



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 6, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **David Thomas Special Permits**
Record Number: PLN-11751-SP
Assessor's Parcel Number (APN): 221-121-013
9752 Upper Mattole Canyon Road, Whitethorn area

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Please contact Cameron Purchio, Associate Planner, at 707-443-5054 or by email at purchioc@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permits	Cameron Purchio

Project Description: A Special Permit for an existing 5,925-square-foot full-sun outdoor cannabis cultivation operation. No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 280,000-gallon rainwater catchment pond on the landowner/applicant's adjoining parcel (APN 221-121-001) to the north. Existing available water storage consists of four (4) 5,000-gallon tanks on the subject parcel and four (4) 2,500-gallon tanks, thirty-six (36) 5,000-gallon tanks, four (4) 500-gallon tanks, and a 280,000-gallon rainwater catchment pond located on the adjacent parcel. Estimated annual water usage is 66,500 gallons (11.2 gal/SF). Drying and bucking occurs onsite and all other processing will occur offsite at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by solar panels with a small generator backup to provide ancillary power and/or charge battery storage, if necessary. The proposed project also includes additional Special Permits for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands.

Project Location: The project is located in the Honeydew area, on the east and west side of Upper Mattole Canyon Road, approximately 3.3 miles north from the intersection of Crooked Prairie Road and East Fork Road, on the property known as 9752 Upper Mattole Canyon Road, Whitethorn.

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: Moderate instability (2)/High Instability (3).

Present Zoning: Forestry Recreation (FR-B-5(40))

Record Number: PLN-11751-SP

Assessor's Parcel Number: 221-121-013

Applicant

David Thomas
P.o. Box 1791
Redway, CA 95560

Owner

Same as Applicant

Agents

Timberland Resource
Consultants
165 S Fortuna Blvd, Suite 4
Fortuna, CA 95540

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the David Thomas project as recommended by staff subject to the recommended conditions.

Executive Summary: Dave Thomas seeks a Special Permit to allow the continued cultivation of 5,925 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(40)). Cultivation takes place in two (2) separate areas: Cultivation Area 1 (southern area) contains 1,000 SF of full-sun outdoor cultivation. Cultivation Area 2 (northern area) contains 4,925 SF of full-sun outdoor cultivation. No ancillary propagation occurs on-site. One harvest is anticipated annually for a growing season that extends from May through October. Subject parcel is contiguous to and operated in conjunction with the landowner/applicant's adjacent parcel (APN 221-121-001), for which a separate application has been submitted (Apps #12179). APN 221-121-001 borders the subject parcel to the north and the water source and majority of the associated water storage are located on the adjacent parcel.

Drying and bucking occurs onsite, with processing taking place offsite at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by solar panels with a small generator backup to provide ancillary power and/or charge battery storage, if necessary. The operation is secured behind a gated access. There are full time resident(s) onsite and all items related to cultivation are secured in locked outbuildings.

The proposed project also includes additional Special Permits for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 420 feet of BLM lands. Staff contacted BLM on March 16, 2021, to provide a project description and discussion of conditions of approval (see Attachment 4). Planning staff also inquired if BLM wanted a statement from a licensed surveyor that the cultivation area was not encroaching on BLM lands. The BLM provided revised project comments on April 8, 2021 (see Attachment 4). BLM staff confirmed a survey is not required, however, the applicant should be advised to ensure the cultivation area is not BLM lands (see Attachment 4). An informational note was added to the Conditions of Approval.

A previously cultivated natural meadow near the central-southern portion of the parcel, portions of which occurred within the Streamside Management Area (SMA), has been relocated to the current configuration of the cultivation areas. The area was cleared of most cultivation related materials and allowed to return to natural conditions. The remaining items include two (2) decommissioned water bladders, green house poles, and small pieces of fencing. A Biological Survey performed by Adam N. Canter, dated May 21, 2019 (Attachment 3), showed that relocated areas were environmentally superior to the previous cultivation areas and decommissioned areas were naturally restocking with primarily native vegetation. The Report recommends removal of all remaining cultivation related

material and treatment of a small number of invasive Canada thistle and purple foxglove occurrences. The project is conditioned to complete these recommendations.

Estimated annual water usage is 66,500 gallons (11.2 gal/SF) with peak demand occurring in August at approximately 14,000 gallons. Water for irrigation is provided by an approximately 280,000-gallon rainwater catchment pond located on the landowner/applicant's adjacent property (APN 221-121-001). Existing available water storage is 20,000 gallons in four (4) hard tanks on the subject site and 10,000 gallons in four (4) 2,500-gallon hard tanks, 180,000 gallons in thirty-six (36) 5,000-gallon hard tanks, 2,000 gallons in four (4) 500-gallon hard tanks, and 280,000 gallons in a single rainwater catchment pond located on APN 221-121-001 for a total water storage capacity of 492,000 gallons shared between both parcels.

As discussed above, the applicant also seeks a Special Permit for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA). A Water Resources Protection Plan (WRPP; WDID 1B171705CHUM), which covers both the subject parcel and landowner/applicant's adjacent property (APN 221-121-001), was prepared by Timberland Resources Consultants in May 2018 (Attachment 3). The WRPP has been superseded by a Site Management Plan (SMP), which was prepared by Timberland Resource Consultants in March 2020 (Attachment 3). The SMP identified numerous locations (31) on the two properties where improvements are needed, including but not limited to road reshaping, installation of rolling dips and waterbars, replacement and/or installation of ditch relief culverts, and removal of obstructing material and refuse. Conditions of approval require the applicant to apply for and obtain a Streambed Alteration Agreement (SAA) with the California Department of Fish and Wildlife (CDFW), and comply with all requirements and recommendations contained within the SAA and SMP in order to minimize potential impacts on water resources. The work requested by CDFW included improvements at three (3) stream crossings and a point of diversion. The requested work was authorized under Notification No. 1600-2019-0013-R1 and the completed work documented in the enclosed Project Inspection Report prepared by Timberland Resource Consultants in December 2020 (Attachment 3).

There are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 1.7 miles from the site. Per the applicant, the small generator is utilized only as emergency backup and a solar system is utilized to provide primary power. There is no use of artificial lighting authorized by this permit. The conditions of approval require the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

According to Humboldt County WebGIS and the WRPP (Attachment 3), there is one unnamed Class II stream and one named Class III stream (Mattole Canyon Creek) within the boundary of the parcel. Mattole Canyon Creek runs east to south and the unnamed Class II stream flows west to southeast and joins Mattole Canyon Creek within the boundary of the parcel. The streams and respective buffers are depicted on the Site Plan. Currently, no cultivation activities take place within any of the Streamside Management Areas. Per the Biological Survey prepared by Adam Canter in May 2019, the project is conditioned to complete the recommendations contained in the Report, including removal of all remaining cultivation related material and treatment of a small number of invasive Canada thistle and purple foxglove occurrences.

Access to the site is via a driveway off Upper Mattole Canyon Road via Doody Ridge Road via Wilder Ridge Road. Wilder Ridge Road is a Category 4 County-maintained roadway. A Road Evaluation report for Upper Mattole Canyon Road and Doody Ridge Road was prepared by the Applicant in July 2019 (Attachment 3), which indicates that the roadways meet a road Category 4 equivalent standard and is adequate for the proposed use. Public Works, Land Use Division, in referral comments dated October 2018, requests improvements to the driveway apron that connects to the County road (Wilder Ridge Road) to Doody Ridge Road, including paving for a minimum width of 20 feet and a length of 50 feet as

well as maintenance in accordance with the Sight Visibility Ordinance, which have been included as conditions of approval. Due to the number of cultivation projects along Upper Mattole Canyon Road, both approved and pending, conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of Upper Mattole Canyon Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

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

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

**Resolution Number 21-
Record Number: PLN-11751-SP
Assessor's Parcel Number: 221-121-013**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the David Thomas Special Permits request.

WHEREAS, David Thomas, submitted an application and evidence in support of approving a Special Permit for the continued cultivation of an existing 5,925 square feet (SF) full-sun outdoor cannabis cultivation operation with appurtenant drying activities. Annual water use is 66,500 gallons and there is 496,000 gallons of water storage onsite and on the landowner/applicant's adjacent property (APN 221-121-001). additional Special Permits are also being requested for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 420 feet of BLM lands;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** A Special Permit for the continued cultivation of an existing 5,925 square feet (SF) full-sun outdoor cannabis cultivation operation with appurtenant drying activities. Annual water use is 66,500 gallons and there is 492,000 gallons of water storage onsite and on the landowner/applicant's adjacent property (APN 221-121-001). additional Special Permits are also being requested for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 420 feet of BLM lands

EVIDENCE: a) Project File: PLN-11751-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. 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.

- c) A Site Management Plan was prepared by Timberland Resource Consultants in March 2020 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2019-0001-DWQ. A Site Management Plan and Notice of Applicability will be required by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge, and have been incorporated as conditions of approval.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDB) Spotted Owl Observation Database showed that Northern Spotted Owl habitat exists in the vicinity and the nearest activity center is 1.7 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The project does not propose the removal of timberland and review of aerial imagery dating back to 2005 indicates the cultivation areas occur within open areas in existence since at least 2005.
- f) A Cultural Resources Investigation was carried out by Arsenault & Associates in March 2020 which concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) A Road Evaluation report for Upper Mattole Canyon Road to Doody Ridge Road to Wilder Ridge Road prepared by the applicant in July 2019, which indicates that the roadways are suitable for safe access to and from the project site. Conditions of approval require the application to obtain an encroachment to improve the intersection of Doody Ridge Road and Wilder Ridge Road. Conditions of approval also require the applicant to attempt to join or form a Road Maintenance Association.

FINDINGS FOR SPECIAL PERMITS

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

- a) General agriculture is a use type permitted in the Forestry Recreation (FR) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The proposed project includes a Special Permit to request a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 420 feet of BLM lands. Staff contacted BLM on March 16, 2021, to provide a project description and discussion of conditions of approval (see Attachment 4). Planning staff also inquired if BLM wanted a statement from a licensed surveyor that the cultivation area

was not encroaching on BLM lands.

- c) Conditions of approval require the applicant to obtain and adhere to and implement the projects and recommendations contained in the Final Streambed Alteration Agreement (to be obtained from CDFW) and SMP and provide evidence to the Planning Department that the projects included in the SAA and SMP are completed to the satisfaction of CDFW and SWRCB. By implementing the permit conditions from CDFW and recommendations included in the SMP, impacts to the SMA are minimized.

4. FINDING

The proposed development is consistent with the purposes of the existing FR zone in which the site is located.

EVIDENCE

- a) The Forestry Recreation or FR Zone is intended to be applied to forested areas in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use.
- b) All general agricultural uses are principally permitted in the FR zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 5,925 square feet of outdoor cultivation on a 35.90-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by grant deed recorded August 11, 1971. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcels were lawfully created in its current configuration and can be developed as proposed.
- c) The project will obtain water from a non-diversionary water source. All irrigation water is sourced from an approximately 280,000-gallon rainwater catchment pond located on the landowner/applicant's adjacent property (APN 221-121-001).
- d) A Road Evaluation Report was completed the applicant in July 2019. The evaluation addressed Upper Mattole Canyon Road to Doody Ridge Road to Wilder Ridge Road, which is a county-maintained road. All road segments evaluated were found to be functionally appropriate for the expected traffic. Conditions of approval require the application to obtain an encroachment to improve the intersection of Doody Ridge Road and Wilder Ridge Road. Conditions of approval also require the applicant to attempt to join or form a Road Maintenance Association.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Analysis of historical aerial imagery dating back to 2005 found the site had been converted before the environmental baseline established in the

CMMLUO. Therefore, there will be no net loss of timberland as a result of the cultivation operation.

- g) The location of the cultivation complies with setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line or has adjacent property owner consent for a reduced setback, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, or Tribal Cultural Resource. A Special Permit for a reduced setback from adjacent BLM lands is requested under the project, as existing cultivation is located within 420 feet of BLM lands. The proposed project includes a Special Permit requesting to reduce the 600-foot setback from adjacent lands owned by the Bureau of Land Management. Staff contacted BLM on March 16, 2021, to provide a project description and discussion of conditions of approval (see Attachment 4). Planning staff also inquired if BLM wanted a statement from a licensed surveyor that the cultivation area was not encroaching on BLM lands. BLM staff confirmed a survey is not required, however, the applicant should be advised to ensure the cultivation area is not BLM lands (see Attachment 4). An informational note was added to the Conditions of Approval.

6. FINDING

The cultivation of 5,925 square feet of cannabis cultivation and the 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.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from an approximately 280,000-gallon rainwater catchment pond located on the landowner/applicant's adjacent property (APN 221-121-001).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

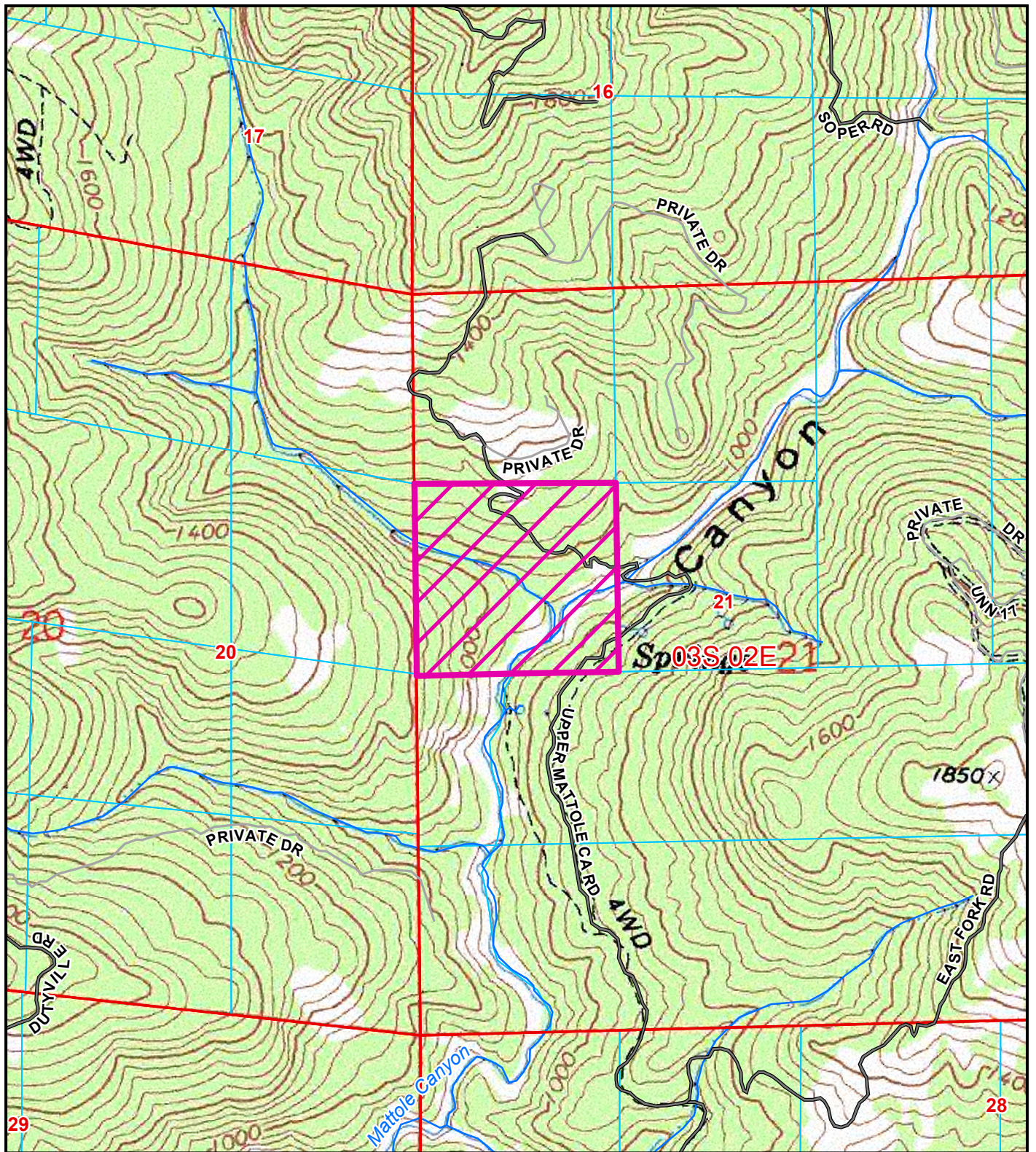
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for David Thomas, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on April May 6, 2021.

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

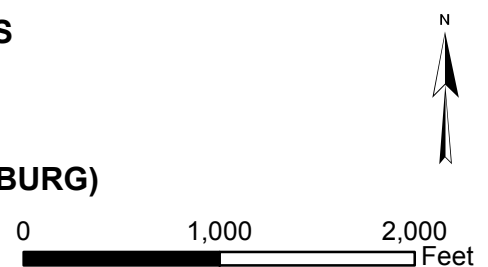
John H. Ford, Zoning Administrator,
Planning and Building Department

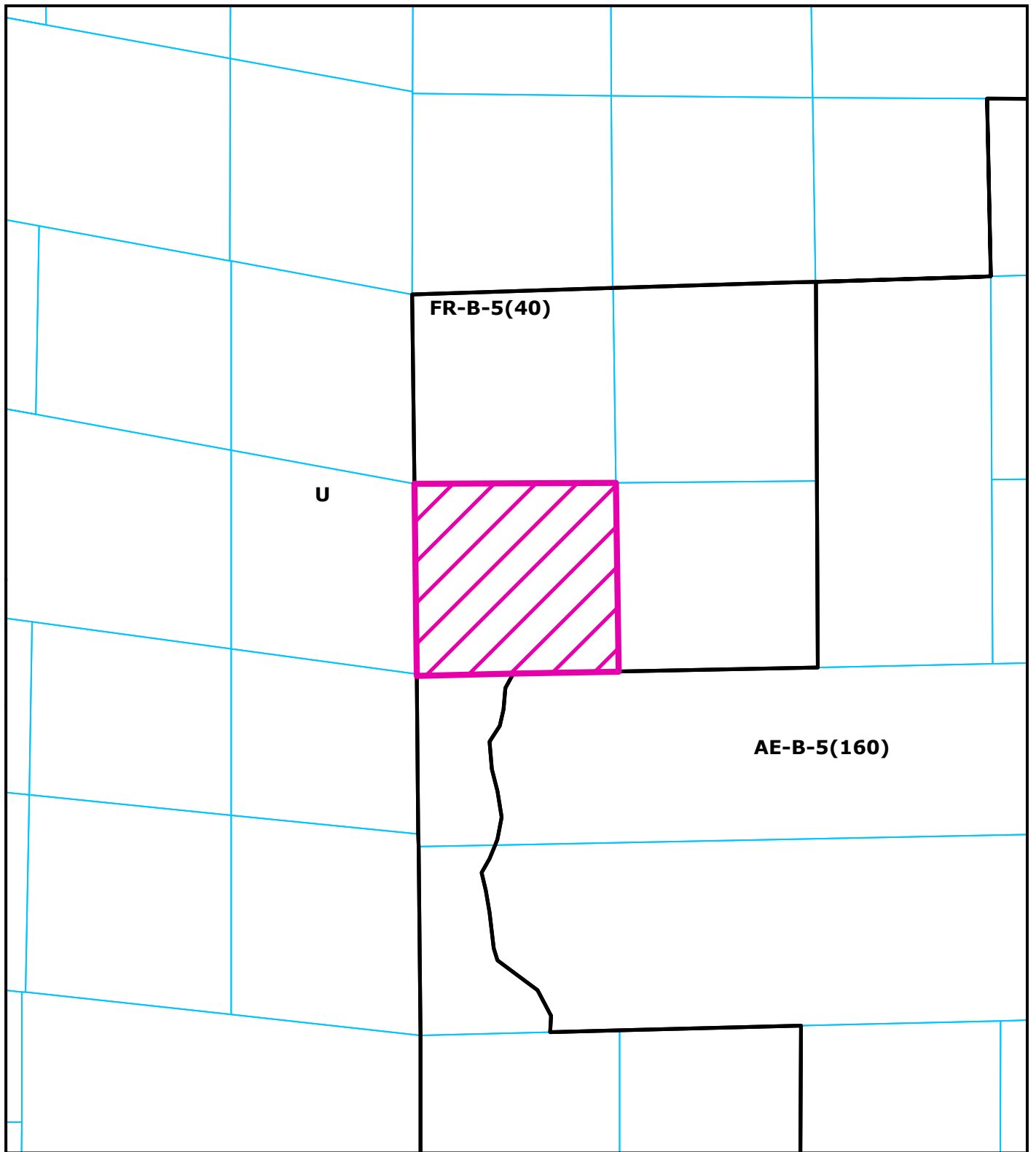


TOPO MAP
PROPOSED DAVE THOMAS
HONEYDEW AREA
SP-16-299
APN: 221-121-013-000
T03S R02E S21 HB&M (ETTERSBURG)

Project Area = 

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






Project Area = 

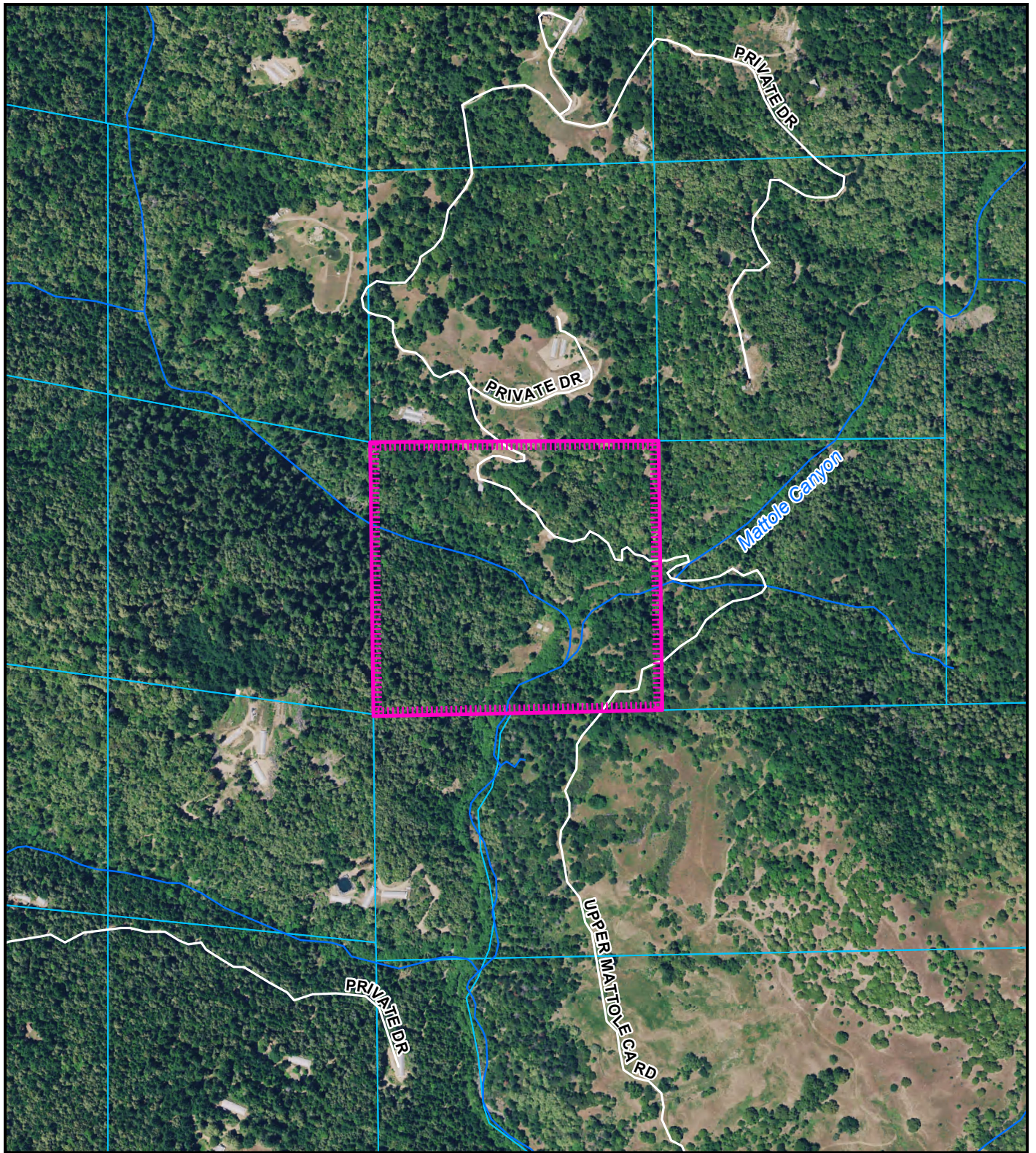
**ZONING MAP
PROPOSED DAVE THOMAS
HONEYDEW AREA
SP-16-299
APN: 221-121-013-000
T03S R02E S21 HB&M (ETTERSBURG)**



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0 1,000 2,000 Feet





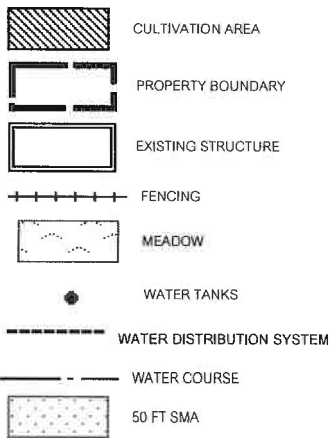
Project Area = 

**AERIAL MAP
PROPOSED DAVE THOMAS
HONEYDEW AREA
SP-16-299
APN: 221-121-013-000
T03S R02E S21 HB&M (ETTERSBURG)**

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0 875 1,750 Feet





APPLICANT: DAVID THOMAS
APPS# 11751
APN 221-121-013
ZONING: FORESTRY RECREATION
LOT SIZE: 40 ACRES
CULTIVATION AREA: 5,925 SQFT

DIRECTIONS TO SITE:
HEADING SOUTH ON US HWY 101
TAKE EXIT 642 FOR REDWOOD DRIVE TOWARD REDWAY, IN TWO MILES
TURN RIGHT ONTO BRICELAND THORN ROAD
IN TEN MILES CONTINUE STRAIGHT ONTO ETTERSBURG ROAD
IN 5 MILES TURN RIGHT ONTO DUTYVILLE ROAD
IN 4 MILES SLIGHT LEFT TO DOODY RIDGE ROAD
THE SITE IS LOCATED AT:
9752 UPPER MATTOLE CANYON ROAD

THERE ARE NO KNOWN TRIBAL CULTURAL RESOURCES, PUBLIC
PARKS, SCHOOLS, OR PLACES OF WORSHIP WITHIN 600 FT OF HTE
CULTIVATION AREA. THERE ARE NO NEIGHBORING RESIDENCES WITHIN
300 FT OF HTE CULTIVATION AREAS.



07/17/2019

Timberland Resource Consultants
165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540
707-725-1897 • fax 707-725-0972

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
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 Planning and Building 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. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A 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) shall be paid 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.
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. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall improve the intersection of Wilder Ridge Road and Doody Ridge Road as follows:
 - a. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); and

- b. 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; OR
 - c. 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. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
8. Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Mahan Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
9. Applicant shall provide an approved onsite wastewater treatment system, or portable toilets, to support cultivation on this parcel. Until such time that an approved onsite wastewater treatment system can be permitted, upon demonstration of site suitability from a Qualified Professional, an invoice, or equivalent documentation, shall be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
10. The applicant shall notify the California Department of Fish and Wildlife (CDFW) for all projects within CDFW jurisdiction related to the development of the cannabis cultivation sites, including, but not limited to off-stream pond improvements and repair and/or maintenance of culverts and stream crossings. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department within 10 business days of issuance. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
11. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan 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 construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

13. The applicant shall not use rodenticides for the life of the project.
14. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
15. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
16. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
17. 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.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding 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.
19. 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.

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

20. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
21. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
22. The applicant shall implement all general recommendations detailed in the Site Management Plan developed for the parcel, prepared pursuant to the North Coast Regional Water Quality Control Board Order No. 2019-0001-DWQ.

23. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
24. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
25. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
26. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
27. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
28. The use of anticoagulant rodenticide is prohibited.
29. 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.
30. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
31. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
32. 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 toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
33. 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.
34. 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.

35. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
36. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
37. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
38. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
39. 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
40. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
41. Pay all applicable application, review for conformance with conditions and annual inspection fees.
42. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
43. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
44. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

45. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
46. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
47. Cultivators engaged in processing shall comply with the following Processing Practices:

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
48. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. 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.
 - b. 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; and
 - (3) Poison control contacts.
 - c. 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.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
49. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
50. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
51. 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 permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure

the noncompliance, 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 noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

52. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.
53. 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.
54. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
55. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and

Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

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

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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 (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall ensure no cultivation is occurring on lands owned and managed by the Bureau of Land Management for the life of the project.

ATTACHMENT 2

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

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

APN 221-121-013; 9752 Upper Mattole Canyon Road, Whitethorn, County of Humboldt

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

April 2021

Background

Modified Project Description and Project History – The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for an existing 5,925 square foot (SF) outdoor cannabis cultivation operation with drying activities. No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 280,000-gallon rainwater catchment pond on the landowner/applicant's adjoining parcel (APN 221-121-001) to the north. Existing available water storage is 20,000 gallons in four (4) hard tanks on the subject site and 10,000 gallons in four (4) 2,500-gallon hard tanks, 180,000 gallons in thirty-six (36) 5,000-gallon hard tanks, 2,000 gallons in four (4) 500-gallon hard tanks, and 280,000 gallons in a single rainwater catchment pond located on APN 221-121-001, for a total of 472,600 gallons. Estimated annual water usage is 66,500 gallons (11.2 gal/SF). Drying and bucking occurs onsite and all other processing will occur offsite at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by solar panels with a small generator backup to provide ancillary power and/or charge battery storage, if necessary. The proposed project also includes additional Special Permits for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 420 feet of BLM lands.

The project site contains riparian habitat associated with one unnamed Class II stream and one named Class III stream (Mattole Canyon Creek) that traverse the site, which are tributaries to the Mattole River. The project includes relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA). All approved cannabis activities would occur outside of the required stream setbacks and on slopes less than 30%. The nearest Northern Spotted Owl (NSO) activity center is 1.7 miles from the cultivation areas. No artificial lighting is utilized. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation made in the Cultural Resources Investigation prepared by Arsenault & Associates in March 2020.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 5,925 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by Timberland Resource Consultants dated 7/17/19;
- Revised CMMLUO/Operations Overview prepared by the applicant, dated 7/24/19;
- Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants, dated 5/13/18;
- Site Management Plan (SMP) prepared by Timberland Resource Consultants, dated 3/13/2020;
- Cultural Resources Investigation prepared by Mark Arsenault, M.A., RPA, Principal Investigator, Arsenault & Associates, dated 3/17/20;
- Biological Survey prepared by Adam N. Canter, dated 3/21/19; and
- Road Evaluation Report for Upper Mattole Canyon Road to Doody Ridge Road to Wilder Ridge Road prepared by the applicant, dated 7/10/19.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) 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. (Plot Plans prepared by Timberland Resource Consultants stamped received 7/24/2019 – Attached)
4. Signed consent from owner regarding reduced setback with APN 221-121-013, dated 6/22/18. (On file)
5. 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; 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. (Revised CMMLUO/Operations Overview prepared by the applicant, dated 7/24/19 - Attached)
6. 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)
7. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 5. above) and Water Resource Protection Plan prepared by Timberland Resource Consultants, dated 5/13/18 for State Water Board Cannabis General Order (item 8. below)
8. 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. (NOI and reporting – On file, and Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants, dated 5/13/18 –Attached, and Site Management Plan (SMP) prepared by Timberland Resource Consultants, dated 3/13/2020 – Attached).)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Cultural Resources Investigation for the Northern Thomas Commercial Cannabis Cultivation, Humboldt County California, County Application #11751 and #12179 prepared Mark Arsenault, M.A., RPA, Principal Investigator, Arsenault & Associates, Sacramento, CA, dated 3/17/20. (On file and confidential)
15. Road Evaluation Report for Upper Mattole Canyon Road to Doody Ridge Road to Wilder Ridge Road prepared by the applicant, dated 7/10/19. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. Biological Survey for APN 221-121-012, 9752 Upper Mattole Canyon Road, Garberville, CA 95545 prepared by Adam N. Canter, Consulting Biologist/Botanist, dated 3/21/19. (Attached)
18. Project Inspection Report for Lake and Streambed Alteration Agreement No. 16009-2019-0013-R1, prepared by Timberland Resource Consultants, dated 12/11/20. (Attached)



Revised July 24, 2019

CMMLUO SITE/OPERATIONS OVERVIEW

APPS# 11751 (APN: 221-121-013)

Project Description: The applicant is seeking a Special Permit under the Humboldt County CMMLUO to allow continued outdoor cultivation up to 5,925 ft².

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned permit application, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described in the aforementioned special permit and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies which includes a compliance timeline whereby operations may continue under a “*Provisional Clearance or Permit*” while corrective measures and other requirements are completed.

Parcel Information: The subject parcel (APN: 221-121-013) is approximately 40 acres, zoned FR-B-5(40) with AL(40) framework designation. The assigned site address is: 9752 Upper Mattole Canyon Road, Whitethorn.

Topography/Landscape: The ground slopes gently from the west, north and southeast towards the central portion of the parcel where two watercourses flow from the east and west and converge into a single watercourse which flows southward off the parcel and is a tributary to the Mattole River. The parcel is mostly covered with native tree species with the exception of a few small clearings in which agricultural activities take place.

Surface Water Features: Two Class II watercourses flow onto the parcel; one from the west, the other (Mattole Canyon Creek) from the east. The two watercourses converge and flow south as a tributary to the Mattole River.

Roads/Stream Crossings/Easements: The subject parcel is accessed from Upper Mattole Canyon Road which passes through the NE quadrant and provides access to other neighboring parcels. A few interior roads emerge off of Upper Mattole Canyon Road providing access to various areas around the parcel. A county Road Evaluation Report has already been submitted.

Interior road conditions and stream crossings were assessed in the development of a site-specific Water Resources Protection Plan (WRPP). The WRPP prescribes corrective measures to upgrade any specific road/crossing deficiencies identified and sets a time frame in which to complete corrective work. Corrective measures specified in a WRPP do not preclude the need for compliance with other state/local roadway and roadway related standards in association with activity/development proposed under the aforementioned special permit application.

Utilities: Electrical power is supplied from solar panels; generators are used to power auxiliary operations and charge batteries as needed.

Water Supply: The 5,925 ft² of outdoor cultivation on the subject parcel is **contiguous to, and operated in conjunction** with 12,400 ft² (APPS: 12179) of outdoor cultivation on the neighboring parcel (APN: 221-121-001) to the north (same applicant); thus, the water source and majority of associated storage tanks are located on APN: 221-121-001.

Water for Agriculture use on the subject parcel is sourced from a 280,000 gallon rain catchment pond on the adjoining parcel (APN:221-121-001) to the north. An **easement description** for water delivery from the pond to the subject parcel is included.

Documentation demonstrating the legal authorization, terms and conditions for the ongoing use of the existing water source(s) and/or development of other potential water sources shall be provided as it becomes available.

Water Storage: Four (4) – 5,000 gallon tanks on the subject parcel

Two (2) – 3,000 gallon tanks on neighboring parcel to the north

280,000 gallon rain catchment pond on neighboring parcel to the north

Thirty Eight (38) – 5,000 gallon tanks on neighboring property to the north

The combined cultivation area under this application (APPS: 11751) and APPS: 12179 is 18,325 ft².

Water storage facilities for the combined operations include a 280,000 gallon rain catchment pond and over 200,000 gallons storage in hard plastic tanks.

Structures/Facilities: Development shown on Site Plan:

Map Pt.	Structure/Feature	Square Footage/Gallons	Year Built	Permit #
	West Cabin	16'x30'	1980	
	East Cabin	30' x 30'	1980	
	Bladders-not in use, to be removed	80,000	2016	

Cultivation Areas: Historic Cultivation occurring on the subject parcel can be viewed on air imagery provided.

Cultivation proposed under this Application is located up to the northern property line encompassing 5,925 ft². Note: the adjoining parcel to the north (221-121-001) has a CMMLUO permit application on file and the property owner has granted the applicant (APPS: 11751) consent to cultivate within the prescribed 30 foot property line setback.

A previously cultivated natural meadow near the central-southern portion of the parcel has been abandoned, cleared of all cultivation related materials and allowed to returned to natural conditions. This area is bordered to the north and east by the confluence of two watercourses occurring at distances less than 200 feet from legacy cultivation activity with a **significant portion occurring within the county designated SMA** (see attached image). The aforementioned relocated cultivation areas near the northern property line are environmentally superior to the legacy cultivation in the southern

meadow which was encumbered by SMA delineations. A **Biological Survey** addressing the relocation and remediation of the legacy cultivation site is included with this submission.

All greenhouses utilized have no impermeable materials on the floor/ground surface.

Proposed cultivation areas and surrounding ground surfaces were evaluated in a site-specific Water Resources Protection Plan (WRPP). The WRPP prescribes corrective measures to address conditions which may adversely impact water resources and contains a timeline in which to achieve compliance with RWQCB Order No.2015-0023. Corrective measures prescribed in the WRPP do not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control regulations and requirements. Cultivation areas shall undergo seasonal monitoring in compliance with applicable regulations in effect at the time of operation to ensure operations/activities conducted therein are not impacting water resources.

Peak Water Demand (include Monthly Water Use Table): The peak monthly water demand projected to maintain plants during the warmest months is 14,000 gallons per month. The “Monthly Water Use” table below shows water use during the grow season. Totalizing flow meters shall be incorporated into the irrigation system enabling accurate monitoring and recording of water usage in compliance with applicable regulations.

There is no agricultural water use during the months not shown

	Plant Stage	Total Gallons
May	veg	6,500
June	veg	10,000
July	veg	12,500
August	veg	14,000
September	veg	13,000
October	flwr	10,500

Irrigation Method(s): Plants are irrigated by use of conventional gravity flow drip lines. The flow to drip lines is carefully regulated and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Hand watering with conventional garden hoses may also occur. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

Irrigation Runoff/Erosion control: The use of carefully administered hand watering and controlled drip irrigation minimizes the chance of any overwatering or residual discharge of irrigation solutions outside of the “targeted” root zone. In the unlikely event that residual discharge did occur, it would be absorbed upon contact with permeable soil surrounding the cultivation area. Cultivation activities are limited to the immediate area surrounding the greenhouses/gardens and conducted so materials are kept confined. The ground surface within and around the cultivation area is monitored and managed to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

Watershed Protection: The Cultivation Areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). The applicant ensures BMP's related to storage, use and disposal of cultivation related materials/products in and around cultivation areas are in use at all times. This includes limiting cultivation activities to the immediate area where cultivation occurs and keeping products/materials securely confined so spreading due to weather or pests does not occur. **Watershed protection** will be ensured by adherence to measures prescribed in the Water Resources Protection Plan developed specifically for this parcel.

Once enrolled under R1-2015-0023, participants shall engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Generators are normally not in use at this cultivation site. If auxiliary power is required for tools, or batteries need recharged, a portable Honda generator can be provided. The noise level at the property lines to the east and west of the cultivation area would be reduced significantly below required levels as the generator would be greater than 500 feet to either of those property lines.

The property line to the north is immediately adjacent to the cultivation area on the subject parcel and there is cultivation activity immediately north of the north property line on APN:221-121-001 – which is conducted by the same applicant under APPS: 12179. Thus, **the neighboring parcel to the north is essentially part of the same operation but having a separate application 12179 due to separate legal parcel designation**; therefore, the noise level requirement is not applicable to the north property line in this specific case.

Fertilizers/Amendments/Regulated Products:

List and describe machinery and equipment used for cultivation and associated activities.

Outdoor cultivation gardens only on this parcel; the adjoining parcel to the north (APN: 221-121-001 APPS# 12179, same applicant, contains pertinent information.

Describe equipment service and maintenance; including where it is done: see above

List and describe petroleum products and automotive fluids used onsite-Indicate amounts normally stored and how/where they are stored.

none

List and describe compressed gases, cleaners, solvents and sanitizers used-indicate amounts normally stored and how/where they are stored.

Cleaners and solvents are not stored onsite

List and describe fertilizers, soil amendments, pesticides, herbicides and rodenticides used.

Indicate the amount normally stored and how/where they are stored.

The outdoor garden(s) on this parcel are cultivated in conjunction with cultivation on the adjoining parcel to the north; same owner/applicant (APPS# 12179).

Products	The products listed are primarily used at the start of the cultivation season. Any product remaining after initial start-up is kept securely protected in original packaging/containers atop pallets inside the Ag storage shed. Quantities of products stored may range from 250 to 350 pounds.
Black Gold Soil	
Rainbow Grow – Earth Juice	
Dr. Earth – All Purpose	
Composted Steer Manure	
Worm Castings	
Bat Guano	
Tri-Fecta - stored in 1 quart container on shelf inside Ag building in original container	
Green-clean - stored in 1 quart container on shelf inside Ag building in original container	

Fertilizer and amendment use is monitored and reported annually under requirements set forth in Appendix C, RWQCB Order No. R1-2015-0023

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

Cultivation Related Wastes: Cultivation related wastes are sorted such that green waste materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other solid waste, unsuitable for composting, are stored in conventional lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed.

Soils Management: The applicant shall refurbish existing soil to the greatest extent practicable upon completion of cultivation. The goal is to use 100% organic amendments in the refurbishment process. An appropriate "cover-crop" shall be sown in and around the cultivation area following completion of crop harvest. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over and into native top-soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. No spent soil shall be dumped off-site. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Human Waste: All operations are conducted by individuals residing on the subject parcel. Restrooms within the residence on APN: 221-121-001 (APPS: 12179 operated in conjunction with this application) are served by conventional septic systems and are easily accessed as needed.

Cultivation Operations/Practices: The cultivation operation yields a single harvest from a full-term outdoor crop. Three (3) individuals carry out operations throughout the season.

	Cultivation Practices	Generator Hours/day	Lights On Hours/day
January	Winter Conditions – no activity		
February	Winter Conditions – no activity		
March	Initial site preparation		
April	Begin garden preparation and general site maintenance		
May	Establish young plants in outdoor gardens		
June	Ongoing garden care and site maintenance		
July	Ongoing garden care and site maintenance		
August	Ongoing garden care and site maintenance		
September	Ongoing garden care and site maintenance		
October	Harvest and set plants to dry, begin site clean-up		
November	Clean up cultivation sites, winterize roads etc.		

Processing: Operations utilize three (3) individuals throughout the season.

Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the Ag/ Shop Building Harvested on APN: 220-201-021 (APPS# 11832 - same applicant) where they are hung to dry. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

Further Processing shall be completed at an off-site licensed third party facility until such time as approved facilities on APN:220-201-021 can be brought into compliance with applicable state/county requirements relative to the aforementioned Special Permit application. Currently, assessment of existing structures and/or supplemental development to achieve compliance is underway.

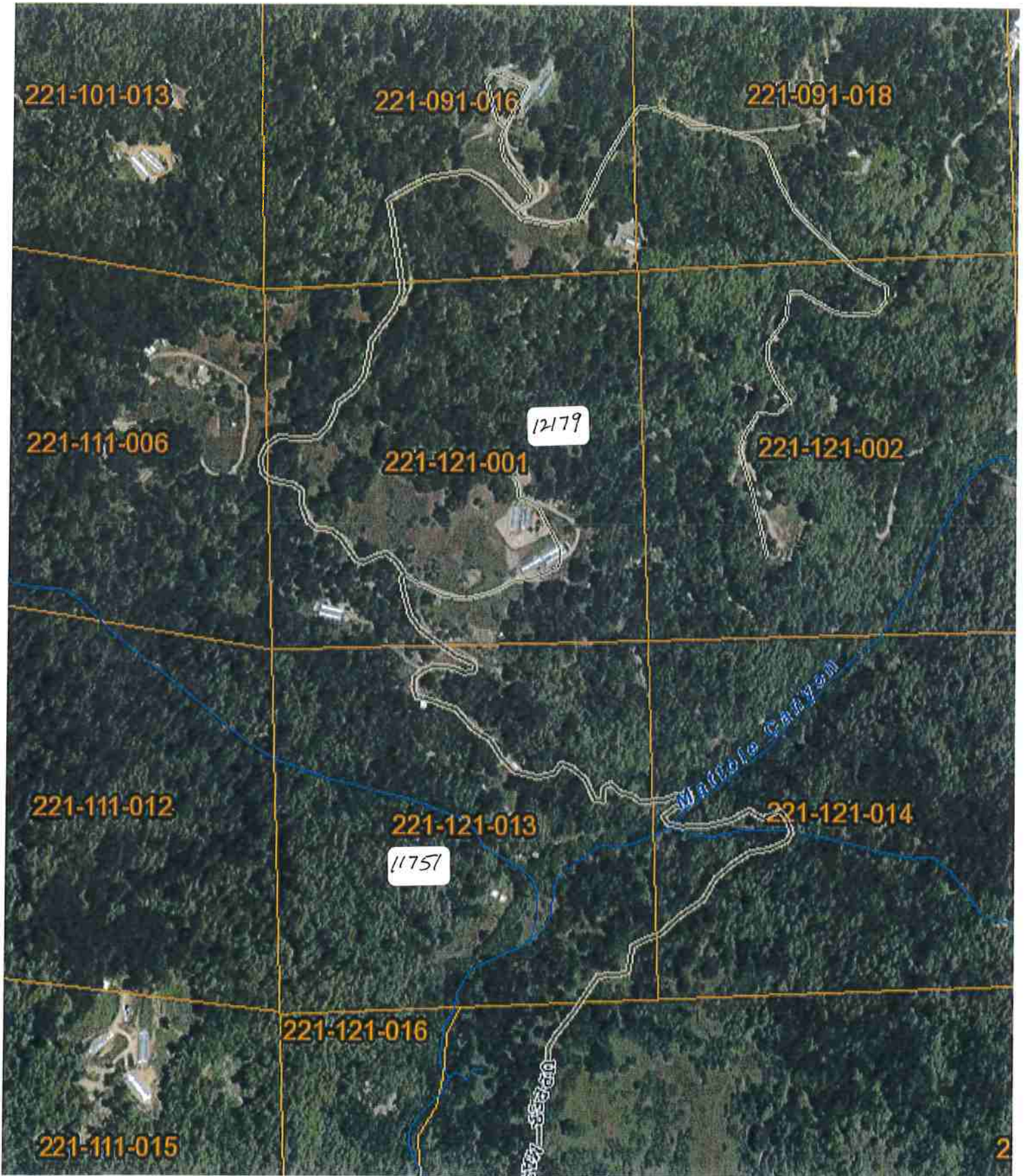
Security: Access to the subject parcel is obtained from private drives with metal locking gates. Only persons attending agricultural operations use interior roads; they provide no access to neighboring parcels. There is usually someone present on-site throughout the cultivation season.

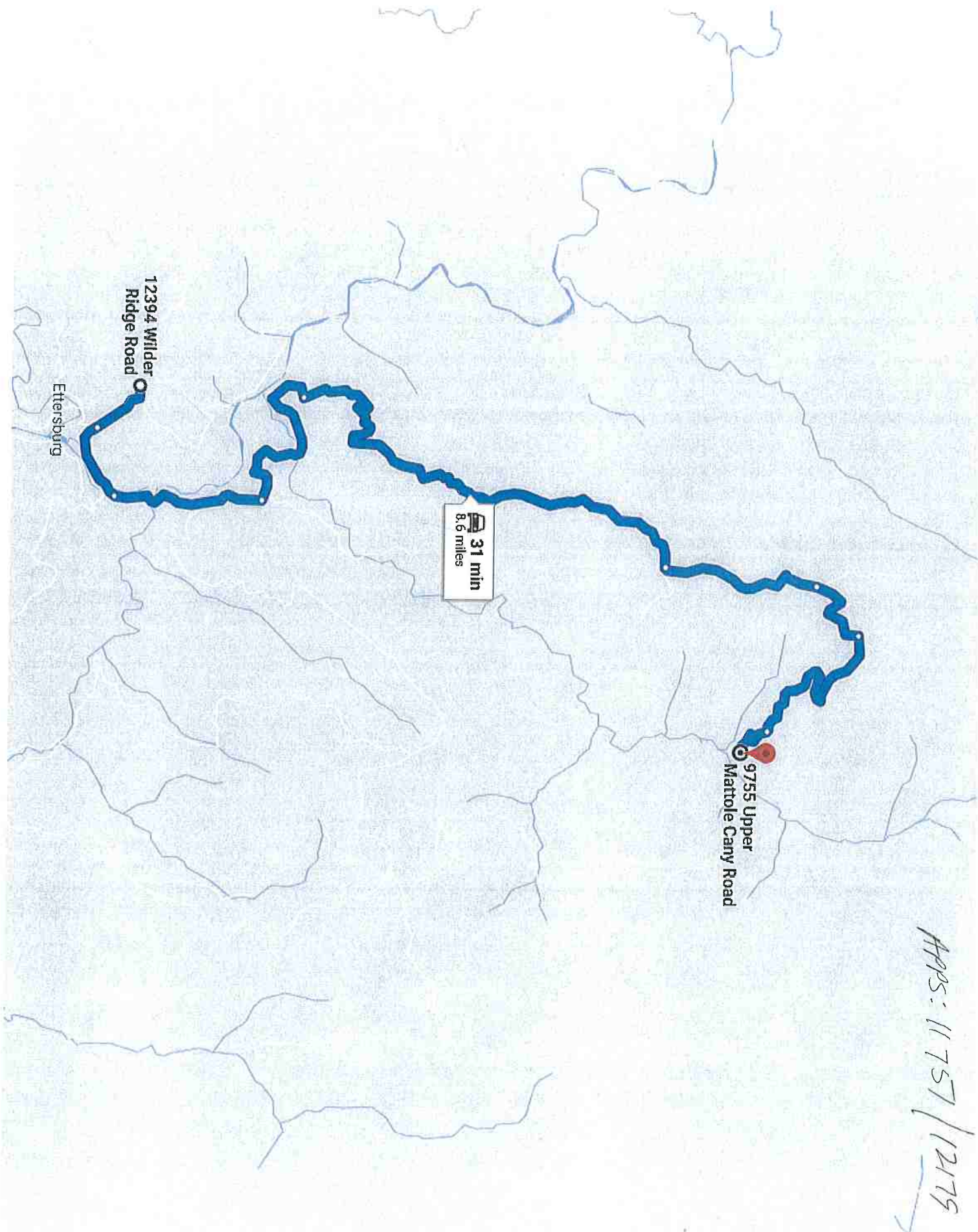
ROAD EVAL.

APPS: 11751/12179



APPS: 11751/12179





Apps: 11757 / 12179

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: DAVE THOMAS APN: 221-121-013 & 001
Planning & Building Department Case/File No.: APPS: 11751 & 12179
Road Name: DOODY RIDGE ROAD (complete a separate form for each road)
From Road (Cross street): WILDER RIDGE RD. (CAT 4)
To Road (Cross street): UPPER MATTOLE CANYON Rd (un-named > Google Map)
Length of road segment: 7.9 miles Date Inspected: 7-10-2019
Road is maintained by: ☐ County ☒ Other
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)
Check one of the following:

- Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Signature

[Handwritten Signature]
Dave Thomas

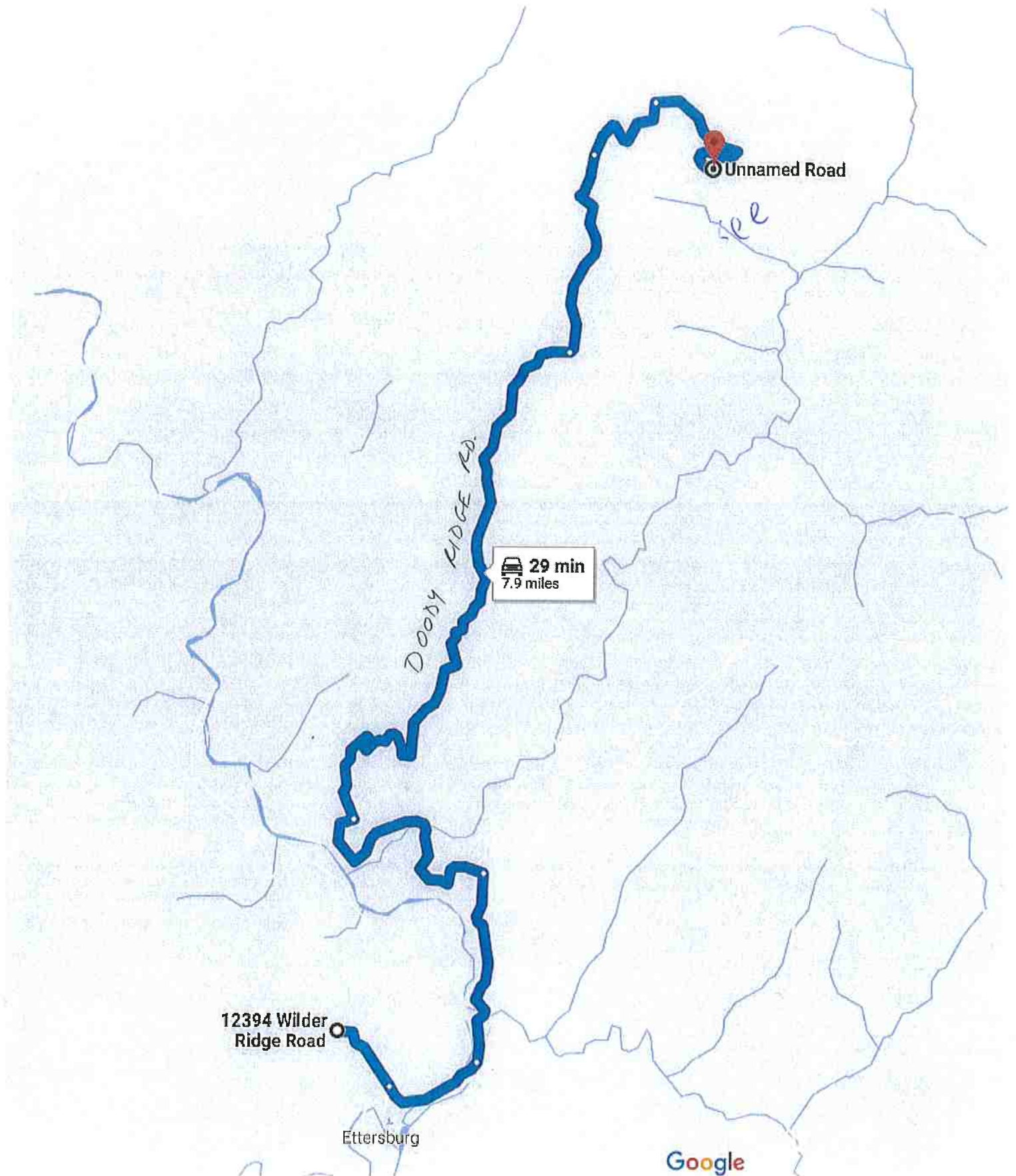
Date

7-10-2019

Name Printed

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





HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: DAVE THOMAS

APN: 221-121-013 § 001

Planning & Building Department Case/File No.: APPS: 11751 § 12179

Road Name: UPPER MATULE CANYON ^(UN-NAMED ON GOOGLE MAP) (complete a separate form for each road)

From Road (Cross street): DOODY RIDGE RD.

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 0.7 miles Date Inspected: 7-10-2019

Road is maintained by: ☐ County ☐ Other

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

Check one of the following:

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

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

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

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

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

Signature

David Thomas

Date

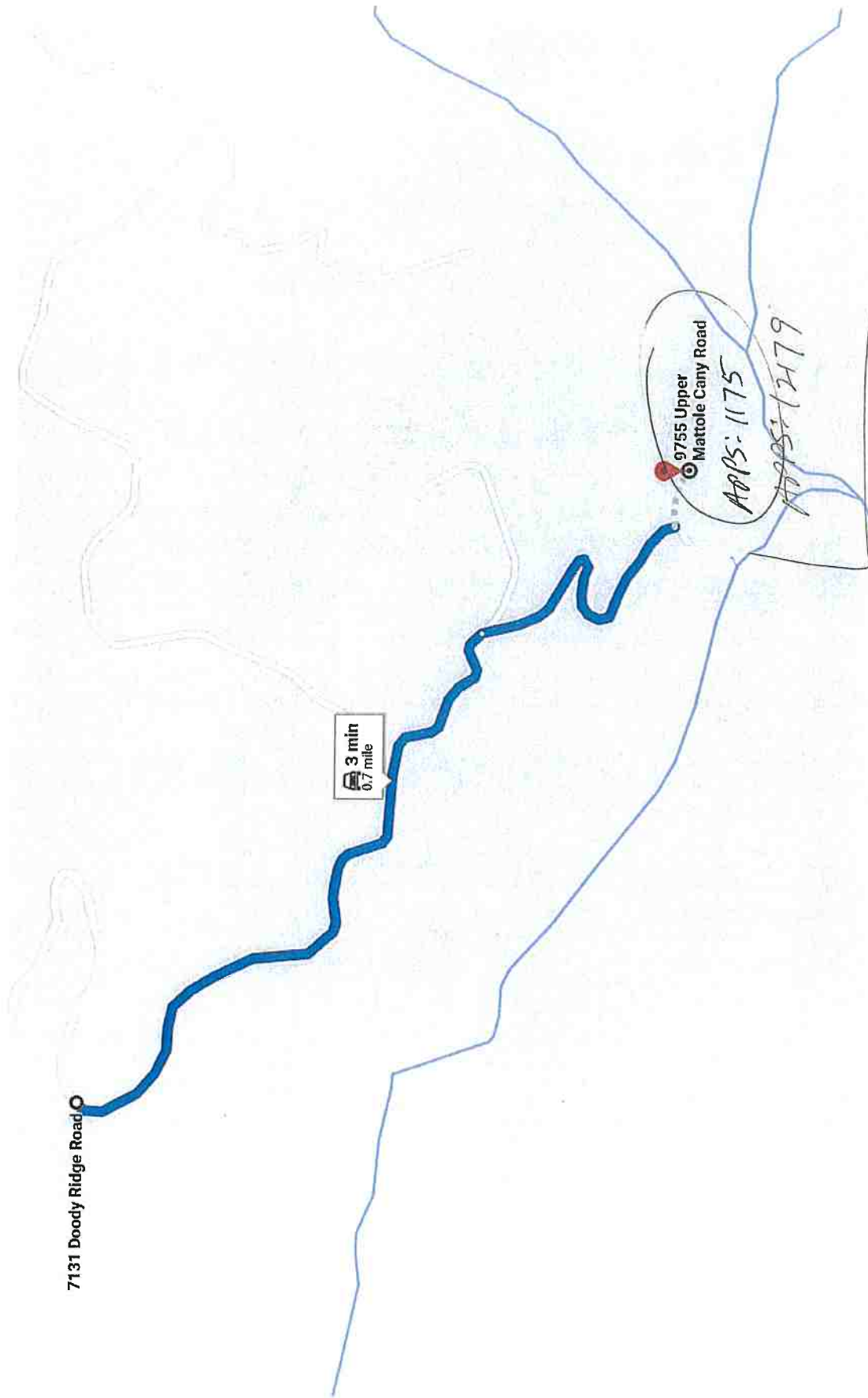
7-10-2019

Name Printed



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

APPS: 11751 / 12179





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

December 11th, 2020

Attention: David Manthorne
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1- NORTHERN REGION
619 Second Street
Eureka, CA 95501

NOTIFICATION NO. 1600-2019-0013-R1 – PROJECT INSPECTION REPORT

This Project Inspection Report is being submitted to comply with Sections 2.40 & 3.5 from Lake and Streambed Alteration Agreement 1600-2019-0013-R1, which states the following:

3.5 Project Inspection. The Permittee shall submit the Project Inspection Report (condition 2.40) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

The points being inspected consist of the Stream Crossings #1-3 as referenced in the LSAA. The following specifies the crossing upgrades or decommissioning that were completed as described in the LSAA:

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.1918, -123.9678	Replace existing 18" diameter culvert with minimum 24" diameter culvert at road/stream crossing; remove debris (trash) from channel
Crossing-2	40.1895, -123.9670	Decommission existing stream crossing
Crossing-3	40.1923, -123.9683	Install a minimum 24" diameter culvert at a dirt ford road/stream crossing
POD-1	40.1923, -123.9683	Water diversion from a Class II spring

The Property was inspected on 10/6/20 by Skyler Twohig at Timberland Resource Consultants. Photographs taken have been attached below to show the upgrades that were verified during the project inspection. We recommended in several locations the Applicant apply additional erosion control to disturbed areas, including hand placed slash, and straw. The Applicant installed additional Erosion Control and provided photos. Please contact Timberland Resource Consultants with any questions or concerns regarding the completed work.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1 & 2: Crossing #1's inlet (top). Looking upstream from Crossing #1's inlet in the process of Erosion Control being applied. (bottom photo was provided by the Applicant on 11-12-2020.)

Pictures



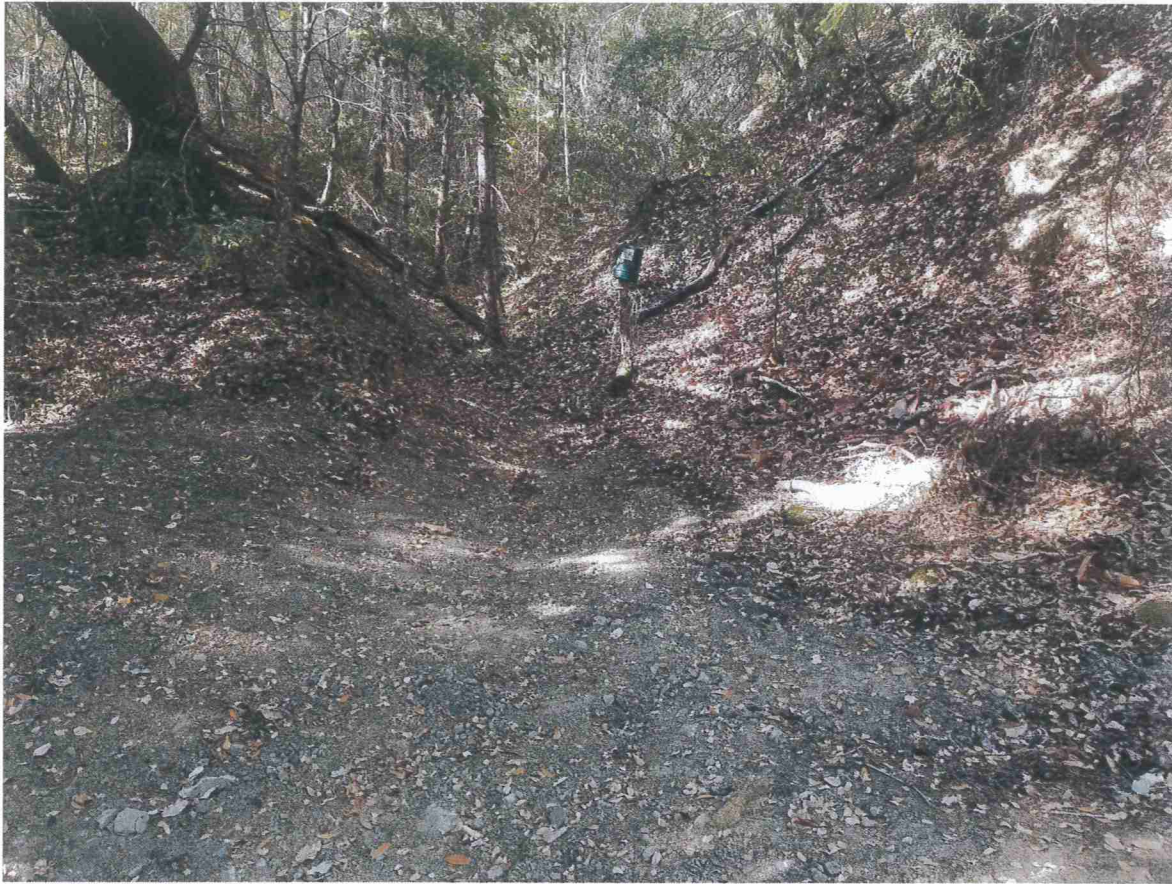
Picture 3: Crossing #1's outlet.

Pictures



Picture 4: Crossing #1's outlet in the process of Erosion Control being applied. (photo was provided by the Applicant on 11-12-2020.

Pictures



Picture 5: Crossing #2's inlet.

Pictures



Picture 6: Crossing #2's outlet.

Pictures



Picture 7: Crossing #2's Decommissioned.

Pictures



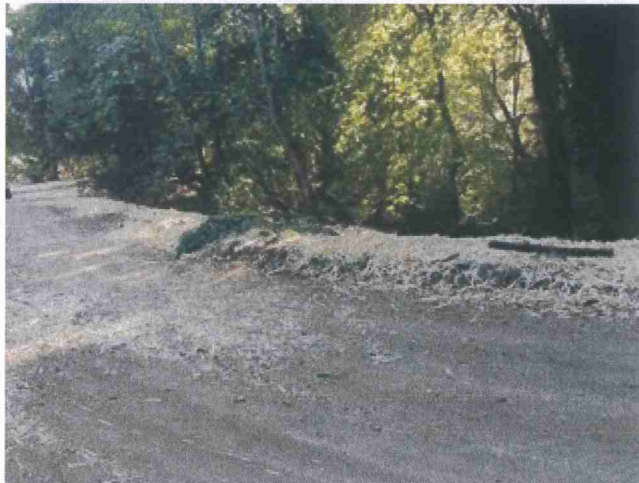
Picture 8 & 9: Crossing #3's inlet (top). Crossing #1's inlet in the process of Erosion Control being applied. (bottom photo was provided by the Applicant on 11-12-2020.)

Pictures



Picture 10: Crossing #3's outlet.

Pictures



Picture 11 & 12: Crossing #3's outlet in the process of Erosion Control being applied. (photos were provided by the Applicant on 11-12-2020.)

Biological Survey for APN 221-121-013,
9752 Upper Mattole Canyon Road
Garberville, CA 95545

May 21, 2019

Prepared by: Adam N. Canter
Consulting Biologist/Botanist
548 15th St. Fortuna, CA 95540
707-972-0065, adamcanter707@gmail.com



Introduction

I was contacted by Timberland Resource Consultants of Fortuna, CA, and the land owner Dave Thomas of 9752 Upper Canyon Road, near Etnersburg, CA to assess his property (APN 221-121-013) to determine for the Humboldt County Planning whether the current proposed cultivation area (CA) relocation site is environmentally superior to the areas where existing cultivation had occurred, in a natural meadow, and to provide a mitigation and monitoring plan for the area to be abandoned and replanted or remediated. Section 55.4.12.16 of the CCLUO requires the permit holder "to work to eradicate invasive species, and as part of any application the existence of invasive species on the project parcel need to be identified, including the type(s) of invasive species, where they are located, and a plan to control their spread". All cultivation materials and components along with invasive plant species shall be removed from the cultivation site and associated infrastructure using measures appropriate to the species. Removal shall be confirmed during the subsequent annual inspection. Corrective action may be taken if invasive species have been found to have returned".

The biologist has over a decade of experience identifying and mapping native and invasive plant species and wildlife habitat and topography throughout the Northern California region.

Methods

Field Observations

The property was visited on May 18, 2019 and upon visiting the applicant, a tour was given of the parcel, where the retired and present cultivation areas (CA) were viewed.

The biologist followed the property road system (Upper Mattole Canyon Creek Road), beginning from adjacent parcel (221-112-001) at 1,300 ft. above sea level, and heading downslope following a broad and gentle switchback to the southeast, where it crosses onto APN 221-121-013. Immediately to the east of the road is the proposed CA relocation site, located on a historically cleared bench at approximately 1,150 feet in elevation and is 615 feet above the streamside management area (SMA). The area around the proposed relocation CA is a former forest opening occupied by small prairie and grassland fingers within younger Douglas fir (*Pseudotsuga menziesii*)-tanoak (*Notholithocarpus densiflorus*) forest, with California bay-laurel (*Umbellularia californica*), black oak (*Quercus kelloggii*), and sparse Pacific madrone (*Arbutus menziesii*) as co-dominants in the mid-story, with sword fern (*Polystichum munitum*), firecracker flower (*Dichelostemma ida-maia*), and Pacific sanicle (*Sanicula crassicaulis*) noted in the understory.

The retired and mostly remediated CA is located within APN 221-112-013 in a small grassland prairie (natural meadow), sited on an alluvial terrace immediately south and west of a stream confluence of Mattole Canyon Creek (Class 3) and an unnamed Class 2 stream, within the SMA and a botanically rich mosaic of vegetation types and topography, at approximately 900 feet above sea level. Approaching the retired CA and continuing downslope on Upper Mattole Canyon Creek Rd. from the proposed CA, the road is retired and becomes generally un-drivable, is steep, and degraded, with signs of erosion and storm run-off, which is in need of additional drainage dips. At the bottom of the slope, the riparian corridor of the Class 2 stream and Mattole Canyon Creek is intact and dominated by bigleaf maple (*Acer macrophyllum*), bay-laurel (*U. californica*) and red alder (*Alnus rubra*). The meadow was inventoried for signs of the previous CA along with evaluating the site for the presence of invasive plant species.

Results

Just north of Class 2 stream, which was at a moderate-high flow rate due to the abundant spring rains, within the SMA, there is a small population invasive Canada thistle (*Cirsium arvense*) (see fig. 1) and some isolated purple foxglove (*Digitalis purpurea*) individuals, by an old camper-trailer. Crossing the Class 2 stream heading south and entering the meadow/prairie, there is little sign of the previous CA. The exception to this were two 20 x 20 ft. water bladders that need to be removed, along with some metal stakes from the former greenhouses (see fig. 2), all located on the north side of the meadow, which also need to be removed. There was no sign of soil disturbance or alien soil on site. In addition to this, the retired CA was clean of invasive non-native forbs and shrubs, excluding some established fruit trees (apple and prunus species and a rosemary shrub) with the presence of some non-native grasses, including velvet grass (*Holcus lanatum*) and sweet vernal grass (*Anthoxanthum odoratum*), which are common even in grasslands with high nativity. The meadow hosted abundant patches of native California poppy (*Eschscholzia californica*), bracken fern (*Pteridium aquilinum*), common rush (*Juncus effusus*) and California blackberry (*Rubus ursinus*).

The California Invasive Plant Council (Cal-IPC) lists *Cirsium arvense* with a “moderate” rating which “competes aggressively with native plants species”. Purple foxglove is listed as “limited” by Cal-IPC where on the Northern California coast it can infest moist meadows and roadsides. All parts of the plant are toxic. It readily colonizes areas of soil disturbance, forming dense patches that displace natural vegetation (Cal-IPC, accessed June 3, 2019). In general, the meadow is in good condition and provides good habitat for wildlife within close proximity to a stream confluence area within designated SMAs.

Because the proposed relocation site for the CA is over 600 feet above the SMA, within a legacy opening, and within closer proximity to functional access roads, water storage, and other infrastructure, it will have less impacts to wildlife and water quality and is thus environmentally superior to the former CA.

Management Recommendations and Removal

The retired CA in the alluvial terrace meadow should have the remaining water bladders, greenhouse poles, and scattered small pieces of fencing removed (Fig 2.) during dry conditions when the road is stable. This will return the site to natural conditions.

Due to the small size and number of invasive Canada thistle and purple foxglove occurrences, both observed outside the former CA, along the road on the north side of the Class 2 stream, by the old camper-trailer, these individuals should be easily treatable and eliminated following an “early detection rapid response” (EDRR) approach. This will ensure that the plants are not allowed to invade the meadow. Due to the small size of the occurrences, hand-pulling or weeding of stalks would be a manageable and effective. Flower stalks should be removed and placed into closed contractor bags to prevent seeding and removed from the property in sealed bags and taken to an official dump site.

To ensure that the natural meadow remains as quality restored habitat, periodic monitoring for invasive plants by the landowner or tenants is recommended. If alien plant species or the composition of non-natives to natives increases, regular mowing of the meadow before alien species flower and seed set is recommended.

Works Cited

California Invasive Plant Council (Cal-IPC): <https://www.cal-ipc.org/plants/paf/digitalis-purpurea-plant-assessment-form/>. Accessed June 3, 2019.

Robert E. Preston & Margriet Wetherwax 2012, *Digitalis purpurea*, in Jepson Flora Project (eds.) *Jepson eFlora*, http://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=22930, accessed on June 3, 2019.

Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A manual of California vegetation, 2nd edition. California Native Plant Society, Sacramento, CA.



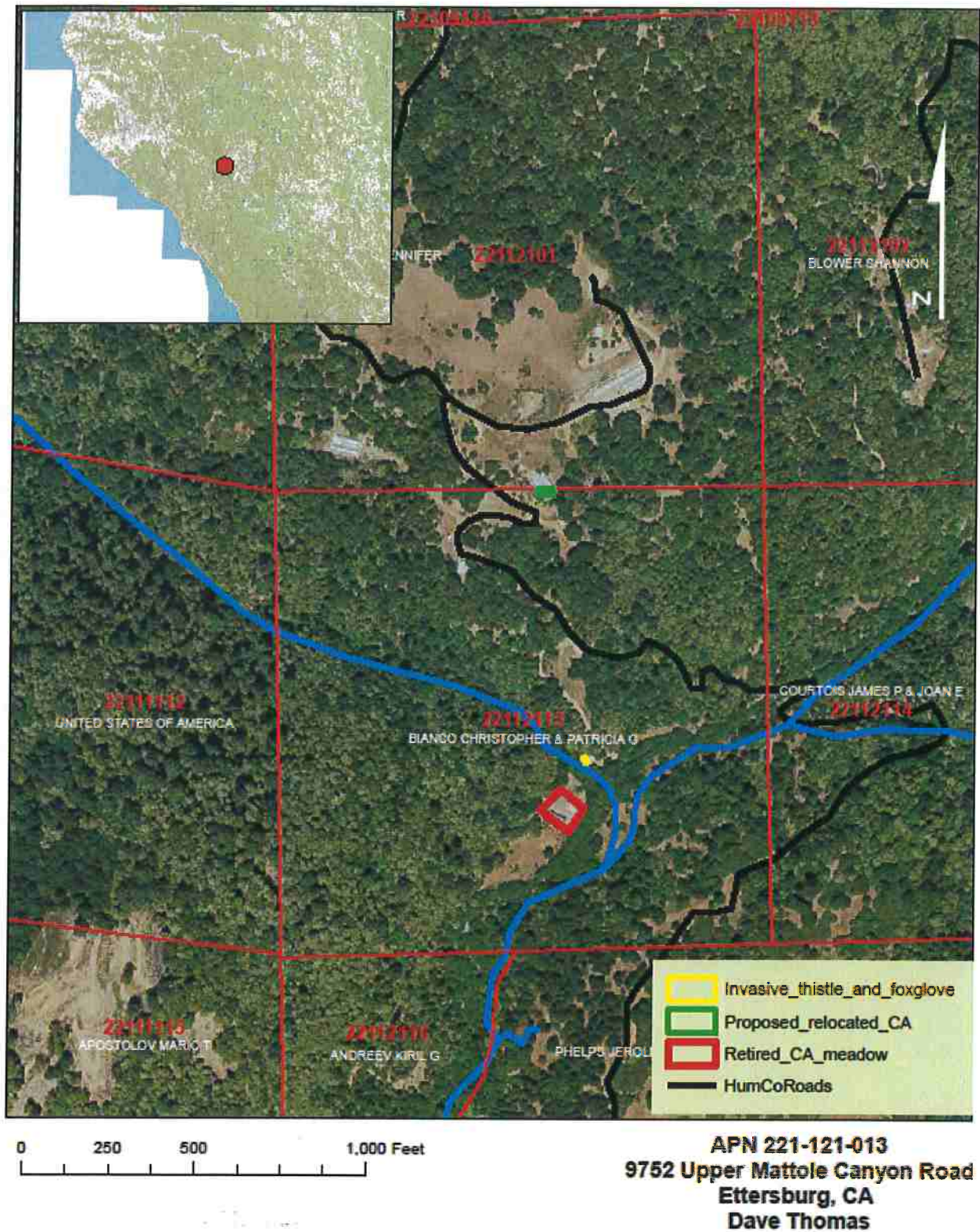
Figure 1. Invasive Canada thistle (*Cirsium arvense*) along Class 2 stream, meadow apparent south of creek.



Figure 2. Decommissioned CA, with water bladders, old greenhouse poles, and some fencing to be removed.



Figure 3. Natural meadow looking north from southern edge with mainly native vegetation.



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	No Comments	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Comments	Coordination meeting notes – on file and confidential
Intertribal Sinkiyone Wilderness Council		No Response	
Telegraph Ridge Fire Protection District		No Response	
Southern Humboldt Joint Unified School District		No Response	
Bureau of Land Management	✓	Comments	Attached – Emails between BLM staff and and Planning staff
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

From: [Meghan Ryan](#)
To: [Fritze, Paul H](#)
Subject: RE: [EXTERNAL] APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING DATE: APRIL 15, 2021
Date: Thursday, April 8, 2021 2:34:00 PM

I will advise them and put an informational note in their conditions. Thank you again for your time.



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
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707 443-5054
<http://www.lacoassociates.com>

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From: Fritze, Paul H <pfritze@blm.gov>
Sent: Thursday, April 8, 2021 2:33 PM
To: Meghan Ryan <ryanm@lacoassociates.com>
Subject: Re: [EXTERNAL] APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING DATE: APRIL 15, 2021

No survey at this time however, it would be a good idea for them to make sure that they aren't on BLM.

Thanks,

Paul

From: Meghan Ryan <ryanm@lacoassociates.com>
Sent: Thursday, April 8, 2021 2:24 PM
To: Fritze, Paul H <pfritze@blm.gov>
Subject: RE: [EXTERNAL] APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING DATE: APRIL 15, 2021

Thanks! I appreciate your response. To confirm, a survey is not being requested at this time?

Thanks again,
Meghan

Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
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707 443-5054

<http://www.lacoassociates.com>

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From: Fritze, Paul H <pfritze@blm.gov>

Sent: Thursday, April 8, 2021 2:22 PM

To: Meghan Ryan <ryanm@lacoassociates.com>

Subject: Re: [EXTERNAL] APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING
DATE: APRIL 15, 2021

Hi Meghan,

Here is the BLM response for hearing # 11751, hope it is in time.

Thanks for your patience,

Paul

From: Meghan Ryan <ryanm@lacoassociates.com>

Sent: Tuesday, March 16, 2021 12:31 PM

To: Fritze, Paul H <pfritze@blm.gov>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Cameron R. Purchio
<purchioc@lacoassociates.com>

Subject: [EXTERNAL] APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING DATE:
APRIL 15, 2021

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon, Paul – I hope this email finds you well. I am writing today to follow up with you regarding BLM comments for this project. The project description is the following:

A Special Permit for an existing 5,925-square-foot full-sun outdoor cannabis cultivation operation.

No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 280,000-gallon rainwater catchment pond on the landowner/applicant's adjoining parcel (APN 221-121-001) to the north. Existing available water storage consists of four (4) 5,000-gallon tanks on the subject parcel and two (2) 3,000-gallon tanks, thirty-eight (38) 5,000-gallon tanks, and a 280,000-gallon rainwater catchment pond located on the adjacent parcel. Estimated annual water usage is 66,500 gallons (11.2 gal/SF). Drying and bucking occurs onsite and all other processing will occur offsite at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by solar panels with a small generator backup to provide ancillary power and/or charge battery storage, if necessary. The proposed project also includes additional Special Permits for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands.

This is a full sun outdoor project. No mixed light is used for cultivation. Primary power is solar with a small backup generator. Conditions of approval require containment of the generator and noise levels cannot exceed 50 db at 100 feet for the entire operation. I will also add a condition prohibiting the use of rodenticide for the life of the project. Water is sourced from rainwater catchment. The applicant is remediating the southernmost cultivation area and relocating everything to the northern portion the parcel on already disturbed ground. No timber removal is required or proposed. I attached the site plan for your referernce.

The BLM recommended a survey to ensure the cultivation area is not encroaching onto BLM lands. A shown on the site plan, 1,000 sf of cultivation will be located approximately 420 feet from the parcel boundary with BLM. I have a similar measurement using the Humboldt County WebGIS. Does the BLM want a statement from a licensed surveyor regarding the setback or are the aerial measurements acceptable? It appears the parcel is mostly forested between the cultivation area and the parcel boundary.

Please let me know if you have any questions or additional comments.

Best,
Meghan



Meghan Ryan
Planning Director
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<http://www.lacoassociates.com>



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

RECEIVED

7/24/2018

JUL 26 2018

PROJECT REFERRAL TO: Bureau of Land Management

Project Referred To The Following Agencies:

BLM ARCAIA FIELD OFFICE

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Telegraph Ridge FPD Fire Protection District, Southern Humboldt JUSD School District, Bureau of Land Management

Applicant Name Dave Thomas Key Parcel Number 221-121-013-000

Application (APPS#) 11751 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-299

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

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

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

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

Return Response No Later Than 8/8/2018 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: Applicant needs to ensure not trespassing on Federal Land. Recommend survey to ensure.

DATE: 7/27/18

PRINT NAME: Molly Brown, Field Manager



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

7/24/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Telegraph Ridge FPD Fire Protection District, Southern Humboldt JUSD School District, Bureau of Land Management

Applicant Name Dave Thomas Key Parcel Number 221-121-013-000

Application (APPS#) 11751 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-299

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

Return Response No Later Than 8/8/2018

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
 - ☐ Recommend Conditional Approval. Suggested Conditions Attached.
 - ☐ Applicant needs to submit additional information. List of items attached.
 - ☐ Recommend Denial. Attach reasons for recommended denial.
 - ☐ Other Comments: _____
-

DATE: _____

PRINT NAME: _____

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Telegraph Ridge FPD Fire Protection District, Southern Humboldt JUSD School District, Bureau of Land Management

Applicant Name Dave Thomas Key Parcel Number 221-121-013-000

Application (APPS#) 11751 Assigned Planner Meghan Ryan (707) 441-2622 Case Number(s) SP16-299

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Applicant shall provide an approved onsite wastewater treatment system, or portable toilets, to support cultivation activities on this parcel.

Response Date: 11/29/2018 Recommendation By: Benjamin Dolf



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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Supervising Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer *KMF*
DATE: 10-02-2018

RE:

Applicant Name	DAVE THOMAS
APN	221-121-013
APPS#	11751
CASE#	SP16-299

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation that is incomplete. One evaluation has Part A-Box 2 checked that states the road is equivalent to a cat 4 road. But the second report did not check any of the boxes. (dated 6/12/18) Applicant should resubmit to the Planning Division.

// END //

Public Works Recommended Conditions of Approval

APPS # 11751

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.

☐ **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:

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.

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.

Surface parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

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.

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.

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: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Cameron R. Purchio](#); "[Johnson, Cliff](#)"
Subject: APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING DATE: APRIL 15, 2021
Date: Tuesday, March 16, 2021 12:20:00 PM

Good afternoon, Scott – I hope your doing well. I wanted to check in with you regarding the David Thomas application to see if CDFW has any comments.

The project description is the following:

A Special Permit for an existing 5,925-square-foot full-sun outdoor cannabis cultivation operation. No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 280,000-gallon rainwater catchment pond on the landowner/applicant's adjoining parcel (APN 221-121-001) to the north. Existing available water storage consists of four (4) 5,000-gallon tanks on the subject parcel and two (2) 3,000-gallon tanks, thirty-eight (38) 5,000-gallon tanks, and a 280,000-gallon rainwater catchment pond located on the adjacent parcel. Estimated annual water usage is 66,500 gallons (11.2 gal/SF). Drying and bucking occurs onsite and all other processing will occur offsite at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by solar panels with a small generator backup to provide ancillary power and/or charge battery storage, if necessary. The proposed project also includes additional Special Permits for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands.

Conditions of approval require the applicant to obtain a Final Streambed Alteration Agreement from CDFW as applicable. Also, noise attenuation measures are required. This is a full sun outdoor project.

Please let me know if you have any questions or concerns.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
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From: [Meghan Ryan](#)
To: [Fritze, Paul](#)
Cc: [Johnson, Cliff](#); [Cameron R. Purchio](#)
Subject: APPS #11751 David Thomas; APN 221-121-013 / PROJECTED HEARING DATE: APRIL 15, 2021
Date: Tuesday, March 16, 2021 12:31:00 PM
Attachments: [11751 Site Plan 07.24.19.pdf](#)
[11751_ref_BLM.pdf](#)

Good afternoon, Paul – I hope this email finds you well. I am writing today to follow up with you regarding BLM comments for this project. The project description is the following:

A Special Permit for an existing 5,925-square-foot full-sun outdoor cannabis cultivation operation. No ancillary propagation occurs onsite. Irrigation water is sourced from an existing 280,000-gallon rainwater catchment pond on the landowner/applicant's adjoining parcel (APN 221-121-001) to the north. Existing available water storage consists of four (4) 5,000-gallon tanks on the subject parcel and two (2) 3,000-gallon tanks, thirty-eight (38) 5,000-gallon tanks, and a 280,000-gallon rainwater catchment pond located on the adjacent parcel. Estimated annual water usage is 66,500 gallons (11.2 gal/SF). Drying and bucking occurs onsite and all other processing will occur offsite at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by solar panels with a small generator backup to provide ancillary power and/or charge battery storage, if necessary. The proposed project also includes additional Special Permits for relocation and restoration of a previously used cultivation site that was located within the Streamside Management Area (SMA), and for a reduced setback to adjacent Bureau of Land Management (BLM) lands.

This is a full sun outdoor project. No mixed light is used for cultivation. Primary power is solar with a small backup generator. Conditions of approval require containment of the generator and noise levels cannot exceed 50 db at 100 feet for the entire operation. I will also add a condition prohibiting the use of rodenticide for the life of the project. Water is sourced from rainwater catchment. The applicant is remediating the southernmost cultivation area and relocating everything to the northern portion the parcel on already disturbed ground. No timber removal is required or proposed. I attached the site plan for your reference.

The BLM recommended a survey to ensure the cultivation area is not encroaching onto BLM lands. As shown on the site plan, 1,000 sf of cultivation will be located approximately 420 feet from the parcel boundary with BLM. I have a similar measurement using the Humboldt County WebGIS. Does the BLM want a statement from a licensed surveyor regarding the setback or are the aerial measurements acceptable? It appears the parcel is mostly forested between the cultivation area and the parcel boundary.

Please let me know if you have any questions or additional comments.

Best,
Meghan

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