



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 20, 2021

To: Humboldt County Zoning Administrator

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

Subject: **John Mahony, LLC Special Permit**
Record Number PLN-11827-SP

Assessor's Parcel Number (APN) 220-301-021
3500 Elk Ridge Road, Redway

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Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 20, 2021	Special Permit	Jordan Mayor

Project Description: John Mahony, LLC seeks a Special Permit for an existing outdoor cannabis cultivation project consisting of up to 5,912 square feet (SF) grown in nine adjacent greenhouses on a previously graded flat within the 65-acre parcel. A tenth 560-SF greenhouse is used as a plant nursery. Irrigation water is sourced from a permitted 220-foot groundwater well onsite. Water is stored in two 2,500-gallon and two 1,200-gallon hard plastic tanks totaling 7,400 gallons of water storage. Estimated annual water usage is 69,868 gallons (11.9 gallons/SF/year). No additional employees are required for cultivation and during peak operations. An existing 1,820-SF multiple use structure is used to store and dry cannabis. Trimming and processing would be performed offsite by a licensed processing facility. There is an onsite wastewater septic tank leach-field system that serves an existing residence. Power is provided by solar power and an emergency Honda generator for residential use. No artificial lights are used in the cultivation activities.

Project Location: The project is located in Humboldt County, approximately 3.5 road miles north of Briceland and 6.3 road miles west-by-northwest of Redway, on the west side of Elk Ridge Road, at a location approximately 1 mile north from the intersection of Elk Ridge Road and Briceland Road, on the property known as 3500 Elk Ridge Road, Briceland/Redway (APN: 220-301-021).

Present Plan Land Use Designations: Residential Agriculture (RA); Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (2)

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

Record Number: PLN-11827-SP

Assessor's Parcel Number: 220-301-021

Applicant

John Mahony LLC
3500 Elk Ridge Road
Redway, CA 95560

Owner

John & Jacqueline Mahony
PO Box 166
Redway, CA 95560

Agents

Timberland Resource Consultants
165 S Fortuna Blvd.
Fortuna, CA 95540

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

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

Major Issues: None

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the John Mahony, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: John Mahony, LLC seeks a Special Permit for an existing 5,912 -square-foot (SF) outdoor cannabis cultivation operation in nine adjacent greenhouses on a previously graded flat in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 65-acre site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forest Resources (FR)-B-5(40) and Unclassified (U). One annual harvest will occur in the greenhouse cultivation areas for a growing season that extends from February through October. A tenth 560-SF greenhouse is used as a plant nursery. An existing 1,820-SF multiple use structure is used to store and dry cannabis. Trimming and processing would be performed offsite by a licensed processing facility. No employees are required for cultivation and a septic system serves an onsite residence which is occupied during the cultivation season. Power is provided by a solar array and a Honda 6500 generator for domestic backup. The cultivation area is fenced and locked gates are installed along the access road. Based on Google Earth aerial imagery, no timber has been cleared since 1993, and the site appears to be located in a natural opening in the forest.

Water Resources

Water for irrigation is provided by a permitted 220-foot-deep well (14/15-0373) drawing water from below 60 feet with an estimated yield of 7 gallons per minute based on a 4-hour draw-down test (Attachment 3). Forbearance will be required pursuant to Humboldt County Code Section 314-55.4.11(l) only if it can be demonstrated that the well is hydrologically connected to surface waters; it appears that the well is accessing groundwater within a geologic layer of hard shale (Attachment 3).

Water storage consists of two 2,500-gallon tanks located near the residence and two 1,200-gallon tanks located adjacent to the growing area, for a total of 7,400 gallons. According to the Cultivation and Operations Plan and Water Resources Protection Plan (WRPP; Attachment 3), annual water demand ranges from 49,000 to 69,868 gallons (11.8 gallons/SF/year), with peak demand occurring June through September at approximately 11,000 gallons to 14,000 gallons per month. Additional water storage would be required should the well not produce in perpetuity; this has been made a condition of approval.

There is a surface water diversion that has not been used since 2015 and would serve as back-up if the well fails to perform, in accordance with current Regional Water Quality Control Board Cannabis Guidelines and the Division of Water Rights, as necessary. A Final Lake or Streambed Alteration Agreement (LSAA 1600-2017-0353-R1) signed in May 2018 (Attachment 3) has been issued by the California Department of Fish and Wildlife (CDFW) for three encroachments, maintenance of an existing spring as back-up domestic water in the event the well becomes non-functional, and the installation or replacement of a culvert and culvert armoring. Complying with the reporting and operational requirements of the LSAA has been made a condition of approval.

Humboldt County's WebGIS shows no mapped streams and all cultivation approximately 480 feet from the nearest Streamside Management Area on Miller Creek west of the parcel. However, based on a

2017 field survey by Timberland Resource Consultants as shown on the Site Plan dated 8/4/17 and described in the WRPP dated 7/18/18, there are two watercourses on the parcel: a Class III watercourse approximately 180 feet east of the cultivation area and an ephemeral stream approximately 220 feet to the east of the cultivation area (Attachment 3). In addition, there are two stream crossings on the main access road to the property, both with the existing deficient culverts identified in the LSAA.

The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation as a condition of approval. This can be accomplished by either installing a new, permitted septic system; or by providing Division of Environmental Health with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State definition of a Tier 0 system. Any outhouses, pit privy, or other historical sanitation systems that are not permitted will be decommissioned as a condition of approval.

Biological Resources

No biological assessment of the property has been made. There are no mapped sensitive species onsite. The nearest northern spotted owl (NSO) activity center is located approximately 0.51 mile southeast of the site and dates to 1992; no other NSO activity centers have been recorded within 2.5 miles of the site since. However, the lands surrounding the site are heavily forested; thus, there is high potential for NSO habitat. One sensitive species has been recorded within 2 miles of the site: foothill yellow-legged frog has been recorded in a stream 0.86 mile west-southwest of the cultivation area. While there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are avoided or minimized through implementation of best management practices and best practicable treatments or controls required under the existing LSAA and WRPP, and to be updated in a Site Management Plan developed for the parcel in accordance with enrollment in the State Water Resources Control Board Cannabis Cultivation Policy. If the project proposes ground-disturbing activities, protocol-level surveys conducted by a qualified botanist are required to search for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site as a condition of approval.

Power is supplied by an existing solar array, and a backup 7-kilowatt Honda generator that 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 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned 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 States Fish and Wildlife Service.

No supplemental light is allowed in the outdoor cultivation greenhouses. If supplemental light is used in nursery cultivation, the project has been conditioned to ensure supplemental lighting is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat. The project is also conditioned to avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, 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 affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

A Cultural Resource Investigation Report was prepared by Mark Arsenault of Arsenault & Associates, dated July 5, 2019. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the proposed footprint. Arsenault & Associates also conclude that should the project change and result in additional ground disturbance the investigation will need to be revised. The report was forwarded to the Bear River Band of the Rohnerville Rancheria, which did not express any

concerns regarding the potential for the project to impact cultural resources. Per CEQA guidelines, the project is conditioned such that the applicant must adhere to the Inadvertent Discovery Protocol.

Access

Access to the site is via private drive from existing Elk Ridge Road or Perry Lane, approximately 3.5 miles north of Briceland Road, a county-maintained road, on the property known as 3500 Elk Ridge Road, Briceland/Redway (APN: 220-301-021). The road is classified as "permanent" and leads to the residence and cultivation area. The applicant has submitted a Road Evaluation Report dated 4/3/18 (Attachment 3) stating that the main access road is developed to the equivalent of a Category 4 road standard. Based on surveys conducted by TRC in winter 2017, the driveway road within the parcel is surfaced but is being affected by erosion and concentrated surface runoff in some location (Attachment 3); mitigation of these sites is made a condition of approval. There are also seasonal roads on the property that access the water infrastructure and lead to adjacent properties. Public Works, Land Use Division stated (10/5/18) that the main access road that connects to the county-maintained road shall be improved to meet the current standards for a commercial driveway and shall be paved for a minimum width of 20 feet and a length of 50 feet where it meets the county road, and this has been made 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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

RECOMMENDATION: 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 Special Permit.

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

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

**Resolution Number 21-
Record Number PLN-11827-SP
Assessor's Parcel Number: 220-301-021**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the John Mahony LLC, Special Permit.

WHEREAS, John Mahony LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of up to 5,912-square-foot (SF) cannabis cultivation operation, all of which is outdoor cultivation grown in nine greenhouses on an existing flat, with appurtenant propagation and drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 20, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow continued operation of up to 5,912 SF of outdoor cannabis cultivation grown in nine existing greenhouses on a single flat with appurtenant propagation and drying activities. Power is provided by an existing solar array with one 7-kilowatt Honda generator as backup for an existing residence. Water for irrigation is provided by a permitted groundwater well and 7,400 gallons of water storage in four plastic tanks.

EVIDENCE: a) Project File: PLN-11827-SP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator has considered the

Addendum to and the MND prepared for the 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 Water Resources Protection Plan (WRPP; revised 2/23/18) was prepared by Timber Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - d) A search of the California Natural Diversity Database and California Native Plant Society database was conducted for the project area. No special-status species are known to occur in the project site. Within 2 miles of the project site, there are records for one sensitive species: foothill yellow-legged frog has been recorded in a stream 0.86 mile west-southwest of the cultivation area. The nearest northern spotted owl (NSO) activity center is located approximately 0.51 mile southeast of the site, and dates back to 1992 and no other NSO activity centers have been recorded within 2.5 miles of the site since 1992. However, the lands surrounding the site are heavily forested; thus, there is high potential for NSO habitat. Conditions of approval will require noise to be at or 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. If the project proposes ground-disturbing activities, protocol-level surveys conducted by a qualified botanist are required to search for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site as a condition of approval.
 - e) Cultivation will occur on land located within a non-forested area that was in existence prior to January 1, 2016, and therefore complies with the Forest Practice Act without remediation recommendations.
 - f) The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language.

- g) The site is accessed via a 3.5-mile surfaced driveway directly off of Elk Ridge Road, a county road. Conditions of approval require mitigating 13 sites where the road is affected by concentrated runoff and erosion, including two stream crossings that require upgraded culverts replacements, as detailed within the WRPP. Conditions of approval will require applicant to pave the access road for a minimum of 20 feet wide and 50 feet long where it meets the county road to bring the residential driveway approach into commercial cannabis conformance and obtain an encroachment permit before commencing any work in a County-maintained right-of-way (Department of Public Works, Land Use Division, 10/5/18).

FINDINGS FOR SPECIAL 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 RA parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complementary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Unclassified (U) Zones and RA designation in which the site is located.

EVIDENCE

- a) The FR Zone is applied to areas of the county in which timber production and recreation are the desirable predominant uses and general agriculture is the secondary use. The U Zone is applied to all of the unincorporated areas of the county not otherwise zoned.
- b) All general agricultural uses are principally permitted in the FR and U Zones.
- c) Humboldt County Code Section 314-55.4.6.1.2.2 allows on parcels 10 acres or larger of up to 43,560 SF of cannabis cultivation area with a Special Permit and a determination that

the cultivation was in existence prior to January 1, 2016 and all criteria in Section 55.4.6.1.2.1 are met. The application for 5,912 SF of outdoor cultivation on a 65-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

- d) The project meets all applicable setback requirements of the underlying zone.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR and U (Section 314-55.4.6.1.1).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations. Per LLA-26-89 the subject parcel has been determined to be one legal parcel as shown on Recorded Survey recorded in Book 50 of Surveys page 148.
- c) The project will obtain water from a non-diversionary water source, a permitted 220-foot groundwater well.
- d) The site is accessed directly off of Elk Ridge Road via a surfaced driveway access road. Elk Ridge Road was self-certified with photographic evidence as equivalent of a Category 4 road standard for approximately 3.5 miles from Brice Land Road, a county road. Public Works, Land Use Division stated (10/5/18) that the main access road that connects to the county-maintained Elk Ridge Road shall be improved to meet the current standards for a commercial driveway and the applicant will be required to pave the driveway for a minimum width of 20 feet and a length of 50 feet where it meets the county road to bring the residential driveway approach into commercial cannabis conformance.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The cultivation site is located within an existing clearing. The site was found to be in compliance with the California Forest Practice Act without remediation recommendations.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or tribal cultural resource. A Special Permit is required for a setback reduction of less than 600 feet from Six Rivers National Forest Lands.

6. FINDING

The cultivation of 5,912 SF of cannabis in outdoor greenhouses 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 accessed from Elk Ridge Road via Perry Ln and Briceland Road, the latter is maintained by the County of Humboldt. Elk Ridge Road has been self-certified as developed to the equivalent of a road Category 4 standard.
 - 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) Irrigation water will come from a groundwater well that has been permitted by the Division of Environmental Health. The 220-foot-deep well has an estimated yield of 7 gallons per minute. Observations based on a 4-hour draw-down test made in August 2015 suggest the well is not hydrologically connected. The nearest Streamside Management Area is located 480 feet south of the cultivation area.
 - d) 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 support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the use of this residence.

DECISION

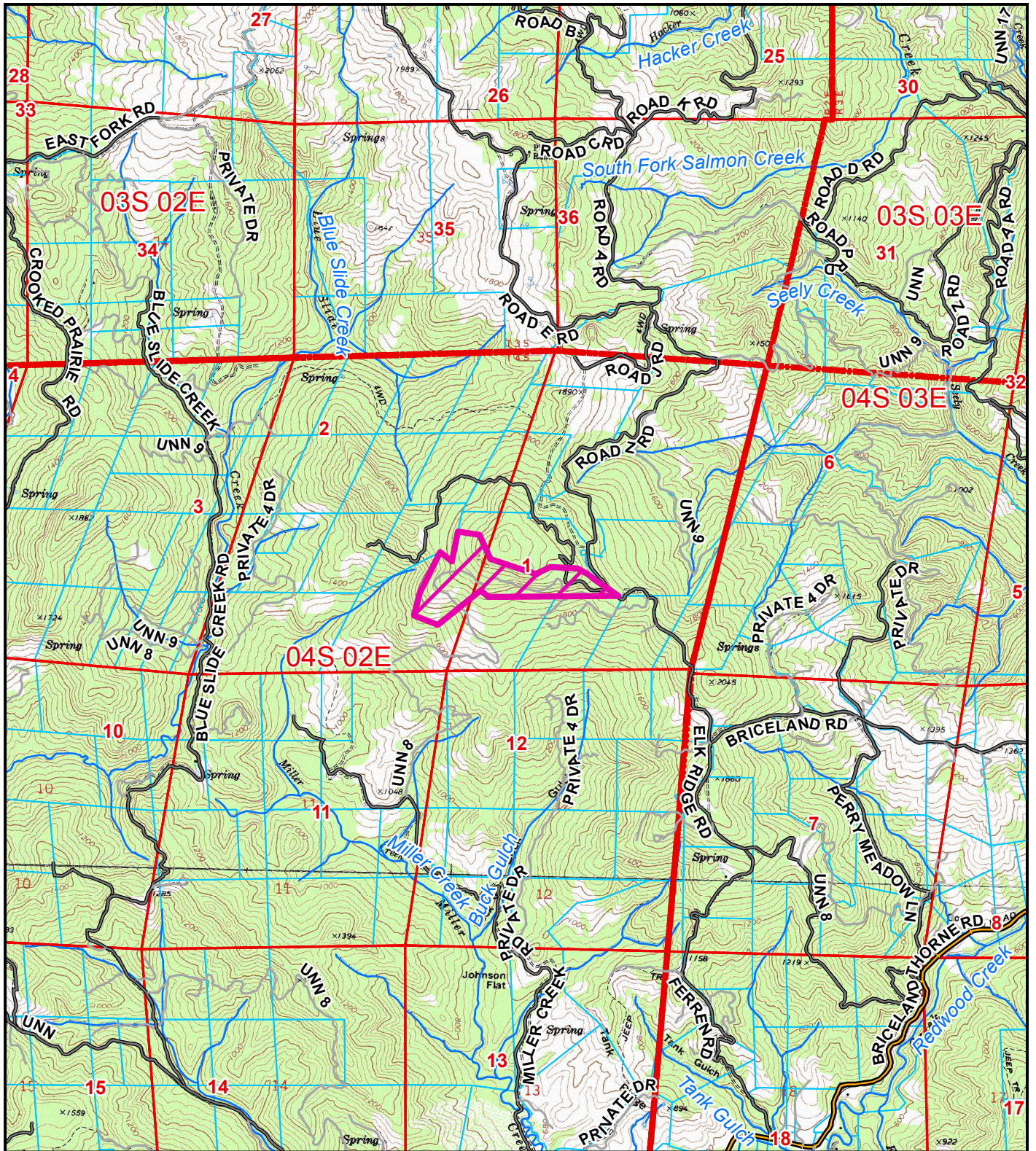
NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for John Mahony 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 20, 2021

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

John Ford, Zoning Administrator,
Planning and Building Department



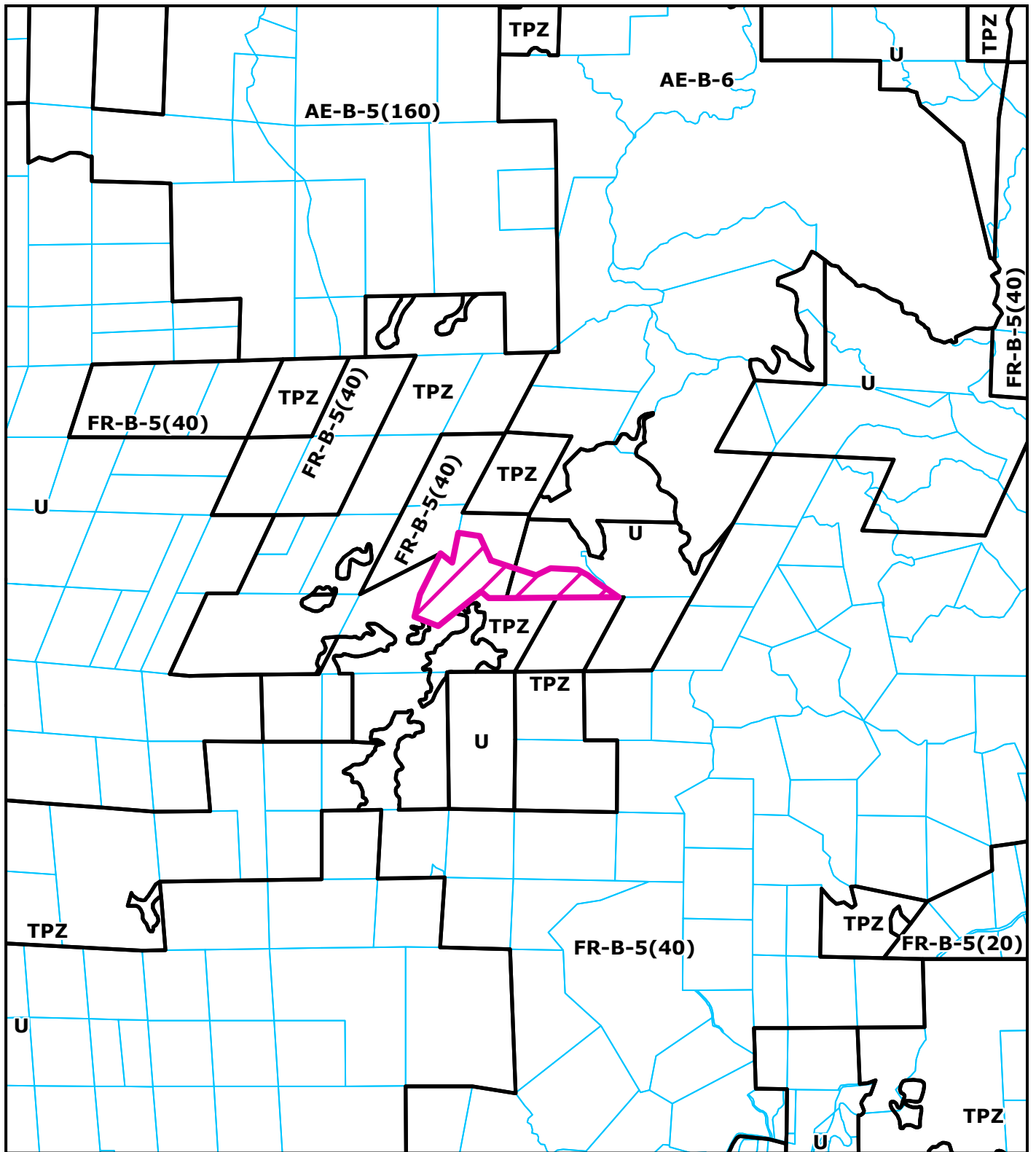
TOPO MAP
PROPOSED JOHN MAHONY
WHITETHORN AREA
SP-16-323
APN: 220-301-021-000
T04S R02E S2; S1 HB&M (ETTERSBURG)

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.

0 0.275 0.55 1.1 Miles



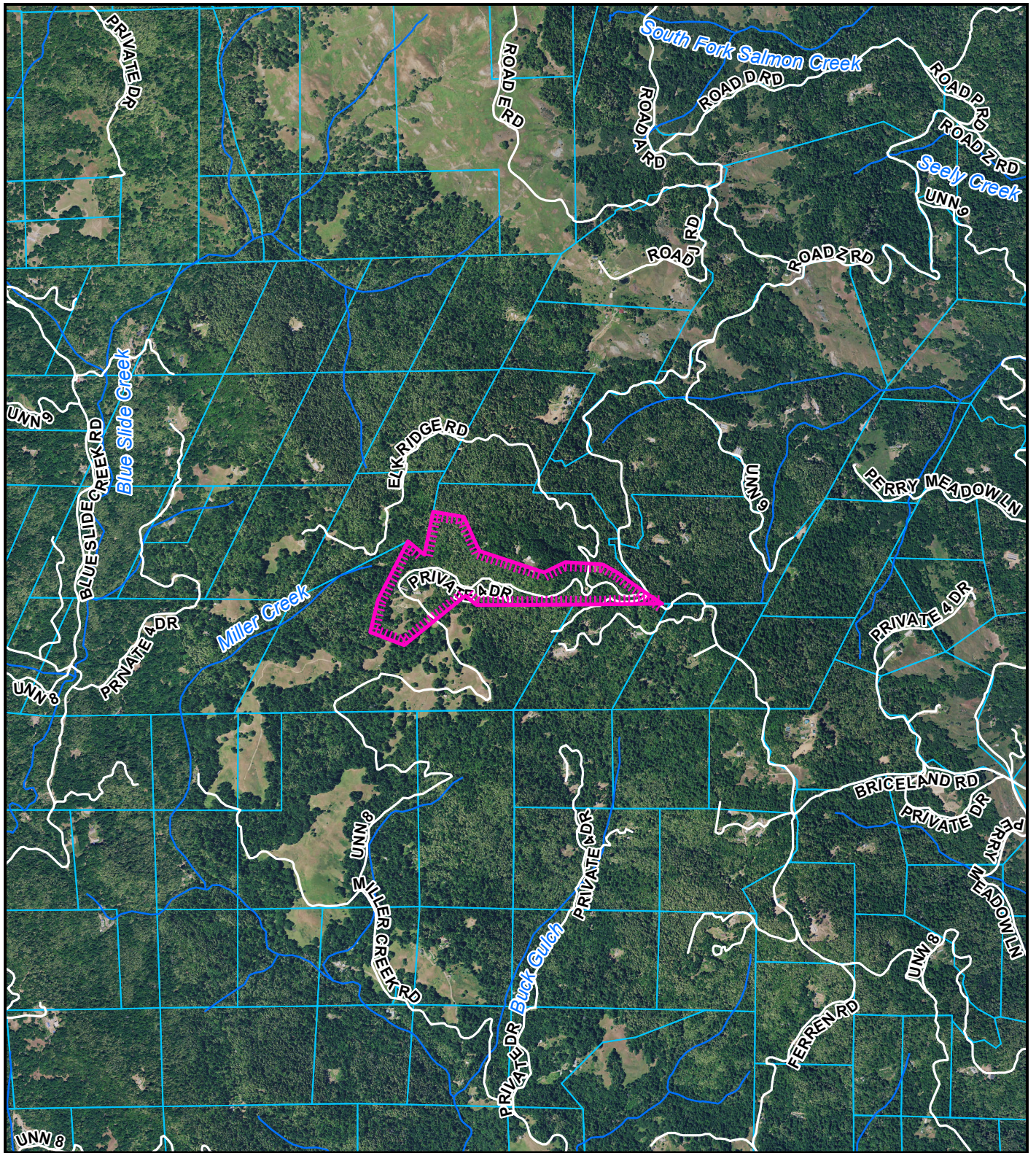


Project Area = 

ZONING MAP
PROPOSED JOHN MAHONY
WHITETHORN AREA
SP-16-323
APN: 220-301-021-000
T04S R02E S2; S1 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 0.275 0.55 1.1
 Miles



Project Area = 

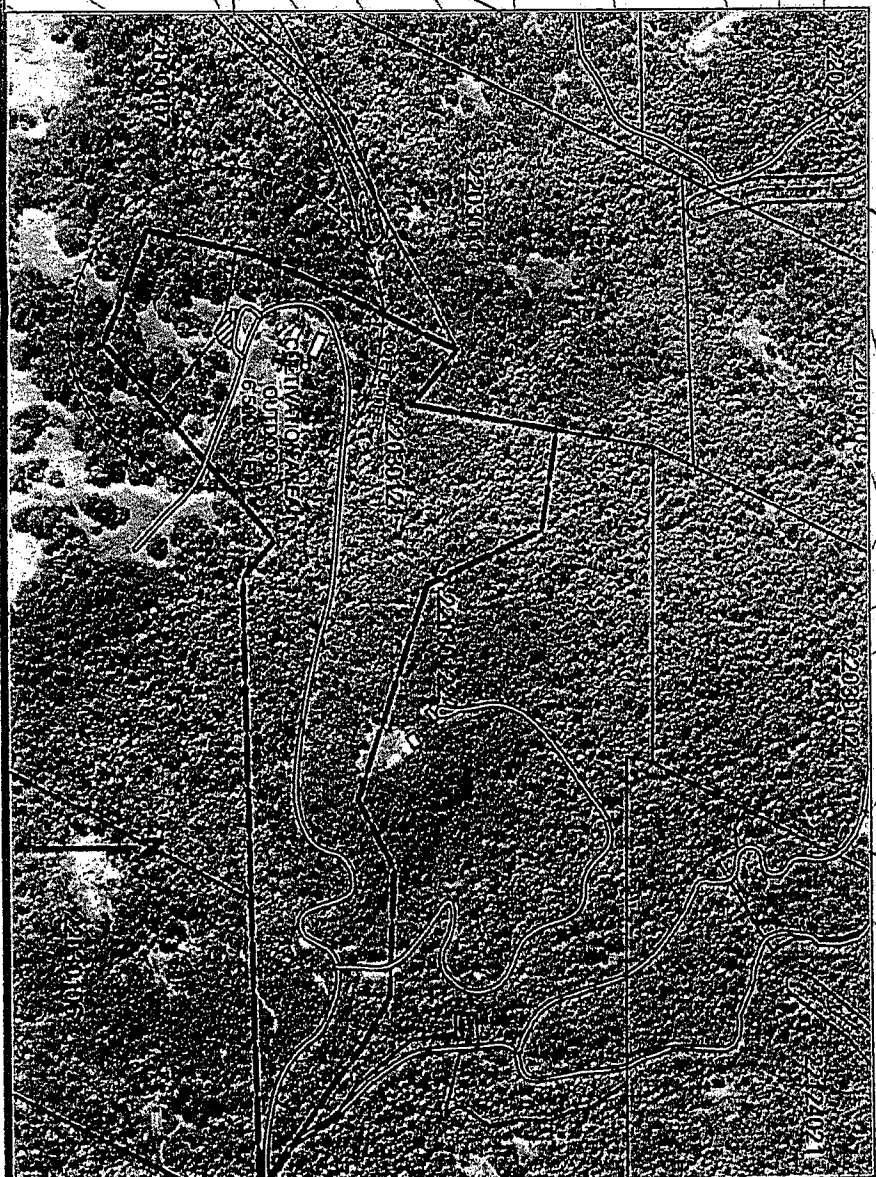
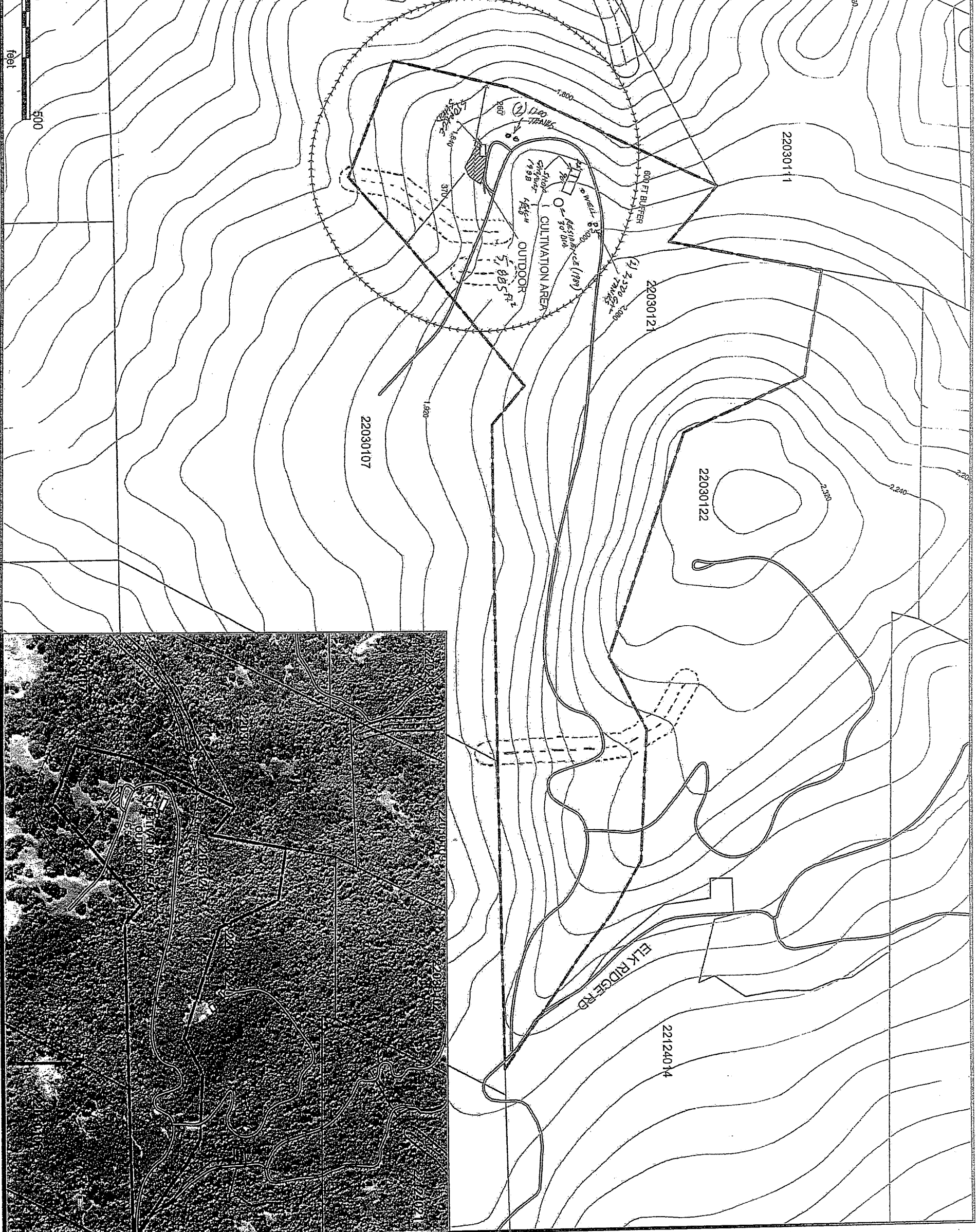
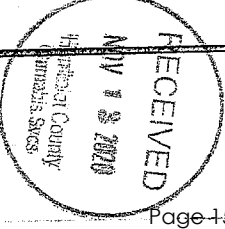
AERIAL MAP
PROPOSED JOHN MAHONY
WHITETHORN AREA
SP-16-323
APN: 220-301-021-000
T04S R02E S2; S1 HB&M (ETTERSBURG)

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 1,000 2,000 4,000 Feet



APPS: 11827



CULTIVATION AREA

EXISTING STRUCTURE

ACCESS ROAD

600 FT BUFFER

PROPERTY BOUNDARY

OWNER: John J. Macdonald Mahony

APPLICANT: JOHN MAHONY LLC

APN: 220-301-021

ZONING: FR - FORESTRY RECREATION

LOT SIZE: 66.37 ACRES

CULTIVATION AREA: 6,500 SQ. FT. OUTDOOR

DIRECTIONS TO SITE:

DRIVING SOUTH ON US HWY 101

TAKE EXIT 642 FOR REDWOOD DRIVE TOWARD REDWAY

IN 0.2 MI CONTINUE ONTO REDWOOD DR

IN 1.6 MI TURN RIGHT ONTO BRICELAND THORN RD

IN 4.3 MI TURN RIGHT ONTO PERRY MEADOW RD

IN 112 FT TAKE A SLIGHT LEFT ONTO ELK RIDGE RD

IN 0.3 MILES THE SITE IS ON YOUR LEFT

THE SITE IS LOCATED AT:

3550 ELK RIDGE RD, WHITEHORNE

THERE ARE NO SCHOOLS, PLACES OF WORSHIP, OR PUBLIC PARKS WITHIN 600 FT OF THE CULTIVATION AREA. THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FT OF THE CULTIVATION AREA. THERE ARE NO KNOWN EASEMENTS OR TRIBAL CULTURAL RESOURCES ON SITE

LOCATION MAP

ELK RIDGE RD

BRICELAND THORN RD

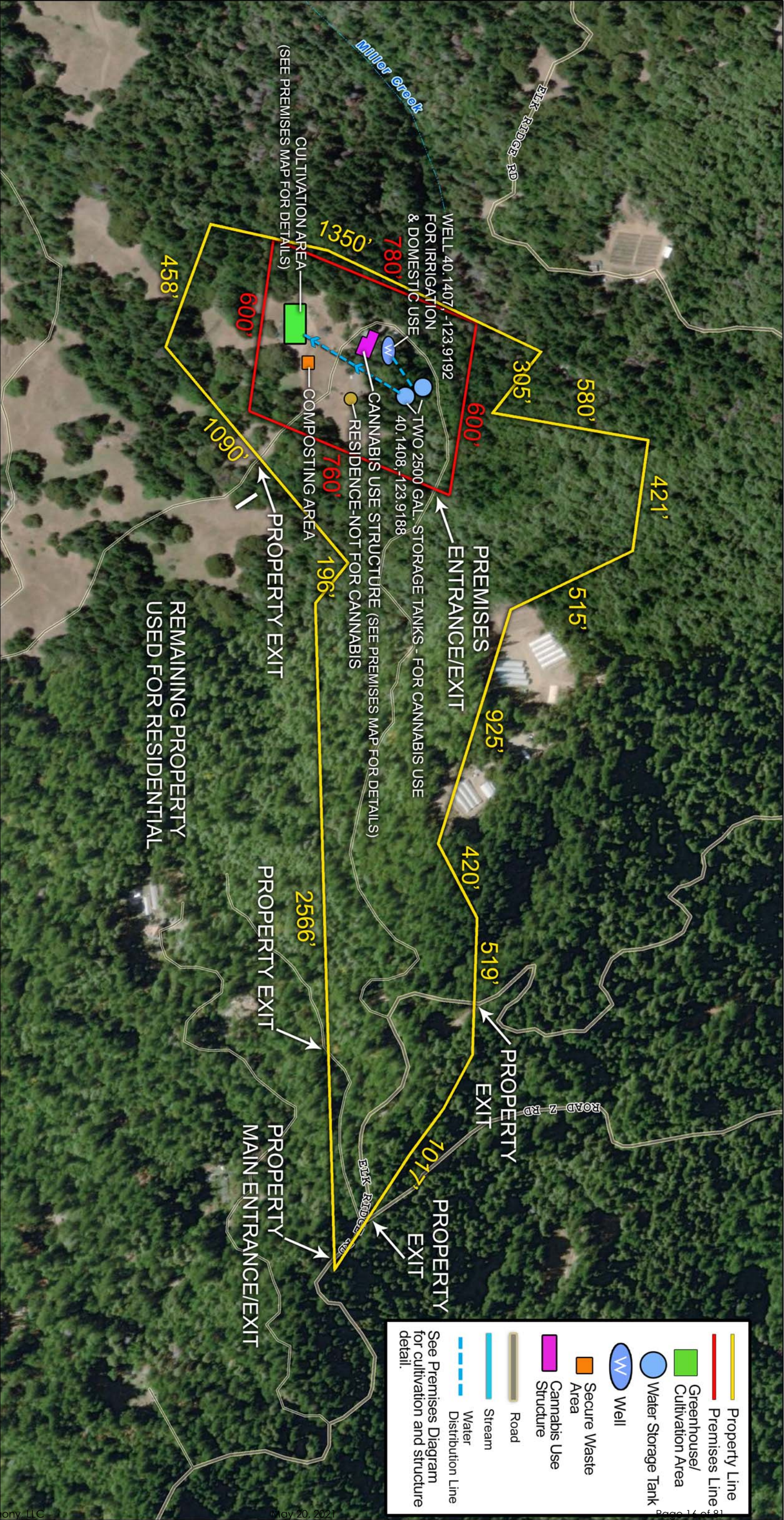
0 0.5 1 miles

SITE PLAN

PAGE 1 OF 1

08/04/2017

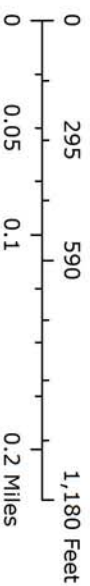
Timberland Resource Consultants



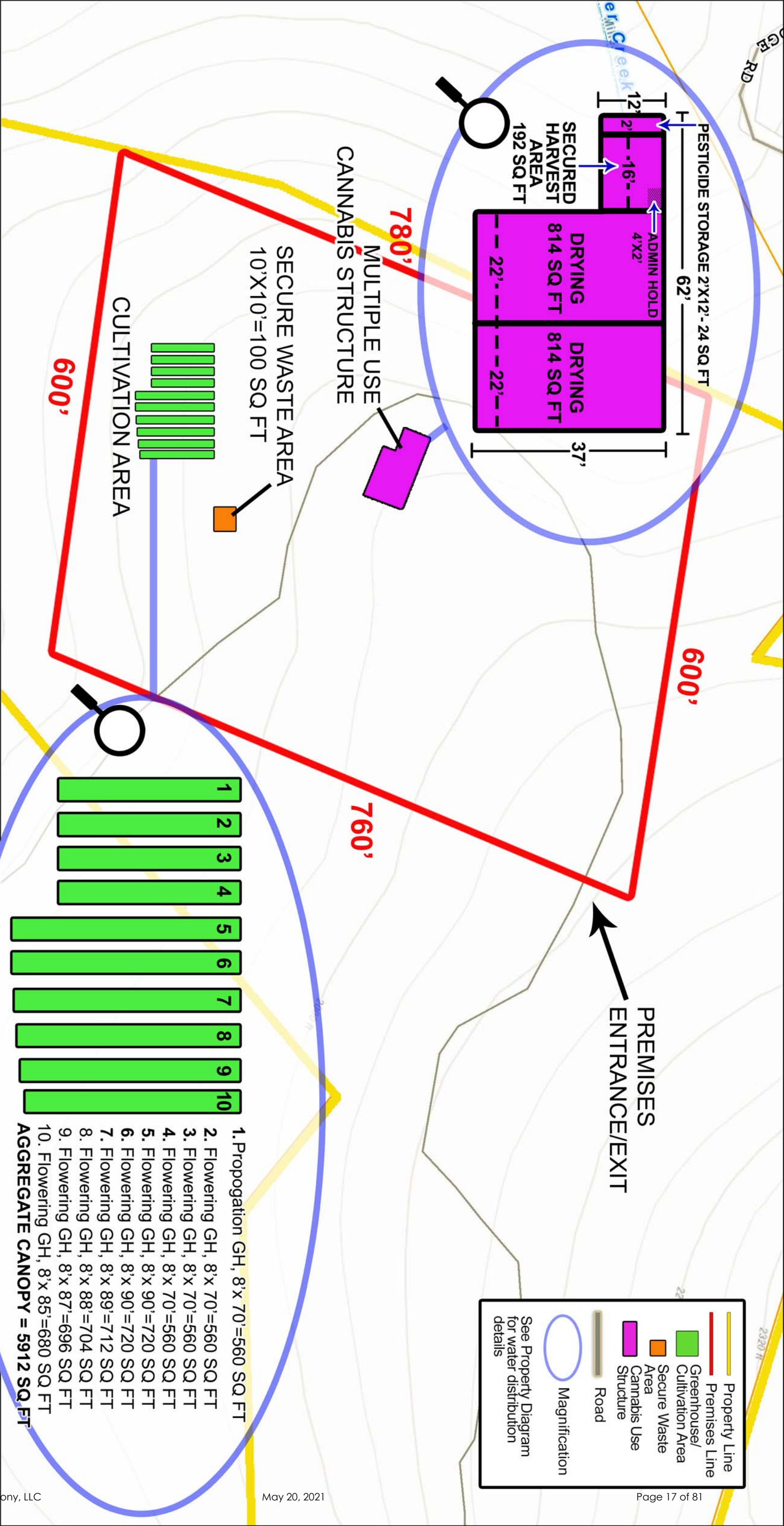
CDFA APPLICATION
CCL18-0003181

APPLICANT:
JOHN MAHONY
APN 220-301-021
3500 ELK RIDGE ROAD
WHITEHORNS, CA 95589

PROPERTY DIAGRAM



Sources: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Humboldt County GIS



CDFA APPLICATION
CCL18-0003181

APPLICANT:
JOHN MAHONY
APN 220-301-021
3500 ELK RIDGE ROAD
WHITETHORN, CA 95589

PREMISES DIAGRAM
1" = 113 FT

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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. 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 #14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, the ten existing and any 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 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 approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing Division of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State definition of a Tier 0 system—not impairing groundwater or surface water resources. The DEH acknowledged the presence of a septic leach-field system in their Commercial Medical Marijuana Clearance Permit.
9. The applicant shall install water monitoring device on each source—the well and surface diversion if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
10. The applicant shall comply with the recommendations of the Department of Public Works, including obtaining an encroachment permit to bring the residential driveway into commercial conformance and be in accordance with the Sight Visibility Ordinance.
11. The applicant shall implement all corrective recommendations and monitoring actions detailed in the Water Resources Protection Plan (WRPP) prepared for the site in August 2017 by Timber Resource Consultants, including adoption of best management practices; maintenance of roads to avoid runoff and erosion issues by installing rolling dips, waterbars, and staked wattles; and cleaning of inside ditch relief culverts at 17 unique points described in the WRPP—Mitigation Report prepared for WDID: 1B170362CHUM.
12. If the project proposes ground-disturbing activities, include protocol-level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site in accordance with the California Department of Fish and Wildlife referral response dated 3/4/19. Encountered special-status species must be avoided and protected.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
14. 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 Humboldt County Code 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 Commercial Medical Marijuana Land Use Ordinance (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 States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. In the event the well fails to produce, the applicant must notify Planning and Building immediately in order to determine the appropriate course of action. Additional water storage exceeding the yearly estimated water use would be required should the well not produce in perpetuity and the surface water diversion is to be used. A water right would also be required for the use of the diversion. The use of the diversion would be required to be used accordance with all State and local regulations regarding withdrawal limitations and forbearance requirements.

3. The applicant shall abide by recommendations of the California Department of Fish and Wildlife dated 3/4/19, which include but are not limited to, floristic surveys, should additional ground disturbance, vegetation removal, or habitat conversion be proposed in the future, to ensure no potentially special-status plant species or communities are present; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during the northern spotted owl critical period (February 1– July 31) or perform protocol level surveys prior to initiating that work.
4. 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 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.
5. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
6. 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.
7. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. 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.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
13. 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 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 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.

14. 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.
15. If the project should change and result in additional ground disturbance the cultural resources investigation for the property will need to be revised prior to new proposed activities.
16. 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.
17. 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).
18. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board 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.
19. Comply with the terms of any applicable Lake and Streambed Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
20. 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, if applicable.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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 program, and in such a way that no spillage occurs.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Pursuant to Business and Professions Code section 26051.5(a)(8), 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."

28. 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).
29. 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.
30. 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;
 - (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. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. 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. Onsite housing, if any

32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 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.
33. 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 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 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.
34. 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.
35. 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.
36. 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
37. 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:

- 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 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 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 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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 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 Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (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 MEDICAL MARIJUANA LAND USE
ORDINANCE**

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

**APN 220-301-021; 3500 Elk Ridge Road, Briceland/Redway
County of Humboldt**

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

April 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Special Permit for an existing outdoor full-sun cultivation of up to 5,912 square feet (SF) of cannabis on the 65-acre parcel. One annual harvest will occur in the nine outdoor greenhouse cultivation areas for a growing season that extends from April through October; plants are either started onsite from seed in an appurtenant 560-SF nursery greenhouse in February or clones are purchased from an approved source. Irrigation water is sourced from a permitted well. Existing available water storage is 7,400 gallons in four hard tanks. Estimated annual water usage is up to 69,868 gallons (11.9 gallons/SF/year) with peak demand occurring June through August at approximately 10,000 to 14,000 gallons per month. No additional employees are required for cultivation and during peak operations. An existing 1,820-SF multiple use structure is used to store and dry cannabis. Trimming and processing would be performed offsite by a licensed processing facility. There is an onsite wastewater septic tank leach-field system that serves an existing residence. Power is provided by a solar array and a Honda generator for domestic backup.

The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources. There are no mapped sensitive species onsite. One sensitive species has been recorded within 2 miles of the site: foothill yellow-legged frog has been recorded in a stream 0.86 mile west-southwest of the cultivation area. The nearest northern spotted owl (NSO) activity center is located approximately 0.51 mile southeast of the site dates to 1992; no other NSO activity centers have been recorded within 2.5 miles of the site since. However, the lands surrounding the site are heavily forested; thus, there is high potential for NSO habitat. While there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are avoided or minimized through implementation of best management practices and best practicable treatments or controls. In addition, if the project proposes ground-disturbing activities, protocol-level surveys conducted by a qualified botanist are required to search for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site as a condition of approval; avoidance of any populations required.

The project has been conditioned to ensure that all outside lighting is on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and heavy equipment operations will be avoided during the NSO critical period (February 1–July 31) The 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 on 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 MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (EIR) or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 5,912 SF 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:

- Site Premise and Property Plans with greenhouse details prepared by applicant received 3/30/21.
- Site Plans with Stream Buffers prepared by Timber Resource Consultants dated 8/4/17 and received 7/18/18.
- Cultivation and Operations Plan prepared by the applicant received 7/18/18.
- Water Resource Protection Plan prepared by Timber Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated 5/8/17 and revised 2/23/18, received 7/18/18.
- Road Evaluation Report prepared by the applicant dated 4/3/18 and received 11/4/19.
- Department of Public Works project referral response dated 10/5/18.
- Final Streambed Alteration Agreement, signed 5/16/18 and received 7/17/19.
- Well Completion Report, dated 4/25/15 and received 9/13/17.
- Archaeological Survey Report prepared by Arsenault Associates dated 7/5/19 and received 7/17/19.

- California Department of Fish and Wildlife referral response comments dated 3/4/19.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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 Plans prepared by Timber Resource Consultants dated 8/4/17 and received 7/18/18; Site Premise and Property Plans with greenhouse details prepared by applicant received 3/30/21 – 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. (Cultivation and Operations Plan/Operations Overview prepared by the applicant, undated and received 7/18/18)
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 Water Resource Protection Plan prepared for State Water Board Cannabis General Order (Attached separately)
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. (Water Resources Protection Plan prepared by Timber Resource Consultants dated 5/8/18 and received 7/18/18 – On file and Attached; to be superseded by Site Management Plan Notice once prepared)
8. If any onsite or offsite 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. (Final Streambed Alteration Agreement, signed 5/16/18 and received 7/17/19 – Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 14/15-0373 – Attached)

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. (Archaeological Survey Report prepared by Arsenault Associates dated 7/5/19 and received 7/17/19 – On file and confidential)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation prepared by the applicant dated 4/3/18 and received 11/4/19. (Attached)

CMMLUO SITE/OPERATIONS OVERVIEW APPS# 11827

SP 16-323

APN: 220-301-021

Project Description: The applicant is seeking a Special Use Permit under the Humboldt County CMMLUO to allow continued outdoor cultivation up to 5,885 ft², ancillary processing activities and development of appurtenant support infrastructure/facilities on the subject parcel. Date stamped air photos/maps are provided to show cultivation operations occurring prior to January 1, 2016 encompassing an area totaling 6,500+ ft².

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

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: The subject parcel (220-301-021) is approximately 65 acres, zoned FR-B-5(40) with AL40 framework designation. The assigned address: 3500 Elk Ridge Rd., Whitethorn.

Topography/Landscape: The subject parcel is situated on a southwesterly facing hillside with an average slope of 30%. Developed clearings average slopes of 10% or less. The parcel is covered with native tree species with the exception of a few small clearings in which limited development has occurred.

Surface Water Features: None

Roads/Stream Crossings/Easements: Access to the property is from a private driveway connecting to Elk Ridge Road at the eastern side of the parcel off of Elk Ridge Road. The driveway forks immediately upon entering the driveway; the northern fork extends across the length of the property approximately 4500 feet providing access to the developed area. Access and interior road conditions will be evaluated as part of a Water Resources Protection Plan (WRPP) being developed by Timberland Resource Consultants. If any road conditions requiring corrections are identified during the WRPP site assessment they will be specified in the WRPP along with a timeline in which to complete corrective measures. Corrective measures prescribed in the WRPP do not preclude the need for roads and associated features to be brought into compliance with all applicable state and local requirements. Seasonal monitoring of road conditions and stream crossings will be completed in accordance with requirements set forth in RWQCB order No. R1-2015-0023 or applicable regulations in effect at time of operation.



Utilities: The subject parcel is developed with a residence which is served by a permitted water well, and a septic system. Electrical power is supplied by solar panels and Ferral Gas provides domestic propane.

Water Supply: Currently, all water is sourced from a permitted well (permit copy included).

Documentation demonstrating the legal authorization for the ongoing use of the water and/or other potential water sources shall be established in conjunction with the site-specific Water Resources Protection Plan being prepared by Timberland Resource Consultants (RWQCB approved 3rd party administrator) and provided when available.

Water Storage: Currently water is stored in plastic storage tanks with the following capacities:

2 -2,500 GALLON TANK

2 -1,200 GALLON TANK

Water storage capacity shall be adjusted to meet requirements established under applicable regulatory requirements.

Cultivation Area:

Cultivation on the subject parcel is limited to a single area near the SW corner of the subject parcel consisting of 5,885 ft²

Peak Water Demand: The peak monthly water demand projected to maintain plants during the warmest months is estimated to be 10,000 gallons per month. The "Monthly Water Use" table below shows water use during the grow season. Totalizing flow meters shall be incorporated into the irrigation system enabling accurate monitoring and recording of water usage in compliance with applicable regulations.

There is no agricultural water use during the months not shown

	A1: 5,885 ft ²	Plant Stage	Total Gallons
May	6,000	veg	6,000
June	8,000	veg	8,000
July	9,000	veg/flower	9,000
August	10,000	flower/veg	10,000
September	10,000	veg	10,000
October	6,000	flower	6,000

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

Irrigation Runoff/Erosion control: The use of carefully regulated drip irrigation minimizes the chance of overwatering or residual discharge of irrigation solutions outside of the “targeted” root zone. The practice of careful hand watering precludes the chance of overwatering or residual discharge of irrigation solutions. In the unlikely event that residual discharge did occur it would be rapidly absorbed upon contact with permeable soil in and around cultivation areas and. **Movement or runoff** of any irrigation solution away from the point of ground contact is very unlikely. The ground surface in and around cultivation areas is proactively managed to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles.

Watershed Protection: The Cultivation Area on the subject parcel meets applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Natural vegetative buffers surrounding clearings/Cultivation Areas remain undisturbed. The applicant ensures BMP’s related to storage, use and disposal of cultivation related materials/products in and around cultivation areas are adhered to at all times. This includes limiting cultivation activities to the immediate area where cultivation occurs and keeping products/materials securely confined so spreading due to weather or pests does not occur. Watershed protection will be ensured by adherence to measures prescribed in the Water Resources Protection Plan being developed specifically for this parcel by Timberland Resource Consultants under Regional Water Quality Control Board WDR Order # R1-2015-0023 enrollment requirements. Included with this submittal is a signed copy of Appendix A “Enrollment Notice of Intent”.

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

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

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

Fertilizers/Amendments/Regulated Products:

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

Honda 6500 generator (back up for solar; serves no agricultural purpose), Household Fan

Describe equipment service and maintenance; including where it is done (oil change, cleaning, etc.)

Equipment service/maintenance is done at Western Chainsaw in Redway by qualified service providers.

List and describe petroleum products and automotive fluids used onsite.

There is no more than 15 gallons of gasoline on site at any time. It is stored in conventional gas canisters inside the Ag building along with spill kits.

List and describe compressed gases, cleaners, solvents and sanitizers; indicate amounts normally stored and how/where they are stored. One gallon of Rubbing Alcohol is kept in the original container inside the Ag building.

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

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

All cultivation taking place on the subject parcel is done **without the use of pesticides, herbicides, fungicides or artificial fertilizers**. Organic compost generated at the applicant/owners' home farm is used at the beginning of the season to recondition cultivation soil. Fertilizers and amendments are not stored at this site.

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

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

If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Human Waste: The subject parcel is developed for residential occupancy. The residence is served by a conventional septic tank leach-field system. The residence is in close proximity to the garden.

Cultivation Operations/Practices:

Cultivation on the subject parcel is limited to full-term outdoor cultivation.

February: Plants are started from seeds and/or clones from an approved source.

March/April: Plants are transplanted into larger pots (up to 1 gallon), grown in outside "cold frames/hoops".

April/May: Outdoor beds are prepared; organic compost added. Some plants are beginning to be placed into beds

May: Beds are completely planted by the end of the month.

June -October: Gardens are maintained and plants are harvested by hand in October.

October/November: Complete harvesting, drying and processing. Garden sites are cleaned up and prepared for winter.

Plants are harvested at peak ripeness and immediately transferred to the drying facility (shop) where they are hung to dry. Natural air flow may be supplemented with household fans and dehumidifiers to aid the drying process. All surfaces, equipment and utensils which come into contact with harvested product are maintained in a clean, sanitary condition at all times.

Dried plants will be processed/trimmed by an off-site licensed processor.

Site security is achieved through use of locked gates preventing access into the property. Cultivation areas are fenced. The premises is normally occupied and not left unattended.

RECEIVED

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501

MAY 16 2018

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2017-0353-R1

Unnamed tributary to Miller Creek, tributary to Redwood Creek,
tributary to South Fork Eel River, tributary to Eel River and the Pacific
Ocean

Mr. John Mahony
Mahony Water Diversion and Stream Crossing Project
3 Encroachments



This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW or the Department) and Mr. John Mahony (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee notified CDFW on June 15, 2017, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accept its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the South Fork Eel River watershed, approximately 5 miles northwest of the town of Redway, County of Humboldt, State of California. The project is located in Section 1, T4S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-301-021; latitude 40.14016 N and longitude -123.91797 W at the point of diversion (POD 1).

PROJECT DESCRIPTION

The project is limited to three (3) encroachments (Table 1). Encroachment 1 is for maintenance and use of an existing spring as a back-up source of domestic water in the event the existing well becomes temporarily non-functional. Work for the water diversion will include use and maintenance of water diversion infrastructure (existing spring box). Encroachment 2 consists of re-installing an existing 15" diameter culvert that is sufficiently sized but not currently set to grade (slightly perched). Encroachment 3 consists of replacement of an undersized, short culvert with a minimum 36" diameter, 40'-long culvert.

Table 1. Project encroachments with description.

ID	Latitude/Longitude	Description
Point of Diversion (spring)	40.14016, -123.91797	Maintenance and use of an existing spring as a back-up source for domestic water in the event the existing well becomes temporarily non-functional.
Culvert 1	40.13993, -123.91853	Re-install and armor existing 15" diameter culvert that is not currently to grade.
Culvert 2	40.14112, -123.91072	Replace failing 24" diameter culvert with a minimum 36" diameter x 40-foot long culvert.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: coastal tailed frog (*Ascaphus Truei*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), and other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

loss or decline of riparian habitat;
direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;

water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 **Work Period.** All work, not including water diversion, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.2 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on June 15, 2017, together with all maps, BMPs, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.3 **Wildlife Safe Products Only.** Only wildlife-friendly 100 percent biodegradable erosion control products that will not entrap or harm wildlife shall be used. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.

Water Diversion

- 2.4 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall **not exceed 2 gallons per minute (gpm)** at any time.
- 2.5 **Bypass Flow.** The Permittee shall **pass 80% of the spring flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 **Seasonal Diversion Minimization.** No more than **150 gallons per day** shall be diverted during the low flow season from **March 31 to December 15** of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.4 and 2.5 of this Agreement.
- 2.7 **Measurement of Diverted Flow.** The Permittee shall install and maintain measuring devices acceptable to CDFW to accurately measure and manage the 80 percent bypass condition, and the quantity of water diverted from the stream. This

measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis.

- 2.8 Water Management Plan. The Permittee shall submit a Water Management Plan within 60 days of the date the Agreement is executed, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.9 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.13 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.14 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and

bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

- 2.15 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.16 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.17 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.18 Fill Excavation. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

Conditions for Permanent Culverts

- 2.19 Culvert Placement. Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
- 2.20 Streambed Construction. Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

- 2.21 **Armoring.** Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.22 **Culvert Sizing.** Permanent culverts shall be sized to accommodate the estimated 100-year flood flow (slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.
- 2.23 **Work Completion.** The proposed work shall be completed by **no later than October 1, 2018**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 2.24 **Project Inspection.** The Project shall be inspected by a licensed engineer or other qualified professional to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

3. Reporting Measures

- 3.1 **Measurement of Diverted Flow.** Copies of **Water Diversion Records** (condition 2.7) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year **beginning in 2017**.
- 3.2 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (condition 2.8) **within 60 days of the date the Agreement is executed**, that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.3 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (condition 2.24) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. John Mahony
PO Box 166
Redway, CA 95560
(707) 943-3830

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0353-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project; the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

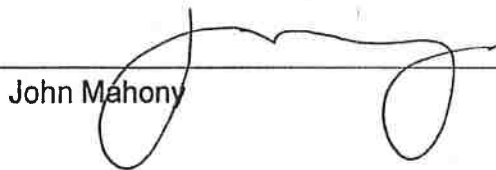
AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. John Mahony



John Mahony



Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer

Senior Environmental Scientist Supervisor



Date

Prepared by: Angela Liebenberg, Senior Environmental Scientist Specialist, October 31, 2017

RECEIVED



FEB 13 2015

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

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

WATER WELL APPLICATION

14/15-0373

CONSTRUCTION – REPAIR – DESTRUCTION

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



Instructions:

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

Site Address	<u>3500 Elk Ridge Rd.</u>	APN	<u>220-301-021</u>
City/State/Zip	<u>Redway</u>	CA	<u>95560</u>
Directions to Site			
Applicant	<u>FISCH DRILLING</u>	Contact	<u>Chris Fisch</u>
Mailing Address	<u>3150 Johnson Rd.</u>	Work Phone	<u>(707) 768-9800</u>
City/State/Zip	<u>Hydesville CA 95547</u>	Cell Phone	<u>(707) 601-3042</u>
Property Owner	<u>John Mahony</u>	Home Phone	<u>(707) 943-3830</u>
Mailing Address	<u>P.O. Box 166</u>	Work Phone	
City/State/Zip	<u>Redway CA 95560</u>	Cell Phone	
I hereby grant 'right-of-entry' for inspection purposes _____			
Drilling Contractor	<u>FISCH DRILLING</u>	C-57 License #	<u>683865</u>
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature: <u>[Signature]</u>			
Would driller like a copy of approved application?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> U.S. Mail address:			
<input checked="" type="checkbox"/> Email address:		<u>chris@fischdrilling.com</u>	
Type of Application:	Construction:	Intended Use:	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.)	<input checked="" type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.)	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.)	<input type="checkbox"/> Irrigation	
	Sealing Material <u>Bentonite</u>	<input type="checkbox"/> Other _____	

Estimated Work Dates:		Casing:	Type of Sewage System:
Start _____	Diameter (in.) <u>5"</u>	<input type="checkbox"/> Community Sewer <input checked="" type="checkbox"/> OWTS (Septic)	
Completion _____	Material <u>PVC</u>	Distance from well site to OWTS <u>300'</u>	
Special Requirements/Comments:			
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black;"></div>			
PLOT PLAN			

See Attached

FOR OFFICE USE ONLY			
Fee: <u>\$373.00</u>	Date: <u>2-13-15</u>	Site Approved by: <u>[Signature]</u>	Date: <u>3/25/15</u>
Receipt: <u>3014.50</u>	Project #: <u>14/15-0373</u>	Site Final Date: _____	Sealed to Depth of: <u>20'</u>
		Seal observed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Final Approved Date: <u>8/10/15</u> <u>[Signature]</u>

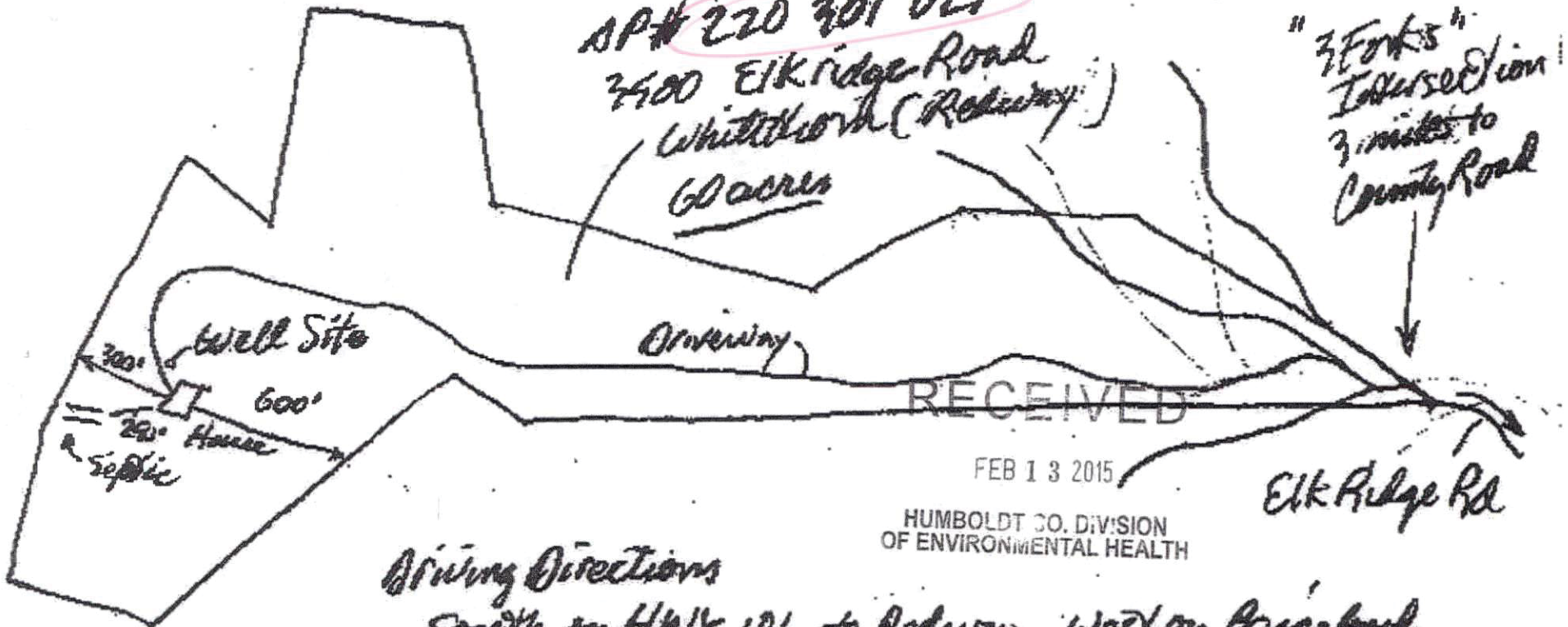
☐ - Neighbor's house
nearest house
approx. 1/2 mi



John Mahony
PO Box 106
Redway CA 95560
707 498 8095
943 3830

AP# 220 301 021
3500 Elk Ridge Road
Whittier (Redway)
60 acres

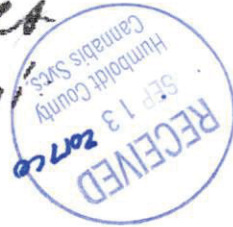
"3 Forks"
Intersection
3 miles to
County Road



Driving Directions

South on HWY 101 to Redway. West on Bricebrook
Shelter Cover Road. Approx 5 miles to Perry Road.
Right on Perry Road. Approx 2 miles to Elk Ridge Rd.
Approx 1 mile to 3 Forks Intersection. Begin 1 mile
Driveway. (and left at 3 Forks)

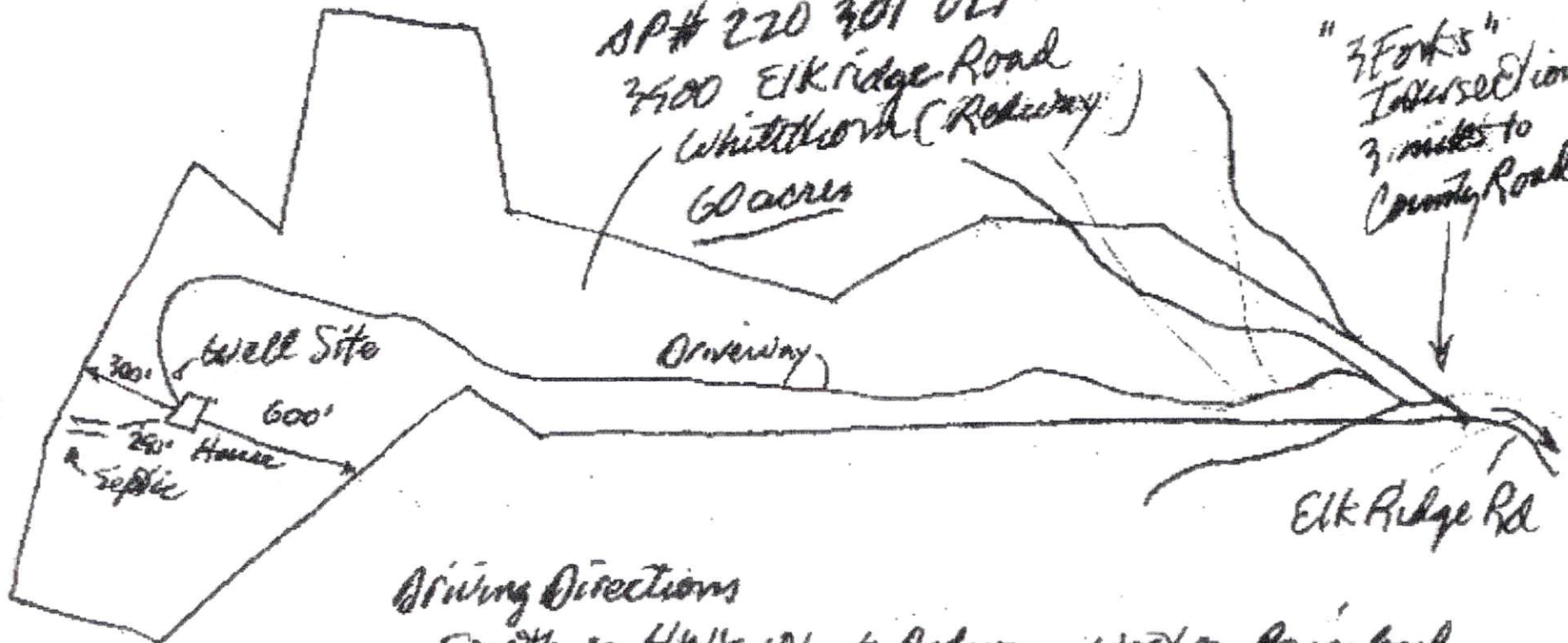
☐ - Neighbor's house
nearest house
approx 1/2 mi



John Mahony
PO Box 106
Redway CA 95560
707 498 8095
943 3830

SP# 220 301 021
3500 Elk Ridge Road
Whittlorn (Redway)
60 acres

"3 Forks"
Intersection
3 miles to
County Road



Driving Directions

South on HWY 101 to Redway. West on Grice Road
Shelter Cover Road. Approx 5 miles to Perry Road.
Right on Perry Road. Approx 2 miles to Elk Ridge Rd.
Approx 1 mile to 3 Forks Intersection. Begin 1 mile
Driveway. (and Left at 3 Forks)

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: JOHN MAHONY APN: 220-301-021

Planning & Building Department Case/File No.: APPS: 11827

Road Name: ELK RIDGE ROAD (complete a separate form for each road)

From Road (Cross street): BRILLIANT ROAD

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 3.5 miles Date Inspected: 4/3/18

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

Check one of the following:

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

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.
SEE ATTACHED IMAGES TAKEN APPROXIMATELY EVERY 1/4 MILE ALONG 3.5 MILE ROAD SEGMENT
An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

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

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

Signature

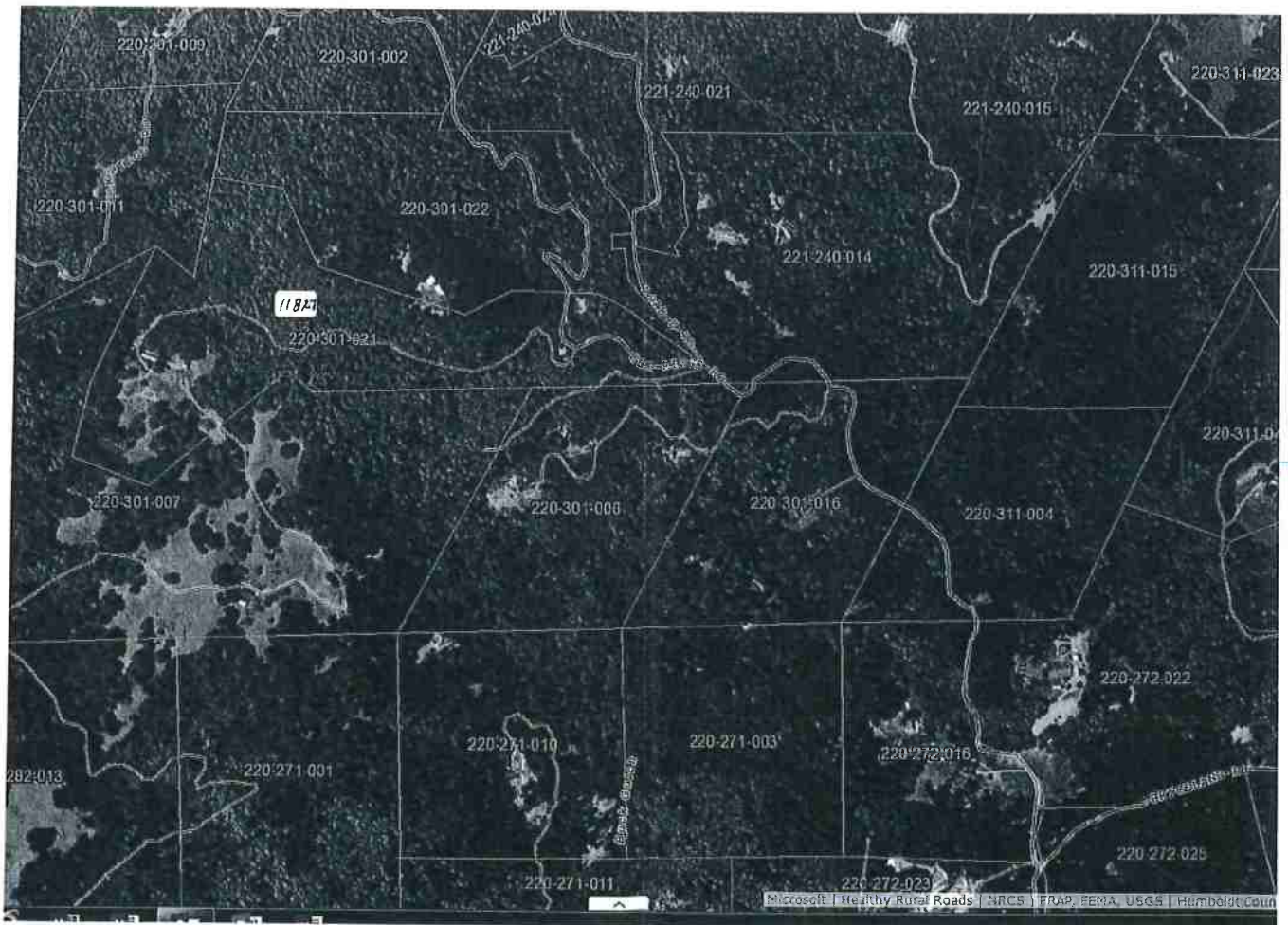
John Mahony

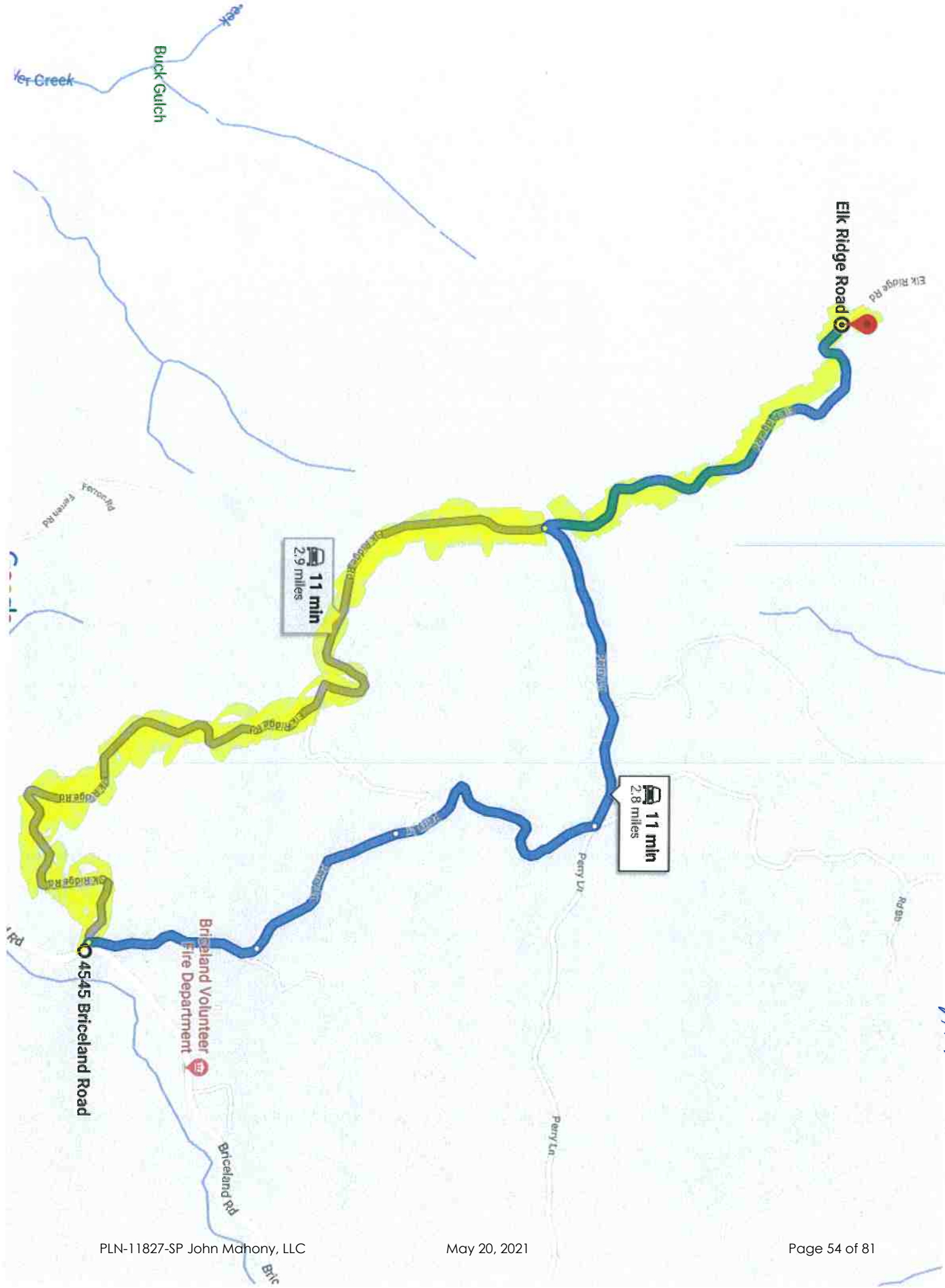
4/3/18
Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7203.

RECEIVED
NOV - 4 2019
Humboldt County
Planning Division

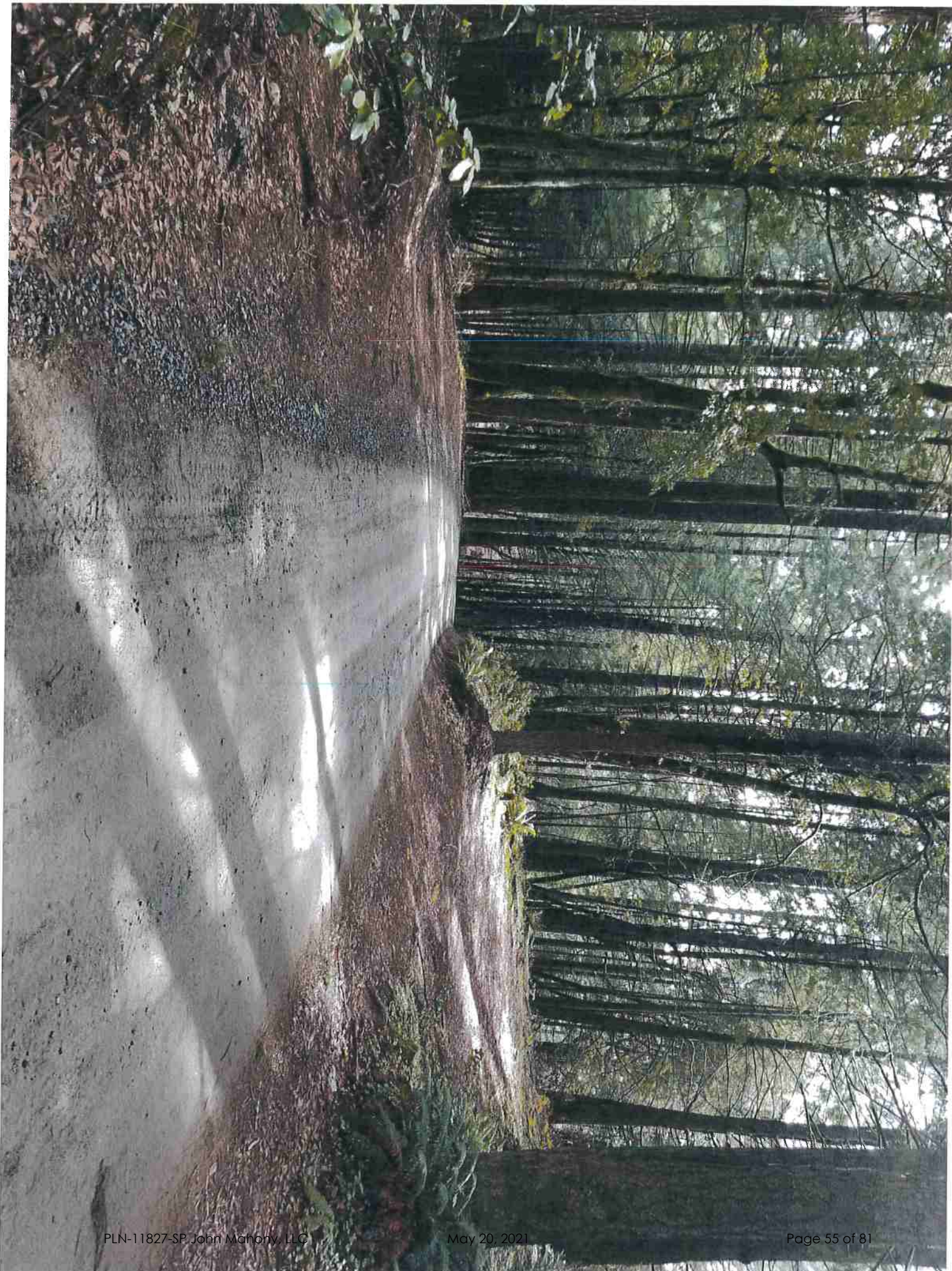


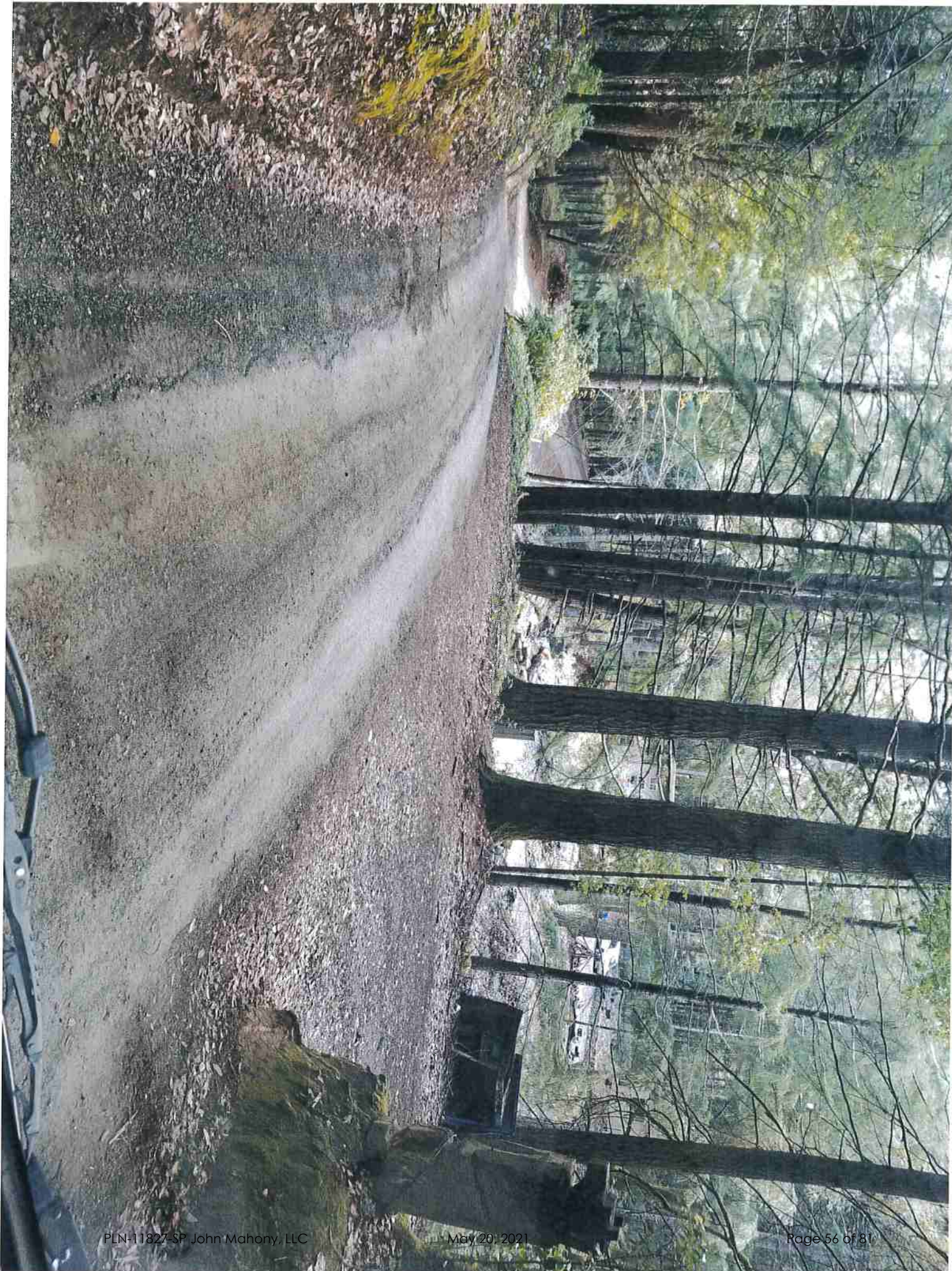


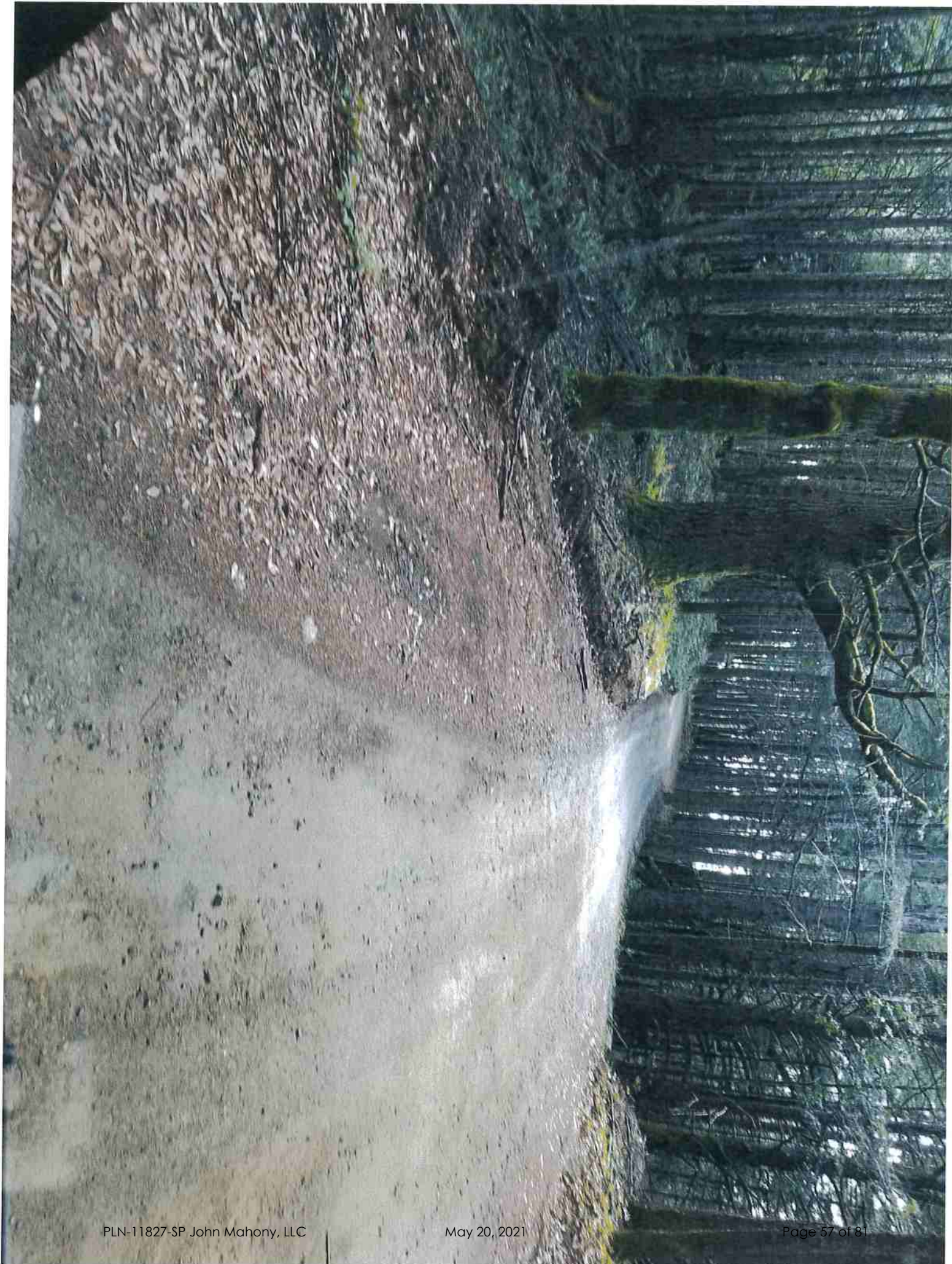
APPS: 11827

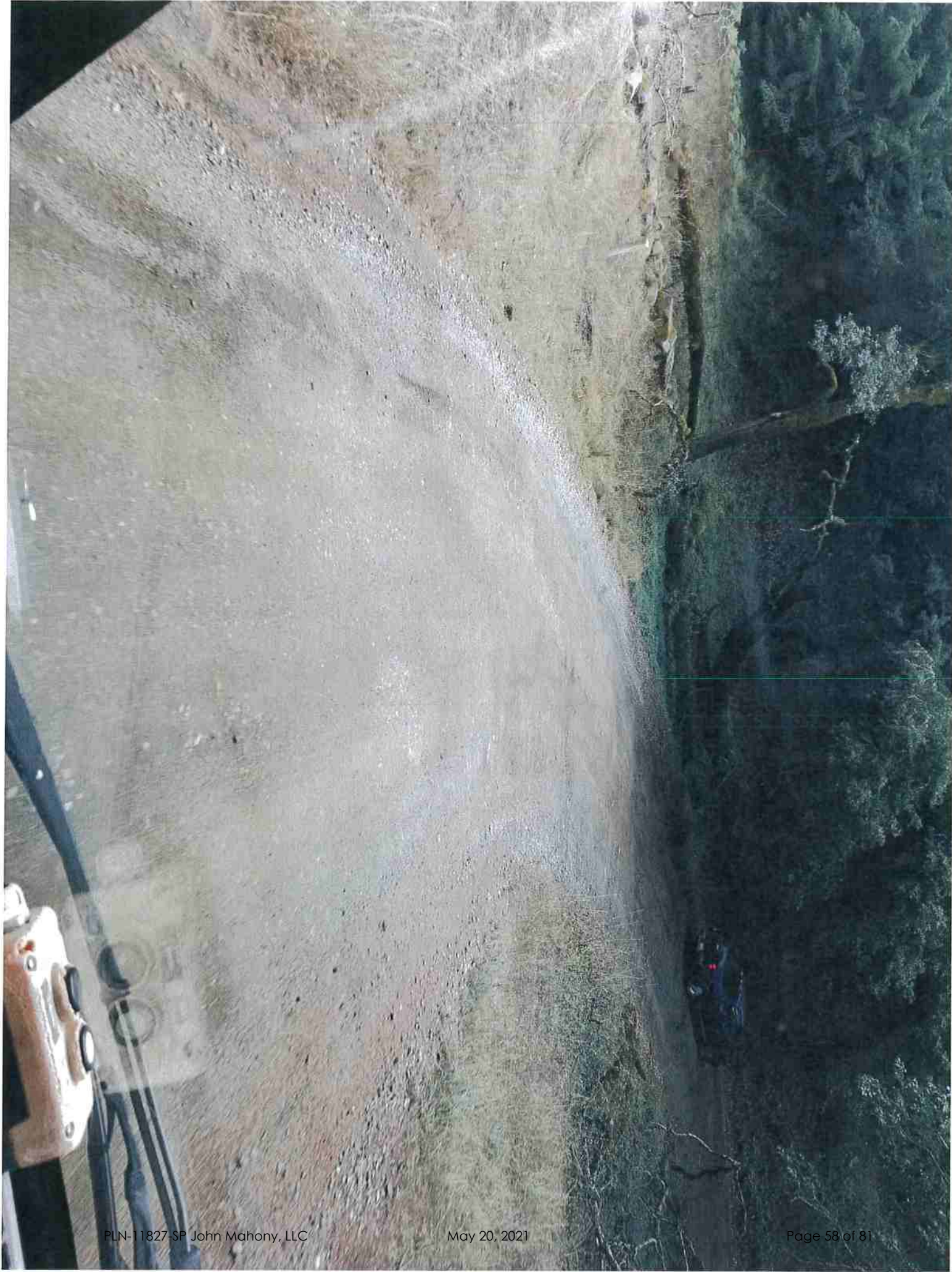
APPS: 11827

#1 Eu Road Rd









APPS: 11827

#5

Ever Ridge Rd.



APPS: 11827

#6

Eu Ridge Rd.

APPS: 11827

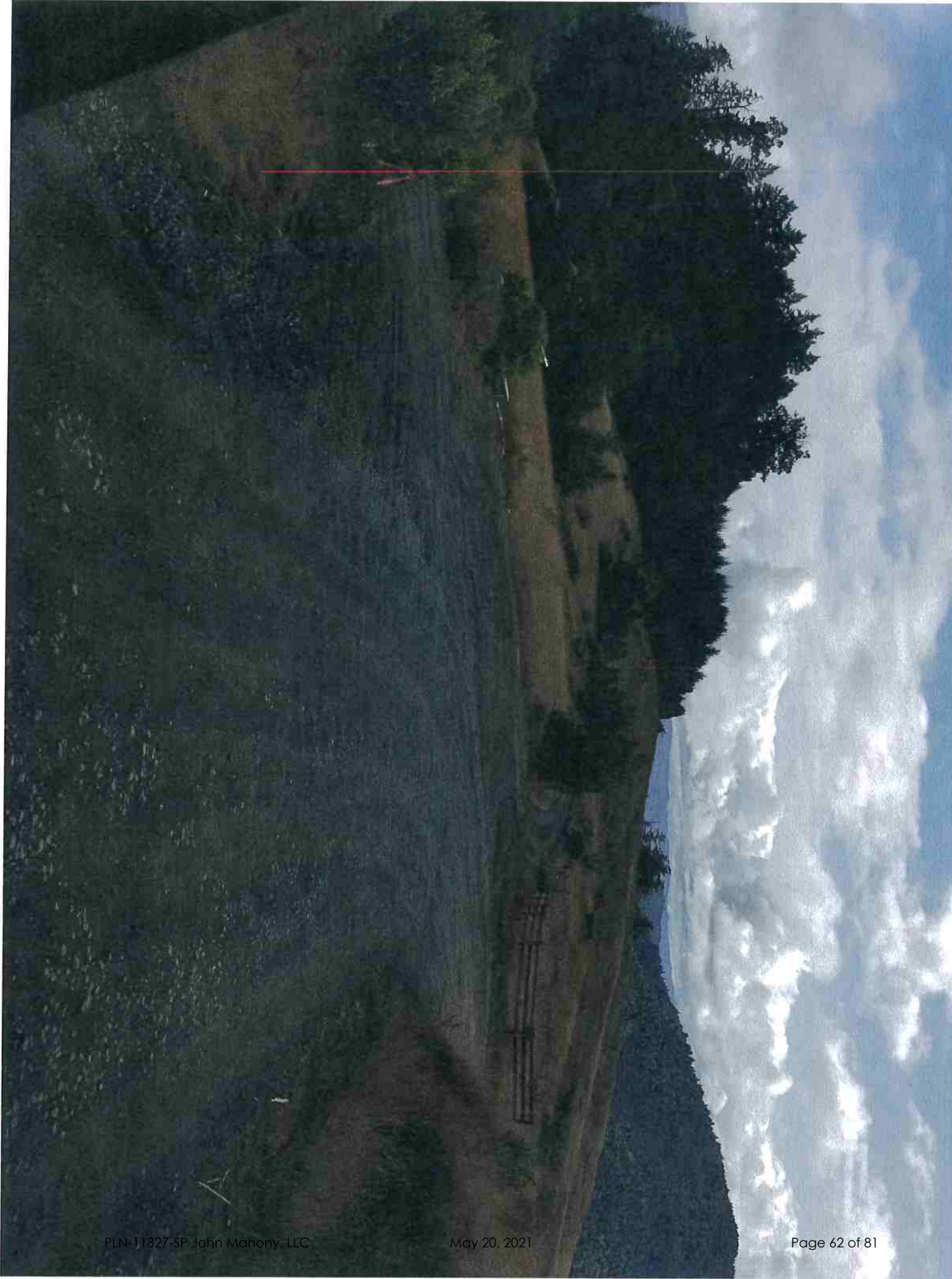
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Elk Ridge Rd

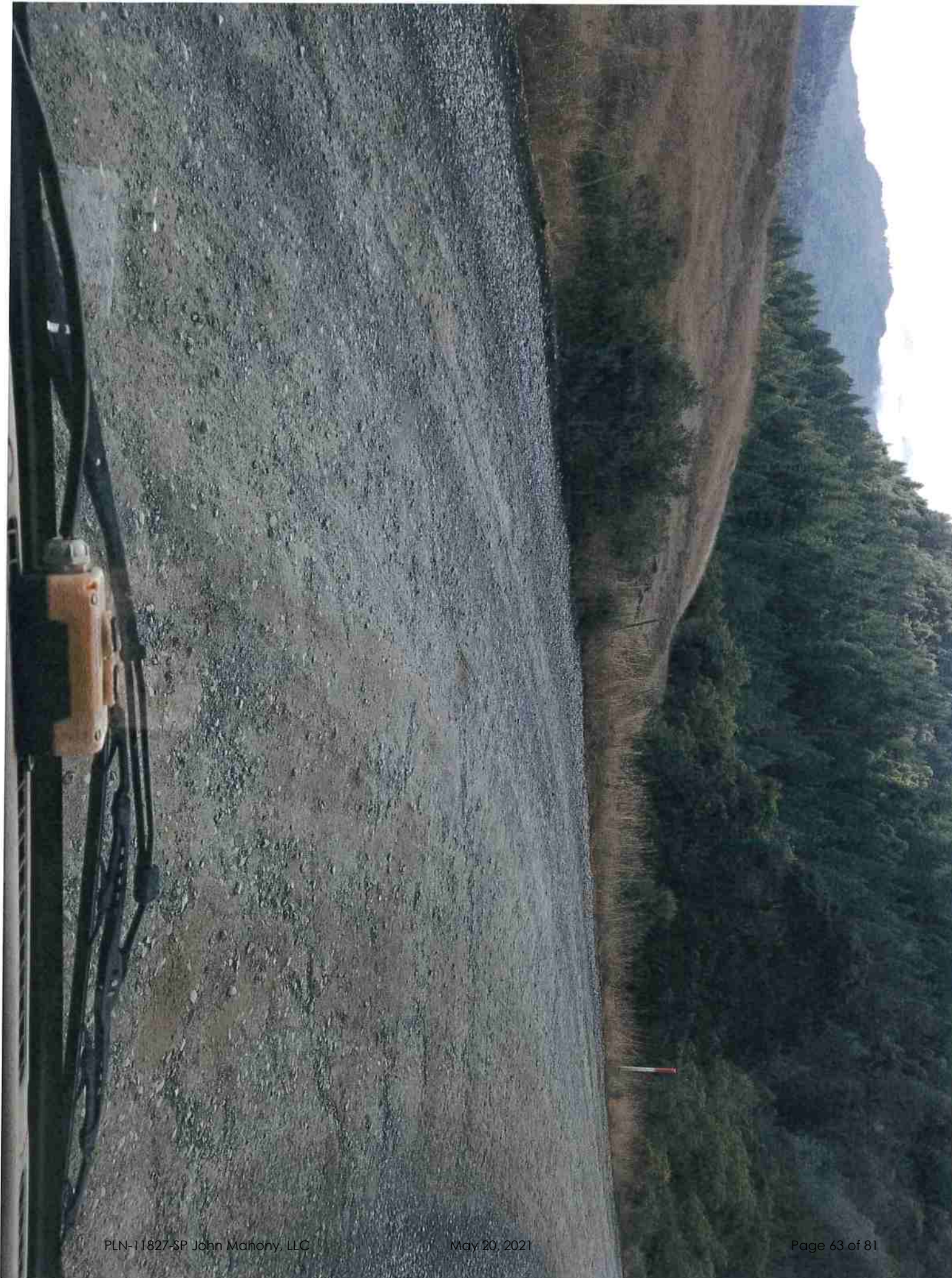
APRS: 11827

#8

Elk Ridge Rd



APPS: 11827 #9 Euc Ridge Rd



APPS: 11827

#10

Ever Ridge Rd

APPS: 11827

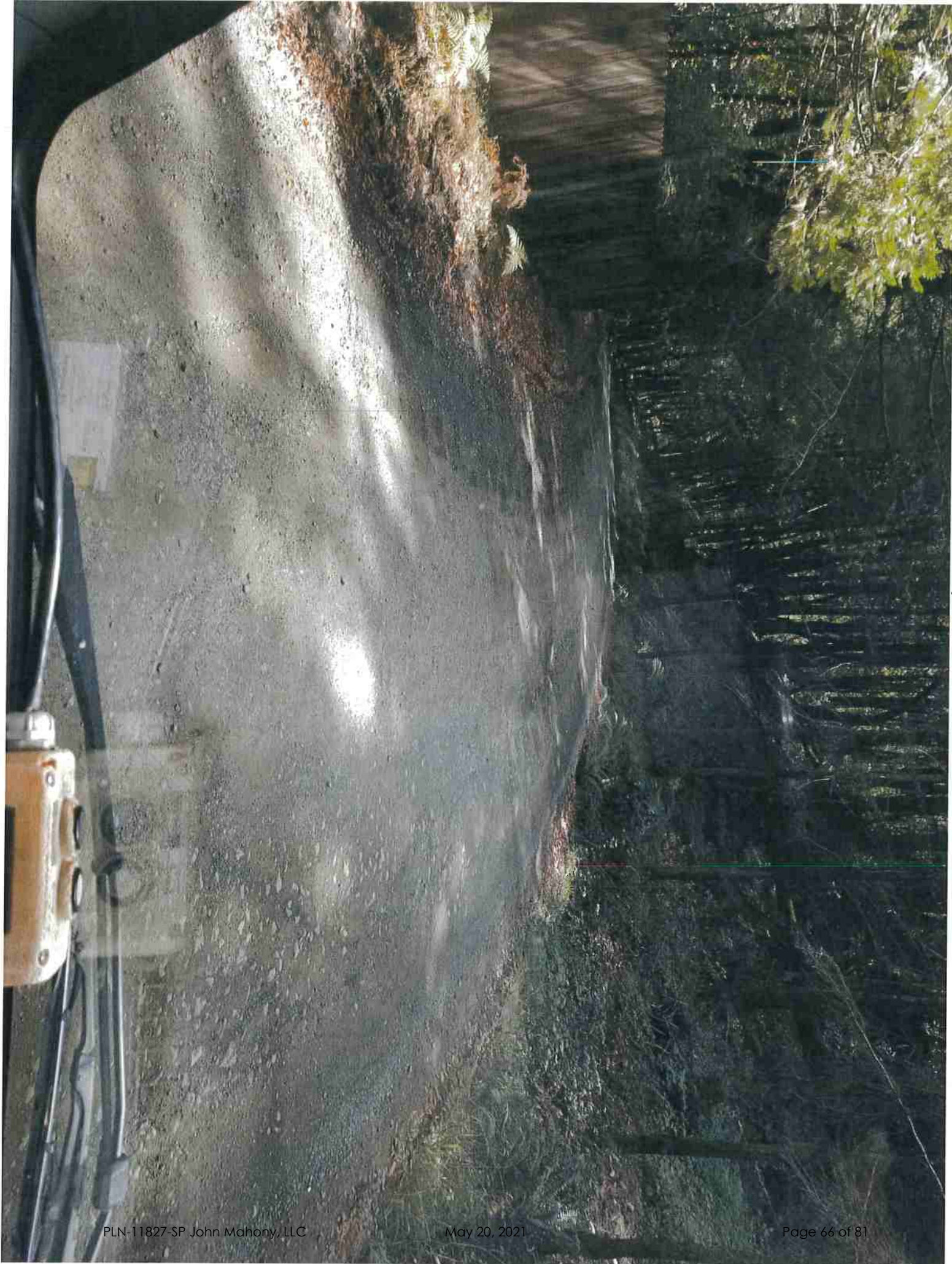
#11

Ever Ridge Rd

APPS: 11827

#12

Eu Ridge Rd



APPS: 11827

#13

Elm Ridge Rd

APPS: 11827

#14

ELK RIDGE RD.

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	✓	Comments	Attached
Division Environmental Health			Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Cal Fire	✓	No Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Comments	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No response	
Southern Humboldt Unified School District		No response	
Briceland Volunteer Fire Department		No response	



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.: 11827
Parcel No.: 220-301-021
Case No.: SP16-323

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

- ☐ 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: Revise plot plan to show all greenhouses w/ dimensions, all grading (including year graded) existing solar/PV system, and no storage shed. Add a processing and propagation plan to plan of operation.

Name: Rudy Mavenghi

Date: 11/5/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



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

8/22/2018

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

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

Applicant Name John Mahony Key Parcel Number 220-301-021-000

Application (APPS#) 11827 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-323

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

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

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

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

Return Response No Later Than 9/6/2018

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

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

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



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

8/22/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

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

Applicant Name John Mahony Key Parcel Number 220-301-021-000

Application (APPS#) 11827 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-323

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.

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

Return Response No Later Than 9/6/2018

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

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

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

DATE: _____
PLN-11827-SP John Mahony, LLC

PRINT NAME: _____
May 20, 2021

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: John Mahony		Date: 3-4-19	
APPS No.: 11827	APN: 220-301-021	DFW CEQA No.: 2018-0289	Case No.: SP16-323
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 6,500	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

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 comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- ☐ Recommend Approval. The Department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions below.
- ☐ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

Please provide the following information prior to Project Approval: (*All supplemental information requested shall be provided to the Department concurrently*)

- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- ☒ The Project may have a potentially significant adverse effect on biological resources. The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat, prior to consideration of Project approval. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include light attenuation and noise attenuation, wherein lights and generators are covered, such that no light escapes and noise released is no greater than 50dB measured at 100ft.
- ☒ CDFW request that the applicant reevaluate the required water storage necessary for seasonal water diversion minimization.

Please note the following information and/or requested standard conditions of Project approval:

- ☒ CDFW requests that the groundwater well be inspected to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal

wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0353-R1) has been issued to the applicant. As of March 2019, the reporting requirements in the Agreement have not been met.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.
- ☒ 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.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501



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



8/22/2018

PROJECT REFERRAL TO: Humboldt County Sheriff

Project Referred To The Following Agencies:

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

Applicant Name John Mahony **Key Parcel Number** 220-301-021-000

Application (APPS#) 11827 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-323

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

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

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

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

Return Response No Later Than 9/6/2018

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

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☒ Other Comments: 200% CULTIVATION CASE 200805461 FOR
11358/11359 MS SUSPECT SOHO MAHONY DEA CASE

DATE: 08-27-18
PLN-11827-SP John Mahony, LLC

PRINT NAME: MI FANLEY / LEUTZALT
May 20, 2021



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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Senior Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer
DATE: 10-05-2018

RE:

Applicant Name	JOHN MAHONY
APN	220-301-021
APPS#	11827
CASE#	SP16-323

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 04 / 03 /2018, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #

11827

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

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

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

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

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

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

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

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: AT COUNTY RD**

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

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //

Exhibit "D"

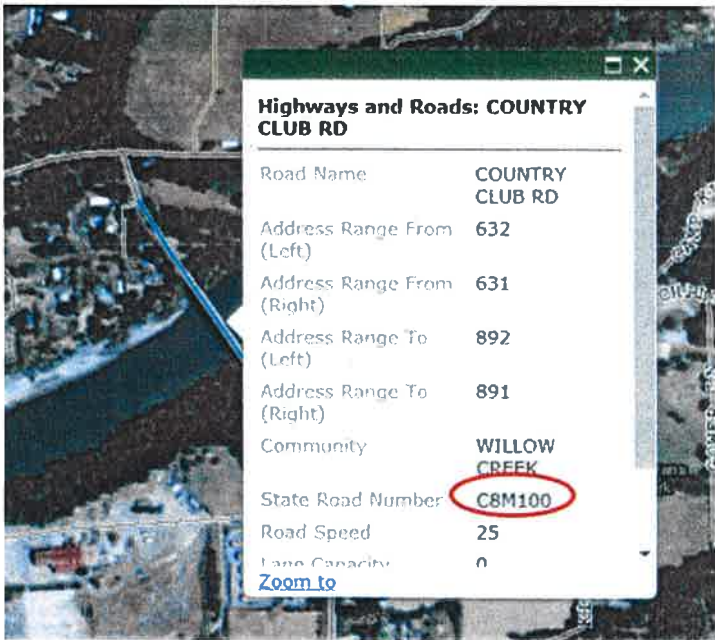
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a Road Evaluation Report form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a Road Evaluation Report form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The Road Evaluation Report form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C is a grid identifier letter for the Y-axis for the grid.
- DDD is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD

A 3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All

Exhibit "D"

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //