

This site was originally converted between 2010 and 2012 when an acre of oak forest was cleared around a residential site, several terraces were graded, and seven greenhouses were constructed for *Cannabis* cultivation. Currently the site is occupied by a three-story house with a propane tank, seven greenhouses, a processing structure, two storage structures, solar panels, a trailer, and parking area. Surrounding slopes range from 10% to 25%. The south edge of the conversion is within a Class III riparian buffer. A storage structure is 33' from the Class III watercourse with 5% slope between. The site is accessed with a gated native-surface road running north to south through the site with a spur road. Beyond cultivation access the road crosses a Class III watercourse with a 24" culvert. The culvert is undersized and has a 3-foot plunge at the outlet; see Recommendation Point (RP) 1 in Section 5. The site has three ditches in the southeast portion; two of the ditches parallel with the top of the Class III watercourse and are within riparian zone. The ditches are stable and do not need any mitigation. A small area on the west edge has perlite mixed with the native soil (See RC 2 in Sec. 5). See Figure 4 and Photos 1- 8 Ownership at time of conversion is unknown. Total area converted without a 1104 permit: **1.58 acres.**

### Conversion Site B

This site was originally converted between 2010 and 2012 when a terrace was graded, and surrounding trees cleared to accommodate two greenhouses for *Cannabis* cultivation. Currently the site is occupied by two greenhouses and a trailer. Surrounding slopes are 30% on the north edge and 50% on the west edge and less than 10% on the east and south edges. No riparian buffers are within the site. The site is accessed from the south via Ross road and from east by a rocky road. The South edge is fenced with a gate. See Figure 4 and Photos 9 and 10. Ownership at time of conversion is unknown. Total area converted without a 1104 permit: **0.26 acres.**

## 4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

### a. Harvest Practices and Erosion Control (CFPR Section 914)

No permits were obtained prior to conversion operations. No erosion issues associated with timber clearing present at any of the two conversion sites.

### b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

Ross road transects the parcel so that the property and sites can be accessed from either the north or south. The access road to the conversion sites is the appurtenant road for the conversion operations that occurred. No logs were hauled when this conversion occurred. The portion of Ross Road through the parcel is rocky, has been evaluated by Omsberg & Preston, and is in good condition. This section of Ross Road has three watercourse crossings with undersized culvert. Two of the crossings are functioning and show no sign of failing. The crossing closest to Dyerville Loop Road is recommended to be replaced, (see RP 6 in Section 5). The road through Site A is native surface. The portion of Site A road used during the Winter Period (November 15 - April 1) should be rocky (RP3). The crossing in Site A is undersized, eroding, and is recommended to be replaced with an armored ford (RP 1).

### c. Watercourse and Lake Protection Zones (CFPR Section 916)

The watercourse crossing in Site A is undersized and recommended to be replaced with an armored ford. A culvert at this crossing is not necessary because this crossing is not normally used. There are no other watercourse issues within either of the conversion sites. There are three ditches within Site A but none of the ditches show signs of erosion or instability. The two ditches within a Class III riparian zone were never permitted by California Department of Fish and Wildlife. The Ross Road has a Class III watercourse crossing and two Class II watercourse crossings. The Rational Method predicts the existing culverts are too narrow to accommodate a 100-year storm, see table below. However, two of the culverts on Ross

road were well installed and show no signs of failure. Replacing these two culverts at this point would pose a greater risk to water quality than monitoring and waiting to replace once culverts are failing. The crossing closest to Dyerville Loop Road is recommended to be replaced, (see RP 6 in Section 5).

Table 2. Data for sizing culvert diameter according to CDFW's recommendation. Crossing locations can be found on Figures 2 and 3; Area is total drainage acres; Q100 is the predicted flow during a 100-year storm in CFS; Standard Diameter is the recommended culvert diameter in inches; Existing Diameter is in inches

Crossing	Area	Q100	Standard Diameter	Existing Diameter
1045	30	52	54	24 - Replace
1047	17	30	42	24 - Replace
1063	18	31	42	36 - Monitor
1064	46	80	60	36 - Monitor

d. Hazard Reduction (CFPR Section 917 and 1104.1(a) (2)(D) 4.

There are no hazard reduction issues.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened or Endangered Plants or Animals were observed during the site visit. According to California's Natural Diversity Database the closest listed or sensitive species, *Rana boylei*, is a mile NW of the parcel. Perlite is present in places at both conversion sites, see RP 2 and 4.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological sites were observed at or near the conversion sites.

5. Summary and Recommendations

Both conversion sites are suitable for *Cannabis* cultivation related activities and residential development.

**RECOMMENDATION POINTS:** Below are six specific recommendations to bring the conversion sites, and their access into compliance with the FPA. Locations of recommendation can be found on Figures 2 and 3 labeled as 'RP'. The detailed recommendations for work can be found in the list below.

RP 1) Dirt road crosses a Class III watercourse with 24" metal culvert. Pipe is undersized and has an unarmored 3' plunge, see Photos 5 and 8. Remove culvert and construct armored ford. Form outsloped dip so that vehicles may pass, and water will stay on course. Armor outboard edge with 12" average diameter rock. Line crossing with 4" rock for 10' in both directions. Line crossing with road base rock for 40' in both directions. Construct rolling dips 40' both directions from crossing. Properly dispose of culvert waste. This point is included in the pending 1600 and 401 permits.

RP 2) Unstable perlite in Site A. Properly dispose of perlite contaminated soils.

RP 3) Dirt road used to access cultivation areas, see Photo 2. Line all driving surfaces with enough road base rock to prevent deformation and erosion if used during wet conditions.

RP 4) Properly dispose of unstable perlite contaminated soils.

RP 5) Forest conversion on parcel boundary, see Photo 11. A portion of white oak forest has been cleared for *Cannabis* cultivation along the south boundary according to Humboldt County GIS parcel data and the

cattle fence that follows the GIS boundary. The garden is accessed from the adjacent parcel to the south. Once the real property line is marked in the field, restock any cleared area on-parcel with white oak trees spaced 10 feet apart.

RP 6) Rocked road crosses a Class III watercourse with 24" culvert. Culvert is under sized and too short to withstand the predicted 100-year storm flow, see Photo 12. Excavate existing culvert and install 54" diameter culvert so that inlet and outlet are aligned with channel. Barrow fill/spoils from Conversion Site 2 to raise driving surface 1' above top of culvert. Form low point left of centerline to act, in conjunction with raised road prism, as a critical dip. Armor inlet and outlet with average 18" diameter rock. Recap road with road base rock. Properly dispose of culvert so that waste is not left in riparian buffer. This point is included in the pending 1600 and 401 permits.

#### 6. Photos, Figures, Map



Photo 1. Site A- Looking south from entrance.

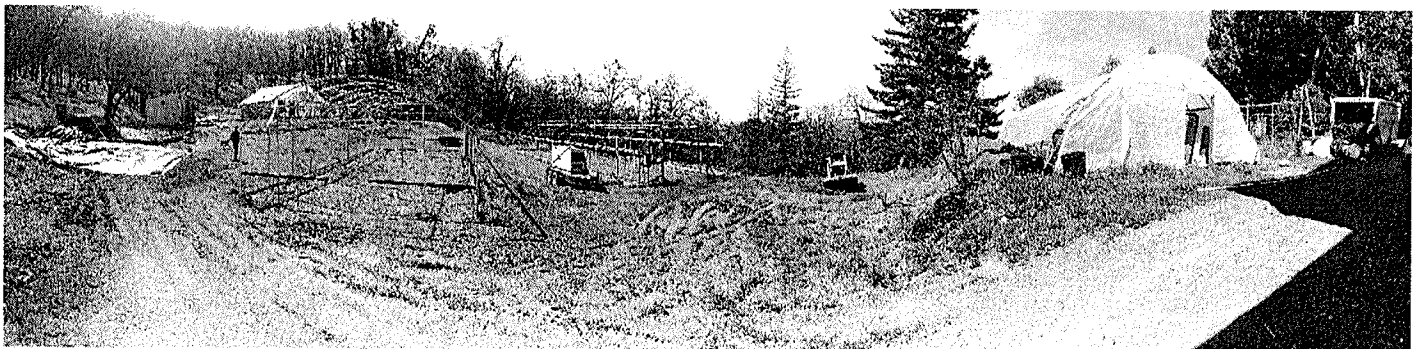


Photo 2. Site A – Looking south at RC 3 from center.



Photo 3. Site A – Looking west from east edge.



Photo 4. Site A – Looking north at RP 6 from south edge.

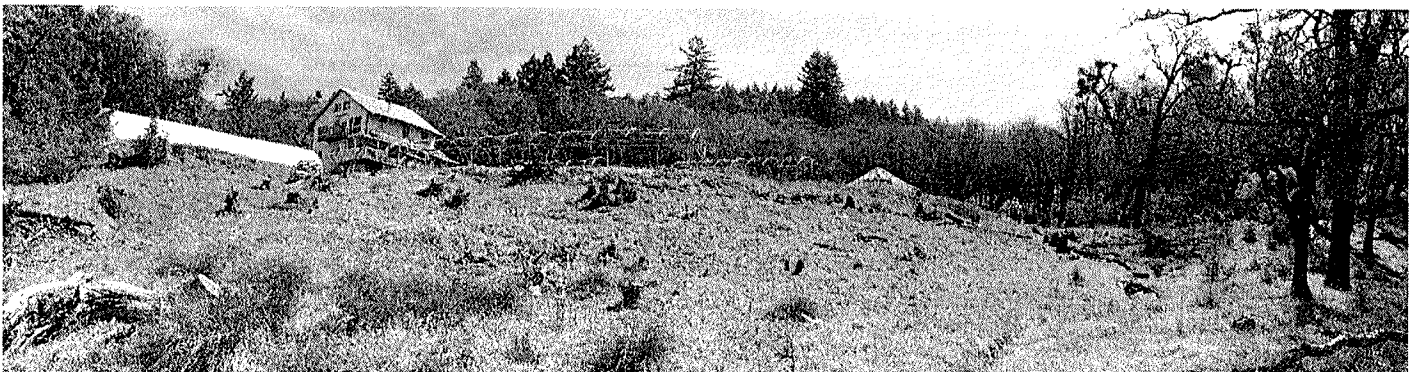


Photo 5. Site A – Looking east from west edge. Crossing at RP 1 in Photo right.





Photo 6. Looking down two ditches in south portion of Site A. Head of Class III watercourse lined with Douglas-fir saplings.



Photo 7. Looking up Class III watercourse at confluence with ditch.



Photo 8. Looking upstream at outlet of culvert at RP 1 in Site A.





Photo 9. Site B – Looking west from east edge.

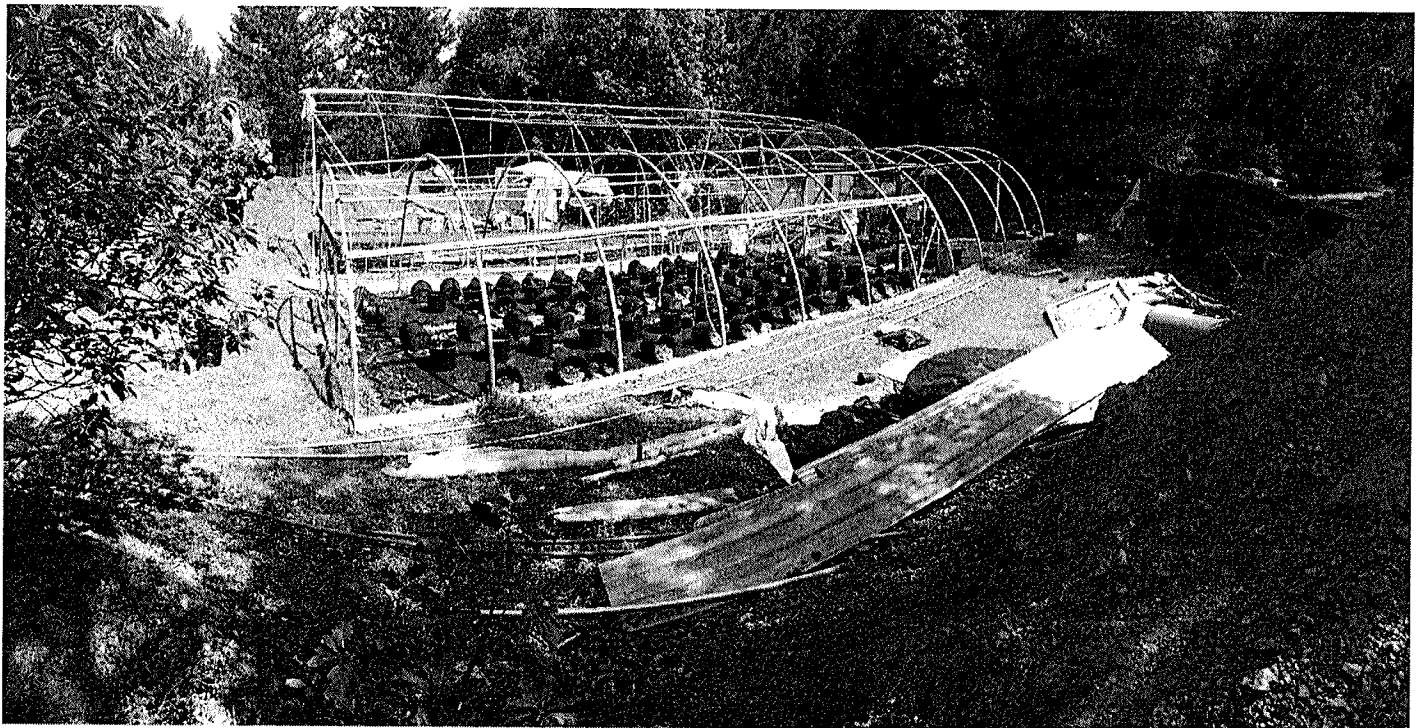


Photo 10. Site B – Looking northeast from southwest corner.



Photo 11. Looking southeast at RP 5 from northwest edge of conversion along parcel's south boundary.

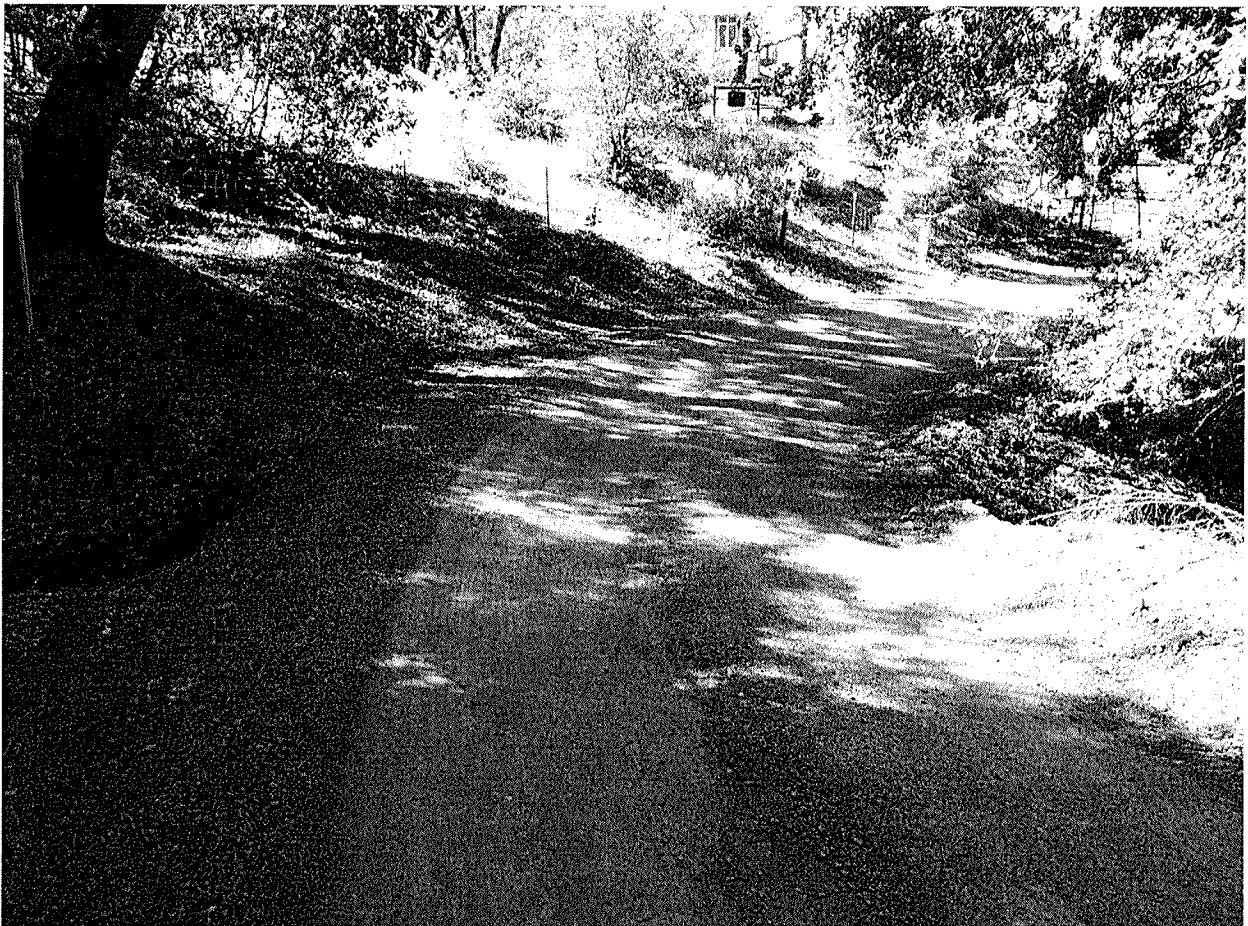


Photo 12. Looking south at RP 6 on Ross Road.

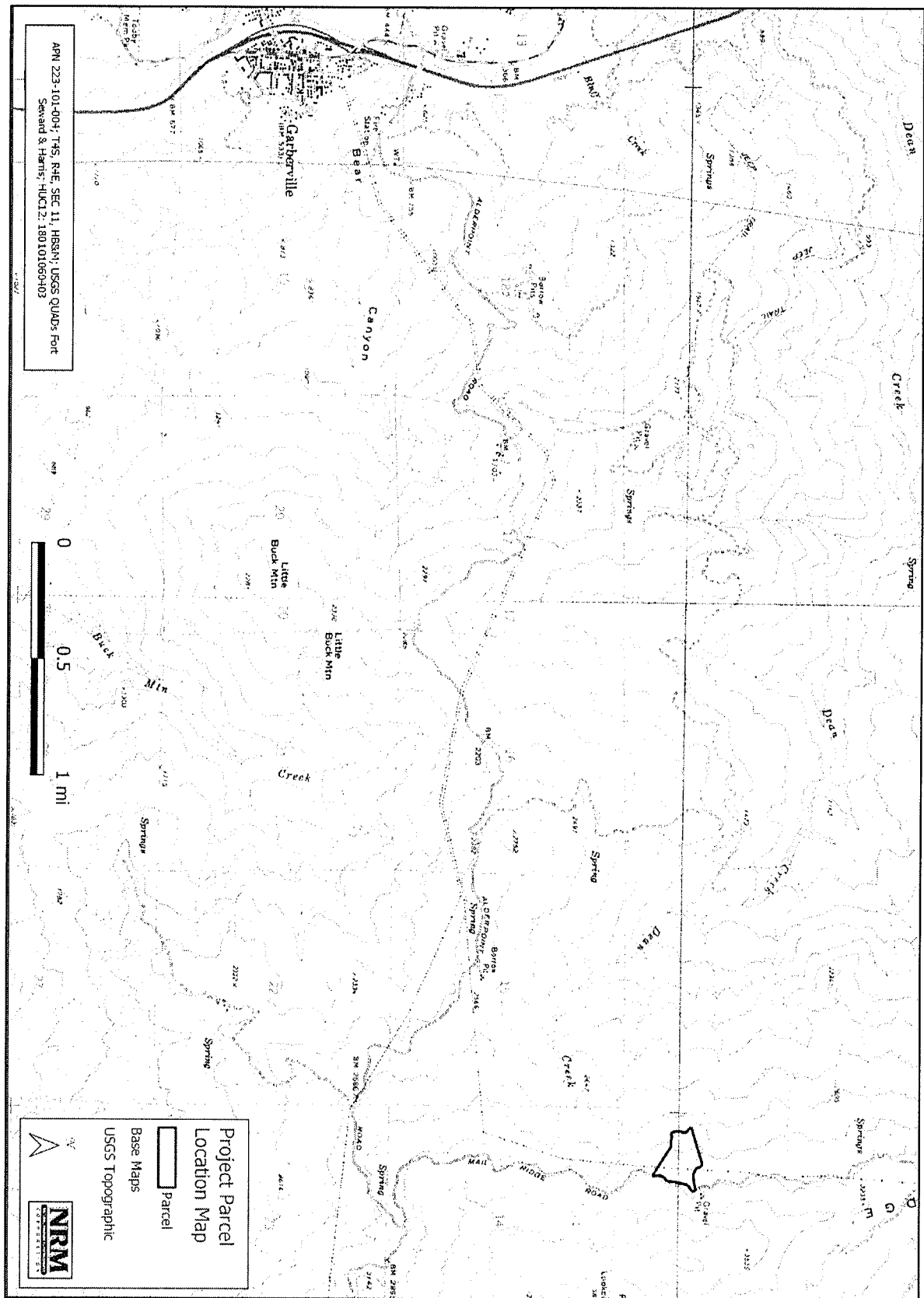


Figure 1. Vicinity Map rotated to fit page, showing location of Parcel with Rising Goat conversion.

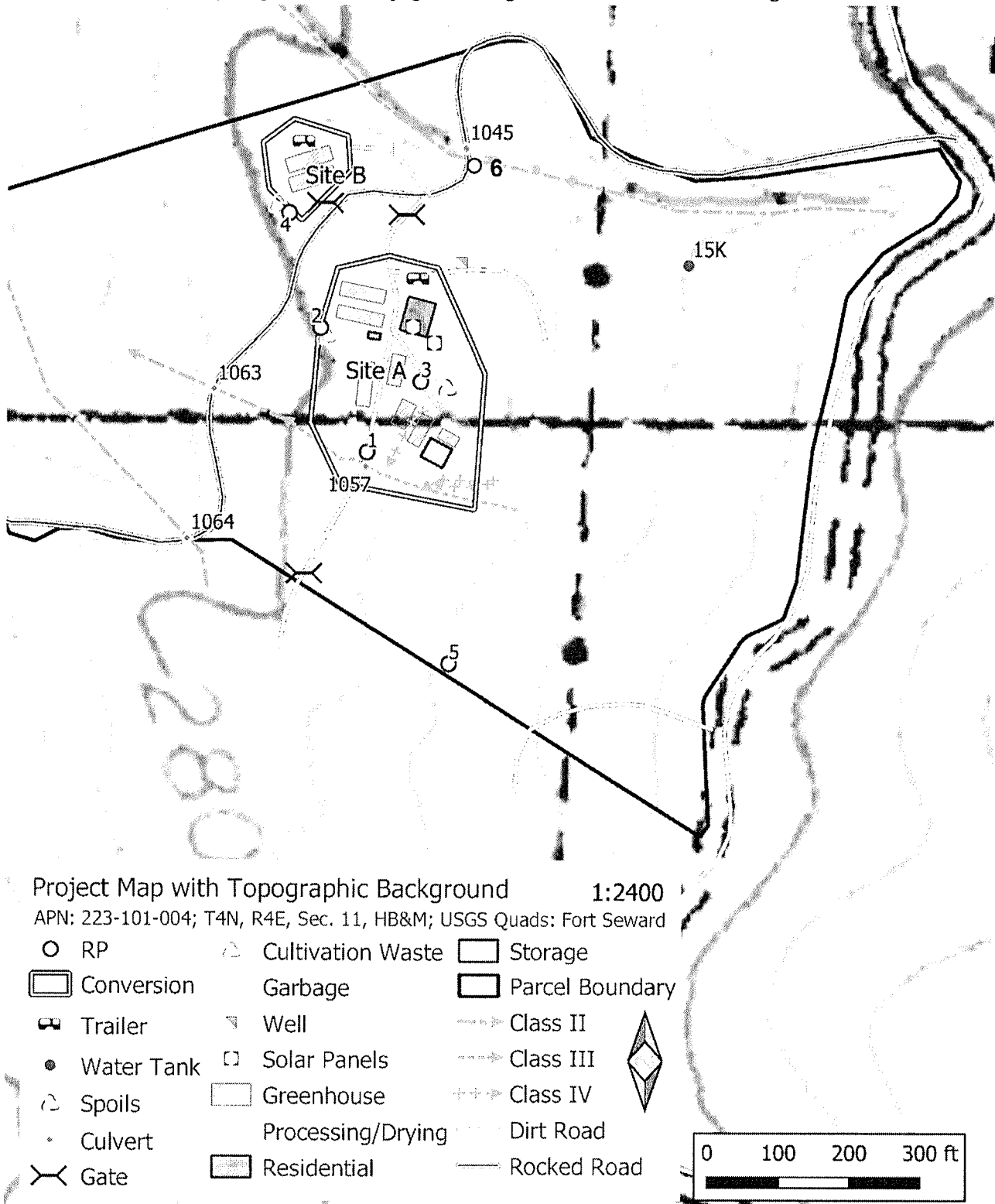


Figure 2. Topographic map of Parcel 223-101-004 with conversion and RP locations.



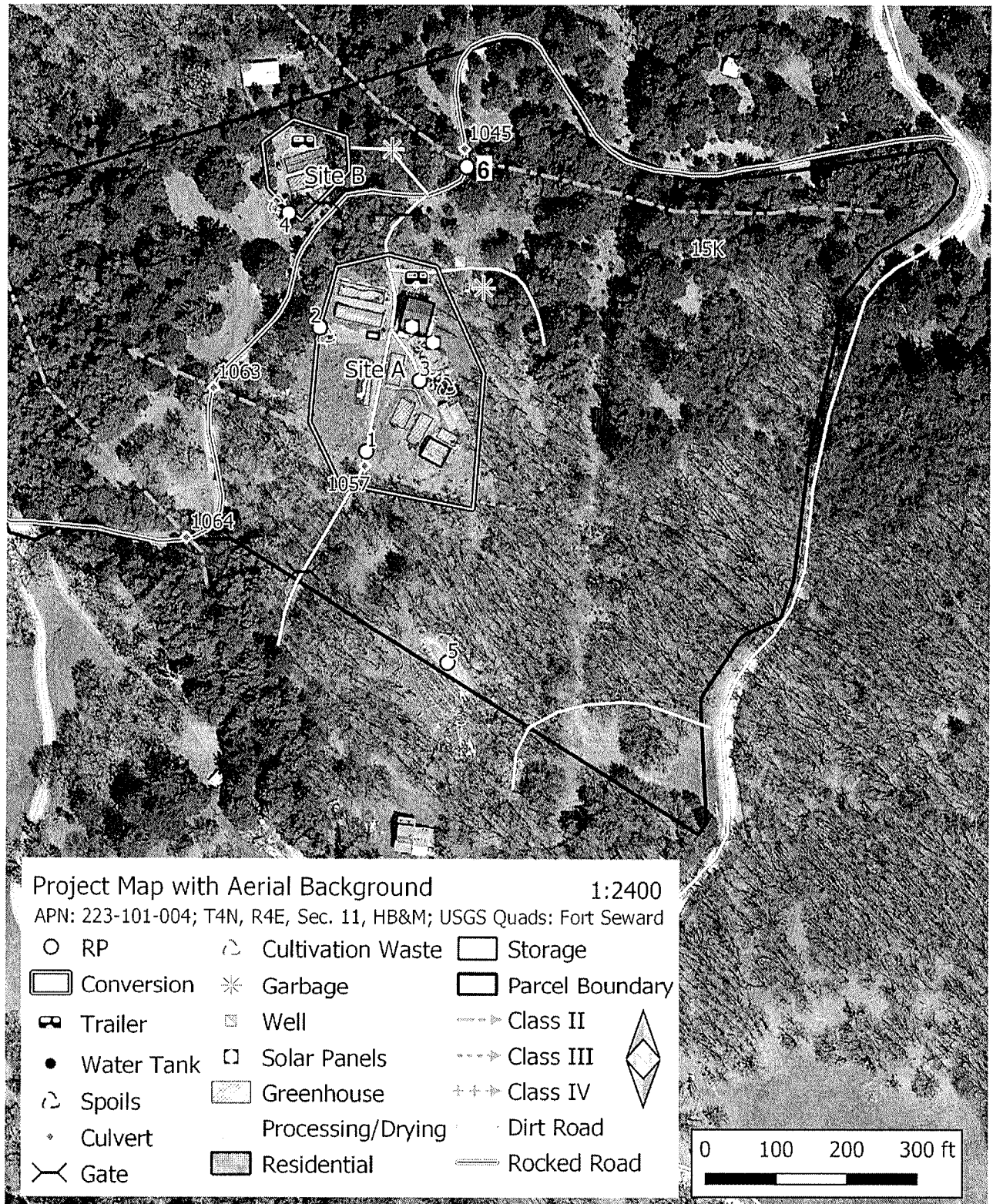


Figure 3. Orthographic aerial image map of Parcel 223-101-004 with conversion and RP locations.

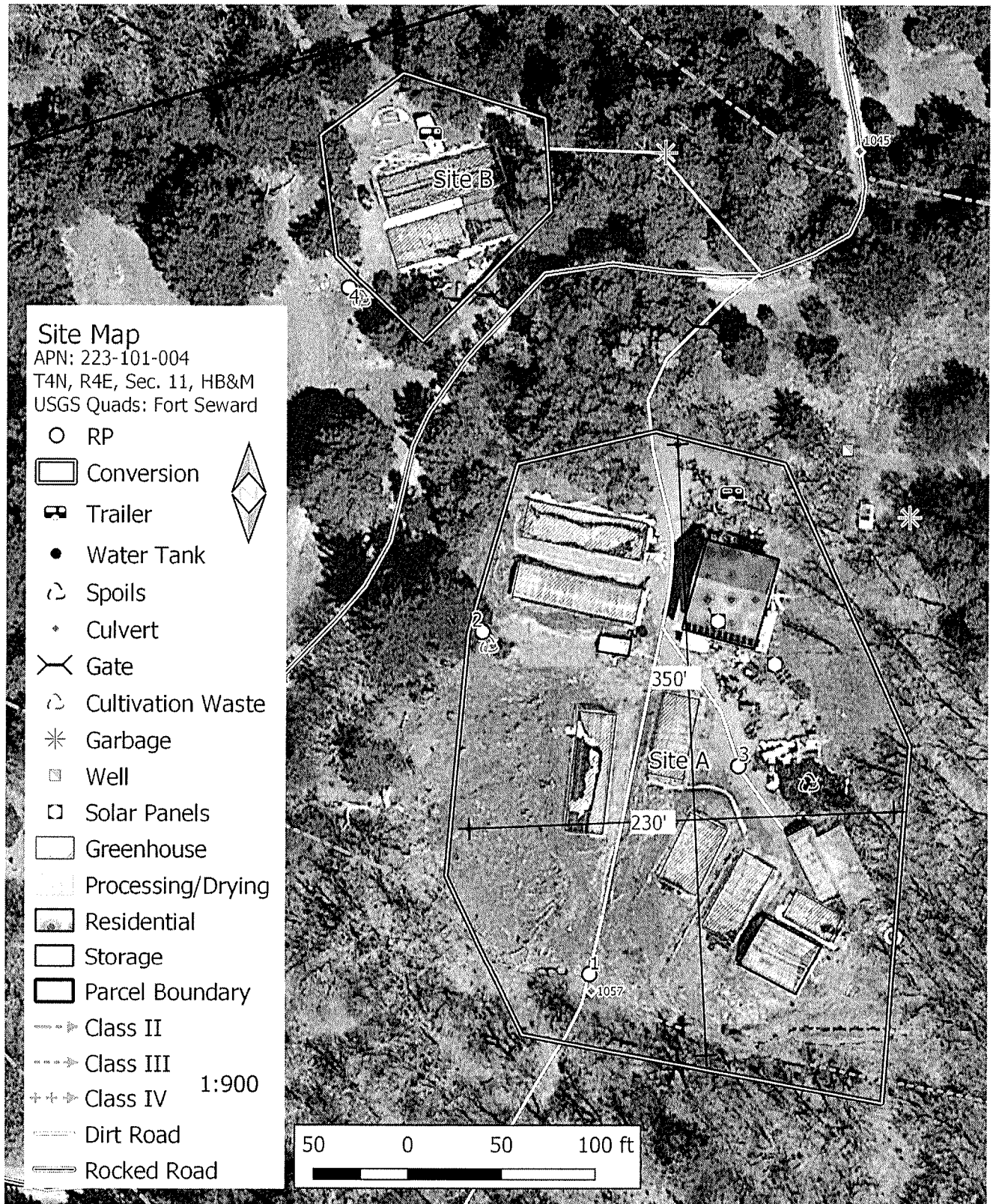


Figure 4. Site Map with Conservation Site details.

Recording requested by (name):

RISING GOAT LIMITED

When recorded mail to  
and mail tax statements to:  
Rising Goat Limited

P.O. Box 132

Samoa, CA 95564

2019-011366

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: RISING GOAT LIMITED  
Pages: 3

Recording Fee: \$ 114.00  
Tax Fee: \$0.00  
Clerk: kt Total: \$114.00  
Jul 02, 2019 at 03:38:48



Recorder's Use Only

## GRANT DEED

Assessor's Parcel No. (APN):  
223-101-004

Documentary Transfer Tax: \$ - 0 -  
If exempt, enter R&T code: RTC 11930  
Explanation: Intervivos Father  
to Son  
Signature of Declarant or Agent determining tax

### Declaration of Exemption From Gov't Code § 27388.1 Fee

- ☐ Transfer is exempt from fee per GC § 27388.1(a)(2):  
☐ recorded concurrently "in connection with" transfer subject to  
Documentary Transfer Tax  
☐ recorded concurrently "in connection with" a transfer of  
residential dwelling to an owner-occupier  
☐ Transfer is exempt from fee per GC 27388.1(a)(1):  
☐ Fee cap of \$225.00 reached ☐ Not related to real property

For a valuable consideration, receipt of which is hereby acknowledged,

GRANTOR(S) Mitchell Leffel, a single man  
(owners who are signing deed)

(current owner(s) form of title)

hereby grant(s) to GRANTEE(S) RISING GOAT LIMITED, a California Corporation  
(new owners, including current owners if staying on title)

(new owners, continued)

as

(new owner(s) form of title)

the following real property in the City of

County of Humboldt

, California (insert legal description):

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

Date:

7/1/19

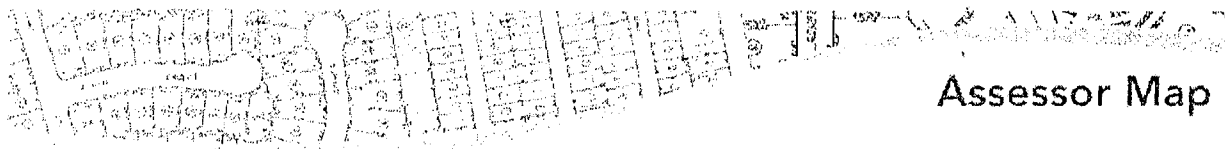
Mitchell Leffel  
(Signature of declarant)

Mitchell Leffel  
(Print name)

Date:

(Signature of declarant)

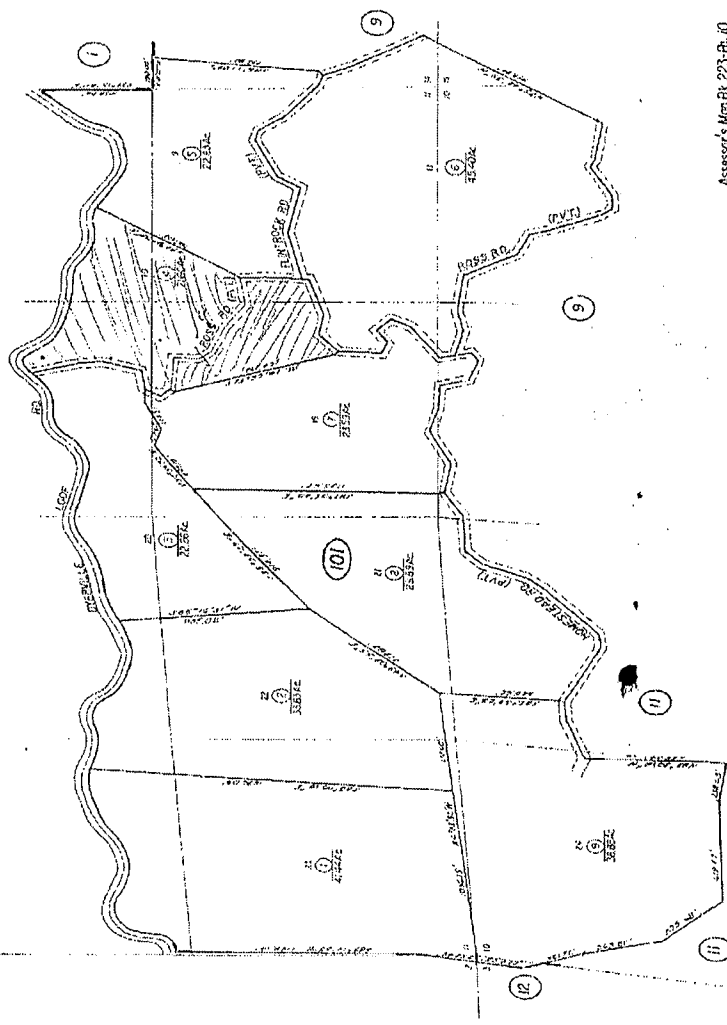
(Print name)



# Assessor Map

223-10

POR S 1/2 SEC 18 N 1/2 SEC 10, T 4S, R 4E, HB 8M.



Assessor's Map Bk 223-Rb.10  
County of Humboldt, Calif.

BM No 889 of PM Bk 1, Pg 45 Trns 52

Prepared On: 06/04/2019

OLD REPUBLIC TITLE

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## LEGAL DESCRIPTION

### EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

#### PARCEL ONE

Parcel 10 as shown on Parcel Map No. 819 on file in the Office of the County Recorder of Humboldt County in Book 7 of Parcel Maps, pages 45 through 52, inclusive.

#### PARCEL TWO

A non-exclusive right of way for ingress, egress and public utilities and pipelines over and in all the roads shown on said Parcel Map.

#### PARCEL THREE

The right to take and use from spring Parcel No. 8 as shown on the survey by Don Bushnell dated October 1976 up to 1500 gallons of water a day for the benefit of and use on said Parcel 10 of Parcel Map No. 819.

#### PARCEL FOUR

The right to develop, install and maintain a water system on the spring located on the real property described below:

#### PARCEL A

The West Half of the Southeast Quarter, and those portions of the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 11, Township 4 South, Range 4 East, Humboldt Meridian, which lie East of the public road called Harris Road, being a portion of the land contained in the Patent recorded March 14, 1890 in Book 11 of Patents, Pages 86, Humboldt County Records.

#### PARCEL B

The Southwest Quarter of the Northeast Quarter of Section 11 in Township 4 South, Range 4 East, Humboldt Meridian, as contained in the Patent recorded July 23, 1909 in Book 21 of Patents, Page 49 Humboldt County Records.

This spring is located on the above described parcel approximately 150 yards in an Easterly direction from the public road called Dyerville Loop Road.

Together with an easement 10 feet in width for the purpose of developing and maintaining a pipeline running from the above referred to water system in a Westerly direction over the above described property to the public road called Dyerville Loop Road.

Together with the right to 50% of the water from the above referred spring.

Being the same as granted in deed recorded July 28, 2004, as Instrument No. 2004-25378-2, Humboldt County Official Records.

APN: 223-101-004

## 7. References and Conditions

Handbook for Forest, Ranch and Rural Roads, 2015. Weaver et. al. Pacific Watershed Associates  
California Forest Practice Rules, 2019; Title 14, California Code of Regulations  
Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>  
California Natural Diversity DataBase, BIOS; <https://apps.wildlife.ca.gov/bios/?al=ds85>

### STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and or the local county planning department.
2. Natural Resources Management Corporation does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Natural Resources Management Corporation did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Natural Resources Management Corporation at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Natural Resources Management Corporation shall not be responsible for the supervision of mitigation operations following approval of this conversion plan.

## 8. Signatures

Landowner of Record: Rising Goat Limited, a California Corporation

Print Name of Rising Goat Limited ~~REDACTED~~ Rising Goat Limited

Signature:  CFO Date: 12-1-2020  
Paul F. Soares, CFO

Registered Professional Forester: Ethan Coonen RPF #3089

Signature:  Date: November 30, 2020

## 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 Division	✓	Conditional Approval	On file with Planning (Accela)
Public Works Land Use Division	✓	Conditional approval	Attached
Division of Environmental Health	✓	Conditional Approval	On file with Planning (Accela)
State Water Resources Control Board- Department of Water Resources		No response	
California Department of Fish & Wildlife		No response	Attached – staff request for comments
CAL FIRE		No comment	Attached
NWIC	✓	Further study recommended	On file with Planning
Bear River Band	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Agricultural Commissioner		No response	
RWQCB		No response	
NCUAQMD		No response	
Garberville Fire Protection Department		No response	
Southern Humboldt Union School District		No response	
District Attorney		No response	
Humboldt County Sheriff	✓	Rejected	On file with Planning



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

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

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

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Megan Ryan, Senior Planner, Planning & Building Department

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

DATE: 03/26/2020

RE:

<b>Applicant Name</b>	<b>RISING GOAT LIMITED</b>
<b>APN</b>	<b>223-101-004</b>
<b>APPS#</b>	<b>PLN-2020-16188 SP</b>

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

It appears that no road evaluation report form for Ross Road (segment from Alderpoint Road to project access gate) has been submitted.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16188

☒ COUNTY ROADS- PROXIMITY OF FARMS:

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

☒ COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 1):

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

☐ COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 3):

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

☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

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

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

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

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

☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

**From:** [Ryan, Meghan](#)  
**To:** [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Subject:** PLN-2020-16188-Rising Goat Limited, APN 223-101-004: Project Hearing Date: December 17, 2020  
**Date:** Thursday, December 10, 2020 7:45:00 AM

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Good morning, Scott – I hope you're doing well. I am writing to inquire if CDFW has any comments on the Rising Goat Limited project near the community of Garberville. The project was referred to CDFW on March 6, 2020.

Thanks,  
Meghan

**ATTACHMENT 6**

**SUPPLEMENTAL NO. 1 FROM THE DECEMBER 17, 2020, ZONING ADMINISTRATOR HEARING**

## SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:  
December 17, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	<b>No. C-4</b>
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

### Re: Rising Goat Limited Special Permit

Record Number: PLN-2020-16188  
Assessor Parcel Number: 223-101-004  
1400 Ross Road, Garberville area

Attached for the Zoning Administrator's record and review is the following supplementary information items:

1. The Applicant is requesting the project be continued to the January 21, 2021, Zoning Administrator hearing.
2. Email from Susan Jacobsen dated December 14, 2020, with concerns regarding water use, water source and road improvements. Staff response is included.
3. Email from Shirley Hillman dated December 14, 2020, with concerns regarding water source and use. Staff response is included.
4. Letter from Bonnie Blackberry received December 16, 2020, with concerns regarding water use, water source, noise and timber conversion. Staff response is included, which also summarizes the phone call with Bonnie Blackberry on December 16, 2020.



**From:** Ryan, Meghan mryan2@co.humboldt.ca.us  
**Subject:** Re: PLN-2020-16188  
**Date:** December 16, 2020 at 2:39 PM  
**To:** coyotebuttes nursery coyotebuttes@gmail.com

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Good afternoon, Susan - I hope this email finds you well. The applicant is requesting the project be continued to the January 21, 2021, Zoning Administrator hearing, so it is unlikely it will be heard tomorrow. I will provide a copy of your email to the Zoning Administrator tomorrow to ensure it is on the record. I am working with my Supervisor and the applicant and doing additional research regarding your concerns. I will provide a more thorough response prior to the next hearing.

Regarding Ross Road, it was brought to my attention that Ross Road is not paved and I want to thank you for also pointing that out. It was a typo on my part. The condition of approval regarding intersection improvements is required by the Department of Public Works to make sure the intersection meets County standards, however, paving will not be required if the intersection is not paved. This condition of approval will be revised for the January 21, 2021, Zoning Administrator hearing. I apologize for any confusion. Please let me know if this addresses your concern about Ross Road.

If you would like to review the staff report for the project, you can find it here:

<https://humboldt.legistar.com/Calendar.aspx>

Please click on the Zoning Administrator agenda and you will find a link to the staff report within the agenda. It's Item C-4.

If you have any additional comments or questions after viewing the staff report, please let me know.

Best,  
Meghan

---

**From:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>  
**Date:** Monday, December 14, 2020 at 2:56 PM  
**To:** coyotebuttes nursery <coyotebuttes@gmail.com>  
**Subject:** Re: PLN-2020-16188

Good afternoon, Susan - Thank you very much for your comments regarding PLN-2020-16188. These comments will be provided to the Zoning Administrator for consideration at Thursday's hearing. I will also provide you a more in depth response to your concerns tomorrow. I appreciate your participation in the public process. Please let me know if you have any additional concerns.

I will be in touch with more information tomorrow.

Best,  
Meghan

---

**From:** coyotebuttes nursery <coyotebuttes@gmail.com>  
**Date:** Monday, December 14, 2020 at 11:27 AM  
**To:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>  
**Subject:** PLN-2020-16188

Dear Ms. Ryan,

It is my desire to focus on the water use proposed in this special permit for Rising Goat Cannabis Farm. There are errors and other concerns about this proposal. My main concern is the proposed use of 366,600 gallons of water to grow three crops a year on this 19 acre parcel. Most of this water will be pumped from the well drilled there a few years ago. The location and depth of the well seem to indicate that the water being drawn from it comes from an underground reservoir at the same elevation as the springs on the adjacent parcel. Those springs are deeded to various parcels in the subdivision. Twelve households depend on those springs for their domestic water supply. Those water rights are recorded and maintained with the State Water Resources Board. During the last fifteen years most winters have not been very wet. The amount of flow from those springs is already impacted by the drought conditions. To have several thousand gallons a day removed from the aquifer during the driest months of the year feels like a threat to our livelihoods. In the proposal it mentions that the county planners are responsible for determining if the well will draw from the surrounding surface water supply. I don't believe that study has been completed. It is also difficult in our geological area to determine accurately how the underground waterways are connected. We are concerned that this proposal is too large for the parcel and will impact water supplies to the neighbors.

There are other environmental concerns such as generator noise, fertilizer run off, continued deforestation of the parcel in order to get more light and so on. One obvious error in the paperwork may have been the result of a typo. Ross Rd. is not a paved road! Since Dyerville Loop is also unpaved no paved apron will be needed. People here have been living off grid for 20 to 40 years. We can testify that solar will probably not provide all the power necessary in the spring and fall for mixed light grows. The days are short and hopefully rainy so the solar is not always an efficient supply of energy. Our experience is that most operations of this sort use more generator power than they had thought would be necessary.

I could go on but you are a busy person so this is enough to inform you of our concerns. Water use is the primary problem. It may be a limiting factor to the size of operation that can realistically be undertaken on that property.

Thank you for your consideration of our concerns,

Susan Jacobsen

Resident of Overland Subdivision since 1977.

**From:** Ryan, Meghan mryan2@co.humboldt.ca.us  
**Subject:** Re: PLN-2020-16188  
**Date:** December 16, 2020 at 2:33 PM  
**To:** shirley hillman shirley2376@gmail.com  
**Cc:** coyotebuttes nursery coyotebuttes@gmail.com

---

Good afternoon, Shirley - I hope this email finds you well. The applicant is requesting the project be continued to the January 21, 2021, Zoning Administrator hearing, so it is unlikely it will be heard tomorrow. I will be provide a copy of your email to the Zoning Administrator tomorrow to ensure it is on the record. I am working with my Supervisor and the applicant and doing additional research regarding your concerns. I will provide a more through response prior to the next hearing.

If you would like to review the staff report for the project, you can find it here:

<https://humboldt.legistar.com/Calendar.aspx>

Please click on the Zoning Administrator agenda and you will find a link to the staff report within the agenda. It's Item C-4.

If you have any additional comments or questions after viewing the staff report, please let me know.

Best,  
Meghan

On 12/14/20, 2:55 PM, "Ryan, Meghan" <mryan2@co.humboldt.ca.us> wrote:

Hi Shirley - Thank you very much for your comments regarding PLN-2020-16188. These comments will be provided to the Zoning Administrator for consideration at Thursday's hearing. I will also provide you a more in depth response to your concerns tomorrow. I appreciate your participation in the public process. Please let me know if you have any additional concerns.

I will be in touch with more information tomorrow.

Best,  
Meghan

On 12/14/20, 12:54 PM, "shirley hillman" <shirley2376@gmail.com> wrote:

Dear Ms. Ryan:

I am writing you regarding the proposed water use in the special permit for Rising Goat Cannabis Farm, as reported to me by my neighbor, Sue Jacobsen.

I have been a resident of the Overland Subdivision for more than 21 years with water rights recorded by the State Water Resources Control Board. There are six properties with recorded rights to "my spring" and we share the water equitably and have also found ways to share as drought has forced changes to the amount of water available to us from year to year. We are all concerned with, not only our own livelihoods, but with maintaining the spring in some kind of reasonable shape, ecologically.

I am profoundly disturbed and concerned about the proposal to use 366,600 gallons out of what is clearly a common aquifer. Although the support of new business is important, it should not be at the expense of established homesteads and neighborhoods. It has not been easy during these years of drought and increasing fire danger to maintain our homes. Removing this much water would severely compromise our ability to live and thrive here and maintain any kind of a fire-safe situation. If our properties are rendered unlivable by lack of water, they are also unsellable. Since many peoples main savings are in their home equity, an untenable situation will be created where the landowners may be unable to stay and unable to go.

Please understand that this is not an anti-business objection. It is an objection based on the natural resources available to support this business, an idea that has too often been given short shrift in the world of business and government. Perhaps winter rainwater storage is an option or other more forgiving and creative solutions. Or perhaps the operation needs to be downsized based on these considerations.

Humboldt County has stumbled through the maze of creating legal cannabis grows and it is now time to remember that the citizens and neighborhoods that have been here for years are important too. We absolutely cannot and will not sit by as our most valuable resource is threatened.

Thank you so much for giving these concerns your most serious thought.  
Shirley M. Hillman  
707-367-2630

fficType: Email

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X-Microsoft-Antispam-Block:  
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Content-transfer-encoding: quoted-printable

Dear Ms. Ryan:

I am writing you regarding the proposed water use in the special permit for Rising Goat Cannabis Farm, as reported to me by my neighbor, Sue Jacobsen.

I have been a resident of the Overland Subdivision for more than 21 years with water rights recorded by the State Water Resources Control Board. There are six properties with recorded rights to "my spring" and we share the water equitably and have also found ways to share as drought has forced changes to the amount of water available to us from year to year. We are all concerned with, not only our own livelihoods, but with maintaining the spring in some kind of reasonable shape, ecologically.

I am profoundly disturbed and concerned about the proposal to use 366,600 gallons out of what is clearly a common aquifer.

Although the support of new business is important, it should not be at the expense of established homesteads and neighborhoods. It has not been easy during these years of drought and increasing fire danger to maintain our homes. Removing this much water would severely compromise our ability to live and thrive here and maintain any kind of a fire-safe situation. If our properties are rendered unlivable by lack of water, they are also unsellable. Since many peoples main savings are in their home equity, an untenable situation will be created where the landowners may be unable to stay and unable to go.

Please understand that this is not an anti-business objection. It is an objection based on the natural resources available to support this business, an idea that has too often been given short shrift in the world of business and government. Perhaps winter rainwater storage is an option or other more forgiving and creative solutions. Or perhaps the operation needs to be downsized based on these considerations.

Humboldt County has stumbled through the maze of creating legal cannabis grows and it is now time to remember that the citizens and neighborhoods that have been here for years are important too. We absolutely cannot and will not sit by as our most valuable resource is threatened.

Thank you so much for giving these concerns your most serious thought.

Shirlev M. Hillman

707-367-2630

To Humboldt County Zoning Administrator

Date: Dec 16, 2020

From: Bonnie Blackberry

For: December 17, 2020 Zoning Administrator Meeting Agenda Item #4

RE: Special Permit for 18,000 square feet of new mixed light for Rising Goat Limited LLC  
Record Number PLN-2020-16188, Assessor's Parcel; Number 223-101-004 1400 Ross Road,  
Garberville.

The proposed 18,000 square foot mixed light would be the largest, most intensive cannabis operation on one of the smallest parcels in this subdivision, and the only one not required to use stored water for it's cannabis. I have questions and concerns about the size and proposed 3 cycles of mixed light, the amount of generator and water use, along with the remediation from the removal of the white oaks.

The well that is proposed to supply 366.660 gallons of water annually is near a watercourse that connects to springs at a lower elevation location that supplies residential water to numerous households. There are concerns that such massive use of the well water will impact the amount of water available to wildlife and other property owners especially during these low rainfall years.

The introduction of the application says "Processing, such as trimming will occur at an off-site licensed processing facility". Then in Attachment A, *pg 4. "no nursery, no manufacturing, no processing proposed. Then further down the page it states, "a new facility for drying and trimming will be built"*

I also have questions and concerns about the proposed generator use. There is no way that solar power could supply 80% of power needed for lights, fans, and dehumidifiers for the proposed 3 cycles from March thru November for 18,000 square feet of mixed light.

The plan has different conflicting noise conditions???

Pg 15 item #5 Project related noise ...no more than 50 decibels measure from 100 ft or to the nearest tree line, whichever is closer.

Pg. 15 item #11. ..noise from generator or fans shall not be audible by humans from neighboring residences. Decibel level for generators measured at the property line shall be no more than 50 decibels.

Pg 24 item #13 "An ongoing condition of approval requires noise from the operation not to exceed 3 decibels above ambient noise levels.

*Attachment A Pg 7 # 13. ..mechanical equipment and generator...sound at the property lines is less than 60 decibels".*

The main grow area was once covered by white oak trees. The oaks were cut down, and the area for the green houses was graded. Not sure where replanting oaks would be, as it appears that they were cut down to create more sunlight. (Also white oaks are very difficult to grow.)

Respectfully,

Bonnie Blackberry, Box 1777 Redway, CA 95560

**From:** Ryan, Meghan mryan2@co.humboldt.ca.us  
**Subject:** Re: PLN-2020-16188/Zoning Administrator Dec 17th  
**Date:** December 16, 2020 at 6:43 PM  
**To:** Bonnie Blackberry lichen@humboldt.net  
**Cc:** Johnson, Cliff CJohnson@co.humboldt.ca.us

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Good evening, Bonnie - Thank you for speaking with me regarding PLN-2020-16188, Rising Goat Limited. I received your letter and the three additional questions you sent via email. I will do my best address your concerns. I also want to summarize our phone call to ensure that I capture the aspects of the project that we discussed.

1. In your email received December 16, 2020, you had the following questions and my answers are directly below each question:
  - a. What is considered as seasonal housing?

Operations Plan Page 8 refers to providing seasonal housing to replace the single family residence that is proposed for demolition. The zoning district allows the applicant to construct a single family residence with proper permits, however, this permit does not authorize any employee housing units. If the applicant intends on constructing employee housing, the applicant will be required to modify this permit and the modification would be held at a future hearing date.

- b. PLN Pg. 12, Item 33 includes "customers". Is another type of permit needed to have on-site customers? Or will approval of this permit application item give approval to having customers? Please clarify.

I will seek clarification from the applicant. This permit does not authorize any retail sales of cannabis or cannabis products from this parcel. Any proposal for retail sales of cannabis or cannabis products would require a modification of this permit.

- c. PLN, Pg 35, RP5 regarding remediation of timberland converted after Jan 1, 2016. Why only remediation for forest conversion after January 2016?

Conditions of approval require the applicant to adhere to the Timber Conversion Evaluation Report prepared by NRM Corp., dated November 30, 2020. The report recommends restocking of white oak in the southern portion of the parcel. A second condition was included that requires the

Applicant to submit a restocking plan for any oak tree species at a rate of 7:1. The condition also requires monitoring and reporting for a minimum of 3 years at an 85% success rate. The report will be reviewed and approved by the Planning Department prior to restocking taking plan. The way this

Condition is written, the restocking is not limited only to trees removed after January 1, 2016, therefore, includes restocking of any tree removed for development of the cannabis cultivation site prior to January 1, 2016 as well.

2. Summary of phone call on December 16, 2020:

In addition to the three questions and the letter received, we spoke this evening regarding concerns for the project and I will do my best to summarize below:

- a. A request was made that the project be heard by the Humboldt County Planning Commission. I will pass this request to the Zoning Administrator.

- b. Additional information was requested regarding the location and size of the solar power system proposed for the project. I will follow up with the applicant to provide a revised site plan or an addendum to the site plan to show the location of the solar panels proposed.

- c. Concerns were expressed that sufficient solar power cannot be stored to support the operations. The permit limits the use of the generator to 20% as described by the Commercial Cannabis Land Use Ordinance (CCLUO). Conditions of approval for the project require the applicant to submit an energy plan that reports the amount of energy required to support the project and demonstrate how such solar power is required to support operations.

- d. Generator location: According to the operations plan, the generator is backed into an existing concrete structure area. I will follow up with the applicant to request the location of the generator be shown on the site plan.

- e. Opposition to generator use.

- f. Concerns regarding power to the northern cultivation area were expressed as an extension cord was used previously. According to the Biological Assessment, the northern cultivation area will no longer be used and will be remediated. The Biological Assessment is included in Attachment 4 of the staff report.

- g. Concerns with expressed regarding the connectivity of the well, impacts to surrounding properties and lack of water storage to meet forbearance requirements. I am putting together additional information regarding the water source and will forward to you upon completion, prior to the January 21, 2021, hearing.

- h. We discussed seasonal housing and customers. See Item #1 above for additional information.

Please confirm that I've captured the aspects of the project we spoke about on the phone this evening. If you have any additional questions or comments, please let me know.

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3. Letter to Zoning Administrator received December 16, 2020:

The letter received December 16, 2020, will be provided to the Zoning Administrator. The responses above capture many of the issues included in the letter. If there are additional questions, comment or you would like clarification on any of these items, please let me know.

I appreciate your participation in the public process.

Best,  
Meghan

On 12/16/20, 5:33 PM, "Bonnie Blackberry" <lichen@humboldt.net> wrote:

[This sender might be impersonating a domain that's associated with your organization. Learn why this could be a risk at <http://aka.ms/LearnAboutSenderIdentification>.]

Public Comment for Zoning Administrator Meeting on December 17, 2020



**ATTACHMENT 7**  
**CORRESPONDENCE WITH APPLICANT AND PUBLIC COMMENTERS**

## Lippre, Suzanne

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**From:** Paul <mrypresid@aol.com>  
**Sent:** Wednesday, December 16, 2020 10:05 AM  
**To:** mrypresid@aol.com; Johnson, Cliff  
**Cc:** Ryan, Meghan  
**Subject:** Re: Rising Goat Limited

There will NOT be any plan for storage of 50-100,000 gallons of rainwater.  
Why didn't Planning Dept raise any water issue before thousands of dollars were invested in permits and studies -  
If these are substantive issues- why weren't we advised one year ago

Sent from my iPhone

On Dec 16, 2020, at 9:45 AM, mrypresid@aol.com wrote:

These files can't be opened.

What format did you send?

-----Original Message-----

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>  
To: mrypresid@aol.com <mrypresid@aol.com>  
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>  
Sent: Wed, Dec 16, 2020 9:39 am  
Subject: RE: Rising Goat Limited

Hello Paul, Attached are the public comments we have received so far. I will try to give you a call later this morning or afternoon to discuss. I am currently in a meeting.

Cliff

**From:** mrypresid@aol.com <mrypresid@aol.com>  
**Sent:** Wednesday, December 16, 2020 9:32 AM  
**To:** Johnson, Cliff <CJohnson@co.humboldt.ca.us>  
**Cc:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Re: Rising Goat Limited

**Please provide copies of the objections and call me asap.**

50,000-100,000 gallons of storage from rainwater? That is an absurd amount of tanks. *If I was a neighbor and had to face that many tanks on the hillside - I would file a complaint.* Twenty (20) 5,000 gallon tanks plus a catch system is insane at best. **THE COUNTY HAS NOT REQUIRED ANY SUCH SYSTEM FOR ANY OTHER APPLICANT IN THAT AREA.**

**WHY ARE WE FACED WITH A WATER ISSUE IN THE 11TH HOUR?**

A well was drilled with County permits - we are not pulling from any aquifer that I know of.

**There are recorded rights to spring water from neighboring properties for use the cultivation.** It is imperative to know who complained, because it is likely neighbors who have recorded rights owned by Rising Goat to pull from spring water on their properties - which is clearly drawing down from the aquifer.

Just because a neighbor files a complaint, we are not required to fulfill all items in the neighbors' objections.

**Call me.**

-----Original Message-----

From: Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
To: [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
Cc: Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
Sent: Wed, Dec 16, 2020 9:05 am  
Subject: RE: Rising Goat Limited

Thanks Paul, It will help to address the concerns of the neighborhood that have been raised. How much additional storage would you be willing to consider? My initial thought is for 50,000 gallons of total storage for phase 1 and 100,000 gallons for phase 2, which would enable most of the water you need during the primary dry months to be pulled from storage rather than the aquifer and this gives us a solid response to the concerns of the adjacent landowners. It would also help if you could find a way to obtain the amount from rainwater catchment. Let me know what you think and I am open to talking about this further with you. I'm in the office now and reachable by phone.

Cliff

**From:** [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
**Sent:** Tuesday, December 15, 2020 11:18 AM  
**To:** Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
**Cc:** Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
**Subject:** Re: Rising Goat Limited

"Lastly, As a result of the public notice we have received a few public comments concerned about the well and its potential to affect adjacent property owners water source availability. I will forward you these comments separately. I wonder if you might be willing to consider adding additional water storage/rainwater catchment to help subsidize the irrigation needs?"

Yes

-----Original Message-----

From: Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
To: [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
Cc: Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
Sent: Tue, Dec 15, 2020 11:04 am  
Subject: RE: Rising Goat Limited

Hi Paul,

I'm glad to hear you tested negative for COVID. Both my family and I are good as well and I am back in the office working. I appreciate that you are reading the staff report and bringing these issues to my attention.

You've definitely identified some things that are not applicable to the Rising Goat project in the conditions, that we should have removed. As we are continuing your project anyways, we will get a new staff report out that corrects these conditions and that will be sent out to you before the next hearing. I agree the well log is not needed. Track and trace is not needed now as it is the METRC program with CDFA. Your proposed power source is solar power so the PG&E requirement is not appropriate. We will make those changes and I will make sure we do not charge you for the staff time involved in making these corrections.

The requirement for acknowledgement of no available emergency response comes from the County's General Plan, Standard IS-S5, which requires this to be done if you can no obtain written acknowledgement from the nearest local fire agency, which in this case is Garberville Fire. Our experience is they will not provide such an acknowledgement for areas outside their district boundaries. It's summarized on Page 25. You are welcome to object to this requirement at the Zoning Administrator hearing, as staff doesn't make the decision we only recommend conditions to assure consistency with the ordinance and general plan.

Lastly, can you identify for me where the requirement for undetermined random inspections is? The code does require that all cannabis operations allow inspections with 24 hour advance notice and we do inspections as needed to address complaints from neighbors, state agencies, etc. Very rarely is it more than one or two inspections a year. We can certainly add the words as reasonable and necessary to determine compliance to the language. That seems appropriate. Is this regarding condition 30 on Page 17?

Lastly, As a result of the public notice we have received a few public comments concerned about the well and its potential to affect adjacent property owners water source availability. I will forward you these comments separately. I wonder if you might be willing to consider adding additional water storage/rainwater catchment to help subsidize the irrigation needs?

Cliff

**From:** [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
**Sent:** Tuesday, December 15, 2020 9:19 AM  
**To:** Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
**Cc:** Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
**Subject:** Rising Goat Limited

Cliff -

I hope that you and your family are ok during your quarantine. I was in the hospital emergency room here in Monterey at 430 am on Friday last week with all of the symptoms of Covid - tested negative Thank God...  
A bad cold and sinus and bronchial infection.

Would you please take a look at Staff report.

If #15 on Page 13 is done, it will cause fire insurance to be denied or cause an exorbitant insurance rate forever, because it will forever appear on the property profile and Deed, even if removed in the future. This requirement redlines the property.

#20 on Page 15. Track and Trace was outlawed in 2019. Why is this included?

#11 on page 15, PG & E has quoted \$6.25 million to bring residential power into the Ross Road area. The new lines that are there should never have been approved by Humboldt County - they were allowed to install high power lines with KW that are not low enough to supply residential nor agricultural power. Those lines require a power

reduction substation at the cost of \$1.75 million plus over \$5.0 million to bring in new residential power lines from Alderpoint Road. Humboldt County gave PGE approvals detrimental to all the residents of the area. The requirement of PGE power supply flies in the face of additional requirements for solar dependence.

The well logs and well permits are already in the County files. Meghan was told last year. This is a permitted well and all the approvals and well logs are already in your files.

You are the person who has worked hard to make this project and application come together. I appreciate every second of your own dedication to our project.

Additionally, why would anyone give the County a blank check to do random inspections of an undetermined number per month and pay the costs of those inspections? Is the cost \$2k 3k 4k 5k per month? You need a cap on what is a reasonable cost for inspections and any other work. We don't care if you do 20 random inspections per month, but you should not have an open checkbook. *I would like the words "reasonable and necessary" in any agreement for County use of our funds to support County costs. Please advise immediately if I need to be working this out with County Counsel.*

The Staff report has a considerable number of issues like the few mentioned above. Lets get all of it corrected prior to the meeting on January 21, 2021.

Thank you.

FYI

-----Original Message-----

From: shirley hillman <[shirley2376@gmail.com](mailto:shirley2376@gmail.com)>

Sent: Monday, December 14, 2020 12:55 PM

To: Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>

Cc: coyotebuttes nursery <[coyotebuttes@gmail.com](mailto:coyotebuttes@gmail.com)>

Subject: PLN-2020-16188

Dear Ms. Ryan:

I am writing you regarding the proposed water use in the special permit for Rising Goat Cannabis Farm, as reported to me by my neighbor, Sue Jacobsen.

I have been a resident of the Overland Subdivision for more than 21 years with water rights recorded by the State Water Resources Control Board. There are six properties with recorded rights to "my spring" and we share the water equitably and have also found ways to share as drought has forced changes to the amount of water available to us from year to year. We are all concerned with, not only our own livelihoods, but with maintaining the spring in some kind of reasonable shape, ecologically.

I am profoundly disturbed and concerned about the proposal to use 366,600 gallons out of what is clearly a common aquifer. Although the support of new business is important, it should not be at the expense of established homesteads and neighborhoods. It has not been easy during these years of drought and increasing fire danger to maintain our homes. Removing this much water would severely compromise our ability to live and thrive here and maintain any kind of a fire-safe situation. If our properties are rendered

unlivable by lack of water, they are also unsellable. Since many peoples main savings are in their home equity, an untenable situation will be created where the landowners may be unable to stay and unable to go.

Please understand that this is not an anti-business objection. It is an objection based on the natural resources available to support this business, an idea that has too often been given short shrift in the world of business and government. Perhaps winter rainwater storage is an option or other more forgiving and creative solutions. Or perhaps the operation needs to be downsized based on these considerations. Humboldt County has stumbled through the maze of creating legal cannabis grows and it is now time to remember that the citizens and neighborhoods that have been here for years are important too. We absolutely cannot and will not sit by as our most valuable resource is threatened.

Thank you so much for giving these concerns your most serious thought.

Shirley M. Hillman

707-367-2630

FYI Rising Goat

Get [Outlook for iOS](#)

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**From:** coyotebuttes nursery <coyotebuttes@gmail.com>

**Sent:** Monday, December 14, 2020 11:26:49 AM

**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>

**Subject:** PLN-2020-16188

Dear Ms. Ryan,

It is my desire to focus on the water use proposed in this special permit for Rising Goat Cannabis Farm. There are errors and other concerns about this proposal. My main concern is the proposed use of 366,600 gallons of water to grow three crops a year on this 19 acre parcel. Most of this water will be pumped from the well drilled there a few years ago. The location and depth of the well seem to indicate that the water being drawn from it comes from an underground reservoir at the same elevation as the springs on the adjacent parcel. Those springs are deeded to various parcels in the subdivision. Twelve households depend on those springs for their domestic water supply. Those water rights are recorded and maintained with the State Water Resources Board. During the last fifteen years most winters have not been very wet. The amount of flow from those springs is already impacted by the drought conditions. To have several thousand gallons a day removed from the aquifer during the driest months of the year feels like a threat to our livelihoods. In the proposal it mentions that the county planners are responsible for determining if the well will draw from the surrounding surface water supply. I don't believe that study has been completed. It is also difficult in our geological area to determine accurately how the underground waterways are connected. We are concerned that this proposal is too large for the parcel and will impact water supplies to the neighbors.

There are other environmental concerns such as generator noise, fertilizer run off, continued deforestation of the parcel in order to get more light and so on. One obvious error in the paperwork may have been the result of a typo. Ross Rd. is not a paved road! Since Dyerville Loop is also unpaved no paved apron will be needed. People here have been living off grid for 20 to 40 years. We can testify that solar will probably not provide all the power necessary in the spring and fall for mixed light grows. The days are short and hopefully rainy so the solar is not always an efficient supply of energy. Our experience is that most operations of this sort use more generator power than they had thought would be necessary.

I could go on but you are a busy person so this is enough to inform you of our concerns. Water use is the primary problem. It may be a limiting factor to the size of operation that can realistically be undertaken on that property.

Thank you for your consideration of our concerns,

Susan Jacobsen

Resident of Overland Subdivision since 1977.

## Lippre, Suzanne

---

**From:** Johnson, Cliff  
**Sent:** Wednesday, December 16, 2020 11:23 AM  
**To:** mrypresid@aol.com; Meynell, Karen; Ryan, Meghan  
**Subject:** RE: Rising Goat Limited

Hi Paul,

Public concerns are part of the planning process and are taken seriously by the decision-makers on discretionary applications, and I was just inquiring about your willingness to consider improvements that could address the concerns of the adjacent landowners. We would be failing in our duty if we did not let know you of the concerns raised and look to see if they could be addressed. Cannabis irrigation from potential shared aquifers is a frequent concern raised by the public, and many operators choose to add additional water storage or rainwater catchment to help address the concerns of the neighbors. The requirement for additional storage has been applied by the Zoning Administrator and Planning Commission in the past as well, and so this was only a suggestion on my part at this time. We can certainly move forward to the hearing as proposed with no additional storage being proposed to be required by staff.

Cliff

**From:** mrypresid@aol.com <mrypresid@aol.com>  
**Sent:** Wednesday, December 16, 2020 11:08 AM  
**To:** Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Meynell, Karen <KMeynell@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Re: Rising Goat Limited

The position of Rising Goat Limited, the Applicant, is:

- (a) Objections received from Ms. Hillman and Ms. Jacobsen are without merit. At no time during the past nearly 3 years did any member of any department in the County advise any concern about the water well, nor the use of spring water. Incidentally, we have not taken any spring water in the last 2-3 years. The well is sufficient.
- (b) There will not be a 50,000 nor 100,000 catchment tank or tanks.
- (c) The water storage and cultivation site will not be expanded nor amended to include additional tank sites.
- (c) It is the job of Planning Department to support this application and Planning is failing in that duty.
- (d) Planning has been provided with well logs and well information that factually disproves all of the allegations made by the two (2) neighbors (if they are neighbors). Why isn't Planning Department reviewing the materials provided - you have factual data for more than 2 years showing that there is not any draw from aquifers up hole by the 200' well. The first perforation in that casing is at 75 feet.
- (e) Any water objection is properly filed before the State Water Board or the Dept of Fish and Game, not Zoning.

**We want you to provide us with a plot map showing exactly where the properties are that have filed the objections.** We don't have any idea who these people are, nor if they have any standing whatsoever to object to anything.

Why haven't you supported our positions in the Application?

If we have to hire a licensed hydrologist, we will, but that cost will be back charged to the County. Let me know if you want the Hydrologist hired.

Paul F. Soares, CFO  
Rising Goat Limited

-----Original Message-----

From: Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>

To: [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>

Sent: Wed, Dec 16, 2020 9:48 am

Subject: FW: Rising Goat Limited

I pasted the messages below

Dear Ms. Ryan:

I am writing you regarding the proposed water use in the special permit for Rising Goat Cannabis Farm, as reported to me by my neighbor, Sue Jacobsen.

I have been a resident of the Overland Subdivision for more than 21 years with water rights recorded by the State Water Resources Control Board. There are six properties with recorded rights to "my spring" and we share the water equitably and have also found ways to share as drought has forced changes to the amount of water available to us from year to year. We are all concerned with, not only our own livelihoods, but with maintaining the spring in some kind of reasonable shape, ecologically.

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**Sent:** Wednesday, December 16, 2020 9:39 AM

**To:** [mrypresid@aol.com](mailto:mrypresid@aol.com)

**Cc:** Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>

**Subject:** RE: Rising Goat Limited

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**Sent:** Wednesday, December 16, 2020 9:32 AM

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**Cc:** Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>

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**Call me.**

-----Original Message-----

From: Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
To: [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
Cc: Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
Sent: Wed, Dec 16, 2020 9:05 am  
Subject: RE: Rising Goat Limited

Thanks Paul, It will help to address the concerns of the neighborhood that have been raised. How much additional storage would you be willing to consider? My initial thought is for 50,000 gallons of total storage for phase 1 and 100,000 gallons for phase 2, which would enable most of the water you need during the primary dry months to be pulled from storage rather than the aquifer and this gives us a solid response to the concerns of the adjacent landowners. It would also help if you could find a way to obtain the amount from rainwater catchment. Let me know what you think and I am open to talking about this further with you. I'm in the office now and reachable by phone.

Cliff

**From:** [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
**Sent:** Tuesday, December 15, 2020 11:18 AM  
**To:** Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
**Cc:** Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
**Subject:** Re: Rising Goat Limited

"Lastly, As a result of the public notice we have received a few public comments concerned about the well and its potential to affect adjacent property owners water source availability. I will forward you these comments separately. I wonder if you might be willing to consider adding additional water storage/rainwater catchment to help subsidize the irrigation needs?"

Yes

-----Original Message-----

From: Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
To: [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
Cc: Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
Sent: Tue, Dec 15, 2020 11:04 am  
Subject: RE: Rising Goat Limited

Hi Paul,

I'm glad to hear you tested negative for COVID. Both my family and I are good as well and I am back in the office working. I appreciate that you are reading the staff report and bringing these issues to my attention.

You've definitely identified some things that are not applicable to the Rising Goat project in the conditions, that we should have removed. As we are continuing your project anyways, we will get a new staff report out that corrects these conditions and that will be sent out to you before the next hearing. I agree the well log is not needed. Track and trace is not needed now as it is the METRC program with CDFA. Your proposed power source is solar power so the PG&E requirement is not

appropriate. We will make those changes and I will make sure we do not charge you for the staff time involved in making these corrections.

The requirement for acknowledgement of no available emergency response comes from the County's General Plan, Standard IS-S5, which requires this to be done if you can no obtain written acknowledgement from the nearest local fire agency, which in this case is Garberville Fire. Our experience is they will not provide such an acknowledgement for areas outside their district boundaries. It's summarized on Page 25. You are welcome to object to this requirement at the Zoning Administrator hearing, as staff doesn't make the decision we only recommend conditions to assure consistency with the ordinance and general plan.

Lastly, can you identify for me where the requirement for undetermined random inspections is? The code does require that all cannabis operations allow inspections with 24 hour advance notice and we do inspections as needed to address complaints from neighbors, state agencies, etc. Very rarely is it more than one or two inspections a year. We can certainly add the words as reasonable and necessary to determine compliance to the language. That seems appropriate. Is this regarding condition 30 on Page 17?

Lastly, As a result of the public notice we have received a few public comments concerned about the well and its potential to affect adjacent property owners water source availability. I will forward you these comments separately. I wonder if you might be willing to consider adding additional water storage/rainwater catchment to help subsidize the irrigation needs?

Cliff

**From:** [mrypresid@aol.com](mailto:mrypresid@aol.com) <[mrypresid@aol.com](mailto:mrypresid@aol.com)>  
**Sent:** Tuesday, December 15, 2020 9:19 AM  
**To:** Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
**Cc:** Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)>  
**Subject:** Rising Goat Limited

Cliff -

I hope that you and your family are ok during your quarantine. I was in the hospital emergency room here in Monterey at 430 am on Friday last week with all of the symptoms of Covid - tested negative Thank God... A bad cold and sinus and bronchial infection.

Would you please take a look at Staff report.

If #15 on Page 13 is done, it will cause fire insurance to be denied or cause an exorbitant insurance rate forever, because it will forever appear on the property profile and Deed, even if removed in the future. This requirement redlines the property.

#20 on Page 15. Track and Trace was outlawed in 2019. Why is this included?

#11 on page 15, PG & E has quoted \$6.25 million to bring residential power into the Ross Road area. The new lines that are there should never have been approved by Humboldt County - they were allowed to install high power lines with KW that are not low enough to supply residential nor agricultural power. Those lines require a power reduction substation at the cost of \$1.75 million plus over \$5.0 million to bring in new residential power lines from Alderpoint Road. Humboldt County gave PGE approvals detrimental to all the residents of the area. The requirement of PGE power supply flies in the face of additional requirements for solar dependence.

The well logs and well permits are already in the County files. Meghan was told last year. This is a permitted well and all the approvals and well logs are already in your files.

You are the person who has worked hard to make this project and application come together. I appreciate every second of your own dedication to our project.

Additionally, why would anyone give the County a blank check to do random inspections of an undetermined number per month and pay the costs of those inspections? Is the cost \$2k 3k 4k 5k per month? You need a cap on what is a reasonable cost for inspections and any other work. We don't care if you do 20 random inspections per month, but you should not have an open checkbook. *I would like the words "reasonable and necessary" in any agreement for County use of our funds to support County costs. Please advise immediately if I need to be working this out with County Counsel.*

The Staff report has a considerable number of issues like the few mentioned above. Lets get all of it corrected prior to the meeting on January 21, 2021.

Thank you.

**From:** [Ryan, Meghan](#)  
**To:** [Hillman](#)  
**Subject:** Re: PLN-2020-16188

**Date:** Friday, December 18, 2020 11:33:28 AM

Good morning, Shirley - Thank you for contacting me and I understand your concern. Comments submitted are public records and we do share comments with the applicant. With that said, it is completely your decision on if you want to return his call. You are not obligated to do so. The project was referred to the Planning Commission meeting of January 21, 2021. We will send out a notice for the hearing.

I hope this helps! Please let me know if you have any additional questions or concerns.

Thanks again,  
Meghan

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**From:** Hillman <[shirley2376@gmail.com](mailto:shirley2376@gmail.com)>  
**Sent:** Friday, December 18, 2020 11:15 AM  
**To:** Ryan, Meghan  
**Subject:** Re: PLN-2020-16188

Hi Meghan,

Thanks for the update yesterday, I appreciate it and will review the report.

"Paul" left me two voicemails earlier this week asking me where I am and for a call back. I may not have included my phone number if I was more experienced with this process. My private question to you is, is the applicant calling me directly standard operating procedure? No one else here has received a call from him but I may have been the only person to include a phone number. It felt a bit weird and I would appreciate your input on this before I make a decision about calling him back or not.

Thanks so much,  
Shirley

On Dec 16, 2020, at 2:33 PM, Ryan, Meghan <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)> wrote:

>

Good afternoon, Shirley - I hope this email finds you well. The applicant is requesting the project be continued to the January 21, 2021, Zoning Administrator hearing, so it is unlikely it will be heard tomorrow. I will be provide a copy of your email to the Zoning Administrator tomorrow to ensure it is on the record. I am working with my Supervisor and the applicant and doing additional research regarding your concerns. I will provide a more through response prior to the next hearing.

>

If you would like to review the staff report for the project, you can find it here:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fhumboldt.legistar.com%2FCalendar.aspx&data=04%7C01%7Cmryan2%40co.humboldt.ca.us%7Ce3fbc1045d4f4849385c08d8a389537c%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0%7C0%7C637439157497651092%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWw%7CJXVCI6Mn0%3D%7C1000&data=F%2BbNiuJE9dMcAjHV4W%2BsNZUXPC9dYg0PeQ19vCJRS4%3D&reserved=0>

Please click on the Zoning Administrator agenda and you will find a link to the staff report within the agenda. It's Item C-4.

If you have any additional comments or questions after viewing the staff report, please let me know.

Best,  
Meghan

>

On 12/14/20, 2:55 PM, "Ryan, Meghan" <[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)> wrote:

>

Hi Shirley - Thank you very much for your comments regarding PLN-2020-16188. These comments will be provided to the Zoning Administrator for consideration at Thursday's hearing. I will also provide you a more in depth response to your concerns tomorrow. I appreciate your participation in the public process. Please let me know if you have any additional concerns.

>

I will be in touch with more information tomorrow.

>

Best,  
Meghan

>

On 12/14/20, 12:54 PM, "shirley hillman" <[shirley2376@gmail.com](mailto:shirley2376@gmail.com)> wrote:

>

Dear Ms. Ryan:



I am writing you regarding the proposed water use in the special permit for Rising Goat Cannabis Farm, as reported to me by my neighbor, Sue Jacobsen. I have been a resident of the Overland Subdivision for more than 21 years with water rights recorded by the State Water Resources Control Board. There are six properties with recorded rights to "my spring" and we share the water equitably and have also found ways to share as drought has forced changes to the amount of water available to us from year to year. We are all concerned with, not only our own livelihoods, but with maintaining the spring in some kind of reasonable shape, ecologically. I am profoundly disturbed and concerned about the proposal to use 366,600 gallons out of what is clearly a common aquifer. Although the support of new business is important, it should not be at the expense of established homesteads and neighborhoods. It has not been easy during these years of drought and increasing fire danger to maintain our homes. Removing this much water would severely compromise our ability to live and thrive here and maintain any kind of a fire-safe situation. If our properties are rendered unlivable by lack of water, they are also unsellable. Since many peoples main savings are in their home equity, an untenable situation will be created where the landowners may be unable to stay and unable to go. Please understand that this is not an anti-business objection. It is an objection based on the natural resources available to support this business, an idea that has too often been given short shrift in the world of business and government. Perhaps winter rainwater storage is an option or other more forgiving and creative solutions. Or perhaps the operation needs to be downsized based on these considerations.

- . Humboldt County has stumbled through the maze of creating legal cannabis grows and it is now time to remember that the citizens and neighborhoods that have been here for years are important too. We absolutely cannot and will not sit by as our most valuable resource is threatened.
- . Thank you so much for giving these concerns your most serious thought.
- . Shirley M. Hillman
- . 707-367-2630

**From:** [Ryan, Meghan](#)  
**To:** [Bonnie Blackberry](#)  
**Subject:** Re: PLN-2020-16188/Zoning Administrator Dec 17th  
**Date:** Friday, December 18, 2020 11:39:32 AM

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Good morning, Bonnie - I hope you are doing well. I wanted to let you know that the project was referred to the Planning Commission to be heard in January 21, 2021. We will send another notice.

Please let me know if you have any questions.

Thanks!  
Meghan

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**From:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Sent:** Wednesday, December 16, 2020 6:43:20 PM  
**To:** Bonnie Blackberry <lichen@humboldt.net>  
**Cc:** Johnson, Cliff <CJohnson@co.humboldt.ca.us>  
**Subject:** Re: PLN-2020-16188/Zoning Administrator Dec 17th

Good evening, Bonnie - Thank you for speaking with me regarding PLN-2020-16188, Rising Goat Limited. I received your letter and the three additional questions you sent via email. I will do my best address your concerns. I also want to summarize our phone call to ensure that I capture the aspects of the project that we discussed.

1. In your email received December 16, 2020, you had the following questions and my answers are directly below each question:

a. What is considered as seasonal housing?

Operations Plan Page 8 refers to providing seasonal housing to replace the single family residence that is proposed for demolition. The zoning district allows the applicant to construct a single family residence with proper permits, however, this permit does not authorize any employee housing

units. If the applicant intends on constructing employee housing, the applicant will be required to modify this permit and the modification would be held at a future hearing date.

b. PLN Pg. 12, Item 33 includes "customers". Is another type of permit needed to have on-site customers? Or will approval of this permit application item give approval to having customers? Please clarify.

I will seek clarification from the applicant. This permit does not authorize any retail sales of cannabis or cannabis products from this parcel. Any proposal for retail sales of cannabis or cannabis products would require a modification of this permit.

c. PLN, Pg 35, RP5 regarding remediation of timberland converted after Jan 1, 2016. Why only remediation for forest conversion after January 2016?

Conditions of approval require the applicant to adhere to the Timber Conversion Evaluation Report prepared by NRM Corp., dated November 30, 2020. The report recommends restocking of white oak in the southern portion of the parcel. A second condition was included that requires the

Applicant to submit a restocking plan for any oak tree species at a rate of 7:1. The condition also requires monitoring and reporting for a minimum of 3 years at an 85% success rate. The report will be reviewed and approved by the Planning Department prior to restocking taking plan. The way this

Condition is written, the restocking is not limited only to trees removed after January 1, 2016, therefore, includes restocking of any tree removed for development of the cannabis cultivation site prior to January 1, 2016 as well.

## 2. Summary of phone call on December 16, 2020:

In addition to the three questions and the letter received, we spoke this evening regarding concerns for the project and I will do my best to summarize below:

a. A request was made that the project be heard by the Humboldt County Planning Commission. I will pass this request to the Zoning Administrator.

b. Additional information was requested regarding the location and size of the solar power system proposed for the project. I will follow up with the applicant to provide a revised site plan or an addendum to the site plan to show the location of the solar panels proposed.

c. Concerns were expressed that sufficient solar power cannot be stored to support the operations. The permit limits the use of the generator to 20% as described by the Commercial Cannabis Land Use Ordinance (CCLUO). Conditions of approval for the project require the applicant to submit an energy plan that reports the amount of energy required to support the project and demonstrate how such solar power is required to support operations.

d. Generator location: According to the operations plan, the generator is backed into an existing concrete structure area. I will follow up with the applicant to request the location of the generator be shown on the site plan.

e. Opposition to generator use.

f. Concerns regarding power to the northern cultivation area were expressed as an extension cord was used previously. According to the Biological Assessment, the northern cultivation area will no longer be used and will be remediated. The Biological Assessment is included in Attachment 4 of the staff report.

g. Concerns with expressed regarding the connectivity of the well, impacts to surrounding properties and lack of water storage to meet forbearance requirements. I am putting together additional information regarding the water source and will forward to you upon completion, prior to the January 21, 2021, hearing.

h. We discussed seasonal housing and customers. See Item #1 above for additional information.

Please confirm that I've captured the aspects of the project we spoke about on the phone this evening. If you have any additional questions or comments, please let me know.

## 3. Letter to Zoning Administrator received December 16, 2020:

The letter received December 16, 2020, will be provided to the Zoning Administrator. The responses above capture many of the issues included in the letter. If there are additional questions, comment or you would like clarification on any of these items, please let me know.

I appreciate your participation in the public process.

Best,  
Meghan

On 12/16/20, 5:33 PM, "Bonnie Blackberry" <lichen@humboldt.net> wrote:

[This sender might be impersonating a domain that's associated with your organization. Learn why this could be a risk at <http://aka.ms/LearnAboutSenderIdentification>.]

Public Comment for Zoning Administrator Meeting on December 17, 2020