



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: February 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Sage Koenig, Conditional Use Permits**
Record Numbers: PLN-11295-CUP & PLN-11277-CUP
Assessor's Parcel Number (APN's): 108-011-026; 221-171-029; 221-171-034
400 Country Lane and 140 Country Lane., Ettersburg area

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Please contact Christopher Alberts, Planner, at 707-268-3771 or by email at calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 4, 2021	Subject Conditional Use Permits	Contact Christopher Alberts
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Project Description: Two Conditional Use Permits (CUP-16-207 & CUP-17-069) for an existing 15,900 square feet of outdoor cannabis cultivation to occur on APN 221-171-029 and a total of 12,900 square feet of outdoor and mixed light cannabis cultivation to occur on APN 108-011-026. Propagation for both projects will occur in one (1) proposed 42'x72' (3,024 square feet) greenhouse and an existing 24'x30' (720 square feet) greenhouse. The applicant anticipates a maximum of two cultivation cycles for application number 11295 and 11277 occurring during the months of July, September, and October. Water for the project will be provided by one existing onsite well. The applicant will forebear from using the well from April to October. The applicant is also proposing an 800,000-gallon rainwater catchment pond that will be located on APN 221-171-029. The applicant anticipates 696,800 gallons of water will be required for irrigation annually. There is 40,000 gallons of water existing onsite occurring in eight (8) 5,000-gallon tanks located on APN 108-011-026. The applicant is proposing an additional 800,000-gallon rainwater catchment pond for a total of 840,000 gallons of water storage. Processing such as drying, curing, trimming, wholesale packaging, and finished cannabis storage will occur in a proposed 20'x25' (500 square feet) commercial processing building and a proposed 24'x48' (1,152 square foot) commercial processing building located on APN 108-011-026. The applicant anticipates there will be a maximum of four employees working on both sites. Power for the projects will be provided by PG&E. The project also involves a proposed Lot Merger where APN's 108-011-026 & 221-171-029 will be combined and merged into one project.

Project Location: The project is located in the Ettersburg area, on the North and South side of Country Lane, approximately .18 miles Northwest from the intersection of Dutyville Road and Country Lane, on the property known as 140 Country Lane.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR), Special Building Site (B-5(10))

Record Numbers: PLN-11295-CUP & PLN-11277-CUP

Assessor's Parcel Numbers: 108-011-026; 221-171-029; & 221-171-034

Applicant
Sage Koenig
PO Box 490
Redway, CA 95560

Owner
Sage Koenig
PO Box 490
Redway, CA 95560

Agents
Omsberg & Preston
Erika Willor
402 E Sreet
Eureka, CA 95501

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

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

Major Issues: None.

Sage Koenig, Conditional Use Permits

Record Numbers: PLN-11295-CUP & PLN-11277-CUP

Assessor's Parcel Numbers: 108-011-026; 221-171-029; & 221-171-034

Recommended Planning Commission Action:

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

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

Executive Summary:

Sage Koenig seeks two Conditional Use Permits to allow the continued operation of two existing outdoor and mixed light cannabis operations in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The total commercial cannabis applied for is 28,800 square feet, of which 9,600 square feet is mixed-light cultivation.

Record Number PLN-11295-CUP is for 12,900 square feet of existing cannabis cultivation. There will be 3,300 square feet of cannabis occurring outdoor full-sun and there will be 9,600 square feet of mixed light cannabis cultivation occurring in one proposed 9,600-square-foot structure. Record Number PLN-11277-CUP is for 15,900 square feet of outdoor cannabis cultivation. There will be 11,100 square feet of outdoor cannabis cultivation occurring in two (2) proposed 20'x80' (1,600 square feet) greenhouses, one (1) proposed 20'x85' (1,700 square feet) greenhouse, two existing 20'x80' (1,600 square feet) greenhouses, one (1) 20'x90' (1,800 square feet) greenhouse, and two (2) 20'x100' (2,000 square feet) greenhouses. Propagation for both projects will occur in one (1) proposed 42'x72' (3,024 square feet) greenhouse and an existing 24'x30' (720 square feet) greenhouse. The applicant anticipates a maximum of two cultivation cycles for application number 11295 and 11277 occurring during the months of July, September, and October. Processing such as drying, curing, trimming, wholesale packaging, and finished cannabis storage will occur in a proposed 20'x25' (500 square feet) commercial processing building, an existing 30'x50' (1,500 square feet) commercial processing building, and a proposed 24'x48' (1,152 square feet) commercial processing building located on APN 108-011-026.

Water for the project will be provided by one existing onsite well. The applicant anticipates there will be a maximum of four employees working on both sites. Artificial lighting used for mixed light cultivation, ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Power for the projects will be provided by PG&E.

The project also involves a proposed Lot Merger where APN's 108-011-026, 221-171-029, & 221-171-034 will be combined and merged into one project.

Cultivation, Propagation, and Storage Structures			
APN 108-011-026	Dimensions	APN 221-171-029	Dimensions
EHH1-4	20'x80' (1,600 sf) (to be replaced)	PHH2-3 OD (P)	20'x80' (1,600 sf)

EHH5-6	40'x60' (2,400 sf) (to be relocated)	PHH4 OD (P)	20'x85' (1,700 sf)
PHH1	9,600 sf structure	OD Cultivation Area #3	60'x80' (4,800 sf) (to be relocated to OD PHH2-4)
OD Cultivation Area #2	30'x30' (900 sf) (to be relocated)	EHH7-8 OD (E)	20'x80' (1,600 sf)
Propagation (P)	42'x72' (3,024 sf)	EHH9 OD (E)	20'x90' (1,800 sf)
Propagation (E)	24'x30' (720 sf)	EHH10-12 OD (E)	20'x100' (2,000 sf)
Propagation (E)	12'x16' (192 sf) (Horse shelter)	Ag Storage (E)	512 sf
Propagation (E)	12'x16' (192 sf)	Pond (P)	
Processing (E)	20'x25' (500 sf)	Barn (E)	1,036 sf
Processing (E)	24'x28' (1,152 sf)		
Processing (P)	30'x50' (1,500 sf)		
Harvest Storage (E)	20'x20' (400 sf)		
Ag Storage (E)	480 sf		
Ag Storage (E)	455 sf		

Water Resources

Water for irrigation will be provided by one existing onsite well located on APN 108-011-026. The applicant submitted a *Notice to Water Right License* from the State Water Resources Control Board to show the applicant obtains the right to use Well #1 located on APN 108-011-026 as the water source for the projects. According to the water right, the applicant can divert 0.070 cubic feet per second (31.4 gallons/minute). The applicant submitted a *Streambed Alteration Agreement* (1600-2018-0119-R1) for the diversion from the well (see Attachment 3). The applicant is not prohibited from forbearing as part of the LSAA however the County CMMLUO requires forbearance from April to October and this is a recommended condition of approval to this permit. The applicant is also proposing an 800,000-gallon rainwater catchment pond that will be located on APN 221-171-029. The applicant anticipates 696,800 gallons of water will be required for irrigation annually. There is 40,000 gallons of water existing onsite occurring in eight (8) 5,000-gallon tanks located on APN 108-011-026. The applicant is proposing an additional 800,000-gallon rainwater catchment pond for a total of 840,000 gallons of water storage.

The applicant submitted a *Water Resource Protection Plan (WRPP)* prepared by Pacific Watershed Associates dated September 2017 (see Attachment 3). According to the WRPP the property falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023. The WRPP also states the applicant meets conditions regarding water storage and use, however the applicant shall submit a water budget to determine sufficient storage volumes for low flow periods during the dry season. The applicant shall also develop a Water Monitoring Plan.

Biological Resources

There is a mapped rare and endangered species known as the summer-run steelhead trout located on APN 221-171-029. The nearest Northern Spotted Owl (NSO) Activity Center is located approximately 1.29 miles northwest from the Northwest property boundary corner on APN 221-171-029 and the nearest NSO sighting is mapped approximately 0.94 miles northwest from the boundary corner. Marbled murrelet habitat is mapped approximately 1.45 miles northeast from the northeast property boundary on APN 221-171-029. According to the WRPP the project meets the conditions regarding irrigation runoff. Due to the topography of the site and a wide vegetative buffer between the cultivation area and the stream network runoff would not travel far on the

project site. If runoff is found to occur onsite in the future, the applicant shall construct or design containment measures, including sediment basins, berms, infiltration ditches and/or other Best Management Practices (BMP's), as needed to contain and control surface runoff. The project is conditioned for the applicant to adhere and implement all recommendations found within the WRPP. The project is for pre-existing cultivation that takes place on pre-existing flats with slopes less than 15%; therefore, it is unlikely the project will have a direct or indirect impact on the Northern Spotted Owls and Marbled murrelet species.

The Humboldt County WebGIS shows there is a bunkhouse, shed, and residence located within the 100-year flood plain. The applicant submitted Flood Elevation Certificates for the structures located within the 100-year flood plain. According to the base flood calculations submitted by Omsberg & Preston, it is unlikely the existing structures onsite will be directly impacted by the 100-year flood. Omsberg & Preston stated they surveyed the four existing greenhouses located on APN 108-011-026 and found that the greenhouses are located approximately 4' feet above the base flood elevation.

Tribal Consultation

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone Tribe. The Bear River Band Rancheria recommended the applicant to submit a Cultural Resources investigation for the project. The applicant submitted a *Cultural Resources Investigation* (CRI) prepared by Arsenault & Associates dated February 21, 2020. The CRI concluded there were no historical or archaeological resources identified in the study area and the proposed project will not result in any adverse change to historical or archaeological resources.

Access

The property is accessed via Country Lane from Dutyville Road. The applicant submitted a Road Evaluation Form dated January 27, 2021 stating the entire road segment is developed to the equivalent of a road category 4 standard. According to the WRPP the project is out of compliance with Site Maintenance, Erosion Control, and Drainage Features. The ARPP provides recommendations that will bring the roads and drainage features on the site into compliance. The applicant has submitted a *Streambed Alteration Agreement* (1600-2018-0119-R1) for the proposed corrective actions found within the WRPP. The project is conditioned to implement and adhere to all recommendations found within the WRPP and Streambed Alteration Agreement. The project was referred to the Department of Public Works on May 23, 2018. The Department of Public Works recommend the following: the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); and the applicant shall pave the surface at the intersection of Dutyville Road and Country Lane for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. The project is conditioned to implement and adhere to all recommendations made by the Department of Public Works.

Onsite Relocation

The applicant submitted an *Onsite Relocation Plan* found within the *Operations Plan* prepared by Omsberg & Preston dated November 2020. According to the relocation plan, the applicant is proposing to relocate 2,400 square feet of outdoor cannabis cultivation from Area 1 located on APN 108-011-026 to two existing 80'x20' greenhouses identified as "HH5-6" on the *Site Map* (see Attachment 3). The applicant will also be utilizing four (4) existing 20'x80' greenhouses identified as "HH1-4" on the *Site Map*, for mixed light cannabis cultivation in Area 1 until the proposed 9,600 square foot structure is developed. The applicant will also be utilizing portions of greenhouses HH1-2 3 for propagation activities.

The applicant is also proposing to relocate a total of 900 square feet of outdoor cannabis cultivation located in Area 2 on APN 108-011-026. There will be 800 square feet of cannabis relocated into two (2) 20'x80' existing greenhouses identified as "HH5-6" on the site map and 100 square feet of outdoor cannabis will be relocated to a 20'x85' (1,700 square feet) area identified as "PHH4" on the site map located on APN 221-171-029. The applicant is also proposing to relocate mixed light cannabis from two (2) 20'x80' (3,200 square feet) greenhouses identified as "HH5-6" on the site map from cultivation Area 2 to the proposed 9,600-square-foot greenhouse located in cultivation Area 1. In the future the applicant will be consolidating all mixed light cultivation located on APN 108-011-026 to the proposed 9,600-square-foot greenhouse located in cultivation Area 1.

The applicant is proposing to relocate 4,800 square feet of outdoor cannabis cultivation on APN 221-171-029 due to the proximity of the Streamside Management Area. The cannabis cultivation will be relocated to two (2) proposed 20'x80' (1,600 square feet) greenhouses identified as "PHH2-3" on the site plan and one (1) proposed 20'x85' (1,700 square feet) greenhouse identified as "PHH4" in the site map.

Currently propagation for both projects occurs in two (2) 20'x80' (1,600 square feet) greenhouses identified as "HH1-2" on the site map. The propagation greenhouses are utilized from March-June and then moved to an existing 24'x30' (720 square feet) greenhouse for staging. After the 2,400 square feet of cannabis cultivation is relocated out of cultivation Area 1, the applicant proposes to develop a 42'x72' (3,024 square feet) propagation greenhouse that will replace the propagation functions for greenhouses "HH1-2".

The proposed onsite relocation will allow for a more environmentally superior site because it will allow for the applicant to move existing cannabis cultivation from under wooded canopy to the open flat areas with slopes less than 15% located on APN's 108-011-026 and 221-171-029, will allow for consolidation of existing cultivation areas, and cannabis will be planted into prime agricultural soils. The project will utilize less than 20% of the prime agricultural soils.

Lot Merger

The proposed project involves a proposed Lot Merger where APN's 108-011-026 and 221-171-029 will be combined and merged into one project. If the applicant cannot successfully obtain a Lot Merger, then the applicant shall obtain easements for the use of all the shared structures related to cannabis activities on APN's 108-011-026 and 221-171-029.

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

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

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

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

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

**Resolution Number 21-
Record Number: PLN-11295-CUP & PLN-11277-CUP
Assessor's Parcel Numbers: 108-011-026 & 221-171-029**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Sage Koenig, Conditional Use Permits request

WHEREAS, Sage Koenig, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation 15,900 square feet of outdoor cannabis cultivation to occur on APN 221-171-029 and a total of 12,900 square feet of outdoor and mixed light cannabis cultivation to occur on APN 108-011-026 with appurtenant propagation and drying activities;

WHEREAS, Sage Koenig, submitted an application and evidence in support of the Lot Merger request; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on February 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is for two Conditional Use Permits to allow for 15,900 square feet of outdoor cannabis cultivation to occur on APN 221-171-029 and a total of 12,900 square feet of outdoor and mixed light cannabis cultivation to occur on APN 108-011-026 with appurtenant propagation and processing activities. Power is provided by P. G. & E. Water for irrigation is provided by an existing diversionary well. The applicant is also proposing a Lot Merger which will allow for both parcels to operate as one farm.

EVIDENCE: a) Project Files: PLN-11295-CUP & PLN-11277-CUP

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

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A Water Resources Protection Plan was prepared by Pacific Watershed Associates dated September 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - d) A *Cultural Resources Investigation* (CRI) prepared by Arsenault & Associates dated February 21, 2020 to show the project will not have a direct or indirect impact on cultural resources.
 - e) A *Streambed Alteration Agreement* (1600-2018-0119-R1) for the diversion from Well #1 to show compliance with the use of the well as a water source.
 - f) A *Notice to Water Right License* from the State Water Resources Control Board to show the applicant obtains the right to use Well #1 located on APN 108-011-026 as the water source for the projects.

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

- EVIDENCE**
- a) General agriculture is a use type permitted in Residential Agriculture (RA40) land use designation and the zoning is Forestry Recreation (FR), Special Building Site (B-5(10)). The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The project is designed to protect Biological Resources as it is not impacted any sensitive habitat and is conditioned for protection of special-status wildlife and plant species. The project includes the approval of greenhouses that are located just outside of the SMA area of the Mattole River and are visible from the river however these greenhouses have been in existence in this location and part of the existing visual character since at least 2012 and is therefore consistent with the county's scenic resource policies. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Forestry Recreation (FR), Special Building Site (B-5(10)) zone in which the site is located.

- EVIDENCE**
- a) The Forestry Recreation (FR), Special Building Site (B-5(10)) Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for FR zones.
 - b) All general agricultural uses are conditionally permitted in the FR zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of outdoor and 22,000 square feet of mixed light cannabis cultivation on parcels larger than 5-acres subject to approval of

a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016 and is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcels were created in compliance with all applicable state and local subdivision regulations, as APN 108-011-026 was created in its current configuration by per DS-14-95 and has been determined one legal parcel on the recorded Notice of Lot Line Adjustment and Certificate of Subdivision Compliance 1998-19442 recorded July 28, 1998. APN's 221-171-029 and 221-171-034 has been determined one legal parcel per DS-14-95 on the recorded Lot Line Adjustment. The applicant is proposing to merge APN's 108-011-026, 221-171-029, and 221-171-034 into one legal parcel through a Lot Merger.
- c) The applicant has obtained a water for the diversionary water source from the Mattole River.
- d) The slope of the land where cannabis will be cultivated is less than 15%
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource.

6. FINDING

The cultivation of 15,900 square feet of outdoor cannabis cultivation to occur on APN 221-171-029 and 12,900 square feet of outdoor and mixed light cannabis cultivation to occur on APN 108-011-026 and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes and agricultural uses in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a diversionary well that has a water right with

from the State Water Resources Control Board and a proposed rainwater catchment pond. The applicant also submitted A *Streambed Alteration Agreement* (1600-2018-0119-R1) for the diversion from Well #1 to show compliance with the use of the well as a water source.

- e) There will be a maximum of four (4) employees working onsite. Employees will live onsite in an existing 1,328-square-foot residence in order to reduce the amount of traffic onto and off the site.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

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

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Sage Koenig. Conditional Use Permits, Case No. CUP-16-207 & CUP-17-069 (Application Numbers PLN-11295-CUP & PLN-11277-CUP) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on February 4, 2021.

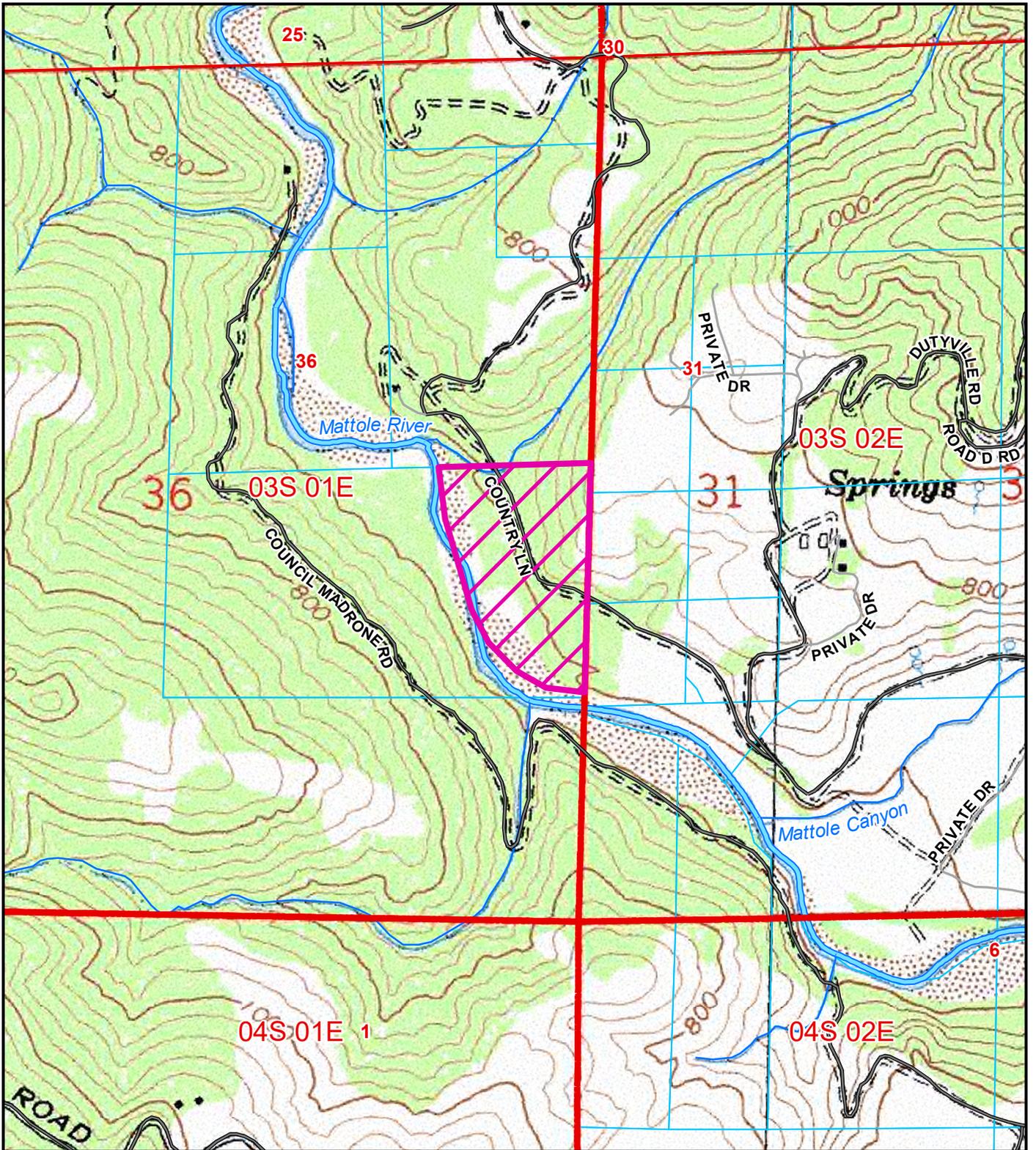
The motion was made by COMMISSIONER and second by COMMISSIONER and the following ROLL CALL vote:

AYES: COMMISSIONERS:

DECISION: Motion carries

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

John H. Ford,
Director, Planning and Building Department

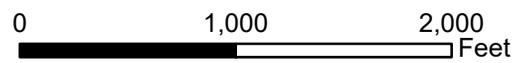


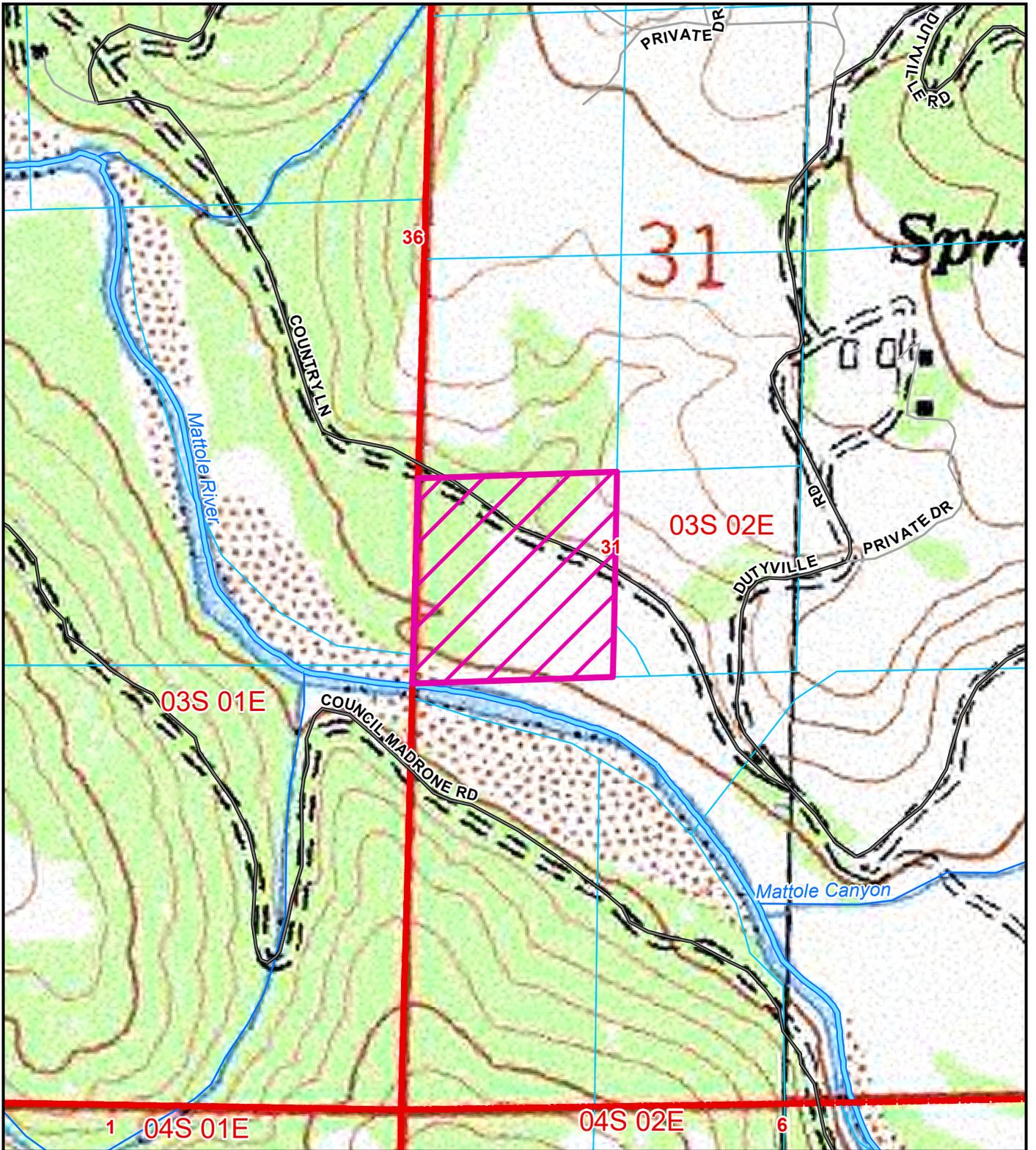
Project Area = 

**TOPO MAP
 PROPOSED SAGE KOENIG
 SHELTER COVE AREA
 CUP-17-069
 APN: 108-011-026
 T03S R01E S36 HB&M (HONEYDEW)**



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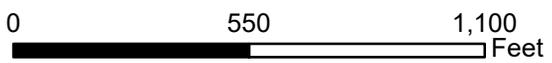


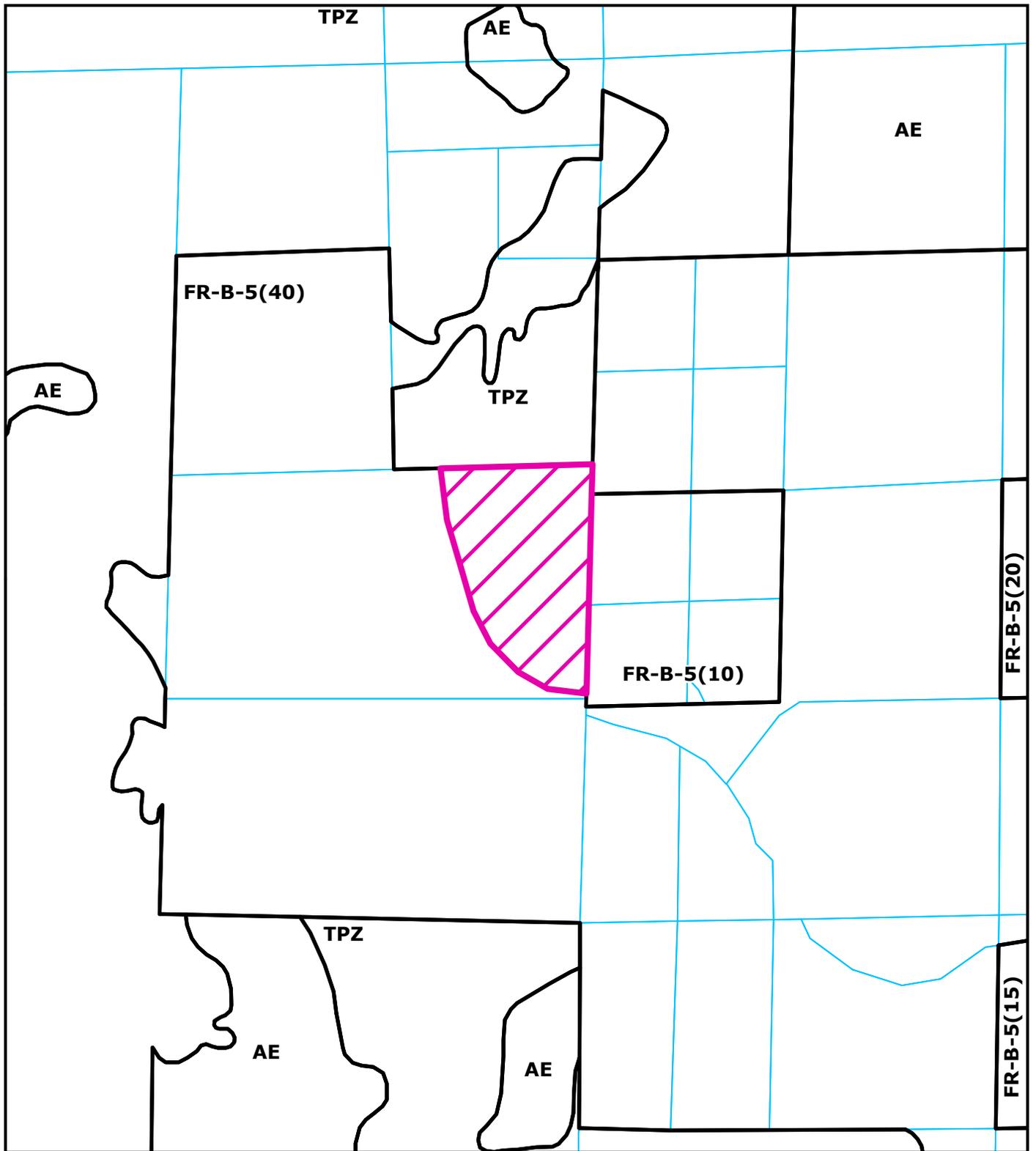
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TOPO MAP
PROPOSED SAGE KOENIG
ETTERSBURG AREA
CUP-16-207
APN: 221-171-029
T03S R02E S31 HB&M (HONEYDEW)



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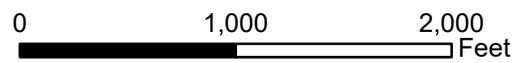


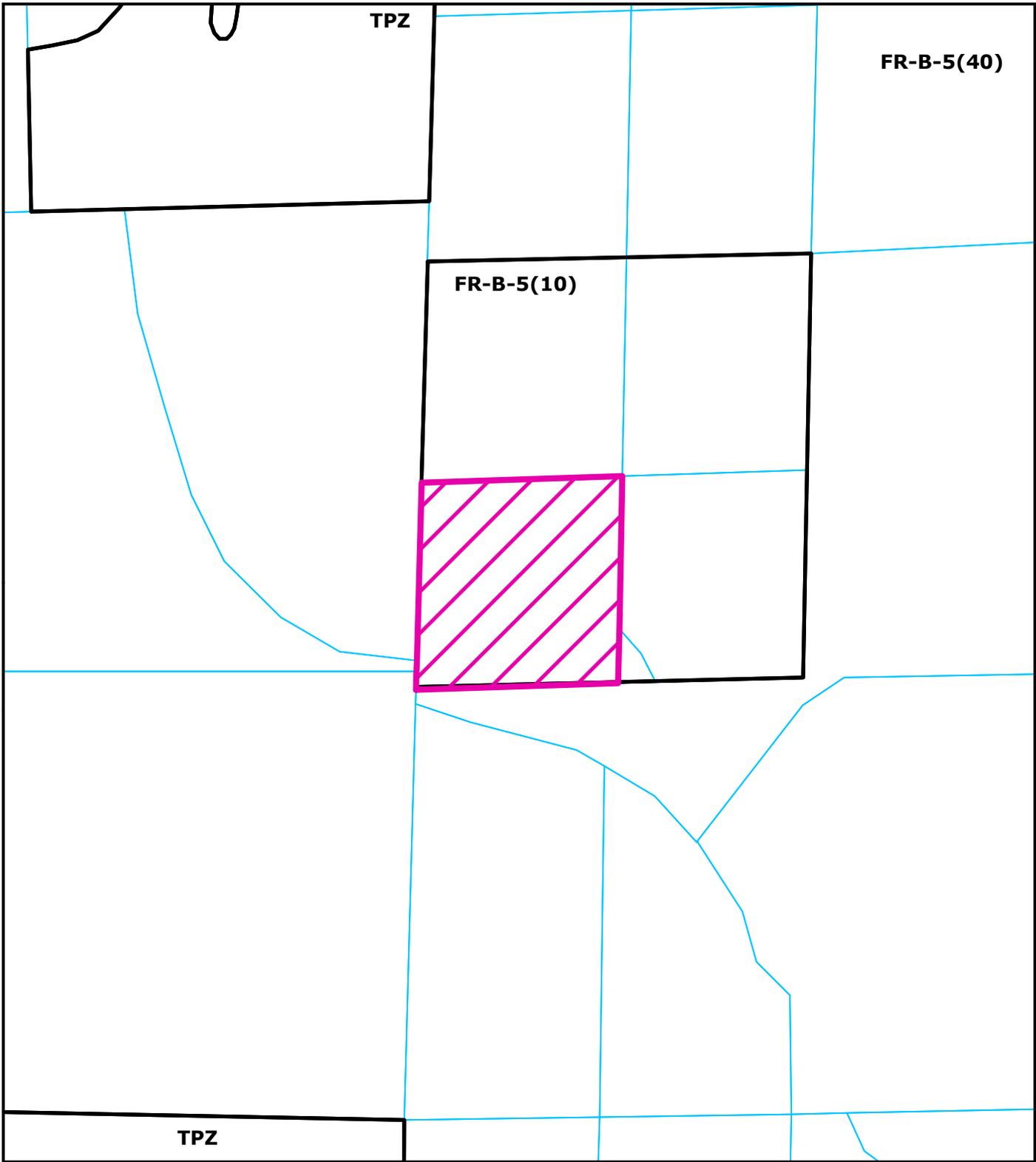
Project Area = 

ZONING MAP
PROPOSED SAGE KOENIG
SHELTER COVE AREA
CUP-17-069
APN: 108-011-026
T03S R01E S36 HB&M (HONEYDEW)



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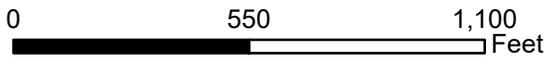


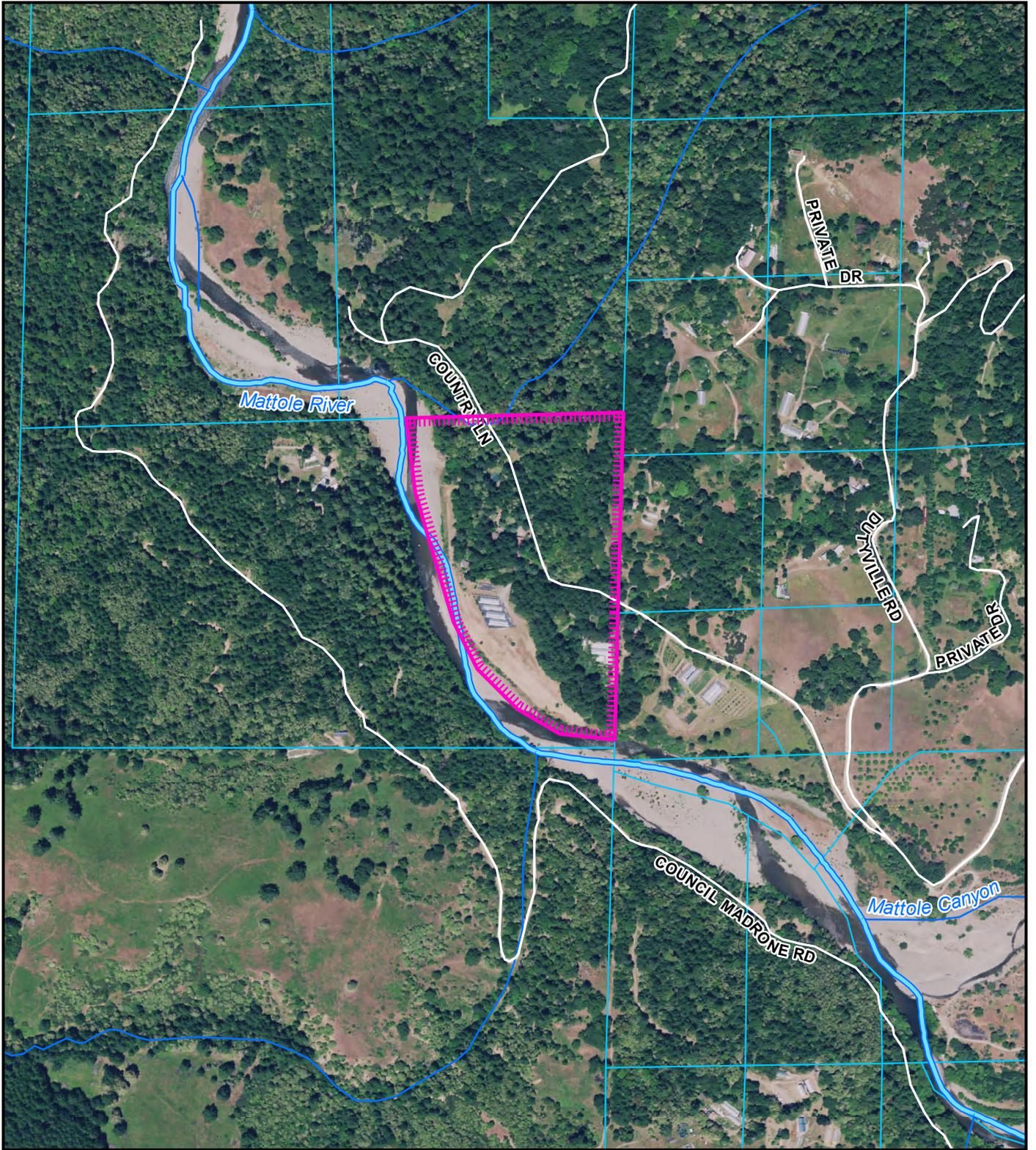
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ZONING MAP
PROPOSED SAGE KOENIG
ETTERSBURG AREA
CUP-16-207
APN: 221-171-029
T03S R02E S31 HB&M (HONEYDEW)



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



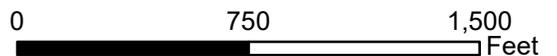


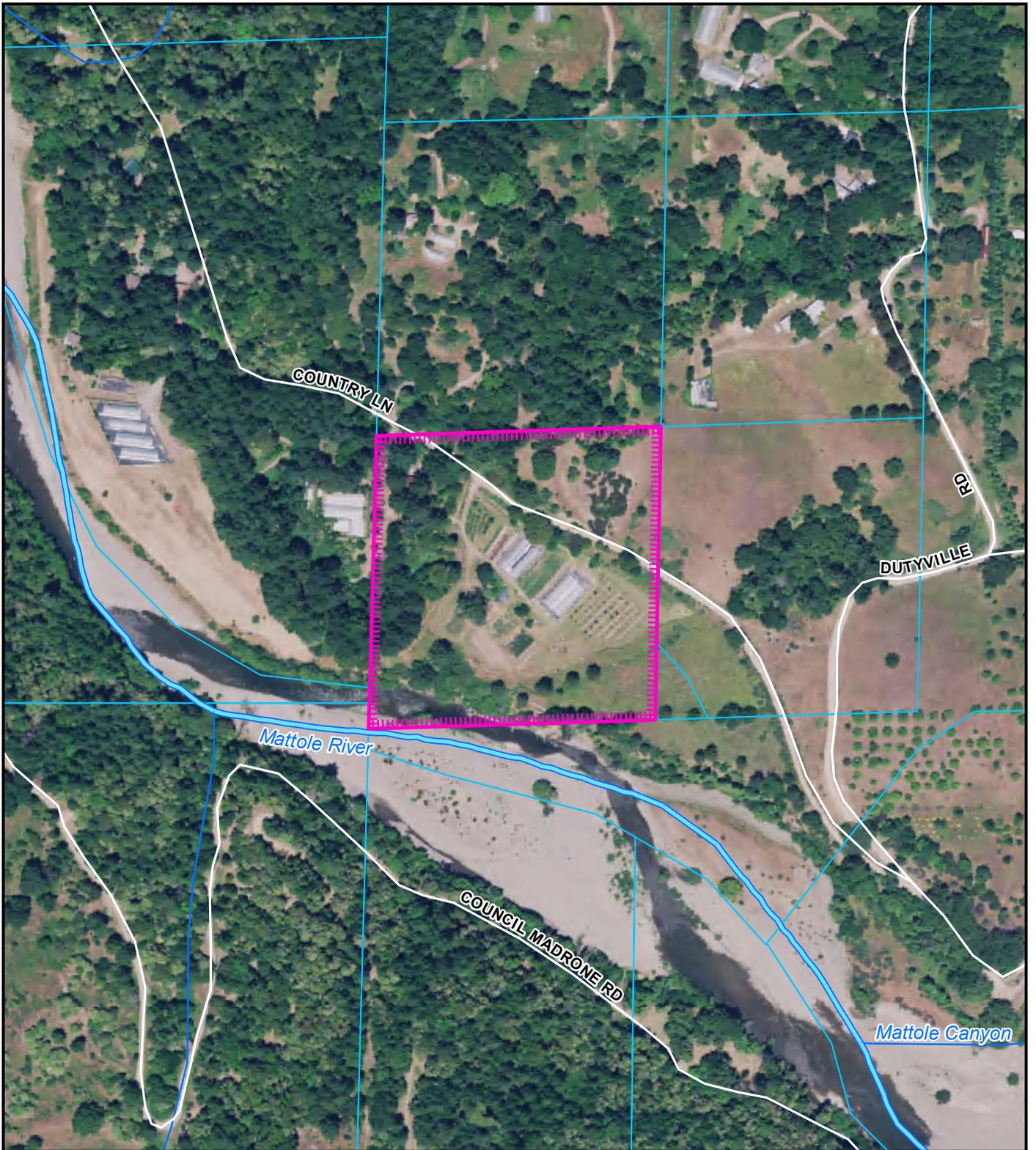
Project Area = 

AERIAL MAP
PROPOSED SAGE KOENIG
SHELTER COVE AREA
CUP-17-069
APN: 108-011-026
T03S R01E S36 HB&M (HONEYDEW)



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



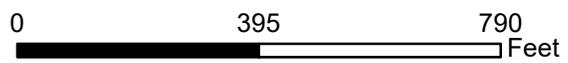


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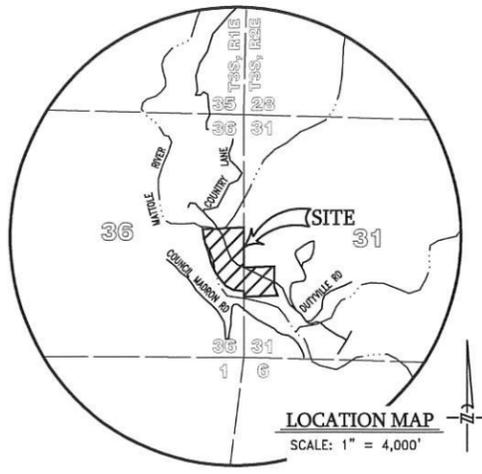
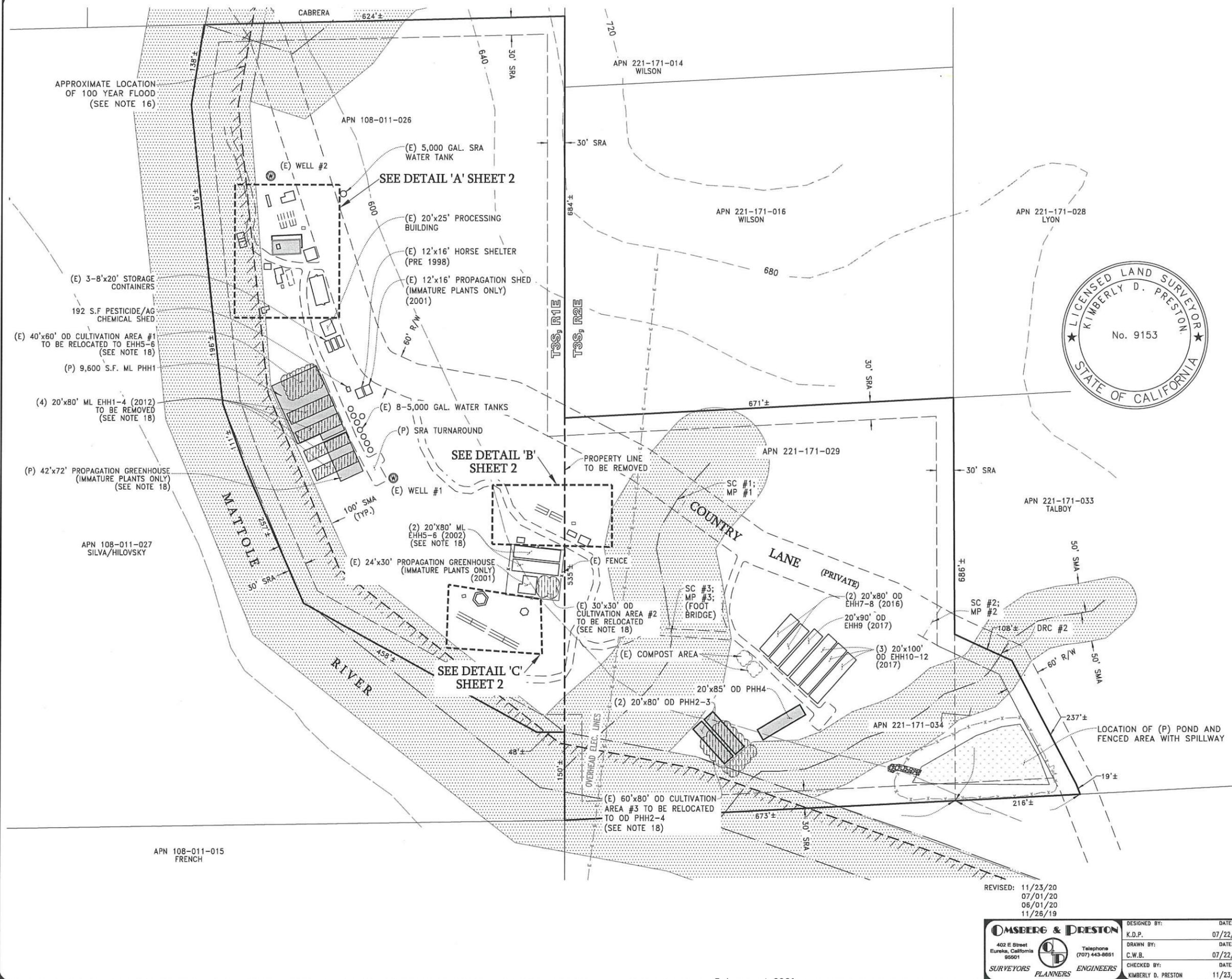
AERIAL MAP
PROPOSED SAGE KOENIG
ETTERSBURG AREA
CUP-16-207
APN: 221-171-029
T03S R02E S31 HB&M (HONEYDEW)



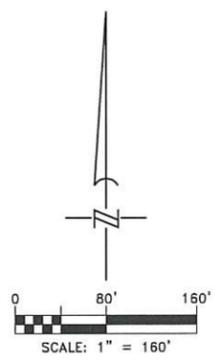
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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Kimberly D. Preston 11-23-20
KIMBERLY D. PRESTON
P.L.S. 9153
DATE



APN 108-011-026,
221-171-029 & 221-171-034
TO BE MERGED

SEE SHEET 2 FOR NOTES,
LEGEND & DETAILS

OWNER / APPLICANT
SAGE KOENIG
725 EUCLID AVENUE
BERKELEY, CA 94708
(510) 847-6413

APPS # 11295 & 11277
APNs 108-011-026, 221-171-029
& 221-171-034

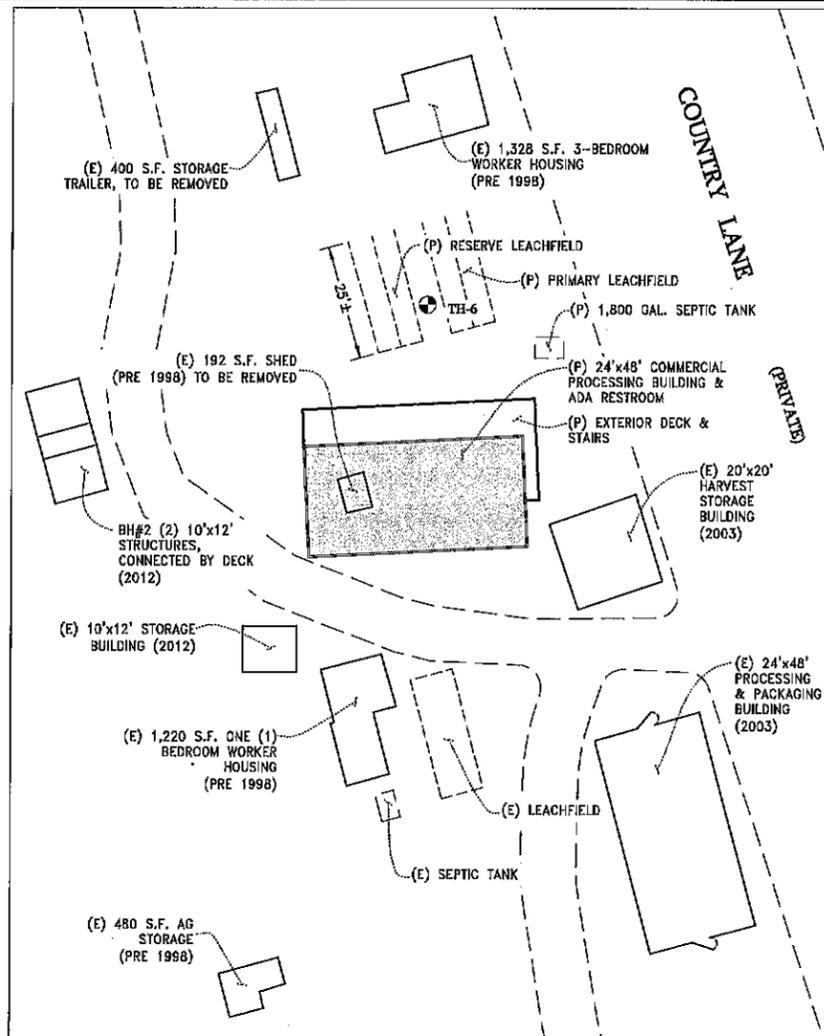
REVISED: 11/23/20
07/01/20
06/01/20
11/26/19

OMSBURG & PRESTON
402 E Street
Eureka, California
95501
Telephone (707) 443-8861
SURVEYORS PLANNERS ENGINEERS

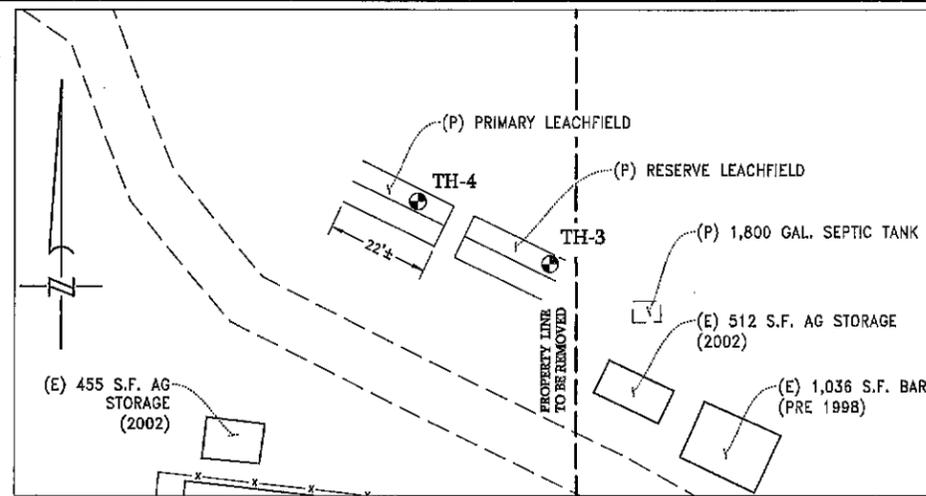
DESIGNED BY: K.D.P. DATE: 07/22/16
DRAWN BY: C.W.B. DATE: 07/22/16
CHECKED BY: KIMBERLY D. PRESTON DATE: 11/23/20

PLOT PLAN
for
SAGE KOENIG
In the unincorporated area of Humboldt County
Sec. 31 T3S, R2E & Sec. 36 T3S, R1E, H.B.&M.

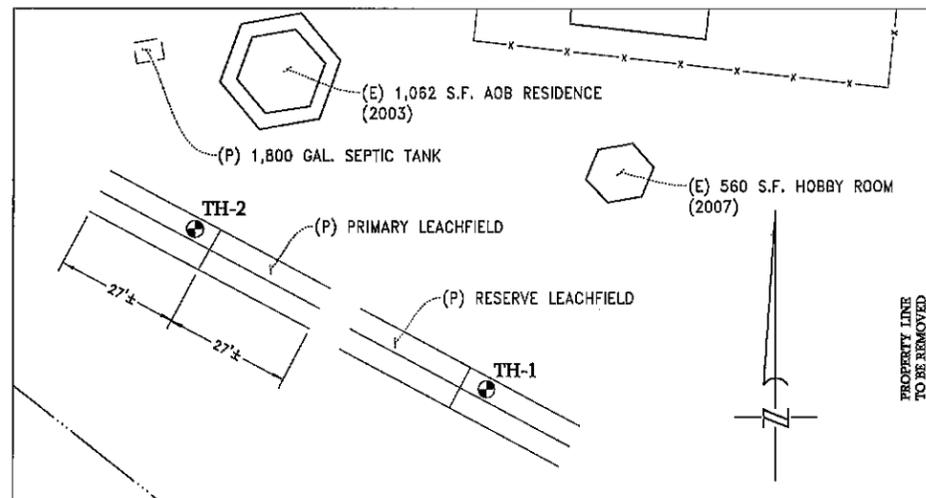
SCALE AS SHOWN
JOB NO. 16-1888
SHEET 1 OF 2



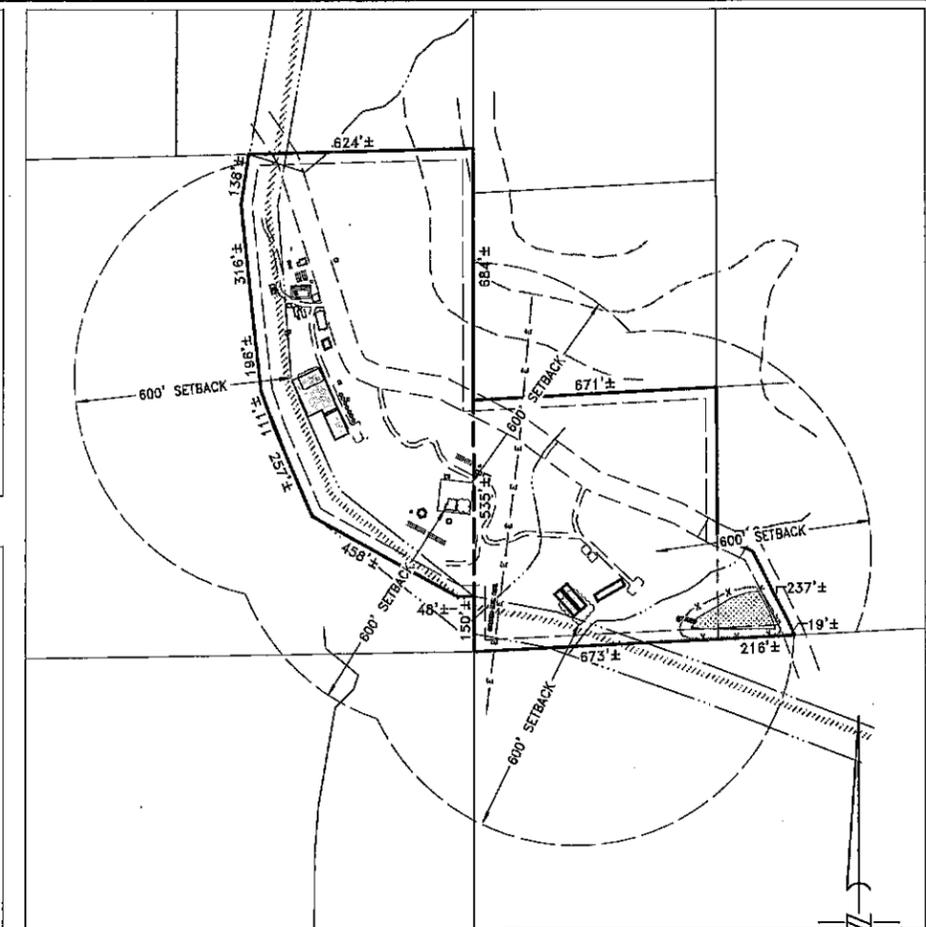
DETAIL 'A'
SCALE: 1" = 40'



DETAIL 'B'
SCALE: 1" = 40'



DETAIL 'C'
SCALE: 1" = 40'



DETAIL 'D' - 600' SETBACK
SCALE: 1" = 500'

LEGEND

SYMBOL	INDICATES
	PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
ML	MIXED LIGHT
OD	OUTDOOR
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
AG	AGRICULTURE
EHH	(E) HOOPHOUSE
PHH	(P) HOOPHOUSE
BH	BUNK HOUSE
AOB	ALTERNATE OWNER BUILD
SC	STREAM CROSSING
MP	MONITORING POINT
DRC	DITCH RELIEF CULVERT
	FLOOD PLAIN
	STREAMSIDE MANAGEMENT AREA
	CULTIVATION AREA TO BE RELOCATED
	PROPOSED STRUCTURE
	SPILLWAY
	LOCATION OF FENCED AROUND POND
	600' CONTOUR AT 40 FOOT INTERVALS
	STREAM
	SEWAGE DISPOSAL TEST HOLE LOCATION
TH-2	

APPURTENANT EASEMENTS (NOT SHOWN HEREON)

(PER PRELIMINARY REPORT BY FIDELITY NATIONAL TITLE COMPANY, DATED OCTOBER 21, 2016)

- A 60-FOOT WIDE EASEMENT, OVER AND ACROSS COUNTRY LANE, FOR INGRESS, EGRESS, PUBLIC UTILITIES AND INSTALLING, MAINTAINING, REPLACING & REPAIRING PIPELINE PER:
 - 952 O.R. 488
 - 958 O.R. 148
 - 982 O.R. 374
 - 982 O.R. 528
 - 1082 O.R. 417
 - 1010 O.R. 584
 - 1065 O.R. 487
 - 1215 O.R. 595
- ROAD "B" AS SHOWN ON BOOK 23 OF SURVEYS, PAGES 87-89 PER 1013 O.R. 261 AND 1028 O.R. 316, HUMBOLDT COUNTY OFFICIAL RECORDS.
- AN EASEMENT FOR PUBLIC UTILITIES TO PACIFIC GAS & ELECTRIC COMPANY, A CALIFORNIA CORPORATION, PER INSTRUMENT NO. 1990-22261-3.
- AN EASEMENT 10-FEET IN WIDTH, ALONG THE NORTHERLY AND WESTERLY LINES, FOR INSTALLING, MAINTAINING, REPLACING & REPAIRING WATER PIPELINE.

NOTE

THE LOCATIONS AND DIMENSIONS SHOWN HEREON, IN DETAILS, ARE PER PLOT PLAN PREPARED BY BRIAN REILLY, AND HAVE NOT BEEN FIELD VERIFIED. REFER TO REILLY PLAN FOR FULL PARTICULARS.

UTILITIES

WATER	ON-SITE
SEWER	ON-SITE
GAS	ON-SITE (PROPANE)
ELECTRIC	PACIFIC GAS & ELECTRIC COMPANY

NOTES

- THIS PLOT PLAN, FOR APN(S) 108-011-026, 221-171-028 & 221-171-034 HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
- APN 108-011-026 HAS A GENERAL PLAN DESIGNATION OF AL40/AE AND IS ZONED FR-B-5(40), SPECIFYING A 40-ACRE MINIMUM PARCEL SIZE; APN 221-171-029 HAS A GENERAL PLAN DESIGNATION OF AL40/AE AND IS ZONED FR-B-5(10), SPECIFYING A 10-ACRE MINIMUM PARCEL SIZE; AND APN 221-171-034 HAS A GENERAL PLAN DESIGNATION OF AE AND IS ZONED FR-B-5(10), SPECIFYING A 10-ACRE MINIMUM PARCEL SIZE.
- THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
- THE PROPERTY IS DEVELOPED WITH (1) AOB RESIDENCE, (1) ONE-BEDROOM WORKER HOUSING, (6) AG STORAGES, (2) STORAGE SHEDS, (1) HOBBY ROOM, (1) BARN, (1) HORSE SHELTER, (1) PROPAGATION HOOPHOUSE AND TWELVE (12) HOOPHOUSES.
- THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
- THE APPROXIMATE LOCATION OF MATTOLE RIVER, TOGETHER WITH ITS 100 FOOT "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON.
- THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
- NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
- SEWAGE DISPOSAL FOR THE PROPERTY IS ON-SITE. SEWAGE DISPOSAL TESTING AND DESIGN HAS BEEN COMPLETED, AND R-2 SOILS/GEOLOGIC REPORTS HAVE BEEN PREPARED, BY PACIFIC AFFILIATES.
- WATER FOR THE PROPERTY IS FROM TWO (2) ON-SITE WELLS. WELL #2 SUPPLIES WATER TO THE RESIDENCE AND GUESTHOUSE. WELL #1 SUPPLIES WATER TO THE SITE'S AGRICULTURAL ACTIVITIES.
- NO OTHER HAZARDOUS AREAS, HISTORIC BUILDINGS OR ARCHAEOLOGICAL SITES ARE KNOWN TO EXIST ON OR ADJACENT TO THE PROPERTY.
- ACCESS TO THE SITE IS PROVIDED VIA ETTERSBURG ROAD TO COUNTRY LANE, A NON-COUNTY MAINTAINED A.C. PAVED ROAD, VARYING IN WIDTH FROM 18 TO 20 FEET. THE RIGHT-OF-WAY WIDTH IS 60', AS SHOWN ON BOOK 23 OF SURVEYS, PAGES 87-89.
- DRAINAGE ACROSS THE PROPERTIES IS GENERALLY TO THE SOUTH AND WEST.
- CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS, AND ARE BASED ON USGS QUAD MAPPING.
- NO SITE GRADING AND/OR TREE/SIGNIFICANT VEGETATION REMOVAL IS PROPOSED AT THIS TIME.
- PER FIRM PANEL 06023C1800F, PORTION OF APN'S 108-011-026, 221-171-028 & 221-171-034 ARE LOCATED WITHIN A FLOOD HAZARD AREA SUBJECT TO FLOODING AS SHOWN HEREON.
- THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
- ALL EXISTING MIXED LIGHT CULTIVATION (9,600 S.F., EHH1-6) TO BE RELOCATED TO PHH1. EHH1-4 TO BE REMOVED AND EHH5-6 TO BECOME OUTDOOR HOOPHOUSES. OD CULTIVATION AREA #1 (2,400 S.F.) & 800 S.F. OF OD CULTIVATION AREA #2 TO BE RELOCATED TO EHH5-6. 100 S.F. OF OD CULTIVATION AREA #2 TO BE RELOCATED TO OD PHH2-4 ON APN 221-171-029. EXISTING OUTDOOR CULTIVATION AREA #3 (4,800 S.F.) TO BE REMOVED AND REPLACED WITH OD PHH2-4.
- THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

REVISED: 11/23/20
07/01/20
06/01/20
11/26/19

OMSBURG & PRESTON
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95501
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(707) 443-0851

DESIGNED BY:	DATE:
K.D.P.	07/22/16
DRAWN BY:	DATE:
C.W.B.	07/22/16
CHECKED BY:	DATE:
KIMBERLY D. PRESTON	11/23/20

OWNER / APPLICANT
SAGE KOENIG
725 EUCLID AVENUE
BERKELEY, CA 94708
(510) 847-6413

APPS # 11295 & 11277
APNs 108-011-026, 221-171-029
& 221-171-034

PLOT PLAN

SAGE KOENIG

In the unincorporated area of Humboldt County
Sec. 31 T3S, R2E & Sec. 36 T3S, R1E, H.B.&M.

SCALE	AS SHOWN
JOB NO.	16-1888
SHEET	OF
2	2

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

7. The applicant shall submit a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status. Final signoff from the Planning Department will satisfy this condition.
8. The applicant shall implement and adhere to all recommendations found within the Water Resource Protection Plan (WRPP) prepared by Pacific Watershed Associates. Confirmation from the Planning Department that the work has been done will satisfy this condition.
9. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for building permit, or Public Work approval for a business license. Final sign-off from Public Works will satisfy this condition.
10. The applicant shall pave the surface at the intersection of Dutyville Road and Country Lane for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for building permit, or Public Work approval for a business license. Final sign-off from Public Works will satisfy this condition.
11. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
12. The applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use. Final signoff from the Planning Department will satisfy this condition.
13. The applicant shall contact the local fire service provider [Telegraph Ridge Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep

the permit valid.

15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.

9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion

permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written

statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

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

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

**APN's 108-011-026; 221-171-029; & 221-171-034; 400 Country Lane and 140 Country Lane.,
Ettersburg area, County of Humboldt**

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

February 2021

Background

Modified Project Description and Project History –

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

The modified project involves two Conditional Use Permits (CUP-16-207 & CUP-17-069) for an existing 15,900 square feet of outdoor cannabis cultivation to occur on APN 221-171-029 and a total of 12,900 square feet of outdoor and mixed light cannabis cultivation to occur on APN 108-011-026. Propagation for both projects will occur in one (1) proposed 42'x72' (3,024 square feet) greenhouse and an existing 24'x30' (720 square feet) greenhouse. The applicant anticipates a maximum of two cultivation cycles for application number 11295 and 11277 occurring during the months of July, September, and October. Processing such as drying, curing, trimming, wholesale packaging, and finished cannabis storage will occur in a proposed 20'x25' (500 square feet) commercial processing building, existing 24'x48' (1,152 square feet), and a proposed 1,500 square foot commercial processing building located on APN 108-011-026. The applicant anticipates there will be a maximum of four employees working on both sites. Artificial lighting used for mixed light cultivation, ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Power for the projects will be provided by PG&E.

The project also involves a proposed Lot Merger where APN's 108-011-026 & 221-171-029 will be combined and merged into one project.

Water for the project will be provided by one existing onsite well. The applicant will forebear from using the well from April to October. The applicant is also proposing an 800,000-gallon rainwater catchment pond that will be located on APN 221-171-029. The applicant anticipates 696,800 gallons of water will be required for irrigation annually. There is 40,000 gallons of water existing onsite occurring in eight (8) 5,000-gallon tanks located on APN 108-011-026. The applicant is proposing an additional 800,000-gallon rainwater catchment pond for a total of 840,000 gallons of water storage.

There is a mapped rare and endangered species known as the summer-run steelhead trout located on APN 221-171-029. The nearest Northern Spotted Owl (NSO) Activity Center is located approximately 1.29 miles northwest from the Northwest property boundary corner on APN 221-171-029 and the nearest NSO sighting is mapped approximately 0.94 miles northwest from the boundary corner. Marbled murrelet habitat is mapped approximately 1.45 miles northeast from the northeast property boundary on APN 221-171-029. The project is for pre-existing cultivation that

takes place on pre-existing flats with slopes less than 15%; therefore, it is unlikely the project will have a direct or indirect impact on the Northern Spotted Owls and Marbled murrelet species.

The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. The applicant submitted a *Cultural Resources Investigation* (CRI) prepared by Arsenault & Associates dated February 21, 2020. The CRI concluded there were no historical or archaeological resources identified in the study area and the proposed project will not result in any adverse change to historical or archaeological resources.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include restocking 0.30 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 15,900 square feet of outdoor cannabis cultivation to occur on APN 221-171-029 and a total of 12,900 square feet of outdoor and mixed light cannabis cultivation to occur on APN 108-011-026 with appurtenant propagation and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement

responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- *Operations Plan* prepared by Omsberg & Preston dated November 2020.
- *Site Plan* prepared by Omsberg & Preston dated November 2020.
- *Water Resource Protection Plan (WRPP)* prepared by Pacific Watershed Associates dated September 2017.
- *Notice to Water Right License* from the State Water Resources Control Board.
- *Cultural Resources Investigation (CRI)* prepared by Arsenault & Associates dated February 21, 2020.
- *Cultivation Area Verification* prepared by Arsenault & Associates dated September 4, 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated 11/28/2018 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated 11/23/20- Attached)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates – Attached. Notice of Applicability – Attached)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Notice to Water Right License – On file)

9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
15. Lot Merger Request prepared by Omsberg & Preston dated August 21, 2020. (Attached)
16. Cultural Resources Investigation (CRI) prepared by Arsenault & Associates dated February 21, 2020. (On file)
17. Cultivation Area Verification prepared by Arsenault & Associates dated September 4, 2020. (Attached)
18. Road Evaluation by the Applicant dated January 27, 2021. (On file)



North Coast Regional Water Quality Control Board

November 15, 2019

WDID:1_12CC416175

MATTOLE FARMS, INC
ATTN: SAGE KOENIG
PO BOX 490
REDWAY, CA 95560

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation (Policy), and the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

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

Sincerely,

2019.11.15 15:18:29 PST
Kason Grady
On Behalf Of
Water Boards

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

191115_1H_1_12CC416175_1B16514CHUM_Mattole_Farms__Inc__NOA_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, MATTOLE FARMS, INC, HUMBOLDT COUNTY APN(s) 108-011-026 & 221-171-029

Mattole Farms, Inc (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 28, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC416175**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16514CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 High Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

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

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 25, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Disturbed Area Stabilization Plan consistent with the requirements of General Order Provision C.1.c., and Attachment A, Section The Disturbed Area Stabilization Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. If the Discharger cannot achieve compliance by the next onset of the winter period (i.e., stabilization work will continue into the winter period or will continue the following year), the Discharger must include a time schedule and scope of work for approval by the Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the General Order provides guidance on the contents of the Disturbed Area Stabilization Plan.

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

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being

monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 High Risk. The 2018-2019 annual fee for that tier and risk level was set at \$4,800, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

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

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us



16-1888

August 21, 2020

Liza Welsh
c/o Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Merger Request for Apps. #
APNs 108-011-026, 221-171-029 & 221-171-034

Dear Ms. Welsh:

On behalf of our client, Sage Koenig, please accept this letter as our formal request to merge the following parcels:

APN 108-011-026
APN 221-171-029
APN 221-171-034

The properties associated with this merger are as depicted on our Plot Plan (dated 7/1/2020) previously submitted to you. A Preliminary Report (by Fidelity National Title Co.) dated July 2, 2020 is also being submitted for your consideration.

Thank you, and please do not hesitate to contact us with any questions or comments you may have.

Sincerely,

OMSBERG & PRESTON



Kimberly D. Preston, PE, PLS
Owner / Manager

cc: Cliff Johnson
Sage Koenig

Enclosure: Preliminary Report (dated July 2, 2020)

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Approved	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Approved	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rancheria	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Comments	On file
County Counsel		No Response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	



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

5/23/2018

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

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

Applicant Name Sage Koenig **Key Parcel Number** 221-171-029-000
Application (APPS#) 11277 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-207

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

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

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

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

Return Response No Later Than 6/7/2018 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: 6/8/18

PRINT NAME: Rudy Manenghi

221-171-029



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46758/11277
Parcel No.: 221-171-029
Case No.: CUP16-207

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show SMA of stream at south-west section of parcel, setback to CA's from stream, and relabel corn patch as Cannabis.

Name: Rudy Marenghi

Date: 6/8/18

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



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

5/23/2018

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

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

108-011-026

Applicant Name Sage Koenig **Key Parcel Number** 108-011-026-000

Application (APPS#) 11295 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP17-069

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

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

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

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

Return Response No Later Than 6/7/2018

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

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

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

DATE: 6/7/18

PRINT NAME: R. M.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46726/11295
Parcel No.: 108-011-026
Case No.: CUP17-069

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: Actually 9,600 sqft of mixed-light (6) 20x80'S. Likely due to Consultant calculation/measurement error, applicant is complying.
- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show GH'S NW of GH 5/6 as to be decommissioned, 4x60 Veggie garden as outdoor Cannabis, the propane tank NE of GH 1-4, the water tanks east of GH 1-4, northmost GH of GH'S 1-4 as used for propagation and flowering, storage shed on east side of horse shelter as drying and propagation, the propane tank east of worker housing, 1,328 sqft storage building as storage, drying, office, and propagation, and all streams with SMA.

Name: Rudy Marenghi

Date: 6/7/18

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



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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

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

Applicant Name Sage Koenig Key Parcel Number 221-171-029-000

Application (APPS#) 11277 Assigned Planner Keenan Hilton (707) 268-3722 Case Number(s) CUP16-207

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

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

Response Date: 1/3/2019 Recommendation By: Joey Whittlesey



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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

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

Applicant Name Sage Koenig Key Parcel Number 108-011-026-000

Application (APPS#) 11295 Assigned Planner Keenan Hilton (707) 268-3722 Case Number(s) CUP17-069

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends conditional approval pending the following:

- Operator shall apply to install a permitted Onsite Waste Treatment System (OWTS) within 12 months and obtain final approval of the installation within 24 months of receiving Planning approval. The use of portable toilets in the interim is approved in accordance with the following condition.
- Prior to renewal of permit the operator is required to submit receipts, or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for duration of first year.
- Two wells are shown on the provided site plan. Legalize or destroy the wells: Provide documentation to verify legal non-conforming status, retroactively permit the wells or complete a well destruction permit for each well.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 10/29/2018 Recommendation By: Joey Whittlesey



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 9-20-2018

RE:

Applicant Name	SAGE KOENIG
APN	221-171-029
APPS#	11277
CASE#	CUP16-207

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11277

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

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

- COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

- COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

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

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

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

- COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

- COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

- COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

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

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

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

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

// END //



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3595
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PUBLIC WORKS BUILDING
 SECOND & L ST., EUREKA
 FAX 445-7409
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 ENGINEERING 445-7377 PARKS 445-7651
 FACILITY MAINTENANCE 445-7493 ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX
 HARRIS & H ST., EUREKA
 FAX 445-7388
 LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer *KMF*
 DATE: 9/21/2018

RE:

Applicant Name	SAGE KOENIG
APN	108-011-026
APPS#	11295
CASE#	CUP17-069

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11295

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: AT INTERSECTION W/ COUNTY ROAD

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

Exhibit "D"

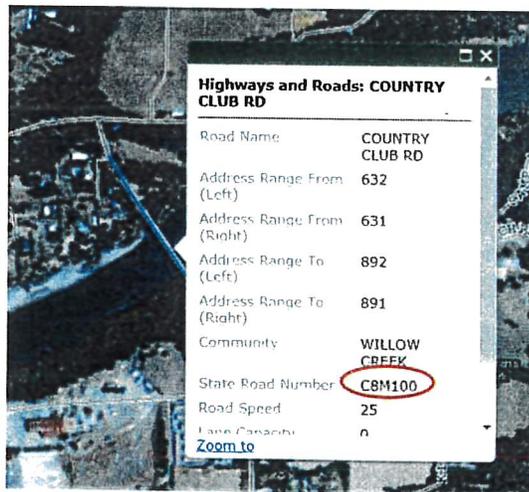
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

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

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

Exhibit "D"

Road Evaluation Reports

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

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

// END //

From: Salazar, Kim@CALFIRE
To: [Planning Clerk](#)
Subject: APN: 221-171-029-000 (Koenig)
Date: Friday, May 25, 2018 1:46:08 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

STATE OF CALIFORNIA THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: May 25, 2018

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

Attention: Cannabis Planner (CPOD)
Applicant: Koenig, Sage
APN: 221-171-029-000
Area: Etnersburg
Case Numbers: CUP16-207

Humboldt County Application #: 11277
Type of Application: Conditional Use Permit
Date Received: 5/25/2018
Due Date: 6/7/2018

Project Description: An application for a Conditional Use Permit for 15,900 square feet of existing outdoor light deprivation medical cannabis cultivation is requested. Water source is an on-site well. Water storage is being developed in conjunction with Sanctuary Forest to meet project needs. Processing is proposed off-site pending an approved and permitted site located in Redcrest, California. Power source is PG&E.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Kurt McCray**, Unit Chief

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FIRE SAFE
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General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
 - During the declared fire season CAL FIRE increases its preparedness level for the purpose of suppressing wildland fires in the SRA. Response to non-fire incidents in the SRA or to areas outside of the SRA are usually predetermined through Cooperative Fire Protection Agreements with the agency having fiscal responsibility for fire protection. When cooling weather, rain, and snow are sufficient to reduce the fire threat, CAL FIRE then reduces its preparedness level by reducing seasonal staff, and closing outlying stations.
 - It is not CAL FIRE's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.
 - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.

5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

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RESOURCE MANAGEMENT

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

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

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

years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a “Ten Year Phase Out,” which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

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CANNABIS PROJECTS

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Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE’s minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.

2. California Health & Safety Code 11379.6 states that oil extraction with flammable or volatile solvents is prohibited within 300 feet of a residential occupancy. HSC 11362.769 Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

3. Cannabis growing and extraction shall be in accordance with California Fire Code. Specifically, Chapter 38 Plant Processing and Extraction Facilities and Chapter 53 Compressed Gases.

4. All materials hazardous and non-hazardous associated with oil extraction and plant process shall be utilized in conformance Chapter 38 of the California Fire Code. Manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county’s SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance.

5. Humboldt County Ordinance 55.4.11(u) (a) states; “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.” Failure to shield artificial light during the night creates a light pollution that is

easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.

From: Titus, Lucas@CALFIRE
To: [Planning Clerk; HUU_CEOA@CALFIRE](mailto:Planning_Clerk@CALFIRE)
Subject: APN# 221-171-029 Sage Koeing APPS# 11277
Date: Thursday, May 31, 2018 9:13:34 AM

Resource Management has no comments regarding this project at this time.

Lucas Titus
Forester I, Bridgeville Resource Management
Department of Forestry and Fire Protection
CAL FIRE
Humboldt-Del Norte Unit
Office (707)777-1720
Cellular (707)599-6893

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From: Salazar, Kim@CALFIRE
To: [Planning Clerk](#)
Subject: APN: 108-011-026-000 (Koenig)
Date: Friday, May 25, 2018 1:39:48 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

STATE OF CALIFORNIA THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: May 25, 2018

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

Attention: Cannabis Planner (CPOD)
Applicant: Koenig, Sage
APN: 108-011-026-000
Area: Shelter Cove
Case Numbers: CUP17-069

Humboldt County Application #: 11295
Type of Application: Conditional Use Permit
Date Received: 5/25/2018
Due Date: 6/7/2018

Project Description: An application for a Conditional Use Permit for an existing 8,800 square foot mixed light and 3,300 square foot outdoor medical cannabis cultivation. Water source is two (2) on-site points of diversions. Water storage on-site is 49,000 gallons. Processing is proposed on-site until a third party processing facility is available. Power source is PG&E.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Kurt McCray**, Unit Chief

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FIRE SAFE
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General:

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RESOURCE MANAGEMENT

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years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a “Ten Year Phase Out,” which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

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CANNABIS PROJECTS

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Local Responsibility Areas:

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General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health & Safety Code 11379.6 states that oil extraction with flammable or volatile solvents is prohibited within 300 feet of a residential occupancy. HSC 11362.769 Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with California Fire Code. Specifically, Chapter 38 Plant Processing and Extraction Facilities and Chapter 53 Compressed Gases.
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5. Humboldt County Ordinance 55.4.11(u) (a) states; “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.” Failure to shield artificial light during the night creates a light pollution that is

easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.

From: Titus, Lucas@CALFIRE
To: [Planning Clerk; HUU_CEOA@CALFIRE](mailto:Planning_Clerk; HUU_CEOA@CALFIRE)
Subject: APN#108-011-026 Sage Koeing APPS# 11295
Date: Thursday, May 31, 2018 9:12:26 AM

Resource Management has no comments regarding this project at this time.

Lucas Titus
Forester I, Bridgeville Resource Management
Department of Forestry and Fire Protection
CAL FIRE
Humboldt-Del Norte Unit
Office (707)777-1720
Cellular (707)599-6893

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McClenagan, Laura

From: Vendor LACO 3
Sent: Wednesday, October 17, 2018 1:40 PM
To: Hilton, Keenan
Subject: FW: Koenig LSA #18-0119; HumCo APNs 108-011-026 &221-171-029

FYI

From: Arnold, Jane@Wildlife [mailto:Jane.Arnold@wildlife.ca.gov]
Sent: Wednesday, October 17, 2018 1:14 PM
To: Aaron Baker <aaron.e.baker@gmail.com>; O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>
Cc: jacks@pacificwatershed.com; Sagekoenig <sagekoenig@yahoo.com>; John Taloff <jtaloff@gmail.com>; Masuda, Akiko@Waterboards <Akiko.Masuda@Waterboards.ca.gov>; Cervantes, Roberto@Waterboards <Roberto.Cervantes@Waterboards.ca.gov>; Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>
Subject: RE: Koenig LSA #18-0119; HumCo APNs 108-011-026 &221-171-029

Hi Aaron,

Thank you for your inquiry. I have copied the Division of Water Rights and County. If you have questions about the water right, the Division is correct contact. My understanding is that the wells used for irrigating the cannabis and other crops are located in the alluvium of the mainstem Mattole River and as such, a Small Irrigation Registration may be needed. The Division will advise on shallow wells in the alluvium.

As for the water dedication, CDFW would need to have an internal discussion about the proposed dedication. To begin the discussion, providing details on the proposal including appropriate forms would be informative. My schedule is rather booked and I must respond to applications, permits, petitions, registrations, notifications, and CEQA reviews as priority projects. Thus, starting the process by providing basic information on the proposal will put the project in the queue and as well provide information that than can be discussed internally.

Here is the information on starting the dedication process, which I can then use to coordinate internally and with counterparts at the Division:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/instream_flow_dedication/

Jane Arnold
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501

From: Aaron Baker <aaron.e.baker@gmail.com>
Sent: Wednesday, October 17, 2018 12:27 PM
To: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>
Cc: jacks@pacificwatershed.com; Sagekoenig <sagekoenig@yahoo.com>; Arnold, Jane@Wildlife <Jane.Arnold@wildlife.ca.gov>; John Taloff <jtaloff@gmail.com>
Subject: Re: Koenig LSA #18-0119; HumCo APNs 108-011-026 &221-171-029

Hi Greg,

Any news from Jane on when we can discuss water rights/forbearance?

Thanks,

Aaron

On Wed, Sep 26, 2018 at 10:19 AM O'Connell, Gregory@Wildlife <Gregory.OConnell@wildlife.ca.gov> wrote:

Hi all,

Below is a summary of my notes from the site visit on Tuesday, September 25, 2018 for Sage Koenig's Lake and Streambed Alteration (LSA) notification #18-0119 on Humboldt County APNs 108-011-026 & 221-171-029.

- The site visit was attended by:
 - Greg O'Connell, CDFW
 - Chris Dillis, Regional WB
 - Sage Koenig, applicant
 - Aaron Baker, water attorney
 - John, project compliance assistant
 - Jack Skeahan, consultant PWA
 - Georgia, consultant PWA

- LSA notification points:
 - Well #1
 - CDFW received a letter from Aaron Baker, dated September 16, 2018, regarding a proposal for dedicating a portion of the applicant's water right to instream flow in lieu of a water diversion forbearance season. We discussed, and the applicant is agreeable to, waiting until CDFW's water rights coordinator returns from vacation (early Oct) to further discuss this request.

 - I requested that the applicant prepare a table of projected monthly water use from each well, itemized by household domestic use, cannabis irrigation, non-cannabis irrigation, and other uses.

- I suggested that the applicant begin preparing a literature review and water availability analysis that focuses on potential effects of proposed water diversion on aquatic organisms.
 - Well #2
 - See comments on Well #1
 - Stream crossing #1
 - Existing 36” culvert proposed to be replaced with 60”. I observed upstream bankfull width ranging between 60-100”. Given the geometry of the road and stream, a culvert large than 60” may not be feasible and I recommended a 60” covert with mitered or flared inlet, or alternatively an arched culvert.
 - We observed utility lines passing through the existing culvert and discussed the need to relocate this infrastructure out of the path of high flow.
 - Stream crossing #2
 - Existing 24” metal culvert proposed to be replaced with a 36” culvert. Proceed with new 36”. Don’t use rye grass for re-seeding, it an invasive species. Jack, give me a call if you want to talk more about this.
 - Stream crossing #3
 - Existing bridge looks OK. Be sure to submit an LSA notification when improvements are needed (e.g. replacing support timbers). Relocate utility line (water?) outside the high flow zone.
- Other topics
 - The applicant’s LSA notification and site visit disclosed several road-side ditch relief culverts and other road improvements that are non-LSA projects. Be sure these are in the Water Resource Protection Plan (WRPP) and there in no sediment delivery to streams.
 - Setbacks. Chris Dillis (Regional Waterboard) took a couple measurements of stream setbacks and there were examples of cannabis plants meeting setback requirements but garden fences were within setbacks. Chris, were some plants within setbacks? I’ll follow up on this with other staff in my office. I think the fences should moved to meet setback requirements, but I am agreeable to allowing the applicant sufficient time to plan for and implement these changes. I recognize that the applicant will want to coordinate with the county on any changes or relocation of cultivation configuration and that this may take some time.
 - Please send me a copy of
 - project’s WRPP
 - Site-specify flood zone analysis and mapping

- We observed several Foothill Yellow-legged Frogs (CA endangered species act candidate) in the Mattole River. Work within streams and other potential habitat will need preconstruction surveys for this species. Requirements will be added as conditions in the LSA agreement.
- Allow no light escapement in mixed light cultivation. Power is sourced from the grid and no generators are used for cultivation.
- Plan on phasing out use of monofilament netting

Thanks for the site visit, and I'll follow up early Oct to schedule a conference call to discuss the applicant's proposal for use of wells.

Greg O'Connell

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