



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 6, 2020

To: Humboldt County Planning Commission

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

Subject: **Double G, LLC, Conditional Use Permit and Special Permit**
Record Number PLN-12051-CUP
Assessor's Parcel Number 216-023-019
1551 Miller Ranch Road, Harris, CA

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Please contact Stephen Luther, Planner, at 707-445-7541 or by email at sluther@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 6, 2020	Conditional Use Permit and Special Permits	Stephen Luther

Project Description: A Conditional Use Permit for 37,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from two (2) permitted groundwater wells. Storage capacity totals 15,000 gallons in four (4) hard tanks. The estimated annual water use for irrigation is 240,000 gallons. Processing, including drying and trimming, is done on-site in existing buildings. Electricity is provided by solar, hydroelectric, and supplemental generator use. A Special Permit is included to reduce the setback from the processing building to public lands to 110 feet. A Special Permit is also requested for after-the-fact permitting for work consisting of restoration and a hydroelectric system within the Streamside Management Area.

Project Location: The project is located in the Harris area, at the south terminus of Miller Ranch Road, approximately 2.1 miles south from the intersection of Bell Springs Road and Miller Ranch Road, on the property known as 1551 Miller Ranch Road.

Present General Plan Land Use Designation: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3)

Present Zoning: Unclassified (U).

Record Number: PLN-12051-CUP

Assessor Parcel Number: 216-023-019

Applicant

Double G, LLC
Marisa Murrish
2915 Blue Rock Road
Garberville, CA 95542

Owner

Marisa Murrish
2915 Blue Rock Road
Garberville, CA 95542

Agent

Eugene Denson

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

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

Major Issues: None.

DOUBLE G, LLC
Record Number PLN-12051-CUP
Assessor's Parcel Number: 216-023-019

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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Double G, LLC, project subject to the recommended conditions.

Executive Summary: Double G, LLC seeks a commercial cannabis cultivation Conditional Use Permit (CUP) for existing outdoor cannabis cultivation located on Assessor's Parcel Number (APN) 216-023-019. The parcel is 103 acres in size. The project is for the continued operation of 37,000 square feet of full-term outdoor cannabis cultivation yielding up to two harvests per year. Propagation occurs on-site in a 2,880 square foot greenhouse. An existing cultivation area was decommissioned due to the slope and proximity to a Class II watercourse. The cultivation has been relocated to an environmentally superior area consisting of a gently sloping non-forested field that was previously disturbed from cannabis cultivation activities.

The site is developed with a residence, storage shed, two yurts, and a generator shed. Drying and processing occurs in two (2) existing 1,500 square foot buildings. Up to six (6) workers are needed at peak operations. The project was referred to the Division of Environmental Health (DEH). DEH commented that no processing on-site can be approved until an acceptable site suitability report can establish potential for permitting an onsite waste treatment system. A condition of approval requires the provision of an invoice to confirm the continual use of portable toilets to serve the needs of cultivation staff. The applicant shall discontinue the use of and decommission the outhouse. Alternatively, the applicant may obtain approval of a composting toilet through DEH.

Access to the subject parcel is on Miller Ranch Road, a private road access of approximately 2 miles on from the intersection with the County-maintained Bell Springs Road. A Road Evaluation Report was prepared by the Applicant stating the road can be considered the functional equivalent of a Category 4 road and accommodate the increased traffic from the project (see Attachment 4). The project was referred to the Department of Public Works- Land Use Division. Public Works requested that the intersection of Miller Ranch Road and county-maintained paved road Bell Springs Road be improved by paving the initial 50 ft and that the intersection meet visibility standards. These have been made conditions of approval.

Water for irrigation is sourced from two (2) permitted groundwater wells (15/16- 0563 and -0644). According to the well completion reports, Well #1 is drilled through Franciscan sandstone to a depth of 158 feet and Well #2 is drilled through shale and sandstone to a depth of 200 feet. The geologic characteristics and well completion details provide evidence the use of the wells will not impact surface water flows. Plants are watered using timed drip irrigation. Estimated annual water use is 237,000 gallons (6.4 gal/sf). A Water Resources Protection Plan (WRPP) was initially prepared for the parcel by Timberland Resource Consultants on 10/17/2016 and was updated on 11/25/2018. No irrigation runoff was observed. The WRPP identified areas of the road system

requiring treatment such as ditch relief culvert maintenance, installation of rolling dips, and installation of new culverts. The remediated cultivation area that was relocated on-site has successfully revegetated according to the 2018 update. The WRPP states the steep slope above the nursery greenhouse is stable but will be monitored. A Condition of Approval requires a monitoring report will be provided to document the slope stability. Conditions of approval also require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and Site Management Plan. A condition of approval is also included requiring the applicant to meter the water usage and provide records at the time of annual inspection.

The project site is located in oak grassland habitat. The subject parcel is located adjacent to a parcel managed by the Bureau of Land Management, which is mapped as Final Critical Habitat for Marbled Murrelet. A Northern Spotted Owl activity center (HUM0993) is approximately 0.9 miles southeast of the project site. The California Natural Diversity Database (CNDDDB) shows a positive siting of North American porcupine dating to the 1970s. Tom Long Creek, a tributary to the East Branch South Fork Eel River, flows east to west across the southern part of the parcel. An unnamed stream flows into Tom Long Creek. Several additional ephemeral watercourses on the parcel drain into Tom Long Creek and are shown on the Site Map prepared by Trinity Valley Consulting Engineers. The cultivation areas meet the 50-foot setbacks from all Class III drainages. No riparian area is impacted by the cultivation. A Special Permit is included for the after-the-fact restoration work required to remove a historic cultivation area that was within the SMA of a Class III drainage. The SP includes permitting the Point of Diversion on APN 216-023-017 that drives a Peloton wheel used for domestic off-grid energy and to provide supplemental energy for the cultivation operation.

The project is served by off-grid power consisting primarily of renewable energy sources comprised of solar panels and a microhydro system, with a generator used for emergency backup only. The generator is housed in a containment shed when in use. A condition of approval is incorporated requiring that noise from the operation will be no more than 50 decibels as measured 100 feet from the source. Supplemental lighting used in the on-site nursery is required to be shielded such that no light escapes from the hour after sunset to an hour before sunrise. The project was referred to California Department of Fish and Wildlife (CDFW) on August 10, 2017. CDFW commented on the project on June 25, 2018. Staff responded to CDFW on July 22, 2020. Standard operational conditions are incorporated regarding the protection of wildlife, including a prohibition on use of rodenticides. The project as conditioned to prevent light pollution and minimize noise will not impact biological resources.

A cultural resources investigation was prepared for the parcel by William Rich and Associates in January 2019. Evidence of cultural resources were identified within 600 feet of the cultivation area. The site is located in the historic territory of the Intertribal Sinkyone Wilderness Council. Planning staff sent the report to and called the Council and no response was received. A condition of approval requires the applicant to avoid all further ground disturbance. If ground disturbance will occur in future construction activities, the applicant will adhere to the inadvertent discovery protocol included in Attachment 1.

The adjacent public lands are managed by the Bureau of Land Management on a parcel known as Tom Long Creek. Staff contacted the BLM Arcata Office Field Manager to determine if there were specific management goals that may conflict with the project. A response was received from BLM on July 10, 2020. The parcel is designated critical habitat for Northern Spotted Owl and Marbled Murrelet. The response requested a professional land survey due to issues of trespass. The project activities occur on the subject parcel. The project is consistent with BLM management

goals because the cultivation activities will protect habitat by eliminating irrigation run-off, maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations. Supplemental lighting in the nursery would be shielded to prevent light pollution and meet International Dark Sky Standards. The irrigation water source is groundwater wells. Water will be applied in agronomic amounts and erosion control practices implemented. All fertilizers and pesticides are stored in a shed with secondary containment. Protection of heritage resources will be met by adhering to the Inadvertent Discovery Protocol as recommended in the Cultural Resource Survey. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and trails.

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 and Special 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 20-**

**Record Number: PLN-12051-CUP
Assessor Parcel Numbers: 216-023-019**

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

WHEREAS, Double G, LLC submitted an application and evidence in support of approving one Conditional Use Permit for the existing cultivation of 37,000 SF full-term outdoor with a 2,880 SF ancillary nursery, irrigation water from a groundwater well, onsite drying and processing, with energy supplied by solar, hydroelectric and backup generator; a Special Permit is requested to reduce the setback to public lands; and a Special Permit is requested for after-the-fact work within a Streamside Management Area; and

WHEREAS, the County Planning Division has reviewed the submitted application and 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, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Record Number PLN-12051-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 6, 2020.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-12051-CUP, support approval of the project based on the submitted substantial evidence; and
3. Record Number PLN-12051-CUP is approved as recommended and conditioned in Attachment 1 for Record Number PLN-12051-CUP.

Adopted after review and consideration of all the evidence on August 6, 2020.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

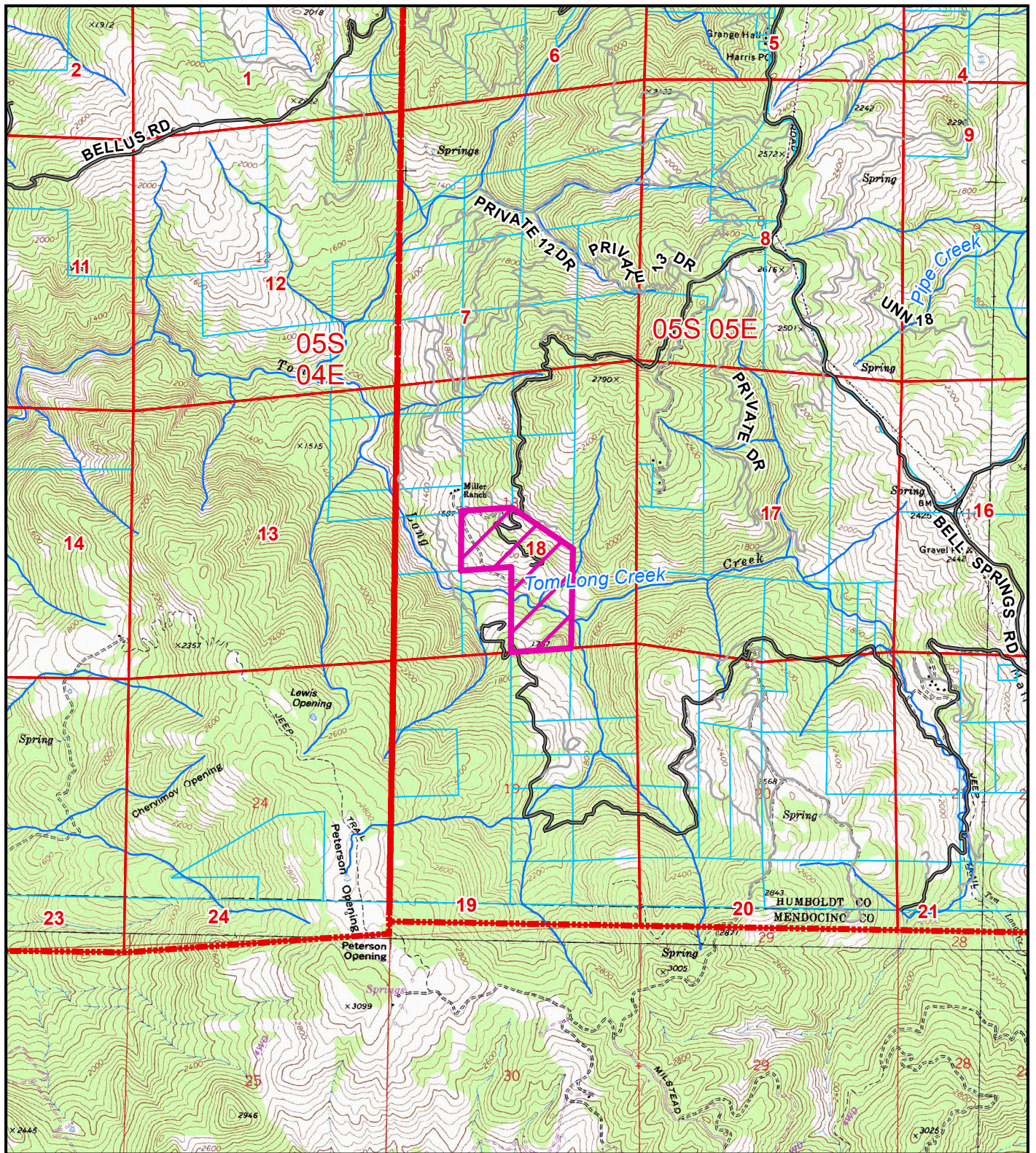
ABSTAIN: Commissioners:

ABSENT: 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



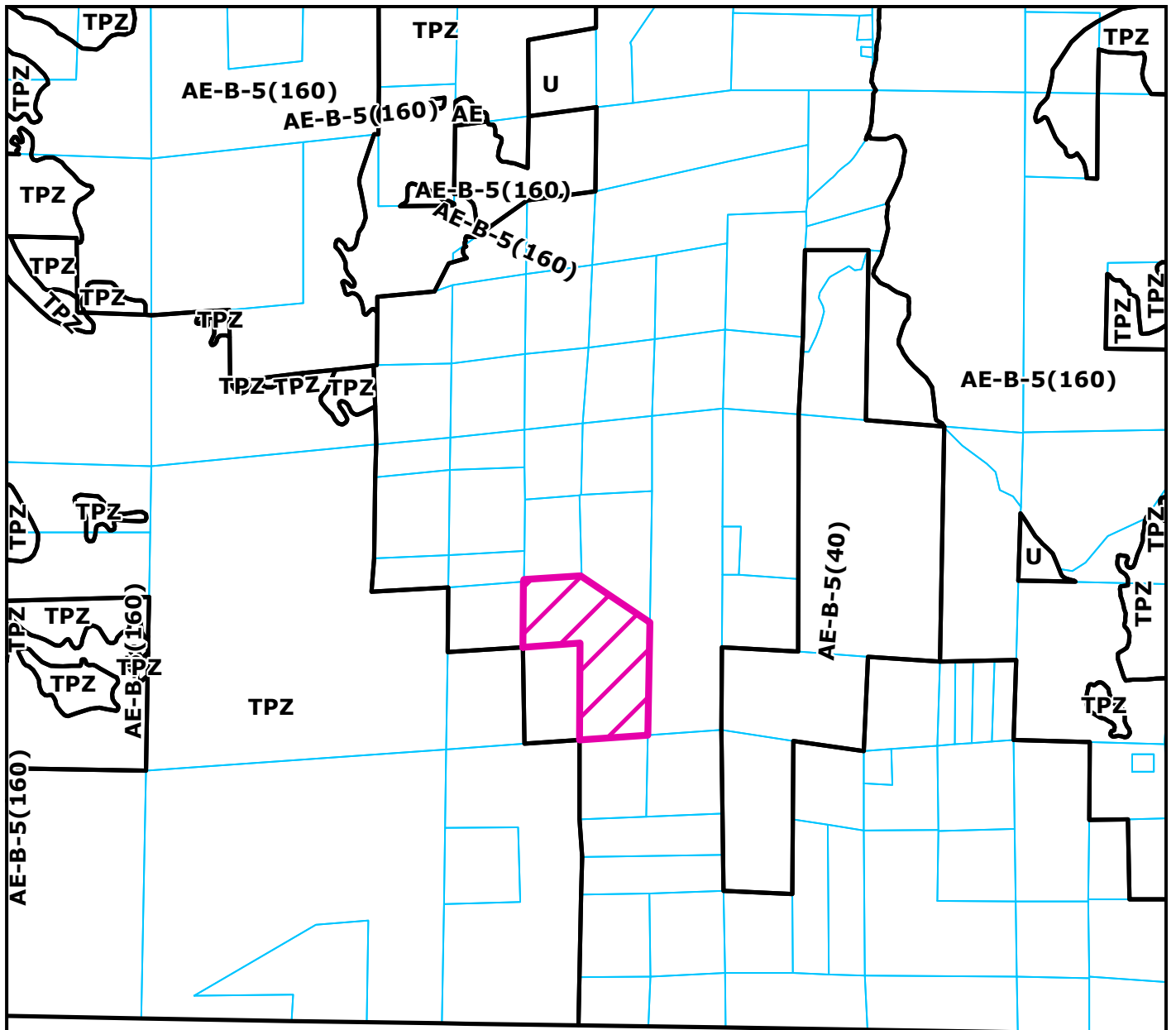
Project Area = 

TOPO MAP
PROPOSED DOUBLE G, LLC
ALDERPOINT AREA
CUP-16-520
APN: 216-023-019
T05S R05E S18 HB&M (HARRIS)

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

0 0.275 0.55 1.1 Miles





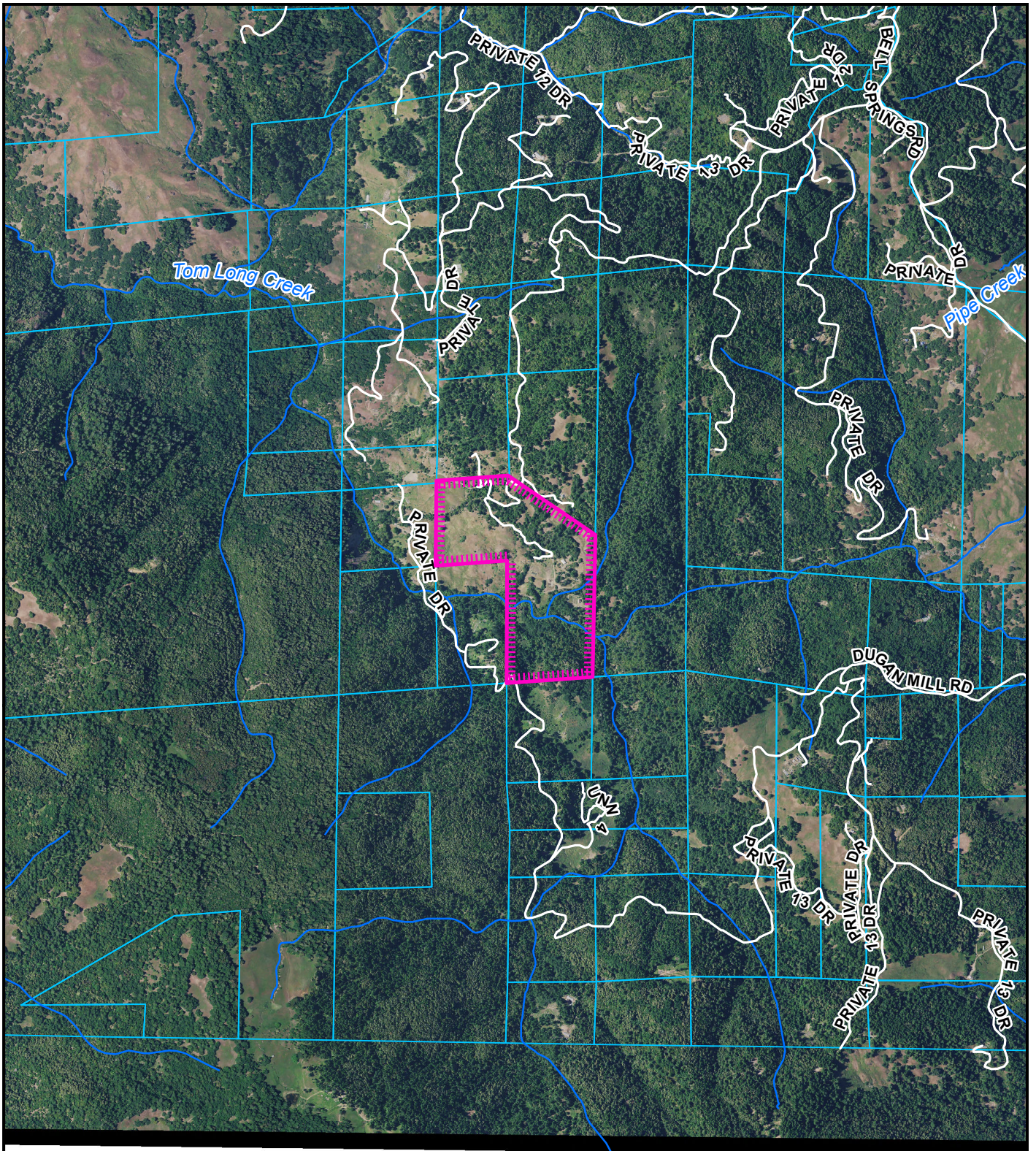
Project Area = 

**ZONING MAP
PROPOSED DOUBLE G, LLC
ALDERPOINT AREA
CUP-16-520
APN: 216-023-019
T05S R05E S18 HB&M (HARRIS)**



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





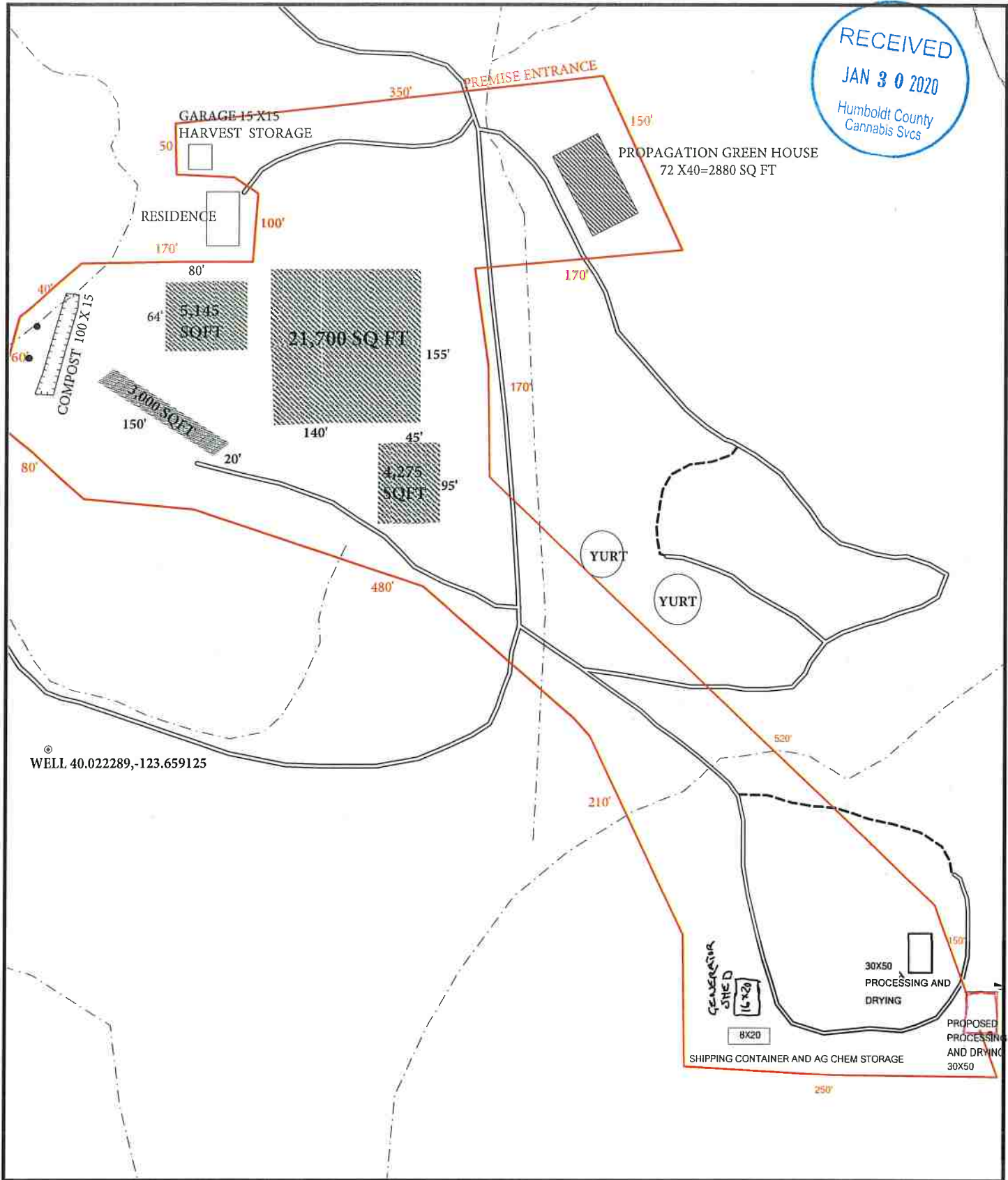
Project Area = 

**AERIAL MAP
PROPOSED DOUBLE G, LLC
ALDERPOINT AREA
CUP-16-520
APN: 216-023-019
T05S R05E S18 HB&M (HARRIS)**

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.



RECEIVED
JAN 30 2020
Humboldt County
Cannabis Svcs



WELL 40.022289,-123.659125

- CULTIVATION AREA
- PROPERTY BOUNDARY
- CLASS II
- CLASS III
- STRUCTURES
- PREMISE BOUNDARY
- WELL
- TANKS
- COMPOST PILE
- Roads
- Permanent
- Seasonal

APPLICANT; MARISA MURISH
APN: 216-023-019
CULTIVATION AREA AGGREGATE SQ
FOOTAGE: 34,120 SQ FEET FULL TERM
OUTDOOR

August 6, 2020

3/15/2019

 **Timberland
Resource
Consultants**
165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540
707-725-1897 • fax 707-725-0972

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, 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 –15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer.
3. All mixed light nursery operations shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No mixed light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
4. 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 the greenhouses, agricultural buildings, sheds, and barns used in cultivation. 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 by the Planning Commission.
5. The applicant shall secure the approval of the Division of Environmental Health for the on-site sewage disposal system showing it can accommodate the proposed use. A letter from indicating approval has been issued will satisfy this condition.
6. The applicant shall utilize portable toilet and handwashing facilities for cultivation employees only. Processing must occur off-site until permanent Onsite Wastewater Treatment System (OWTS) is installed to the satisfaction of DEH. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance

shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

8. The applicant shall provide evidence of implementing the recommended improvements in the Water Resources Protection Plan prepared by Timberland Resource Consultants updated 11/25/2018. This includes a monitoring report on the slope above the nursery greenhouse. The applicant shall provide a monitoring and implementation report to the Planning Department to satisfy this condition.
9. The applicant shall provide evidence of enrollment with the State Water Resources Control Board Cannabis General Order. The applicant will 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.
10. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
11. The applicant shall contact the local fire service provider [Palo Verde VFC] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
12. The private road Miller Ranch Road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Bell Springs Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
13. 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.
14. The applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present monthly water use records.
15. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
16. 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. The applicant is required to maintain enrollment in and adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. Power is to be supplied by solar, micro-hydro and supplemented by a generator when necessary.
8. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
9. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
10. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
11. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be

made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

12. 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.
13. 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.
14. 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."
15. 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).
16. 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.
17. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO 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 CMMLUO.

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 CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- (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 314-55.4.11 (a) of the CMMLUO, 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. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #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 #23 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 NOE 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

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, the Open Space Plan, and the Open Space Action Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA40): Large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 to 160 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 37,000 SF outdoor cultivation on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The parcel is accessed by Miller Ranch Road, a private road that accesses the subject parcel approximately 2 miles from the intersection with the County-maintained Bell Springs Road. A Road Evaluation Report was prepared by the Applicant self-certifying the road can be considered the functional equivalent of a Category 4 road and accommodate the increased traffic from the project (see Attachment 4). The project was referred to the Department of Public Works- Land Use Division. Public Works requested that the intersection of Miller Ranch Road and county-maintained paved road Bell Springs Road be improved by paving the initial 50 ft and that the intersection meet visibility standards. These have been made conditions of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is included in the Open Space Land Plan because the project site is located on a parcel mapped with high geologic instability and a Streamside Management Area, thus, it is within the Open Space Land Plan. The project is adjacent to the Tom Long Creek parcel managed by the Bureau of Land Management. The project is consistent with recreational use on public lands by maintaining a minimum 600-foot buffer separation from developed campgrounds and trails. the cultivation activities will protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations.</p> <p>The proposed project, considered an agricultural product, is consistent with the Open Space Plan, Open Space Action because it is consistent with the allowable uses of the Land Use Designations. The proposed project is consistent with the use of Open Space land for management and production of resources. The proposed project is consistent with the preservation of natural resources within open space. See Section 10.3 <i>Biological Resources</i> for additional information.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>Habitat on the project site consists of true oak grassland. The subject parcel is located adjacent to a parcel managed by the Bureau of Land Management, which is mapped as Final Critical Habitat for Marbled Murrelet and Northern Spotted Owl. A Northern Spotted Owl activity center (HUM0993) is approximately 0.9 miles southeast of the project site. The California Natural Diversity Database (CNDDB) shows a positive siting of North American porcupine dating to the 1970s. Tom Long Creek, a tributary to the East Branch South Fork Eel River, flows east to west across the southern part of the parcel. An unnamed stream flows into Tom Long Creek. Several additional ephemeral watercourses on the parcel drain into Tom Long Creek and are shown on the Site Map prepared by Trinity Valley Consulting Engineers. The cultivation areas meet the 50-foot setbacks from all Class III drainages. No riparian area is impacted by the project.</p> <p>The project is served by solar and microhydro power, with a generator used for emergency backup only. The generator is housed in a containment shed when in use and noise is limited to 50 decibels measured 100 feet from the source. Supplemental lighting used in the on-site nursery is required to be shielded such that no light escapes from the hour after sunset to an hour before sunrise.</p> <p>The project was referred to California Department of Fish and Wildlife (CDFW) and the Bureau of Land Management (BLM). CDFW commented on the project on June 25, 2018. Staff responded to CDFW on July 22, 2020 (see Attachment 5). See Section 10.2 Open Space above for discussion of public lands. Operational conditions are included for the protection of wildlife, including a prohibition on use of rodenticides. The project as conditioned to prevent light pollution and minimize noise will not impact biological resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Intertribal Sinkiyone Wilderness Tribe. NWIC responded and recommended a cultural resource survey be prepared for the site. A cultural resources investigation was prepared for the parcel by William Rich and Associates in January 2019. An archaeological site was identified within 600 feet of the cultivation area. The recommendations of the survey shall be followed. A condition of approval requires the applicant to avoid all further ground disturbance. If ground disturbance will occur in future construction activities, the applicant will adhere to the inadvertent discovery protocol included in Attachment 1. An information note appended to the conditions of approval for this project stipulates that if any cultural resources are encountered during construction activities, the contractor shall immediately cease work and contact a qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) to evaluate the discovery and determine a treatment plan</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves full-sun outdoor cultivation. The applicant utilizes a 2,880 square foot greenhouse for propagation of seeds and clones. Supplemental lighting in the nursery will comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The project was enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order A Water Resources Protection Plan (WRPP) was prepared for the site by Timberland Resource Consultants 10/17/2016 and updated 11/25/2018 (see Attachment 4). The WRPP did not identify irrigation runoff in the cultivation area. Nine watercourse crossings were identified. Road systems and erosion features were identified, and prescriptions included in the WRPP mitigation report. A condition of approval requires that all improvements in the WRPP be implemented.</p> <p>The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The applicant is required to enroll in the State Cannabis Discharge program.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The site is developed with a residence. The project was referred to the Division of Environmental Health (DEH). No processing on-site can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. An invoice will be provided to confirm the continual use of portable toilets to serve the needs of cultivation staff. The applicant shall discontinue the use of and decommission the outhouse. Alternatively, the applicant may obtain approval of a composting toilet through DEH.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is located in an area that requires noise attenuation measures. Electric power is supplied by a solar array, hydroelectric system, and supplemental generator use. The existing cultivation areas are outdoor, and do not use electrical generators except for emergency backup power, so there will be minimal noise generated by the project. The generator is housed in a containment shed. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.6 miles to the west of the project site while the nearest NSO activity center is located 1.08 miles to the southeast. The nearest mapped Marbled murrelet habitat is located approximately 0.14 miles to the east of the project site. Staff incorporated conditions that require supplemental lighting used in the appurtenant nursery meet Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site has variable topography, ranging from less than 15% to more than 50% slopes. The parcel is mapped as having high geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. An existing cultivation area within an SMA is being relocated. According to the WRPP, the slope above the nursery greenhouse was unstable, and a condition of approval requires the ongoing monitoring and implementation of any necessary treatment. The central portion of the subject parcel where cultivation occurs is mapped as having historic landslides. Cultivation occurs in above ground pots. The cultivation is located on a natural flat with slopes between 0-10%. The slopes adjoining the cultivation area are 10-30%, according to the Water Resource Protection Plan (WRPP). The WRPP did not identify erosion issues within the proposed cultivation area. In addition, because the cannabis operation is an agricultural activity located outdoors with only minor accessory structures to support the cultivation, the use is not expected to affect or to be affected by geologic instability. The drying and processing buildings must obtain Building permits. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The parcel is outside mapped flood zones. The project site is not within a mapped dam or levee inundation area and, at approximately 6 miles distance from the coast, is well outside the area subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating. The project site is located within the Palo Verde Fire Protection District fire response area. The site is in the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe Ordinance. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>The proposed project includes two wells for irrigation use that can also be used in fire protection. Water storage totals 15,000 gallons, of which 5,000 is dedicated to fire suppression. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. All applicable referral agencies were referred and did not identify any issues relating to fire hazards.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Palo Verde Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading</p>	Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards. Per the 2009 Housing Element H-IM3 to reduce and avoid air quality impacts from naturally occurring asbestos the County shall refer all building permits on parcels which appear to be underlain by ultramafic rock to the NCUAQMD for appropriate standards and recommendations.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 216-023-019 is one separate legal parcel created by Parcel Map 2281, Book 20 of Parcel Maps Page 41.
§314-8.1 Unclassified (U)	Unclassified (U): All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking one Conditional Use Permit for an existing 37,000 SF outdoor cannabis cultivation operation on property zoned U. The proposed use is an agricultural use that is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	6,000 square feet	103 acres
Maximum Ground Coverage:	40%	2%
Minimum Lot Width:	50 feet	1,100 feet

Maximum Lot Depth:	Three (3) times the width	323 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet all sides	Front (south): >30 feet Rear (north): >30 feet Side (east): >5 feet
Max. Building Height:	None specified	Less than 40 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.	The parcel is situated above the East Branch South Fork Eel River and Tom Long Creek crosses through the parcel from east to west. Multiple ephemeral watercourses drain into Tom Long Creek. Cultivation areas meet the required 50-foot setbacks. According to the Relocation Letter prepared by Timberland Resource Consultants dated September 5, 2019 (see Attachment 4), an existing cultivation area referred to as Cultivation Area C in the WRPP was located within the SMA of a Class II stream. The area has been decommissioned and revegetated, and the cultivation relocated to the flat area on the parcel. No additional restoration is necessary. The applicant utilizes a Point of Diversion on the adjacent property APN 216-023-017 to drive a Peloton wheel used to power a microhydro generator, which provides supplemental energy to the residence and cultivation operation. A Special Permit is included to retroactively permit the work within the SMA.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	6 spaces

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The project site is a partially forested site zoned U and was reviewed for timberland conversion. CALFIRE provided a referral response recommending standard conditions related to the SRA and Fire Safe Ordinance. A review of aerial imagery shows that vegetation was removed between 2018-2019 in the reorganized cultivation area south of the residence. The applicant attested that these were diseased apple and plum trees, and not commercial tree species.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned FR.	The proposed action is one Conditional Use Permit for an existing 37,000 SF outdoor cannabis cultivation operation on property zoned U. Aerial imagery on Google Earth indicate that existing cultivation operations on the property began sometime before 2014. A County Cultivation Area Verification found approximately 37,000 square feet of existing cultivation area. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant Double G, LLC has one other application (Apps 12052), and is entitled to four. This application is for one Conditional Use Permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All processing and operations associated with cannabis for Double G, LLC will be conducted solely by the owners of Double G, LLC or by immediate family members of the owners of Double G, LLC. All cannabis processing shall be conducted on site in the existing processing building designated.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant estimates 270,000 gallons of water is required for the operation (6.4 gallons/sf). Water for irrigation is sourced from two groundwater wells. According to the Well Completion Reports (see Attachment 4), the wells was drilled to a depth of 158 feet through Franciscan sandstone and shale layers. Because the wells appear to the hydrologically disconnected from surface waters, the applicant is not required to obtain appropriative rights from the State Water Resources Control Board. However, Conditions of approval require the applicant to monitor water use to show that sufficient water is produced by the well to support operations. The water use logs must be submitted to the Planning Department during the annual inspection. Should water from the well be insufficient to cover irrigation needs, the applicant will need to increase water storage to cover the deficiency or the cultivation area will be reduced. An LSAA has been submitted to CDFW for two points of diversion, both associated with domestic use. Water use will be metered to provide a record of actual water use and storage needs and to ensure adherence to any forbearance or water limitation requirements, if applicable. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The site plan shows that the project complies with 30-foot property line setbacks. The site plan notes, and aerial imagery verifies, there are no schools, school bus stops, public parks, places of worship, or tribal cultural resources within 600 feet of the project site. Although the Cultural Resource Survey identified artifacts 200 feet from the cultivation area, tribal review did not identify TCRs present on the site.</p> <p>The parcel is adjacent to property owned by the Bureau of Land Management (BLM) at APN 216-023-002. An ancillary drying building is 110 feet from the property line. A propagation greenhouse is located 407 feet from the property line. The nearest cultivation area is located 581 feet from the property line. A Special Permit is included to allow for a reduction of the 600-foot setback to public lands. BLM commented on the project and noted there have been issues of trespass on the Tom Long Creek property. The applicant is aware of the property corners and the cultivation operations are occurring solely on the subject property.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The subject parcel is located adjacent to a parcel managed by the Bureau of Land Management, which is mapped as Final Critical Habitat for Marbled Murrelet. The nearest Northern Spotted Owl (NSO) activity center (HUM0993) is approximately 0.9 miles southeast of the project site. Power for the operation is provided by a solar panel array and a hydroelectric system. The project utilizes a generator for backup power. The generator is located in a containment shed near the residence. The generator is rated at 64 decibels at full load and is only run at half load. A condition of approval requires noise from the operation be less than 50 decibels as measured 100 feet from the source or to the edge of habitat.</p>

§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 19, 2016.
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4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance and the project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

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

ATTACHMENT 3
CEQA Addendum

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 216-023-019, 1551 Miller Ranch Road, New Harris, County of Humboldt

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

August 2020

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."

A Conditional Use Permit for 37,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an on-site well. Storage capacity totals 15,000 gallons in four (4) hard tanks. The estimated annual water use for irrigation is 240,000 gallons. Processing, including drying and trimming, is done on-site in an existing building. Electricity is provided by solar, hydroelectric, and supplemental generator use. A Special Permit is included to reduce the setback from the processing building to public lands to 110 feet. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

The project site consists of variable topography with slopes from less than 15% to 50%. The existing cultivation areas are outdoor, and do not use electrical generators except for emergency backup power, so there will be minimal noise generated by the project. The generator is housed in a containment shed. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.6 miles to the west of the project site while the nearest NSO activity center is located 1.08 miles to the southeast. The nearest mapped Marbled murrelet habitat is located approximately 0.14 miles to the east of the project site. Staff incorporated conditions that require supplemental lighting used in the appurtenant nursery meet Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used.

The parcel is situated above the East Branch South Fork Eel River and Tom Long Creek crosses through the parcel from east to west. Multiple ephemeral watercourses drain into Tom Long Creek. Cultivation areas meet the required 50-foot setbacks. According to the Relocation Letter prepared by Timberland Resource Consultants dated September 5, 2019 (see Attachment 4), an existing cultivation area referred to as Cultivation Area C in the WRPP was located within the SMA of a Class II stream. The area has been decommissioned and revegetated, and the cultivation relocated to the flat area on the parcel.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, relocation of historic cultivation areas within Streamside Management Areas (SMAs), and proper storage of fertilizers and soil amendments.

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 an existing 37,000 square foot (SF) outdoor cultivation operation on a 103-acre parcel, on-site drying, relocation of cannabis to an environmentally superior location on the subject parcel, 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 4 for a complete listing of supporting documentation):

- Cultivation and Operation Plan and addendum prepared by the Applicant
- Road Evaluation Report for Miller Ranch Road, prepared by applicant and dated December 5, 2018
- Relocation Letter prepared by Timberland Resource Consultants dated September 5, 2019
- Water Resource Protection Plan prepared by Timberland Resource Consultants

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – operations plan and addendum)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – Water Resource Protection Plan prepared by Timberland Resource Consultants)
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 Department of Fish & Wildlife. (On file – Notification of Lake and Streambed Alteration)
9. If the source of water is a well, a copy of the County well permit, if available. (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 (CALFIRE). 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 CALFIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
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 Miller Ranch Road, prepared by applicant and dated December 5, 2018. (Attached)
16. Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)
17. Relocation Letter prepared by Timberland Resource Consultants dated September 5, 2019 (Attached)

Addendum to Cultivation and Operations Plan.



1. At this time we have 0 employees. We will be using up to 6 family members to help with planting and harvesting.
2. The generator is located in a shed near the main residence. It is rated @ 64 DBA at full load. The generator is in an enclosure to dampen the sound and is run at less than ½ load. Power is primarily from solar and micro hydro power with battery storage. The property lines are all greater than 500 feet away.
3. Total canopy square footage has been changed to 37,000 sq. ft. to match the conditional use permit.
4. The site is a natural flat. There is little to no runoff from the cultivation activities. A Water Resource Protection Plan has been developed by Timberland Resource Consultants in accordance with NCRWQCB guidelines.
5. Onsite sanitation utilizes a septic tank for the residence. Portable bathrooms will be brought on site and utilized when necessary on a seasonal basis.
6. Estimated water use from two non-jurisdictional wells:

Jan-0	July-60,000
Feb-0	Aug-60,000
Mar-0	Sept-30,000
Apr-0	Oct-15,000
May-12,000	Nov-0
June-60,000	Dec-0

7. Greenhouse floor is native soil with approximately 3" of gravel on top.
8. Drying will be done on site in our processing building. Only family members will be involved in the drying and processing. We will hand trim and machine trim a portion of our product using only family members. The remainder of the product will be sent to licensed processing and packaging facilities. Product will be transported by licenced transporters only.

DOUBLE G LLC

Marisa Murrish DBA [REDACTED]
APN: 216-023-019
Cultivation and Operations Plan



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

Our water is sourced from a well and stored in tanks. Plants are watered using drip irrigation. Timers are used to control the amount of water used. Our usage depends on the time of year, weather, and plant size. The amount of water usage ranges between 250-2000 gallons per day.

Site Drainage, Runoff, and Erosion Control Measures:

Our site is a natural flat. Our use of drip irrigation and timers minimizes runoff. The farm is enrolled in the north coast regional water control boards program, and is being over seen by Timberland Resource Consultants.

Measures Taken To Ensure Protection Of Watershed And Nearby Habitat:

We have contracted Timberland Resource Consultants to ensure protection of watershed and nearby habitat. We implement their recommendations.

Protocol For Proper Storage And Use Of Fertilizers, Pesticides, And Other Regulated Products Utilized:

Fertilizers and pesticides are stored in an enclosed garage with a concrete slab and/or in an enclosed shipping container. This containment ensures no spillage into the environment and prevents animals from accessing them. All fertilizers and pesticides are properly used in accordance with their labeling.

Description Of Cultivation Activities:

Our operation consists of a mix of greenhouses open air cultivation. The sun is our primary source of light.

Processing Plan:

We plan on utilizing a combination of wet and dry trimming machines. Some of the product will be run through a trim machine immediately after harvest. The remainder will be hung on lines in a drying facility to be processed after the drying is complete.

Mixed Light Cultivation/Number of Cycles:

We are a strictly outdoor operation. We have either one or two cycles, depending on the year.

Marisa Murrish DBA ~~Ganja Grove~~
APN: 216-023-019
Cultivation and Operations Plan

Monthly Schedule Of Activities:

January: No planned activities.

February: No Planned activities.

March: Start seeds, begin preparing boxes or pots for planting, including but not limited to pulling any weeds/weed whacking .

April: Start seeds and continue preparing boxes or pots for planting.

May: Plant seeds, weed whack, and receive clones.

June: Plant seeds and receive clones. Plant. Begin covering some and/or all plants with plastic, fertilize regularly, continue weed pulling and weed whacking.

July: Receive clones, maintain plants, continue covering some and/or all plants with plastic, and fertilize regularly.

August: Continue fertilizing, continue covering some and/or all plants with plastic, maintain plants, begin harvesting, and/or store finished cannabis.

September: Maintain plants, continue fertilizing, continue harvesting, and/or store finished cannabis.

October: Maintain plants, continue fertilizing, continue harvesting, and trim and/or store finished cannabis.

November: Cleanup, work towards winterizing property, and finish trimming and/or storing finished cannabis.

December: No activities planned.

Marisa Murrish DBA ~~Ganja Grove~~
APN: 216-023-019
Cultivation and Operations Plan

Generator Use:

We have a sophisticated solar and hydro electric power system, that is supplimented by a generator as needed.

Security Plan:

This property is 103 acres, and is at the end of the road with only one entrance. There is a locked gate on the property well above any visibility of the growing area, which is about half a mile up the road. There is an alert system that will alert us whenever someone passes through the gate. The gate has a combination lock on it that changes periodically. Besides us, only friends, family, and employees come to the property, always with our knowledge of when they are at the property and when they leave. The garden is surrounded by a 6 foot fence. Our dog will be on site to alert us of visitors. Cannabis drying is done in a locked secure building on site. All finished product will be stored in a triple locked shipping container that only we have the key to. If any problems arise we will call the Sherriff.

Indoor Cultivation Facilities:

There will be no indoor cultivation facilities.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Double G LLC. APN: 216-023-019

Planning & Building Department Case/File No.: APPS: 12051

Road Name: MILLER RANCH ROAD (complete a separate form for each road)

From Road (Cross street): BELL SPRINGS ROAD

To Road (Cross street): SUBJECT PARCEL

Length of road segment: 2.0 miles Date Inspected: 11/20/2018

Road is maintained by: ☐ County ☒ Other

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

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

APPS: 12051

02-230 Miller Ranch Road

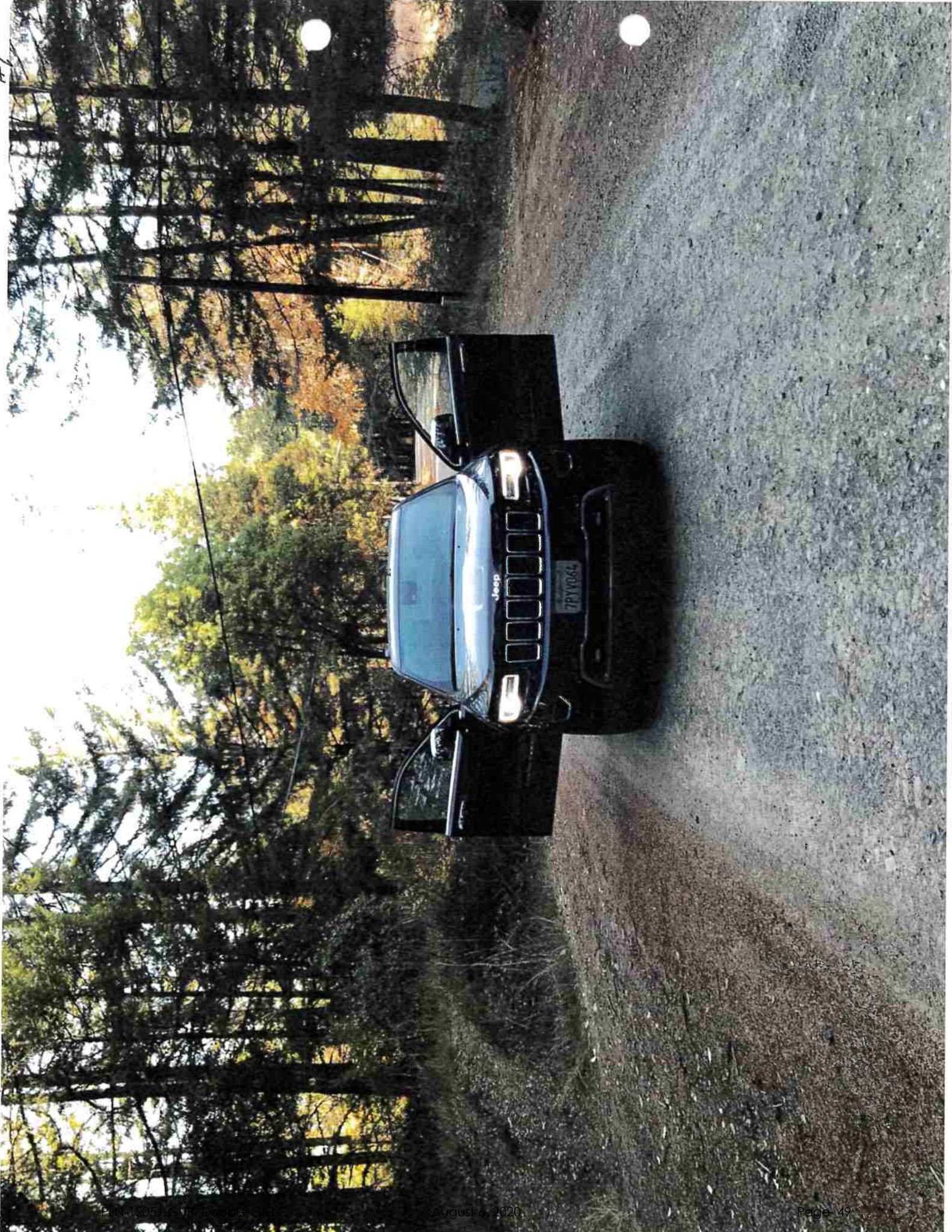
8 min
2.0 miles

Miller Ranch Road

APN: 216-023-019

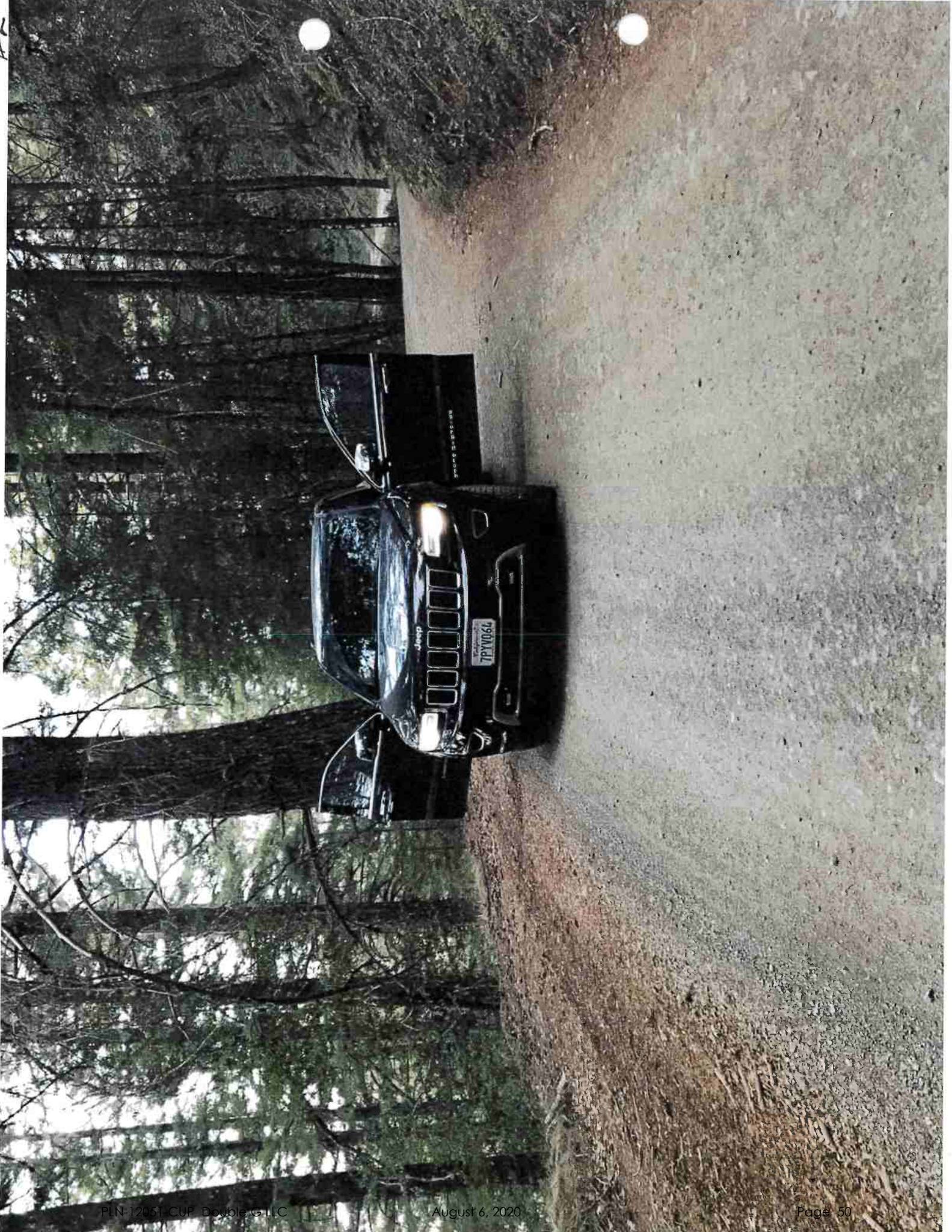
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APPS: 12031



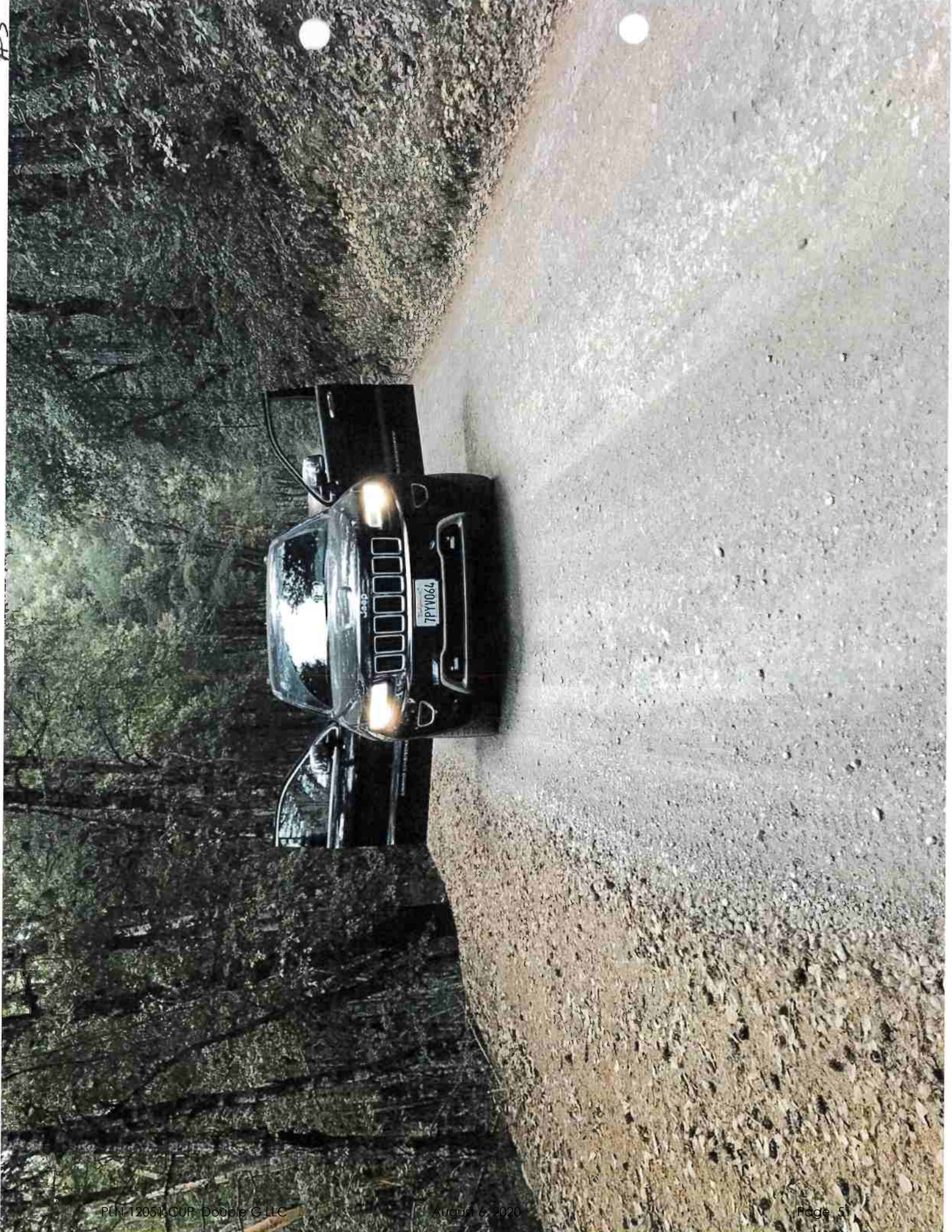
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APFS: 12051



#3

APR 3: 12031



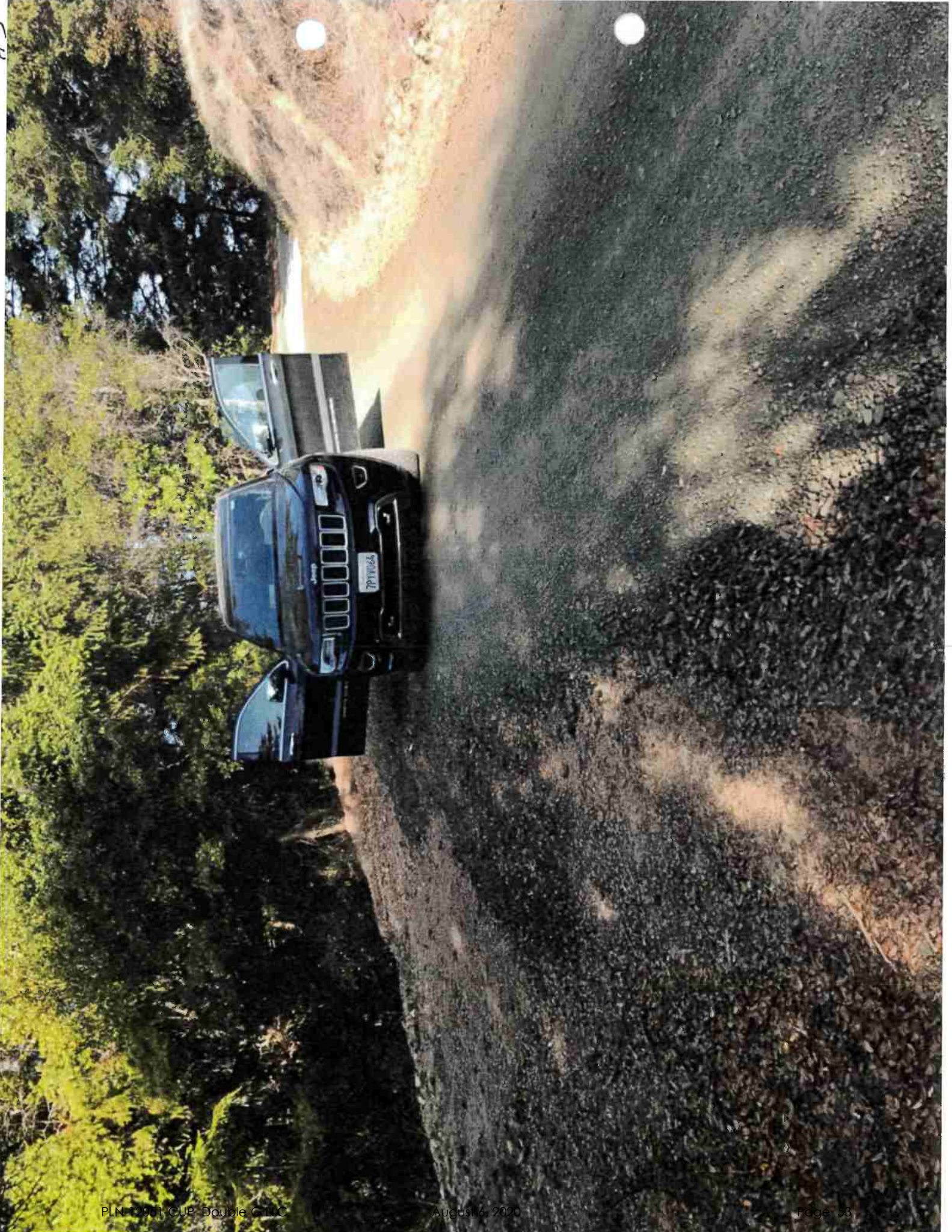
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1/13-12051



#5

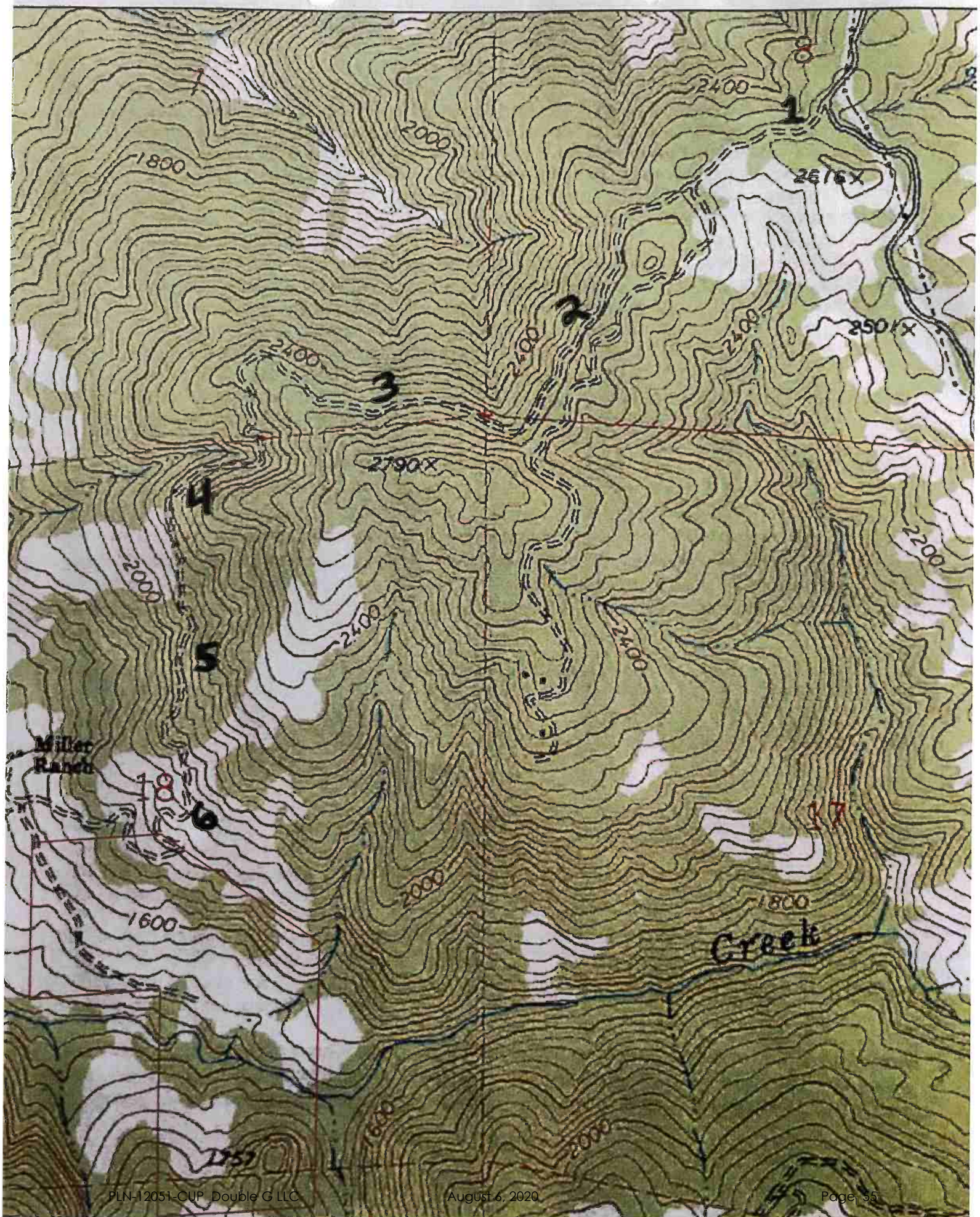
APR 12 2021



#6

AP15-12051





State of California
Well Completion Report
WCR Form - DWR 188 Submitted 08/22/2017
WCR2017-003721

Owner's Well Number 2 Date Work Began 08/21/2017 Date Work Ended 08/21/2017
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program Permit Date 04/06/2016
Secondary Permit Agency _____ Permit Number 15/16-0503

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

Name Marisa Murnish
Mailing Address 2915 Blue Rock Road
City Garberville State CA Zip 95542

Planned Use and Activity

Activity Other - Install Sanitary Seal
Planned Use Water Supply Irrigation - Agriculture

Well Location

Address 1551 Miller Ranch RD APN 216-023-019
City Garberville Zip 95542 County Humboldt Township 05 S
Range 05 E
Section 18
Latitude _____ N Longitude _____ W
Deg. Min. Sec. Deg. Min. Sec.
Dec. Lat. 40.0189620 Dec. Long. -123.6583040 Baseline Meridian Humboldt
Vertical Datum _____ Horizontal Datum WGS84 Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____ Elevation Accuracy _____
Elevation Determination Method _____

Borehole Information

Orientation Vertical Specify _____
Drilling Method Auger Drilling Fluid Air
Total Depth of Boring 158 Feet
Total Depth of Completed Well 158 Feet

Water Level and Yield of Completed Well

Depth to first water _____ (Feet below surface)
Depth to Static _____
Water Level 80 (Feet) Date Measured 08/21/2017
Estimated Yield* 5 (GPM) Test Type Pump
Test Length 2 (Hours) Total Drawdown 0 (Feet)
*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet	Description
0 158	Franciscan Sandstone

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	0 158	Blank	PVC	OD: 5.563 in. Thickness: 0.375 in.	0.375	5.563			

Annular Material

Depth from Surface Feet to Feet	Fill	Fill Type Details	Filter Pack Size	Description
0 20	Bentonite	Other Bentonite		Sanitary Seal

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	158	10

Attachments
Scan.pdf - Location Map

Certification Statement				
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.				
Name	FISCH DRILLING			
Person, Firm or Corporation	3150 JOHNSON ROAD	HYDESVILLE	CA	95547
Address		City	State	Zip
Signed	<i>electronic signature received</i>		08/22/2017	883865
	C-57 Licensed Water Well Contractor		Date Signed	C-57 License Number

DWR Use Only	
<div></div>	
Site Number / State Well Number	
<div></div>	<div></div>
Latitude Deg/Min/Sec	Longitude Deg/Min/Sec
TRS:	
APN:	

State of California
Well Completion Report
WCR Form - DWR 188 Submitted 06/09/2017
WCR2017-001579

Owner's Well Number 2 Date Work Began 06/05/2017 Date Work Ended 06/09/2017
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program Permit Date 04/25/2016
Secondary Permit Agency _____ Permit Number 15/16-0644

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

Name Merisa Murnigh
Mailing Address 2915 Blue Rock Road
City Garderville State CA Zip 95542

Planned Use and Activity

Activity New Well
Planned Use Water Supply Domestic

Well Location

Address 1551 Miller Ranch RD APN 216-023-019
City GARBERVILLE Zip 95542 County Humboldt Township _____
Latitude _____ N Longitude _____ W Range _____
Dec. Lat. 40.022289 Dec. Long. 123.659125 Section _____
Vertical Datum _____ Horizontal Datum WGS84 Baseline Meridian _____
Location Accuracy _____ Location Determination Method _____ Ground Surface Elevation _____
Elevation Accuracy _____ Elevation Determination Method _____

Borehole Information

Orientation Vertical Specify _____
Drilling Method Direct Rotary Drilling Fluid Air
Total Depth of Boring 200 Feet
Total Depth of Completed Well 200 Feet

Water Level and Yield of Completed Well

Depth to first water 107 (Feet below surface)
Depth to Static _____
Water Level 85 (Feet) Date Measured 06/09/2017
Estimated Yield* 5 (GPM) Test Type Air Lift
Test Length 4 (Hours) Total Drawdown 22 (Feet)
*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet	Description
0 15	Silty Clay
15 19	Shale
19 35	Sandstone
35 87	Shale Sandstone Mix
87 200	Shale Green Stone Mix

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 80	Blank	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563			
1	80 200	Screen	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material

Depth from Surface Feet to Feet	Fill	Fill Type Details	Filter Pack Size	Description
0 20	Bentonite	Other Bentonite		Sanitary Seal
20 200	Filter Pack	Other Gravel Pack	3/8 inch	Pea Gravel

Other Observations:

Borehole Specifications

Depth from
Surface
Feet to Feet

Borehole Diameter (Inches)

0

200

10

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

Name FISCH DRILLING
Person, Firm or Corporation
3160 JOHNSON ROAD
Address
City HYDESVILLE State CA Zip 95547
Signed electronic signature received Date Signed 06/09/2017 C-57 License Number 883865
D-57 Licensed Water Well Contractor

Attachments

Scan.pdf - Location Map

DWR Use Only

Site Number / State Well Number

Latitude Deg/Min/Sec

Longitude Deg/Min/Sec

TRS:

APN:



3150 JOHNSON RD.
HYDESVILLE, CA.
(707) 768-9800
dave@fischdrilling.com

November 29, 2018

Marisa Murrish
2915 Blue Rock Road
Garberville, CA 95542

**Murrish Property
1551 Miller Road
Garberville, CA. 95542**

Result of site review of Murrish Property. APN 216-023-019 the two well sites in question will be located on parcel 216-023-019 these wells were completed June 9, 2017 and August 22, 2017.

The wells were completed in the Franciscan Formation; the wells were drilled into a perched bedrock aquifer with little to no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer.

Considering the depth of the wells, it appears to fall in line with the guide lines of a non-jurisdictional well of similar depth in the surrounding area.
Any questions please call (707)768-9800.

Thank You,

David Fisch
Fisch Drilling

3150 JOHNSON RD. • HYDESVILLE • 95547
PHONE: 707-768-9800 • FAX: 707-768-9800



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

September 5th, 2019

**Subject: Double G LLC Permit Application No. 12051
Relocation and Restoration Plan Document**

To whom it may concern:

This project involves on-site relocation of 'outdoor' cultivation. The relocation site is part of the primary existing outdoor cultivation area. This site was described as 'Cultivation Area C' in the Water Resource Protection Plan (WRPP), prepared by TRC. This site was recommended for abandonment due to the slope of the area, proximity to Class II watercourse and the topography of the vicinity which presented a significant run-off risk to the watercourse down hill of the site. Additionally, the primary outdoor location, 'Cultivation Area A' in the WRPP, was an ideal location for all outdoor cultivation due to the natural gentle topography (0-10%).

The restoration plan, described in the WRPP, consisted of removal of all cannabis cultivation related materials including, but not limited to, any greenhouse structures, pots, potting soils and plastics. The entire site shall be treated with the Erosion Control measures described in the Best Management Practices section of the WRPP. In addition to the above described measures, three road related prescriptions were advised to improve drainage of the existing road at WRPP Sites 24 and 25 as well as the abandonment of a historic ranch trail at WRPP Site 27. Abonnement consisted of two hand dug waterbars and establishment of grass on the trail surface.

Treatments were completed in the summer of 2018 and where found to be properly treated during site inspections by TRC. The site will be monitored throughout the life of the WRPP, which will be updated as necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nick Robinson". The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Nick Robinson
Timberland Resource Consultants
707-599-7817

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Conditional Approval	Attached
CALFIRE	✓	Standard Comments	Attached
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Cultural Resources Survey	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
Bureau of Land Management	✓	Comments	Attached
RWQCB		No Response	
Humboldt County District Attorney		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County Sheriff		No Response	
Southern Humboldt Joint Unified School District		No Response	



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7453

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 1-18-2018

RE:

Applicant Name	DOUBLE G, LLC
APN	216-023-019
APPS#	12051

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:

Review item #4 on Exhibit "C"

NON-COUNTY MAINTAINED ROAD - EVALUATION FOR MILLER
RANCH RD

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12051

☐ **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 //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12051

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
☐ YES ☐ NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
☐ YES ☐ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project located within the County Code Section 333 GIS layer AND is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If YES, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked NO, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked YES, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked YES, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked YES and Box 2 is checked NO and Box 3 checked NO or NA, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

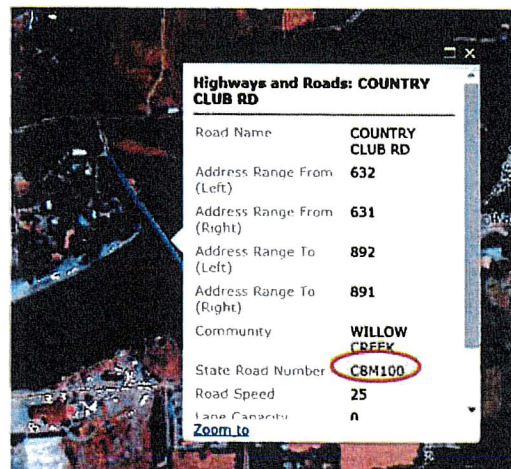
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3M020 Murray Road

F6B165 Alderpoint Road

6C040 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.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Pickle Hill Road	C5J040	Arcata city limits at PM [] to PM [] [end of centerline stripe]
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
Kneeland Road		Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
Murray Road	C3M020	All
Patterson Road	C3M130	All
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Brannon Mountain Road		Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Sprowel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //



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



8/10/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff, Southern Humboldt USD School District

Applicant Name Double G, LLC **Key Parcel Number** 216-023-019-000

Application (APPS#) 12051 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-520

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 8/25/2017

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: _____

DATE: 8-23-17

PRINT NAME: Patrick McTigue



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44344
Parcel No.: 212-023-819-09
Case No.: CUP 16-520

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☐ Other Comments: _____

Name: Peter McTeg

Date: 8-23-17

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



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



PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

DEH received
8-10-17

17/18-0264

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, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff, Southern Humboldt USD School District

Applicant Name Double G, LLC **Key Parcel Number** 216-023-019-000

Application (APPS#) 12051 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-520

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

DISTRIBUTED
3-6-18

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) **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.
- (3) An outhouse was shown on the site map provided. **Discontinue the use of and decommission the outhouse.** Disposal of the end product must be in accordance with HCC § 615-6: bury remaining night soil below 18" of compacted soil, above ground water, no closer than 50' to ephemeral stream and no closer than 100' of perennial stream. Alternatively, obtain approval of Composting toilet from DEH.

*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.



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california



7/10/2020



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

Dear Stephen:

In response to Application APP(S) PLN-12051-CUP (APN: 216-023-019 & 002)

The adjacent BLM lands are designated as Critical Habitat for Northern Spotted Owl and Marbled Murrelet by the U.S. Fish and Wildlife Service (USFWS). There is a potential for light, generator noise, runoff, and rodenticide use from the applicant's operation to impact BLM land and sensitive wildlife species such as the Northern Spotted Owl.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. The BLM is concerned about a reduced setback because of the potential impacts to wildlife habitat.

This BLM parcel, known as Tom Long Creek has had issues of trespass in the recent past. The applicant should have their parcel surveyed by a professional land surveyor so that their operations do not trespass or cause resource damage to federal lands.

Any activity or resource damage related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,


Molly Brown
Field Manager

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: August 17, 2017



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

Attention: Cannabis Planner (CPOD)
Applicant: Double G, LLC
APN: 216-023-019-000
Area: Harris
Case Numbers: CUP16-520

Humboldt County Application #: 12051
Type of Application: Conditional Use Permit
Date Received: 8/11/2017
Due Date: 8/25/2017

Project Description: A Conditional Use Permit for 43,500 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an existing on-site well. Water is stored in four (4) hard tanks with a total of 15,000 gallons of available storage. The Applicant estimates 240,000 gallons of water are needed annually for cultivation. Processing, including drying and trimming, is done on-site at a secondary residence. Electricity is provided by solar, hydroelectric, and supplemental generator use.

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

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert 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. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) 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. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. 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 marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Double G LLC		Date: 6/25/2018	
APPS No.: 12051	APN: 216-023-019	CDFW CEQA: 2017-443	Case No.: CUP16-520
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 43,560 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

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

The applicant does not have an LSA form CDFW, but has many stream crossings on the parcel which should be disclosed and evaluated for compliance and permitting. The applicant states that power is partially generated by micro-hydro, which would require permitting from CDFW. The applicant should notify CDFW prior to project approval and provide well completion logs or a plan to supply water for this project.

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

- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW recommends that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

- ☒ Identify all energy sources for project.
 - a. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.
- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, prior to Project approval, that the applicant provide further detail on the methods used to estimate water usage.
- ☒ Include a copy of the North Coast Regional Water Quality Control Board *Water Resource Protection Plan* if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- ☒ Conduct a baseline biological survey of the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should develop a nine quad search and conduct appropriate surveys in all areas that have the potential to be directly and indirectly impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.

Please note the following information:

- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 30,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues

and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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