COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: July 1, 2021

To: Humboldt County Planning Commission

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

Subject: **Rockaway Investments, LLC. Conditional Use Permit**
Record Number: PLN-12280-CUP
Assessor's Parcel Number: 208-111-028-000
Bridgeville area, south of State Highway 36

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Please contact Cliff Johnson, Supervising Planner, at (707) 268-3721 or by email at cjhnson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

ADMINISTRATIVE ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 1, 2021	Conditional Use Permit	Cliff Johnson

Project Description: A Conditional Use Permit for an existing 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation operation. The applicant proposes two (2) cultivation cycles per annum. In addition, 900 sf ancillary propagation area is proposed. Annual projected water use is 95,000 gallons (8.4 gallons per square foot) and is sourced from a permitted groundwater well. Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. Processing will occur at a third-party licensed processing facility. Power is sourced from solar panels with three (3) back-up generators.

Project Location: This project is located in Humboldt County, in the Bridgeville area, on the southeast side of Highway 36, approximately 1.80 miles east and 0.34 miles north as the crow flies from the intersection of Highway 36 and Alderpoint Road, on the property known to be in the southwest quarter of the southeast quarter of Section 7 of Township 01 North, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agricultural (RA40), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Unclassified (U)

Application Number: 12280 **Record Number:** PLN-12280-CUP

Assessor Parcel Number: 208-111-028-000

Applicant	Owner	Agent
Rockaway Investments, LLC Attn: Nathan Harveston & Maya Simeonova 54 Forest View Dr. Willow Creek, CA 95573	Same as Applicant	N/A

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State of California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

ROCKAWAY INVESTMENTS, LLC
Record Number: PLN-12280-CUP
Assessor's Parcel Number: 208-111-028-000

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

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and approve the proposed Rockaway Investments, LLC, project subject to the recommended conditions.

Executive Summary
Rockaway Investments, LLC, is seeking a Conditional Use Permit for an existing 9,948 square-foot (sf) outdoor utilizing light deprivation and 1,400 of full sun outdoor cultivation commercial medical cannabis cultivation operation. The applicant proposes one (1) harvest per season. In addition, 900 sf ancillary propagation area. Annual projected water use is 95,000 gallons (8.37 gallons per square foot) and is sourced from a permitted groundwater well. Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements.

The project parcel is 40 acres in size with a slope designation of High Instability. The land use designation is Residential Agricultural and zoned Unclassified. Elevations on the project parcel range from approximately 900 feet in the southwestern portion of the parcel to 1,300 feet at the northeastern portion of the parcel. The cultivation area is approximately 1,200 feet. The parcel is north of Little Larabee Creek largely on southeast-northwest trending slope and is approximately two (2) miles east-northeast of Bridgeville. The cultivation area does not encroach within 200 feet of the Little Larabee Creek (Class 1 stream) nor the three (3) Class III seasonal streams on the project parcel. An Engineering Geologic Stability Assessment Report was completed for the project parcel August 13, 2018 by Lindberg Geologic Consulting with recommendations to further stabilize the cultivation pad. This report is included in Attachment 4 and the project has been conditioned to proceed with the recommendation to further stabilize the cultivation pad.

The forest in this location is dominated by Douglas fir (*Pseudotsuga douglasii)*. The trees on the project parcel are young and the understory is moderately dense with shrub and herbaceous vegetation. Herbaceous vegetation occurs along the road and the open, cleared are bordering the greenhouses and infrastructure. Stands of French broom occur along the road. A Biological Assessment was completed for the project parcel by Emerald Triangle Associates August 15, 2019. The general recommendations for sensitive wildlife species including recommendations for the Northern Spotted Owl, migratory birds, northern red-legged frog, and sensitive plant species. Of note is that a Northern Spotted Owl nest is located 288 feet from the project site, but due to topography the project site is outside the line of site from the nest. As no lights are associated with the cultivation and the primary source of power is solar, no impacts are expected to the species. The project has been conditioned to implement the recommendations of the Biological Assessment. Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the

cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.

Existing outdoor cultivation consists of 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation within greenhouses. The applicant anticipates two (2) cultivation cycles per annum. Pre-existing GH 5, and GH 6 have been removed and consolidated to GH 1 as shown on the Site Plan. This reconfiguration of greenhouses occurred because GH 6 was within a Streamside Management Area. Further, the southern full- sun outdoor cultivation area could not be accessed directly from the project parcel, thus has been decommissioned. The pre-existing full-sun outdoor cultivation area has been removed and relocated to the north-east portion of the property, seen as CA 1 and CA 2 on the Site Plan. To date, all decommissioned areas have been restored to their original state. The proposed schedule of activities is outlined in Table 1.

Table 1. Proposed schedule of activities.

January	Winterization implemented on the site.
February	Cycle 1 clones are started in vegging greenhouse.
March	Cycle 1 clones are in vegetative state.
April	Cycle 1 clones are transferred to light-deprivation greenhouses.
May	Cycle 1 flowering in light-deprivation greenhouse. Cycle 2 clones are started in the vegging greenhouse.
June	Cycle 1 flowering in light-deprivation greenhouses
July	Harvest cycle 1. Cycle 2 clones are transferred to light-deprivation greenhouse.
August	Cycle 2 flowering in light-deprivation greenhouses.
September	Cycle 2. Harvest full outdoor plants. Store water in tank from the well.
October	Harvest cycle 2. Harvest full outdoor plants. Store water in tanks from the well.
November	Clean up site and prepare for winterization. Store water in tanks from the well.
December	Winterization implemented on the site.

All existing cultivation areas are now outside of the Streamside Management Areas, and the buffer zones associated with the North Coast Regional Order. The reconfiguration of the cultivation site (consolidating the pre-existing GH 5 and GH 6 to GH 1 and decommissioning and relocating the full-sun outdoor cultivation area to: CA 1, CA 2, and part to GH 1). Within the existing greenhouses above ground soil bags are utilized for plants. This allows the Applicant to better monitor environmental factors, to have more control on their watering procedures, and reduce impacts to the nearby habitat and watershed.

Drying and curing harvested cannabis is proposed to occur within the Dry Shed in which dehumidifiers are utilized. A letter of intent for agricultural exempt structures has been filed with the County Building Department for the Dry Shed, Generator Shed, and Nutrients Shed. Harvested cannabis will be processed at a third-party licensed processing facility.

Water is sourced solely from a permitted groundwater well. The Well Report for the newly drilled well shows the total depth of the boring to be 250 feet, with water in Shale below more than 20 feet of clay. In the original application, the Applicant was utilizing a surface water diversion from the nearby unnamed stream, which is a tributary to Little Larabee Creek. The Applicant also submitted an application for a riparian water right in 2017. Since the well was drilled in 2018 the applicant no longer utilizes the surface water diversion. The well has been permitted by the county. The Applicant did receive a Right to Divert and Use Water (HS00808) from the division of Water Rights on 4/6/2018, but is no longer using this diversion for a water source. The Right to Divert and Use Water document is included in in Attachment 4 for reference. The California Division of Water Rights recommended approval of the project due to the Applicant's due diligence in procuring a Small Irrigation Use Registration water right for their surface water diversion in addition to drilling a well for their primary water source for the cultivation. The Applicant currently has 39,900 gallons of water storage on-site, however, is decommissioning the one (1) remaining 20,000-gallon water bladder to avoid the potential of it bursting and creating water quality issues. This will lower the total amount of water storage to 19,900 gallons. All tank locations and sizes are shown on the Updated Site Plan, and one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with the SRA requirements. The Well Report for the newly drilled well shows the total depth of the boring to be 250 feet, with water in Shale below more than 20 feet of clay. The Applicant currently hand waters cannabis crops at an agronomic

rate and will install a drip irrigation system with a meter to reduce the use of water onsite and to accurately measure annual water usage. Comments provided by the CDFW included concerns regarding the potential for hydrologic connectivity and the associate impacts to surface water habitats given the proximity to Little Larabee Creek. CDFW recommends the County require the Applicant provide evidence demonstrating the well water is hydrologically disconnected from surface water. CDFW recommendations have been incorporated into the conditions of approval.

Power is sourced primarily from solar and back-up generators. There are currently three (3) solar panels placed on wooden platforms, and three (3) generators on the site for power. All generators are located in the generator shed and are mainly used as back-up power to the existing solar panels. The generators will not exceed 50 decibels at 100-feet or to the nearest tree canopy. All fuel associated with these generators or other machinery on-site, will be contained to prevent any spill. CDFW recommended that the solar panels being utilized for the primary source of power for the project be inspected to insure proper installation and to incorporate fire-safe measures as an addendum to the Cultivation and Operations and Site Plans (i.e. fire extinguisher locations). Further, CDFW recommends that measures also be taken to minimize impacts to fish and wildlife with regard to the generators. The recommendations provided by CDFW are regarding the power sources are included in the conditions of approval.

All storage and use of fertilizers, and other agricultural chemicals are described in detail in Section 5: *Fertilizers, Pesticides and Herbicides,* of the Site Management Plan. Fertilizers and pesticides are stored within secondary containment, in the Nutrients Shed shown on the updated Site Plan. As well, all storage, use, and disposal of fuels is described in detail in Section 6: *Petroleum,* of the Site Management Plan. A list of chemicals used, is also included in the Site Management Plan report.

Security on the project parcel includes gates on the access road to the property. The cultivation areas are fenced and buildings are locked when unattended. The applicant is also proposing to install game cameras.

The applicant has utilized portable toilets and plans to do so going forward until a suitable location for a septic leach field can be determined and permitted. No employees are proposed.

This project was initially heard by the Planning Commission at its hearing of June 18, 2020. A public comment submitted at that hearing was a neighbor's opposition to the project citing a property line dispute and irreconcilable differences with the applicant (Attachment 6). The Planning Commission continued the project to allow for a survey to be completed of the property lines. That survey has been completed and is attached as Attachment 4. The survey shows that all cannabis improvements are on the applicant's property.

The applicant has executed a Reciprocal Easement Agreement for Access with the neighbor for the ongoing use and maintenance of the access road that serves both properties. In addition, the applicant and the neighbor, through consultation with Humboldt Mediation Services (Agreement Case No. 1804), have agreed to the following.

1. Brandon Rivas and Thomas Morgan (the "Parties") both agree that the survey and boundary exhibit completed by Dylan Kolstad from field work on July 3, 2020 (Kolstad Boundary Exhibit) is accurate as drawn and that both parties have the right to access their land using the existing shared private road.

2. Both parties agree that no materials including fencing, vehicles and miscellaneous storage, will be stored on the road within 6-feet of the center line as indicated on the Kolstad Boundary Exhibit, and as marked in the field by pink boundary markers. The 12-foot wide road section will be kept clear at all times.

3. Both parties agree that the shared road is 12ft wide and will remain unobstructed at all times.

4. Both parties agree to maintain the portion of the road on their respective properties, as indicated

on the Kolstad Boundary Exhibit.

5. Brandon agrees to raise the light on his security camera above eye level.

6. Both parties agree to respect each other and their respective properties.

Based on the on-site inspection, 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 approving the Conditional Use Permit.

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-12280-CUP
Assessor Parcel Number: 208-111-028-000-000

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rockaway Investments, LLC Conditional Use Permit request.

WHEREAS, Rockaway Investments, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation with off-site processing; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-12280-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 1, 2021.

DECISION

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medial Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Record Number PLN-12280-CUP based on the submitted evidence; and
3. The Conditional Use Permit (Record Number PLN-12280-CUP) as recommended and conditioned in Attachment 1 is approved.

Adopted after review and consideration of all the evidence on July 1, 2021.

The motion was made by Commissioner _____ and seconded by Commissioner _____ :

AYES: Commissioners:

NOES: Commissioners:

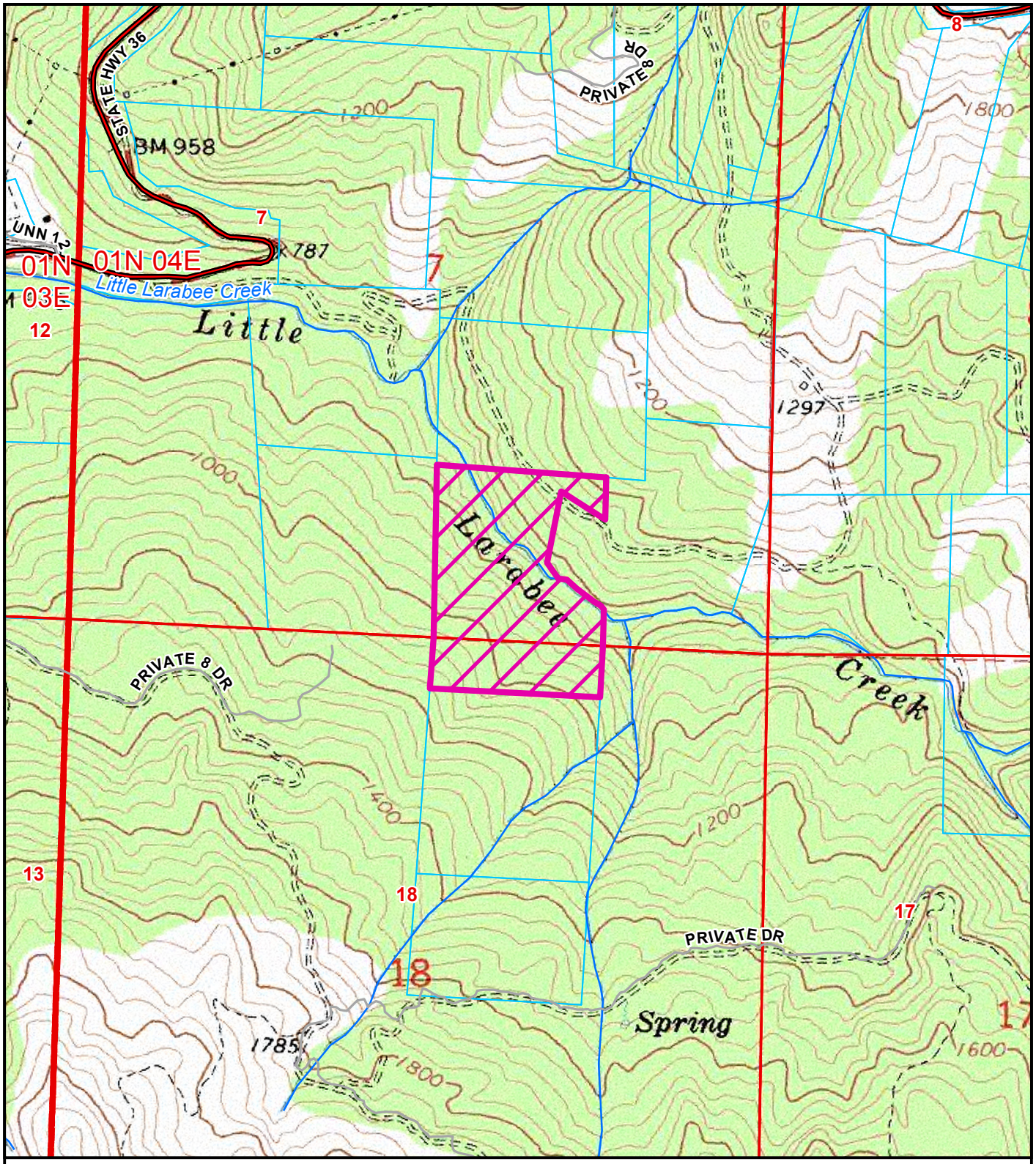
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

_____
John H. Ford, Director,
Planning and Building Department



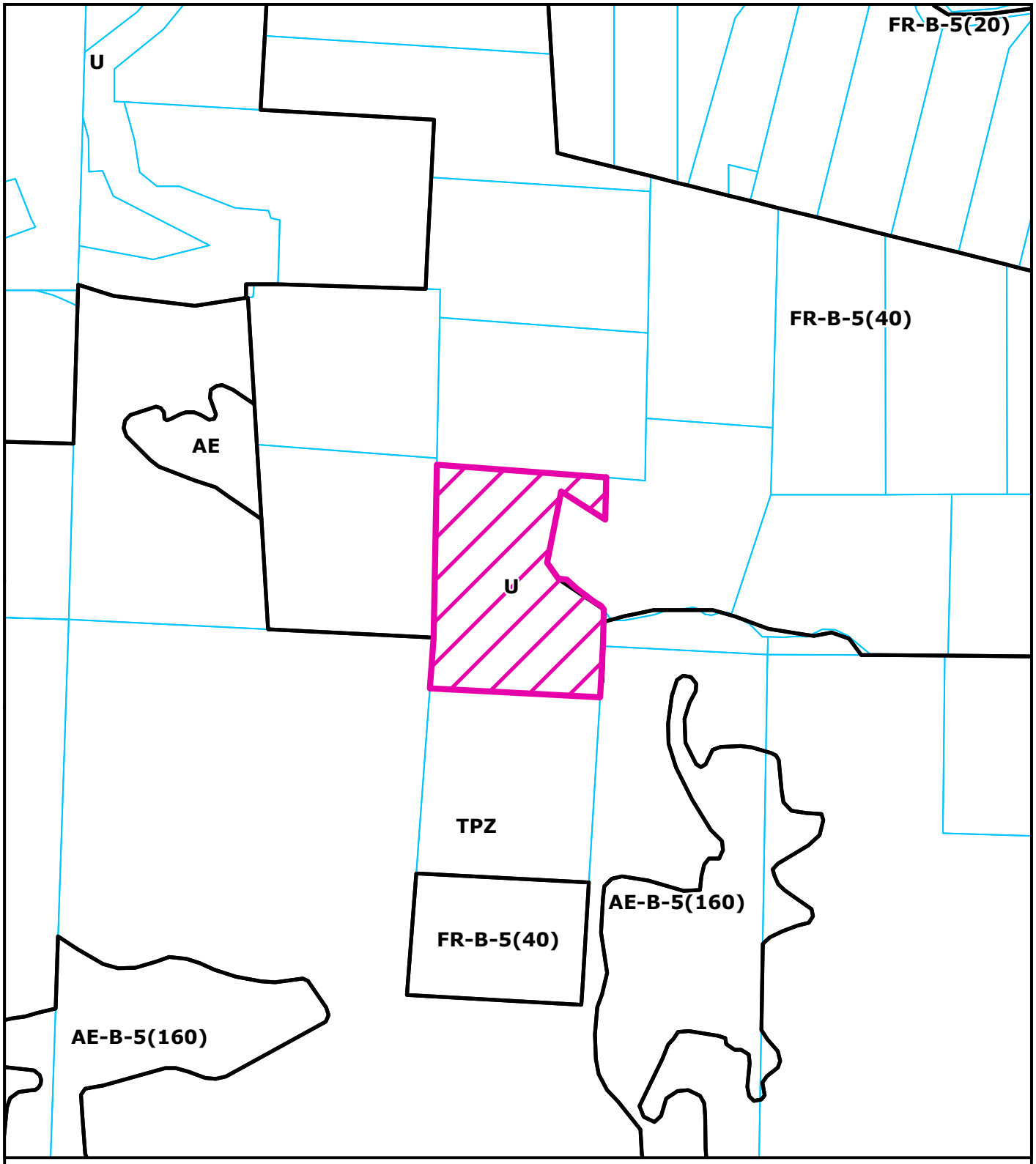
TOPO MAP
PROPOSED ROCKAWAY INVESTMENTS LLC
BRIDGEVILLE AREA
CUP-16-606
APN: 208-111-028-000
T01N R04E S7; S18 HB&M (BRIDGEVILLE)

Project Area =

N

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

0 1,000 2,000 Feet



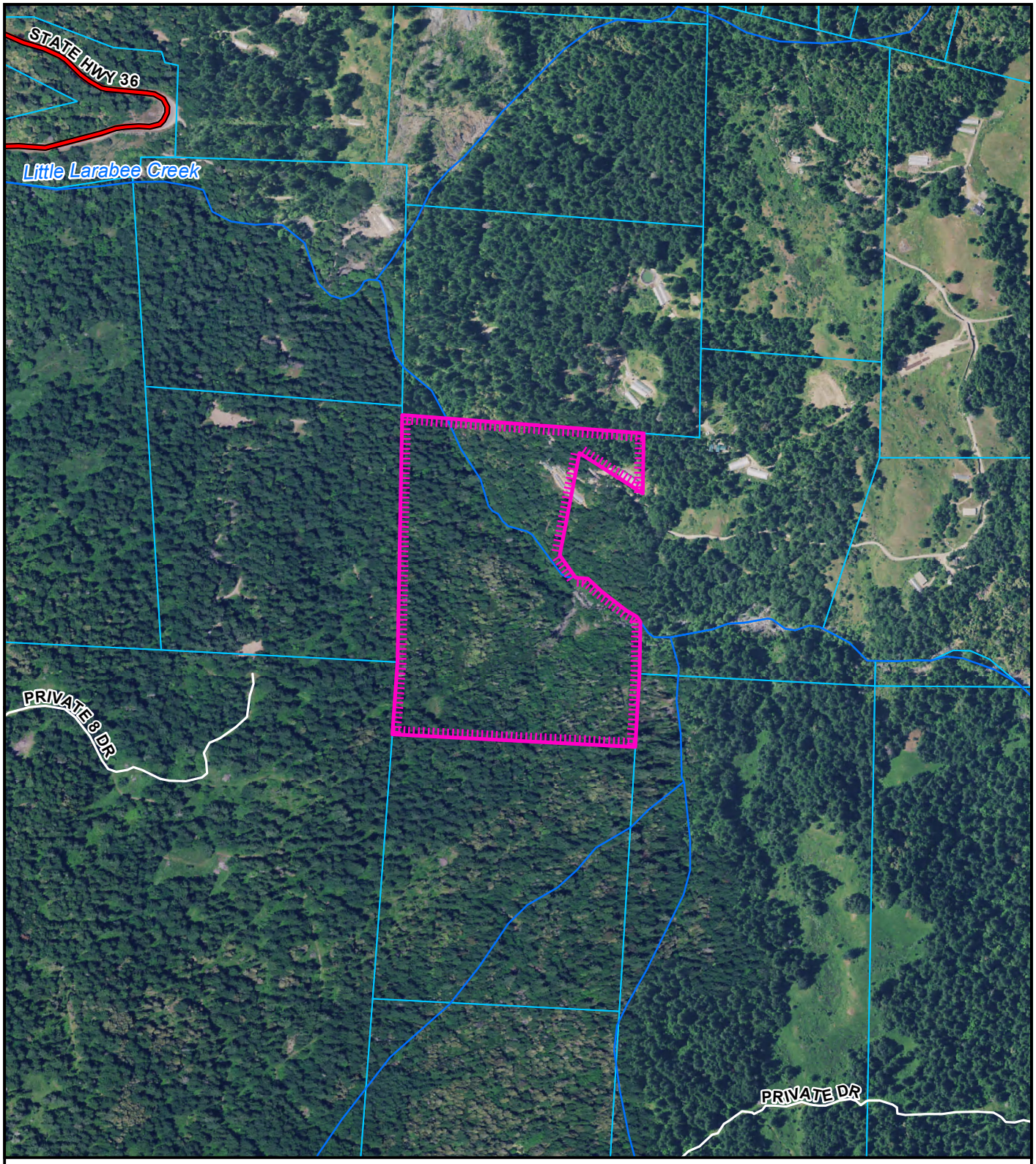
ZONING MAP
PROPOSED ROCKAWAY INVESTMENTS LLC
BRIDGEVILLE AREA
CUP-16-606
APN: 208-111-028-000
T01N R04E S7; S18 HB&M (BRIDGEVILLE)

Project Area =

N

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

0 1,000 2,000 Feet



AERIAL MAP
PROPOSED ROCKAWAY INVESTMENTS LLC
BRIDGEVILLE AREA
CUP-16-606
APN: 208-111-028-000
T01N R04E S7; S18 HB&M (BRIDGEVILLE)

Project Area =

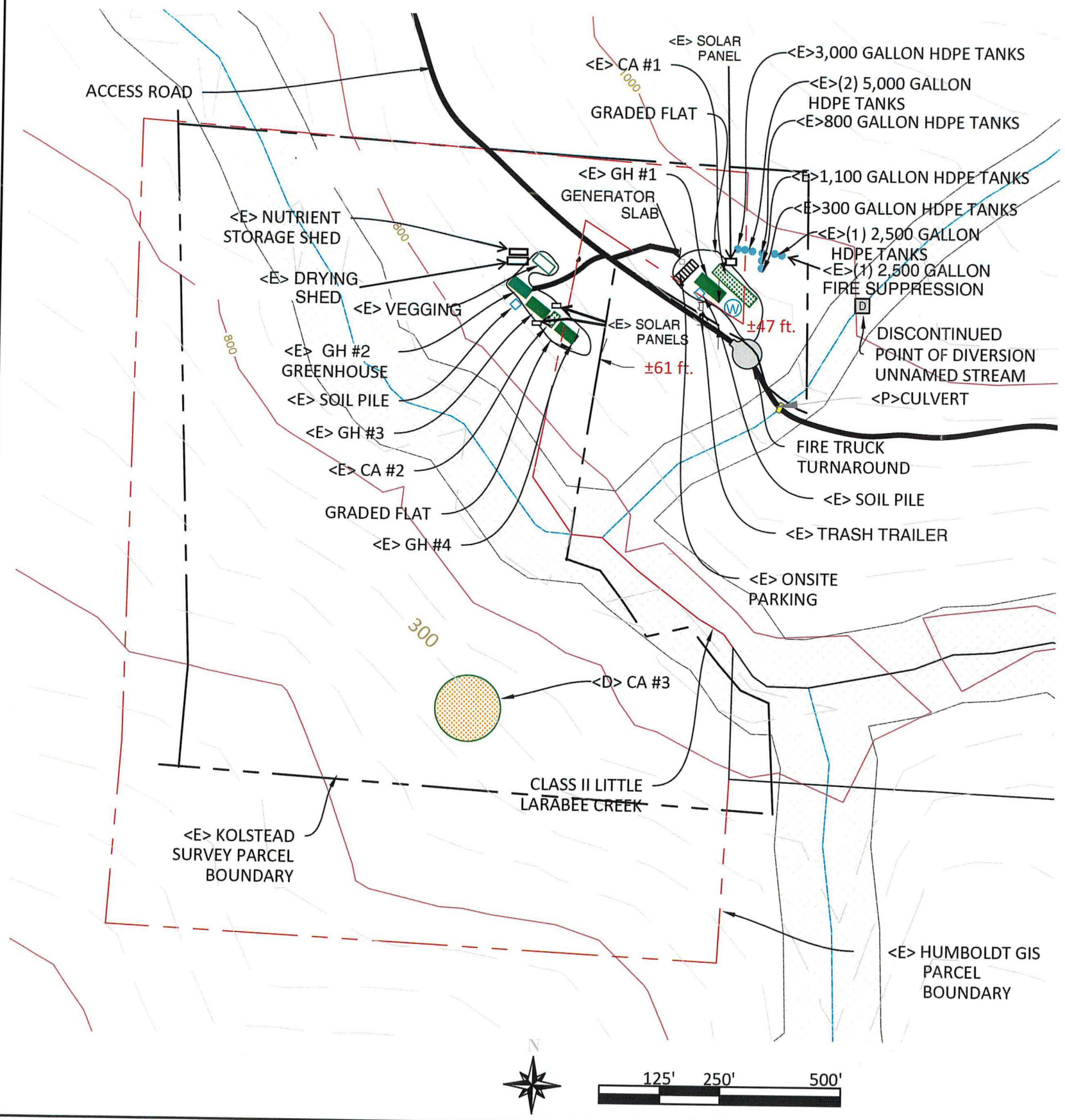
N

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

0 900 1,800 Feet

PARCEL OVERVIEW

APN: 208-111-028



CULTIVATION INFORMATION

EDITS BY 1 DEGREE CONSULTING
MARCH 7, 2019

CULTIVATION AREA

CA #1 = 1,200 FT²
CA #2 = 200 FT²
GH #1 = 4,320 FT²
GH #2 = 1,020 FT²
GH #3 = 2,304 FT²
GH #4 = 2,304 FT²

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 1,400 FT²

DECOMMISSIONED AREA

CA #3 = 2,923 FT²

RECEIVED MAR 8 2019 Humboldt County Planning Division

CULTIVATION BUILDINGS AND USE

BUILDING	USE	SIZE	YEAR
NUTRIENT SHED	NUTRIENT / FUEL STORAGE	12' X 32'	2016
DRY SHED	DRYING/CURING	34' x 16'	2016
VEGGING GREENHOUSE	VEGETATIVE CYCLE	15' X 68'	2012
GENERATOR SHED	GENERATOR STORAGE	8'x10'	2015

DOMESTIC BUILDING AND USE

NONE

WATER STORAGE & USE

TYPE	NUMBER	SIZE	DATE OF INSTALLATION
HDPE TANKS	2	5,000 GALLONS	2015
HDPE TANKS	1	3,000 GALLONS	2015
HDPE TANKS	1	800 GALLONS	2015
HDPE TANKS	1	1,100 GALLONS	2015
HDPE TANKS	2	2,500 GALLONS	2015

TOTAL AMOUNT OF WATER STORAGE = 19,900 GALLONS

WATERSOURCE

UNNAMED STREAM
Ⓦ WELL

POWERSOURCE

45 KW WHISPER GENERATOR
5 KW HONDA GENERATOR (BACKUP)
2 KW HONDA GENERATOR (BACKUP)
3 SOLAR PANELS
CLASS II LITTLE LARABEE CREEK WITH REQUIRED 100 FT BUFFER.

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

GREEN ROAD CONSULTING

PROJECT INFORMATION
PROPERTY OWNER: ROCKAWAY INVESTMENTS, LLC
APN: 208-111-028
SHEET INFO: PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE

DATE 3/1/19
DRAFTER X
SCALE AS SHOWN
SHEET PO

3/1/2019 - X:_Projects\Sim.Hu.Br.16.12 Rivas Simenova\CAD\County Permit\Rockaway Investments Jcountyr.dwg - 11:20 AM - DRC

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. 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 #2 – 15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The Applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The Applicant shall provide a survey of the property by a California licensed surveyor to verify that the requisite 30-foot cannabis cultivation setback and all zoning setbacks are satisfied.
4. Per the request of the Building Division, the applicant shall amend the Site Plan to show all grading, green houses, structures and RV trailers on subject parcel.
5. The Applicant shall install and utilize a water meter to keep track of irrigation use. Records from the meter shall be made available to the County upon request.
6. The Applicant shall have the access roads leading to the project site assessed by an experienced licensed Professional to ensure that the Best Management Practices are implemented, within sixty-days following the execution of this permit, to prevent sediment delivery to nearby watercourses/wet areas.
7. The Applicant shall have the solar arrays inspected for proper installation by a qualified professional. The inspection report shall be submitted to the Planning Department for review and approval.
8. The Applicant shall amend the Cultivation and Operations Plan and the Site Plan to incorporate fire-safe measures including fire extinguisher locations to prevent and/or reduce potential impacts to wildlife habitat caused by fire.
9. The Applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
10. The Applicant shall execute and file with the Humboldt County Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
11. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. The applicant shall secure permits for all existing and proposed grading (including, but not limited to flats and pond) and structures (including, but not limited to: the cabin, shop and 5 cargo containers) related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.

13. The Applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
14. The applicant shall adhere to the recommendations of the Biological Assessment completed by Emerald Triangle Associates including but not limited to sensitive wildlife species recommendations, Norther Spotted Owl, migratory birds, Northern Red-legged Frog, and sensitive plant species.
15. The applicant shall construct noise containment/dampening structures for all backup generators such that noise shall not be more than 50 decibels measured from 100 feet or the edge of habitat, whichever is closer.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

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

4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

6. The applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

7. The Applicant shall limit the operation to above ground cultivation. An archaeologist or cultural monitor will be required on-site during any ground disturbance, including geologic stability work, to monitor for any cultural resource artifacts that may be encountered.

8. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

9. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

10. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.

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

12. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.

13. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

14. Applicant shall adhere to the recommendations of the Biological Assessment completed January 9, 2019 for the project parcel by O'Brien Biological Consultants.

15. The groundwater well shall be inspected annually 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. Should the results of the drawdown testing indicate the potential for the well to go dry or any other confounding factors regarding proximal wells, the County may require the Applicant to install additional water storage to mitigate excessive drawdown.

16. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.

17. The Applicant shall implement avoidance measures including, but not limited to, the prohibition of generators, project lighting, dehumidifiers, and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year.

18. The Applicant shall construct noise containment/dampening structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.

19. That artificial light used for cannabis cultivation operations (including ancillary nurseries) shall be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal 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. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.

20. Timber removal is prohibited within 150ft of the designated cultivation sites.

21. All imported soil located onsite shall be fully contained and setback a minimum of 150 feet from watercourses and/or wet areas.

22. Generators and associated fuels shall be located outside of the floodplain and a minimum of 150 feet from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater. Generators and associated fuels shall be kept in secondary containment for capturing fuel leaks and located in a housing structure for noise attenuation.

23. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

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

25. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.

26. Pay all applicable application and annual inspection fees.

27. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

28. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required.

29. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

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

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

Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

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

Cultivators engaged in processing shall comply with the following Processing Practices:

I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.

III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

All persons hiring employees to engage in commercial processing of medical cannabis shall comply with the following Employee Safety Practices:

A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    1) Emergency action response planning as necessary;
    2) Employee accident reporting and investigation policies;
    3) Fire prevention;
    4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    5) Materials handling policies;
    6) Job hazard analyses; and
    7) Personal protective equipment policies, including respiratory protection.

B. Visibly post and maintain an emergency contact list which includes at a minimum:
    1) Operation manager contacts;
    2) Emergency responder contacts;
    3) Poison control contacts.

C. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

D. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

All cultivators shall comply with the approved Processing Plan as to the following:

i. Processing Practices.

ii. Location where processing will occur.

iii. Number of employees, if any.

iv. Employee Safety Practices.

v. Toilet and handwashing facilities.

vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.

vii. Drinking water for employees.

viii. Plan to minimize impact from increased road use resulting from processing.

ix. On-site housing, if any.

31. Permit Duration. The Permit shall be valid for one year from the effective date of approval, and on the anniversary date of such effective each year thereafter, unless an annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification of shall be provided to the permit holder identifying the items not in compliance and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall result in termination of the permit. The process of notification, re-inspection and appeal of any noncompliance determination shall be as set forth in sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.

32. Permit renewals to comply with updated laws and regulations. Permit renewal per ongoing requirement #19, above, is subject to the laws and regulations effective at the time of renewal, which may be

substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

33. 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 conformance with conditions review shall accompany the request. The request shall include the following information:

(1) Identifying information for the new Owner(s) and management as required in an initial permit application;

(2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;

(3) The specific date on which the transfer is to occur; and

(4) Acknowledgement of full responsibility for complying with the existing Permit; and

(5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

34. Modifications to the Facility. Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.

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

36. All signage shall comply with Section 314-87.2 of the Humboldt County Code.

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

Informational Notes:

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

   The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

3. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in items #19 and #20 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

Required Findings for Approval

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

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

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

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

3. The proposed development conforms with all applicable standards and requirements of these regulations;

4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity, and;

5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation).

6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:

    a. Is categorically or statutorily exempt; or

    b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or

    c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. General Plan Consistency. The following table documents the substantial evidence which supports finding that the proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan, Open Space Plan, and Open Space Action Program.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	**Residential Agriculture (RA40)**: Large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses. Allowable uses include single family residential, second residential unit, guest house, and residential accessory uses. Density range is 5 to 160 acres/unit.	The Applicant is proposing to permit an existing 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation on lands designated as Residential Agriculture (RA-40). General and intensive agriculture and similar compatible uses are allowable use types for this designation.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Bridgeville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making	Access to the site is from a private driveway, via Highway 36. The applicant-submitted Road Evaluation for the private driveway stated that the road is developed to the equivalent of a road category 4 standard. As a condition of approval, the Applicant shall have the access roads leading to the project site assessed by an experienced licensed Professional to ensure that the Best Management Practices are implemented, within sixty-days following the execution of this permit, to prevent sediment delivery to nearby watercourses/wet areas.
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The proposed project is located within an Open Space Action Program because the project site is located within an area classified with a very high fire severity rating. Please see discussion below in regarding fire hazards. The proposed cannabis cultivation, an agricultural operation, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. As reported in the Biological Assessment conducted May 2, 2019, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. Due to the topography of the area the project site is outside the line of site if the NSO nest. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council did not respond, the standard inadvertent discovery conditions of approval be applied to the proposed project. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources. As conditioned, The Applicant shall limit the operation to above ground cultivation. An archaeologist or cultural monitor will be required on-site during any ground disturbance, including geologic stability work, to monitor for any cultural resource artifacts that may be encountered.
Conservation and Open Space **Chapter 10** **Scenic Resources** **Section 10.6**	**Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)** **Related policies: SR-S4. Light and Glare.**	The Applicant is proposing to permit an existing 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation. Any on-site lighting (e.g. ancillary nursery lighting, etc.) shall comply with attenuation shall follow 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. A light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit. State Highway 36 is considered a scenic highway, however, the commercial cultivation operation is not and will not be visible from the highway.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.	The applicant has submitted a Site Management Plan under the State Cannabis General Order. The SMP was submitted by Green Roads Consulting and is dated July 3, 2018.The applicant is required to adhere to and implement the requirements contained in the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The proposed project utilized solar as the primary power source with three (3) back-up generators. According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. As reported in the Biological Assessment conducted May 2, 2019, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. Also, it is not in an area where historic landslides have taken place. The cultivation operations take place on ground that is seismically classified as high instability. An Engineering Geologic Stability Assessment Report was completed for the project parcel August 13, 2018 by Lindberg Geologic Consulting with recommendations to further stabilize the cultivation pad. This report is included in Attachment 4 and the project has been conditioned to proceed with the recommendation to further stabilize the cultivation pad.
Safety Element Chapter 14 Flooding	Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 30 miles distance from the coast and over 900 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Fire Hazards	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential. Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject property is located within an area with a very high hazard severity rating. The parcel is located within the Bridgeville Fire Protection District's response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The project has been conditioned to require compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas. According to the operations plan, only the applicants and one employee will be on-site. Total water storage totals 19,900 gallons (after the 20,000-gallon water bladder is decommissioned) contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The proposed project has designated for emergency vehicle turn-around. CDFW recommended that the solar panels being utilized for the primary source of power for the project be inspected to insure proper installation and to incorporate fire-safe measures as an addendum to the Cultivation and Operations and Site Plans (i.e. fire extinguisher locations). The project is consistent with the fire protection policies of the Safety Element.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with State and federal requirements. (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	If grading is required for any of the projects described in this document, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. This requirement is included in as a condition of project approval.
Water Resources Chapter 11 Onsite Wastewater Systems	Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.	Sanitation for the existing cannabis operation is provided by a portable toilet contractor.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 208-111-028 is one legal parcel as described by Lot Line Adjustment (LLA22-83(m)) approved by Humboldt County. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified (U)	**Unclassified (U):** All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking a Conditional Use Permit and Special Permits for an existing 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation operation on property zoned U. The proposed use is

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
		specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Min. Lot Area:	6,000 square feet	40 acres
Maximum Ground Coverage:	40%	<5%
Minimum Lot Width:	50 feet	1,278 feet
Minimum Lot Depth:	100 feet	1,670 feet
Minimum Yard Setbacks: (Through the SRA setbacks)	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet
§314-61.1 HCC Streamside Management Area Regulation	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.	Complies: The parcel does contain a SMA, however, the cultivation operation is well outside 200 feet of the Little Larabee Creek SMA. All cannabis related operations proposed for this project are located outside of the SMA buffers (50 feet for Class III streams, 100 feet for Class II Streams). As conditioned, the project complies with this section.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The project site is a forested site zoned Unclassified, and there is no evidence of timber conversions for cannabis cultivation. The project has been conditioned to prohibit timber removal within 150ft of the designated cultivation sites.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in and size zoned AG, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. On parcels 5 acres to 320 acres in size and zoned AG, a Zoning Clearance Certificate may be issued for new mixed-light cultivation up to 10,000 sf.	The proposed action is a Conditional Use Permit for existing 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation on APN 208-111-028-000-000, which is an approximate 40-acre parcel parcel zoned U. Aerial imagery on Terra Server indicates that existing cultivation operations on the property began sometime before 2015. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and is entitled to four. This application is to permit existing 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation. If approved, the applicant will hold one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing will occur at a third-party licensed processing facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Annual water use is 95,000 gallons. Water for the project is sourced from a groundwater well. Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. The Applicant procured a Small Irrigation Use Registration water right for their surface water diversion in addition to drilling a well for the primary water **source.** The project has been conditioned to meter water and report water usage for irrigation for the life of the project. The project has also been conditioned such that the groundwater well shall be inspected annually 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. Should the results of the drawdown testing indicate the potential for the well to go dry or any other confounding factors regarding proximal wells, the County may require the Applicant to install additional water storage to mitigate excessive drawdown.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan submitted by the applicant, which was verified by staff, shows that all cultivation facilities are set back more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs).

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The project's primary power source is solar with three (3) back-up generators. According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. The nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. The applicant is required to show compliance with these conditions prior to use of artificial lighting or noise-generating equipment.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The application for the project site was filed on August 15, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding

§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since the project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The project will not impact the ability of the parcel to be developed for residential purposes and is therefore consistent with the residential density utilized by the HCD.

6. Environmental Impact:
As the CEQA lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing, development within a Streamside Management Area and setback reduction from adjacent public lands. The environmental document on file includes detailed discussions of all the relevant environmental issues.

Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. As reported in the Biological Assessment conducted May 2, 2019, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. Due to the topography of the area the project site is outside the line of site if the NSO nest. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.

Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The proposed project utilized solar as the primary power source with three (3) back-up generators. According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. As reported in the Biological Assessment conducted May 2, 2019, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.

ATTACHMENT 3

CEQA Addendum

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

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

APN 208-111-028-000, on the southeast side of Highway 36, approximately 1.80 miles east and 0.34 miles north as the crow flies from the intersection of Highway 36 and Alderpoint Road, on the property known to be in the southwest quarter of the southeast quarter of Section 7 of Township 01 North, Range 04 East, Humboldt Base & Meridian., Bridgeville area, County of Humboldt

Prepared By Humboldt County Planning and Building Department

3015 H Street, Eureka, CA 95501

June 2021

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Conditional Use Permit for an existing 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation operation. The applicant proposes two (2) cultivation cycles per annum. In addition, 900 sf ancillary propagation area is proposed. Annual projected water use is 95,000 gallons (8.4 gallons per square foot) and is sourced from a well. The project has been conditioned to groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. Further, the project has been conditioned so the County may require additional water storage based on the findings of the drawdown testing. Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. Processing will occur at a third-party licensed processing facility. Power is sourced from solar panels with three (3) back-up generators. According to the Biological Assessment conducted on the project parcel, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the ongoing conditions of approval. Prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, requirements to leave wildlife unharmed have all been added in the ongoing conditions of approval. The operation uses solar and generators, and generators as back-up.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise, light, and other standards to limit disturbance to PLN-12280-CUP Rockaway Investments, LLC May 7, 2020 Page 41 wildlife, compliance with all state agency requirements, and compliance with setback requirements.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation operation and minor improvements necessary to bring the operation into compliance with the CMMLUO, as well as the special permit for a reduction to the required setback to public lands, 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:

- A Biological Assessment for APN 208-111-028 by Emerald Triangle Associates August 15, 2019.
- An Engineering Geologic Assessment Soils Report for APN 208-111-028 prepared by Lindberg Geologic Consulting February 29, 2020.
- Road Evaluation Report prepared by applicant April 23, 2018.
- Operations Plan and Site Plan for Rockaway Investments, LLC on APN 208-111-028, both updated submitted March 8, 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

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

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

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

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

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. (On file)

6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation and Operations Plan)

7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)

8. Copy of the Water Resources Protection Plan filed with the North Coast Regional Water Quality Control Board to accompany the Notice of Intent described in Item 7 above. (On file)

9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Application submitted to CDFW **Attached**)

10. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

11. 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)

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

13. 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)

14. 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)

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

16. Cultural Resources Study. (Confidential and On file)

17. Copy of a Road Evaluation Report for the private driveway to State Highway 36, documenting that the private driveway is developed to Category 4 standards. (**Attached**)

RECEIVED
MAR 8 2019
Humboldt County
Planning Division

Cultivation & Operations Plan

(Updated March 2019, any changes are in bold.)

Applicant:

Rockaway Investments, LLC

App# 12280

APN: 208-111-028
Mailing Address:
5900 Dowdell Ave. #390
Rohnert Park, CA 94928

Agent:

1 Degree Consulting a division of Humboldt Green

Megan Acevedo: megan@gohumboldtgreen.com

1580 Nursery Way Ste. D
McKinleyville, CA 95519

Empowered by

Applicant & Parcel Information:

The Applicant & Property Owner, Rockaway Investments, LLC, is applying for a Conditional Use Permit through Humboldt County's Planning & Building Department, in order to permit **9,948 ft^2 of light-deprivation outdoor, and 1,400 ft^2 of full outdoor pre-existing cannabis cultivation** on Accessor Parcel Number (APN) 208-111-028. **Proof of pre-existing square footage is provided with TerraServer mapping (image date of 6/9/2015), which shows a total of 11,980 ft^2 of pre-existing cultivation, and is included at the back of this Application Packet. A copy of the most current Grant Deed showing Rockaway Investments, LLC as the new owner of the parcel, and Statement of Information is also included in this Application Packet.** There is no address for the parcel, but it is located near Bridgeville, California at coordinates (40.4719, -123.7663). The parcel is approximately 42.6-acres, has a zoning of U, and is within the State Responsibility Area (SRA) for CalFire. **The parcel also contains a few small areas known to be Historic Landslide Areas. The Applicant had a Property Survey done on April 5th 2018, and the updated Site Plan included in this application shows updated boundary lines for the North-Eastern section of the parcel, but are not accurate to the survey. If another Site Plan is required, we will create a new Site Plan at a later date. A copy of the Survey is included at the back of this Application Packet.**

The project is located near Bridgeville California off of State Hwy 36. A Road Evaluation Report has been submitted to the Humboldt County Planning & Building Department, and is included at the back of this Application Packet. The unnamed access road meets category 4 road standards, and is approximately 1.2 miles in length from State Hwy 36 to the project site. There are no schools, school bus stops, state parks, places of public worship, or tribal cultural resources within 600 feet of cannabis activities onsite. As well, there are no neighboring residences located within 300 feet of cannabis cultivation onsite.

Project Summary:

~ Water Source, Storage, Irrigation Plan, and Projected Water Usage

In the original application, the Applicant was utilizing a water diversion from the nearby unnamed stream, which is a tributary to Little Larabee Creek. The Applicant also submitted an application for a riparian water right in 2017. **In 2018 the applicant had a well drilled onsite, and this is now the sole source of water for cannabis irrigation. The well has been permitted by the county, and a copy of the Well Completion Report is included at the back of this Application Packet. The Applicant did receive a Right to Divert and Use Water (H500808) from the division of Water Rights on 4/6/2018, but is no longer using this diversion for a water source. The Right to Divert and Use Water document is included in this Application Packet for reference.**

The Applicant currently hand waters cannabis crops at an agronomic rate. **As well, the Applicant is going to install a drip irrigation system with a meter, to reduce the use of water onsite, and to accurately measure annual water usage.** It is calculated that Rockaway

Investments uses **approximately 95,000 gallons** of water annually for the irrigation of cannabis crops, **which has been estimated in the Applicant's Site Management Plan developed by Green Road Consulting (GRC) for the Water Board General Order enrollment, and is included in this Application Packet.**

The Applicant currently has 39,900 gallons of water storage on-site, but is decommissioning the one remaining 20,000-gallon water bladder to avoid the potential of it bursting and creating water quality issues. This will lower the total amount of water storage to 19,900 gallons. All tank locations and sizes are shown on the Updated Site Plan, and one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with the SRA requirements. The Well Report for the newly drilled well shows the total depth of the boring to be 250 feet, with water in Shale below more than 20 feet of clay. We anticipate that this well will be considered a groundwater well by CDFW. If Fish & Wildlife determines the well to be non-jurisdictional, the Applicant will not need a forbearance period, and does have sufficient water storage onsite.

~ Site Drainage, Runoff and Erosion Control Measures

According to the Site Management Plan produced by Green Road Consulting, the parcel contains one (1) Class I perennial stream named Little Larabee Creek, and three (3) Class II seasonal streams that are unnamed. All on-site streams drain North-West to the Van Duzen River. Additional mitigation measures include winterization, outlined in Section 8: *Winterization Measures* of the Applicant's Site Management Plan, and erosion and sediment control measures will be described in the final Site Erosion & Sediment Control Plan, when completed by GRC.

The Applicant had a Site Management Plan prepared in July of 2018, by Green Road Consulting. Section 2.3 *Access Roads* of the Site Management Plan, describes the conditions of existing roads in detail. Seasonal roads are described to be generally out-sloped, and self-draining. The legacy skid roads on the property have had small periodic water bars and straw wattles installed that have disintegrated over time. The Site Management Plan also states that since these roads are unused, the Applicant will decommission the legacy skid roads, and decommissioning procedures for these roads will be described in detail in the Site Erosion & Sediment Control Plan, which is still being developed at this time. A letter from Green Road Consulting is included in this Application Packet, stating that they are still working on the Site Erosion & Sediment Control Plan, and will be submitted to the County Planning Division when completed.

There is one ditch relief culvert along the shared access road, that currently discharges to a Class II stream. In the Site Management Plan, it states that this problem will be remedied through the alteration of the road's drainage, which will be detailed in the final Site Erosion &

Sediment Control Plan. As well, there is one culverted stream crossing that lies between the project site, and the neighboring parcel, which needs to be resized in order to withstand the 100-year flood. No instream work will occur without the authorization approved under a Lake & Streambed Alteration Agreement, and a 401 water quality certification from the North Coast Regional Water Quality Control Board. The Applicant is also aware that they have historic landslide areas on their property, and is in the process of setting up an Engineer/Geologist site visit to develop a Site Suitability Survey for the project, in compliance with the Geological Hazards Ordinance of the Humboldt County Code.

~ Protection of Watershed and Nearby Habitat

The Applicant originally enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge Program in September of 2017, **and transitioned to the State Water Board's General Order in May of 2018. All cultivation areas are located outside of the Streamside Management Areas, and the Applicant is grandfathered into the North Coast Regional Order's setback requirements. A Site Management Plan has been developed by Green Road Consulting, and is included at the back of this Application Packet. The State Water Board Notice of Applicability letter is also included at the end of this Application Packet.**

There are currently **three (3) solar panels placed on wooden platforms,** and three (3) generators on the site for power. All generators are located in the Generator Shed, **and are mainly used as back-up power to the existing solar panels. The Applicant will ensure that these generators will not harm nearby wildlife, and will do a decibel reading of these generators when in use, to be sure that they comply with Fish & Wildlife's limit of 50 decibels at 100-feet or to the nearest canopy. All fuel associated with these generators or other machinery on-site, will be contained to prevent any spill. A decibel reading will also be conducted at the property lines to ensure that the project does not exceed 60 decibels at the property line. Reports of these readings will be submitted to the county when they are available.**

Fertilizers and pesticides are used according to their labeled instructions, and all nutrients will be mixed or prepared in locations where they cannot enter surface or groundwater. All solid waste produced by the project activities are stored in 55-gallon trash cans with lids, and are kept in a trailer on-site and disposed at the Eel River Resource Recovery in Fortuna as needed. There are two (2) soil piles on-site that are located away from watercourses on-site, and are covered with a tarp and surrounded by straw to prevent leaching in the presence of a rain event. **All soil piles will be collected and either stored on-site, or disposed of at the Eel River Resource Recovery in Fortuna at the end of the cultivation season, before the winter season begins.**

The Applicant has submitted an online Notification for an LSA Standard Agreement for Cannabis Cultivation, and a copy is included in this Application Packet. As well, the Applicant

agrees that if any wildlife is encountered during Authorized Activity, that there will be no disturbance to the wildlife, and all wildlife will be allowed to leave the site unharmed. As well, the Applicant will not use any erosion control measures that utilize synthetic (e.g. plastic or nylon) monofilament netting, including photo or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures will be made of loose-weave mesh, such as jute, hemp, coconut fiber, or other products without welded weaves. This is in accordance with Fish & Wildlife's prohibition on use of monofilament netting.

Remediation Plan

Pre-existing GH#5, and GH#6 (shown in the TerraServer mapping images provided), have been removed and consolidated in to GH#1 shown on the updated Site Plan. This reconfiguration of greenhouses occurred because GH#6 was found to be within a Streamside Management Area. As well, the southern full sun plot (Site 1 on the TerraSerever mapping, and decommissioned CA#3 shown on the updated Site Plan), cannot be accessed directly from this parcel, and has been decommissioned. The pre-existing full outdoor cultivation area has been removed and relocated to the north-east portion of the property, seen as CA#1 & CA#2 on the updated Site Plan. All decommissioned areas have since been restored to their original state, prior to Rockaway Investments ownership.

All existing cultivation areas are **now** outside of the Streamside Management Areas, and the buffer zones associated with the North Coast Regional Order. **The reconfiguration of the cultivation site (consolidating the pre-existing GH#5 & GH#6 in to the existing GH#1, and decommissioning the full outdoor plant area and relocating to CA#1 & CA#2 on the Site plan and some within the existing GH#1.) The existing greenhouses utilize above ground soil bags for plants. This allows the Applicant to better monitor environmental factors, to have more control on their watering procedures, and reduce impacts to the nearby habitat and watershed. In the event that the site is found to be within a database for threatened or endangered species, and is required to have a biological assessment done, they will schedule an assessment with a qualified professional at that time.**

~ Storage and use of Fertilizers and Pesticides

All storage and use of fertilizers, and other agricultural chemicals are described in detail in Section 5: *Fertilizers, Pesticides and Herbicides,* of the Site Management Plan. Fertilizers and pesticides are stored within secondary containment, in the Nutrients Shed shown on the updated Site Plan. As well, all storage, use, and disposal of fuels is described in detail in Section 6: *Petroleum,* of the Site Management Plan. A list of chemicals used, is also included in the Site Management Plan report.

~ *Cultivation Activities & Processing Plan*

The Applicant plans to utilizes light-deprivation methods for 9,948 ft^2 of cultivation on-site, which will have two harvests per season, and 1,400 ft^2 of full outdoor cultivation with one harvest per season. There are four (4) greenhouses used for the 9,948 ft^2 of light-deprivation cultivation, and one (1) 900 ft^2 Vegging Greenhouse is used for propagation area only. All cultivation areas are outlined in the updated Site Plan.

Cultivation activities typically begin in February. Once the Applicant receives approval from the county to continue cultivating, and receives a State License, licensed clones will be purchased and put in the Vegging Greenhouse in February. The Vegging Greenhouse utilizes 1,000-Watt Gavita lights for plants to grow in their vegetative state, and are never brought to flower. The Vegging Greenhouse is only used during the months of February to March, and May to June. Power is sourced from the existing solar panels on-site, and from the back-up generators located in the Generator Shed. The Applicant will ensure that no light escapes after dusk or before dawn, by pulling a tarp over the Vegging Greenhouse, during dark sky hours when lights are in use. Plants are placed in above ground soil bags in the four (4) light-deprivation greenhouses sometime in April. The first light-deprivation cycle's harvest will occur sometime in July, and the second harvest will occur in October. Full outdoor plants will be planted in plastic pots in the outdoor cultivation areas, sometime in June, and will be harvested in October.

Rockaway Investments will comply with Track-and-Trace requirements, and only uses one employee during the working season. The Applicant has used serviced Porter Pottys for bathroom facilities in the past, and receipts from Six Rivers Portable Toilets that serviced them, is included in this Application Packet. The Applicant plans to continue using the Portable Toilet service during future in-season activities, until a suitable location for a septic leach field can be verified and permitted at a future date. Drying and curing of cannabis occurs in the Dry Shed, which only utilizes dehumidifiers within the building. A Letter of Intent Agricultural Exempt Structures has been filled out for the Generator Shed, Nutrients Shed, and the Dry Shed, are included in this Application Packet.

~ *Planned Schedule of Activities*

January	**Winterization implemented on the site.**
February	**Cycle 1 clones are started in Vegging Greenhouse.**
March	**Cycle 1 clones are in vegetative state.**
April	**Cycle 1 clones are transferred to light-deprivation greenhouses.**
May	**Cycle 1 flowering in light-deprivation greenhouses. Cycle 2 clones are started in the Vegging Greenhouse.**

June	**Cycle 1 flowering in light-deprivation greenhouses. Cycle 2 clones are in vegetative state in Vegging Greenhouse. Plant outdoor cultivation areas.**
July	**Harvest cycle 1. Cycle 2 clones are transferred to light-deprivation greenhouses.**
August	**Cycle 2 flowering in light-deprivation greenhouses.**
September	**Cycle 2 flowering in light-deprivation greenhouses.**
October	**Harvest cycle 2. Harvest full outdoor plants. Store water in tanks from the well.**
November	**Clean up site, and prepare site for winterization. Store water in tanks from the well.**
December	**Winterization implemented on the site.**

~ *Security Plan*

There are gates on the road to the property. The cultivation areas are fenced, and buildings are locked when unattended. The applicant is also planning to install game cameras in the near future.

CALIFORNIA DEPARTMENT OF FISH and WILDLIFE

RECEIVED MAR 3 Humboldt County Planning Division

Application

01446 - Standard Agreement for Cannabis Cultivation - Region 1 - Final Application

04338 - Rockaway Investments
Region 1

Status: Submitted **Submitted Date:** 01/11/2019 1:12 PM

Applicant Information

Registered EPIMS User:

First Name* Brandon (First Name) Middle Name Rivas (Last Name)

Title: Rockaway Investments

Email:* Bcrivas2@yahoo.com

Address:* 5900 dowdell ave

Apt 390

* Rohnert park (City) California (State/Province) 94928 (Postal Code/Zip)

Phone:* 973-986-7835 (Phone) Ext.

Identify the CDFW Region where most of your activities will take place.

Region of interest:* Region 1

You may include additional contact information, i.e., consultant/business associate/translator.

Contact Name: Maya (First Name) Simeonova (Last Name)

Email: Mayasimeonova1@gmail.com

Phone: 240-644-2348

Organization Information

Organization Name:* Humboldt Green

Organization Type: Business

Organization Website:

Address:* 1580 Nursery Way Suite D

*	McKinleyville City	California State/Province	95519 Postal Code/Zip
Phone:*	707-890-6600		Ext.
Fax:			
E-mail Address*	Megan@gohumboldtgreen.com		

Applicant Proposing Project

Name*	Brandon First Name	Middle Initial	Rivas Last Name
Business/Agency	Rockaway Investments		
Mailing Address*	5900 Dowdell Ave #390		
City*	Rohnert Park	California State*	94928 Zip*
Phone Number:*	973-986-7835		
Email*	bcrivas2@yahoo.com		

Contact Person

Same as 'Applicant Proposing Project'*	Yes		
Name:*	First Name	Middle Initial	Last Name
City:*		State*	Zip*

Property Owner

Same as 'Applicant Proposing Project'*	Yes		
Name:*	First Name	Middle Initial	Last Name
City:*		State*	Zip*

Standard Agreement Term

For a Standard Agreement – Regular Term (5 years or less), CDFW will provide a term of between one and five years in accordance with the time periods specified in Fish and Game Code sections 1602 - 1603. Standard fee schedule applies. CDFW will determine whether the notification is complete within 30 days of receiving the notification form and correct notification fee, and issue you a draft agreement within 60 days of receiving a complete notification.

Agreement Term Requested:*	Regular Term (5 year or less)

Project Term

Project Term:	
2019	2019

Prior Notifications

Previous Notification and/or Agreement?	Name:*	Middle Initial	Last Name:	Notification Number:*	Date:*

Prior Orders

Notice or NOV issued:	Name of Person who directed you to submit this LSA Notification:*	Last Name:	What agency directed you to submit this LSA Notification?*	Describe the circumstances relating to the order:*

Project Location

Project Location 1	
Project Name:*	Culvert
Physical Address?*	No
Project Site Address:*	
City:*	
Zip Code:*	
Project Site Description:*	From Eureka go south on US Hwy 101, Take exit for State Hwy 36 and drive for 27.1 miles, turn right on unnamed street and drive for 1.2 miles, turn right on unnamed street and drive for 0.6 miles to site destination.
Latitude:*	40.47190
Longitude:*	-123.76630
County:*	Humboldt County
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	

APN:*	
APN:*	
APN:*	
APN:*	208111028
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
APN:*	
Name of river, stream, or lake affected by the project:*	Little Larabee Creek
Describe Other:*	
What water body is the river, stream, or lake tributary to?*	Van Duzen River
Describe Other:*	
Wild and Scenic Rivers Act? *	Unknown
Identify the river or stream affected by the project:*	

Project Category

Project Category 1	
Project Name:*	Culvert
Project Category:*	Replace/Remove Existing Structure
Describe:*	
Work Type:*	Culvert
Describe Other Work Type:*	
How many years will the work period last?*	1
	05/01/2019
	08/01/2019
Number of Work Days:*	1
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No

Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No

Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No
Number of Work Days:*	
Water Present during Work Period:	No
Work in Wetted Portion of Channel:	No

Project Details

Include all of the following:

- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip-rap fields) that will be used or installed.
- If water will be diverted or extracted, specify the purpose or use.
- Describe both permanent and temporary impacts to the channel and/or riparian habitat.

Describe the project in detail:* There is one 12-inch culvert located on the property which will need to be resized to pass the 100-year storm event.

Character Limit: 5,000

List all equipment and machinery used to complete the project. List any lubricants, solvents, chemicals, or other materials not normally found on construction sites that will be present in the project area in addition to the equipment and machinery used to complete the project.

Describe equipment and machinery to be used:* Shovels, etc.

Character Limit: 5,000

Impact Description

Modifications to River, Stream, or Lake

Describe any foreseeable impacts (permanent or temporary) to the flow, bed, channel and bank of the river, stream, or lake. Quantify the effects and impacts in the project vicinity by noting the type, volume, and dimensions of material displaced through grading, trenching or other forms of site alteration. Also include any foreseeable impacts (permanent or temporary) to the riparian zone on or adjacent to the bank of the river, stream or lake. The riparian zone is the area that surrounds a channel or lake and supports (or can support) vegetation that is dependent on surface or subsurface water. Include the effects of your project activity to this zone at least to the outer (landward) edge of the drip line of any dependent vegetation.

Describe Impacts:* Measures will be taken to minimize the impacts to the nearby Class III stream, during construction. Since work will be done during the dry season, there are no foreseeable impacts that will effect the surrounding channel.

Character Limit: 5,000

Special Status

If there are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site, complete the following fields.

A special status species is an animal or plant species that meets any of the following criteria:

- The species is listed or proposed for listing under the State or federal Endangered Species Act.
- The species is designated as rare under the State Native Plant Protection Act.
- The species is identified as a candidate, sensitive, or special status species in a local, regional, State or federal list, plan, or policy.
- The species otherwise meets the definition of an endangered, rare, or threatened species under California Environmental Quality Act (CEQA) Guidelines section 15380 (Cal. Code Regs., tit. 14, § 15380).

Are the any special status animal or plant species, or habitat known to be present on or near the project site?

Special Status Species?* Yes

List each species and/or describe the habitat:* Little Larabee Creek is tributary to the Van Duzen River, which is known to have steelhead trout and Chinook salmon.

Character Limit: 5,000

Source of Information

Identify the source(s) of information that supports a "yes" or "no" answer for the previous question. Provide a web-link to document or attach the document in the Attachment and Maps form. A good source of information for the presence or absence of special status species is the California Natural Diversity Database (CNDDB).

Source(s):* SWRCB's 303(d) list

Character Limit: 5,000

Studies and Maps

Biological Study

Has a biological study been completed for the project site? *

CDFW may require you to complete a biological study to evaluate the project's potential impact on biological resources before accepting the notification as complete.

No
If Yes, attach the biological study on the Attachment and Maps form.

Hydrological Study

Has a hydrological study been completed for the project or project site? *

CDFW may require you to complete a hydrological study or provide other information on site hydraulics (e.g., water availability analysis, flow regime, channel characteristics, and/or flood recurrence intervals) to evaluate the project's potential impacts on hydrology before accepting the notification as complete.

Yes
If Yes, attach the hydrological study on the Attachment and Maps form.

Resource Mapping

Have fish or wildlife (Fish & G. Code, § 89.5) resources or waters of the state been mapped or delineated on the project site? *

If the resolution of the mapping or delineation is insufficient, CDFW may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for CDFW to deem the notification complete.

Yes
If Yes, attach the mapped results on the Attachment and Maps form.

Vegetation

Will the project affect any vegetation?	Vegetation Type:*	Temporary Impact-Linear feet:*	Temporary Impact-Total Area:*	Permanent Impact-Linear feet:*	Permanent Impact-Total Area:*
No		0	0	0	0

Trees

Will the project affect any trees?	Tree Species:*	Number of Trees to be Removed:*	Trunk Diameter (range):*
No			

Measures to Protect Fish, Wildlife, and Plant Resources

Describe the methods or techniques t vill be used to prevent sediment from enterir y watercourses during and after construction. If you are unsure of which methods or techniques to prevent erosion would best minimize impacts at the project site, please indicate "unknown". CDFW staff can assist in providing the appropriate measures. Attach any additional documents, if available, in the Attachments and Maps form.

Sediment and/or Erosion Control:* unknown

Character Limit: 5,000

Describe any measures that will be incorporated into the project to avoid or minimize impacts to fish, wildlife, and plant resources. If you are unsure of which measures would best minimize impacts at the project site, please indicate "unknown". CDFW staff can assist in providing the appropriate measures. Attach any additional documents, if available, in the Attachments and Maps form.

Avoidance and/or Minimization Measures to Protect Fish, Wildlife, and Plant Resources:* unknown

Character Limit: 5,000

Describe all measures that will be incorporated into the project provide mitigation or compensation for impacts to fish, wildlife, and plant resources. If you are unsure of which measures would best provide mitigation or compensation for potential impacts at the project site, please indicate "unknown." CDFW staff can assist in providing the appropriate measures. Attach any additional documents, if available, in the Attachments and Maps form.

Mitigation and/or Compensation Measures to Protect Fish, Wildlife, and Plant Resources:* unknown

Character Limit: 5,000

Local, State, and/or Federal Permits

Permit Applied/Issued:	Permit Name:*	Permit Type:*	Have you applied for or been issued the permit? *	Date Issued:*
Yes	Humboldt County Interim Permit	Local	Issued	03/29/2018
Yes	Right to Divert and Use Water	State	Issued	04/06/2018
Yes	State Water Board Enrollment	State	Issued	05/18/2018

California Environmental Quality Act (CEQA)

Has a CEQA lead agency been determined?* Yes

CEQA Lead Agency:* Humboldt County Planning Department

Agency Steve Lazar

Contact Person:*

Telephone Number:* 707-445-7245

Has a draft or final document been prepared for the project pursuant to CEQA?* Yes

Type:* Negative Declaration (ND)

Has a CEQA Notice of Determination been completed for the project? * Yes
If "Yes", attach the Notice of Determination in the Attachments and Maps form.

Has a CEQA Mitigation, Monitoring, Reporting Plan been completed for the project? * Yes
If "Yes", attach the Mitigation, Monitoring, Reporting Plan in the Attachments and Maps form.

If a copy of any CEQA document has been submitted to the State Clearinghouse for distribution to State agencies, provide the number assigned to the document by the State Clearinghouse.

State Clearinghouse Number: If Applicable

CDFW must comply with CEQA when issuing a final agreement for a project. CEQA defines a "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Cal. Code Regs., tit. 14, § 15378).

If the project described in the notification is not the "whole" project, but instead only a part of it, briefly describe the entire project.

If the project described in the notification is the entire project, insert the following statement in this box: "The project described in the notification is the entire project."

Briefly describe the entire project: Rockaway Investments has an interim permit for 9,830 ft2 of existing outdoor cannabis cultivation. The Applicant has obtained a Water Right with the division of Water Rights, but has recently had a well drilled onsite, and will no longer be using the diversion as a water source. There is one 12-inch culvert that needs to be resized onsite.

Character Limit: 5,000

Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4? *

Pursuant to Fish and Game Code section 711.4, you must pay a CEQA filing fee to the CEQA lead agency if an environmental document has been prepared for the project, unless the project is exempt from the fee. The filing fee is in addition to the notification fee and any other CDFW fees that apply to the project. If a CEQA filing fee is required, the LSA Agreement may not be finalized until paid. Filing fee information is available at https://www.wildlife.ca.gov/Conservation/CEQA/Fees

Yes
If "Yes," attach proof of payment in the Attachment and Maps form.

National Environmental Policy Act (NEPA)

Has a draft or final document been prepared for the project pursuant to the National Environmental Protection Act (NEPA)? *

No

If Yes, attach a copy of the document in the Attachments and Maps form.

Site Inspection

In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.

CDFW Personnel Authorized to Enter Property:

I request CDFW to first contact **(First and Last Name)** below, at **(Telephone Number)** below, to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

First Contact this Person to Schedule Site Visit: Yes

Contact Name:* Brandon (First Name) Rivas (Last Name)

Telephone Number:* 973-986-7835

Water Use

Water Use 1	
Season of Diversion:*	03/01/2019
*	03/01/2020
Purpose of Use:*	Irrigation
Specify Other:*	
Diversion Rate (cfs or gpm):*	15.0
Unit of Measure:*	Gallons per minute (gpm)
Amount Used from Storage (acre feet):*	1
Amount Used by Diversion (acre feet):*	1

Diversion or Obstruction

Diversion or Obstruction 1	
Method of Diversion: *	Well
Specific Method:*	
Specific Method:*	
Specific Method:*	
Specific Method:*	Drilled
Describe Other: *	
Instantaneous Rate:*	15
Unit of Measure*	Gallons per minute (gpm)
Lowest Level Flow:*	0
Unit of Measure*	Gallons per minute (gpm)

Project Water Rights

Category:	Sub-Category:	Describe Other:
Appropriative	Small domestic, livestock stockpond, or small irrigation use registration	

Reservoir(s) OR Pond(s)

Local Ordinance or Permit

Does the city or town where cultivation will occur have a rule, ordinance, or other regulation or law that governs the cultivation of cannabis?

City/Town:* No

Does the county where cultivation will occur have a rule, ordinance, or other regulation or law that governs the cultivation of cannabis?

County:* Yes

County:* Humboldt County

Are you required to have a written authorization (permit) from the city/town and/or county to cultivate cannabis within the city/town and/or county?

Written Authorization (Permit)?* Yes
If "Yes", attach the written authorization in the Attachments and Maps form.

Property Diagram

Cultivation Property Diagram attached?* Yes
If "Yes", attach the Property Diagram in the Attachments and Maps form.

Cultivation Operation

Type of Operation:	Type of CDFA Annual License you will apply for:	Premises APN:	CDFA Annual License #:	CDFA Temporary License #:	WDID #
Existing cannabis cultivation operation	Small Mixed-Light Tier 1	208111028			1_12CC401264

Water Supply

How is water supplied?	Name of public water system:*	Name of water hauler:*	Specify:*	Latitude:*	Longitude:*
Diversion, Obstruction, Extraction, or Impoundment of a River, Stream, or Lake				40.47350	-123.76340

California Licensed Professional or Biologist

Name of Company:*	Name of Professional/Biologist:*	Business Telephone:*

Remediation

Attachments and Maps

Attachment Description:	Attachment:
Interim Permit	12280.InterimPermitAndComplianceAgreement (1).pdf
Right to Divert and Use Water	H500808 (1).pdf
Notice of Determination	Notice of Determination Ord. No. 2588 (PDF).pdf
Site Management Plan	Rockaway site management plan submittal scanned with WDID.pdf
Original Site Plan	Rockaway Investments Jcounty plot plan .pdf
Well log/well completion report	Wellll Completion Log APN 208-111-028.pdf
Water Board Enrollment	WaterBoardWDID.pdf

Standard Agreement Fees

Project Name:	Project Cost Range:	Actual Project Cost:	Project Fee:
Culvert	< $5,000	$1,500.00	$596.00
			$596.00

Remediation Fees

Project Name:	Remediation Area:	Project Fee:
		$0.00

Fee Totals

Standard Agreement Fees:	$596.00
Cannabis Remediation Fees:	$0.00
TOTAL (All Fees):	$596.00

Payment Information

Payment Method:	Amount:	Document #:*	Name of the Bank/Institution:*	Check/Money Order #:*
Credit Card	$625.80	D-0025072678-7		
	$625.80			

Electronic Signature

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant.

I Certify:* Yes

I understand that if any information in this notification is found to be untrue or incorrect, the Department

may suspend processing this notificat r suspend or revoke any draft or final Lake reambed Alteration Agreement issued pursuant to this notification.

I Understand:* Yes

I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution.

I Understand:* Yes

I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

I Understand:* Yes

Electronic Signature

First and Last Name:* Brandon Rivas

Date:* 01/11/2019

LETTER OF INTENT
AGRICULTURAL EXEMPT STRUCTURES
HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT

As defined in the **Uniform Building Code:** *An Agricultural Building is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.*

In order to obtain *Agricultural Exempt* status for your project, the following questionnaire must be completed. Check the appropriate box.

		YES	NO
1.	Is the proposed structure designed to house *anything other than* farm implements, hay, grain, poultry, livestock, or other horticultural products?	[ ]	[X]
2.	Will this structure be a place of human habitation?	[ ]	[X]
3.	Are there employees on the parcel?	[X]	[ ]
4.	Will this structure be used to process, treat or package products?	[ ]	[X]
5.	Will the public be allowed on this parcel?	[ ]	[X]

6. State the intended use/purpose of the structure. The 8x12 Generator Shed is used used for the sole purpose to store and access the 45KW, 5KW, and 2KW generator and associated fuels used on-site.

7. Who will use/occupy the structure? Brandon Rivas

ONCE SIGNED THIS SHEET BECOMES PART OF THE AGRICULTURAL EXEMPT APPLICATION

OWNER'S ACKNOWLEDGMENT

OWNER'S SIGNATURE _____ DATE 3/6/19

ASSESSOR'S PARCEL 208 - 111 - 028

AGRICULTURAL EXEMPTION GRANTED

BUILDING INSPECTOR'S SIGNATURE _____ DATE _____

LETTER OF INTENT
AGRICULTURAL EXEMPT STRUCTURES
HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT

As defined in the **Uniform Building Code:** *An Agricultural Building is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.*

In order to obtain *Agricultural Exempt* status for your project, the following questionnaire must be completed. Check the appropriate box.

		YES	NO
1.	Is the proposed structure designed to house *anything other than* farm implements, hay, grain, poultry, livestock, or other horticultural products?	[ ]	[X]
2.	Will this structure be a place of human habitation?	[ ]	[X]
3.	Are there employees on the parcel?	[X]	[ ]
4.	Will this structure be used to process, treat or package products?	[ ]	[X]
5.	Will the public be allowed on this parcel?	[ ]	[X]

6. State the intended use/purpose of the structure. The 12x32 Nutrients Shed is used for the sole purpose to store and access nutrients used on-site.

7. Who will use/occupy the structure? Brandon Rivas

ONCE SIGNED THIS SHEET BECOMES PART OF THE AGRICULTURAL EXEMPT APPLICATION

OWNER'S ACKNOWLEDGMENT

OWNER'S SIGNATURE [signature] DATE 3/6/19

ASSESSOR'S PARCEL 208 - 111 - 028

AGRICULTURAL EXEMPTION GRANTED

BUILDING INSPECTOR'S SIGNATURE _____ DATE _____

LETTER OF INTENT
AGRICULTURAL EXEMPT STRUCTURES
HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT

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In order to obtain *Agricultural Exempt* status for your project, the following questionnaire must be completed. Check the appropriate box.

		YES	NO
1.	Is the proposed structure designed to house *anything other than* farm implements, hay, grain, poultry, livestock, or other horticultural products?	[ ]	[X]
2.	Will this structure be a place of human habitation?	[ ]	[X]
3.	Are there employees on the parcel?	[X]	[ ]
4.	Will this structure be used to process, treat or package products?	[ ]	[X]
5.	Will the public be allowed on this parcel?	[ ]	[X]

6. State the intended use/purpose of the structure. The 16x34 Dry Shed is used for the sole purpose to dry and store cannabis on-site. No fans or heaters are used, just dehumidifiers.

7. Who will use/occupy the structure? Brandon Rivas

ONCE SIGNED THIS SHEET BECOMES PART OF THE AGRICULTURAL EXEMPT APPLICATION

OWNER'S ACKNOWLEDGMENT

OWNER'S SIGNATURE [signature] DATE 3/6/19

ASSESSOR'S PARCEL 208 - 111 - 028

AGRICULTURAL EXEMPTION GRANTED

BUILDING INSPECTOR'S SIGNATURE _____ DATE _____

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Rockaway Investments, LLC APN: 208-111-028

Planning & Building Department Case/File No.: CUP16-606

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

From Road (Cross street): CA Hwy-36

To Road (Cross street): Unnamed Road

Length of road segment: 1.2 miles Date Inspected: 5/29/18

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

Check one of the following:

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

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

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

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

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

Signature Date 5/17/18

Brandon Rivers
Name Printed

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

RECEIVED
JUN 20 2018
Humboldt County
Planning Division

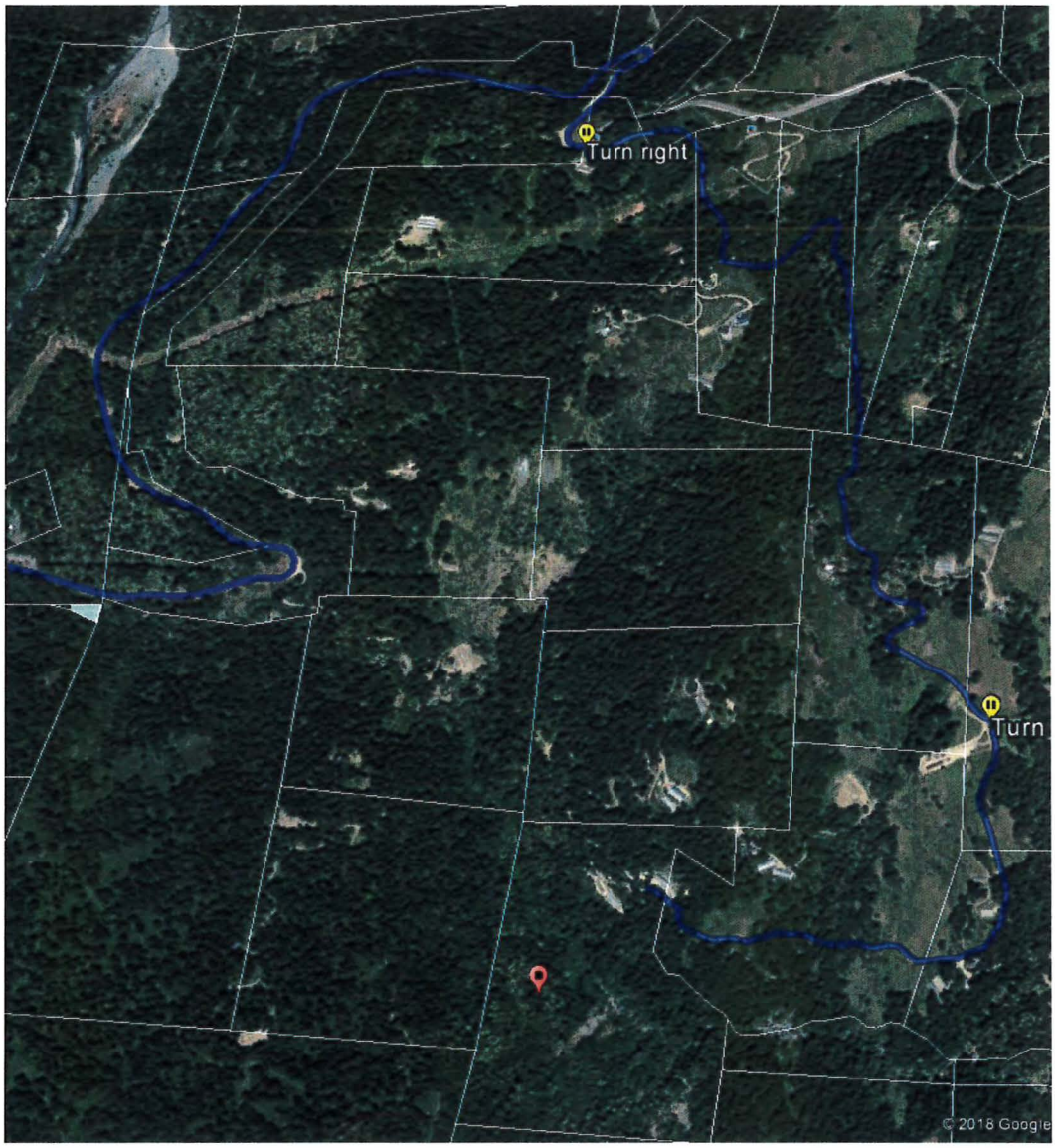
u:\pwrk_landdevprojects\referrals\forms\road evaluation report form (02-24-2017).docx

GREEN ROAD CONSULTING

Acess Road Map

APPS NO: 12280

APN: 208-111-028



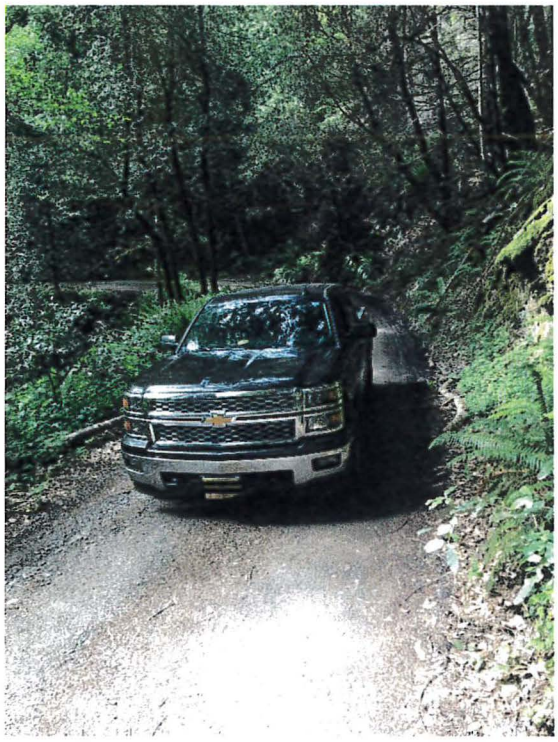
RECEIVED
JUN 20 2018
Humboldt County
Planning Division

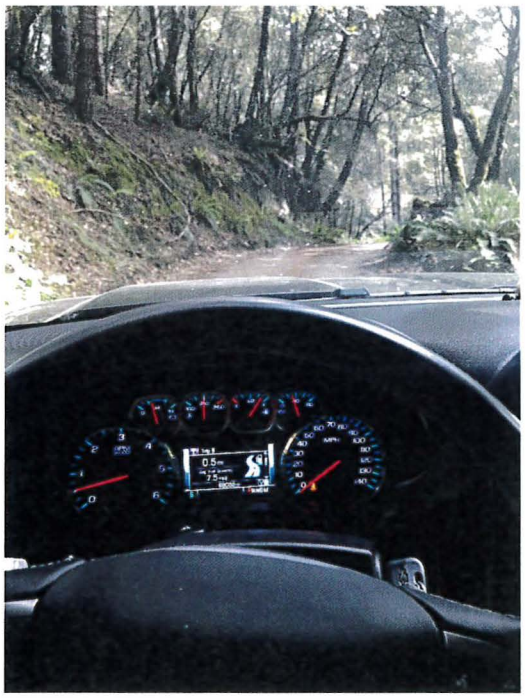
GREEN ROAD CONSULTING

Access Road Photos

APPS NO: 12280

APN: 208-111-028





RECEIVED
JUN 20 2018
Humboldt County
Planning Division

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Dear School District:

Attached to this letter is a project referral for a proposed cannabis operation.

In accordance with Ordinance 2544, Section 313 of Chapter 3, Division I of Title III of the Humboldt County Code, cannabis projects are required to meet certain setback requirements from schools or school bus stops.

Is the proposed cannabis project location within 600 feet of a school or school bus stop?

If the answer is yes, please include information in your response that clearly indicates the location of the school and/or bus stop and the distance to the proposed project. If we do not receive a response from you we will assume that this project conforms to the setback standard.

Thank you for your time and attention in this matter. If you have any questions regarding this letter please call (707)445-7541 and ask to speak to the cannabis planner on duty.

Sincerely,

Planning and Building Department

RECEIVED
MAR 8 2019
Humboldt County
Planning Division

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Rockaway Investments, LLC APN: 208-111-028

Planning & Building Department Case/File No.: CUP16-606

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

From Road (Cross street): CA Hwy-36

To Road (Cross street): Unnamed Road

Length of road segment: 1.2 miles Date Inspected: 5/29/18

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

Check one of the following:

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

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

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

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

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

Signature 5/17/18
Date

Brandon Rivers
Name Printed

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

u:\pwrk_landdevprojects\referrals\forms\road evaluation report form (02-24-2017).docx

GREEN ROAD CONSULTING

Acess Road Map

APPS NO: 12280

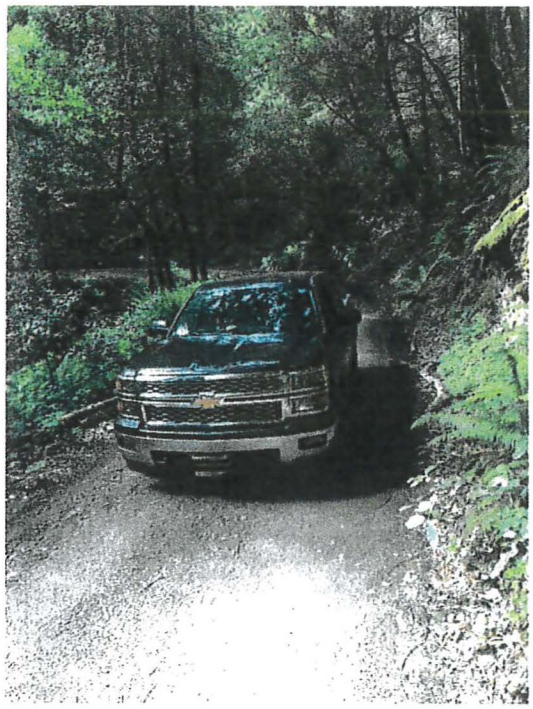
APN: 208-111-028

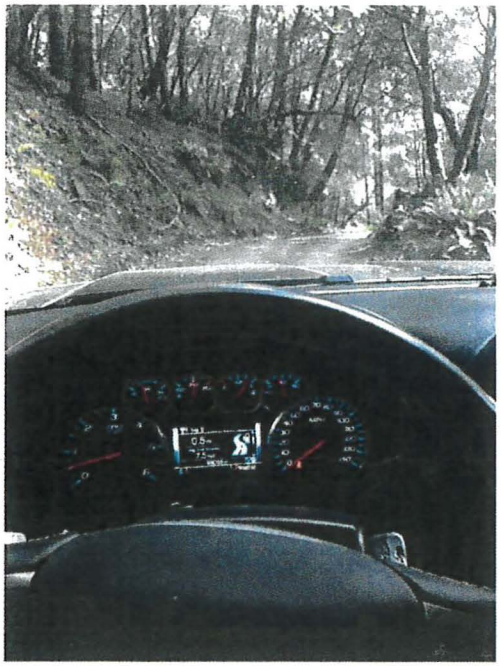
GREEN ROAD CONSULTING

Access Road Photos

APPS NO: 12280

APN: 208-111-028





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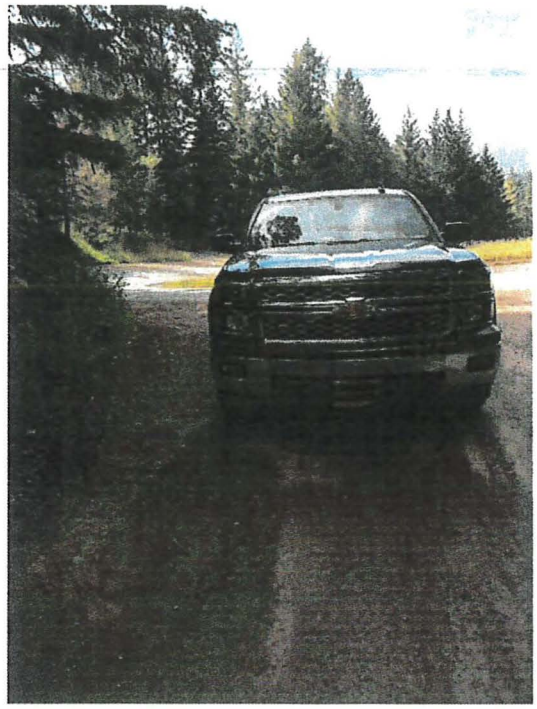

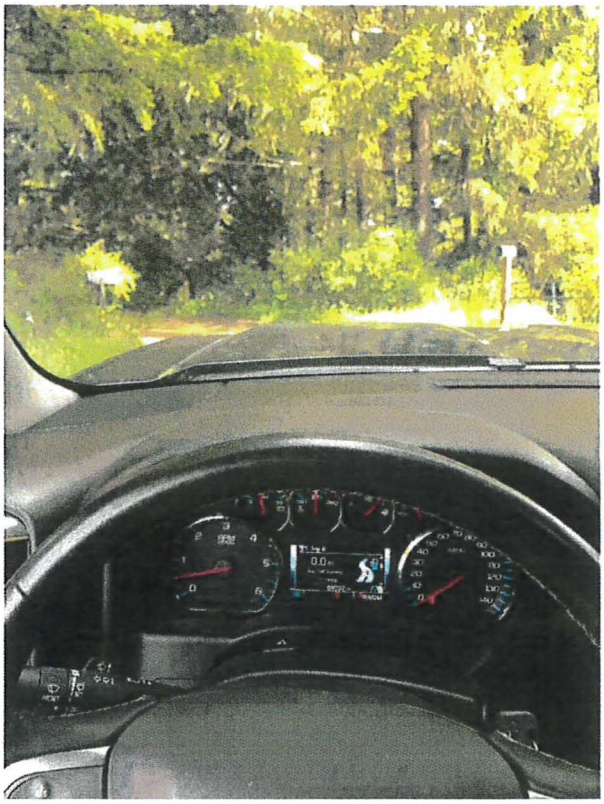

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. As of the date of this staff report no referral responses had been received.

Referral Agency	Recommendation	Location
Building Inspection Division	Comment	**Attached**
Public Works Land Use Division	No Response	
Division of Environmental Health	Approval	On file with Planning and in Accela
CAL FIRE	No comment at this time.	**Attached**
California Department of Fish and Wildlife	Conditional Approval	**Attached**
NWIC	Confidential	On file with Planning and in Accela
CAL TRANS	No Response	
Bear River Band of Rohnerville Rancheria and the	Confidential	On file with Planning and in Accela
Intertribal Sinkyone Wilderness Council	No Response	
Bridgeville Unified School District	No Response	
Bridgeville Fire Protection District	No Response	
NCRWQCB	No Response	
Sheriff	Approval	On file with Planning and in Accela
County Counsel	No Response	
NCUAQMD	No Response	
California Division of Water Rights	Approval	On file with Planning and in Accela

07.07.2020

Building response to Planning Referral

Comment:

"Revise and resubmit plot plan showing all grading, green houses, structures and RV trailers on subject parcel."

From: Pham, Jonathan@Waterboards
To: Planning Clerk
Subject: County Project Review for PLN-12280-CUP Rockaway Investments LLC
Date: Wednesday, June 3, 2020 8:33:29 AM

Good Morning,

Thank you for forwarding the project review request for Rockaway Investments LLC. Unfortunately, I did not see a review coversheet in the accela archives so I hope an email response is acceptable.

From a Division of Water Rights perspective, I recommend approval for this project because they have already obtained a Small Irrigation Use Registration water right for their surface water diversion in addition to drilling a well for their water.

Thank you for your time and have a nice day. Let me know if you have any questions.

Best,
Jonathan Pham
Environmental Scientist
Cannabis Registration Unit
Division of Water Rights

12280 208-111-028

Application Number Key APN

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

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

Forester Comments: Date: 6/3/20 Name: Lucas Titus

CAL FIRE has no comments.

Battalion Chief Comments: Date: Name:

Summary:

California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Rockaway Investments LLC		Date: 6/12/20
APPS No.: 12280	APN: 208-111-028	DFW CEQA No.: CEQA-12280-R1
☒ Existing	Proposed: ☒ Outdoor (SF): 9,948 ☒ Ancillary Nursery (SF): 1,400	

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.

CDFW requests the following items be incorporated as conditions of Project approval:

☒ The proposed Existing Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA.

The Project proposes to utilize greenhouse cultivation within NSO habitat (**220 feet from NSO observation and within 0.44mi of AC**). The biological report (BR) provided for this project indicates that the cultivation site is placed 288ft from an NSO nest and 909ft from an NSO AC, however, there appears to be several errors in these statements. First, the site is approximately 220ft from an NSO positive observation, and second the feature on CNDDB that the biologist referred to as a "AC" is a negative observation point. The BR further indicates that the project would have no significant impacts based primarily on the assumption that there is "no line of site" from the "nest" to the cultivation site. The "no impact" statement provides little justification and no supporting evidence for this assumption. Further, the BR did not include survey data of the area or disclose positive NSO observations adjacent to the site that occurred in 2019 as documented by Caltrans.

A primary supporting document for the BR includes the 2006 USFWS guidance document, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owl and Marbled Murrelets in Northwestern California*. It is important to note, this guidance document is founded upon observations of NSO behavior and does not take physiological impacts into account. Further, USFWS guidance is based on temporary disturbance, during daylight hours and does not consider permanent, continuous, auditory and visual disturbance during both daylight and nighttime hours (highest activity period of NSO and their prey).

Many project related activities may pose significant impacts to NSO and result in harm, harassment, abandonment of territory, nest failure, or other physiological impacts that are difficult to monitor without extensive site-specific studies. For example, on-going disturbance from road use, generators, fans, and other equipment may disrupt foraging success of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011). Components of "ancillary nurseries and facilities" such as artificial light, may disrupt nocturnal foraging and nesting NSO

through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016).

As the 2019 Caltrans NSO survey data indicates, the NSO AC (HUM0801) closest to the project site is active. If the County elects to approve this project, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of generators, project lighting, dehumidifiers, and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
- That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting 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. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
- That timber removal be prohibited within 150ft of the designated cultivation sites.

☒ Water for this Project is sourced from a groundwater well. Excessive drawdown of groundwater may result in impacts to surface water habitats. Such modifications may result in significant and unintended impacts such as a decrease in the amount of water that would naturally flow to ecologically important waterbodies (e.g. springs and headwater streams) that provide critical habitat for sensitive fish and wildlife species. Given the proximity to Little Larabee Creek, an important tributary to the Van Duzen River that supports ESA and CESA listed species, CDFW recommends the County require evidence demonstrating well water is hydrologically disconnected from surface water. This site-specific documentation shall meet professional standards of practice and be prepared by a California registered professional geologist, hydrogeologist or engineer with experience in hydrogeological characterizations. CDFW further requests that the groundwater well be inspected annually 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 drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.

☒ The primary power source for the project is solar power. CDFW recommends inspection of solar arrays for proper installation in order to prevent or reduce fire risk. Incorporate fire-safe measures into Project plans, such as placement of fire extinguishers at a nearby location, to prevent or reduce potential impacts to wildlife habitat caused by fire. Referral materials indicate generators

will be used as a back-up power supply. CDFW recommends measures be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment for capturing fuel leaks, and generator housing for noise attenuation. Generators and associated fuels should be located outside of the floodplain and a minimum of 150 feet from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).

☒ To minimize the risk of wildlife entrapment, CDFW recommends the County prohibit the use of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of erosion control and/or cultivation operations. CDFW further recommends alternatives such as geotextiles, fiber rolls, and other erosion control measures be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

☒ 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.

☒ Contain all hazardous chemicals/materials in wildlife proof storage containers. Hazardous materials should be stored outside of the 100-year floodplain and a minimum of 150ft from watercourses and/or wet areas.

☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.

☒ That access roads leading to the site are assessed by an experienced licensed Professional and that BMP's are implemented within sixty-days following the execution of this agreement, to prevent sediment delivery to nearby watercourses/wet areas.

☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead Trout (*O. mykiss*), Coastal Rainbow Trout (*O. mykiss irideus*), Coastal Cutthroat Trout (*O. clarki clarki*), Prickly Sculpin (*Cottus asper ssp. 1*), Foothill Yellow-legged Frog (*Rana boylii*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei),* Western Pond Turtle (*Actinemys marmorata marmorata)*, Sonoma Tree Vole (*Arborimus pomo),* Marbled Murrelet (*Brachyramphus marmoratus),* North American Porcupine (*Erethizon dorsatum*) and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

Scott Bauer
Senior Environmental Scientist Supervisor
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

References

Brown, J. S., B. P. Kotler, R. J. Smith, and W. O. Wirtz II. 1988. The effects of owl predation on the foraging behavior of Heteromyid rodents. Oecologia 76:408–415.

Hayward, L. S., A. E. Bowles, J. C. Ha, and S. K. Wasser. 2011. Impacts of acute and long-term vehicle exposure on physiology and reproductive success of the northern spotted owl. Ecosphere 2:art65.

Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. Frontiers in Ecology and the Environment 2:191–198.

ATTACHMENT 6

Public Comments

Reply all Delete Junk Block ···

FW: Public Hearing PLN-12280 CUP

You replied on Thu 6/18/2020 10:35 AM

LS

Luther, Stephen
Thu 6/18/2020 10:28 AM
To: Saucedo, Portia

FYI! You got this!

From: thomas morgan <tmorganfarmswithgrc@gmail.com>
Sent: Wednesday, June 17, 2020 6:07 PM
To: Planning Clerk <planningclerk@co.humboldt.ca.us>
Cc: Ford, John <JFord@co.humboldt.ca.us>; kaylie@greenroadconsulting.com; taylor@greenroadconsulting.com; Luther, Stephen <SLuther@co.humboldt.ca.us>
Subject: RE: Public Hearing PLN-12280 CUP

June 17, 2020

To whom it may concern at the Humboldt County Planning Commission,

I received a public notice of a public hearing for my neighbor's cannabis application (Rockaway Investments LLC, PLN-12280-CUP, APN 208-111-028-000) and would like to offer public comment. I have lived in the house next door to this property for 13 years this November, the first 9 of which were very pleasant. Since Mr. Rivas took ownership next door in 2016, this has not been the case. Soon after moving in, Mr. Rivas began extending his developments over my property lines, effectively taking ownership of the shared road on my land. I paid to have a professional survey completed, but Mr. Rivas subsequently removed the survey pins, erected fences on my side of the property line, disposed of plastic garbage on my land, and placed a trailer home on my property. He and his associates repeatedly use the road on my property for parking and storage to the point that I have been unable to enter or leave my home. When I ask him to clear a gap for me to get through, he has responded with insults, bullying, intimidation, and verbal abuse. He has told me I do not belong here and that he hates my guts. I used to love this property, but now I hate the whole thing. When I drive down the road and know there will be a problem, my stomach feels sick.

I would offer my consent for the cultivation of cannabis on his property if the operation did not have such a direct and dramatically negative effect on my life, so unfortunately I cannot. I would request that before approval is granted by the planning commission, Mr. Rivas should be made to hire a professional surveyor to resurvey and mark the property boundaries, and that the updated property lines be documented and enforced by the county. Furthermore, I would request that all of his belongings/trailers/garbage/cultivation be removed from my property and the 30-foot or other applicable setbacks.

Respectfully,
Thomas Morgan