



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 6, 2021

To: Humboldt County Planning Commission

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

Subject: **Sunny Valentine Farms, LLC, Conditional Use Permit**
Record Number: PLN-11180-CUP
Assessor's Parcel Number (APN): 212-013-021
4626 Thomas Road, Miranda area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topo and Zoning Map	12
Aerial Map	13
Site Plan	14
Attachments	
Attachment 1: Recommended Conditions of Approval	15
Attachment 2: CEQA Addendum	22
Attachment 3: Applicant's Evidence in Support of the Required Findings	26
Road Evaluations	Separate
Attachment 4: Referral Agency Comments and Recommendations	55

Please contact Max Hilken, Planner, at 707-443-5054 or by email at hilkenm@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit	Max Hilken

Project Description: A Conditional Use Permit for continued cultivation of 20,000 square feet (SF) existing outdoor cannabis cultivation of which 18,440 SF is full-sun outdoor and 1,560 SF is outdoor that is cultivated using light deprivation techniques within two (2) greenhouses. Ancillary propagation occurs within two (2) greenhouses totaling 1,910 SF. Irrigation water is sourced from an existing onsite off-stream pond with an estimated capacity of approximately 150,000 gallons. There are additional onsite water storage tanks for a total storage capacity of approximately 198,000 gallons. Estimated annual water usage is 102,500 gallons. Harvested crop is hung in an 800-square-foot barn for drying. All other processing will occur off site at a licensed processing or manufacturing facility. No employees are required for the operation. Power is provided by an existing 3 kW solar array, with a generator used only as back-up.

Project Location: The project is located in the Miranda area, on the south side of Lower Thomas Road, approximately 1.25 miles East from the intersection of Thomas Road, Lower Thomas Road and Cisco Lane to a private driveway, then approximately 315 feet East from the intersection of Lower Thomas Road and a private driveway, on the property known as 4626 Thomas Road, Miranda.

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

Present Zoning: Unclassified (U)

Record Number: PLN-11180-CUP

Assessor's Parcel Number: 212-013-021

Applicant

Sunny Valentine Farms, LLC
P.O. Box 2
Phillipsville, CA 95559

Owner

Cyrus Allen
P.O. Box 2
Phillipsville, CA 95559

Agent

Patricia Lai
545 I Street
Arcata, CA 95521

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.

Sunny Valentine Farms, LLC
Record Number: PLN-11180-CUP
Assessor's Parcel Number: 212-013-021

Recommended Commission Action:

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving Sunny Valentine Farms, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Sunny Valentine Farms, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 20,000 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 Unclassified (U). Cultivation takes place in the northern portion of the property and contains 18,440 SF of full-sun outdoor cultivation in two areas (10,440 SF and 8,000 SF) and 1,560 SF of outdoor cultivation in two (2) greenhouses (19.5'x40' each) utilizing light deprivation techniques. Ancillary propagation occurs in two (2) structures totaling 1,910 SF (18'x45' and 20'x55'). One harvest is anticipated annually in the full-sun outdoor areas and up to two harvests for the light deprivation greenhouses for a growing season that extends from April through October.

Drying occurs onsite in an existing 800 SF barn structure. Additional processing will occur offsite at a licensed processing or manufacturing facility. No employees are required for the operation. Power is provided by an existing 3 kW solar array, with a generator used only as back-up. The operation will be secured behind three locked gates with game cameras, fenced cultivation areas, and locked structures.

Water Resources

Estimated annual water usage is 54,800 gallons (3.6 gal/SF) with peak demand occurring in September at approximately 12,300 gallons. Water for irrigation is provided by a rainwater catchment pond with an estimated capacity of 150,000 gallons. Eight (8) additional concrete and HDPE water storage tanks, ranging in size between 3,000 and 12,000 gallons and totaling 38,000 gallons, are located onsite, for a total available water storage of 196,000 gallons. Water for domestic use is sourced from an unnamed spring that is a tributary to South Fork Salmon Creek.

According to Humboldt County WebGIS and the Plot Plan, South Fork Salmon Creek traverses the western portion of the property. Although not shown on Humboldt County's WebGIS, the Plot Plan shows another watercourse onsite, located south of the existing cultivation area, with an associated Streamside Management Area (SMA) buffer. As indicated on the Plot Plan, the cultivation area and accessory structures are located outside of the SMA buffers. A Site Management Plan (SMP) was prepared for the project in March 2021, signed by the applicant, which details the measures utilized onsite to minimize erosion and sedimentation, including but not limited to regular inspections and maintenance, drainage features, rocked and/or vegetated areas for energy dissipation and runoff attenuation, and application of straw and wood mulch to suppress dust and erosion. The project is conditioned to comply with the measures detailed in the SMP and provide annual monitoring reports to the County.

Additionally, the SMP prepared for the subject property indicates there are existing stream crossings onsite and references a Streambed Alteration Agreement (SAA). The project is conditioned to obtain

and/or provide a copy of the Final SAA and comply with all requirements contained within the Final LSAA.

Biological Resources

A review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) was conducted on February 11, 2021. There are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) observation was approximately 0.89 miles from the site and although the nearest NSO activity center is located approximately 1.1 miles from the site, lands surrounding the site are heavily forested and thus there is high potential for NSO habitat. There is no use of artificial lighting authorized by this permit. Primary power is provided by a 3kW solar system. Per the applicant, a generator is utilized only as back-up and any generator noise is less than 60 decibels (dB) at the property line, which meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. Ongoing conditions of approval require the applicant to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Additionally, 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.

The project was referred to CDFW in July 2017. Comments were received from CDFW in September 2017, which reference several unpermitted stream crossings onsite, request clarification on how water use estimates were derived and how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization, further justification for the CEQA section 15301 categorical exemption utilized for the project, request for a biological survey to determine whether rare species or sensitive natural communities are present, notes the pond appears to be hydrologically connected to surface waters, requests a bullfrog management plan be provided to CDFW, and notes the project has the potential to affect sensitive fish and wildlife resources.

A response was sent to CDFW in April 2021. In response to CDFW's comments, staff believes that all concerns raised by CDFW have been adequately addressed by the project and/or can be addressed as conditions of approval. As previously discussed, the SMP prepared for the subject property indicates there are existing stream crossings onsite and references a SAA. The project is conditioned to obtain and/or provide a copy of the Final SAA and comply with all requirements contained within the Final LSAA. Due to the distance of the pond from the onsite water sources, staff does not think the pond is hydrologically connected to any surface waters and is filled solely by overland flow and rain. An addendum has been prepared for the project (Attachment 4), which demonstrates the modified project is consistent with the adopted MND for the CMMLUO. Based on review of the CNDDDB database in February 2021, it was determined there are no mapped sensitive species onsite. In addition, all approved cannabis cultivation activities would occur outside of the required SMA buffers. Conditions of approval are required to ensure potential impacts to biological resources are minimized, including requiring noise levels are below established standards, lighting is in compliance with Dark Sky standards, and measures described in the SMP are implemented in order to minimize the potential for erosion and sedimentation. In addition, the project is conditioned to require the applicant prepare, submit to CDFW, and adhere to a bullfrog management plan. With the incorporation of these conditions, there is an improvement over baseline environmental conditions. Furthermore, no new development is proposed.

Access

Access to the site is via a driveway off Lower Thomas Road via Thomas Road and Salmon Creek Road, both of which are partially maintained by the County. The portions of Thomas Road and Salmon Creek maintained by the County have been identified by the County to be County-maintained roads that meet (or are equivalent to) road Category 4 standards for cannabis projects. Five (5) individual Road

Evaluation Reports were prepared by a Registered Professional Engineer (RPE), Joel Monscheke, PE, of Stillwater Sciences in October 2017, September 2018, and October 2018, for use by several different cannabis projects. The Reports divide the road serving the subject site into five segments based on physical characteristics and major intersections (Attachment 3), including:

- Segment 1: a 1.7-mile segment of Salmon Creek Road from Maple Hills Road to Thomas Road, found to not be developed to the equivalent of a road Category 4 or better;
- Segment 2: a 4.1-mile segment of Thomas Road from Salmon Creek Road to Mile 4.1 (end of County-maintained segment), found to not be developed to the equivalent of a road Category 4 or better;
- Segment 3: a 0.85-mile segment of Upper Thomas Road from Thomas Road to Mile 0.85 (driveway intersection for APN 221-131-012, property for which another applicant has sought permits to allow for cultivation), found to not be developed to the equivalent of a road Category 4 or better;
- Segment 4: a 1.2-mile segment of Upper Thomas Road from Upper Thomas Road at Mile 0.85 to the major split just past Dogtrack Bridge, found to not be developed to the equivalent of a road Category 4 or better; and
- Segment 5: a 1.25-mile segment of Upper Thomas Road from the major split just past Dogtrack Bridge to the double bridges over Hacker and South Fork Salmon Creeks, found to not be developed to the equivalent of a road Category 4 or better.

Per the cover letter included with the Road Evaluation Reports, dated October 2018 (Attachment 3), while the reports were originally prepared for other projects, they were also intended to be utilized by neighboring parcels, including but not limited to the subject property (APN 212-013-021). Per the cover letter, some high priority road maintenance needs were identified for Segment 5 and many of those recommendations have been addressed since the road evaluation was conducted. Work has included extensive brush removal, road widening, and placement of road surface gravel. Additionally, most of the substantial maintenance projects needed to improve safety on the access road are located on the County-maintained road segments (Segments 1 and 2). A self-certified Road Evaluation Report was prepared by the applicant in March 2021 with photographic documentation for a 3.1-mile segment of Upper Thomas Road/Early Ranch Road from Upper Thomas Road to the private driveway. The applicant concluded the entire road segment is developed to the equivalent of a road Category 4 standard. The photographs included with the Report demonstrate the width of the road and that there are turnouts available to allow for the safe passage of vehicles.

Due to the number of cultivation projects along Upper Thomas 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 Thomas 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.

Public Works, Land Use Division requests improvements to the intersection of the existing access road, Lower Thomas Road, and the County-maintained road, Thomas Road, which does not currently meet County standards. The access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. Specifically, the access road encroachment shall be paved for a minimum width of 20 feet and a length of 50 feet, and has been included as a condition of approval.

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 Planning Commission (See Attachment 2 for more information).

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

Resolution Number 21-

Record Number PLN-11180-CUP

Assessor's Parcel Number: 212-013-021

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Sunny Valentine Farms, LLC, Conditional Use Permit request.

WHEREAS, Sunny Valentine Farms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 20,000 square feet (SF) existing outdoor cannabis cultivation of which 18,440 SF is full-sun outdoor and 1,560 SF is outdoor that is cultivated using light deprivation techniques within two (2) greenhouses. Ancillary propagation occurs within two (2) greenhouses totaling 1,910 SF. Irrigation water is sourced from an existing onsite off-stream pond with an estimated capacity of approximately 150,000 gallons. There are additional onsite water storage tanks for a total storage capacity of approximately 198,000 gallons. Estimated annual water usage is 102,500 gallons. Harvested crop is hung in an 800-square-foot barn for drying. All other processing will occur off site at a licensed processing or manufacturing facility. No employees are required for the operation. Power is provided by an existing 3 kW solar array, with a generator used only as back-up; and

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 Planning Commission held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for continued cultivation of 20,000 square feet (SF) existing outdoor cannabis cultivation of which 18,440 SF is full-sun outdoor and 1,560 SF is outdoor that is cultivated using light deprivation techniques within two (2) greenhouses. Ancillary propagation occurs within two (2) greenhouses totaling 1,910 SF. Irrigation water is sourced from an existing onsite off-stream pond with an estimated capacity of approximately 150,000 gallons. There are additional onsite water storage tanks for a total storage capacity of approximately 198,000 gallons. Estimated annual water usage is 102,500 gallons. Harvested crop is hung in an 800-square-foot barn for drying. All other processing will occur off site at a licensed processing or manufacturing facility. No employees are required for the operation. Power is provided by an existing 3 kW solar array, with a generator used only as back-up.

EVIDENCE: a) Project File: PLN-11180-CUP

- 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 and Notice of Applicability was prepared by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to remain in compliance with the State Cannabis Policy.
- 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 positive sighting is 0.89 miles from the project area, however, the nearest activity center is 1.1 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) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in April 2019. The Report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which have been included as ongoing conditions of approval.
- f) A Road Evaluation Report was prepared for the road segments utilized by the project, including Salmon Creek Road from Maple Hills Road to Thomas Road, Thomas Road from Salmon Creek Road to Mile 4.1 (end of County-maintained segment), Upper Thomas Road from Thomas Road to Mile 0.85, Upper Thomas Road from Upper Thomas Road at Mile 0.85 to the major split just past Dogtrack Bridge, and Upper Thomas Road from the major split just past Dogtrack Bridge to the double bridges over Hacker and South Fork Salmon Creeks, by Joel Monscheke, PE, of Stillwater Sciences in October 2017, September 2018, and October 2018, for use by several different cannabis projects. Per the reports, all road segments were found to not be developed to the equivalent of a road Category 4 or better. However, in a cover letter dated October 2018, it was noted that since the time of the reports, many of the necessary improvements have been completed.

In addition, a self-certified Road Evaluation Report was prepared by the applicant in March 2021 with photographic documentation for a 3.1-mile segment of Upper Thomas Road/Early Ranch Road from Upper Thomas Road to the private driveway, which concluded the entire road segment is developed to the equivalent of a road Category 4 standard and is suitable for safe access to and from the project site. The photographs included with the Report demonstrate the width of the road and that there are turnouts available to allow for the safe passage of vehicles. Conditions of approval require the applicant to adhere to the recommendations contained within the Road Evaluation Reports and require the applicant to take steps to form

a Road Maintenance Association for the maintenance of Upper Thomas Road.

FINDINGS FOR CONDITIONAL USE PERMIT

- 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 Residential Agriculture (RA) 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.
- 4. FINDING** The proposed development is consistent with the purposes of the existing U zone in which the site is located.
- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the U zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 20,000 square feet of outdoor cultivation on a 111-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 U (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as confirmed by the Certificate of Subdivision Compliance (2019-006896) recorded April 19, 2019.
 - c) Water for irrigation is provided by a rainwater catchment pond with an estimated capacity of 150,000 gallons. Eight (8) additional water storage tanks, ranging in size between 3,000 and 12,000 gallons and totaling 38,000 gallons, are located onsite, for a total available water storage capacity of approximately 198,000 gallons. Estimated annual water usage is 102,500 gallons. Water for domestic use is sourced from a spring. The project is conditioned to monitor water use from the pond annually to demonstrate there is sufficient water available to continue to meet operational needs.
 - d) A Road Evaluation Report was prepared for the road segments utilized by the project, including Salmon Creek Road from Maple Hills Road to Thomas Road, Thomas Road from Salmon Creek Road to Mile 4.1 (end of County-maintained segment), Upper Thomas Road from Thomas Road to Mile 0.85,

Upper Thomas Road from Upper Thomas Road at Mile 0.85 to the major split just past Dogtrack Bridge, and Upper Thomas Road from the major split just past Dogtrack Bridge to the double bridges over Hacker and South Fork Salmon Creeks, by Joel Monscheke, PE, of Stillwater Sciences in October 2017, September 2018, and October 2018, for use by several different cannabis projects. Per the reports, all road segments were found to not be developed to the equivalent of a road Category 4 or better. However, in a cover letter dated October 2018, it was noted that since the time of the reports, many of the necessary improvements have been completed.

In addition, a self-certified Road Evaluation Report was prepared by the applicant in March 2021 with photographic documentation for a 3.1-mile segment of Upper Thomas Road/Early Ranch Road from Upper Thomas Road to the private driveway, which concluded the entire road segment is developed to the equivalent of a road Category 4 standard.

All road segments evaluated were found to be functionally appropriate for the expected traffic. Conditions of approval require the applicant to adhere to the recommendations contained within the Road Evaluation Reports and require the applicant to take steps to form a Road Maintenance Association for the maintenance of Upper Thomas Road.

- e) The slope of the land where cannabis will be cultivated is less than 30%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Several open areas are onsite, which have been in existence since at least 2004. Review of aerial imagery dating back to 2004 indicates no timber conversion has occurred onsite after this time.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 20,000 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 by a licensed engineer 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, park 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 not be derived from a diversionary water source and will come from an onsite rainwater catchment pond.

- 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 an existing residence located onsite. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to be continue to be utilized.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Sunny Valentine Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

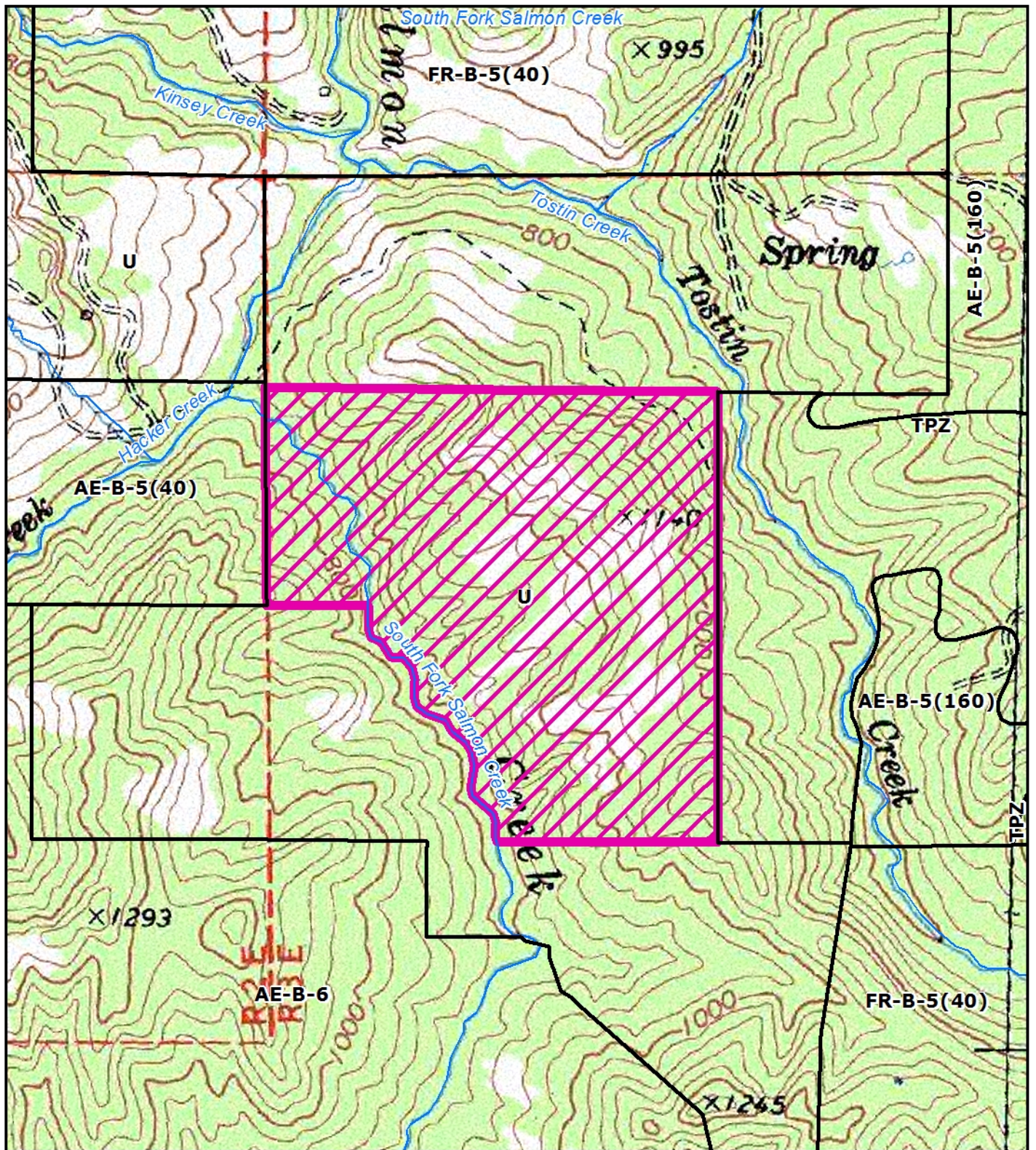
Adopted after review and consideration of all the evidence on May 6, 2021.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

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

John Ford, Director
Planning and Building Department



TOPO & ZONING MAP

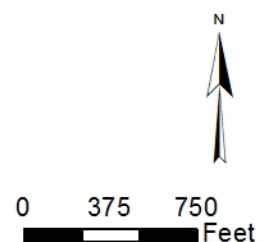
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MIRANDA AREA
CUP-16-171**

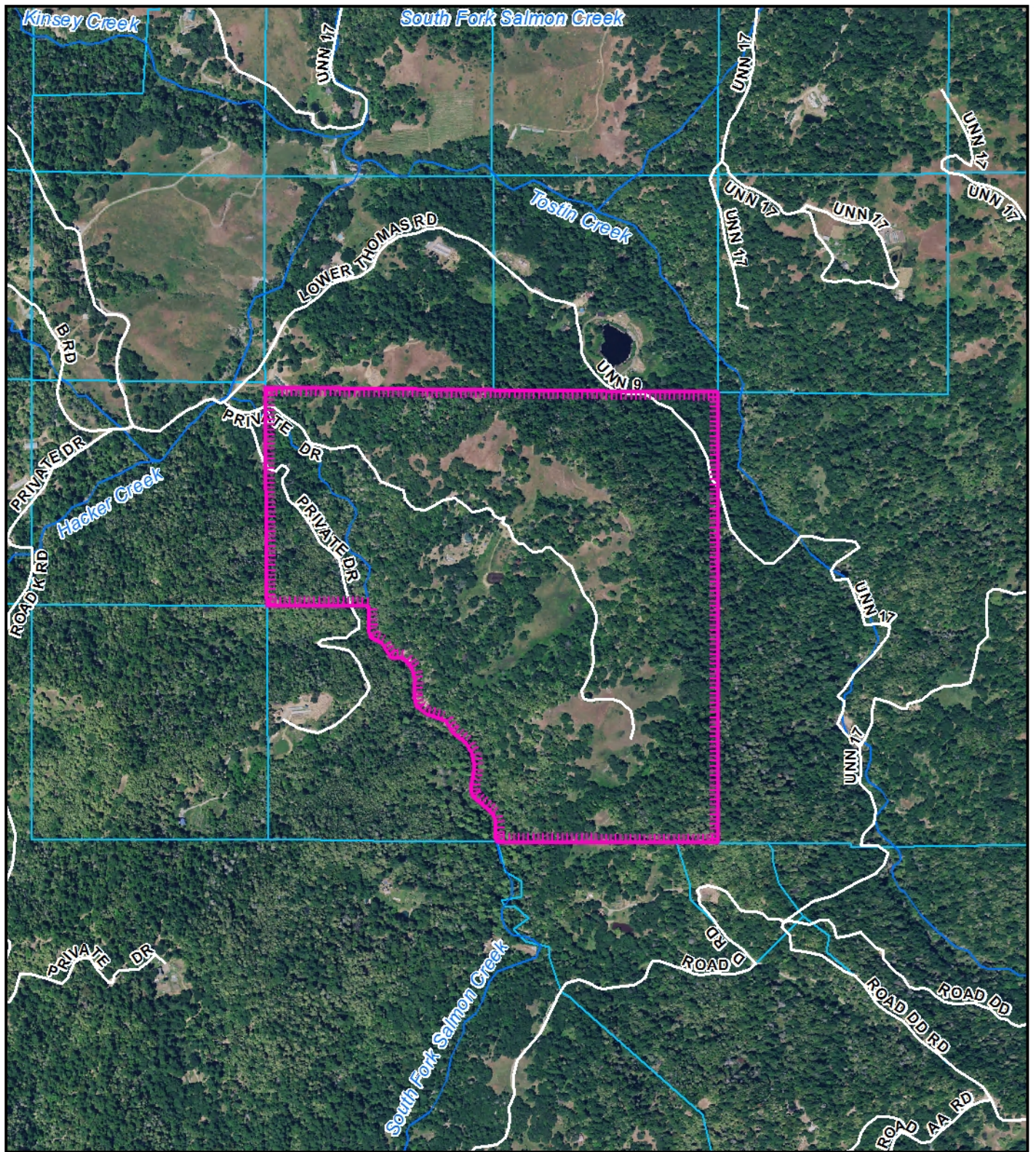
APN: 212-013-021

T03S R03E S30 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.





AERIAL MAP

Project Area = 

PROPOSED CYRUS ALLEN
MIRANDA AREA
CUP-16-171

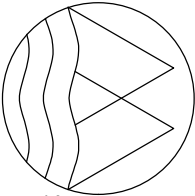
APN: 212-013-021

T03S R03E S30 HB&M (ETTERSBURG)

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



0 375 750
Feet



MOTHER EARTH
ENGINEERING
920 SAMOA BLVD., SUITE 210
ARCATA, CA 95521, 707-633-8321

APN: 212-013-021-000
ADDRESS: 4626 THOMAS ROAD, MIRANDA, CA 95553
APPLICANT: CYRUS ALLEN
ADDRESS: P.O. BOX #2, PHILLIPSVILLE, CA 95559
PHONE NUMBER: (707) 223-5100

SHEET NO.

1

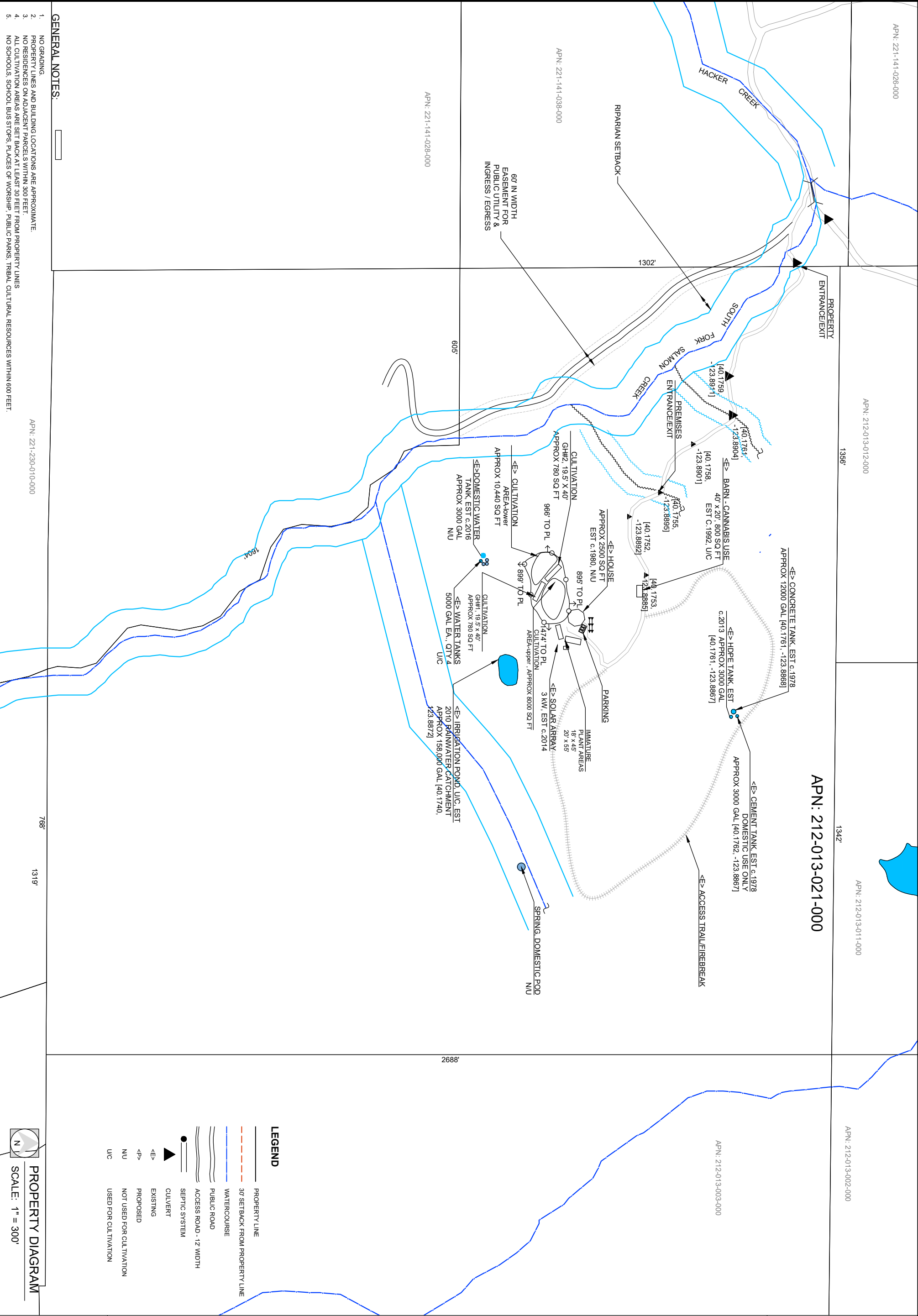
PROPERTY DIAGRAM
CUP Sunny Valentine Farms, LLC

May 6, 2021

PLN-11180

OF 1

APN: 212-013-021-000



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

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 building and grading permits for all structures 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, and any noise containment structures, as necessary. The grading permit shall include all graded flats where cannabis or associated facilities are located. The applicant shall also obtain an electric permit, as applicable, from the County's Building Department. 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 secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
8. Due to the constructed pond located onsite, a bullfrog management plan shall be submitted to the California Department of Fish and Wildlife (CDFW). A letter or similar communication from CDFW verifying that an acceptable bullfrog management plan has been received will satisfy this condition.
9. The applicant is required to submit to the Division of Environmental Health (DEH) receipts or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for the duration of the first year, or provide written assessment from a qualified septic consultant confirming Tier 0 status for the existing onsite septic system serving the dwelling. A letter or similar communication from DEH verifying the required materials have been provided will satisfy this condition.
10. The access road encroachments, specifically the intersection of Thomas Road and Upper Thomas Road, shall be improved to meet the County visibility ordinance and encroachment permit standards, which requires the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet in accordance with Humboldt County Code Sections 341-1 and 411-51. Prior to constructing improvements within a County-maintained right of way, the applicant shall apply for an obtain an encroachment permit from the Department of Public Works.
11. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall obtain and/or submit a copy of the Final Lake or Streambed Alteration Agreement issued by CDFW that includes but is not limited to the five (5) violations as noted in the Executive Summary. The applicant shall adhere to reporting requirements which 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.
13. The applicant shall adhere to the Final Lake or Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
14. 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.
15. 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 applicant shall install water monitoring device on each source – rainwater catchment pond and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use. The water used for cultivation is limited to the use of the pond and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.

16. 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.
17. 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.
18. 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. 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).
18. 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.

19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).
27. 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.
28. 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.
29. 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
30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. 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.

ATTACHMENT 2

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

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

**APN 212-013-021; 4626 Thomas Road, Miranda
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 Conditional Use Permit for an existing 20,000 square foot (SF) cannabis cultivation operation of which 18,400 SF is full-sun outdoor and 1,560 SF is outdoor using light deprivation techniques in two (2) 780 SF deprivation greenhouses. Ancillary propagation occurs within two (2) greenhouses totaling 1,910 SF (18'x45' and 20'x55'). Irrigation water is sourced from an existing onsite rainwater catchment pond with an estimated capacity of approximately 150,000 gallons that was developed circa 2010. Eight (8) additional concrete and HDPE water storage tanks, ranging in size between 3,000 and 12,000 gallons and totaling 38,000 gallons, are located onsite, for a total available water storage capacity of approximately 198,000 gallons. Estimated annual water usage is 102,500 gallons. Drying occurs onsite within an 800 SF barn and all other processing will occur off site at a licensed processing or manufacturing facility. No employees are required for the operation. Power is provided by an existing 3 kW solar array, with a generator used only as back-up.

The project site contains riparian habitat associated the South Fork Salmon Creek and another unnamed watercourse that traverses the site. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. The Nearest Northern Spotted Owl (NSO) activity center is located approximately 1.1 miles from the cultivation areas. A Cultural Resources Investigation was prepared in April 2019 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been included as a condition of project approval.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate 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 30,000 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 Plan prepared by Mother Earth Engineering, received 3/10/21.
- Cultivation and Operations Plan, not dated.
- Site Management Plan (WDID-1_12CC403245) prepared by Mother Earth Engineering, dated 3/1/21 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Engineer's Road Evaluation Reports for Salmon Creek Road from Maple Hills Road to Thomas Road, Thomas Road from Salmon Creek Road to Mile 4.1 (end of County-maintained segment), Upper Thomas Road from Thomas Road to Mile 0.85, Upper Thomas Road from Upper Thomas Road at Mile 0.85 to the major split just past Dogtrack Bridge, and Upper Thomas Road from the major split just past Dogtrack Bridge to the double bridges over Hacker and South Fork Salmon Creeks, prepared by Joel Monscheke, PE, of Stillwater Sciences in October 2017, September 2018, and October 2018.
- Road Evaluation Cover Letter prepared by Joel Monscheke, PE, of Stillwater Sciences October 2018.
- Self-Certified Road Evaluation Report for Upper Thomas Road (Early Ranch Road) prepared by the applicant, dated 3/7/21.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Cultural Resources Investigation of the Salmon Creek Allen Property, prepared Nick Angeloff, MA and Saige Heuer, BA, Archaeological Research and Supply Company, Rio Dell, CA, dated April 2019.

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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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 Plan prepared by Mother Earth Engineering, received 3/10/21– **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Site Management Plan (WDID-1_12CC403245), dated 3/1/21 – **Attached**. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Condition of approval)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire

Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. 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)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation of the Salmon Creek Allen Property, prepared Nick Angeloff, MA and Saige Heuer, BA, Archaeological Research and Supply Company, Rio Dell, CA, dated April 2019. (On-file and confidential)
16. Engineer's Road Evaluation Reports for Salmon Creek Road from Maple Hills Road to Thomas Road, Thomas Road from Salmon Creek Road to Mile 4.1 (end of County-maintained segment), Upper Thomas Road from Thomas Road to Mile 0.85, Upper Thomas Road from Upper Thomas Road at Mile 0.85 to the major split just past Dogtrack Bridge, and Upper Thomas Road from the major split just past Dogtrack Bridge to the double bridges over Hacker and South Fork Salmon Creeks, prepared by Joel Monscheke, PE, of Stillwater Sciences in October 2017, September 2018, and October 2018. **(Attached)**
17. Road Evaluation Cover Letter prepared by Joel Monscheke, PE, of Stillwater Sciences October 2018. **(Attached)**
18. Self-Certified Road Evaluation Report for Upper Thomas Road (Early Ranch Road) prepared by the applicant, dated 3/7/21. **(Attached)**
19. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

Cultivation and Operations Plan

1 WATER

Water source + Storage: All irrigation waters are provided by a rainwater catchment pond with an estimated capacity of 150,000 gallons. There are additional storage tanks onsite for a total of approximately 198,000 gallon storage capacity.

Irrigation Plan: Hand watering. Straw mulch used for water conservation.

Projected Water Usage: Estimated 54,800 gallons total used for irrigation during the growing season months of April to October. Water usage is recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R-12015-0023.

2 SITE DRAINAGE

Drainage:

Site has well-draining soils and natural vegetation is maintained around all cultivation areas.

At all times water is used appropriately and applied at no more than agronomic rates

Runoff and Erosion Control Measures:

Irrigation practices do not produce runoff. All roads and culverts are well maintained. Site was developed in the early 1980s and is well established. Buffers of native vegetation are maintained around all cultivation areas. Site has open meadow and grassy areas, providing a natural buffer and dispersal for runoff and sediment.

3 WATERSHED + HABITAT PROTECTION

Rainwater catchment pond provides all irrigation waters for cultivation. Applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program to ensure riparian watershed and habitat protection. Wildlife fencing is installed around cultivation areas. All roads, culverts, and firebreaks are well maintained. All culverts are cleared of debris every fall and spring. Natural areas and buffers from creeks are maintained.

4 STORAGE + HAZARDOUS MATERIALS

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water, groundwater, or environmental contamination.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater, and do pose a threat to the environment.

Amendments and Nutrients:

All fertilizers and nutrients are stored in shed. Secondary containment is provided for all liquid products.

Pesticides and Herbicides:

No pesticides, herbicides, or other chemicals are used for cultivation- only neem oil is utilized.

Fuel:

All solar. Nominal fuels onsite. 3 x 5-gal gasoline in containment in case of emergency or incidental power tool use. Two 500 gallon propane tanks for domestic use serviced by Blue Star Gas.

5 SOLID WASTE/RECYCLING

Storage Area: Trash is stored in trash cans with lids in outbuilding.

Removal Frequency: Trash is removed from site once weekly.

Disposal Facility: Redway transfer station.

Waste Soil/ Growth Media: All soil is amended and reused.

6 DESCRIPTION OF CULTIVATION ACTIVITIES

Outdoor full sun cultivation with light deprivation greenhouses. One harvest per year outdoor full sun. Light deprivation greenhouses utilize light deprivation only with no artificial lighting and yield approximately two harvests per year.

GREENHOUSE COMPLIANCE

The greenhouses have pervious floors (bare soil) and are in compliance with Humboldt County Code Section 314-43.1.3.2. They do not contain perimeter foundation, do not have improved floors and do not have improved footpaths.

7 PROCESSING PLAN

Processing Practices: Crop is harvested and hung up in barn to dry. Trimming occurs offsite.

Location: Processing occurs offsite by third party.

Number of Employees: Currently none. Operations are conducted by applicant members and immediate family only.

Duration of employment: N/A

Employee Safety Practices: No employees at this time. All operations will follow all safety protocols at all times. And provide adequate safety training pursuant to all County and State regulations. All safety practices will be in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Safe Drinking Water, Toilets, and Sanitary Facilities:

At all times, accessibility to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations is maintained.

Onsite wastewater treatment system – septic/leachfield

Facilities: Flush toilet and handwashing inside dwelling.

Increased Road Use: N/A

Onsite Housing: N/A

8 SCHEDULE OF ACTIVITIES

Generator Use: 2760W solar array is installed onsite. Generator use is minimal and supplemental as there is ample solar electricity available. Any generator noise is less than 60 decibels at the property line.

Jan- no activity

Feb- no activity

Early March - no activity

Mid to late March - Site preparation. Propagate seeds

April- clones started

May- dep planted

Late/may June- full term planting. plant care

July- 1st dep harvest

Late sept October- harvest full term and second dep

Mid October- processing offsite

Nove- Dec- cleanup property and winterize.

9 SECURITY PLAN

The cultivation and operations area is located behind three locked gates. Game cameras are installed throughout the property and there is also a guard dog. The majority of the parcel is fenced with barbed wire. The cultivation area fully enclosed with deer fencing. All cultivation related items are secured in locked outbuildings. Full time residence/site occupancy.

Site Management Plan

Form is from publicly available materials provided by
Eastern California Regional Water Board (Lahontan)

County:		Tier:	
Operation Name:		Risk:	
Site Name:		Disturbed Area (ft ²):	
Site Address:		Cultivation Area (ft ²):	
APN(s):		Cumulative Disturbed Area (ft ²)*:	
Application ID #:		Cumulative Cultivation Area (ft ²)*:	

**For sites with multiple enrollments on the same property, report the combined disturbed area and cultivation area of all cannabis cultivation on the property. If this does not apply, leave this section blank.*

This plan describes how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance. If the sections below do not provide sufficient space, you may attach additional pages.

~~Email the completed and saved electronic form along with maps and photos to~~
Lahontan.Cannabis@waterboards.ca.gov

1. Sediment Discharge BPTC Measures

A. Site Characteristics

i. Site Map

Attach a map of the site. The map should contain the following features with labels:

- Access roads
- Vehicle parking areas
- Streams
- Stream crossings
- Cultivation site(s)
- Disturbed areas
- Buildings
- Other site features that are referenced in this plan. (e.g. BPTC measures, pesticide/ fertilizer storage, trash/ refuse storage, etc.)

The map should also include:

- A legend
- A north arrow
- A scale bar
- Topographic lines

ii. Access Road Conditions

a. What is the road surface type(s)? Check all that apply.

☐ Asphalt ☐ Gravel ☐ Dirt ☐ Concrete ☐ Other (describe): _____

b. Is there evidence of erosion, such as gullies or rills? If yes, describe current conditions and how they will be remediated in the space below.

☐ Yes ☐ No

c. Does any portion of the access road(s) act as a conveyance for water? If yes, describe in the space below.

☐ Yes ☐ No

d. What is the estimated vehicle traffic on these roads?

Commuter vehicles: _____ per

Commercial vehicles: _____ per

Heavy equipment: _____ per

Other _____: _____ per

e. How is storm water drained from the roads? Check all that apply. Refer to *The Handbook for Forest Ranch and Rural Roads* for information on the methods listed below. (Available at <http://www.pacificwatershed.com/PWA-publications-library>.)

☐ Crowned ☐ Out slope ☐ Armored ditch ☐ Culverts ☐ Rolling dips ☐ Other (describe below)

f. Describe the number, spacing, and discharge location of water drainage features.

g. Select the erosion control and sediment capture measures used on the access roads and water drainage features. Check all that apply.

Erosion Control Measures

- ☐ Erosion control blankets ☐ Geotextiles ☐ Straw mulch ☐ Hydromulch ☐ Wood mulch
☐ Vegetation Preservation ☐ Vegetation Planting ☐ Hydroseeding ☐ Vegetated channels
☐ Check dams ☐ Other: _____

Sediment Capture Measures

- ☐ Fiber Rolls ☐ Silt fences ☐ Other: _____

Describe the selected measures in the space below:

h. What activities are done to maintain the roads? What activities are done to maintain erosion control measures? What is the maintenance schedule?

iii. Streams

a. Do you have any streams, drainages, or channels on or adjacent to your property?

☐ Yes ☐ No

b. If applicable, provide the name(s) of the stream(s). If the stream, drainage, or channel doesn't have a name, write "Unnamed Stream":

c. If there is a stream, what is the distance between the edge of the stream bank and the edge of the disturbed area at the closest point? How did you take this measurement?

_____ feet Measurement method:

d. Do you have any stream crossings?

☐ Yes ☐ No

e. If yes, what types of crossings are they? If there are multiple crossings, check all that apply.

☐ Bridge ☐ Culvert ☐ Low water ☐ Other, Describe: _____

f. If yes, was the crossing designed by a Qualified Professional (e.g. licensed engineer)?

☐ Yes ☐ No

g. Provide a description of all stream crossings, including who designed them, number of crossings, material, size, frequency of use, and any other relevant details. Indicate the location of stream crossings on your site map. Attach photos of all stream crossings and cross-sectional areas of all engineered flow conveyances (e.g. culverts and ditches) used at crossings.

B. Sediment Erosion Prevention and Sediment Capture

If you are classified as Moderate Risk Tier 1 or Moderate Risk Tier 2 and are submitting a Site Erosion and Sediment Control Plan that includes the following information, you may skip this section.

i. Erosion Prevention BPTC Measures

On your site map, indicate the location of erosion prevention BPTC measures described below. Describe erosion prevention BPTC measures around all disturbed areas and features. Include BPTC measures implemented to address erosion resulting from storm water runoff from impervious surfaces, including but not limited to parking lots and roofs of greenhouses, warehouses, or storage facilities. Attach photos documenting implemented measures and locations for planned implementation.

a. How is storm water drained from buildings, greenhouses, and other structures? How are storm water conveyance systems monitored and maintained to protect water quality?

b. What physical BPTC measures have been implemented to prevent or limit erosion? Check all that apply.

- ☐ Straw mulch ☐ Wood mulch ☐ Hydromulch ☐ Plastic covers ☐ Slope stabilization ☐ Soil binders
☐ Erosion control blankets ☐ Geotextiles ☐ Culvert outfall armoring ☐ Other:

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

c. What biological BPTC measures have been implemented to prevent or limit erosion? (e.g. vegetation preservation/ replacement, hydro seeding, etc.)? Check all that apply.

- ☐ Vegetation preservation ☐ Vegetation planting ☐ Hydroseeding ☐ Other:

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

d. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

- ☐ Straw mulch ☐ Wood mulch ☐ Plastic covers ☐ Slope stabilization ☐ Soil binders
☐ Culvert outfall armoring ☐ Other:

Biological BPTC measures:

- ☐ Vegetation preservation ☐ Native vegetation planting ☐ Hydroseeding ☐ Other:

Describe the planned BPTC measures and provide an implementation schedule below.

ii. Sediment Control BPTC Measures

On your site map, indicate the location of sediment control BPTC measures described below. Describe sediment control BPTC measures around all disturbed areas and features. Attach photos documenting implemented measures and locations for planned implementation.

a. What physical BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

☐ Silt fences ☐ Fiber rolls ☐ Settling ponds/ areas ☐ Other:

Describe the physical BPTC measures checked above, including when they are used and where they are placed.

b. What biological BPTC measures have been implemented to capture sediment that has been eroded? Check all that apply.

☐ Vegetated outfalls ☐ Hydro seeding ☐ Other:

Describe the biological BPTC measures checked above, including when they are used and where they are employed.

c. What physical and biological BPTC measures do you plan to implement to prevent or limit erosion? Check all that apply.

Physical BPTC measures:

☐ Silt fences ☐ Fiber rolls ☐ Settling ponds/ areas ☐ Other:

Biological BPTC measures:

☐ Vegetated outfalls ☐ Hydro seeding ☐ Other:

Describe the planned BPTC measures and provide an implementation schedule below.

iii. Maintenance Activities- Erosion Prevention and Sediment Control

a. How will erosion prevention BPTC measures, sediment control BPTC measures, and stormwater conveyance systems be monitored and maintained to protect water quality? Describe all required maintenance tasks and a schedule for implementation.

b. How will captured sediment be handled? Check all that apply.

☐ Stabilized in place. ☐ Excavated and stabilized on site. ☐ Removed from the site.

Describe the procedure for handling captured sediment below:

2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

A. Product List

In the sections below, list all products used and describe how they are delivered to the site, how they are stored, and how they are used at the site. Also describe how products will be removed from the site or stored to prevent discharge if they are not consumed before the winter season. If there is not enough space, list remaining products on a separate sheet.

i. Fertilizers

[illegible]

ii. Pesticides

[illegible]

iii. Herbicides	
Product Name	Active Ingredient and Product Description
iv. Rodenticides	
Product Name	Active Ingredient and Product Description

B. Product Storage Location

i. Do you use secondary containment for the storage of fertilizers, pesticides, herbicides, and rodenticides?

☐ Yes ☐ No

ii. Where are products stored on site? Indicate the storage location on your site map.

C. Bulk Fertilizers and Chemical Concentrates

i. How are bulk fertilizers and chemical concentrates stored, mixed, and applied?

ii. How are empty containers disposed of?

D. Spill Prevention and Cleanup Plan

i. What procedures are in place to prevent spills of fertilizers, pesticides, herbicides, and rodenticides?

ii. What procedures are in place to clean up spills if they occur?

3. Petroleum Product BPTC Measures

A. Product List

In the sections below, list all products used and describe how they are delivered to the site, how they are stored, and how they are used at the site. Also describe how products will be removed from the site or stored to prevent discharge if they are not consumed before the winter season.

Product Name	Product Description

B. Product Storage Location

i. Do you use secondary containment for the storage of petroleum products?

☐ Yes ☐ No

ii. Where are products stored on site? Indicate the storage location on your site map.

C. Product Use

i. How are fuels, lubricants, and other petroleum products stored, mixed, and applied?

ii. How are empty containers disposed of?

D. Spill Prevention and Cleanup Plan

i. What procedures are in place to prevent spills of petroleum products?

ii. What procedures are in place to clean up spills if they occur?

4. Trash/ Refuse, and Domestic Wastewater BPTC Measures

A. Type of Trash/ Refuse

i. What types of trash/ refuse will be generated at the site? Include a description of all solid waste materials (e.g. spent hydroponic growing media, organic materials, plastic, paper, glass, clay, etc.)

ii. How will trash/ refuse be contained and properly disposed of?

iii. Where will trash/ refuse be stored? Indicate the location of trash/ refuse storage on your site map.

B. Personal Waste

i. How many employees, visitors, and residents will you have at the site?

Employees:

Residents:

Visitors: _____ per

ii. What types of domestic wastewater will be generated at the site? Check all that apply.

☐ Household generated wastewater ☐ Chemical toilet waste ☐ Other:

iii. How will domestic wastewater be disposed? Check all that apply.

☐ Sewer

☐ Permitted onsite wastewater treatment system (e.g. septic tank and leach lines) Provide a schematic and a copy of your permit for the system.

☐ Chemical toilets or holding tank. If so, provide the name of the servicing company and frequency of service:

☐ Outhouse, pit privy, or similar. (Use of this alternative requires approval from the Regional Board Executive Officer. Attach the approval from the Executive Officer and any conditions imposed if using this alternative. Indicate the location of any domestic wastewater treatment, storage, or disposal areas on your site map, as well as the locations of all water wells (e.g. drinking water, irrigation water, commercial water, etc.) inside or within 0.5 mile of the site boundary.)

5. Winterization BPTC Measures**A. Winterization Activities Performed**

What activities will be performed to winterize the site and prevent discharges of waste?

B. Maintenance of Drainage and Sediment Capture Features

What maintenance activities will be performed to remove debris and soil blockages from drainage and sediment capture features (e.g. drainage culverts, drainage trenches, settling ponds, etc.) and ensure adequate capacity exists? Include a description of how all solid waste materials are managed.

C. Revegetation Activities

What revegetation activities will occur at the beginning or end of the precipitation season?

D. Compliance Schedule

If any Winterization BPTC measure cannot be completed before the onset of winter period, contact the Regional Water Board to establish a compliance schedule.

Provide a timeline for implementation of these measures:

6. Cannabis Cultivation Details

<p>i. Where is cannabis grown?</p> <p><input checked="" type="checkbox"/> Fully outdoor <input type="checkbox"/> Hoophouse <input checked="" type="checkbox"/> Greenhouse with permeable floors <input type="checkbox"/> Other (please describe):</p>
<p>ii. What type of container is cannabis grown in? Check all that apply.</p> <p><input checked="" type="checkbox"/> In ground <input checked="" type="checkbox"/> Raised beds <input checked="" type="checkbox"/> Pots/ grow bags/ trays on the ground <input type="checkbox"/> Pots/ grow bags/ trays elevated off the ground <input type="checkbox"/> Other (describe):</p> <p>iii. If cannabis is grown in containers elevated off the ground, is irrigation tailwater collected?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> A portion of it is collected <input checked="" type="checkbox"/> N/A</p> <p>If yes, describe what you do with the captured irrigation tailwater:</p>
<p>i. Is irrigation water filtered prior to use?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If irrigation water is filtered, answer the questions below:</p> <p>ii. What type of filtration is used (i.e. reverse osmosis, ion exchange, etc.)?</p> <p>iii. What is the maximum volume of water filtered per day?</p> <p>iv. How are filter residuals (i.e. brines, etc.) disposed of?</p> <p>v. What is the volume of residual produced?</p> <p>_____ gallons per Day</p>

7. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

☒ I have read and accept the above terms.

Operator/Responsible Party  Date Prepared 01 MAR 2021

CALCANNABIS CULTIVATION LICENSING

PEST MANAGEMENT PLAN

Cultural Pest-Management Control Methods

cover crop, microclimate, biodynamic soil building practices, genetics and selection for healthiest plants

Biological Pest-Management Control Methods

wildcrafted beneficial synergistic forest fungi in soil matrix, compost tea, beneficial nematodes
sprays with beneficial bacteria as preventative

Chemical Pest-Management Control Methods

Apply Dr Zyme as needed

Chemical(s) to Be Applied at any Stage of Plant Growth

[illegible]

Attach additional sheets of paper as needed.

North Coast Regional Water Quality Control Board

August 30, 2018

WDID:1_12CC403245

CYRUS ALLEN
PO BOX 2
PHILLIPSVILLE, CA 95550

Subject: Notice of Applicability - Waste Discharge Requirements Water
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

180821_1L_1_12CC403245_1B16988CHUM_CYRUS ALLEN_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, CYRUS ALLEN, HUMBOLDT COUNTY APN(s) 212-013-021

CYRUS ALLEN (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 30, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC403245**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16988CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard

provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 27, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us

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	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
CalFire	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments	Attached and includes staff response
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Round Valley Tribes		No Response	
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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

M



7/17/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Round Valley Tribes, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District, Sherrif

Applicant Name Cyrus Allen **Key Parcel Number** 212-013-021-000

Application (APPS#) 11180 **Assigned Planner** () - **Case Number(s)** CUP16-171

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 8/1/2017

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

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

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

DATE:

8-7-17

PRINT NAME:

Patrick McTyne



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44126

The following comments apply to the proposed project, (check all that apply).

☒ ^{REVISED} Site/plot plan appears to be accurate.

☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments: _____

☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☐ Other Comments: _____

Name: Patrick McTigue

Date: 8-7-17

Note: Remember to take photographs and then save them to the Planning's application number.



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

DEH received
7-18-17

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

17/18-0068

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Round Valley Tribes, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District, Sherrif

Applicant Name Cyrus Allen **Key Parcel Number** 212-013-021-000

Application (APPS#) 11180 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-171

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:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite septic serving the dwelling.

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

Response Date: 9/15/2017 **Recommendation By:** Mario Kalson





ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205


RECEIVED

AUG 14 2017

Humboldt County
Planning Division

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Werner, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 08/17/2017

RE: ALLEN, APN 212-013-021, CUP16-171, APPS# 11180

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

ROADS: The subject property takes access from a non-county maintained road which intersects a publicly maintained road maintained by the County (Thomas Road). The subject property is located within the State Responsibility Area.

The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. The applicant shall submit a *Road Evaluation Report* pursuant to County Code Section 313-55.4.11(u)(viii) "*description of increased road use resulting from processing and a plan to minimize that impact*". The Department has developed the attached *Road Evaluation Report* forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access. Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.

The intersection of the existing access road, Lower Thomas Road, and the County road, Thomas Road, does not meet County standards. The access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

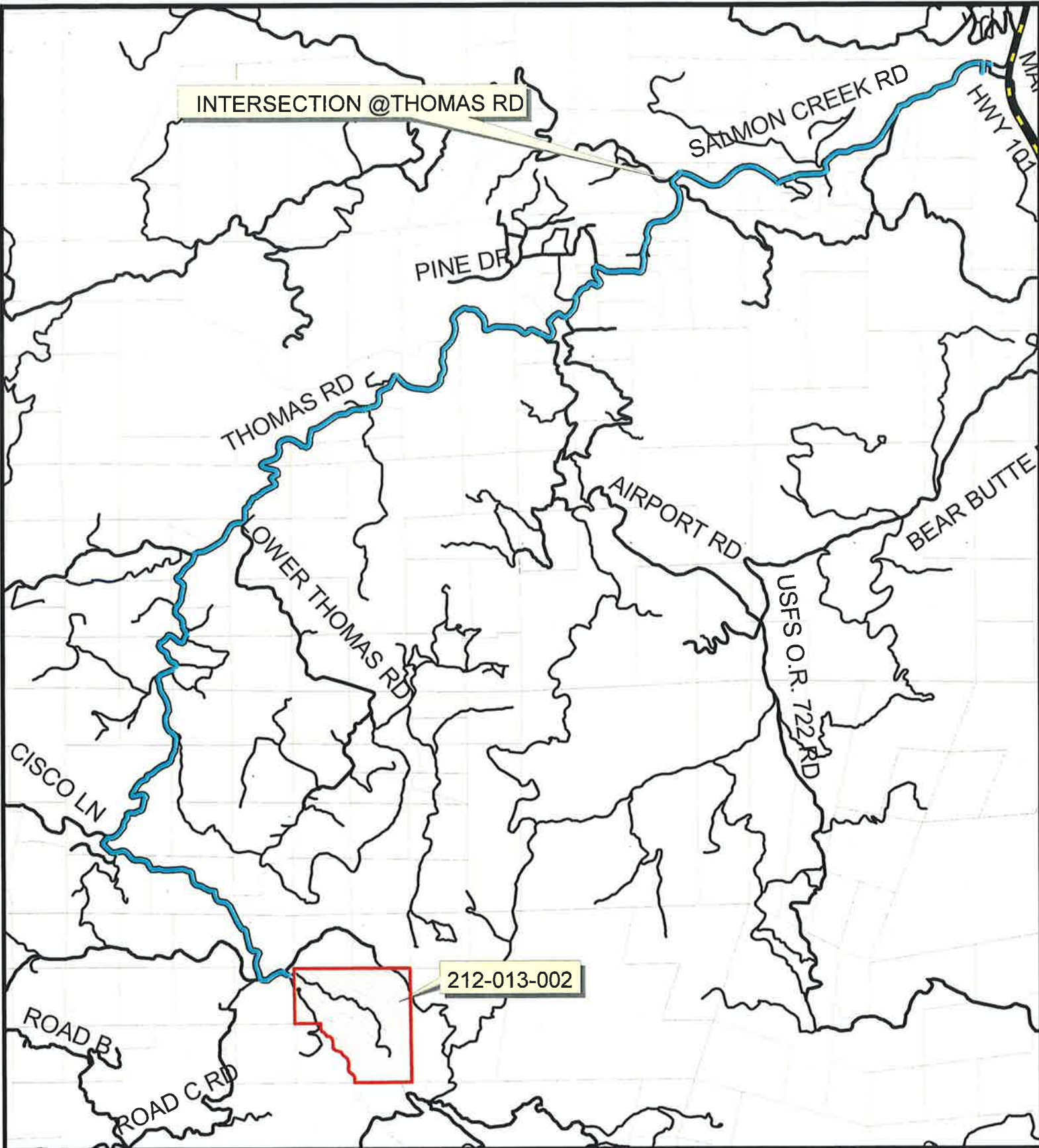
DRIVEWAYS: The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //



INTERSECTION @THOMAS RD

PINE DR

SALMON CREEK RD

HWY 101

THOMAS RD

AIRPORT RD

BEAR BUTTE

LOWER THOMAS RD

USFS O.R. 722 RD

CISCO LN

ROAD B

ROAD C RD

212-013-002



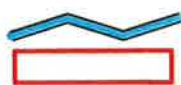
2000 0 2000 4000 Feet

RF -- 1:36000

Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of a legal document. Should any difference or error occur, the law will take precedence.

Humboldt County Department of Public Works - Land Use Division
Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: CUP16-171



Indicates the access road(s) that need to be evaluated
Indicates the Project Area

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: July 19, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Allen, Cyrus
APN: 212-013-021-000
Area: Miranda
Case Numbers: CUP16-171

Humboldt County Application #: 11180
Type of Application: Conditional Use Permit
Date Received: 7/19/2017
Due Date: 8/1/2017

Project Description: A Conditional Use Permit for 20,000 square feet (SF) of existing outdoor commercial medical cannabis cultivation on the subject parcel. All irrigation water for cultivation is sourced from an existing on-site rainwater catchment pond with an estimated capacity of approximately 150,000 gallons that was developed circa 2010. There are additional on-site water storage tanks for a total storage capacity of approximately 198,000 gallons per the Applicant's Cultivation and Operations Plan. The applicant estimates approximately 54,800 gallons of water will be used during the growing season of April to October. The property is also developed with a 2,500 SF house, a 160 SF shed used for nutrient storage, an 800 SF barn used for drying and storage, and a 2,000 SF greenhouse used for appurtenant propagation. Harvested crop is hung in the barn for drying. All other processing is done off-site by a third party. The Applicant does not anticipate there will be any employees to service the operation. The primary power source is an existing 2760 W installed solar array, with a generator only used to supplement the solar array.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Zander, AnaCena

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Tuesday, September 05, 2017 9:36 AM
To: Yandell, Rodney
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: Cyrus Allen Conditional Use Permit application (APPS 11180
Attachments: Exhibit A_Bullfrog Management Plan-CEQA_2017_0289.docx

To Whom It May Concern,

Thank you for referring the Cyrus Allen Conditional Use Permit application (APPS 11180, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The Project consists of a CUP for 20,000SF of existing outdoor cannabis cultivation occurring in greenhouses and retire an existing 2,500SF of existing outdoor cannabis cultivation on APN: 212-013-021.

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

- The referral materials suggest that there are several unpermitted stream crossings onsite. CDFW recommends that the County require, as a condition of project approval, that the applicant notify our Department, pursuant to Fish and Game Code 1602, of all unpermitted stream crossings located on the parcel.
- CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, as a condition of project approval, that the applicant provide further detail on the methods used to estimate water usage.
- The referral materials identify CEQA section 15301, Existing Facilities. CDFW requests further information regarding the justification for this classification.
- The project referral did not indicate whether a biological survey had been conducted on the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
- Aerial imagery and application materials suggest that the ponds are hydrologically connected to surface waters. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602.
- The referral materials state that there is a constructed pond onsite for the use of cannabis cultivation. CDFW recommends as a condition of project approval, that the applicant provide a bullfrog management plan to the CA Department of Fish and Wildlife (see-attached Exhibit A).
- This project has the potential to affect sensitive fish and wildlife resources such as amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0289-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.

Megan Marruffo

From: Megan Marruffo
Sent: Thursday, April 22, 2021 12:20 PM
To: Bauer, Scott@Wildlife
Cc: Cliff Johnson <CJohnson@co.humboldt.ca.us>; Meghan Ryan
Subject: APPS #11180 - Sunny Valentine Farms, APN: 212-013-021 - PROJECTED HEARING DATE: 5/6/2021
Attachments: 11180_ref_CA Fish and Wildlife_2.pdf; 11180 Site Map_10MAR2021-Property Diagram.pdf; 11180 SMP sunnyVal.pdf; 11180 (2021.03.10) - Info from Agent(4) (water storage + use).pdf

Good afternoon, Scott,

I hope this e-mail finds you well. I am writing today to respond to CDFW comments for the Sunny Valentine Farms project (APPS #11180), anticipated to go before the Planning Commission for decision on May 6th. The project description is as follows:

A Conditional Use Permit for continued cultivation of 20,000 square feet (SF) existing outdoor cannabis cultivation of which 18,440 SF is full-sun outdoor and 1,560 SF is outdoor that is cultivated using light deprivation techniques within two (2) greenhouses. Ancillary propagation occurs within two (2) greenhouses totaling 1,910 SF. Irrigation water is sourced from an existing onsite off-stream pond with an estimated capacity of approximately 150,000 gallons. There are additional onsite water storage tanks for a total storage capacity of approximately 198,000 gallons. Estimated annual water usage is 102,500 gallons. Harvested crop is hung in an 800-square-foot barn for drying. All other processing will occur off site at a licensed processing or manufacturing facility. No employees are required for the operation. Power is provided by an existing 3 kW solar array, with a generator used only as back-up.

Please see responses to CDFW comments below:

1. A condition of approval that the applicant either 1) provide a copy of the Final LSAA obtained from CDFW, or 2) obtain a LSAA from CDFW for any unpermitted stream crossings located on-site, will be included in the staff report.
2. The applicant's agent provided updated water storage and usage information on March 10, 2021 (please see attached), which has been incorporated into the staff report. The project is conditioned to monitor water use from the pond annually to demonstrate there is sufficient water available to continue to meet operational needs. Additionally, the water used for cultivation is limited to the use of the pond and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
3. The modified project was found to be 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.
4. Based on review of the CNDDDB database in February 2021, it was determined there are no mapped sensitive species onsite. Although the nearest Northern Spotted Owl (NSO) observation was approximately 0.89 miles from the site and the nearest NSO activity center is located approximately 1.1 miles from the site, conditions of approval are required to ensure potential impacts to biological resources are minimized, including requiring noise levels are below established standards, lighting is in compliance with Dark Sky standards, and measures described in the SMP are implemented in order to minimize the potential for erosion and sedimentation. No new ground disturbance is proposed.
5. Due to the distance of the pond from the onsite water sources (as shown on the attached site plan) and review of topographic maps, staff does not think the pond is hydrologically connected to any surface waters and is filled solely by overland flow and rain.

6. A bullfrog management plan is required as a condition of approval.
7. Conditions of approval are required to ensure potential impacts to biological resources are minimized, including requiring noise levels are below established standards, lighting is in compliance with Dark Sky standards, and measures described in the SMP are implemented in order to minimize the potential for erosion and sedimentation.

Please let me know if you have any further questions or concerns on this project.

Thank you,
Megan



Megan Marruffo
Senior Planner / Project Manager
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443 5054
<http://www.lacoassociates.com>

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