



AGENDA
RIO DELL PLANNING COMMISSION
"VIRTUAL" REGULAR MEETING
TUESDAY, JUNE 22, 2021– 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.... Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at www.cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council and Planning Commission format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Planning Commission meetings and waives in-person accessibility for Planning Commission meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the City Council and the Rio Dell Planning Commission will only be holding "virtual" meetings.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note which project the comment is directed to and email your comments to the above email address. The City Clerk will read comments out loud, for up to three minutes and provide an immediate response to the comment(s).

Zoom Public Comment:

When the Chair announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting ID **987-154-0944** and listen for the prompts to join the meeting. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, press star (*) 6 to unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2021/0622.01 - Approve Minutes of the March 9, 2021 Special Meeting
(ACTION) 1
- 2) 2021/0622.02 - Approve Minutes of the May 25, 2021 Regular Meeting
(ACTION) 5

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not allowed under the Ralph M. Brown Act. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

Due to the COVID-19 situation public comment must be submitted via email at publiccomment@cityofriodell.ca.gov. Your comments will be read out loud, for up to three minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2021/0622.03 - **Resolution No. PC-163-2021** Approving a Conditional Use Permit (CUP) for Dinsmore Plateau Farms for 133,650 sq. ft. (canopy area) of Mixed-Light Cannabis Cultivation within 27 existing greenhouses and Design Review of a 9,000 sq. ft. Drying and Processing Facility (Case No. CUP-CCLUO-DR 2021-03, File No. 205-071-043) **(ACTION)** 10

H. STAFF COMMUNICATIONS/UPDATES

- 1) Dinsmore Plateau
- 2) Humboldt Rio Dell Business Park
- 3) Pending Projects

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
July 27, 2021 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION
SPECIAL MEETING MINUTES
MARCH 9, 2021**

CALL TO ORDER

Commissioner Angeloff called the special “virtual” meeting of the Rio Dell Planning Commission to order at 6:32 p.m.

Present were Commissioners Angeloff, Arsenault, Kemp, Millington, and Wilson.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Planning Commission Chair Angeloff asked if any Planning Commissioner or member of the public had any questions or corrections to the minutes as presented. There were no questions or corrections received.

Approve Minutes of the February 23, 2021 Regular Meeting

Motion was made by Arsenault/Wilson to approve the minutes of the February 23, 2021 meeting as submitted. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Sweet Grass Farms – 625 Dinsmore Ranch Road – Adopt Resolution No. PC-159-2021 Approving the Sweet Grass Farms Cannabis Activities Conditional Use Permit (CUP) subject to Conditions of Approval (File No. 205-071-036 & 038 – Case No. CUP-CCLUO-21-01)

Community Development Director Caldwell provided a staff report recommending approval of a CUP for a three-phase buildout of a 32,000 square foot commercial cannabis mixed light facility, with a 4,000 square foot ancillary nursery, and a 30’ x 50’ processing shop on site for processing, packaging, labeling and distribution purposes.

He explained that the Dinsmore Plateau is one of two areas that allows for commercial cannabis cultivation with cannabis retail sales allowed in the Town Center (TC) zoning designation.

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He continued with review of the project and said that the first phase would include three greenhouses totaling 9,000 square feet of mixed light cultivation. The second phase would include three additional 30' x 100' greenhouses totaling 18,000 square feet of mixed light cultivation. The third phase would include an additional four 30' x 100' greenhouses for a total of ten greenhouses totaling 30,000 square feet of mixed light cultivation.

Community Development Director Caldwell reviewed attachments 1-4 of the staff report and noted that water is provided by the City and in addition, the applicant is proposing 100,000 gallons of on-site storage with rainwater catchment tanks.

He pointed out that because the proposed operation is accessory to the residential use of the parcel and general agriculture is a principally permitted use, Design Review of the greenhouses and accessory buildings are not required. However, because the activity is for the cultivation of commercial cannabis, it triggers the requirement for a Conditional Use Permit.

Community Development Director Caldwell continued with review of the Zoning and General Plan Findings and noted that the proposed use is allowed within the applicable zone and consistent with the General Plan.

The project was referred to the Rio Dell Fire District for comments and recommendations and recommendations were made regarding emergency water storage, hydrants, access, including the need for a Knox Box at the gate, turn-around area and address signage.

He explained that the project was conditioned to require the applicant to financially contribute to their fair share of public services including the expansion of the Dinsmore water tank and upgrade of water line from the Douglas St. tank, which is estimated at \$22,440, which the applicant is amenable to. This is a unique addition to projects and would apply to all future cannabis activity projects.

Community Development Director Caldwell commented that the project was referred to the local native American tribes, including the Bear River and Wiyot's and a Cultural Resource Study was recommended. Archaeological Research and Supply Company accompanied by the Bear River Tribal Historic Preservation Officer, conducted on-site investigation and prepared a Cultural Resource Study

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regarding the parcel and surrounding area and no historic and no prehistoric artifacts were located as a result of the study.

Commissioner Angeloff disclosed to the Commission and the public for transparency purposes that he performed the study and was paid by the applicant to do the work.

Staff and the Commissioners determined that there was no conflict of interest due to the public disclosure of information.

Commissioner Angeloff called for public comment on the proposed project. No public comment was received.

Commissioner Angeloff then called for comments or questions from the Commission. There were no questions from the Commissioners.

Thomas Norton, applicant of the project, thanked the Commission and staff for considering the project and said to feel free to email him with any questions or concerns they may have. He said that their hope is to generate jobs and bring money into the community.

Motion was made by Millington/Arsenault to approve Resolution PC-159-2021 approving the Sweet Grass Farms Cannabis Activities Conditional Use Permit (CUP) subject to the Conditions of Approval as presented. Motion carried 5-0.

Commissioner Angeloff said that the Norton's have been a great supporter of the City and invited them to join the Chamber of Commerce.

Thomas Norton commented that they were invested in the community and had big plans for elders as well as youth and that they love the community and would like to see Rio Dell grow.

Community Development Director Caldwell thanked the Commission for agreeing to have special meetings, commenting that it means a lot to applicants to be able to move projects forward in a timely manner.

Thomas thanked the Commission and staff once again and commented that with the City working with them rather than against them, it helps to make dreams possible.

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STAFF COMMUNICATIONS

Community Development Director Caldwell reported that at the next regular meeting on March 23, 2021, staff would be presenting an ordinance banning the cultivation of hemp. He said that James Cortazar had an application with the County Ag Department to cultivate 20 acres of industrial hemp on the Dinsmore Plateau but believes that his plans have changed as there seems to be tremendous interest in cultivation of commercial cannabis rather than hemp. In addition, the cannabis farmers up there are concerned about the possibility of cross pollination.

Commissioner Angeloff said that given that pollen can migrate for miles, wondered if the ban could include the City's sphere of influence.

Community Development Director Caldwell explained that the County of Humboldt already has a ban on hemp cultivation and that he was not aware of anyone in Fortuna applying for hemp cultivation.

ADJOURNMENT

Motion was made by Wilson/Angeloff to adjourn the meeting at 6:55 p.m. to the March 23, 2021 regular meeting.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

**RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
MAY 25, 2021**

CALL TO ORDER

Commissioner Angeloff called the regular “virtual” meeting of the Rio Dell Planning Commission to order at 6:30 p.m.

Present were Commissioners Angeloff, Arsenault, Kemp, Millington, and Wilson.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Approve Minutes of the May 25, 2021 Regular Meeting

City Clerk Dunham pointed out a correction to the minutes and said that pages 2-9 had the date of February 23, 2021 in the heading rather than March 23, 2021.

Commissioner Millington noted a correction to the minutes on page 2 on the second to the last paragraph and said that the number on the first line of the paragraph should read “217,800” sq. ft. rather than 17,800.

Motion was made by Millington/Wilson to approve the minutes of the March 23, 2021 regular meeting as amended. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-162-2021 Approving a Conditional Use Permit and Design Review for Northwestern Flower Co. for 9,600 sq. ft. (canopy area) of indoor cannabis cultivation including on-site drying activities in existing two-story 19,200 sq. ft. building located at 1275 Northwestern Ave. (File No. 205-111-075) Case No. CUP-CCLUO-21-01)

Community Development Director Caldwell provided a staff report and said that Northwestern Flower Co. is requesting a Conditional Use Permit (CUP) for 9,600 sq. ft. of indoor cannabis cultivation, including on-site drying activities. He noted that the processing and packaging would occur at an off-site licensed facility.

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Community Development Director Caldwell noted that Design Review was done as part of the Wendt application that was previously submitted when the building was constructed.

He reviewed the cultivation plan as submitted and said that the applicant is proposing to utilize three (3) 8' x 40' shipping containers as drying facilities temporarily. The containers would be placed behind the existing building.

Community Development Director Caldwell then referred to the Conditions of Approval under Exhibit A and explained that most of the conditions for the design review were previously approved including installing stone veneer along the front of the building.

He further explained that the applicant is requesting a parking exception based on levels of anticipated use and staff is supportive of the exception request. The parking space requirement as identified by the Planning Commission is one space for every 800 sq. ft. requiring 24 spaces for the proposed use and the submitted site plan identifies 18 spaces under the parking exception request.

Community Development Director Caldwell explained that the parcel is fairly large and that the engineered flood calculations show the building to be in excess of three (3) feet above the flood elevation.

Staff recommended a couple of additional Conditions of Approval. With regard to parking, the Rio Dell Municipal Code requires that 10% of the gross area of the parking lot be landscaped; in this instance, 1,300 sq. ft. The applicant is proposed approximately 960 sq. ft. of landscaping along the front of the building. Staff is recommending four (4) additional Crepe Myrtle trees along the driveway to the south. In addition, staff is recommending an additional 6' x 58' (348 sq. ft.) of landscaping strip along the north end of the building. With the additional landscaping as recommended, the total landscaping area will be approximately 1,308 sq. ft. and the project has been conditioned accordingly. Staff referred to the landscaping plan and commented that the landscaping incorporates the appropriate use of ground cover including trees and shrubs.

Staff also recommended that the outdoor break area be moved due to the proximity of the proposed air conditioning units due to concerns regarding noise levels.

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Community Development Director Caldwell commented that the applicant is proposing to screen the trash/recycling containers with a 6-foot cyclone fence with green privacy slats however, the code requires they be screened with a solid masonry wall with a minimum height of six feet. As such, staff is recommending a masonry, wood or other similar material that effectively screens the trash/recycling containers with perhaps some plants in front of the enclosure.

Staff indicated that the applicant is proposing black wrought iron or aluminum fencing along the south property line, adjacent to the access road and up the driveway to the entrance gate and from there and around the building, chain link security fencing which staff is supportive of.

Commissioner Arsenault commented on the temporary use of shipping containers for drying purposes and asked if these plans pertain to the temporary use or to a newly constructed building.

Community Development Caldwell explained that the shipping containers would only be used temporarily for drying and that they would be placed behind the existing building so they would be hidden and screened. The processing and packaging would be done at an off-site licensed location.

Commissioner Arsenault asked for the location of the existing building.

Community Development Director Caldwell referred to the site plan and said that the existing building which has been in place for over two years is the tan steel building located south of the big green building.

Commissioner Arsenault thought that it would be helpful for the Commissioners to have a map of all of the existing buildings with the names of the operators at the Humboldt Rio Dell Business Park.

Community Development Director Caldwell agreed to provide Commissioners with the information as requested.

Commissioner Angeloff said that he understood that the existing building was constructed as a 2-story building with the intent to have cultivation on both levels

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and questioned the 9,600 sq. ft. of cannabis cultivation within the 19,200 sq. ft. space.

Community Development Director Caldwell referred to page 41 of the packet including the floor plans for the first and second stories including rolling beds, office space, bathrooms, elevator, common area, and break room.

Commissioner Angeloff called for public comment.

The applicant, Jesse Jeffries said that he had no comments or concerns. No other public comment was received.

Motion was made by Arsenault/Millington to approve Resolution No. PC-162-2021 approving a Conditional Use Permit and Design Review for Northwestern Flower Co. for 9,600 sq. ft. (canopy area) of indoor cannabis cultivation, including on-site drying activities in existing two-story 19,200 sq. ft. building located at 1275 Northwestern Ave. Motion carried 5-0.

STAFF COMMUNICATIONS

Community Development Director Caldwell reported that there was one pending item to come before the Commission at the next regular meeting scheduled for June 22, 2021 which was a cannabis activity application from Dinsmore Plateau Farms.

He noted that staff was monitoring the pending drought situation and is asking cannabis farmers to stock pile water in the event a drought order is issued by the State.

Commissioner Angeloff asked if there were any other pending applications.

Community Development Director Caldwell said that in addition to Dinsmore Plateau Farms, James Cortazar is in the process of submitting a subdivision application to create additional parcels on the Dinsmore Plateau.

He pointed out that cannabis farmers are required to pay their fair share contribution, based on estimated water use for the expansion of the Dinsmore water tank which computes to approximately \$16,000 for Northwestern Flower Co. and approximately \$20,000 for Sweet Grass Farms.

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Community Development Director Caldwell was happy to report that Glenn White had resubmitted corrections on his plans to Interwest for the tenant improvements on his building at the Humboldt Rio Dell Business Park and hoped to wrap the project up before the next rainy season.

Commissioner Angeloff commented that he heard that there was another interested developer at the Humboldt Rio Dell Business Park.

Community Development Director Caldwell said that the parcel he was referring to is the former Rio Dell Holdings parcel and that staff did receive an opinion from the City Attorney regarding greenhouses in flood zones. It turns out that the developer would not be required to bring in 8-feet of fill as originally believed. Greenhouses are considered structures under FEMA's regulations and would only have to be wet-floodproofed and would not require a Variance which is good news.

ADJOURNMENT

Motion was made by Wilson/Angeloff to adjourn the meeting at 7:05 p.m. to the June 22, 2021 regular meeting. Motion carried 5-0.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 22, 2021

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: June 10, 2021

Subject: Dinsmore Plateau Farms Cultivation Application
Conditional Use Permit & Design Review
File No. 205-071-043; Case No's. CUP-CCLUO-21-03

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances, including the applicable "Guiding Principles and Design Concepts" in Section 17.250.050(5) Rio Dell Municipal Code (RDMC);
 - (b) The proposed use is consistent with the general plan and any applicable specific plan; and

(c) The proposed design, location, size, landscaping and operating characteristics of the proposed activity are compatible with and will enhance the character of the neighborhood and community and future land uses in the vicinity; and

(d) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

(e) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(f) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

(g) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(h) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 163-2021 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

Dinsmore Plateau Farms (Applicant and Operator) is requesting a Conditional Use Permit (CUP) for 133,650 square feet (sf) (canopy area) of mixed-light cannabis cultivation within 27 existing greenhouses. The application includes on-site drying and processing activities. Drying and processing will occur in a proposed 180' x 50', 9,000 square foot building. **See Figure 1.** The property is provided City water and is dependent upon an on-site wastewater system (septic tank and leachfields). The 16.3+/- parcel is currently developed a 3,000+/- square foot single family residence and 4,400 square foot barn. The property is provided power from PG&E. There are no on-site or nearby streams or other sensitive habitat. A Biological Assessment Cultural Resource Study and Traffic Impact Study is on file. The applicant anticipates up to seven full time employees and up to an additional eleven seasonal employees for planting, harvesting and processing activities. Design Review is required for the proposed 9,000 square foot building.

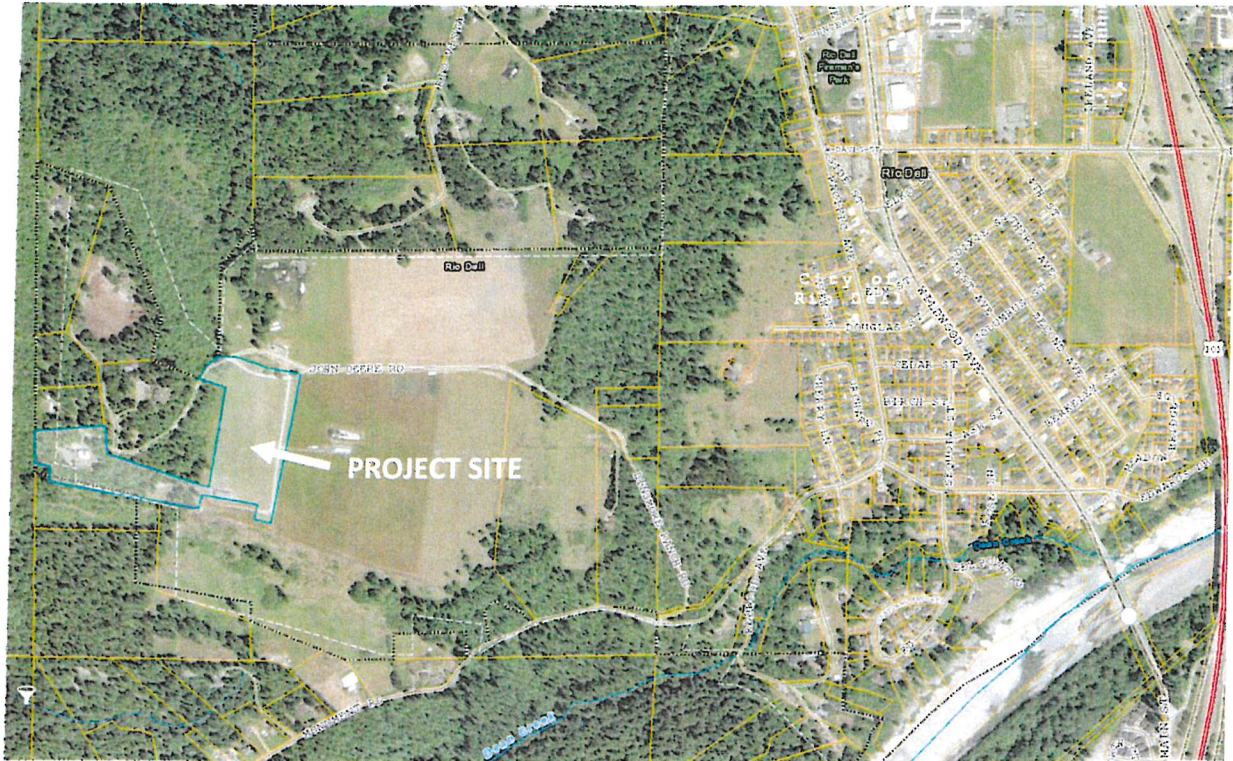


Figure 1

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is designated Rural (R). The Rural or R designation is intended to provide for agricultural uses, including crop production, farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry. Low density residential uses are also principally permitted.

Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities up on the Dinsmore Plateau with a Conditional Use Permit.

All cannabis applications for the required Conditional Use Permit requires the submittal of a completed application form, a Site Plan and a Plan of Operations which is required to include the following:

- A complete project description including the proposed use(s), hours and days of

operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.

- The number of daily and/or weekly incoming and outgoing deliveries
- A Security Plan that addresses the cultivation, storage, processing of any cannabis, including but not limited to any video monitoring and commercial alarm systems.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- A description of the storage or use of any, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- A description of any discharge or emissions the operation will generate.
- A description of any noise level increase as a result of the operation.
- A description of the operation's use of public facilities such as roads, water or sewer systems.
- A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

The Plan of Operations and site plan are included as **Attachment 1**. The Plan of Operations addresses the required information. As the Commission is aware, the State must approve all cannabis activities and issue a State License prior to the operation commencing.

Performance Standards

Cultivation

Again, the applicant is proposing 133,650 square feet (sf) (canopy area) of mixed-light cannabis cultivation within 27 existing greenhouses.

Section 17.30.195(7)(d) RDMC

Greenhouse and Mixed-Light commercial cultivation of cannabis shall be conducted entirely within a fully enclosed, secure and lockable greenhouse and shall be

conditionally permitted in the Industrial Commercial (IC) and Natural Resources (NR) designations located in the Sawmill Annexation area and the Rural (R) designation located on the Dinsmore Plateau area pursuant to the “Greenhouse” and “Mixed-Light” cultivation area provisions described in Table 8.1 and subject to the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.

Table 8.1
Indoor Cultivation

Industrial Commercial (IC), Natural Resources (NR) and Rural (R) Designations

State License Type	Allowable Canopy
“Specialty Cottage”	2,500 sq. ft.
“Specialty”	5,000 sq. ft.
“Small”	10,000 sq. ft.
“Medium”	22,000 sq. ft.

Note: There are no limits on canopy size. Limits are based on State requirements. Currently applicants are allowed one “Medium” license which must be backfilled with smaller licenses.

The City’s limits for cultivation are based on the State’s limits. The applicant will be required to get one “Medium” (22,000 square feet) State license and backfill with “Small” licenses.

Performance Standards for all Cultivation Operations:

(a) No surface water withdrawals shall be allowed as part of any cultivation operations.

No surface water withdrawals are proposed. The Dinsmore Plateau is provided City water.

(b) No Timberland Conversion Permits or Exemptions as approved by the California Department of Forestry and Fire Protection (CAL-FIRE) shall be used to facilitate the cultivation of cannabis.

A Timberland Conversion Permit is not necessary.

(c) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 50 feet from any property line in the Natural resource (NR) zone and 1000 feet from any School. Cannabis cultivation is declared to be development, subject to compliance with Section 17.30.110, Environmentally Sensitive Habitat Area’s (ESHA’s). For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have

been agreed to by the operator and the RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to Section 17.30.110.

There are no -onsite riparian areas or wetlands. There is a wetland on the adjacent parcel which is approximately 500 feet north of the subject property.

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

The project was referred to the RWQCB. The City did not receive any comments or recommendations. However, the project has been conditioned to require the applicant to Maintain Enrollment in the required Tier as required by the Northcoast Regional Water Quality Control Board (NCRWQCB). A letter or similar communication from the NCRWQCB verifying that their requirements have been met will satisfy this condition. The project has been conditioned accordingly. **Please see Exhibit A.**

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

The RWQCB also reviews and comments on applications at the State level. The applicant is not entitled to commence operations until they have obtained their State license. See above discussion.

(f) The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall comply with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).

The applicant has submitted a Plan of Operation indicating that all fertilizers, pesticides, fungicides, etc. shall comply with the manufacture's recommendations and regulations regarding the storage and application of the materials. Staff has conditioned the project to require the applicant to enroll in the County Hazardous Waste program. Hazardous materials

and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment. The project has been conditioned accordingly. **Please see Exhibit A.**

(g) Trucked water shall not be allowed as the primary water source. Water is to be sourced locally (on-site), except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action."

The project has been conditioned accordingly. It should be noted that CalCannabis recently issued a news blast dated June 11, 2021 regarding water sources and trucked water. CalCannabis wanted to remind permittees that the use of any water hauling services must be approved before any water is delivered and used for cannabis cultivation. The project has been conditioned accordingly. **Please see Exhibit A.**

The site is provided community water. The City has three sources of water. The primary source is an infiltration gallery in the river at the south end of town, Permit Number 021161. This source is used typically in the winter, spring, early summer and late fall. The secondary source are wells located at the Humboldt Rio Dell Business Park, Permit Number 010464. This source is used during late summertime low flows in the river and when the turbidity is extremely high during storm events. The City's third source is what is known as Dean Creek Springs, located about two miles up Monument Road, Permit Number 013193. This source has not been used for decades. The City's allowed allocation between the three permits is 1565.2 acre feet or 510,021,896 gallons annually. The City 2020 water usage was 89.574 million gallons.

(h) Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.

The applicant is proposing to utilize ECOSORB equipment for the required odor control. A copy of the proposal and technical specification is included in the Plan of Operation, **Attachment 1**. The project has been conditioned to install and maintain an odor control system to eliminate odor discharges to neighboring properties from cultivation and processing facilities. **Please see Exhibit A.**

- (i) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.*

The Plan of Operation indicates that all plant waste will be composted onsite. The proposed compost site is located west of the existing barn. Please refer to the site plan for the location. The applicant is proposing solid waste and recycling covered containers immediately west of the proposed building. The City's Design Review regulations requires that trash/recycling areas be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. The intent of the required screening is to prevent access of the bins by animals and hide the trash and recycling bins. The project has been conditioned accordingly. **Please see Exhibit A.**

Should the applicant choose to dispose of the green waste off-site, Humboldt Recology accepts green waste. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. The project has been conditioned accordingly. **Please see Exhibit A.**

- (j) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Should the City receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.*

The applicant is proposing mixed-light cultivation. As such, the project has been conditioned accordingly. **Please see Exhibit A.**

- (k) Generators are only allowed as an emergency back-up power source. The noise produced by a generator used for cannabis cultivation shall not be audible from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels.*

Electricity from the grid will be provided to the site. All emergency generators are subject to the following conditions:

1. The generator(s) shall be enclosed to minimize noise levels.
2. Noise levels shall not exceed 60 decibels at any property line.
3. The generator(s) shall be Tier 4.
4. The applicant shall enroll in the County Hazardous Waste program which includes the storage of fuel (diesel). Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

The project has been conditioned accordingly. **Please see Exhibit A.**

(l) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

As indicated above, the project is conditioned to require the applicant to enroll in the County Hazardous Waste program which includes the storage of fuel (diesel).

(m) Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:

- (i) On-grid power with 42 percent renewable source.*
- (ii) Onsite zero net energy renewable source providing 42 percent of power.*
- (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.*
- (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.*

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed by the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

Redwood Coast Energy Authority (RCEA) administers the County’s Community Choice program. This program includes two options for renewable energy. REpower is higher in renewable power than PG&E’s mix. REpower+ is sourced from 100% renewable energy. The project has been conditioned to require that 100% of the energy be supplied from a renewable source, in this case Repower+. **Please refer to Exhibit A.**

(n) Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

The project has been conditioned to require compliance with all governing laws and regulations that apply to cultivation activities. **Please refer to Exhibit A.**

(o) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

The project as proposed or as conditioned is in compliance with the above operational Performance Standards. In addition, the project is conditioned to comply with all State regulations including security provisions, operational standards, record keeping, the storage of materials, including fertilizers pesticides, fungicides, packaging and labeling. **Please see Exhibit A.**

Rural (R) Development Standards and other associated Zoning Regulations

Below are the Development Standards for the Rural designation:

Table 17.20.070
Development Standards in the Rural or R Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	5 acres
Maximum Ground Coverage:	10% ¹
Minimum Lot Width:	100 ft.
Minimum Yard	
Front:	20 ft.
Rear:	20 ft.
Side:	20 ft.
Maximum Building Height:	3 stories or 45 feet [Ord. 252 § 4.15, 2004.]

¹ Open space requirements are not intended to apply to agricultural structures including greenhouses, barns, covered riding arenas, etc. All commercial cannabis cultivators will be required to submit a Surety Bond to ensure the removal of all but one of the abandoned greenhouses on concrete slabs so as not to exceed the 10% lot coverage within two years of the cessation of commercial cannabis activities.

Setbacks: The Rural designation requires twenty-foot setbacks from all property lines and the edge of access easements. However, greenhouses are required to be 30 feet from any property line. The existing greenhouses are located at least 30 feet from the property lines and the edge of access easements.

In addition, Section 17.30.195 (10)(c) of the CCLUO requires a 300 foot setback from any residences on an adjacent separately owned parcel. Greenhouses 25, 26 and 27 are within 300 feet of the residence to the north. The setback required from associated property lines or residence(s) on adjacent privately-owned property may be waived or reduced with the express written consent of the owner(s) of the subject property. The applicant has submitted written consent from the adjacent owner, James Cortazar, indicating that he has no objection to the reduced setback. The project complies with the setback provision of the Rural designation and the CCLUO.

Building Height: The Rural designation maximum allowable height for buildings is three stories or 45 feet. The proposed building and the existing greenhouses are less than 20 feet in height. The project complies with the height provisions of the Rural designation.

Lot Coverage: As indicated above the maximum ground or lot coverage is 10%. Agricultural structures including greenhouses and barns are exempt from the ground or lot coverage calculation. It should be noted that the existing greenhouses have open/dirt floors. The proposed 9,000 square foot building and existing 3,000+/- square foot residence total about 12,000 square feet. The parcel is 16.3 acres or 710,028 square feet. As such, the allowable lot coverage is a little over 71,000 square feet. The project complies with the ground or lot coverage provisions of the Rural designation.

Flood Zone: Section 17.30.140 of the RDMC contains provisions for development within mapped flood zones. The parcel is not located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1430.

Parking: Section 17.30.220 of the Rio Dell Municipal Code (RDMC) identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces.

As the Commission is aware the City's parking regulations do not specifically identify parking requirements for cultivation or other agricultural use types. Parking demand for cultivation activities, including processing, has been determined based on the number of anticipated employees.

Again, the applicant anticipates up to seven full time employees and up to an additional eleven seasonal employees for planting, harvesting and processing activities.

The applicant is proposing fifteen (15) standard parking spaces, two (2) motorcycle spaces and three (3) bicycle spaces between Greenhouses 20 and 25. In addition, the applicant is proposing seven (7) standard spaces and one (1) ADA van-accessible space at the proposed 9,000 square foot drying/processing building. Given the eleven (11) anticipated seasonal employees for planting, harvesting and processing (trimming), staff recommends an additional six (6) standard spaces along the east side of the building. In addition, staff is recommending three bicycle parking spaces. See Figure 2. The project has been conditioned accordingly. Please see Exhibit A.

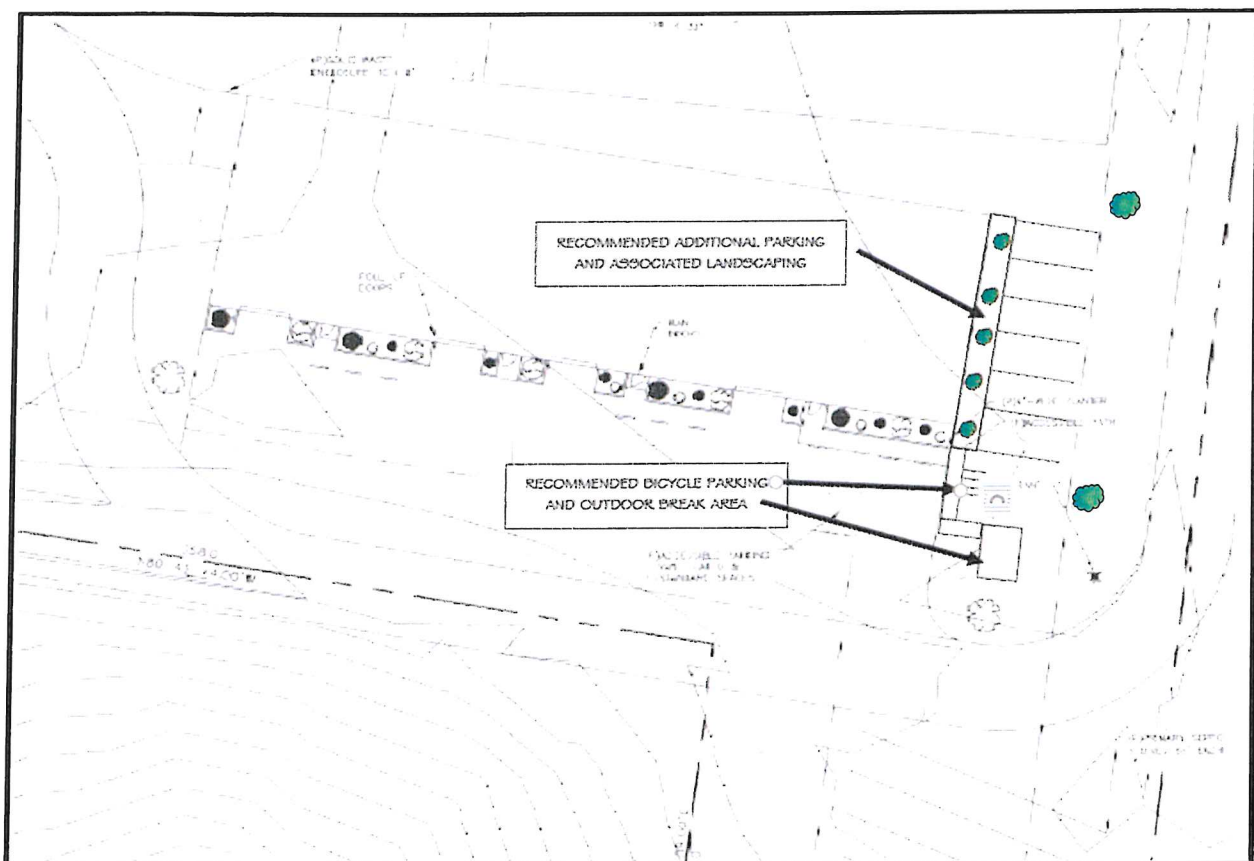


Figure 2

It should be noted that Section 17.30.220(1)(b) of the RDMC contains the following language:

"It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements."

The Rio Dell Municipal Code (RDMC) requires one disabled or accessible space per 25 parking. The handicap space must be permanently signed and the space painted with the international symbol of accessibility. The project as proposed complies.

Section 17.30.220(6) of the RDMC identifies the minimum dimensions of parking spaces and aisles. The applicant is proposing perpendicular spaces. The proposed parking space dimensions, 19' x 8.5', and aisle dimensions, 25', complies with the City's parking regulations.

Section 17.30.220(7)(a) of the RDMC requires all parking spaces, access drives and maneuvering areas to be improved with and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as required by the Director of Public Works. Other than the ADA parking space, the applicant is proposing gravel drives and parking spaces. Staff is supportive of the proposed gravel spaces.

Section 17.30.220(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have breaks in it to allow stormwater to pass. The submitted site plan identifies the 6" curbing around the landscaping area on the south side of the proposed building. The applicant will need to provide the additional curbing between the additional recommended parking shown in **Figure 2** on the west side of the building. In addition, the curbing is required around the landscaped strips in the north parking area. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.220(10) of the RDMC identifies driveway and access requirements. The purpose of the driveway provisions is to limit the number of driveways to avoid potential conflicts with pedestrians, bicyclist and vehicles. The number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. The project as proposed does not create potential conflicts with pedestrians, bicyclist and vehicles.

Section 17.30.220(10)(b) of the RDMC requires that each access driveway be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street, unless a lesser or greater distance is approved or required by the Director of Public Works. The proposed driveway locations comply with this regulation.

Section 17.30.220(11)(b) of the RDMC requires that one-way driveways be a minimum of 16 feet wide and two-way driveways be a minimum of 25 feet wide. Given the nature of the project and anticipated traffic volume, staff recommends the access road (driveway) off of Dinsmore Ranch Road be graveled to a width of 20 feet. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Sections 17.30.220(12), (13) and (14) of the RDMC identifies parking area landscape requirements for parking lots containing 3 spaces or more. Landscaping has to be provided throughout the parking lot as a combination of ground cover, shrubs and trees. The Site Plan

does contain landscaping information and does incorporate the use of ground cover including shrubs and trees. The applicant is proposing Sargent Cherry trees, Spanish, English and French lavenders along with Rosemary, Pineapple Sage and Yarrow in the landscaped strips at both parking area locations.



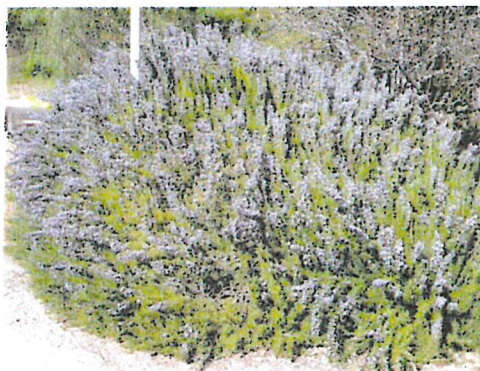
Sargent Cherry



Lavender



Pineapple Sage



Rosemary



Yarrow

Section 17.30.220(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

The proposed parking areas are not adjacent to a public street.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

Again, the proposed parking areas are not visible from a public street.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

It appears that the submitted landscaping plan does not include any trees within the landscaping strips adjacent to the access road, driveway or the building. The applicant is proposing a Sargent Cherry tree on each side of the access into the north parking area and two Sargent Cherry trees adjacent to the proposed building.

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

Any trees or shrubs planted near the driveway entrances shall be of size and shape so as not to impede visibility. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.220(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The north parking lot is approximately 8,100 square feet. Accordingly, about 810 square feet of landscaping within or adjacent to the parking area is required. The two landscaping strips around the parking area provide about 2,160 square feet of landscaping.

The parking area, including the travelway immediately adjacent to the proposed building is approximately 15,000 square feet. Accordingly, about 1,500 square feet of landscaping within or adjacent to the parking area is required. The applicant is proposing approximately 800 square feet of landscaping along the front of the building. Again, staff is recommending additional parking and associated landscaping along the east side of the building. This additional landscaping strip, 6' x 50', is 300 square feet. As such, an additional 400 square feet of landscaping is required. At maturity the proposed two Sargent Cherry trees provide about 80 square feet of canopy each. In order to meet the required ten percent, staff recommends two additional Sargent Cherry trees near the parking area east of the building. See Figure 2. The project has been conditioned accordingly. **Please refer to Exhibit A.**

In addition, pursuant to Section 17.30.220(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces. The proposed and recommended Sargent Cherry trees adjacent to the building meets this requirement. One additional Sargent Cherry tree is need adjacent to the north parking area. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Pursuant to Section 17.30.220(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The project is conditioned so that all light fixtures be LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Please see Exhibit A.**

Section 17.30.220(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. Loading spaces must be at least 11' x 35' and have at least 14 feet of vertical clearance. The site plan identifies one 11' x 35' loading space in the north parking area.

The primary use of the loading space will be for the delivery of soil which is expected to be once a year. Loading areas are to be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. There is an exception to the screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements. Because the anticipated infrequent use of the loading space, staff does not recommend that the loading space be screened with a solid masonry wall and landscaping.

Loading areas are required to be striped and identified for "LOADING ONLY" and the striping and notation must be continuously maintained in a clear and visible manner. Again, staff is supportive of an all-weather gravel surface, as such striping is not practical. However, staff is recommending the loading space be signed "LOADING ONLY". The project is conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. These regulations and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements. Due to the rural nature of the project site, surrounding properties, lack of public streets and sidewalks, staff does not recommend that curb, gutter and sidewalks be required along the frontage of the property and the access road.

Section 17.30.180(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project.

The applicant proposes to remove the poly greenhouse covering in the winter. As such no increase of stormwater will result from the existing greenhouses. The applicant is proposing to direct the stormwater runoff from the building to the landscaping strips, which are functionally a vegetated retention/detention basin.

Signs: Section 17.30.300 includes the City's sign regulations. The project has been conditioned to require compliance with the sign regulations. **Please see Exhibit A.**

Environmentally Sensitive Habitat Areas (ESHA): Section 17.30.100 of the Rio Dell Municipal Code (RDMC) identifies the City's ESHA regulations. The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City.

Based on the fact that the cultivation activities will occur within existing greenhouses, odor control is to be provided, general agriculture, including crop production is a principally permitted use, agricultural activities, including crop and hemp production has occurred historically onsite, information submitted, including the Plan of Operation, the Biological Assessment, the Cultural Resource Study and Traffic Impact Study on file, the physical characteristics of the property, the absence of any environmentally sensitive habitat, conditions of approval and comments or lack of from referral agencies, including the California Department of Fish and Wildlife (CDFW) and the North Coast Regional Water Quality Control Board (NCRWQCB), that the project will not result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Design Review

Section 17.25.050 *et. seq.* for the RDMC contains the Design Review Regulations. The Design Review Regulations apply to new buildings and/or structures. The Design Review provisions apply to the proposed building. The Planning Commission is required to review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified in Section 17.25.050(8) of the RDMC. Below are the Guiding Principles and Design Concepts:

- To encourage high quality land/site planning, architecture and landscape design; and
- To ensure physical, visual, and functional compatibility between uses; and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

As indicated above the project is also subject to the required Design Review findings found in Section 17.25.050(8) of the RDMC. Please note that most of Design Review provisions were intended to apply to conventional commercial or industrial development. The required findings are as follows:

(1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is

*consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).*

Staff will address General Plan consistency in Section 2 of this staff report. The zoning consistency analysis was provided previously. This section of the staff report is addressing landscaping and design review.

Below are the adopted Design Concepts for Site Planning for industrial/commercial developments.

- *Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.*

There is one residence about 1,000 feet north of the proposed building on an adjacent parcel. The existing greenhouses will effectively screen the proposed building from the residence. Staff believes the proposed design and use is compatible with the adjacent residential use.

- *A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.*

The parcel is not located within an integrated development. As such this policy is not applicable.

- *Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.*

Again, due to the rural nature of the project site, surrounding properties, lack of public streets and sidewalks, staff does not recommend that curb, gutter and sidewalks be required along the frontage of the property and the access road.

The project as proposed does not does include an outdoor gathering area for eating and sitting for the employees. As your Commission may remember the Marathon 2012, Northwestern Flower Company and the Humboldt Highgrade projects were conditioned to require outdoor areas for eating and sitting. Staff recommends a 12' x 16' gazebo or pergola with two concrete picnic tables near the entrance of the building. Please see Figure 2. The project has been conditioned accordingly. **Please refer to Exhibit A.**

- *A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.*

Again, due to the rural location and the fact that this is a commercial agricultural operation, staff has not recommended curb, gutter and sidewalks be required along the frontage of the property and the access road.

- *Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.*

Although this is not a typical commercial or industrial development, as indicated above staff recommends a 12' x 16' gazebo or pergola with two concrete picnic tables directly near the entrance of the building. The project has been conditioned accordingly. **Please refer to Exhibit A.**

- *Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.*

The proposed project is not a mixed-use development. The proposed development is focused on the legal commercial cannabis industry.

- *Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.*

Again, due to the rural location and the fact that this is a commercial agricultural operation, staff has not recommended curb, gutter and sidewalks be required along the frontage of the property and the access road.

(2) *The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.*

The proposed building is a basic typical steel building. The applicant is proposing a galvanized aluminum roof, with Light Stone colored walls and Crimson Red trim. Below are the proposed colors of the wall and trim.



CRIMSON RED**

LIGHT STONE*

Staff is not supportive of the proposed galvanized aluminum roof due to the high potential of sunlight reflection and glare possibly affecting the residences on the hill to the north. Staff recommends a compatible non-reflective color for the roof. The project has been conditioned accordingly. **Please refer to Exhibit A.** With the recommended conditions of approval, staff believes the building and associated landscaping will enhance the character of the area.

The Design Review adopted Design Concepts encourages the following:

- *High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.*

The proposed building is a General Steel building which is considered to be a high quality building and of course being steel they are durable and maintainable.

- *Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.*

Again, given the nature of the commercial activity, the fact that it is not part of an integrated development, this policy is not applicable.

- *Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.*

Again, due to the rural location including the proposed location on the parcel and the fact that this is a commercial agricultural operation, staff believes the proposed is compatible with the area in regards to scale, style, materials and bulk.

- *Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.*

Again, the proposed building is a typical steel building with no architectural relief or articulation of the building features. In order to provide some relief and articulation, the Commission may want to consider conditioning the project on including:

- A covered front entry
- A contrasting lower band or stone veneer



Again, due to the rural location including the proposed location on the parcel and the fact that this is a commercial agricultural operation, staff is not recommending adding any relief and

articulation features to the building.

- *Incorporate quality site design, including landscaping, signage and other elements of site design.*

Staff has previously addressed the landscaping in the zoning consistency analysis. Based on the submitted plans and recommended conditions of approval, staff believes that the site design and associated landscaping certainly enhances the character of the immediate area. Again, the project has been conditioned to require compliance with the City's sign regulations.

(3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

This provision is intended for typical commercial or industrial developments. Again, due to the rural location including the proposed location on the parcel and the fact that this is a commercial agricultural operation, staff believes the design of the proposed building is compatible with the area.

Staff has previously addressed the proposed exterior lighting associated with the project. In regards to signage, Section 17.30.300 of the RDMC identifies the City's sign regulations.

4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

As previously indicated based on the project location, surrounding uses and anticipated levels of use and the recommended conditions of approval, staff believes there is no evidence that the proposed development would result in future potential conflicts with pedestrians, bicyclist and vehicles.

Based on the submitted information, including the Plan of Operation, and the recommended conditions of approval, staff believes the proposed uses are consistent with the City Zoning Regulations, including the City's Parking and Design Review regulations.

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Rural (R). The Rural or R designation is intended to provide for agricultural uses, including crop production, farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry. Low density residential uses are also principally permitted.

The proposed uses are consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are a number of General Plan goals and policies related to the proposed project. The following information identifies the evidence which supports the finding that the proposed project is in conformance with all applicable policies of the General Plan.

GP Policy Natural Environment G2.1-3; "Preserve drainage channels, habitat and open space."

There are no drainage channels or habitat that would be impacted from the proposed project. The greenhouses are existing and crop production, including crop production in greenhouses is allowed in the Rural designation.

GP Goal Natural Environment G2.1-5; "Regulate clearing and development of steep slopes, river, stream and drainage channels."

The proposed project will not require the clearing and development of steep slopes, rivers or streams.

GP Goal Natural Environment G2.1-9; "Minimize loss of life and property from natural and man-made hazards."

The parcel is not located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1430. The parcel is also not within a Dam Failure Inundation zone.

The proposed building will be located on flat native soils and not near any steep slopes. The area is within a mapped moderate instability area according to the County's GIS. All construction must comply with the 2020 California Building Codes. Staff believes the project is consistent with this policy.

GP Policy Soils & Geologic Resources P2.1.1-4; "Require geo-technical reports to ensure that slope and stability measures are incorporated into project design."

A Soils Report will be required as part of the Building Permit process for the proposed building.

GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.

The applicant proposes to remove the poly greenhouse covering in the winter. As such no increase of stormwater will result from the existing greenhouses. The applicant is proposing to direct the stormwater runoff from the building to the landscaping strips, which are functionally a vegetated retention/detention basin.

GP Policy Public Services P2.2.3-2; “Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.”

The project was referred to the Rio Dell Volunteer Fire Department for comments and recommendations. The District made recommendations regarding emergency water storage, hydrants, access, including the need for a Knox Box at any proposed gates, turn-around area and address signage. Below are their recommended conditions of approval.

1. A dedicated 5,000 emergency water tank with wharf hydrant no closer than 50 feet and no further than 100 feet from the building. A wooden or metal sign with a minimum three (3) inch letter height, 3/8-inch stroke, contrasting with the background color of the sign, with the wording "FIRE WATER" mounted on a wooden or metal post.
2. The hydrant head shall be brass or other corrosion resistant material with 2-1/2-inch National Hose male thread with a cap for pressure and gravity flow systems, and 4-1/2-inch National Hose male thread for draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. Crash protection meeting the requirements of the Uniform Mechanical Code shall be installed as required by the RDFPD.
3. All pipes supplying water to hydrants must be at least 3 inches in diameter; however, a pipe having a diameter of less than 3 inches may be used provided it can demonstrate the capability of supplying a minimum 200 gallon per minute (gpm) flow from the hydrant connection.
4. A Knox Box at any proposed gates.
5. A turn-around area at the building location.
6. Address signage. The size of letters numbers and symbols for addresses shall be a minimum 4-inch letter height, 1/2-inch stroke, reflectorized, and contrasting with the background color of the sign. Addresses shall use Arabic numbers and alphabetical letters. Wooden address signs meeting the standards for letter height, stroke, and contrast shall be permitted

The project has been conditioned accordingly. **Please refer to Exhibit A.**

GP Policy Public Services P2.2.3-4; “Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.”

The project has been conditioned to require the applicant to financially contribute to their fair share of the expansion of the Dinsmore water tank. The fair share contribution is based on the City’s average water bill, estimated water use and the current cost of access to the water

system, which is \$0.055 a gallon. The applicant estimates an annual water demand of 625,000 gallons. As such, the cost for access to the City's water system is \$31,250.00 (625,000 x \$0.05). The project has been conditioned accordingly. **Please see Exhibit A.**

GP Policy Conservation and Open Space P5.4-4; *"Identify and preserve remaining prehistoric camps, villages, and use sites. Identify areas that may be used by the local natives for resource procurement or religious purposes."*

AB 52, which went into effect after July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) list, which includes both federally recognized groups and non-federally recognized groups. AB 52 also established a new class of resources, tribal cultural resources. Tribal cultural resources must be considered when determining project impacts and possible mitigation. Tribal notice and consultation must occur. A Tribal Cultural Resource is a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either listed on or eligible for the CRHR or a local register. A lead agency may, at its discretion, decide to treat a resource as a Tribal Cultural Resource.

Native American consultation requirements of SB 18 (Chapter 905, Statutes of 2004) applies to all general or specific plan processes proposed on or after March 1, 2005.

The project was referred to the local native American tribes, including the Bear River and Wiyot's. A Cultural Resource Study was done by the Wiyot's for a contemplated subdivision in 2007. The Study was referred to both the Bear River and Wiyot tribes for their review as part of this project. Neither tribe recommended additional studies, but did recommend inadvertent discovery protocol. The project has been conditioned accordingly. **Please see Exhibit A.**

There are no goals or policies which would preclude the proposed use in the Rural designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Again, this required finding was made in regards to the design, location and size of the buildings as part of the Design Review approval. Based on the recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

Again, the site is designated Rural. The Rural or R designation is intended to provide for agricultural uses, including crop production, farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry. Low density residential uses are also principally permitted. The proposed crop production of cannabis is an allowable use. The site has been historically for agricultural purposes and will continue to be used for agricultural purposes.

Access to the project site is from Monument Road. A Traffic Impact Study (TIS) was prepared by W-Trans out of Santa Rosa for a previously contemplated subdivision on the Dinsmore Plateau. The TIS concluded at that time that the existing access was sufficient for up to 112 new homes. The TIS used the County's trip generation rates of five trips per day per day per dwelling.

Based on information provided by the applicant, the proposed project is expected to generate an average of about 40 new daily vehicle trips during the peak season (planting, harvesting and trimming). Based on this information, staff believes that the existing access is suitable for the proposed project.

The proposed project would be classified as a small project based on the Office of Planning and Research (OPR) guidance since it would result in fewer than 110 new daily trips even during peak season and can therefore be presumed to have a less-than-significant transportation impact on Vehicle Miles Traveled (VMT).

The site is provided power by PG&E. Adequate power is available for the proposed use. However, any significant power demands may not be able to be met until 2024/2025 according to a recent (June 14, 2021) meeting with PG&E representatives.

The site is provided community water. The City has three sources of water. The primary source is an infiltration gallery in the river at the south end of town, Permit Number 021161. This source is used typically in the winter, spring, early summer and late fall. The secondary source are wells located at the Humboldt Rio Dell Business Park, Permit Number 010464. This source is used during late summertime low flows in the river and when the turbidity is extremely high during storm events. The City's third source is what is known as Dean Creek Springs, located about two miles up Monument Road, Permit Number 013193. This source has not been used for decades. The City's allowed allocation between the three permits is 1565.2 acre feet or 510,021,896 gallons annually. The City 2020 water usage was 89.574 million gallons.

Based on information on file and the recommended conditions of approval, staff believes the site is physically suitable for the intended use.

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The proposed cultivation activities will occur in an existing building. Again, based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

The Dinsmore Plateau area is composed of eleven parcels designated for cannabis cultivation. A mile west of the Lower Eel River, on a ridge-top flat several hundred feet above the town, this property has a long history of human disturbance. Subdivided in 2007, according to the Dinsmore Ranch BA:

"The Dinsmore property is composed of about 160 acres located in the USGS 7.5' Scotia quadrangle in Humboldt County, California, Township 11V, Range 1W, Section 1 and 6... The entire landholding is located within the Dean Creek planning watershed... Elevation ranges from 480-820 feet with moderate slopes ranging from 0-45 degrees on average. Aspect is generally south-east. Habitat types vary in this area depending on past land management strategies. Much of the property is used for active cattle grazing with the remainder being composed of managed timberlands and residential development. Roads on the property are generally well maintained, gravel roads with a moderate amount of use."

Classified by the California Wildlife Relationship System (Mayer and Laudenslayer 1988) as Pasture, with an urban interphase, although these parcels are mostly situated on upland pastureland, young-growth Redwood forest occupy the periphery of this historical cattle ranch. Within the range of both the northern spotted owl (NSO) (*Strix occidentalis caurina*) and the marbled murrelet (*Brachyramphus marmoratus*); however, as noted in the Dinsmore Ranch BA, this project's non-forest, residential agricultural location, more than a ¹/₄ mile from suitable nesting habitat, precludes any impacts to these State and Federally listed species.

The Dinsmore Ranch BA identified five general habitat types on this subdivision. Habitat 1 is composed of seasonally wet areas characterized by little or no overstory, no shrubs, and a dense herbaceous layer and a diverse mix of grasses, rushes and sedges. Habitat 2 is flat hilltop with redwood and Douglas-fir dominated second growth timber, partially converted to residential development. These areas are crisscrossed with roads, landings, and skid trails; high grass and shrub cover fill in the area between clumps of retained trees. Habitat 3 is described as second growth redwood and Douglas-fir stands, on steeper slopes and with a thicker understory shrub component.

Nevertheless, the area proposed for cannabis cultivation is entirely composed of Habitats 4 and 5. Described as flat areas used for cattle grazing, with the distinction that more heavily impacted, Habitat 4 had been actively grazed, and Habitat 5, having been fallow, had chest high grasses. Confirming the absence of streams, wetlands and/or other sensitive habitats in this Project Area, my April 18, 2019 field reconnaissance noted that this site was still being heavily grazed by cattle and sheep.

Based on the fact that the cultivation activities will occur within existing greenhouses, odor control is to be provided, general agriculture, including crop production is a principally permitted use, agricultural activities, including crop and hemp production has occurred historically onsite, information submitted, including the Plan of Operation, the Biological Assessment, the Cultural Resource Study and Traffic Impact Study on file, the physical characteristics of the property, the absence of any environmentally sensitive habitat, conditions of approval and comments or lack of from referral agencies, including the California Department of Fish and Wildlife (CDFW) and the North Coast Regional Water Quality Control Board (NCRWQCB), that the project will not result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

As such the Planning Commission finds that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment.

Attachments:

Attachment 1: Plan of Operations and Site Plan.

Attachment 2: Biological Assessment.

Attachment 3: Exhibit A, Conditions of Approval

Attachment 4: Resolution No. PC 163-2021.

**Cultivation Plan
Dinsmore Plateau Farms
Parcel APN #205-071-043**

The following plan describes the general operations for managing a 133,650 sq ft mixed-light cultivation site.

1. Operating Hours & Staffing

During the season from April to October, the site will operate during normal business hours, Monday thru Friday, 8am-4pm. Current plans include hiring up to seven full time staff to maintain the farm, and up to eleven additional seasonal workers during harvest. As the site's commercial operations are being developed, third party staffing may be utilized to support farming operations while the site works on adding full-time employees.

2. Traffic & Parking

Prior to the start of the season, traffic will be limited to the residential occupants of the property and occasional deliveries of amendments and equipment in preparation for the season. During harvest season, the site may have up to 18 employees commuting in and out of the site to operate the farm. Harvest and packaging will be staggered every two weeks and product sales and distribution pick-ups will likely occur every few days following harvests in July and October.

The site will have a main parking area including 17 standard parking spaces, including a space for clean air vehicles. It will also include two motorcycle spaces, and a bike rack. The processing building's parking area will have seven spaces along with van and auto ADA spaces.

The 24 auto spaces, ADA parking, motorcycle slots, and bike rack will allow sufficient parking for the up to 18 planned employees during the peak season.

3. Security Measures

A number of security measures are planned for the site. They include:

- Site will be surrounded with perimeter fencing.
- Road access will be restricted by locked gates.
- There will be 24/7 presence at the parcel throughout the cultivation season.

For additional details, refer to the company's *Security & Safety Plan*.

4. Waste Management

Plant waste will be placed in an onsite compost area. Other solid waste will be stored in containers with covers and transported to Recology Eel River, on a weekly basis; recyclables will be taken monthly. Materials intended for reuse will be stored in a clean and safe manner to be managed and reused as needed.

A permitted septic system will be installed near the barn to safely manage human waste and prevent threats to local wildlife and water sources. For additional details, refer to the company's *Waste Management Plan*.

5. Materials Storage

Cultivation will rely on amended soil and a variety of natural fertilizers utilized in the cultivation process.

The primary pesticides used to control mites and powdery mildew are:

- Plant Therapy
- Neem Oil
- Green Clean
- Venerate
- Mammoth
- Chester Boones All Purpose Insecticide
- Chester Boones Pure Wash

The Barn will be used for storage of all amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Safety Data Sheets (SDS) are kept onsite as a component of the cultivator's Site Management Plan.

Diesel fuel for the backup generator will be stored in the barn, along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are required to be kept within fuel storage areas.

6. Power Source, Noise, & Emissions

The site will use PG&E for power, and a backup generator for electricity, when needed. The generator will be properly contained to reduce audible noise below the 50dB needed to meet perimeter noise restrictions required by environmental regulations. Power use is estimated to be up to 810 kWh per day¹ from April to September, depending on the need for and duration of mixed-light cultivation, ventilation, and use of farming equipment.

¹ Estimate based on use of 90 30W lights in each of 25 greenhouses for 12 hours per day

Emergency power requiring generator use would emit nitrogen oxide, particulate matter, and carbon monoxide. Amount will vary depending on the level of reliability of the local PG&E grid during the year. Use is not expected to exceed 500 hours, which would result in up to 50.6 lbs of Nitrogen Oxides, 2.36 lbs of Particulate Matter, and 67.5 lbs of Carbon Monoxide at most².

While construction and farming equipment may have higher audible levels on occasion, any items above the 50db restriction will not be used on a continuous basis without proper containment.

7. Roads

The site has a well maintained dirt and gravel driveway leading from a private road, Dinsmore Ranch Rd. The road will be maintained by a local road association consisting of owners in the Cortazar subdivision. At the end of the private road, is the closest city road, Monument Rd. This intersection with the city road and the private road leading to the driveway will be upgraded with a paved apron of 20 feet wide and 50 feet long to accommodate commercial traffic. There are no stream crossings or culverts along the driveway to the cultivation site.

8. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from 150 gallons a day to 8,800 gallons a day in summer months. Details of the cultivation and water usage is outlined below.

Water used for cannabis cultivation will be sourced from the City of Rio Dell water system, then pumped to a drip irrigation system once crops have been planted. All irrigation will be dispersed by a timed delivery cycle to maximize water conservation.

During the beginning of the growing season, clones are occasionally watered as needed. Once fully planted, irrigation begins once a day every six days, progressing to daily watering up to twice a day in the summer.

The following provides an estimate of monthly irrigation use in gallons:

8.a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	0	5,000	23,000	132,000

² Estimate based on 33.75 MWh with EPA maximum allowable emission standards Ch148 "Emissions From Smaller-Scale Electric Generating Resources"

July	Aug	Sept	Oct	Nov	Dec
263,000	263,000	176,000	88,000	0	0

Water will first be stored in 5,000 gallon feeder tanks by the greenhouses for distribution. Planned storage is 70,000 gallons.

9. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Out-sloping maintained to ensure proper capture and capacity of seasonal flow
- Usage of vegetative ground cover and gravel for added sediment control
- Application of mulch to exposed soils to minimize erosion

The grower, designated as the "Discharger", will be enrolled in the SWRCB Waiver of Waste Discharge as a Tier II Discharger. The cultivation site will include a Site Management Plan (SMP) and Site Erosion Control Plan for the property. Once completed, a copy of both reports will be kept onsite for ongoing site management and regulatory inspections.

10. Site Structures

The site has a 4,400 sq ft existing barn which will be used for amendments and storage. A new 9,000 sq ft commercial building will be added for drying and processing activities. Cultivation will be housed in (25) twenty-five 4,950 sq ft greenhouses, one 3,300 sq ft greenhouses, one 6,600 sq ft greenhouse. Upto 15 additional 4x4 storage sheds will be added for tool, amendments and temporary product storage. The nursery will be housed in a 4,950 sq ft greenhouse.

The property also has a private residence in a separate location which will not be used for commercial Cannabis activities.

11. Cultivation Activities

Jan-Feb	☐ Perform initial site inspection ☐ Submit SWQCB annual enrollment report
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	☐ Install and repair any infrastructure
Mar-Apr	☐ Determine and purchase amendments for soil preparation ☐ Conduct and record inventory of amendments and verify proper storage ☐ Begin tilling soil and amendments to prepare for planting ☐ Plant clones to initial pots (Crop #1) in propagation area
May-Jun	☐ Replant clones into larger pots in greenhouses ☐ Add individual METRC tags ☐ Plant clones to initial pots (Crop #2) in propagation area ☐ Add nutrients as needed ☐ Trellis plants for stability ☐ Complete vegetative growth stage (Crop #1)
Jul-Aug	☐ Top and prune plants periodically ☐ Harvest Crop #1 ☐ Remove and compost plant waste following harvest ☐ Move Crop #2 to greenhouses ☐ Add individual METRC tags ☐ Dry and cure Crop #1 ☐ Trim, package, and store product for sale
Sep-Oct	☐ Top and prune plants periodically ☐ Harvest Crop #2 ☐ Remove and compost plant waste following harvest ☐ Dry and cure Crop #2 ☐ Trim, package, and store product for sale

12. Soil Management

Plants will be grown in premade soil pots and then amended as needed. After harvest, the soil is tilled and amended within the pots for the next cycle.

13. Cultivation Cycles

The site plans to produce two crop harvests. In April, planting will begin with clones in the propagation area. During the vegetative stage, after two to three weeks, plants are upgraded to larger pots and moved to canopy areas where they will flower. Greenhouses plantings are staggered on a two week cycle starting mid May. First round harvest usually occurs mid-July through mid-August. Greenhouses are refilled after the first harvest with the second crop. The second crop harvest is late September through mid-October. Harvest times can always vary depending on environmental factors including weather, pests, and plant strains.

14. Plant Management

During the cultivation cycles plants are inspected daily. Irrigation is monitored and adjusted based on various factors, mainly heat and precipitation. Once plants are placed into soil pots, they are carefully maintained with periodic topping and pruning until ready to harvest.

15. Processing Practices

After being harvested, the cannabis is taken into the processing building where it will be dried, cured, trimmed, packaged and stored securely. All work surfaces and equipment are maintained in clean and safe conditions. Protocols are strictly followed to prevent the spread of mold and fungus.

16. Odor Mitigation

The site will use a 1200 CFM Vapor Phase System to distribute Ecosorb® CNB 100, a blend of plant oils, food grade surfactant and purified water which oxidizes and dismantles odor causing particulates upon contact. This allows for the elimination of odor without masking or fragrance. Each greenhouse will be properly fitted to ensure odor is neutralized within the premises. (See Appendix for additional details.)

17. Health and Safety

When employees are hired this site will be operated as an “agricultural employer” as defined by 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, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

With regards to processing, any onsite operations will ensure that any employees handling cannabis for processing will have access to facemasks and gloves in good operable condition, and will be required to wash hands sufficiently when handling cannabis or to use gloves at all times.

An Injury and Illness Prevention Program (IIPP) Plan will be posted and includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee

accident reporting policies and logs, communication of hazards, Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

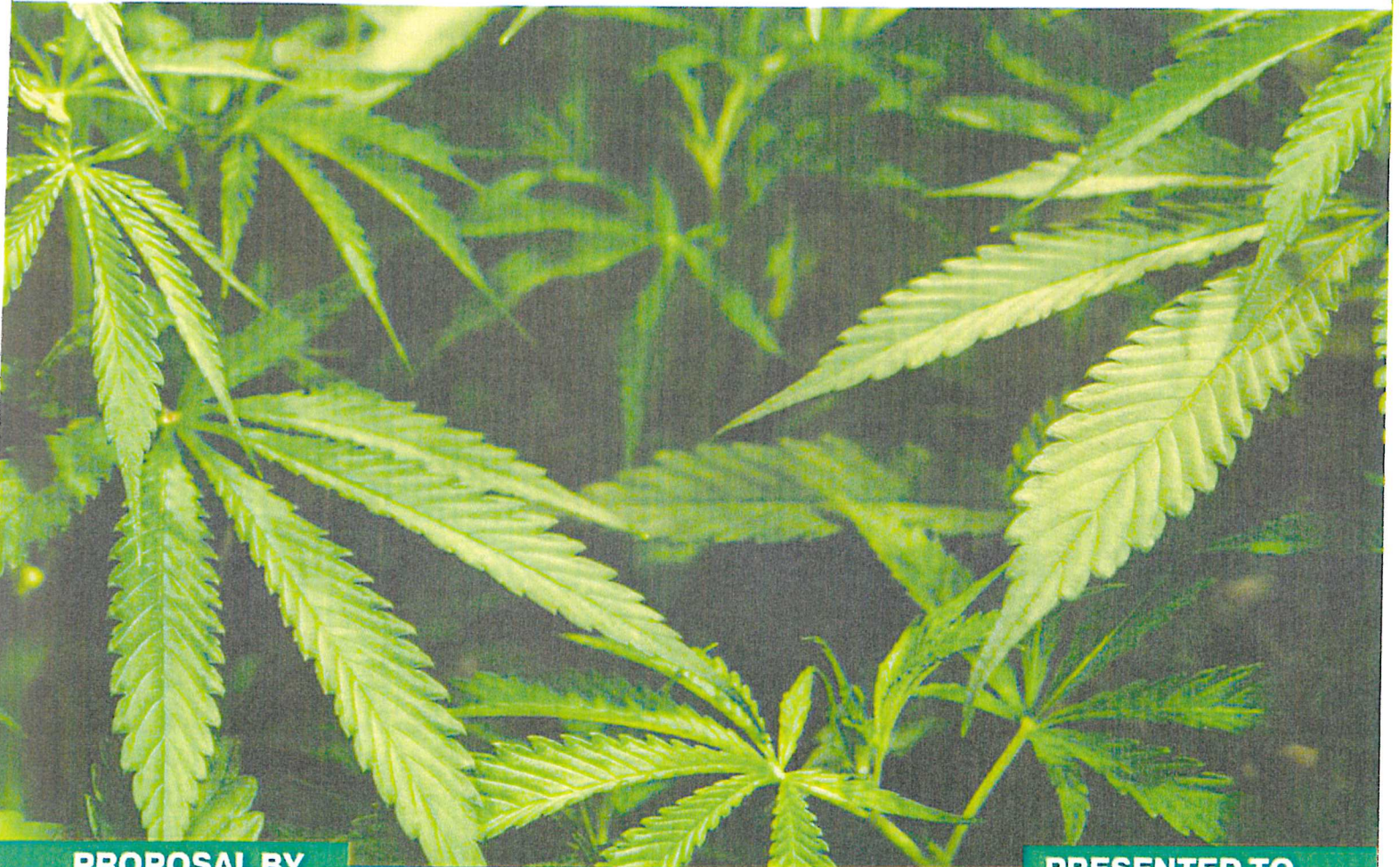
18. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

APPENDIX

DINSMORE PLATEAU FARMS

April 21, 2021 | Proposal #20210421DIN



PROPOSAL BY

Melinda Adamec
Ecosorb OMI Industries
220 N. Smith St., Suite 315
Palatine, IL 60067
(888) 201-3182
madamec@omi-industries.com | (202) 276-5335

PRESENTED TO

Yama Schafer
Dinsmore Plateau Farms
Rio Dell, CA
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EQUIPMENT PHOTOS

OPTION 1: 1200 CFM Vapor Phase
System with conventional
controls



OPTION 2: 1200 CFM Vapor Phase
System with PLC controls





Model 600



APPLICATIONS

- Petrochemical Plants
- Foundries
- Food Processors
- Wastewater Treatment
- Agriculture
- Landfills
- Pulp & Paper
- Soil Remediation
- And More

For large indoor or outdoor areas, the 600 and 1200 Vapor Phase units were designed to control the toughest industrial odors. Each unit is customizable with optional features to meet any application, including the ability to pair with an Ecosorb® 55 gallon drum or 275 gallon tote. Both models are capable of integrating with a color touch screen Programmable Logic Controller (PLC) for increased output control and monitoring.

BENEFITS

- No added water required
- Simple to install, operate & maintain
- Smaller droplets, more absorption
- Flexible & efficient
- Reduced capital expense
- Requires no mixing or dilution
- Zero nozzle maintenance in the distribution system

	Model 600	Model 1200	600 PLC	1200 PLC
Technical				
Framing	Open	Open	Open with corner protectors	
Power	480V, 3 Phase, 60Hz, 8 Amps	480V, 3 Phase, 60Hz, 10 Amps	Same as Non-PLC	
Dimensions	71" x 36" x 48"; 930lbs	71" x 36" x 48"; 930lbs	71" x 36" x 48"; 930lbs	
Blower	5 HP	7.5 HP	Same as Non-PLC	
Blower Specs	600 CFM @ 19 IWG Static Pressure	1200 CFM @ 21 IWG Static Pressure	Same as Non-PLC	
Blower Outlet Size	6"	8"	Same as Non-PLC	
Features				
Controls	Conventional	Conventional	Allen Bradley PLC w/ color touch screen	
Product Capacity	55 gal (Drum) or 275 gal (Tote)	55 gal (Drum) or 275 gal (Tote)	Same as Non-PLC	
Liquid Delivery	0.1 - 6 GPD	0.1 - 12 GPD	1.5 - 6 GPD	2.5 - 12 GPD
Low Liquid Level	Monitoring + Shut off + Alert	Monitoring + Shut off + Alert	Monitoring + Shut off + Alert	
Priming	Push to prime	Push to prime	Auto prime	
Intake	Filtered	Filtered	Filtered + Clean Indicator	
Monitoring	-	-	• Air & Liquid Pressure • Motor Current & Overload • Liquid Flow • Running Time	
Options				
Timer	Multi-Event	Multi-Event	Included	
Extendable Intake	Side, Back, or Front	Side, Back, or Front	Side, Back, or Front	
Discharge Outlet Orientation	Rear Horizontal or Vertical	Rear Horizontal or Vertical	Rear Horizontal or Vertical	
Remote Monitoring	With or W/O Auto Control	With or W/O Auto Control	With or W/O Auto Control	
Alternate Voltage	✓	✓	✓	
Wind Direction Optimization	✓	✓	✓	
Plant Air Setup	✓	✓	✓	
High Pressure Static Version	✓	✓	✓	
Blower Motor Soft Start	✓	✓	✓	
Freeze Protection Package	✓	✓	✓	
Explosion Proof Package	✓	✓	✓	
Alternate Blower/Motor Size	✓	✓	✓	
Valve Control			✓	
Air Flow Indicator			✓	

			Static Pressure (IWG)			Single Branch			2 Equal Branches	
Unit Model	Product Uptake (Max)	Actual Airflow Max (CFM) @FLA	@Rated CFM	@FLA	Unit Blower Outlet Pipe Size(in.)	Duct Pipe Dia. (in.)	Pressure Loss/ 100ft (IWG)*	Max. Duct Length (ft.)	Pressure Loss/ 100ft (IWG)*	Max Duct Length (Ft) [TOTAL LENGTH]
1200	12 GPD	1650	20.6	18.9	8	6	13.0	150	5.0	750
						8	4.0	500	1.2	3200
						10	1.3	1500	0.35	10000
600	6 GPD	1080	17.5	15.6	6	6	7.0	250	1.8	1725
						8	1.5	1000	0.45	6900
						10	0.5	4000	0.14	15000

Ecosorb® CNB 100 is an odor neutralizer designed specifically for the control of cannabis odors. It was designed to remove the odorous chemicals that are produced when growing cannabis. Ecosorb CNB 100 is effective on the main groups of odor causing chemical compounds found in cannabis including but not limited to the cannabinoids, terpenes and sesquiterpenes groups.

Ecosorb CNB 100 can be diluted with water or used neat depending on the application and delivery equipment. Dilution with water ranges from roughly 1 part in 10 of water to 1 part in 100 of water, depending on the type of delivery system and odor intensity. This product is a blend of plant oils, food grade surfactant and purified water.

Ecosorb CNB 100 should never be applied in a manner that would allow it to come in direct contact with the cannabis plant, water or soil.

FEATURES

- True odor neutralizer
- Biodegradable and non-toxic
- Environmentally friendly
- No measurable flash point
- Scientifically proven

ADVANTAGES

- No masking of odors
- Usually no permits required
- Safe for employees and neighbors
- Safe for all environments
- It performs as advertised

PHYSICAL PROPERTIES

pH:	~6
Specific gravity:	~0.99
Boiling point:	~208°F
Appearance:	milky white
Odor:	slight citrus

HMIS CLASSIFICATION

Health: 0

Flammability: 0

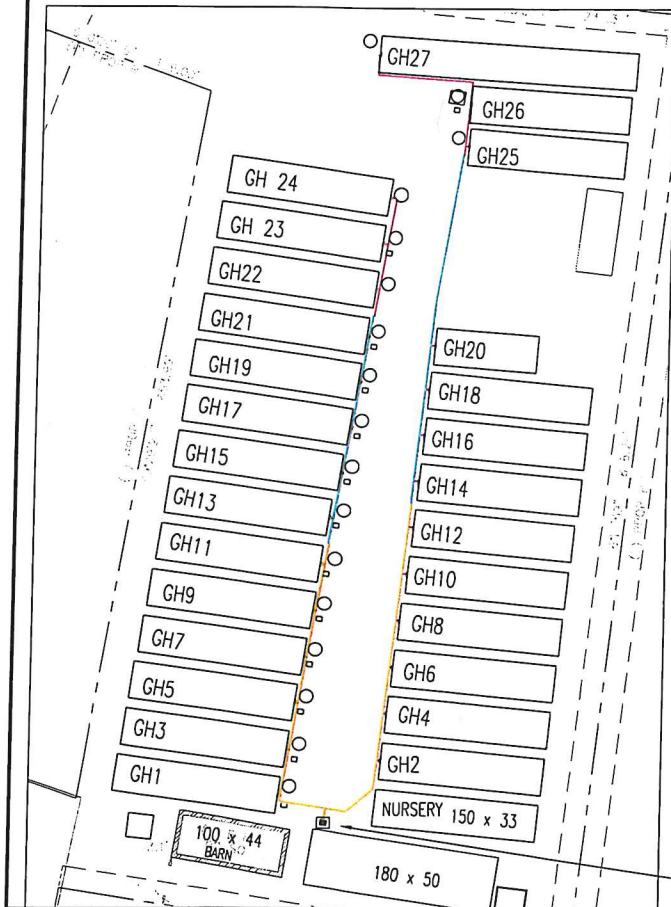
Reactivity: 0

Protective equipment: B

CSL210006: DINSMORE PLATEAU FARMS (CA) ODOR CONTROL SYSTEMS LAYOUT
CUSTOMER SYSTEM LAYOUT

DINSMORE PLATEAU FARMS
ODOR CONTROL SYSTEMS & PIPING LAYOUT

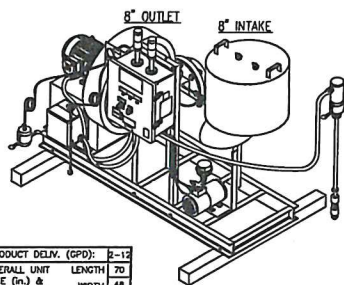
REV | REVISION CHANGE DESCRIPTION | ECH | CH | BY | DATE



LEGEND	
—	8" PVC
—	8" PVC
—	4" PVC
—	1-1/2" Flex PVC

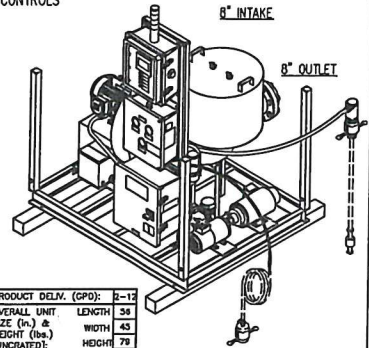
PROPOSED UNIT LOCATION

UNIT: (OPT #1) [A1001] - 1200 CFM VAPOR PHASE SYS.



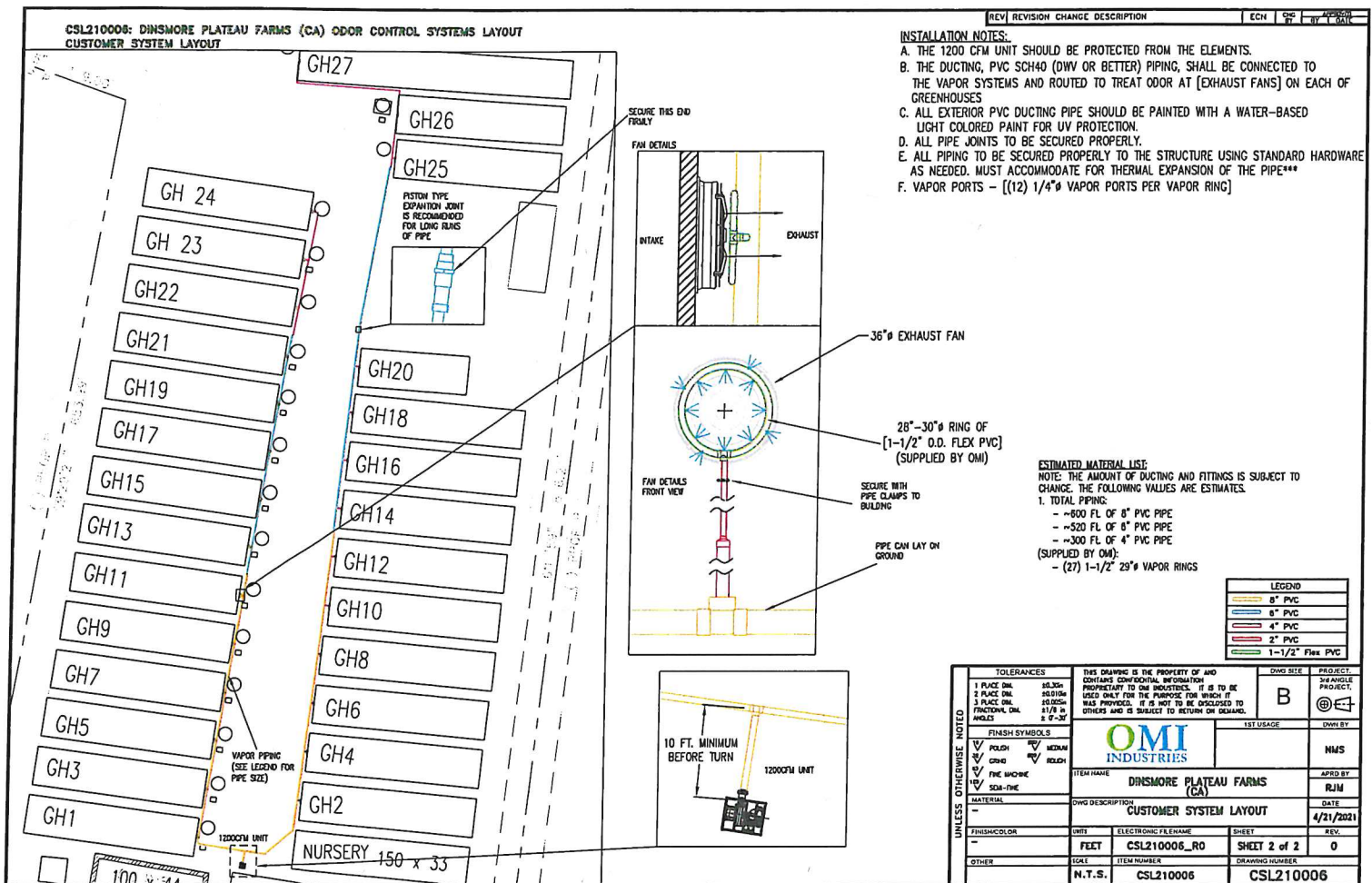
PRODUCT DELV. (GPD):	2-12
OVERALL UNIT LENGTH:	70
SIZE (h.) & WIDTH:	48
WEIGHT (lbs.):	59
(UNCRATED):	59
WEIGHT:	1120

UNIT: (OPT #2) [A1101] - 1200 CFM VAPOR PHASE SYS., PLC CONTROLS



PRODUCT DELV. (GPD):	2-12
OVERALL UNIT LENGTH:	58
SIZE (h.) & WIDTH:	43
WEIGHT (lbs.):	79
(UNCRATED):	79
WEIGHT:	1280

UNLESS OTHERWISE NOTED	TOLERANCES		THIS DRAWING IS THE PROPERTY OF AND CONTAINS CONFIDENTIAL INFORMATION. PROPERTY OF THE DRAWING. IT IS TO BE USED ONLY FOR THE PURPOSE FOR WHICH IT WAS PROVIDED. IT IS NOT TO BE DISCLOSED TO OTHERS AND IS SUBJECT TO RETURN OR DESTRUCTION		DWS SITE	PROJECT
	1 PLACE DIM.	±0.30"		B		34-ANGLE PROJECT
	2 PLACE DIM.	±0.10"				
	3 PLACE DIM.	±0.05"				
	4 FIN. DIM.	±1/8"				
	5 ANGLES	±0.2-3/8"	1ST USAGE		OWN BY	
	FINISH SYMBOLS		DWS INDUSTRIES		NMS	
	✓ POLISH	✓ MEDIUM	ITEM NAME		APPRO BY	
	✓ SMOOTH	✓ FINISH	DINSMORE PLATEAU FARMS (CA)		RJW	
	✓ FINE SMOOTH	✓ SMOOTH	DWS DESCRIPTION		DATE	
	MATERIAL		CUSTOMER SYSTEM LAYOUT		4/21/2021	
	FINISH/COLOR		UNITS		SHEET	
	OTHER		FEET		REV.	
			SCALE		ITEM NUMBER	
			N.T.S.		DRAWING NUMBER	
		CSL210006		CSL210006		



Waste Management Plan for Dinsmore Plateau Farms

Parcel APN #205-031-061, 205-071-039, 205-071-035

Organic Waste Handling:

As per Section 42649.8(c) of Public Resources Code any waste composed of or containing unusable cannabis leaves or flowers will be treated as organic waste, and managed in compliance with Division 30, Part 3, Chapters 12.8, 12.9 and 13.1 of the Public Resources Code.

Project facility will utilize proper waste management efforts to eradicate plant waste from the facility and will adhere to the following standards:

The facility will use primarily active composting on-site.

If any cannabis waste is collected by a permitted waste hauler, or taken to an appropriate waste facility, documentation regarding the name, address, phone and contact person of the company will be recorded and made available to CDFA upon request. A receipt will be logged identifying the date and time of the pick-up or delivery along with a certified weight ticket.

Any used soil kept for reuse will be stored in existing plant pots or if removed, will be properly stored off-ground on a tarp or in secure containers with proper covering. During the off-season reusable cultivation materials will be collected and stored where they will not enter a waterway or create a nuisance. All packaging from tools, amendments, soils, and fertilizers will be kept in secure trash storage and properly discarded. Garbage will be transported to the Recology Eel River on a weekly basis. Recycling will be transported to Recology Eel River on a monthly basis or more frequently as needed.

The State Water Quality Control Board's General Board Order requires the operator to dispose of organic materials or reused spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to any nearby waterways. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Erosion control techniques will be used as needed, for any reused or stored spent growth medium to prevent polluted runoff.

Along with other composted vegetation matter, cannabis waste, will be tilled or chipped for recycling and composted in a secure designated composting area, in compliance with Title 14 of the California Code of Regulations at Division 7, Chapter 3.1 (commencing with Section 17850). If any material is placed in a secure waste receptacle, it will be kept in an area where public access is prohibited.

Registration requirements for Compost Permits would be excluded from the site management plan due to exemptions including but not limited to:

- Handling agricultural material, derived from an agricultural site, that returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. It is noted that no more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.
- Composting green material, agricultural material, food material, and vegetative food material, alone or in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.

Track and Trace

When cannabis waste has been identified it will be weighed and then logged into the state track-and-trace system, prior to preparation for composting or disposal. The system will be reviewed and reconciled periodically to ensure accuracy.

Erosion Control

Plants will be watered using a drip irrigation system at appropriate agronomic rates to prevent runoff. Soil will be topped with straw mulch, grass seed, or cover crop for sediment control to prevent erosion and transportation of sediment. When exposed surfaces or bare slopes appear, topsoil is covered with straw for temporary erosion control to minimize sediment, and stabilize the surface in the event of heavy rainfall. Placement of gravel, straw wattles and silt screens are examples of additional mitigation measures which will also be taken to ensure erosion control.

Effluent Waste Management

The premises will be adding an onsite septic system connected to a bathroom. Wastewater will be disposed of with a proper leechfield and properly size septic tank for onsite activities. While the septic system is being installed, temporary chemical toilets and hand washing stations will be used for field sanitation. The standards for portable waste facilities will be followed for toilets, wastewater, and chemical tanks.

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

Toilet facilities will always be operational, maintained in a clean and sanitary condition, and

kept in good repair. Records of service and maintenance shall be retained for two years.

Chemical toilet wastewater tank will always be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.

When chemical tanks are used, contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank, or any other method approved by the local health department.

Hazardous Waste Handling

The EPA defines a hazardous waste as a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids gases, and sludges.

In the event the site produces hazardous waste, it will be managed in compliance with all state and local hazardous waste statutes and regulations.

Reporting Thresholds of products that fall within the within the Federal Hazard Communication Standard (HCS), Physical or Health categories featuring twenty-four (24) sub-categories that require reporting if the volume of product stored meets or exceeds the following thresholds:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year) of hazardous material, including hazardous waste
- Category I or II pesticides
- Explosives
- Extremely hazardous substances (above the planning threshold)

Safety Data Sheets (SDS) for all chemicals, fertilizers, and amendments would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored in the quantities outlined in the site's chemicals inventory list that is maintained onsite.

Operators are required under California's Certified Unified Program Agency (CUPA) guidelines to list/describe all equipment maintenance performed on site (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities, including hazardous wastes that meet the reporting thresholds.

Hazardous Materials Storage

Operator will keep storage areas free from accumulated materials that cause tripping, fires, or explosions, or that may contribute to the harboring of rats and other pests. All hazardous materials storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage.

In addition, workers will consider placing bound material on racks, and secure it by stacking, blocking, or interlocking to prevent it from sliding, falling, or collapsing.

Hazardous Materials Waste Removal

Any hazardous waste removed will comply with the Occupational Safety and Health (OSH) standards and Department of Transportation (DOT) standards in accordance with required health and safety and environmental mitigation efforts. Measures will include following all health and safety protocols, storage guidelines, placement of warning labels, documentation of quantity of product to be disposed, and proper transportation security methods as required by local and state regulations.

Hazardous materials to be handled by employees will be handled by a trained and certified member under the Hazardous Waste Operations and Emergency Response (HAZWOPER) program.

Hazardous Material Handling

Application or use of chemicals, pesticides, and fungicides requires personal protective equipment, which may include face masks, respirators, Tyvek suits, chemical resistant gloves, and chemical resistant footwear. It is the applicator's responsibility to ensure safety on the operation.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This will involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE will be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures. (See *Integrated Pest Management Plan* for additional details.)

Additional PPE provided onsite for any harvesting labor would include access to gloves and dust masks by employees during drying and packaging. It is the responsibility of managers and supervisors to ensure that PPE policies are followed during appropriate working conditions.

Hazardous Waste Cleanup

Operator will employ spill control and containment practices to prevent the discharge of hazardous waste. Operators will keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, or other hazardous materials.

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol would be notified via 9-1-1 of spills occurring on highways in the State. The company's *Illness and Injury Prevention Plan's* Chemical Spill Procedures would be followed and emergency services also contacted via 9-1-1. The procedure will follow the California Office of Emergency Services (Cal OES) California Hazardous Materials Spill/Release Notification Guidance (February 2014) and the EPA's (Pacific Southwest, Region 9) Chemical Spills Prevention and Preparedness webpage.

Ongoing Compliance

The site has obtained or is in the process of applying for all required permits, licenses, or other clearances, and will comply with all orders, laws, regulations, or other requirements of other regulatory agencies, including, but not limited to local Humboldt County Department of Environmental Health, North Coast Regional Water Quality Control Board/State Water Board, Humboldt County Planning Department, California Department of Fish and Wildlife, and local fire authorities.

Security & Safety Plan for Dinsmore Plateau Farms

Parcel APN #205-031-061, 205-071-039, 205-071-035

Summary

The Security & Safety Plan covers a broad set of details including employee policies, transactional security, visitor security, secure storage, protocols for hazardous materials, as well as the use of vehicles, alarms, cameras, and requirements for security personnel. Proper measures will ensure safety of staff and visitors, reduce the potential for criminal activities, and prevent loss and diversion of commercial cannabis products.

Security Policies

Standard Workplace Hazards

Security policies will be in place to address all three categories of standard workplace security hazards:

Type I - threats from a person entering a business establishment

Policies will include:

- I. Making the workplace unattractive to robbers.
- II. Utilizing surveillance measures, such as cameras or mirrors, to provide information as to what is going on outside and inside the workplace.
- III. Procedures for the reporting of suspicious persons or activities.
- IV. Posting of emergency telephone numbers for law enforcement, fire and medical services where workers have access to a telephone with an outside line.
- V. Posting of signs notifying the public that limited cash is kept on the premises.
- VI. Limiting the amount of cash on hand and using heavy safes for large bills.
- VII. Worker, Supervisor and management training on emergency action procedures.

Type II - threats from someone who is either the recipient or the object of a service provided

Policies will include:

- I. Controlling access to the workplace and freedom of movement within it, consistent with business necessity.
- II. Ensuring the adequacy of workplace security systems, such as door locks, security windows, physical barriers and restraint systems.
- III. Providing worker training in recognizing and handling threatening or hostile situations that may lead to violent acts by persons who are service recipients of our establishment.
- IV. Placing effective systems to warn others of a security danger or to summon assistance, (e.g., alarms and panic buttons).
- V. Providing procedures for a "buddy" system for specified emergency events.
- VI. Ensuring adequate worker escape routes.

Type III - threats from an internal employment-related person

Policies will include:

- I. Effectively communicating our establishment's anti-violence policy to all workers, Supervisors, and Managers.
- II. Improving how well our establishment's management and workers communicate with each other.
- III. Increasing awareness by workers, Supervisors, and Managers of the warning signs of potential workplace violence.
- IV. Controlling access to, and freedom of movement within, the workplace by non-workers, including recently discharged workers or persons with whom one of our worker's is having a dispute.
- V. Providing counseling to workers, Supervisors, or Managers who exhibit behavior that represents strain or pressure which may lead to physical or verbal abuse of co-workers.
- VI. Ensure that all reports of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace are handled effectively by management and that the person making the report is not subject to retaliation by the person making the threat.
- VII. Ensure that worker disciplinary and discharge procedures address the potential for workplace violence.

Workplace Security practices training for workers may include, but will not be limited to:

- I. Explanation of the employer's Injury and Illness Prevention Program (IIPP) Plan, emergency action plan, and process for reporting any violent acts or threats of violence.
- II. Measures to summon others for assistance.
- III. Emergency exits and escape routes.
- IV. Measures to prevent workplace violence, including procedures for reporting potential workplace security hazards or threats, to Managers and Supervisors.
- V. Managing with respect and consideration for worker well-being.
- VI. Education on ways to defuse hostile or threatening situations.
- VII. Notification of law enforcement authorities when a criminal act may have occurred.
- VIII. Post-event trauma counseling for those workers desiring such assistance.
- IX. Provisions for medical services and first-aid including emergency procedures.

In addition, we will provide specific instructions to all workers regarding workplace security hazards unique to their job assignment.

A complete set of Workplace Security Policies are contained in the company's *Injury and Illness Prevention Program (IIPP) Plan*, which includes measures for:

- Compliance
- Communication
- Hazard Assessment
- Incident/Accident/Exposure Investigations
- Hazard Correction

- Training and Instruction
- Recordkeeping

Core Security Elements

The firm will ensure that it maintains diligent adherence to policies related to the following core components:

- I. Transactional Security
- II. Visitor Security
- III. Security Personnel
- IV. Storage security (24/7, including product and currency)
- V. Vehicle security
- VI. Ingress and egress access
- VII. Perimeter security
- VIII. Internal security measures for access
- IX. Types of security alarms
- X. Types of security cameras
- XI. Number, hours, and training/qualifications of security personnel to be employed

I. Transactional security

Any cash based transaction will be done within our secured facility. Financial transactions will be recorded in our company's accounting tool (e.g. Quickbooks) for regular review. Sales transactions will be reconciled weekly with internal systems and bank account statements, along with any additional payment processor platforms that are in use. Any discrepancies will be investigated immediately.

Purchase, receipt, sale, delivery, and returns of product will be reported into the state's METRC Track and Trace system on an ongoing basis. Inventory audits will be conducted bi-monthly to ensure accuracy. Any suspected theft or loss of product will be reported to local law enforcement and the California Department of Food and Agriculture within 24 hours.

At the end of each month, a close process will be performed to ensure all entries are accurate and accounted for. A Balance Sheet and Profit & Loss report will then be executed to determine what material transactions occurred, period over period, to identify trends.

Revenue will be recognized on an accrual basis. Periodic audits will be conducted routinely to:

- I. Evaluate if sales transactions are being captured accurately;
- II. Ensure revenue is being properly collected and recorded;
- III. Assess if inventory is being processed in a timely fashion and for the appropriate account(s); and
- IV. Verify customer data file(s) are secure and properly maintained.

Any financial documents will be retained for a minimum of seven years and made available to City and State officials upon request.

II. Visitor security

On occasion the office may have onsite visits from business partners, vendors, or service providers. Visits will be done by appointment only. To ensure safety, all visitors will be escorted at all times by an employee when visiting the facility.

III. Security Personnel

The firm will assign a qualified supervisor or manager to support and direct its onsite security procedures.

If the site requires third party or part-time security personnel, they will be required to hold a valid security guard registration card issued by the California State Department of Consumer Affairs' Bureau of Security and Investigative Services, which requires:

1. Clearing a criminal history background check
2. Eight (8) hours of Power to Arrest training
3. Thirty-two (32) hours of training in security officer skills within the first six (6) months of registration, and
4. Eight (8) hours of continued training completed annually

In addition, security personnel will also participate in the company's Injury and Illness Prevention Program training for onsite health & safety and workplace security.

IV. Storage security (24/7, including product and currency)

Product inventory will be secured within a locked room with only manager and owner access. The room will remain locked during non-business hours.

V. Vehicle security

If vehicles are used onsite for transport, products will remain locked in the vehicle's storage area until they reach their destination.

Each vehicle will be fitted with a global positioning system monitoring device that is actively monitored by the company during transport.

Vehicles will not display any symbol or advertising visible from the exterior of the vehicle that suggests the vehicle is used for cannabis delivery or affiliated with a cannabis retailer.

Alarm systems will be enabled on all transport vehicles.

VI. Ingress and egress access

Visitors will be required to show a government issued identification to enter the facility. No unauthorized visitors will be allowed on the premises.

VII. Perimeter security

There will be perimeter fencing and a locked gate entrance to the cultivation site.

VIII. Internal security measures

Entrances to secure storage and processing facilities will be accessed by a commercial grade deadbolt locking mechanism.

Workplace Safety

Workplace safety concerns and plans focus on potential threats and approaches to address them, including hazardous materials management.

Potential Threats

Fire

As a cultivation site, potential fire hazards are limited, and similar to most agricultural operations. Potential fire hazards include electrical issues, portable heaters, combustible material, and smoking. The company will work to address each category on a regular basis.

Electric Fire Hazards - Electrical system failures and the misuse of electrical equipment are leading causes of workplace fires. Fires can result from loose ground connections, wiring with frayed insulation, or overloaded fuses, circuits, motors, or outlets. Measures for fire prevention will include:

- I. Avoiding overloading circuits with electrical tools and equipment.
- II. Turning off nonessential electrical equipment at the end of each workday.
- III. Ensuring that worn wires are replaced.
- IV. Never using extension cords as substitutes for proper conduit and outlets.
- V. Avoiding the placement of extension cords across walkways.
- VI. Using only approved extension cords [i.e., those with the Underwriters Laboratory (UL) or Factory Mutual (FM) label].
- VII. Using only appropriately rated fuses in equipment.
- VIII. Checking electrical equipment to ensure that it is either properly grounded or double insulated.
- IX. Ensuring adequate spacing while performing any equipment maintenance.

Portable Heaters - All portable heaters shall be approved by the plan's Program Administrator. Portable electric heaters shall have tip-over protection that automatically shuts off the unit when it is tipped over. There shall be adequate clearance between the heater and combustible furnishings or other materials at all times.

Flammable and Combustible Materials - Certain types of substances can ignite at relatively low temperatures or pose a risk of catastrophic explosion if ignited. Such substances require special care and handling. Class A combustibles include common combustible materials (wood, paper, cloth, rubber, and plastics) that can act as fuel and are commonly found in workplaces.

Measures for fire prevention of Class A materials will include:

- I. Daily Disposal of waste kept in non-metal receptacles.
- II. Keeping trash not disposed of daily in metal-lined receptacles with tight-fitting covers.
- III. Keeping work areas clean and free of fuel paths that could allow a fire to spread.
- IV. Keeping combustibles away from accidental ignition sources, such as hot plates, soldering irons, or other heat or spark-producing devices.

- V. Storing paper stock in metal cabinets.
- VI. Storing rags in metal bins with self-closing lids.
- VII. Limiting the amounts of combustible items in stock.

Class B combustibles include flammable and combustible liquids (oils, greases, tars, oil-based paints, and lacquers), flammable gases, and flammable aerosols. If for any reason the company were to be storing an inventory of oil based products (rated NFPA Class IIIB), the following measures will be used to handle company supplies and any other Class B combustibles safely:

- I. Maintain all product in properly sealed packaging.
- II. Storing and handling combustibles only in approved locations where vapors are prevented from reaching ignition sources such as heating or electric equipment, open flames, or mechanical or electric sparks.
- III. Prohibiting the storage and handling of exposed Class B combustibles near exits, stairs, or any other areas normally used as exits.
- IV. Prohibiting the use of unsafe electrical appliances or equipment near Class B combustibles.
- V. Not allowing heat generation, an open flame, or smoke near Class B combustibles, including all company products.

Smoking - Smoking is prohibited in the building. Certain outdoor areas may also be designated as no smoking areas. The areas in which smoking is prohibited outdoors will be identified by NO SMOKING signs.

Any workplace conditions, practices, or procedures that cause fire hazards or actual incidents, shall be corrected in a timely manner based on the severity of the issue. Hazards shall be mitigated or controlled according to the following procedures:

- 1. When observed or discovered;
- 2. When concerns are received; and
- 3. In extreme cases, when an imminent solution is not available without endangering worker(s) and/or property, we will remove all exposed workers from the area except those necessary to correct the existing condition.

Actual incidents will be responded to with appropriate methods:

- I. Water and multi-purpose dry chemical (ABC) are approved fire extinguishing agents for Class A combustibles.
- II. Class B combustible fires can NOT be treated with water which would cause the fire to spread. Class B incidents will therefore be responded to with carbon dioxide, or multi-purpose dry chemical (ABC) based extinguishing methods.

Hazardous Materials

As the company does not currently have plans to store or use hazardous materials, the only potential source of hazardous waste on site are incidental items such as broken electronics, small batteries, or fluorescent light bulbs.

Despite the absence of Hazardous Materials on site, as a precaution the site will be prepared for Hazardous Materials related incidents. Policies will include:

- I. **Internal Response** - Employees will be trained to contact the Program Administrator or 9-1-1 in the event of a hazardous materials emergency.
- II. **Communications** - Emergency communications to deliver warnings and instructions will be conducted via verbal messages, telephone calls, cell phone text messages, and/or internal alarms. Notification methods will be planned to include neighboring facilities in the same manner, if appropriate.
- III. **Contacts** - Emergency response numbers will be posted where they are easily visible to staff and visitors.
- IV. **Containment and Clean-up** - If a hazardous spill occurs, procedures may include:
 - A. Removal or isolation of impacted containers.
 - B. Use of absorbent material for clean-up followed by appropriate labeling, temporary storage, and disposal of hazardous waste.
 - C. Notification and evacuation of persons in all threatened areas.
 - D. Immediate elimination of any potential sources of ignition.
 - E. Contacting 9-1-1 for Emergency Response / Medical Assistance.
- V. **Evacuation** - Signals for evacuations may include verbal commands and/or alarm bells. To assist with safe evacuation, route maps will be clearly posted showing primary and alternate evacuation routes, emergency exits, and staging areas for employees and visitors
- VI. **Equipment** - Emergency equipment will be readily available for staff and visitors if needed, including:
 - A. First-aid Kits
 - B. Portable Fire Extinguishers
 - C. Broom and Absorbent Cleaning Materials
 - D. Telephones
- VII. **Earthquake Vulnerability** - Any hazardous or combustible materials stored will be inspected immediately for spillage or damage following the occurrence of earthquake activity.
- VIII. **Training** - Employee training related to hazardous materials and waste handling will be included with standard Illness and Injury Prevention safety training.

Inhalation Issues/Threats

As a farm, potential threats for inhalation issues would be caused by pesticide application or cleaning supplies. The site will review and maintain a record of standard Safety Data Sheets (SDS) for any products stored and review their hazard potential along with first aid recommendations. Products and protective gear will be used according to the products labeled instructions. If chemical spillage occurs, the company will respond quickly based on the guidelines identified by the manufacturer to prevent inhalation related toxicity.

Safety Support Systems

Fire prevention system

Fire prevention will primarily consist of key elements involving good housekeeping measures and proper maintenance. The company will utilize the following precautionary measures:

- I. Minimize the intake and storage of combustible materials.
- II. Make sure that doors, hallways, and other exit routes are kept free of obstructions.
- III. Dispose of combustible waste in covered, airtight, metal containers.
- IV. Use and store flammable materials in well-ventilated areas away from ignition sources.
- V. Use only non-flammable cleaning products.
- VI. Keep equipment in good working order (i.e., inspect electrical wiring and appliances regularly and keep motors and machine tools free of dust and grease).
- VII. Ensure that heating units are safeguarded.
- VIII. Report all gas leaks immediately, and ensure that all gas leaks are repaired immediately upon notification.
- IX. Repair and clean up flammable liquid leaks immediately.
- X. Keep work areas free of dust, lint, scraps, and similar material.
- XI. Prevent the reliance on extension cords if wiring improvements are needed, and taking care not to overload circuits with multiple pieces of equipment.
- XII. Turn off electrical equipment when not in use.

In addition, the company will utilize precautionary maintenance measures, including regular inspections and testing of:

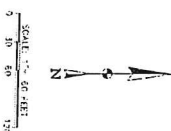
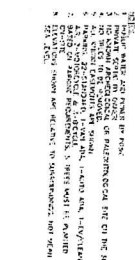
- I. Equipment installed to detect gas leaks, and control heating.
- II. Portable fire extinguishers.
- III. Detection systems for smoke, heat, or flame.
- IV. Emergency backup systems and the equipment they support.

Fire suppression

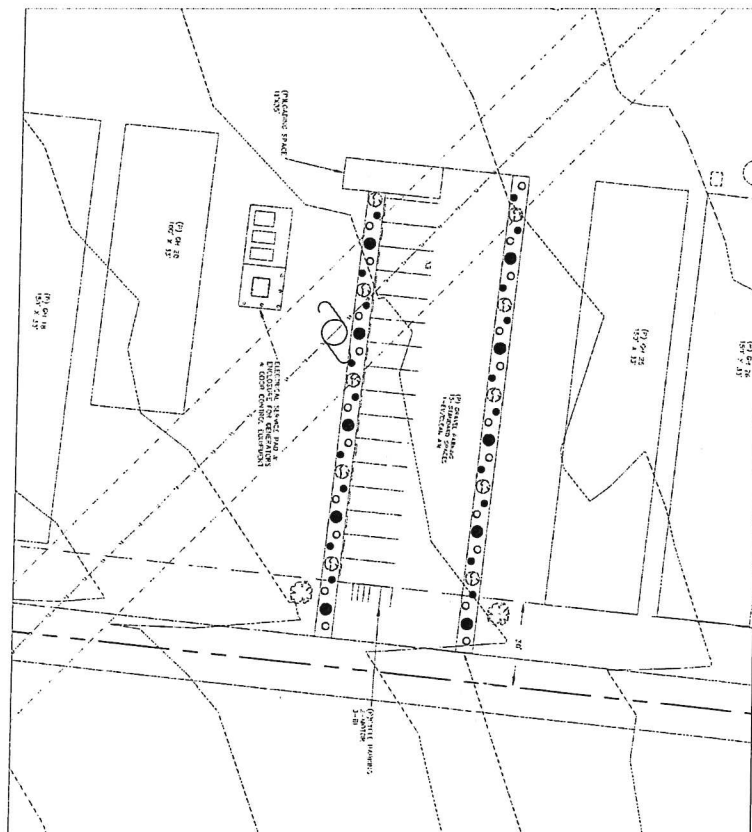
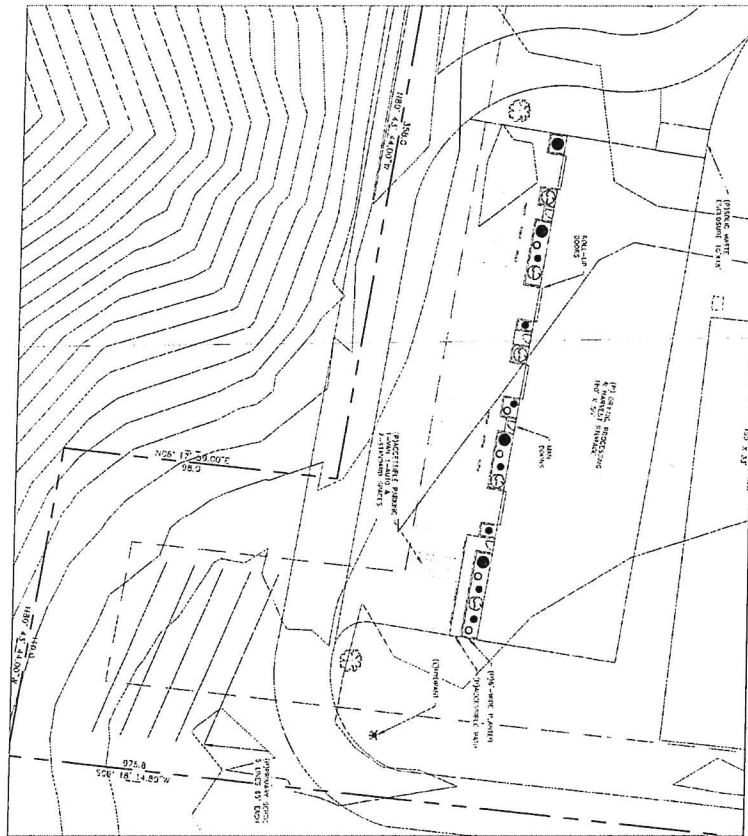
Primary fire suppression for the facility includes portable fire extinguishers in key locations.

Evacuation Map

An evacuation map will be developed and posted for safety training and emergencies prior to opening operations at the facility.



5			
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1			
NO	DATE	DIVISIONS	BY



METAL BUILDING & PARKING BLOW-UP

SCALE: 1" = 20' (SEE)

LEGEND	
	PROPOSED BUILDING FOOTPRINT
	PROPOSED PARKING LOT
	EXISTING ELEVATION
	PROPOSED ELEVATION
	PROPOSED ROAD
	PROPOSED UTILITY
	PROPOSED STRUCTURE

May 3, 2021

Dinsmore Plateau Cannabis Cultivation Project Supplemental Biological Assessment

1. INTRODUCTION

The Dinsmore Plateau Cannabis Cultivation Project, or Dinsmore Plateau Project involves approximately three acres of mixed light cultivation in the City of Rio Dell, in Humboldt County. Whereas a Biological Assessment (BA) was prepared for this subdivision in 2007, proposed new cannabis cultivation on this 16.5-acre parcel (APN 205-071-043) does not qualify for an exception under the California Environmental Quality Act (CEQA).

As such, the project proponents have requested that I update existing CEQA documentation to address potential environmental effects resulting from proposed cannabis cultivation on the Dinsmore Plateau according to due process. Having consulted on northern California forest-wildlife matters since 1990, I specialize in biological investigations for special status species in compliance with State and Federal law. Implementing field surveys for a wide array of natural resources, my resume also demonstrates extensive knowledge of environmental regulations and policy.

Presented in the format of an Initial Study (IS), this supplemental biological resource assessment focuses on potential impacts of proposed commercial greenhouse cultivation activities, pursuant to CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. However, streamlining this investigation, this report builds upon (tiers) previous environmental documentation provided in the Dinsmore Ranch BA.

2. PROJECT DESCRIPTION

Proposed mixed light cannabis cultivation entails 133,650 square feet (sq. ft.), in twenty-eight greenhouses, and associated processing facilities, configured in two rows. Located on level pasture land zoned for development, water for proposed cannabis cultivation will be sourced from the City, and although the electricity needed for cultivation will be provided from the grid, generators may be utilized as emergency backup. All greenhouses utilizing artificial light will be covered with tarps in adherence to Dark Sky Association guidelines for Lighting Zone 0 and Lighting Zone 1. Furthermore, operational sources of noise pollution will be mitigated by keeping sound levels from greenhouse fans at or below the 60 decibel (dB) threshold established by the City of Rio Dell.

3. ENVIRONMENTAL SETTING

As defined by City of Rio Dell ORDINANCE NO. 374-2019, the Dinsmore Plateau Area is composed of eleven parcels designated for cannabis cultivation. A mile west of the Lower Eel River, on a ridge-top flat several hundred feet above the town, this property has a long history of human disturbance. Subdivided in 2007, according to the Dinsmore Ranch BA:

"The Dinsmore property is composed of about 160 acres located in the USGS 7.5' Scotia quadrangle in Humboldt County, California, Township 11V, Range 1W, Section 1 and 6... The entire landholding is located within the Dean Creek planning watershed... Elevation ranges from 480-820 feet with moderate slopes ranging from 0-45 degrees on average. Aspect is generally south-east. Habitat types vary in this area depending on past land management strategies. Much of the property is used for active cattle grazing with the remainder being composed of managed timberlands and residential development. Roads on the property are generally well maintained, gravel roads with a moderate amount of use."

Classified by the California Wildlife Relationship System (Mayer and Laudenslayer 1988) as Pasture, with an urban interphase, although these parcels are mostly situated on upland pastureland, young-growth Redwood forest occupy the periphery of this historical cattle ranch. Within the range of both the northern spotted owl (NSO) (*Strix occidentalis caurina*) and the marbled murrelet (*Brachyramphus marmoratus*); however, as noted in the Dinsmore Ranch BA, this project's non-forest, residential agricultural location, more than a 1/4 mile from suitable nesting habitat, precludes any impacts to these State and Federally listed species.

The Dinsmore Ranch BA identified five general habitat types on this subdivision. Habitat 1 is composed of seasonally wet areas characterized by little or no overstory, no shrubs, and a dense herbaceous layer and a diverse mix of grasses, rushes and sedges. Habitat 2 is flat hilltop with redwood and Douglas-fir dominated second growth timber, partially converted to residential development. These areas are crisscrossed with roads, landings, and skid trails; high grass and shrub cover fill in the area between clumps of retained trees. Habitat 3 is described as second growth redwood and Douglas-fir stands, on steeper slopes and with a thicker understory shrub component.

Nevertheless, the area proposed for cannabis cultivation is entirely composed of Habitats 4 and 5. Described as flat areas used for cattle grazing, with the distinction that more heavily impacted, Habitat 4 had been actively grazed, and Habitat 5, having been fallow, had chest high grasses. Confirming the absence of streams, wetlands and/or other sensitive habitats in this Project Area, my April 18, 2019 field reconnaissance noted that this site was still being heavily grazed by cattle and sheep.

4. REGULATORY SETTING

Proposition 64 (the California Marijuana Legalization Initiative) gives each municipality the right to make their own rules. As such, on October of 2016, the Rio Dell City Council approved Ordinance No. 348-2017, establishing Commercial Medical Cannabis Regulations in Section 17.30.195. Also known as the Commercial Cannabis Land Use Ordinance (CCLUO), on March 19, 2019, City Ordinance No. 374-2019 amended its regulations to allow for commercial cannabis activities on the Dinsmore Plateau, with a conditional use permit.

Cannabis cultivators applying for an Annual License from the California Department of Food and Agriculture must also address potentially significant adverse environmental effect in accordance to CEQA. Although CEQA does not directly regulate land use, it does require state and local agencies to follow a protocol of analysis and public disclosure. It also provides a blueprint for determining detrimental significant environmental impacts.

Water quality in California is governed by the Porter-Cologne Water Quality Control Act and certification authority under Section 401 of the Clean Water Act (CWA), as administered by the Regional Water Quality Control Board (RWQCB). The Section 401 water quality certification program allows the State to ensure that activities requiring a Federal permit or license comply with State water quality standards. Water quality certification must be based on a finding that the proposed discharge will comply with water quality standards which are in the regional board's basin plans.

Furthermore, cannabis cultivation is often conducted on land cleared under the 1973 Z'berg-Nejedly Forest Practice Act (Public Resources Code Section 4551 et seq.). Hereto referred to as the California Forest Practice Rules (FPRs), not only are these rules functionally equivalent to CEQA, enforced by the California Department of Forestry and Fire Protection (Cal Fire), they provide firmly established thresholds of significance for sensitive biological resources. Specifically, 14 CCR §919.9 and §919.10 contain U.S. Fish and Wildlife Service (USFWS) recommendations for avoiding take of NSOs.

While the USFWS and the National Marine Fisheries Service (NMFS) have authority over federally listed species, and the USFWS has statutory authority and responsibility for enforcing the Migratory Bird Treaty Act (MBTA), CDFW is responsible for implementing the CESA. Also authorized to comment and make recommendations on CEQA projects; however, as Lead Agency, permitting legal cannabis cultivation in a manner consistent with CEQA and the California Administrative Procedure Act (APA) is ultimately a City responsibility.

5. BIOLOGICAL COMMUNITIES

Preliminary scoping included a literature review of floral and faunal communities likely impacted using CDFW's List of Special Animals (April 2021). A query of the CNDDB was also conducted within 1.3 miles of the project. Compatible with the area for evaluating impacts of timber harvesting on spotted owls, this was also the Biological Study Area (BSA) adopted for the Dinsmore Ranch BA.

In addition to two historical NSO Territories, the CNDDDB indicates the presence of eight special status species. Western bumble bee (*Bombus occidentalis*), foothills yellow-legged frog, (*Rana boylei*), bank swallow (*Riparia riparia*), great blue heron (*Ardea herodias*), osprey (*Pandion haliaetus*), marbled murrelet (*Brachyramphus marmoratus*), North American porcupine (*Erethizon dorsatum*), and Humboldt mountain beaver (*Aplodontia rufa humboldtiana*). Additionally, the CNDDDB documents two non-listed plant species of special concern, within the BSA, the seacoast ragwort (*Packera bolanderi* var. *bolanderi*) and Pacific gilia (*Gilia capitata* ssp. *pacifica*).

The closest NSO Territory, as reported by CNDDDB, HUM0162 is centered in Slater Creek, about 0.7 miles to the west. Last reported in 2018, no responses from these owls have been detected within 1/4 mile since 2005. However, 2019 survey information indicates that this NSO Activity Center (AC) may have moved one mile northwest of its historical location. Approximately 1 mile to the south, in upper Dean Creek, owls associated with HUM0963 were last detected in 2019. With no potential ACs within 1/4 miles of this subdivision, the Dinsmore BA concluded that developing this tract was unlikely to result in NSO take.

Likewise, located on rural residential pasture lands, more than a half mile from the Eel River corridor, and other major watercourses, harmful effects to anadromous species, or Willow Flycatchers (*Empidonax traillii*). Nevertheless, the Dinsmore Ranch BA identified 20 special status wildlife species, and 11 such plants, for which potential habitat may exist within the BSA. As such, a more complete assessment of floral and faunal communities potentially impacted by proposed new cannabis cultivation has been conducted in terms of ecological guilds.

6. DISCUSSION OF ENVIRONMENTAL IMPACTS

Article 5 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) provides rules for "Preliminary Review of Project and Conduct of Initial Study". Concerned with present plant or animal communities threatened by local elimination, in jeopardy of experiencing substantial habitat reduction, or dropping below self-sustaining levels as a result of proposed project [CCR 14 §15065(a)(1)], CEQA requires substantial evidence of environmental significance, before empowering lead agencies to authorize additional mitigations or alternatives [§15126.4 (a)(3)].

To the best extent possible, such arguments should contain an element of Forecasting (§15144), as well as a degree of Specificity (§15146), and Technical Detail (§15147). Limited to activities which are within the agency's area of expertise [§15096 (d)], comments need to be written in a manner that is meaningful and useful to decision making body and the public [§21003(b)].

"Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence" [14 CCR §21080(e)(2)].

Consequently, special-status species potentially impacted by proposed cannabis cultivation have been discussed with emphasis on CEQA significance, starting with those listed under the ESA, followed by CESA listed species, and lastly, non-listed sensitive species.

Although potential effects to animals with large territories were considered inside 1.3 miles, impacts to species with smaller ranges and/or specific habitat requirements were evaluated within the disturbance footprint of proposed operations.

Addressed in terms of ecological guilds, floral and faunal impacts have been discussed for Northern Spotted Owl and Late Mature Forest Species, Bald Eagle, Osprey and Forest Raptors, Special-Status Nesting Birds, Aquatic/Wet Site Species, Forest Mustelids and Other Small Mammals and Special Status Plants. Parameters used to appraise potential CEQA significance included (1) occurrence and distribution of the species in relation to the Project Area, (2) species sensitivity to disturbance, (3) existing baseline conditions, and (4) the species legal status and population size.

A species would be dropped from further consideration, if the action area was found to occur outside its distribution, or vital habitat requirements for that species were absent. As such, located more than 100 feet from watercourses, this project's near ridge location allays potential impacts to anadromous fish habitats. Unsuitable for marbled murrelets, further analysis for this species has also been dropped. Similarly, habitat for Western bumble bee does not currently occur in this heavily grazed pasture.

Aquatic/Wet Site Guild

The CNDDDB indicates the presence of foothill yellow-legged frog along the lower stretches of Monument Creek, and habitat for this CESA listed species can also be assumed to occur along the banks of the lower Eel River. According to the Dinsmore Ranch BA, the BSA also contain potential habitat for northwestern pond turtle (*Emys marmorata*) and northern red-legged frog (*Rana aurora*). Lumped together based on their affinity for water, wet areas and riparian habitat, potential habitat for pacific giant salamander (*Dicamptodon tenebrosus*) and rough-skinned newt (*Taricha granulosa*) may also occur within the assessment area. However, further consideration for these species has been dropped, because there are no records of aquatic/wet site guild species on the Dinsmore Plateau. More than 100 feet from a watercourse, reliant on City water, proposed cannabis cultivation does not involve drawing water from streams or ponds in a way that could significantly impact aquatic/wet site species.

Late Mature Forest Guild Species

Northern spotted owls require mature forest patches, with permanent water and suitable nesting trees and snags (Zeiner et al. 1990). Initially believed to be old growth obligate, NSOs commonly occur in younger forest types of northern California (USDA 1994). However, rather than habitat encroachment, competition from the exotic and invasive barred owl (*Strix varia*) is now regarded as the largest threat to the California NSO population (USFWS 2011).

The closest spotted owl Territory, HUM0162, is reported by the CNDDDB about 0.7 miles to the west in Slater Creek. However, surveys for Timber Harvest Plan (THP) 1-17-088 HUM, conducted by Timberland Resource Consultants (TRC) in 2019, suggest that this AC may have moved approximately 1 mile northwest of their historic location, even further away from this Project Area.

Because this subdivision has had a long history of human disturbance, the forest associated with this Project Area cannot be considered as suitable for nesting spotted owls. Cannabis cultivation does not generate the same type of disturbance as logging, and given that no trees will be removed, impacts to these guild species are unlikely. However, for the purposes of this assessment, potential disturbance has been assessed according to the 60 decibel (dB) noise threshold established for NSOs by the City of Rio Dell.

Large Bird/Raptor Guild

Bald eagles (*Haliaeetus leucocephalus*) and ospreys typically prefer nesting close to streams and rivers. Occupying the same niche as great blue herons; however, golden eagles (*Aquila chrysaetos*) favor large trees and rock faces on prominent ridges associated with grassy meadows. Fully protected, as are all nesting raptors, the CNDDDB does record nesting ospreys about a half mile to the south, and herons are nesting about a mile north of this subdivision, along the Eel River.

The Dinsmore Ranch BA also mentions Sharp-shinned hawk (*Accipiter striatus*) and Cooper's hawk (*Accipiter cooperii*); nevertheless, there are no records of nesting raptors within 1/4 mile of this Project Area. Furthermore, signs of nesting raptors were not observed as part of the 2007 biological field reconnaissance of this subdivision, or during my April 19, 2021 field visit. Given existing environmental baseline conditions, and that proposed cannabis cultivation does not involve removing additional forest habitat, it is reasonable to conclude that this project will not significantly impact these guild species.

Special-Status Nesting Birds

The CNDDDB records bank swallows in association with cliffs on the Eel River, but such specialized habitat does not occur in association with this Project Area. Nevertheless, other special status birds identified in the Dinsmore Ranch BA as potentially breeding in the BSA include Vaux's swift (*Chaetura vauxi*), Rufous Hummingbird (*Selasphorus rufus*), Olive-sided Flycatcher (*Contopus cooperi*), Purple Martin (*Progne subis*), Black-capped Chickadee (*Poecile atricapillus*), Hermit Warbler (*Setophaga occidentalis*) and tricolored blackbird (*Agelaius tricolor*). Intensively grazed when I visited this Project Area on April 19, this pasture did not present suitable breeding habitat for ground nesting birds. However, if left fallow in such a way as to allow cover for ground nesting birds, a focused survey for active nests shall be conducted by a qualified biologist. It is recommended that such a survey take place within seven days, before initiating habitat disturbance activities during the migratory bird breeding season (February 15 through August 15). If a nest is found, the Permittee shall consult with CDFW regarding appropriate actions to comply with the MBTA and the California Fish and Game Code.

Forest Mustelids and Other Small Mammals

In accordance to the Dinsmore Ranch BA, suitable habitat for Sonoma Tree Voles (*Arborimus porno*) occur in this project's assessment area, and potential habitat for fishers (*Pekania pennantiare*) may also be present inside the BSA. Whereas the CNDDDB also records of North American porcupine and Humboldt mountain beaver within 1.3 miles, habitat for these species do not occur in association with this Project Area. Similarly, this site is unsuitable for American badgers (*Taxidea taxus*), and potential habitat for Townsend's big-eared bats (*Corynorhinus townsendii*) was not observed. Prohibited from using rodenticides, proposed cannabis cultivation is thus unlikely to significantly impact special status mammal populations.

Special-Status Plants

The CNDDDB documents occurrence of seacoast ragwort and Pacific gilia within 1.3 miles of this Project Area. However, the botanical portion of the Dinsmore Ranch BA also identifies nine other special status plant species with potential of occurring within this project's BSA; Humboldt milkvetch (*Astragalus agnicidus*), northern clustered sedge (*Carex arcta*), Whitney's farewell-to-spring (*Clarkia amoena ssp. whitneyi*), coast fawn lily (*Erythronium revolutum*), running-pine (*Lycopodium clavatum*), robust monardella (*monardella villosa ssp. globosa*), Howell's montia (*Montia howellii*), Siskiyou checkerbloom (*Sidalcea malviflora ssp. patula*), and Hitchcock's blue-eyed-grass (*Sisyrinchium hitchcockii*).

Although botanical field surveys in 2007 did not detect special status plants, situated exclusively on "Habitats 4", the Dinsmore Ranch BA indicates that this Project Area may be suitable for Pacific gilia, Siskiyou checkerbloom, Howell's montia, Hitchcock's Blue-eyed-grass, and Whitney's Farewell-To-Spring. According to the CNDDDB, such species meet the definitions of the California Endangered Species Act of the California Fish and Game Code, and are eligible for state listing:

"Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125; (c) and/or §15380."

Nevertheless, due to past and present heavy grazing by cattle and sheep, proposed cannabis cultivation in this pasture is unlikely to affect abovementioned plant communities in ways that could be CEQA significant. However, to entirely dismiss impacts to these species, another seasonally appropriate pre-construction survey for sensitive botanical communities is recommended.

7. DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

A determination of the significance of environmental effects caused by a project calls for careful judgment on the part of the public agencies involved. Not only does CEQA require that potentially harmful impacts be discussed with an emphasis this is in proportion to their severity and probability of occurrence (§15143), those impacts must also be judged against existing baseline conditions.

The importance of factoring in current habitat conditions when considering ESA "take" is also indicated in Section 7 USFWS Consultation Handbook. However, whereas the ESA prohibits the incidental taking of an individual, without an explicit permit, CESA differs from the ESA in ways often not acknowledged by State agencies and stakeholders. For whereas the CESA applies both to formally listed and candidate species, it diverges from the ESA in that its definition of "take" is far more limited (Dwyer and Murphy 1995).

Restricted to "*Hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill*", the CESA has no equivalent to "*harm*" or "*harass*". Furthermore, the California Fish and Game Code gives CDFW explicit authority to grant incidental take. In other words, incidental take (disturbance) of State listed species is more permissive, providing that it involves an otherwise lawful and fully mitigated activity (Kern 1999). Nevertheless, for the purposes of this biological assessment, potential impacts to special status species resulting from noise disturbance has been assessed in accordance to the 60 decibel (dB) threshold established for NSO take avoidance by the City of Rio Dell.

In conclusion, given this subdivision's long history of human disturbance, chiefly logging and grazing, this supplemental study found no special status species associated the Dinsmore Plateau subdivision potentially impacted by proposed cannabis cultivation conducted in accordance to Rio Dell Ordinance No. 374-2019. Consistent with previous Dinsmore Ranch BA, this project is unlikely to impact faunal or floral communities in manner that would be CEQA significant. Nevertheless, to avoid violating the MBTA, or incidentally harming sensitive plants, preconstruction surveys for breeding bird and special status plant are recommended, as appropriate.

Troy Leopardo

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8. SOURCES AND LITERATURE CITED

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RESUME

Troy Leopardo

WILDLIFE BIOLOGIST

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A northern California private consulting biologist with thirty years of experience, Troy has particular expertise with design and implementation of surveys for threatened and endangered species, as well as environmental regulations, policy and law

EDUCATION

Bachelor of Science in Wildlife Management from Humboldt State University, with a Range Management emphasis and upper division courses in Waterfowl and Wildlife Diseases (1988)

PROFESSIONAL EXPERIENCE

Leopardo Wildlife Associates (LWA), McKinleyville, California (Since 1997)

Senior biologist and owner of small consulting firm providing biological services for private and public landowners throughout northern California. Focused on biological field investigations and analysis pursuant to the California Environmental Quality Act (CEQA) and Forest Practice Regulations (FPRs), I conduct surveys for State and federally listed species. Predominantly northern spotted owls, but also seasonally appropriate surveys for migratory nesting birds, as well as sensitive amphibians and mammals. Other duties include Environmental Monitoring and Storm Water Pollution Prevention Planning (SWPPP). Supervising as many as 10 biologists and technicians on a project-to-project basis, prominent **clients include:**

- **Soper Company:** Consulting biologist responsible for company holdings in Northwestern California. Provide scientific review and legal analysis in support of Timber Harvest Plans (THPs) in accordance with CEQA and the FPRs. Implement wildlife surveys, evaluate and map habitat, assess biological impacts, and design mitigations for federally endangered species such as the northern spotted owl (NSO) and California Red-legged Frog (1998 to present)
- **Barnum Lumber Company:** Supervised NSO surveys on 25,000-acre ownership in Humboldt Mendocino Counties; designed and implemented surveys for other sensitive and protected species such as Bald Eagle and Northern Goshawk. Conduct scientific review and legal analysis in support of THPs. Designed forest habitat classification system for company GIS (1997 to present)
- **Green Diamond Resource Company:** contract NSO surveys on 15,800-acre tract (2019-2020)
- **Timberland Resources Consultants:** Prepared CEQA documentation for commercial cannabis projects in accordance to Humboldt County Commercial Cannabis Land Use Ordinance (2019)
- **Sequoia Ecological Consulting:** Planned and implemented surveys for Northern Goshawk, California Spotted Owl, and Great Gray Owl as sub-contractor for Pacific Gas & Electric (PG&E) at Lyons Reservoir, Sand Bar Dam, and Philadelphia Weir (2012 to 2014), Migratory Bird Treaty Act (MBTA) surveys and environmental monitoring for gas line replacement and vegetation removal (2016 and 2018)
- **Humboldt County Public Works:** Biological Assessment (BA) for the Honeydew Bridge Replacement Project, McKay Community Forest NSO Monitoring, and MBTA Surveys for County road construction (2013 - 2016)
- **Hambro Forest Products:** Prepared BA for contested THP involving sensitive vegetation communities and special status species in the California Coastal Zone (2017)
- **Redwood National and State Park:** Awarded Marbled Murrelet and NSO survey contract in Redwood National Park; successfully implemented and administered field surveys in the Lost Man Creek study area involving 2,500 acres located near Orick, California (2006 and 2007)
- **Gualala Redwoods, Inc.:** Carried out THP related wildlife surveys and documentation associated with this 28,000-acre timber company located in coastal Mendocino and Sonoma Counties; implemented field investigations for spotted owl and marbled murrelet. Conducted agency consultation according to CESA and ESA (1999 to 2006)

PROFESSIONAL EXPERIENCE, LWA Clients...Continued

- **MHA Environmental Consulting, Inc.:** Environmental consultant for PG&E as a MHA sub-contractor; planned and implemented pre-construction surveys for sensitive wildlife, designed mitigation measures and directed environmental monitoring for the Fairhaven-Arcata Tower Replacement Project involving the airlifting of equipment into sensitive beach dune habitat containing Endangered Plants on the Samoa Peninsula in Humboldt County. Acting SWPPP Project Leader and Hazardous Materials and Water Pollution Control Manager for the Humboldt-Arcata 60 kV Reconstruction Project (2003 to 2006)

Natural Resources Management Corporation (NRM)

(1990 — 1997)

NRM lead biologist, and instrumental in establishing environmental consulting branch of this northern California forestry-consulting firm. Directed a staff of natural resource professionals; trained and supervised up to 12 seasonal employees in a wide variety of environmental tasks, emphasizing surveys for threatened and endangered species. Conducted aerial photograph interpretation and habitat mapping; performed National Environmental Policy Act (NEPA) documentation, as well as ESA and CEQA analysis. Developed a method of assessing biological impacts and cumulative effects for THPs that later became industry standard. Successfully planned and implemented the completed the following projects:

- Biological Analysis (BA) and Wildlife portion of Environmental Assessment for the Robinson project; conducted field investigations for this 500-acre USFS Timber Sale on Plumas NF
 - Designed Old-Growth Habitat Model for Pacific Lumber Company's MSHCP
 - Directed biological surveys and documentation according to the California THP process; analyzed biological impacts, designed mitigations, and mapped habitats for over 40 THPs
- Private Consulting Biologist (PCB) authorized by the California Department of Fish and Game to issue "No Take" determinations for NSOs; analyzed over 50 THPs for potential owl impacts in accordance with CEQA and ESA

Conducted surveys and prepared consultations for state and federally listed wildlife species, such as the Marbled Murrelet, the Bald Eagle, the Peregrine Falcon, and the California Red-legged Frog

Planned and implemented field investigations for non-listed species of concern, such as the Northern Goshawk, the Pacific Fisher, Del Norte Salamander, Southern Torrent Salamanders and Northern Red-legged Frogs

Wrote Biological Resources section for the Humboldt County Dump Siting Study, analyzed potential biological impacts of five proposed dump sites in Humboldt County

Directed implementation of Marbled Murrelet surveys in Timber Sale areas on the Mad River and Gasquet Ranger Districts in Six Rivers National Forest

Mt. Hood National Forest, Estacata, Oregon

(1990)

Directed NSO inventory program on the Estacata RD, fought wildfires in eastern Oregon.

Rouge River-Siskiyou National Forest, Gold Beach Oregon

(1988-1990)

Supervised NSO inventory program on the Gold Beach Ranger District; classified late seral habitat using aerial photo interpretation; planned and implemented habitat improvements for Wild Turkey, Peregrine Falcon and Roosevelt Elk. Participated in fisheries projects, such as stream surveys, construction of in-stream fish habitat structures, salmonid brood stock collection, egg hatch-box maintenance, and spawning surveys.

RELEVANT TRAINING AND WORKSHOPS

CEQA for RPFs: A California Licensed Foresters Association Workshop (2009)

Caltrans Certified Storm Water Pollution Prevention Plan (SWPPP) Training (2007)

California Department of Fish and Game Forest Amphibian Identification Training (1994)

PROFESSIONAL AFFILIATIONS

The Wildlife Society: California North Coast Chapter Programs Committee Chairman (1997-2000)

EXHIBIT A
Conditions of Approval
Dinsmore Plateau Farms Cultivation Application
Conditional Use Permit & Design Review
File No. 205-071-043; Case No's. CUP-CCLUO/DR-21-03

Conditions of Approval

1. The applicant shall enroll and maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. A letter or similar communication from the NCRWQCB verifying that their requirements have been met will satisfy this condition.
2. The applicant shall enroll in the County Hazardous Waste program. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.
3. The applicant shall install carbon filter fans or equivalent superior filters/scrubbers to eliminate odor discharges to neighboring properties from cultivation and processing facilities before the Certificate of Occupancy is issued.
4. The trash/recycling areas shall be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet.
5. 100% of the energy used for cultivation activities shall be supplied from a renewable source, in this case the Redwood Coast Energy Authority's RePower+ program. Written verification from the Redwood Coast Energy Authority is required before the Certificate of Occupancy is issued
5. The applicant shall provide an additional six (6) standard spaces along the east side of the building and three bicycle parking spaces as shown in Figure 2.
6. The applicant shall provide additional 6" curbing between the additional recommended parking shown in **Figure 2** on the west side of the building and around the landscaped strips in the north parking area.
7. The access road (driveway) off of Dinsmore Ranch Road shall be graveled to a width of 20 feet.

8. The applicant shall provide two additional Sargent Cherry trees near the parking area east of the building. See Figure 2.
9. The loading space shall be signed "LOADING ONLY".
10. The applicant shall install a 12' x 16' gazebo with two concrete picnic tables as shown in Figure 2.
11. The roof on the proposed building shall be a non-reflective colored roof. The applicant shall identify the proposed color on the Building Plans.
12. The applicant shall comply with the Rio Dell Volunteer Fire Districts recommended conditions of approval below. Written verification from the District indicating that their conditions have been met shall satisfy this requirement.
 - A dedicated 5,000 emergency water tank with wharf hydrant no closer than 50 feet and no further than 100 feet from the building. A wooden or metal sign with a minimum three (3) inch letter height, 3/8-inch stroke, contrasting with the background color of the sign, with the wording "FIRE WATER" mounted on a wooden or metal post.
 - The hydrant head shall be brass or other corrosion resistant material with 2-1/2-inch National Hose male thread with a cap for pressure and gravity flow systems, and 4-1/2-inch National Hose male thread for draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. Crash protection meeting the requirements of the Uniform Mechanical Code shall be installed as required by the RDFPD.
 - All pipes supplying water to hydrants must be at least 3 inches in diameter; however, a pipe having a diameter of less than 3 inches may be used provided it can demonstrate the capability of supplying a minimum 200 gallon per minute (gpm) flow from the hydrant connection.
 - A Knox Box at any proposed gates.
 - A turn-around area at the building location.
 - Address signage. The size of letters numbers and symbols for addresses shall be a minimum 4-inch letter height, 1/2-inch stroke, reflectorized, and contrasting with the background color of the sign. Addresses shall use Arabic numbers and alphabetical letters. Wooden address signs meeting the standards for letter height, stroke, and contrast shall be permitted

13. The applicant shall pay their fair share contribution to the expansion of the Dinsmore water tank. The fair share cost is based on estimated water use and the current cost of access to the water system, which is \$0.055 a gallon. The applicant estimates an annual water demand of 625,000 gallons. As such, the fair share cost for access to the City's water system is \$31,250.00 (625,000 x \$0.05). before a Building Permit is issued.

14. All exterior lighting shall be LED fixtures and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

15. Any signs must comply with Section 17.30.300 of the RDMC.

15. Community Relations: The applicant shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the cannabis facility.

16. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

Operational Conditions

1. Before any trucked in water is delivered and used for cannabis cultivation, the applicant is required to get approval from CalCannabis.
2. Any trees or shrubs planted near the driveway entrances shall be of size and shape so as not to impede visibility.
3. Emergency generators are subject to the following conditions:
 - ♦ The generator(s) shall be enclosed to minimize noise levels.
 - ♦ Noise levels shall not exceed 60 decibels at any property line.
 - ♦ The generator(s) shall be Tier 4.
 - ♦ The applicant shall submit a signed agreement with PG&E regarding the installation of the needed infrastructure/power.

4. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.
5. In addition to any and all State regulations to cannabis cultivation, all cultivation activities are subject to the Performance Standards in Section 17.30.195(10) of the Rio Dell Municipal Code.
6. The building, parking lot and landscaping shall be maintained in good condition.
7. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.
8. The operations shall comply with all local and State regulations at all times.
9. Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation activities, the storage and handling of materials, including fertilizers, pesticides and fungicides.
10. Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.
 - ◆ Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.
 - ◆ Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.
 - ◆ All records related to commercial cannabis activity are subject to inspection by the City.
 - ◆ A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.
 - ◆ Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:
 - City and State issued permits and license(s);

- Plan of Operations;
 - All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
 - Any supporting documentation for data or information input into the track-and-trace system;
 - Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
 - Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
 - Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
 - Contracts with other state licensed medical cannabis businesses;
 - Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
 - Security records; and
 - Records associated with the composting or disposal of waste.
- ◆ All required records shall be prepared and retained in accordance with the following conditions:
 - ◆ Records shall be legible; and
 - ◆ Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

11. The applicant shall pay all fees and taxes as required by the City of Rio Dell.

12. The light sources used in the greenhouses shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Wiyot Tribe, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.