



**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: **Simply Humboldt, LLC Conditional Use Permit and Zoning Clearance Certificate**  
Record Numbers: PLN-11787-CUP and PLN-2020-16849  
Assessor's Parcel Number (APN) 104-321-010  
37577 Mattole Road, Petrolia

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 4, 2021	Conditional Use Permit and Zoning Clearance Certificate	Cliff Johnson

**Project Description:** An application for a Conditional Use Permit for 57,000 square feet of outdoor, medical cannabis cultivation, consisting of 37,000 square feet of existing area, and 20,000 square feet of new area as a result of a Retirement, Remediation, and Relocation (RRR) effort from APN 104-131-016. The applicant proposes to relocate the existing cultivation area to an environmentally superior location on the parcel. The proposed consolidated operation would occur in nineteen (19) 30' X 100' greenhouses. Propagation would occur onsite in proposed 5,760 SF immature plant greenhouses. Estimated annual water use for the existing operation is 423,680 gallons. Water for irrigation is sourced from an existing well. Domestic water is sourced from a spring on the adjacent parcel (APN 104-112-004). Water storage currently totals 9,050 gallons in tanks, and 100,000 gallons in an existing pond. The applicant proposes to construct a 1,000,000 gallon off-stream rainwater catchment and storage pond. Processing, including drying and trimming, occurs on-site in an existing processing facility. Applicant is also proposing to construct a 7,200 SF processing/drying building. The applicant estimates that 15 employees would be necessary at peak operations. Electricity is sourced from P.G.&E. A propane generator is onsite for backup power in the case of emergency power shutoff.

**Project Location:** The project is located in the Petrolia area, on the North and South side of Mattole Road, approximately .7 miles East from the intersection of Mattole Road and Mattole Camp, on the property known as 37577 Mattole Road.

**Present General Plan Land Use Designation:** Residential Agriculture (RA40), Density: 40 acres per unit; Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit; 2017 General Plan, Slope Stability: Low Instability (1) and Moderate Instability (2).

**Present Zoning:** Unclassified (U)

**Record Numbers:** PLN-11787-CUP and PLN-2020-16849 (RRR)

**Assessor's Parcel Number:** 104-321-010 and 104-131-016 (retiring parcel)

**Applicant**

Simply Humboldt, LLC  
3613 Sequoia Lane  
Eureka, CA 95503

**Owners**

Bobby Goforth  
PO Box 36  
Petrolia, CA 95558

**Agent**

N/A

**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 located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

**Major Issues:** None

**Recommended Commission Action**

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

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

**Executive Summary:** Simply Humboldt, LLC seeks a Conditional Use Permit (CUP) to allow the continued operation of an existing 37,000 square foot (SF) cannabis cultivation operation 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 18-acre site is designated as Residential Agriculture (RA20) in the Humboldt County 2017 General Plan Update and is zoned Unclassified (U).

The applicant is also proposing to operate a Zoning Clearance Certificate (PLN-2020-16849) for 20,000 square feet of cultivation relocated to the site through the Retirement, Restoration and Relocation (RRR) incentive under the CMMLUO. A separate resolution is included to authorize the RRR cultivation area. The applicant and owner of APN 104-131-016 have signed a restoration compliance agreement for the retirement site, executed a covenant restricting future cannabis activity, and posted a bond for the restoration cleanup cost. The receiving site is mapped with Prime Agricultural Soil, has slopes less than 15%, and a non-diversionary water source. The total permitted cultivation area authorized by the CUP and ZCC is 57,000 square feet, or 1.3 acres.

Historic cultivation occurred in two locations that are proposed to be decommissioned and consolidated into a single environmentally superior area in the center of the parcel. The relocation area has historically been used for agricultural grazing and is dominated by non-native grasses. The proposed cultivation area is m. Approximately 20,000 square feet of cultivation occurred on the west side of the property. Motorized access to this area will be reduced, and the potential for sediment delivery from frequent use of the rutted road will be minimized. Cultivation occurred in pots above ground. All cultivation material including soil has been removed, and the site has naturally revegetated. On the eastern side of the property, approximately 17,000 square feet of cultivation occurred in a complex of greenhouses and fenced outdoor plots. This cultivation area is adjacent to forested habitat and portions are within the Streamside Management Area (SMA) of intermittent watercourses. A memo from Natural Resource Management (NRM) dated May 14, 2019 documented the conclusion of two site visits to the property that assessed wet features on the property. Three Class III waterways were identified on the eastern side of the property and shown on

The project proposes to decommission and restore the historic western cultivation area. Restoration is necessary to return the disturbed area to its natural condition. As a condition of approval, the applicant is required to submit and implement a restoration plan that includes the removal of all cultivation infrastructure, replanting native vegetation, and measures to protect riparian habitat.

The applicant is proposing to dry and process onsite in a proposed 7,200 square foot (60'x120') commercial metal building. The reason for the large processing building is that there will be two cultivation licenses on the site which will require separate processing and storage areas under the state (CDFA) license requirements. Additionally, given the climate in the area it is common to harvest plants that are wet and need additional space for drying. The site is connected to the P.G.&E. power grid. Nursery operations, fans, tools and well pumps utilize grid power. The drying and processing building will have electrical service connection to the power grid. The applicant is proposing a propane generator located in a fully contained shed to use as an emergency backup power source in the case of grid power loss. The application is regulated under the CMMLUO and therefore does not have a requirement to source renewable energy. There will be up to fifteen workers at peak activity. Adequate parking is available outside the proposed processing building.

### **Water Resources**

Water for irrigation is provided by a permitted groundwater well (16/17-0720) and rainwater catchment. Based on analysis of the well completion report (see Attachment 3), the well is not hydrologically connected to surface water. The applicant is proposing construction of a 1-million-gallon rainwater catchment pond to use as a supplemental irrigation source. The project will use both water sources to best manage water resources. The pond is required to be designed to be able to be drained every two years in compliance with Bullfrog best management practices. An existing 100,000-gallon pond on the site is for aesthetic purposes only and has no nexus to the commercial operation. An off-site spring was used for domestic water. The applicant filed for an Initial Statement of Water Diversion. However, use of the spring for cannabis has been discontinued. The spring is solely used for domestic purposes in the existing residence. A 2<sup>nd</sup> unpermitted well is on the property and cannot be used for cannabis.

A Water Resource Protection Plan (WRPP) was prepared for the site by Pacific Watershed Associates in 2017. The WRPP documented compliance with the 12

Although Humboldt County's WebGIS shows no mapped streams, the Plot Plan shows a Class III intermittent and Class II ephemeral stream with the associated 50-foot and 100-foot Streamside Management Area (SMA) buffers.

### **Biological Resources**

The project site is north of Squaw Creek and east of the Mattole River. Existing cultivation is being relocated out of a Class III watercourse buffer in the east of the property. The proposed cultivation site in the center of the parcel is a disturbed grassland previously used for agriculture and meets all setbacks from watercourses and wet areas. According to the California Natural Diversity Database (CNDDDB) mapping, there are no sensitive species onsite. The nearest Northern Spotted Owl (NSO) activity center is 1.8 miles away. Noise levels are required to be at or below 50 dB at 100 feet or edge of habitat whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment-created noise meets the noise level threshold. Supplemental lighting will occur in the 5,760 square foot propagation greenhouse. The project is conditioned on meeting lighting performance standards such that no light will be visible from sunset to sunrise.

### **Access**

Access to the site is via two private driveways off Mattole Road, a paved County-maintained roadway. An analysis for the driveways was prepared by DTN Engineering (Attachment 3) and concluded the access is a Category 2 equivalent that can meet the proposed use. The drive continues along the western property boundary and serves APN104-321-001 which has a separate cannabis application. Public Works, Land Use Division requests improvements to the driveway apron (encroachment) that connects to the County road (Mattole Road) which

includes paving for a minimum width of 20 feet and a length of 50 feet. A condition of approval is included to meet this requirement.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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 approving the Conditional Use Permit.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. 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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). 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-11787-CUP  
Assessor's Parcel Numbers: 104-321-010

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

**WHEREAS, Simply Humboldt, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 37,000 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities;

**WHEREAS,** The County Planning Division, the lead agency, prepared an Addendum to the Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous 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

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

- 1. FINDING:**                   **Project Description:** The application is a Conditional Use Permit for a 37,000 square foot (SF) cannabis cultivation with appurtenant propagation, drying and processing activities. Power is provided by P.G.&E. with a backup propane generator. Water for irrigation is provided by a permitted groundwater well and supplemented by a proposed 1-million-gallon rainwater catchment pond. Processing will occur in a proposed 7,200 square foot building.

**EVIDENCE:**   a) Project File: PLN-11787-CUP and PLN-2020-16849 (RRR)

- 2. FINDING:**                   **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Addendum to the Final Mitigated Negative Declaration 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 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;

- c) A Water Resources Protection Plan was prepared by Pacific Watershed Associates to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) The parcel is located off of Mattole Road, which is a county-maintained road developed to a Category 4 standard.
- e) A Cultural Resources Survey was completed by Archaeological Research and Supply Company which found no sensitive cultural resources.

### **FINDINGS FOR CONDITIONAL USE PERMIT**

#### **3. FINDING**

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

#### **EVIDENCE**

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

#### **4. FINDING**

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

#### **EVIDENCE**

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and Zoning Clearance Certificate and a determination that the cultivation was in existence prior to January 1, 2016. The application for 37,000 square feet of existing outdoor cultivation on an 18 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

#### **5. FINDING**

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

#### **EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).

- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded September 2, 1950, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a non-diversionary water source.
- d) The parcel is accessed from Mattole Road. Which is a county-maintained road developed to a Category 4 standard.
- e) The slope of the land where cannabis will be cultivated is less than 15%
- f) Power will be provided by PG&E.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 37,000 square feet of existing cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on publicly maintained road that is developed to a category 4 standard.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. The site is located adjacent to and behind the Humboldt County Public Works maintenance yard. Approving cultivation on this site will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.
- e) Provisions have been made in the applicant’s proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

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

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County’s 2019 Housing Element but does have 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
- Conditionally approves the Conditional Use Permit for Simply Humboldt, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

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

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

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

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

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-2020-16849  
Assessor's Parcel Number: 104-321-010

**Makes the required findings for certifying compliance with the California Environmental Quality Act and approves the Simply Humboldt Zoning Clearance request.**

**WHEREAS**, Simply Humboldt, LLC submitted an application and evidence in support of approving a Zoning Clearance Certificate for 20,000 square feet of outdoor cultivation through the Retirement, Relocation and Restoration (RRR) program;

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

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. 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 proposed development is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program; and

**WHEREAS**, the proposed development conforms with all requirements of the Humboldt County Zoning Regulations;

**WHEREAS**, the proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and

**WHEREAS**, the proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on February 4, 2021.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-2020-16849 is approved.

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

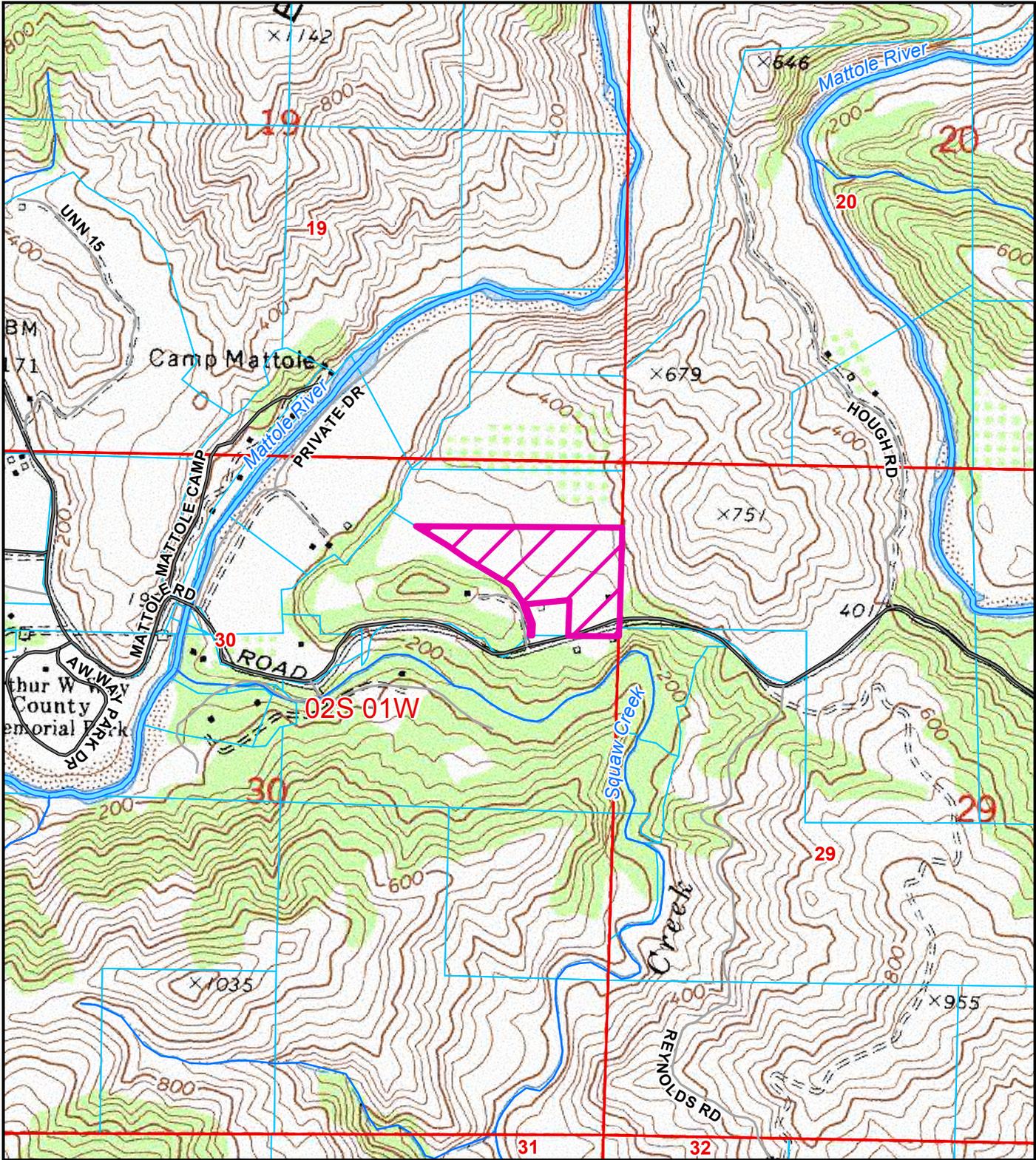
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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

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

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John Ford, Director  
Planning and Building Department



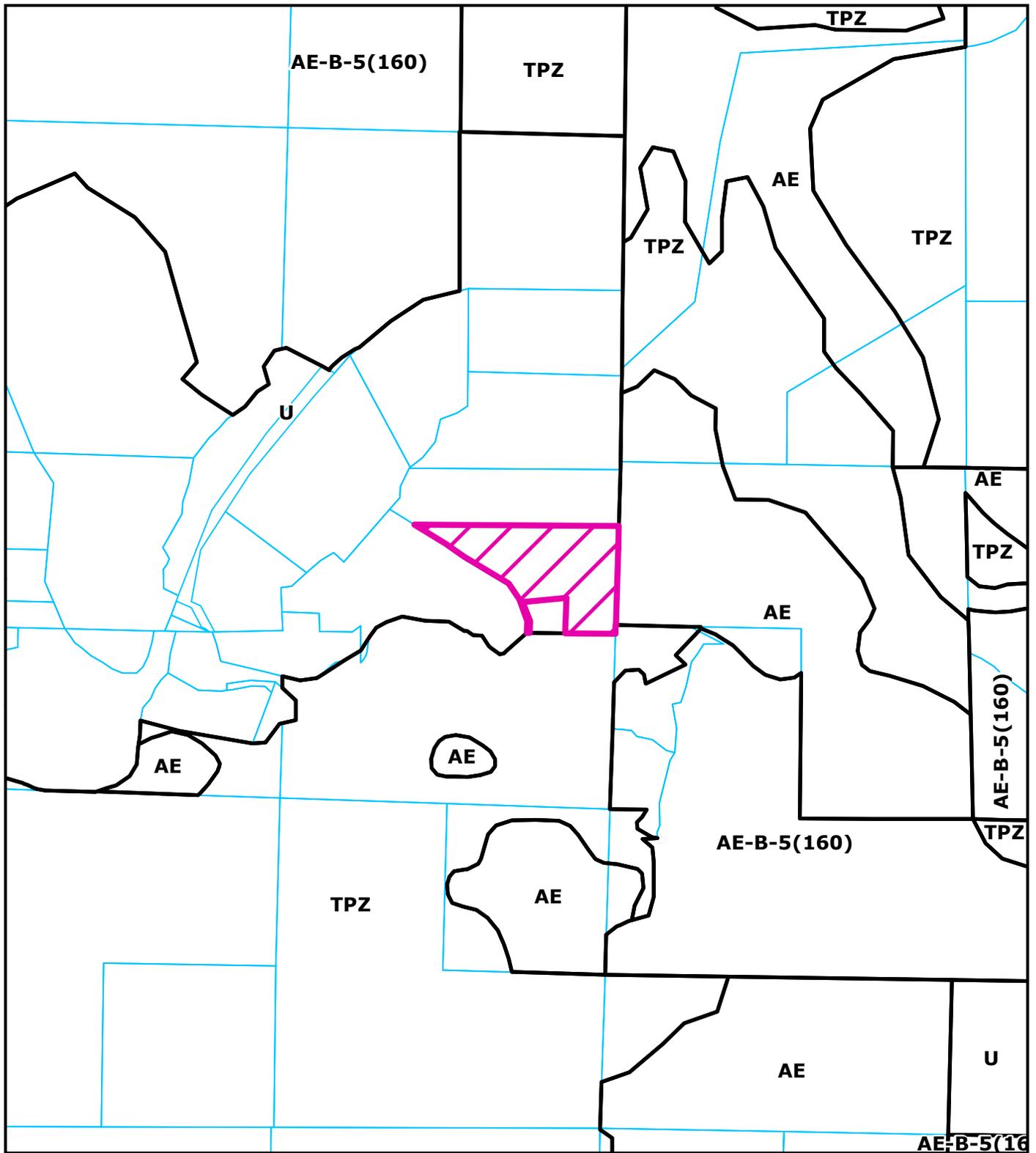
**TOPO MAP**  
**PROPOSED SIMPLY HUMBOLDT, LLC**  
**PETROLIA AREA**  
**CUP-17-055; ZCC-16-250RRR**  
**APN: 104-321-010**  
**T02S R01W S30 HB&M (BUCKEYE MTN)**

Project Area =



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



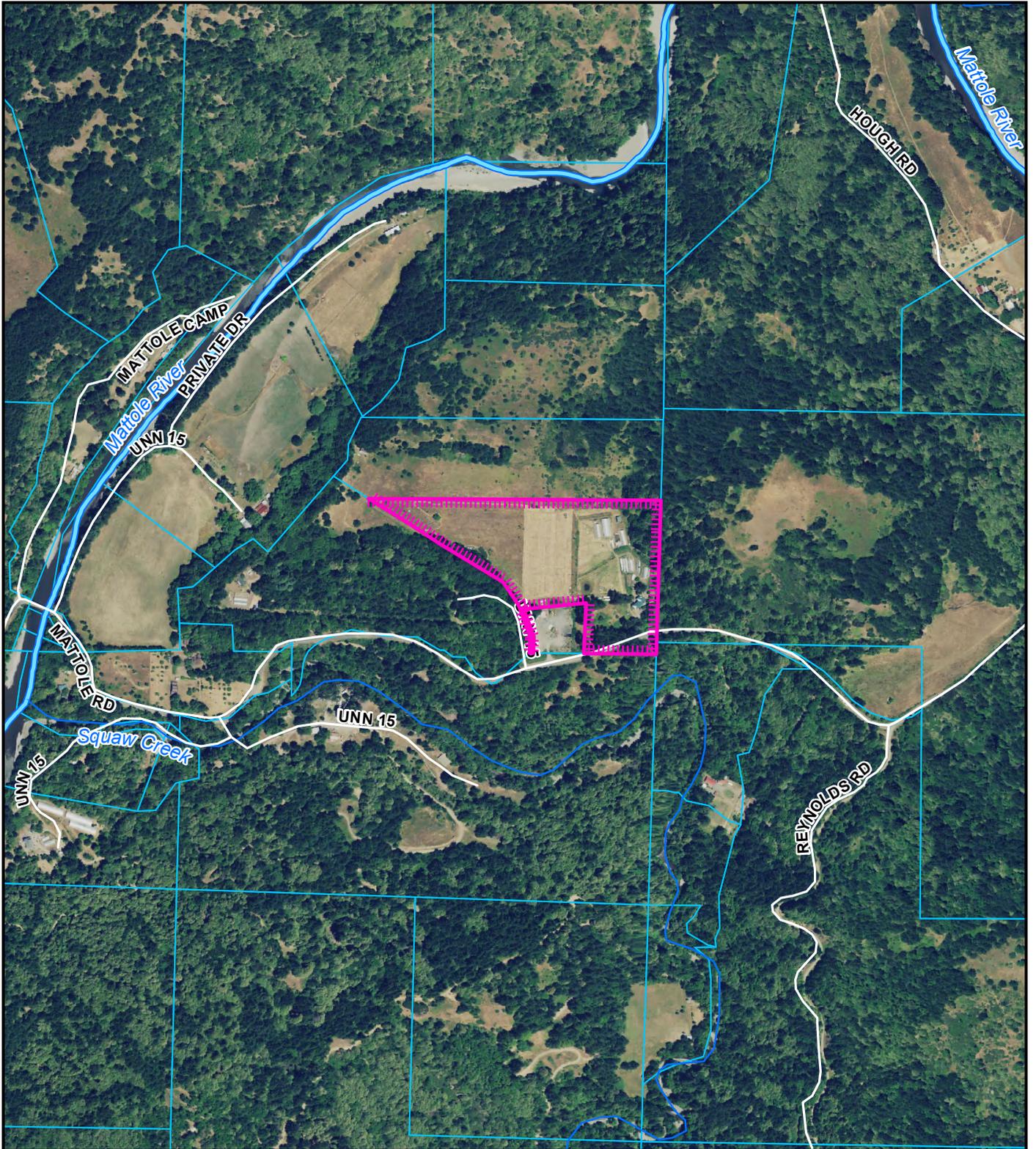


Project Area = 

**ZONING MAP**  
**PROPOSED SIMPLY HUMBOLDT, LLC**  
**PETROLIA AREA**  
**CUP-17-055; ZCC-16-250RRR**  
**APN: 104-321-010**  
**T02S R01W S30 HB&M (BUCKEYE MTN)**



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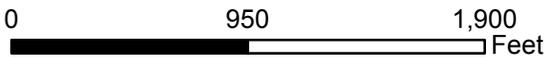


Project Area = 

**AERIAL MAP**  
**PROPOSED SIMPLY HUMBOLDT, LLC**  
**PETROLIA AREA**  
**CUP-17-055; ZCC-16-250RRR**  
**APN: 104-321-010**  
**T02S R01W S30 HB&M (BUCKEYE MTN)**



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**ATTACHMENT 1**  
**Recommended Conditions of Approval**

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including drying and processing building, greenhouses, sheds, and grading. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved in this permit.
3. No processing can occur on-site until the processing building is served by a permitted Onsite Wastewater Treatment System. A letter or similar communication from the Division of Environmental Health shall satisfy this condition. Applicant shall provide receipts of the continual use of portable toilets and handwashing stations for cultivation staff.
4. Power is to be supplied by P.G.&E. The backup generator and all other equipment such as fans and well pumps must be less than 50 decibels 100 feet from the source.
5. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) submitted annually to the Planning and Building Department shall satisfy this condition. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
6. 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.
7. The driveway shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Mattole Road. 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.
8. All 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.
9. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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.

10. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. 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 County Code Section 55.4.11(d).
7. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
8. Maintain weekly records of all irrigation water use.
9. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
10. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

11. Security light shall be shielded to prevent light spillage onto neighboring properties and comply with International Dark Sky Association standards as set forth in the CCLUO.

Performance Standards for Cultivation and Processing Operations

12. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
13. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
14. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
15. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. 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.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. 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.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
16. All cultivators shall comply with the approved Processing Plan as to the following:

- i. Processing Practices.
- ii. Location where processing will occur.
- iii. Number of employees, if any.
- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

17. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after 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.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CCLUO.

18. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

19. 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 CCLUO 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

20. 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 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of 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.

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 #1 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 #27 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the

Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

8. 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.

**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 104-321-010, 37577 Mattole Road, Petrolia, County of Humboldt**

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

**January 2021**

## Background

**Modified Project Description and Project History** - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.”

The modified project involves a Conditional Use Permit (CUP) to allow the continued operation of an existing 37,000 square foot (SF) cannabis cultivation operation 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 18-acre site is designated as Residential Agriculture (RA20) in the Humboldt County 2017 General Plan Update and is zoned Unclassified (U).

The applicant is also proposing to operate a Zoning Clearance Certificate (PLN-2020-16849) for 20,000 square feet of cultivation relocated to the site through the Retirement, Restoration and Relocation (RRR) incentive under the CMMLUO. A separate resolution is included to authorize the RRR cultivation area. The applicant and owner of APN 104-131-016 have signed a restoration compliance agreement for the retirement site, executed a covenant restricting future cannabis activity, and posted a bond for the restoration cleanup cost. The receiving site is mapped with Prime Agricultural Soil, has slopes less than 15%, and a non-diversionary water source. The total permitted cultivation area authorized by the CUP and ZCC is 57,000 square feet, or 1.3 acres.

Historic cultivation occurred in two locations that are proposed to be decommissioned and consolidated into a single environmentally superior area in the center of the parcel. The relocation area has historically been used for agricultural grazing and is dominated by non-native grasses. The proposed cultivation area is m. Approximately 20,000 square feet of cultivation occurred on the west side of the property. Motorized access to this area will be reduced, and the potential for sediment delivery from frequent use of the rutted road will be minimized. Cultivation occurred in pots above ground. All cultivation material including soil has been removed, and the site has naturally revegetated. On the eastern side of the property, approximately 17,000 square feet of cultivation occurred in a complex of greenhouses and fenced outdoor plots. This cultivation area is adjacent to forested habitat and portions are within the Streamside Management Area (SMA) of intermittent watercourses. A memo from Natural Resource Management (NRM) dated May 14, 2019 documented the conclusion of two site visits to the property that assessed wet features on the property. Three Class III waterways were identified on the eastern side of the property and shown on

The project proposes to decommission and restore the historic western cultivation area. Restoration is necessary to return the disturbed area to its natural condition. As a condition of approval, the applicant is required to submit and implement a restoration plan that includes the removal of all cultivation infrastructure, replanting native vegetation, and measures to protect riparian habitat.

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

project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 37,00 square feet (SF) of existing outdoor cultivation and 20,000 of new cultivation, on-site drying, relocation of cannabis to an environmentally superior location on the subject parcel, relocation of cannabis from a site being restored and remediated through the RRR program, and minor improvements necessary to bring the operation into compliance with the CMMLUO 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.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- Plot Plans
- Cultivation and Operations Plan
- Well completion report
- Water Resources protection plan prepared by Pacific Watershed Associates
- Lake and Streambed Alteration Agreement
- Wetland Delineation prepared by Natural Resources Management Corporation
- Cultural Resource Survey prepared by Archaeological Research and Supply Company

### **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 a new cannabis operation on a site that is planned and zoned for agricultural use 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. (Site Plan prepared by Trinity Valley Consulting Engineers on January 3, 2020)
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 - Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Riparian Water Rights Statement of Diversion and Use claims and reporting (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates (WDID-1B161244CHUM) – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife.
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 16/17-0720 - Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for private access driveway prepared by David Nicoletti Engineering dated 1/3/2020 (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

May 14<sup>th</sup>, 2019



To whom it may concern,

This letter is in regards to the wetland delineation that was requested for APN 104-321-010. NRM conducted two site visits to this property, on 10/11/18 and 2/5/19, to characterize the water features and identify what needed to be done for the infrastructure on this property to be in compliance with any riparian buffers. We have identified three Class III waterways and an isolated pond on the eastern half of the property; where the cultivation infrastructure is currently located. All infrastructure, other than the shed in the north east will be moved to the field in the west. This area has been historically used for agriculture and is outside of all riparian buffers. The landowner plans to be in compliance with all riparian buffers by the beginning of the 2020 cultivation season and all work will be completed outside of the rainy season.

Sincerely,

Alicia Heitzman  
Cannabis Compliance Supervisor  
Natural Resources Management Corporation  
1434 3rd St, Eureka, CA 95501  
707-269-1377  
aheitzman@nrmcorp.com



Property map showing waterways and associated riparian buffers

*Forest Management • Timber Inventories • Appraisal Services • Forest Engineering • Wildlife Management • Botanical Surveys • Fisheries Management  
 Wetlands Delineation • Watershed • Litigation Support • Geology • Environmental Assessments Rehabilitation Plans • Feasibility Studies*

From: David Nicoletti PE QSD\QSP  
DTN Engineering & Consulting  
2731 K Street Unit A  
Eureka, CA 95501  
Email: dnicoletti@dtngineering.com



**Subject: Roadway Evaluation for APN's 104-321-010**

**Introduction**

On March 16, 2018, DTN Engineering & Consulting (Engineer) performed a roadway evaluation for Simply Humboldt LLC, upon request from Humboldt County Public Works. Humboldt County Public Works has provided direction for the roads to be evaluated by the Engineer. The roads to be evaluated are as follows (see Exhibit A):

- Driveways on APN 104-321-010

These roadways are being evaluated as part of the Applicant's Cannabis permit referral process. The driveways were evaluated for Category 1 compliance as described in Title III – Land Use and Development, Division II, Fire Safe Regulations (Ordinance). This analysis performed was in accordance with the Roadway Evaluation Report Instructions provided by Humboldt County Public Works Department.

The existing site conditions for the evaluated roadways in this Technical Memorandum consists of flat terrain with no historic landslides, or environmentally protected areas., The Applicant will have employees onsite and deliveries of supplies to the Applicants facilities will occur once every year.

**Evaluation**

Driveway on APN 104-321-010 (Photos 1-13 Exhibit B)

The evaluation for APN 104-321-010 addresses the existing driveways on the property. The existing cultivation area show in Photo 7 & 9 will be RRR'd to the open field shown in Photo 4. Any additional driveways will be constructed to be in accordance with a Category 1 and Category 2 where applicable.

The existing driveways are 12 feet in width with a slope of 0% to 3% and meet a Category 2 roadway. Two paved approaches in accordance with Humboldt County Standards (Exhibit D) will be constructed at each drive as shown in Photos 1, 12, & 13.

***This driveway meets a Category 2 roadway.***



Report Completed By:  
David Nicoletti PE

# Exhibit A

# Simply Humboldt - Exhibit A

APN# 107-235-009  
Photos 1-13



Google Earth

© 2018 Google

# Exhibit B



Photo #1 Mattole Rd Looking N @ West DW



Photo #2 NW corner of Cannabis Relocation Site Looking S



Photo #3 NW corner of Cannabis Relocation Site Looking N



Photo #4 NW corner of Cannabis Relocation Site Looking NE



Photo #5 NW corner of Cannabis Relocation Site Looking E



Photo #6 NE corner of Cannabis Relocation Site Looking W



Photo #7 NE corner of Cannabis Relocation Site Looking NE



Photo #8 NE corner of Cannabis Relocation Site Looking W



Photo #9 Existing Cultivation Site Looking N (To Be Demo'd)



Photo #10 @ Residence Turnaround Looking N



Photo #11 East DW Looking S Towards Mattole Rd

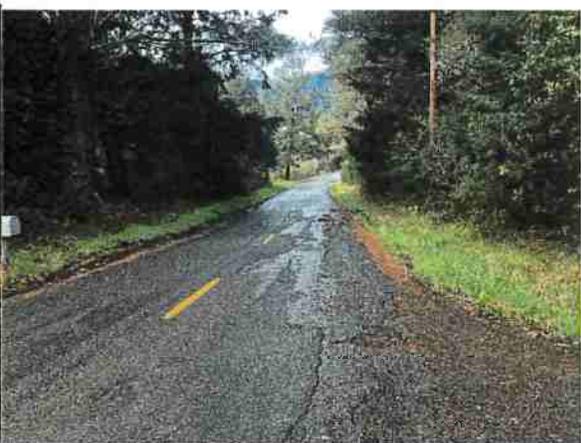


Photo #12 Mattole Rd & East DW Looking W



Photo #13 Mattole Rd & East DW Looking E

# Exhibit C



## ArcGIS Web Map

Humboldt County Planning and Building Department

Printed: March 27, 2018

Web AppBuilder 2.0 for ArcGIS

**Map Disclaimer:**

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

- |                           |                          |                               |
|---------------------------|--------------------------|-------------------------------|
| <b>Highways and Roads</b> | — Major River or Stream  | ▭ City Boundary               |
| — Principal Arterials     | <b>Blue Line Streams</b> | ▭ Counties                    |
| — Minor Arterials         | — Perennial 1-3          | ▭ Parcels                     |
| — Major Collectors        | — Perennial >4           | ▭ Parcels (no APN labels)     |
| — Minor Collectors        | — Intermittent           | ▭ Streamside Management Areas |
| — Local Roads             | — Subsurface             |                               |
| — Private or Unclassified |                          |                               |

0 290 580 1,160 Feet

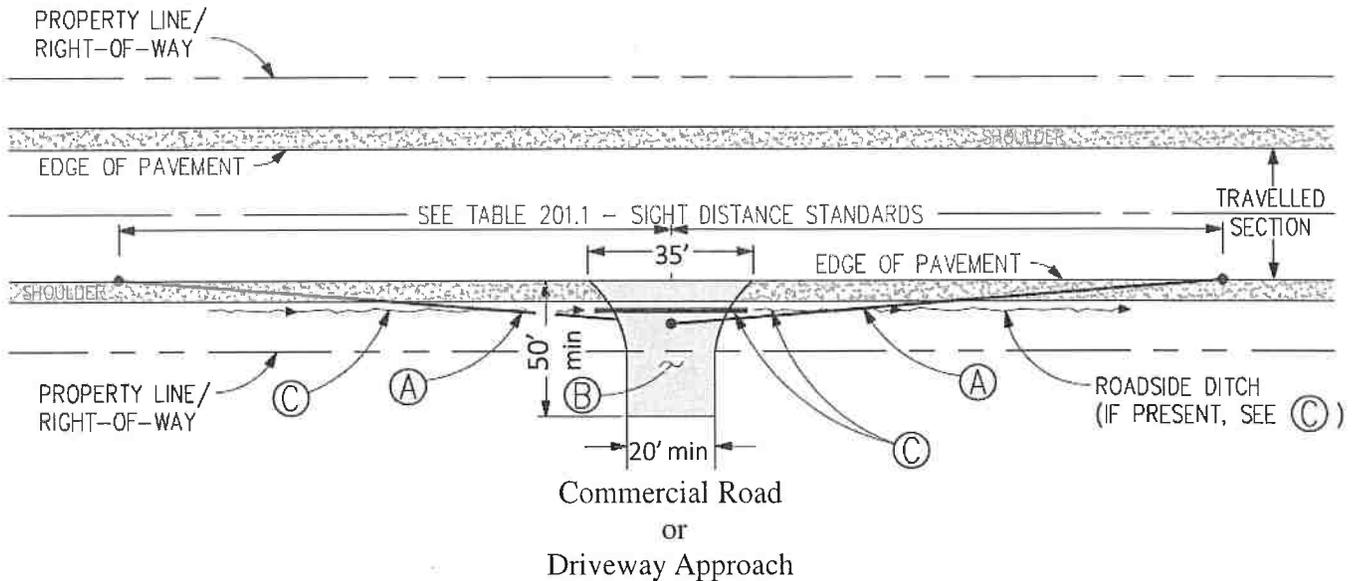
0 0.05 0.1 0.2 Miles

RF= 1:5,556 1 in = 463 ft



Sources: NRCS  
 Humboldt County GIS  
 California Coastal Commission GIS/Mapping Unit, 2014  
 Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Exhibit D



**NOTE**

All proposed driveway or road encroachments onto any County maintained road of within County right-of-way will be reviewed by the Department of Public Works on a case-by-case basis. This policy may result in modification to the standards or requirements set forth on this sheet.

**(C) ROADSIDE DRAINAGE**

The construction of any driveway approach shall not adversely impact or alter existing roadside drainage. The installation of a culvert pipe under the driveway approach in the existing ditch may be required if flow levels warrant it. Pipe size, length and location shall be determined by the Department of Public Works.

**(A) SIGHT VISIBILITY LINE (TRIANGLE)**

An area of unobstructed sight visibility shall be established and maintained beginning at a point 8 feet back from the edge of the existing pavement and extending each direction from the centerline of the new driveway approach.

**(B) DRIVEWAY APPROACH SURFACING**

If the existing County road surface is paved, the new driveway approach shall be paved with 2 inches of Type B asphalt concrete (or sufficient seal coat) on top of a minimum of 4 inches of aggregate base. The paved area shall extend a minimum of 50' feet back from the edge of the existing pavement and be flared approximately 35' feet at the intersection with the County road. The driveway shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 25 feet.

**SIGHT DISTANCE STANDARDS**

Design Speed <sup>(1)</sup> (mph)	Stopping <sup>(2)</sup> (mph)	Passing <sup>(3)</sup> (mph)
20	125	800
25	150	950
30	200	1100
35	250	1300
40	300	1500
45	360	1650
50	430	1800
55	500	1950
60	580	2100
65	660	2300
70	750	2500
75	840	2600
80	930	2700

(1) See Topic 101 for selection of design speed.  
 (2) Increase by 20% on sustained downgrades >3%



**COUNTY OF HUMBOLDT**  
 DEPARTMENT OF PUBLIC WORKS  
 1106 SECOND STREET \* EUREKA \* CA \* 95501  
 TEL (707) 445-7377 \* FAX (707) 445-7409

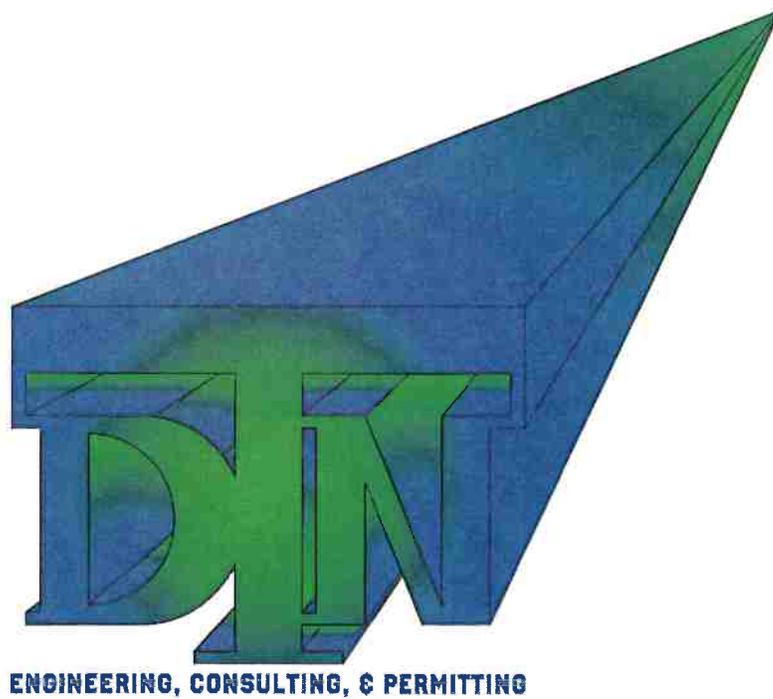
**Commercial Rural  
 Driveway No. 1**

STD DWG

SHT 1 OF 1



Simply Humboldt  
Relocation, Retirement, & Remediation (RRR)  
For  
Donor Site  
APN 104-131-016



## 1. Introduction

The following constitutes a remediation report for the Retirement, Remediation, and Relocation (RRR) donor sites for the Jason Goforth (applicant) RRR application (Commercial Medical Marijuana Land Use Ordinance, Section 55.4.14) donor site 104-131-016. Cultivation activities are to be retired from parcels 104-131-016, 107-124-014 and 107-235-009 and relocated to parcel <sup>104-321-016</sup>~~105-071-006~~, closer to Petrolia.

The applicant seeks to reduce the environmental impact of cultivation activities by relocating cultivation out of steep, mountainous terrain to flat agricultural land. This move will reduce the energy consumption necessary to transport workers and cultivation materials far into the hills. The steep natural slopes at this donor site (19-34%) is not conducive to responsible agricultural practices due to the significantly increased risk of sediment delivery to downstream watercourses (Mill Creek; Mattole River) through erosion.

## 2. Overview

APN 104-131-016 (40.2828, -124.2989) is located in South West Humboldt County on Mill Creek Road 5.5 miles from the town of Petrolia and is Zoned TPZ (Timberland Production Zone). The parcel is 61 acres (as indicated by the Humboldt County Web GIS) of forested land along a tributary to Mill Creek. The parcel contains two sites of cannabis cultivation. These flats have existed since at least 2004 (extent of Google Earth Pro historical imagery).

Both sites on this parcel will be maintained for non-cultivation activities. The residential structures on site will be permitted and maintained for future use, with the goal of this plan to remediate cannabis cultivation related impacts, while leaving the residence related infrastructure intact.

## 3. Remediation

### 3.1 Site 1

Site 1 is in the center of the parcel. The natural slope is estimated to be 30-34%. Cultivation at this site has taken place in four greenhouses with a small amount of additional outdoor cultivation. The total cultivation area has been measured as approximately 5,800 square feet. These greenhouses and frames are to be broken down and removed from the site. The potting soil used on this site is G&B Organics Blue Ribbon Blend (Figure 15). The ingredients for this soil are natural without perlite and will be spread on site, with seed and mulch applied.

Woody plant debris and miscellaneous slash has been piled on the slopes below and around this flat. This material should be burned on the appropriate days and with proper permitting through Cal- Fire.

One residential structure exists at this flat, as well as two unused recreational vehicles. The structure does not contain heat, water or electricity and should be permitted through the Humboldt County Planning and Building Department as Ag Exempt, and any unused vehicles are to be hauled away to a proper recycling facility.

### **3.2 Site 2**

Site 2 is in the South East corner of the parcel. The natural slope of this site is estimated to be 19-23%

Cultivation at this site has taken place in five greenhouses with a small amount of additional outdoor cultivation. The total cultivation area has been measured as approximately 6,900 square feet. These greenhouses and contents are to be broken down and removed from the site. The potting soil used on this site is G&B Organics Blue Ribbon Blend (Figure 15). The ingredients for this soil are natural without perlite and will be spread on site, with seed and mulch applied.

There are greenhouses on the terraced hillslope below the residence (three greenhouse frames) should be decommissioned and revegetated with native tree species: Douglas-Fir, Tanoak, and Pacific Madrone. The grading of these small flats to native contours is not recommended, as they sit on the slopes just above Mill Creek and appear stable with existing grass and vegetation throughout. Special care should be taken to cause as little disruption to the soil during greenhouse decommission, and no heavy machinery should be used in this area.

There are a few piles of slash material piles around the site which should be burned on the appropriate days and with proper permitting through Cal-Fire. Additionally, a fair amount of garbage is located around this site (agricultural debris in greenhouse area, scattered garbage on skid road South of site, chicken wire strewn through surrounding bushes, etc.) which must be collected and transported off property and to a proper waste disposal facility.

One residential structure exists at this flat, as well as two unused recreational vehicles, a shed, propane tanks for the residence, and other debris. The structure does not contain heat, water or electricity and should be permitted through the Humboldt County Planning and Building Department as Ag Exempt, along with any unused vehicles and debris are to be hauled away to a proper recycling facility. The shed will remain and permitted as Ag Exempt through the Humboldt County Planning and Building Department.

Water diversion to this site for irrigation has been discontinued. If the residence becomes inhabited in the future, the diversion will be re-established and an LSA will be obtained.

### **3.3 Access Road**

The dirt access road leading to these sites has 2 Stream Crossings on the property. There is about 2,000 feet of dirt road on property which does not show signs of deterioration of erosion and is fairly level. The full length of road will be maintained. This road should be out sloped along its entire length, with grading where necessary. Waterbars should be installed to convey road runoff in a dispersed manner off the road every 200 feet. This is especially important around the steeper sections of road.

SC-1 is where a Class II watercourse and Mill Creek Road cross. A lake and Streambed Alteration Agreement should be filed with CDFW to ensure the crossing is not negatively impacting waters of the state.

SC-2 is located just above site 2 where the access road crosses a class II watercourse (tributary to Mill Creek). A lake and Streambed Alteration Agreement should be filed with CDFW to ensure the crossing is not negatively impacting waters of the state.

### **3.4 Residence**

One residence exists on this parcel, separate from both cultivation areas, on a stand-alone flat. To maintain access to this flat, the road leading from parcel 107-235-009 to the residential flat is only 50 feet long and is not in need of maintenance.

**4.0 Cost Estimate**

Parcel	Site	Grass Seed (sq ft)	Revegetation (sq ft)	GH Removal (sq ft)	Debris Removal(sqft)	Car Removal(#)	RVRemoval (#)	Shed Removal (#)	Tank Removal (#)	Permit and Re move Crossing (#)	Road Surface Maint (# bars/ dlps)
107-124-014	Site 3	8000	0	5800	9000	0	2	0	0	0	0
	Site4	7000	4400	6900	11000	1	0	3	2	0	0
	Roads/ Misc	0	0	0	0	3	0	0	0	2	0
	<b>Totals:</b>	15000	4400	12700	20000	4	2	3	2	2	10
	<b>Cost Estimate:</b>	\$2,000.00	\$2,000.00	\$4,000.00	\$7,000.00	\$1000.00	\$500.00	\$500.00	\$500.00	\$6,000.00	\$2,000.00
	<b>Total Cost:</b>	<b>\$25,500.00</b>									

*The property owner shall execute an agreement to complete the work specified in this remediation plan with in twelve (12 ) months, and shall post a bond in a sufficient amount that will allow the County to contract and complete the work specified in this plan in the event that the operator of the RRR Site fails to do so. The property owner will not cultivate marijuana or disturb the remediation area on the subject property in perpetuity, with an enforcement clause that in the event of violation, the County of Humboldt shall be entitled to an immediate lien on the property in the amount necessary to remediate the property , but in no event less than the sum of \$50,000.00*

# Exhibit A



*Figure 1: RRR donor sites at APN 104-131-016 with Mattole River and Pacific Ocean in background*



*Figure 2: Aerial view at Site 1*



*Figure 3: Aerial view at Site 2*



*Figure 4: Residence at Site 1*



*Figure 5: Greenhouse at Site 1*



*Figure 6: Debris at Site 1*



*Figure 7: Residence at Site 2*



*Figure 8: Greenhouse at Site 2*



*Figure 9: Upper cultivation area at Site 2*



*Figure 10: Garbage at Site 2*



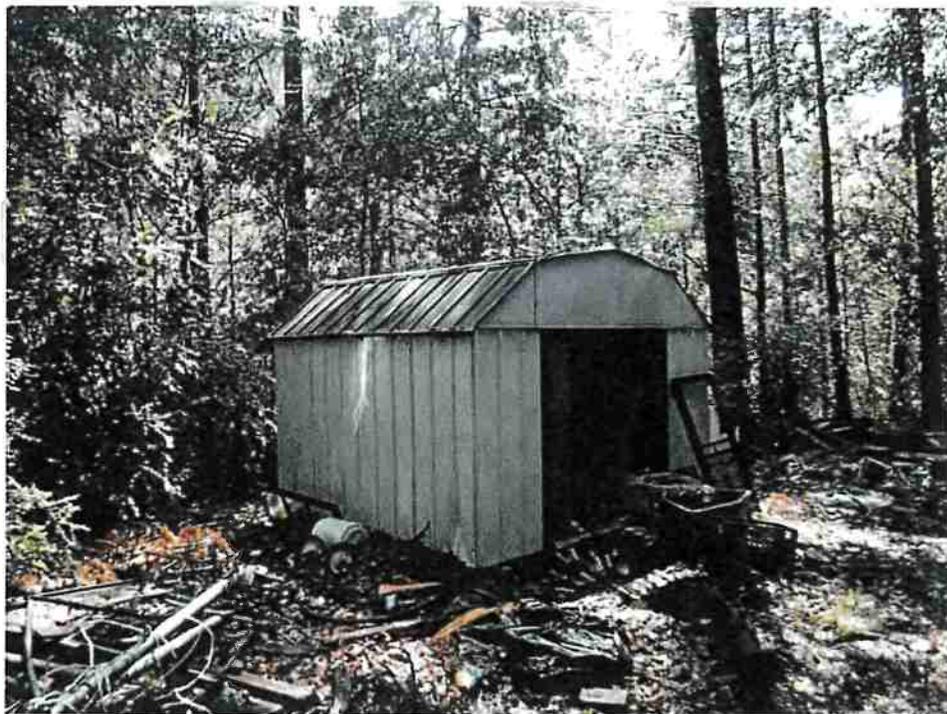
*Figure 11: Debris at Site 2*



*Figure 12: Debris at Site 2*



*Figure 13: Potting soil pile at Site 2*



*Figure 14: Shed and debris West of Site2*



Figure 15: Potting soil that was used on site

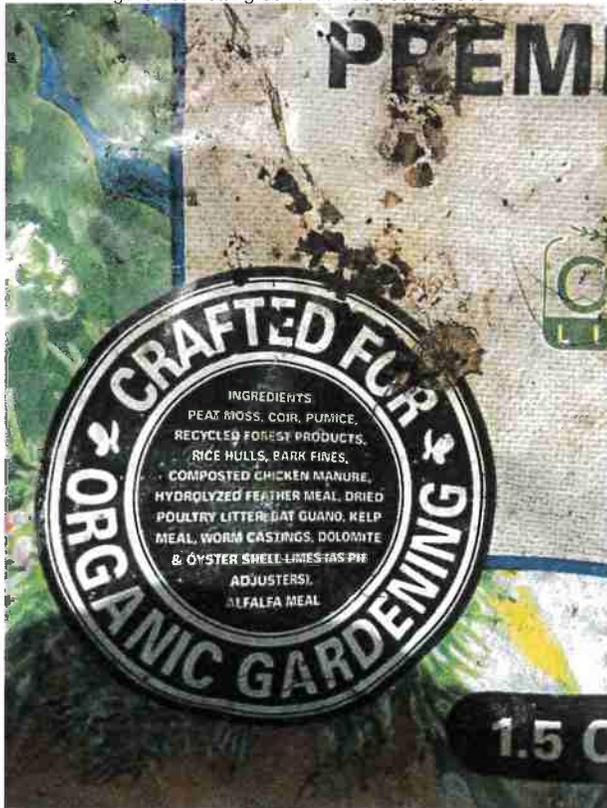


Figure 16: Potting soil ingredients

# Exhibit B



State of California  
**Well Completion Report**  
 WCR Form - DWR 188 Submitted 08/14/2017  
 WCR2017-003504



Owner's Well Number 1 Date Work Began 08/09/2017 Date Work Ended 08/11/2017  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 16/17-0720 Permit Date 02/17/2017

**Well Owner (must remain confidential pursuant to Water Code 13752)**

Name Bobby Goforth  
 Mailing Address P.O. Box 172  
 City Petrolia State CA Zip 95558

**Planned Use and Activity**

Activity New Well  
 Planned Use Water Supply Irrigation - Agriculture

**Well Location**

Address 37577 Mattole RD APN 104-321-010  
 City Petrolia Zip 95558 County Humboldt Township 02 S  
 Range 01 W Section 30  
 Latitude 40.2715250 N Longitude -124.2187270 W  
 Dec. Lat. 40.2715250 Dec. Long. -124.2187270  
 Vertical Datum \_\_\_\_\_ Horizontal Datum WGS84 Baseline Meridian Humboldt  
 Location Accuracy \_\_\_\_\_ Location Determination Method \_\_\_\_\_ Ground Surface Elevation \_\_\_\_\_  
 Elevation Accuracy \_\_\_\_\_ Elevation Determination Method \_\_\_\_\_

**Borehole Information**

Orientation Vertical Specify \_\_\_\_\_  
 Drilling Method Other - UNDER-REAM DOWN-HOLE HAMMER Drilling Fluid Air  
 Total Depth of Boring 180 Feet  
 Total Depth of Completed Well 180 Feet

**Water Level and Yield of Completed Well**

Depth to first water 19 (Feet below surface)  
 Depth to Static \_\_\_\_\_  
 Water Level 18 (Feet) Date Measured 08/11/2017  
 Estimated Yield\* 5 (GPM) Test Type Air Lift  
 Test Length 4 (Hours) Total Drawdown 162 (Feet)  
 \*May not be representative of a well's long term yield.

**Geologic Log - Free Form**

Depth from Surface Feet to Feet	Description	
0	4	top soil
4	18	brown clay
18	21	brown sandstone
21	23	brown rounded gravel
23	31	blue rounded gravel
31	67	shale
67	132	blue sandstone
132	180	franciscan

**Casings**

Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	40	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6		
2	0	80	Blank	PVC	OD: 4.500 in.   SDR: 21   Thickness: 0.214 in.	0.214	4.5		
2	80	140	Screen	PVC	OD: 4.500 in.   SDR: 21   Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032



State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 10/24/2019  
 WCR2019-015139



Owner's Well Number \_\_\_\_\_ Date Work Began 10/17/2019 Date Work Ended 10/18/2019  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/19-1081 Permit Date 06/28/2019

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>Bobby Goforth</u>	Activity <u>New Well</u>
Mailing Address <u>3613 Sequoia Lane</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>Eureka</u> State <u>CA</u> Zip <u>95503</u>	

Well Location	
Address <u>37577 Mattole RD</u>	APN <u>104321010</u>
City <u>Petrolia</u> Zip <u>95558</u> County <u>Humboldt</u>	Township <u>02 S</u>
Latitude <u>40 16 15.1895 N</u> Longitude <u>-124 13 2.9495 W</u>	Range <u>01 W</u>
Deg. Min. Sec. Deg. Min. Sec.	Section <u>30</u>
Dec. Lat. <u>40.270886</u> Dec. Long. <u>-124.217486</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

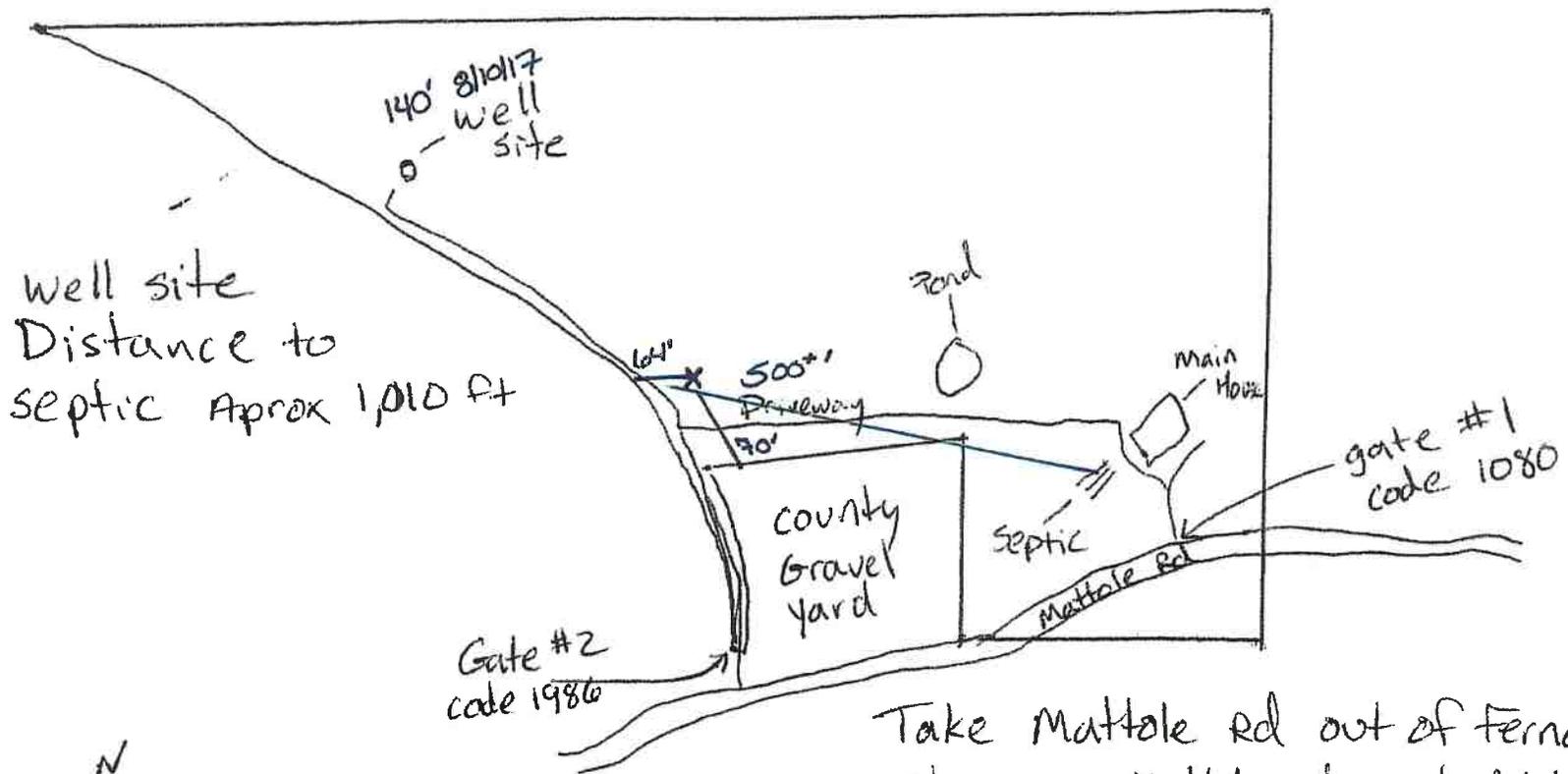
Borehole Information	
Orientation <u>Vertical</u> Specify _____	
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	
Total Depth of Boring <u>180</u> Feet	
Total Depth of Completed Well <u>180</u> Feet	

Water Level and Yield of Completed Well	
Depth to first water <u>21</u> (Feet below surface)	
Depth to Static _____	
Water Level <u>19</u> (Feet) Date Measured <u>10/18/2019</u>	
Estimated Yield* <u>5</u> (GPM) Test Type <u>Air Lift</u>	
Test Length <u>4</u> (Hours) Total Drawdown <u>159</u> (feet)	
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface	Feet to Feet	Description
0	4	top soil
4	18	brown clay
18	21	brown sandstone
21	23	brown rounded gravel
23	31	blue rounded gravel
31	67	shale
67	133	blue sandstone
133	180	Franciscan



Plot Map  
 AP# 104-321-010  
 37577 Mattole Rd



Take Mattole Rd out of Ferndale to Petrolia  
 Stay on Mattole Rd past A.W. Way Park  
 Approx 1.5 miles past one lane bridge over Mattole River  
 Property is on the left behind county gravel yard

## Fisch Drilling

---

**From:** OSWCR-NoReply@water.ca.gov  
**Sent:** Thursday, October 24, 2019 1:21 PM  
**To:** chris@fischdrilling.com  
**Subject:** OSWCR: Thank you for submitting Well Completion Report WCR2019-015139

**\*\*\*\*\*Please do not reply to this e-mail message\*\*\*\*\***

Thank you for submitting your Well Completion Report - A New Production or Monitoring Well, **WCR2019-015139**, using the Online System for Well Completion Reports (OSWCR). The Department of Water Resources will review it for completeness. You will be notified if additional information is required. If you have any questions, please call your local DWR Region Office WCR contact.

DWR Northern Region Office  
April Scholzen  
(530)529-7368  
April.Scholzen@water.ca.gov

To view this record, log in to OSWCR, or use the following link:  
[https://civicnet.resources.ca.gov/DWR\\_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=19CAP&capID2=00000&capID3=00CHQ&agencyCode=DWR\\_WELLS](https://civicnet.resources.ca.gov/DWR_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=19CAP&capID2=00000&capID3=00CHQ&agencyCode=DWR_WELLS)

Licensed Contractor: FISCH DRILLING License Number: 683865  
Well Owner: Bobby Goforth  
Well Owner Address: 3613 Sequoia Lane Eureka CA 95503

Well Address: 37577 Mattole RD, Petrolia, CA 95558 County: Humboldt Parcel: 104321010  
Latitude/Longitude: 40.270886°N, -124.217486°W  
Submitted: 10/24/2019  
Record Status: Submitted

**From:** [Jason Goforth](#)  
**To:** [Johnson, Cliff](#)  
**Subject:** Building size letter  
**Date:** Wednesday, January 27, 2021 11:29:18 AM

---

Two whom it may concern,

I am writing this letter to serve as reasoning behind the size of my proposed processing facility. The structure I am proposing is 60' x 120'. It will be split into 4 bays each measuring 30' x 60'. I have been told this is a larger structure than have been proposed for similar sized operations to mine.

The main reason that I would like to have as much space is simply a matter of being able to cut, hand and dry the sheer volume of wet material that will be harvested in a short period of time. As anyone who lives here can tell you, winter weather can come strong and sudden. With about 1.5 acres of canopy to harvest, if the weather turns and wet conditions set in it is only a matter of days before a perfectly healthy crop can turn into a completely mold filled crop. In the event of a moldy crop, not only is the economic cost to my business from the loss of sellable material a real concern, another is the amount labor and manpower will be required to attempt to save what is left. With a delicate crop subject to the most stringent testing requirements there are, any mold is a difficulty all producers have to contend with. Taking this into consideration I decided that erring on the side of caution in respect to drying space for a crop I spend a lot of time, money and effort on producing is the prudent choice.

My drying technique is to build multi layer horizontal racks in each bay (2-3 layers deep) and hang everything with a fair amount of space between each branch. I believe this is a different approach to drying than is being employed on many other farms, many seem to prefer a vertical method using some type of trellice that rolls down and is rumored to be more space efficient. I have yet to be convinced that is an appropriate method for me. I chose my method for multiple reasons. First, the more space you have between individual plants, the more volume of air can move around, increasing the speed that it dries and reducing the chance of mold forming in stagnant air. Second, harvesting in the rain leads to wet plants, space is needed not only to make sure the rain dries off the plants as quick as possible, but also the weight of wet plants packed too tightly can break dry racks easier than you may expect. Another big reason is that in the event of a power failure, a very common issue in this area (one I am dealing with as I type this letter), the more space you have between plants while they are drying the easier it will be to set up temporary power sources to at the very least keep the room stable. There is nothing worse as a farmer than seeing an entire room turn to trash because there is a power failure and you loose the ability to dry the room. It can be as little as a few hours and a wet room can be completely lost to an aggressive mold that sets in.

Because there are two permits associated with this project my crops while drying, being processed and being stored have to be separated by a physical barrier to conform with state requirements. The area needed to dry, store and process the crop separately is more than the area I would need if I could put it all together.

Additionally, the spaces would be multi functional. During the early summer they would be used to store amendments, soil and any other items that would be used during the year and require protection from the elements between delivery and use. Later in the summer they will more than likely be mostly empty other than acting as a staging area for projects on the ranch.

Late summer they will be used as drying space and finally early winter to early summer they will be used as storage and processing areas in addition to being used to winterize and store all the tools and equipment for the rainy season after the crop is dried.

In an ideal situation each permit would occupy two bays. Once everything was dried and broken down into totes waiting to be processed each permits dried material could be stored in one bay each. The first empty bay would be used to winterize gear and the second empty bay would be used to do the actual processing of the material, something that couldn't and shouldn't happen in the storage rooms, an area that would be secured and accessible only under my supervision, nor should it happen around winterized farm equipment for safety of any employees, cleanliness of the work area and potential contamination of my crop.

Finally the area will be built out to serve as a space for the facilities I will need for workers. Toilets, sinks, shower facilities, break rooms for eating and cooking food and any other needs as they arise. I am sure that the longer I am involved in this project the more needs this structure will be used for, many that I haven't even anticipated. My hope is that by building a large structure I will prepare myself for any eventual needs the farm will have and this will be the only structure the farm will need going forward.

## McClenagan, Laura

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**From:** Prairie Moore <pmoore@nrmcorp.com>  
**Sent:** Wednesday, December 16, 2020 11:31 AM  
**To:** Jason Goforth; Luther, Stephen  
**Subject:** Re: Fwd: App 11787- Power use

Hi Stephen,

I am writing to address your second question. An environmental benefit of consolidating all cultivation into one location is it reduces the disturbance footprint of the project. All of the noise and activity of the day to day operations will take place in the one area instead of being spread over both locations. If all cultivation is consolidated there will also be less dirt road that is driven on daily. That section of rutted road is the access for the western cultivation area, by moving that cultivation the use of that road section will be reduced.

Please let me know if you have questions or would like to discuss this further.

Thanks,

Prairie

On 12/16/2020 10:13 AM, Jason Goforth wrote:

Begin forwarded message:

**From:** "Luther, Stephen" <[SLuther@co.humboldt.ca.us](mailto:SLuther@co.humboldt.ca.us)>  
**Date:** December 16, 2020 at 9:38:37 AM PST  
**To:** Jason Goforth <[goforth85@gmail.com](mailto:goforth85@gmail.com)>  
**Subject:** RE: App 11787- Power use

Hi Jason,

A few questions I need some clarification on to ensure a project hearing can go smoothly:

Can you provide a power bill showing the current PG&E service to 37577 Mattole Rd? In particular I need to know if the power needs for the operation (including the new drying building, well pump, fans, power tools, etc) can be met by the current service, or whether an electrical service upgrade is needed (to an ag account for example). If so, I need to be clear on how the power needs will be met until the PG&E service is upgraded, which can take 2 years. This is a serious concern because the actual amount of generator use needs to be part of the public notice.

Second, what is the environmental justification for relocating the cultivation from the western side of the parcel? It looks like part of the cultivation does not meet the 30 foot setback for the property line, however that alone isn't necessarily sufficient to justify relocating/consolidating.

Third, I want to confirm that there would be two harvest cycles using light deprivation?

Last, the access route. It appears from David Nicoletti's evaluation that both the west and east driveways will be used for commercial access, is that correct? Is there deeded commercial access for the west driveway? (On the subject of deeded rights, I note that the spring for domestic use is stated as a deeded right but do not see that on the deed either). Also, any timeline on rocking the rutted road?

Thanks for your time,  
Stephen

---

**From:** Jason Goforth <[goforth85@gmail.com](mailto:goforth85@gmail.com)>  
**Sent:** Friday, September 4, 2020 10:29 AM  
**To:** Luther, Stephen <[SLuther@co.humboldt.ca.us](mailto:SLuther@co.humboldt.ca.us)>  
**Subject:** Re: App 11787- Power use

I don't have any issues with using the larger water estimate.  
I honestly haven't started researching models of generators because it seems so far in the future. A lot of steps until I get there, but i can try to start investigating. I will let you know. Im assuming a 100kw range, but haven't put much thought into it yet.

On another note, my other project at 702 Chambers rd can move ahead as is. Last time we talked I was looking into some changes regarding some issues around setbacks and access with NRM that could potentially fundamentally change my overall design. They helped me sort out some smaller issues, but ultimately nothing that would change the plan for your purposes, the larger changes were not practical. Im having TVCE clean up the map a little bit to address some of the issues you raised a while back and a few changes needed by the state, but nothing substantial that changes the overall direction of the project. I will send that over as soon as I get it back. Hopefully you can put that project on your calendar for an expected decision later this year. Let me know if you have any questions. Thanks

On Sep 4, 2020, at 10:10 AM, Luther, Stephen  
<[SLuther@co.humboldt.ca.us](mailto:SLuther@co.humboldt.ca.us)> wrote:

Thanks for the quick response. The consent agenda just means that the Planning Commission will read off your project description and ask if anyone would like to comment, and if not then it stays on consent and will be approved as recommended. If a member of the public pulls it from consent, then I give a presentation and there is a public hearing where additional conditions can be added.

LPG generator sounds good and your description makes sense. I can work with that. If you have a particular model in mind it would be good to have the specs on that.

I'll stick with the higher 423,680 gal estimate, which at 57,000 sq ft is about 7.4 gal/sf. The estimate below totals 128,000 gallons which would equate to 2.25 gal/sf and may be seen as too low an estimate.

Thanks

---

**From:** Jason Goforth <[goforth85@gmail.com](mailto:goforth85@gmail.com)>  
**Sent:** Thursday, September 3, 2020 5:53 PM  
**To:** Luther, Stephen <[SLuther@co.humboldt.ca.us](mailto:SLuther@co.humboldt.ca.us)>  
**Subject:** Re: App 11787- Power use

What is the consent agenda and recent public comments?

The proposed processing facility would only be used during the winter months (at least primarily) when power outages would be expected and need immediate backup power. Considering that the power needed to maintain drying operations in the winter would be considerable, in the best weather solar would have a hard time keeping up. I don't see solar being practical for the application. We have planned to install a LPG generator instead of a Diesel generator. The exact specifications have not yet been decided on, obviously it would be specific to the ultimate needs of the structure. I believe the LPG generator is stated somewhere in the paperwork already submitted.

The growing practices will be streamlined and more efficient when we get the new cultivation areas built. I have estimated a water usage around 12000 gallons a month for 4 months out of the year (after plants have been planted in the ground) Two months a year we will have about a 40000 gallon a month usage (growing immature plants before planting into the ground). The rest of the year there will be no growing plants. I think this is most likely excessive and I will ultimately be able to be more efficient with my water use.

I believe the pond is designed to be 1,000,000 gallons. Used for irrigation and emergency fire use.

On Sep 3, 2020, at 3:54 PM, Luther, Stephen  
<[SLuther@co.humboldt.ca.us](mailto:SLuther@co.humboldt.ca.us)> wrote:

Also, the WRPP states that the 423,680 gal figure was based on 2016 usage which would have been for the 37,000 SF of existing. Can you please provide a breakdown of monthly estimated water usage that includes the additional 20,000 SF RRR cultivation, or direct me to where this information is in the submitted materials?

---

**From:** Luther, Stephen  
**Sent:** Thursday, September 3, 2020 2:49 PM  
**To:** Jason Goforth <[goforth85@gmail.com](mailto:goforth85@gmail.com)>  
**Subject:** App 11787- Power use

Hi Jason,

Working on the staff report for the Petrolia project and have a few questions:

1. Power is provided by PG&E but a backup generator is needed. Can you describe what type of generator is onsite and when it would be used? If at all possible, it would be most helpful to take the generator out of the project description altogether, and instead propose a solar and battery system on the processing building to accommodate any emergency power shutoffs. This could be the difference between the project staying on the consent agenda or being pulled for a public hearing, due to recent public comments.
2. Is the existing pond used for irrigation, and what is the estimated capacity for the proposed pond?

Thank you,  
Stevie

--

Prairie Moore, MS  
President  
Environmental Services Director  
Natural Resources Management Corporation  
707-442-1735  
707-499-5131 cell  
[pmoore@nrmcorp.com](mailto:pmoore@nrmcorp.com)

## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Approval	On file
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Approval with conditions	Attached
CALFIRE	✓	Standard Comments	Attached
CA Department of Fish & Wildlife	✓	No Response	Staff request for comments- Attached
NWIC	✓	Cultural Resources Survey	On file with Planning
Bear River Band	✓	Inadvertent Discovery Protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
RWQCB		No Response	
NCUAQMD		No Response	
CA Division of Water Rights		No Response	
Humboldt County District Attorney		No Response	
County Agricultural Commissioner		No Response	
Humboldt County Sheriff	✓	Comments	On file with Planning
Mattole Union School District	✓	Standard school comments- no setback or bus stop issues	Attached
RRR Planner	✓		



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 257-9540  
PARKS 445-7651  
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: 07-09-2018

RE:

Applicant Name	Simply Humboldt, LLC
APN	107-235-009
APPS#	11787 CUP17-055

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:

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// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11787

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:

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 //

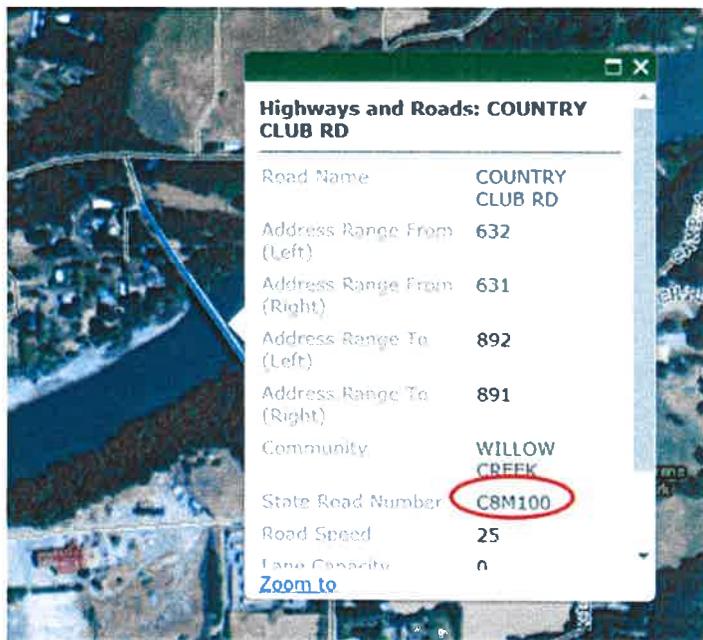
Road Evaluation Reports

- 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.**

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

**Exhibit "D"**

**Road Evaluation Reports**

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
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

<b>List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range not meeting (or not equivalent to) Road Category 4 standard</b>
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 //



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, Sheriff, SWRCB - Division of Water Rights, Mattole Union USD School District

Applicant Name Simply Humboldt, LLC Key Parcel Number 104-321-010-000

Application (APPS#) 11787 Assigned Planner Tayla Copeland (707) 268-3771 Case Number(s) ZCC16-250RRR  
 CUP17-055  
 ZCC18-049

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. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. The approval of an unpermitted OWTS described in the provided Cultivation and Operations Plan is **dependent upon demonstration of site suitability** from a Qualified Professional.
3. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
4. One well is shown on the provided site plan. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

\*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: 8/8/2018 Recommendation By: Joey Whittlesey



## 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: November 16, 2017

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

**Attention:** Cannabis Planner  
**Applicant:** Simply Humboldt, LLC

**APN:** 107-235-009-000

**Area:** Petrolia

**Case Numbers:** ZCC16-250RRR, CUP 17-055

**Humboldt County Application #:** 11787

**Type of Application:** Conditional Use Permit, Zoning  
 Clearance Certificate

**Date Received:** 11/15/2017

**Due Date:** 11/29/2017

**Project Description:** An application for a Conditional Use Permit for 57,000 square feet (SF) of outdoor, medical cannabis cultivation, consisting of 37,000 SF of existing area, and 20,000 SF of new area as a result of a Retirement, Remediation, and Relocation (RRR) efforts from APN: 107-235-009. The applicant proposes to relocate the existing cultivation area to an environmentally superior location on the parcel. Water for irrigation is sourced from a spring on the adjacent parcel (APN: 104-112-004). Water is stored in a 100,000 gallon pond, and two hard tanks. The applicant proposes to construct a 1,000,000 gallon storage pond, bringing the total available water storage to 1,102,850 gallons. Processing, including drying and trimming, occurs on-site in an existing processing facility. The applicant estimates that 15 employees would be necessary at peak operations. Electricity is sourced from PG&E with a backup generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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

## CANNABIS PROJECTS

### **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 and Safety Code (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 Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, 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. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

**From:** [Meyers\\_Tim@CALFIRE](mailto:Meyers_Tim@CALFIRE)  
**To:** [HUU.CEOA@CALFIRE](mailto:HUU.CEOA@CALFIRE); [Planning Clerk](#)  
**Subject:** APN 107-235-009 Application number 11787  
**Date:** Friday, November 17, 2017 2:27:26 PM

---

Good Afternoon,

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

[Tim Meyers](#)  
[Forester I, RPF #2813](#)  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Weott Resource Management  
Humboldt-Del Norte Unit  
Office (707) 946-2204  
Cellular (707) 599-6433  
[tim.meyers@fire.ca.gov](mailto:tim.meyers@fire.ca.gov)

Every Californian should conserve water. Find out how at:

[SaveOurWater.com](http://SaveOurWater.com) - [Drought.CA.gov](http://Drought.CA.gov)

# PLN-11787-CUP Simply Humboldt APN 104-321-010 PC Hearing Oct 15



Luther, Stephen

To: Bauer, Scott@Wildlife

Cc: Johnson, Cliff

Reply Reply All Forward

Thu 8/6/2020 2

-  11787 Property & Premises Diagram 01.03.2020.pdf 178 KB
-  11787 Well Competition Report 01.03.2020 .pdf 491 KB

Dear Scott,

I'm writing to request CDFW referral comments on the above application, referred on 2/4/2020. Attached are relevant project materials for your review.

Thank you,



Stephen Luther  
Planner, Cannabis Division  
[Planning and Building Department](#)  
707.268.3737



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

11/14/2017

**PROJECT REFERRAL TO: Mattole Union USD School District**

**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 Sinkiyone Wilderness Council, Sheriff, SWRCB - Division of Water Rights, Mattole Union USD School District

**Applicant Name** Simply Humboldt, LLC **Key Parcel Number** 107-235-009-000  
**Application (APPS#)** 11787 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-250RRR  
CUP17-055

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 11/29/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: See attached

DATE: 11/20/17 PRINT NAME: Shari Lovitt



## **Mattole Unified School District**

P.O. Box 211, 29289 Chambers Road

Petrolia, CA. 95558

Phone# (707) 629-3311

Fax# (707) 629-3575

**TO:** Humboldt County Planning and Building Department

**FROM:** Board of Trustees of Mattole Unified School District

**SUBJECT:** APPS#11787

**DATE:** November 20, 2017

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Mattole Unified School District desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure drug-free campuses, we have adopted board policy 4020 Alcohol-Free Workplace and board policy 5131.6 Alcohol and Other drugs (attached). These policies are maintained and strictly enforced. Mattole Unified School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

With this said, upon inspection and in accord with Ordinance 2559, Section 313 of Chapter 3, Division 1 of Title III of the Humboldt County Code, at this time, the proposed project's cultivation area does not appear to be within 600 feet of a school or school bus stop. The need to add bus stops is subject to change, and it is possible the District may need to add a bus stop at some point which would violate this provision of the County Code. However, at this time, there is no conflict.

**DRUG AND ALCOHOL-FREE WORKPLACE**

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other district workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug and alcohol-free awareness program to inform employees about:
  - a. The dangers of drug and alcohol abuse in the workplace
  - b. The district policy of maintaining drug and alcohol-free workplaces
  - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs and
  - d. The penalties that may be imposed on employees for drug and alcohol abuse violations
3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.

**DRUG AND ALCOHOL-FREE WORKPLACE (continued)**

5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and district policies and practices.

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4159/4258/4359 - Employee Assistance Programs)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

**Legal Reference:****EDUCATION CODE**

44011 *Controlled substance offense*

44065 *Issuance of credentials*

44425 *Conviction of controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

**GOVERNMENT CODE**

8350-8357 *Drug-free workplace*

**THE DRUG-FREE WORKPLACE ACT OF 1988**

Public Law 100-690, 5151-5160

**DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989**

H.R. 3614

**UNITED STATES CODE, TITLE 21**

202 *schedules I-V*

812 *Controlled Substances Act*

**CODE OF FEDERAL REGULATIONS, TITLE 21**

1300.1-1300.15 *Definitions relating to controlled substances*

Policy  
adopted: April 3, 3003

**MATTOLE UNIFIED SCHOOL DISTRICT**  
Petrolia, California

**DRUG AND ALCOHOL-FREE WORKPLACE  
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

**DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES**  
(continued)

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

Policy  
adopted: January 10, 2004  
Students

MATTOLE UNIFIED SCHOOL DISTRICT  
Petrolia, California  
BP 5131.6(a)

## ALCOHOL AND OTHER DRUGS

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent or designee shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/ discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1020 - Youth Services)*  
*(cf. 4020 - Drug and Alcohol-Free Workplace)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

*(cf. 1100 - Communication with the Public)*  
*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

*(cf. 5137 - Positive School Climate)*

The Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

*(cf. 1220 - Citizen Advisory Committees)*

### Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

BP 5131.6(b)

## ALCOHOL AND OTHER DRUGS (continued)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

*(cf. 4131 - Staff Development)*  
*(cf. 6142.2 - AIDS Prevention Instruction)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

### **Intervention, Referral and Recovering Student Support**

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The district shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

*(cf. 6142.4 - Learning Through Community Service)*

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

### **Enforcement/Discipline**

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulations.

*(cf. 5145.11 - Questioning and Apprehension)*  
*(cf. 5145.12 - Search and Seizure)*

BP 5131.6(c)

### **ALCOHOL AND OTHER DRUGS (continued)**

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*Legal Reference:*

EDUCATION CODE

- 44049 *Known or suspected alcohol or drug abuse by student*
- 48900 *Suspension or expulsion (grounds)*
- 48900.5 *Suspension, limitation on imposition; exception*
- 48901 *Smoking or use of tobacco prohibited*
- 48901.5 *Prohibition of electronic signaling devices*
- 48902 *Notification of law enforcement authorities; civil or criminal immunity*
- 48909 *Narcotics or other hallucinogenic drugs*
- 48915 *Expulsion; particular circumstances*
- 49423 *Administration of prescribed medication*
- 49480 *Notice to school by parent or guardian; consultation with physician*
- 49602 *Confidentiality of pupil information*
- 51202 *Instruction in personal and public health and safety*
- 51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*
- 51210 *Areas of study*
- 51220 *Areas of study, grades 7 to 12*
- 51260 *Elementary and secondary school instruction in drug education by appropriately trained instructors*
- 51262 *Use of anabolic steroids; legislative finding and declaration*
- 51264 *CDE assistance for inservice training*
- 51265 *Gang violence and drug and alcohol abuse prevention inservice*
- 51268 *Collaboration to avoid duplication of effort*

BUSINESS AND PROFESSIONS CODE

- 25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

- 11032 *Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions*
- 11053-11058 *Standards and schedules*
- 11353.6 *Juvenile Drug Trafficking and Schoolyard Act*
- 11357 *Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds*
- 11361.5 *Destruction of arrest or conviction records*
- 11372.7 *Drug program fund; uses*
- 11802 *Joint school-community alcohol abuse primary education and prevention program*

*Legal Reference continued: (see next page)*

BP 5131.6(d)

**ALCOHOL AND OTHER DRUGS (continued)**

*Legal Reference: (continued)*

- 11965-11969 *The School-Community Primary Prevention Program*
- 11998-11998.3 *Drug and Alcohol Abuse Master Plans*
- 11999-11999.3 *Alcohol and drug program funding; no unlawful use*
- 124175-124200 *Adolescent family life program (Department of Health Services)*

PENAL CODE

- 13864 *Comprehensive alcohol and drug prevention education*

VEHICLE CODE

- 13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges*

WELFARE AND INSTITUTIONS CODE

828 *Disclosure of information re minors*

828.1 *Disclosure of criminal records; protection of vulnerable staff & students*

UNITED STATES CODE, TITLE 20

5812 *National education goals*

7101-7143 *Safe and Drug-Free Schools and Communities Act of 1994*

## ALCOHOL AND OTHER DRUGS

### Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Site administrators shall determine that drug education instructors possess: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7 through 12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

*(cf. 6143 - Courses of Study)*

The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)

### Intervention

The staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

AR 5131.6(b)

## ALCOHOL AND OTHER DRUGS (continued)

If the principal or designee knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

However, school staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the principal or parent/guardian only

when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

*(cf. 5145.1 - Privacy)*

In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

*(cf. 5141 - Health Care and Emergencies)*

#### **Confiscation of Electronic Signaling Devices**

Because electronic signaling devices (beepers, cellular telephones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the device is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)

The Superintendent or designee shall confiscate these devices from students.

*(cf. 5144 - Discipline)*

#### **Enforcement/Discipline**

Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact

AR 5131.6(c)

#### **ALCOHOL AND OTHER DRUGS (continued)**

2. Suspension or expulsion in accordance with law or Board policy

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

3. Contact with law enforcement authority within one school day of the suspension (Education Code 48902)

In addition, the following actions may be taken:

1. Referral to an appropriate counseling program
2. Transfer/alternative placement
3. Restriction from all extracurricular activities, including athletics, for the length of the semester

*(cf. 6145 - Extracurricular and Cocurricular Activities)*



## Reports

Upon request, the Superintendent or designee shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in the schools and community. Such information shall also be made readily available to the public. (20 USC 7117)



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

**PROJECT TRANSMITTAL**

**APPLICANT** Simply Humboldt, LLC **KEY PARCEL** 107-235-009-000 **Petrolia** **DATE** 11/3/2017 **CONTACT** Cannabis Planner (CPOD) **APPS#** 11787

**PROJECT INFORMATION**

<b>SUBJECT</b> Conditional Use Permit Zoning Clearance Certificate	<b>CASE NUMBERS</b> ZCC16-25ORRR CUP17-055
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**PROJECT DESCRIPTION**  
An application for a Conditional Use Permit for 57,000 square feet of outdoor, medical cannabis cultivation, consisting of 37,000 square feet of existing area, and 20,000 square feet of new area as a result of a Retirement, Remediation, and Relocation (RRR) effort from APN 107-235-009. The applicant proposes to relocate the existing cultivation area to an environmentally superior location on the parcel. Water for irrigation is sourced from a spring on the adjacent parcel (APN 104-112-004). Water is stored in a 100,000 gallon pond, and two hard tanks. The applicant proposes to construct a 1,000,000 gallon storage pond, bringing the total available water storage to 1,102,850 gallons. Processing, including drying and trimming, occurs on-site in an existing processing facility. The applicant estimates that 15 employees would be necessary at peak operations. Electricity is sourced from PGE with a backup generator.

**PROJECT LOCATION**  
Relocation site: The project is located in Humboldt County, in the Petrolia area, on the North and South side of Mattole Road, approximately .7 miles East from the intersection of Mattole Road and Mattole Camp, on the property known as 37577 Mattole Road.  
Remediation site: The project is located in Humboldt County, in the Honeydew area, on the North and South side of Panther Gap Road, approximately 4.3 miles South from the intersection of Mattole Road and Panther Gap Road, on the property known to be in Section 35 of Township 02 South, Range 01 East, Humboldt Base & Meridian.

<b>PRESENT PLAN DESIGNATIONS</b> 104-321-010: Agricultural Lands (AL ), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2)  107-235-009: Agricultural Lands (AL ), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2)	<b>PRESENT ZONING</b> 104-321-010: Unclassified (U)  107-235-009: Unclassified (U)
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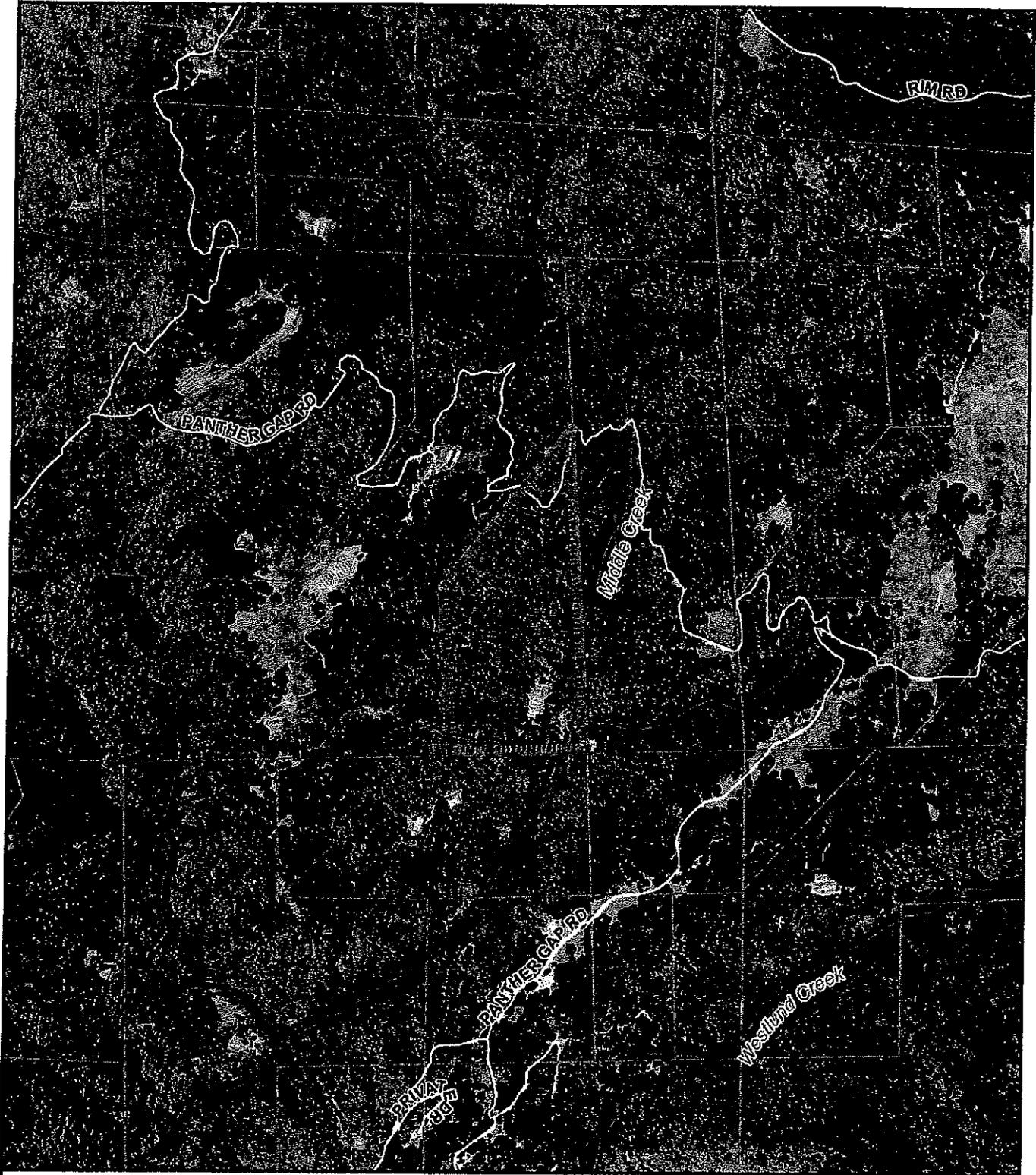
<b>KEY PARCEL NUMBER</b> 107-235-009-000	<b>ADDITIONAL PARCEL #S</b> 107-235-009-000
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APPLICANT INFORMATION	OWNER INFORMATION	AGENT INFORMATION
<b>Name</b> Simply Humboldt, LLC <b>Address 1</b> Jason Goforth <b>Address 2</b> PO Box 36 <b>City</b> Petrolia <b>State</b> CA <b>Zip</b> 95558 <b>Phone</b> 707-468-7435 <b>E-Mail</b> goforth85@gmail.com	<b>Name</b> Goforth Bobby R <b>Address1</b> <b>Address2</b> Po Box 36 <b>City</b> Petrolia <b>State</b> CA <b>Zip</b> 95558 <b>Phone</b> <b>E-Mail</b>	<b>Name</b> Telsha Mechetti <b>Address1</b> AgDynamix <b>Address2</b> PO Box 3255 <b>City</b> Eureka <b>State</b> CA <b>Zip</b> 95502 <b>Phone</b> 707-798-6199 <b>E-Mail</b>

**ADDITIONAL PROJECT INFORMATION**

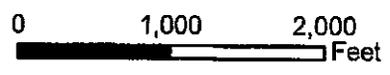
**ADDITIONAL OWNERS**  
Empty.

**DECISION MAKER** Planning Commission  
**ENVIRONMENTAL REVIEW REQUIRED?** No  
**CEQA EXEMPTION SECTION** Other.  
**EXEMPTION DESCRIPTION** TBD  
**MAJOR ISSUES** CUP and PLN-2020-1684, None  
Simply Humboldt, LLC

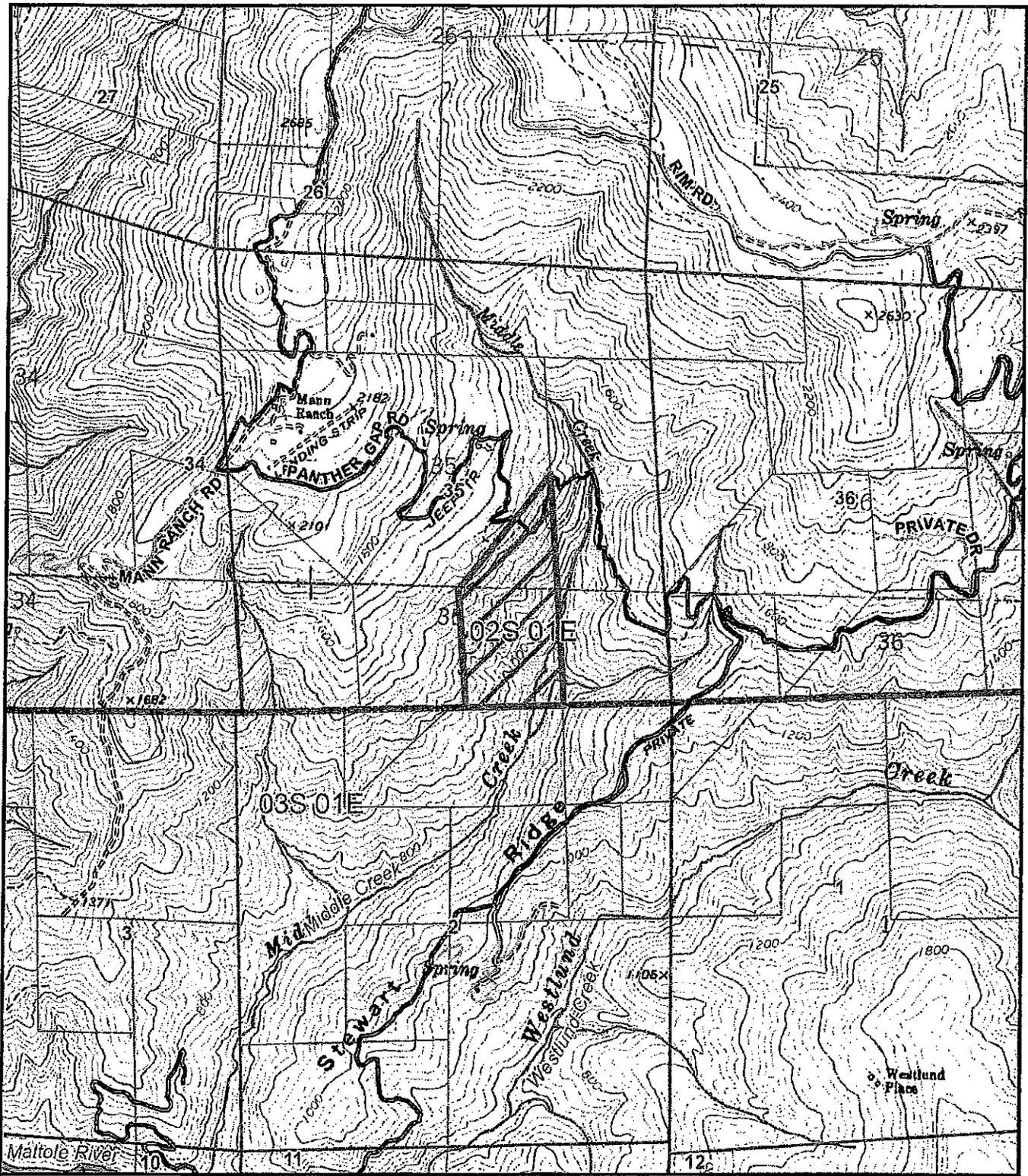


Project Area = 

**AERIAL MAP  
 PROPOSED SIMPLY HUMBOLDT, LLC  
 HONEYDEW AREA  
 ZCC-16-250RRR  
 APN: 107-235-009  
 T02S R01E S35 HB&M (BULL CREEK)**



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.

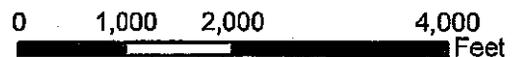


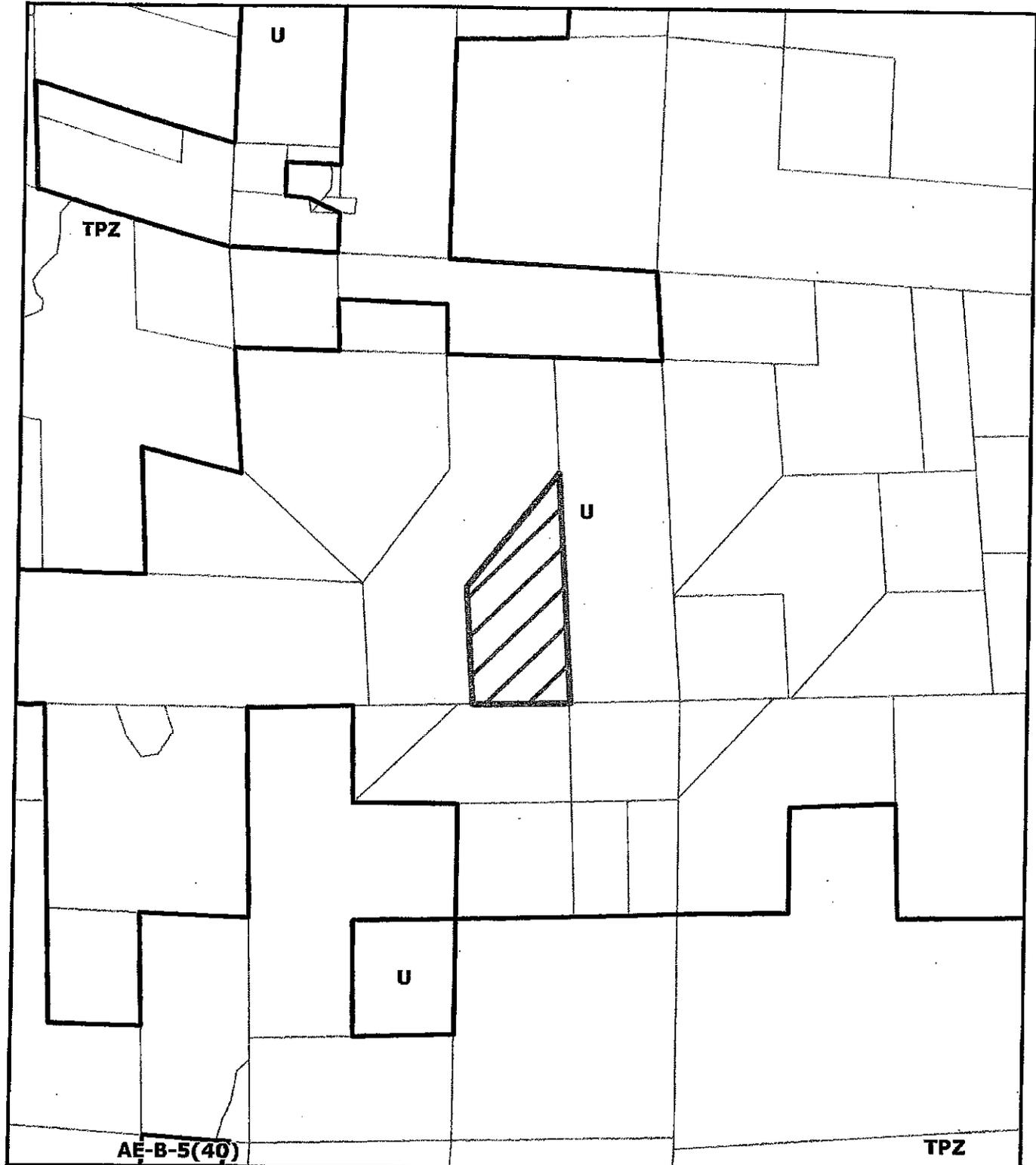
Project Area = 

**TOPO MAP**  
**PROPOSED SIMPLY HUMBOLDT, LLC**  
**HONEYDEW AREA**  
**ZCC-16-250RRR**  
**APN: 107-235-009**  
**T02S R01E S35 HB&M (BULL CREEK)**



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 =** 

**ZONING MAP  
 PROPOSED SIMPLY HUMBOLDT, LLC  
 HONEYDEW AREA  
 ZCC-16-250RRR  
 APN: 107-235-009  
 T02S R01E S35 HB&M (BULL CREEK)**

**0 1,000 2,000 4,000 Feet**

**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.**

**N** 