



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Mermaid Spring Estate, LLC, Conditional Use Permit**  
Record Number: PLN-12471-CUP  
Assessor's Parcel Number (APN:) 216-025-002  
8790 Bell Springs Road, New Harris area

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit	Christopher Alberts

**Project Description:** A Conditional Use Permit for 11,660 square feet (sf) of outdoor cannabis cultivation. The applicant will be utilizing light deprivation for 5,260 square feet of cannabis cultivation and 6,400 square feet of cannabis cultivation will be outdoor full sun. Propagation will occur on APN 216-025-009 which is an adjacent parcel under the same ownership as the applicant with an approved cannabis permit (Case No. CUP-16-149). Water will be provided by two rainwater catchment ponds located on APN 216-025-009. The northern pond located on APN 216-025-009 is approximately 965,000 gallons and the southern pond is approximately, 200,000 gallons. The applicant anticipates approximately 150,000 gallons of water will be required annually for irrigation. Water is stored in hard tanks totalling 165,250 gallons, whereas 128,250 gallons of hard tanks storage is in the form of rain catchment to allow for water to be collected. Processing such as drying and curing will occur in an existing 816-square-foot barn. Further processing will occur offsite at a licensed processing facility. The applicant is not proposing employees onsite. Power is will be supplied by solar with a backup generator.

**Project Location:** The project is located in the New Harris area, on the south side of Dugan Mill Road, approximately 3.2 miles southwest from the intersection of Bell Springs Road and Dugan Mill Road, on the property known as 8790 Bell Springs Road.

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

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-12471-CUP

**Assessor's Parcel Number:** 216-025-002

**Applicant**

Mermaid Spring Estate, LLC  
Erik Stugard  
PO Box 21  
Garberville, CA 95542

**Owner**

Erik Stugard  
PO Box 942  
Garberville, CA 95542

**Agents**

Huber C&D  
Ross Huber  
PO Box 882  
Garberville, CA 95542

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

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

**Major Issues:** None.

**Mermaid Spring Estate, LLC**  
Record Number: PLN-12471-CUP  
Assessor's Parcel Number: 216-025-002

**Recommended Planning Commission Action:**

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

*Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Mermaid Spring Estate, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:**

Mermaid Spring Estates, Inc., seeks a Conditional Use Permit to allow the continued operation of an existing 11,660 square feet of outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation will take place on the east portion of the parcel. The applicant anticipates there will be two cultivation cycles annually. Cannabis cultivation will occur in the following:

Cannabis Cultivation		
Structure	Dimensions	Square feet
Greenhouse (F1)	35'x60'	2,100 sf
Greenhouse (F2)	30'x72'	2,160 sf
Greenhouse (F3)	20'x50'	1,000 sf
Outdoor Full Sun (G1)	40'x40'	1,600 sf
Outdoor Full Sun (G2)	30'x80'	2,400 sf
Outdoor Full Sun (G3)	40'x60'	2,400 sf

Processing such as drying and curing will occur onsite within the existing 816-square-foot barn. Trimming is proposed to occur offsite in a 1,200-square-foot metal building located on APN 216-025-009, which is the adjacent northeast parcel under the same ownership as the applicant, with an approved County cannabis permit (PLN-11102-CUP). The project will be operated by three family members. Cannabis cultivation activities onsite do not require any power. If power is needed the applicant will utilize a portable generator that has a decibel reading of 48dB's at 75ft.

**Onsite Relocation**

The applicant is proposing to relocate 4,700 square feet of outdoor cannabis cultivation from Cultivation Area H identified on the Site Map prepared by Huber C&D. The applicant is proposing to relocate 2,000 square feet to Cultivation Area F and 2,700 square feet to Cultivation Area G identified on the Site Plan from Cultivation Area H. The applicant submitted an Onsite Relocation Letter prepared by Timberland Resource Consultants which states Cultivation Area H does not comply with Water Board Order No. 2015-0023 due to its proximity to a seasonal watercourse. The letter also states Cultivation Area F and Cultivation Area G are located on a broad, trending ridge with no watercourses within 300 feet. Therefore, Cultivation Area F and Cultivation Area G are located in a more environmentally superior location. The Onsite Relocation Letter also includes a

Regeneration Plan for Cultivation Area H. The plan provides recommendations including restocking practices. The project is conditioned for the applicant to adhere and implement all recommendations found within the Onsite Relocation Letter prepared by Timberland Resources Consultants dated March 15, 2019.

### **Water Resources**

Water for irrigation will be provided by two rainwater catchment ponds located on APN 216-025-009. The northern pond is 965,000 gallons and the southern pond is 200,000 gallons. Water storage is also located on APN 216-025-009. There is a total of 1,335,250 gallons of available water storage occurring within the two ponds and thirty-two (32) hard tanks. The applicant anticipates 72,000 gallons of water will be required for irrigation annually. The project is conditioned for the applicant to record contingent easements for the use of the two ponds and water storage located on APN 216-025-009 which is under the same ownership. The contingent easement will ensure that a permanent easement is granted if the parcels become under separate ownership.

The applicant submitted a Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants which states the applicant is a Tier 2 discharger (WDID#-1B161035CHUM). The WRPP list a "Summary of Standard Conditions Compliance". According to the WRPP APN 216-025-002 is not out of compliance with any of the standard conditions.

### **Tribal Consultation**

The project is located in the Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resource Study (CRS) prepared by RPA William Rich and Associates dated November 2019. The CRS concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource, exist in the limits of the project area. Additionally, tribal cultural resources were not present within the direct project area or within 600 feet of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

### **Biological Resources**

There are no mapped endangered or threatened species of concerns located on the subject parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0993) is located approximately 0.44-miles north of the cultivation site and the nearest NSO observation was observed approximately 1.54-miles northwest from the cultivation site. Marbled Murrelet habitat is mapped approximately 0.28 miles northwest from the cultivation site, which is on the adjacent parcel (APN 216-025-019). There is also Marbled Murrelet habitat mapped approximately 0.46 miles west from the cultivation site, which is on another adjacent parcel from the project site (APN 216-024-004). Both properties (APN 216-024-004 and 216-024-003) are owned by the Bureau of Land Management (BLM). The project was referred to the BLM who commented with concerns regarding a reduced setback for the publicly owned lands because of the potential impacts to wildlife habitat. The proposed project is not proposing a setback reduction. Cultivation activities are proposed approximately 1,421 feet southeast from the nearest publicly owned land. The applicant submitted a Biological Assessment prepared by O'Brien Biological Consultants. The assessment states the forested habitat on the subject property (APN 216-025-002) does not have trees of sufficient age or canopy complexity to support breeding marbled murrelets or NSO's and the proposed cultivation activities will not have an impact to any critical habitat for the marbled murrelets and NSO's. According to the Assessment a site visit was conducted on March 15, 2019. There were no mammals, amphibians, or fish detected onsite; however, there were five (5) species of birds observed: American Robin, Turkey Vulture, Dark-eyed Junco, Downy Woodpecker, Scrub Jay. None of the observed species are considered sensitive under the California Endangered Species Act or by the California Department of Fish and Wildlife (CDFW). The assessment also indicates cannabis cultivation operations will be restricted to the existing roads, existing cultivation

sites, and water storage areas. There will be no significant habitat removal occurring on the parcel. The applicant submitted a Noise Sampling Test found within the Biological Assessment. The noise sampling test was conducted at the generator site. According to the noise sampling test, the nearest edge of forested habitat is approximately 75 feet from the generator site. The ambient background noise without the use of generators was approximately 40dB's. Three noise samples were taken with the generator on which resulted with the following dB's: 46, 48, and 48dB's. The noise sampling test concluded the use of smaller construction equipment for activities such as road maintenance are very unlikely to exceed estimated maximum noise levels (50 decibels). The Biological Assessment also states there were no wetlands observed in the project area.

### **Access**

The property is accessed via Dugan Mill Road from Bell Springs Road. According to the Road Evaluation submitted by the applicant dated May 9, 2019, the entire road segment is developed to the functional equivalent of a road category 4 standard. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); and the applicant shall rock the surface at the location of Bell Springs Road where it meets the access road to the parcel, for a minimum width of 20 feet and a length of 50 feet. These conditions 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.

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

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

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

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

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

**Resolution Number 21-**

**Record Number: PLN-12471-CUP**

**Assessor's Parcel Number: 216-025-002**

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

**WHEREAS, Mermaid Spring Estate, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 11,660 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities;

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                      **Project Description:** The application is a Special Permit to allow 11,660 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by solar with a backup generator. Water for irrigation is provided by two rainwater catchment pond.

**EVIDENCE:**                      Project File: PLN-12471-CUP

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

**EVIDENCE:**                      a) Addendum Prepared for the proposed project.

   b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A Water Resources Protection Plan dated June 14, 2027 was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Biological Assessment was carried out by O'Brien Biological Consultants in March of 2019. The Assessment methods included measuring slopes; noise assessments; soil assessment; and habitat assessments including aquatic habitat was conducted in the project area. There were no threatened or endangered species observed on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0993) is located approximately 0.44-miles north of the cultivation site and the nearest NSO observation was observed approximately 1.54-miles northwest from the cultivation site. Marbled Murrelet habitat is mapped approximately 0.28 miles northwest from the cultivation site, which is on the adjacent parcel (APN 216-025-019). There is also Marbled Murrelet habitat mapped approximately 0.46 miles west from the cultivation site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A Noise Sampling Test was carried out by O'Brien Biological Consultants in March of 2019. The noise sampling test was conducted at the generator site. According to the noise sampling test, the nearest edge of forested habitat is approximately 75 feet from the generator site. The ambient background noise without the use of generators was approximately 40dB's. Three noise samples were taken with the generator on which resulted with the following dB's: 46, 48, and 48dB's. The noise sampling test concluded the use of smaller construction equipment for activities such as road maintenance are very unlikely to exceed estimated maximum noise levels (50 decibels).
- f) Onsite Relocation and Restoration Plan was prepared by Timberland Resource Consultants dated March 15, 2019 to show the relocation site (Cultivation Area F and G) is environmentally superior to the existing cultivation area (Cultivation Area H).
- g) The project is located in the Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resource Study (CRS) prepared by RPA William Rich and Associates dated November 2019. The CRS concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource, exist in the limits of the project area. Additionally, tribal cultural resources were not present within the direct project area or within 600 feet of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

## **FINDINGS FOR CONDITIONAL USE PERMIT**

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing U zone in which the site is located.
- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
  - b) All general agricultural uses are principally permitted in the U zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 5 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 11,660 square feet of outdoor cultivation on a 53.88-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration per 1925 deed conveying portion of patent situated in Humboldt County.
  - c) The project will obtain water from a non-diversionary water source.
  - d) A Road Evaluation Report was submitted by the applicant in May 2019 certifying that the road is equivalent to a road Category 4 standard. The Evaluation addressed Dugan Mill Road to Bell Springs Road. All road segments evaluated were found to be functionally appropriate for the expected traffic.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## 6. FINDING

The cultivation of 11,660 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

### EVIDENCE

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) The proposed project is adjacent to two public lands owned by BLM (APN 216-025-003 and 216-024-004). Cultivation activities are proposed approximately 1,421 feet southeast from the nearest publicly owned land.
- e) Water for irrigation will be provided by two rainwater catchment ponds located on APN 216-025-009. The northern pond is 965,000 gallons and the southern pond is 200,000 gallons. There is a total of 1,335,250 gallons of available water storage occurring within the two ponds and thirty-two (32) hard tanks located on APN 216-025-009.
- f) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

## 7. FINDING

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

### EVIDENCE

The parcel was not included in the housing inventory of Humboldt

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

## **8. FINDING**

The proposed project will not have an impact to 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).

## **EVIDENCE**

The project is located within 0.44-miles of a known Northern Spotted Owl activity center and an NSO sighting was mapped approximately 1.54-miles south from the cultivation site. Marbled murrelet habitat is mapped approximately 0.46-miles northwest from the cultivation site.

The applicant submitted a Biological Assessment prepared by O'Brien Biological Consultants. The assessment states the forested habitat on the subject property (APN 216-025-002) does not have trees of sufficient age or canopy complexity to support breeding marbled murrelets and the proposed cultivation activities will not have an impact to any critical habitat for the marbled murrelets. According to the Assessment a site visit was conducted on March 15, 2019. There were no mammals, amphibians, or fish detected onsite; however, there were five (5) species of birds observed: American Robin, Turkey Vulture, Dark-eyed Junco, Downy Woodpecker, Scrub Jay. None of the observed species are considered sensitive under the California Endangered Species Act or by the California Department of Fish and Wildlife (CDFW).

The applicant submitted a Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants which states the applicant is a Tier 2 discharger (WDID#-1B161035CHUM). The WRPP list a "Summary of Standard Conditions Compliance". According to the WRPP APN 216-025-002 is not out of compliance with any of the standard conditions. The applicant is a Tier 2 Discharger and will include a monitoring element and will submit an annual report each year by March 31 that documents implementation and effectiveness of the management measures during the previous year. The applicant shall implement and adhere to all recommendations and corrective actions found within the WRPP. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents with the State Water Resources Control Board, including, but not limited to a Notice of Applicability and Site Management Plan.

## DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Mermaid Spring Estate, LLC, Conditional Use Permit, Case No. CUP16-699 (Application Number PLN-12471-CUP) subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on April 15, 2021.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

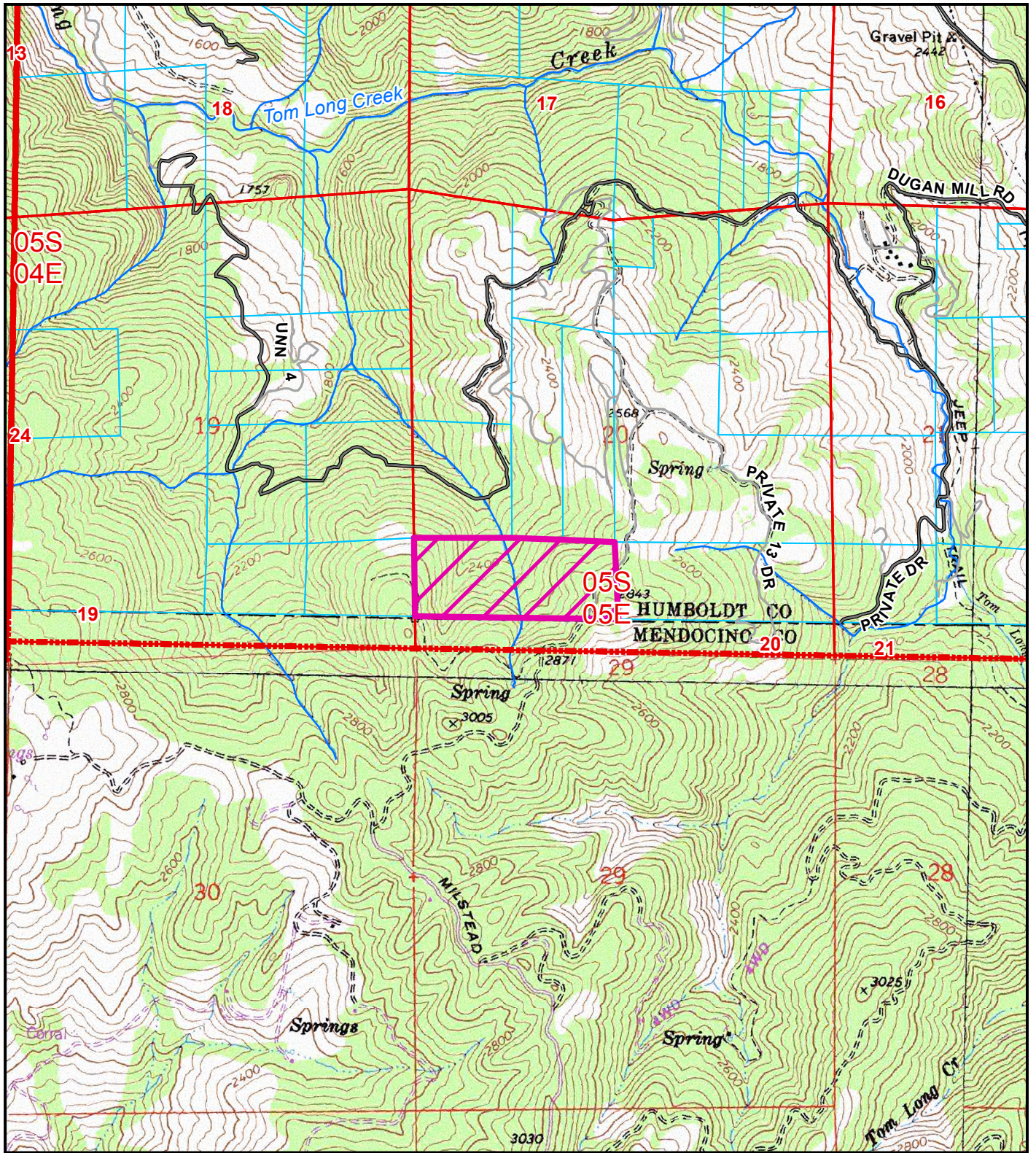
ABSTAIN: COMMISSIONERS:

DECISION:

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

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John H. Ford,  
Director, Planning and Building Department



**TOPO MAP**  
**PROPOSED MERMAID SPRING MBC**  
**NEW HARRIS AREA**  
**CUP-16-699**  
**APN: 216-025-002**  
**T05S R05E S20 HB&M (HARRIS)**

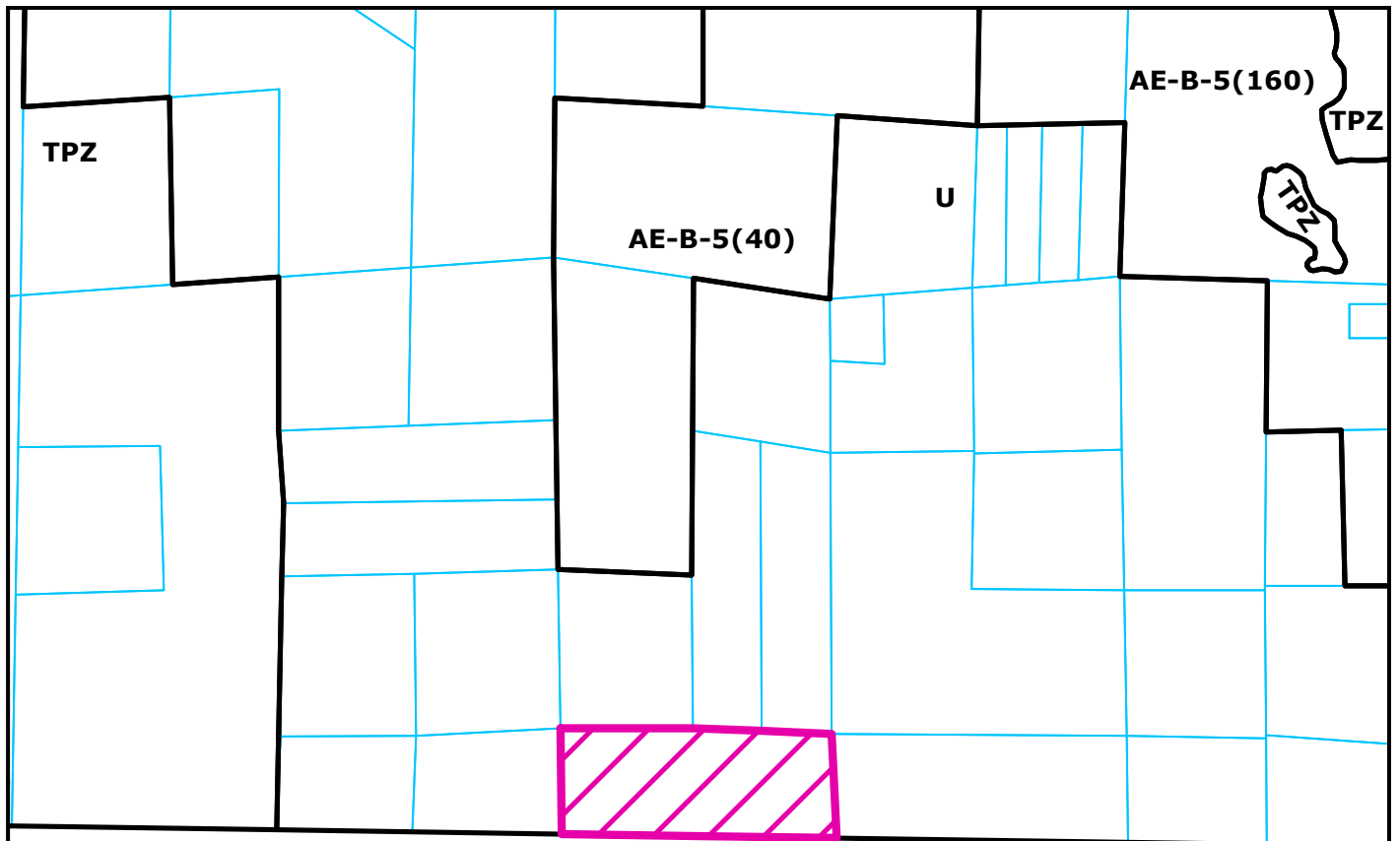
Project Area =



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

0 1,000 2,000 4,000 Feet

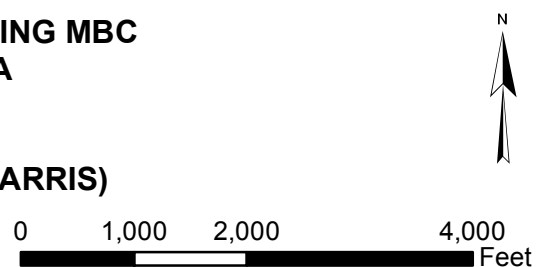


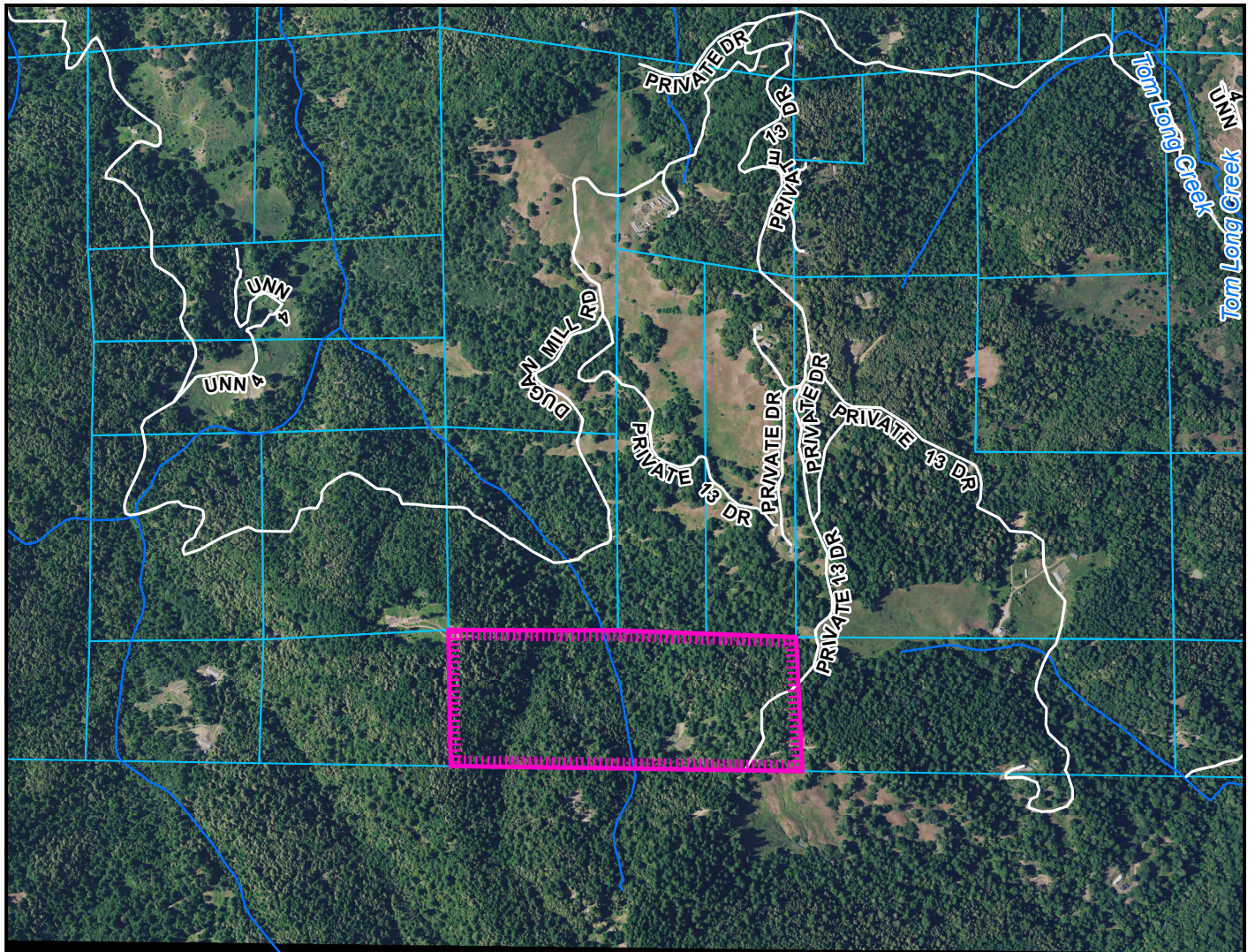


Project Area = 

**ZONING MAP  
PROPOSED MERMAID SPRING MBC  
NEW HARRIS AREA  
CUP-16-699  
APN: 216-025-002  
T05S R05E S20 HB&M (HARRIS)**

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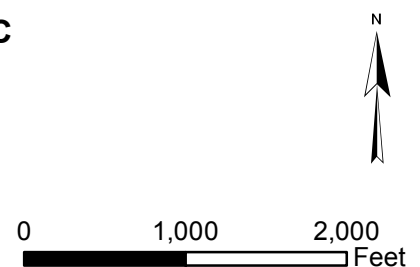




Project Area = 

**AERIAL MAP  
PROPOSED MERMAID SPRING MBC  
NEW HARRIS AREA  
CUP-16-699  
APN: 216-025-002  
T05S R05E S20 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 INFORMATION:

APPLICANT:

Mermaid Spring, MBC  
Po Box 942  
Garberville, CA 95542

PROPERTY OWNER:

Erik Stugard  
707-223-3646

OWNERS AGENT:

Huber C&D  
PO BOX 882  
GARBERVILLE CA, 95542

SITE DESCRIPTIONS:

PARCEL 3 APN#: 216-025-002  
APPS# 12471, CN# CUP16-699  
AGGREGATE SQUARE FOOTAGE OF NON-CONTIGUOUS  
CANOPY AREA: 11,660 SQ FT  
ALLOWED CULTIVATION AREA (per County Zoning Clearance):  
13,600 SQ FT

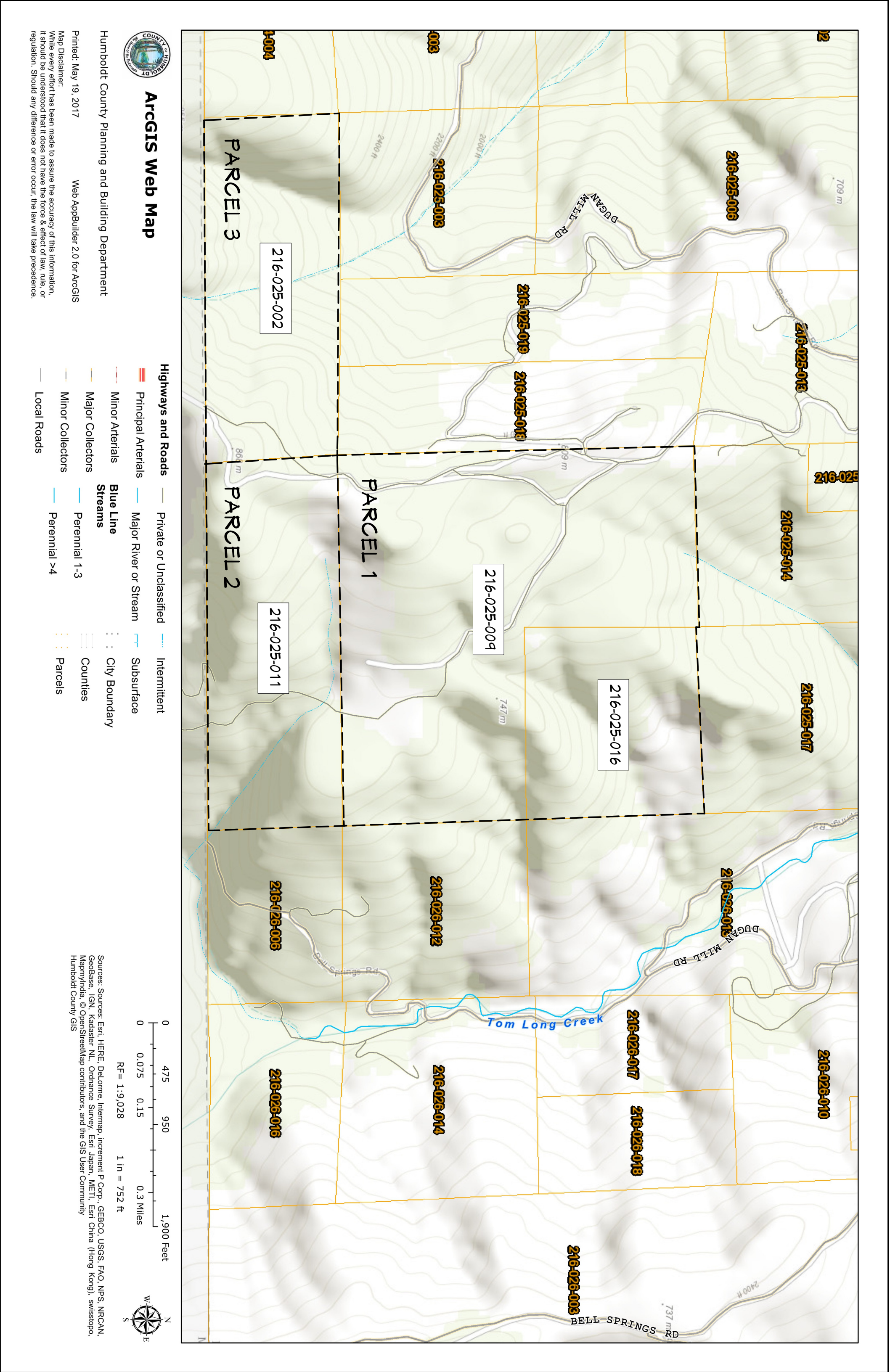
LIGHT DEP AREA F: 5,260 SQ FT TOTAL  
GH F1: 35' X 60' = 2,100 SQ FT  
GH F2: 30' X 72' = 2,160 SQ FT  
GH F3: 20' X 50' = 1,000 SQ FT

OUTDOOR AREA G: 6,400 SQ FT  
AREA G1: 40' X 40' = 1,600 SQ FT  
AREA G2: 30' X 80' = 2,400 SQ FT  
AREA G3: 40' X 60' = 2,400 SQ FT

EXISTING CULTIVATION FACILITIES:  
CURING FACILITY: 24'X34' BARN, 816 SQ FT

GENERAL NOTES

1. SCALE AS SHOWN
2. BOUNDARY INFORMATION FROM HUMBOLDT COUNTY GIS AND BAKER LAND SURVEY
3. THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FT OF THE CULTIVATION AREA, AND NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FT OF THE CULTIVATION AREA.
4. ANY EXISTING DEVELOPMENT SHALL BE SUBJECT TO APPROVAL BY HUMBOLDT COUNTY BUILDING DEPARTMENT.
5. EASEMENTS: A 60 FT WIDTH INGRESS, EGRESS AND UTILITY EASEMENT EXISTS ON DUGAN MILL ROAD THROUGH PARCELS 1, 2, & 3. SEE DEED FOR CLARITY.



NUMBER	DATE	REVISED BY	DESCRIPTION

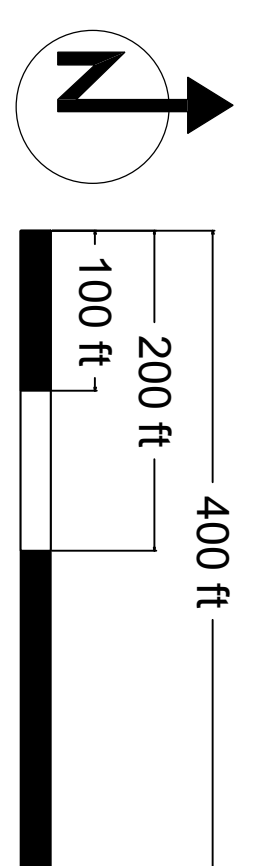
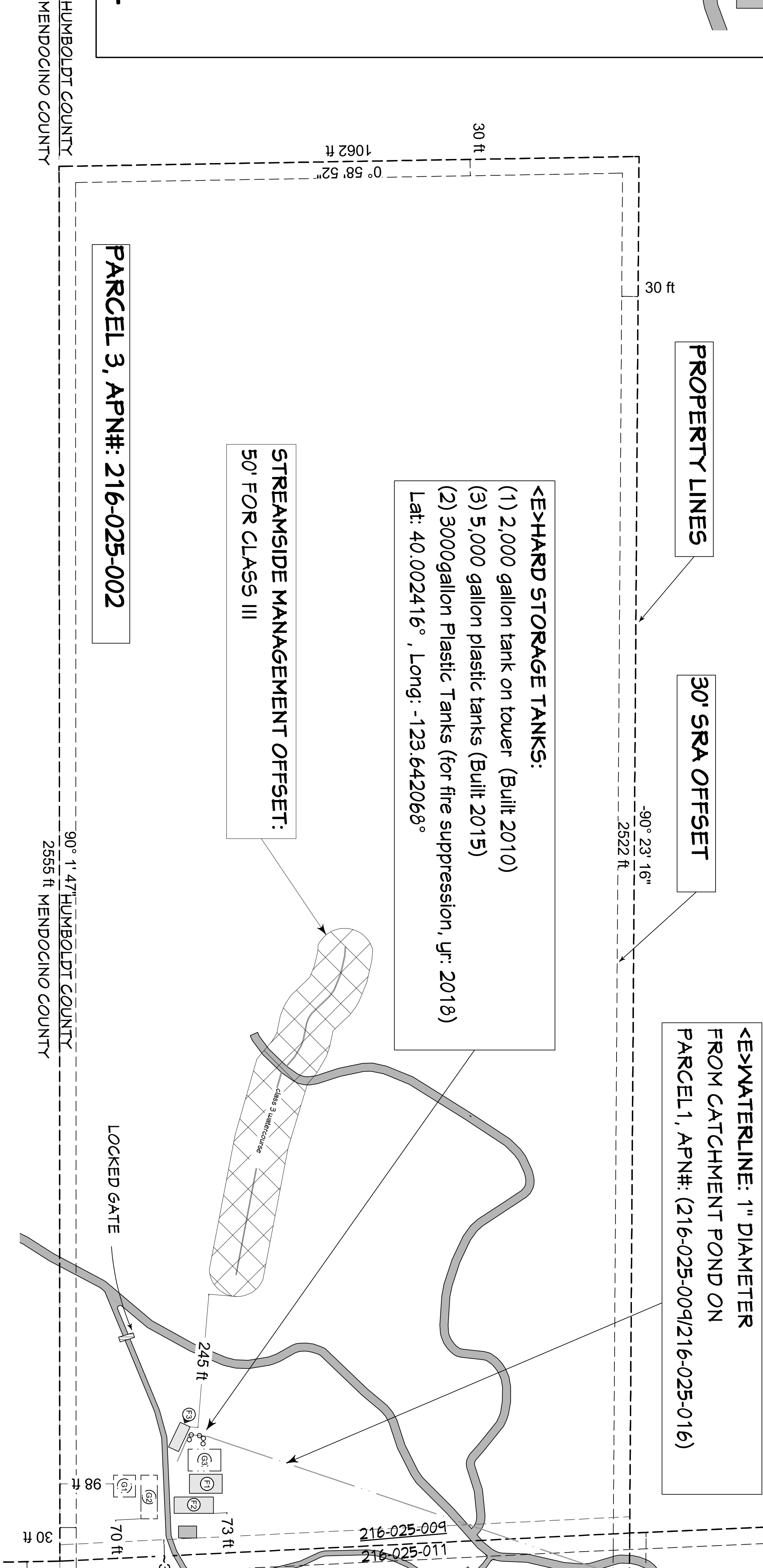
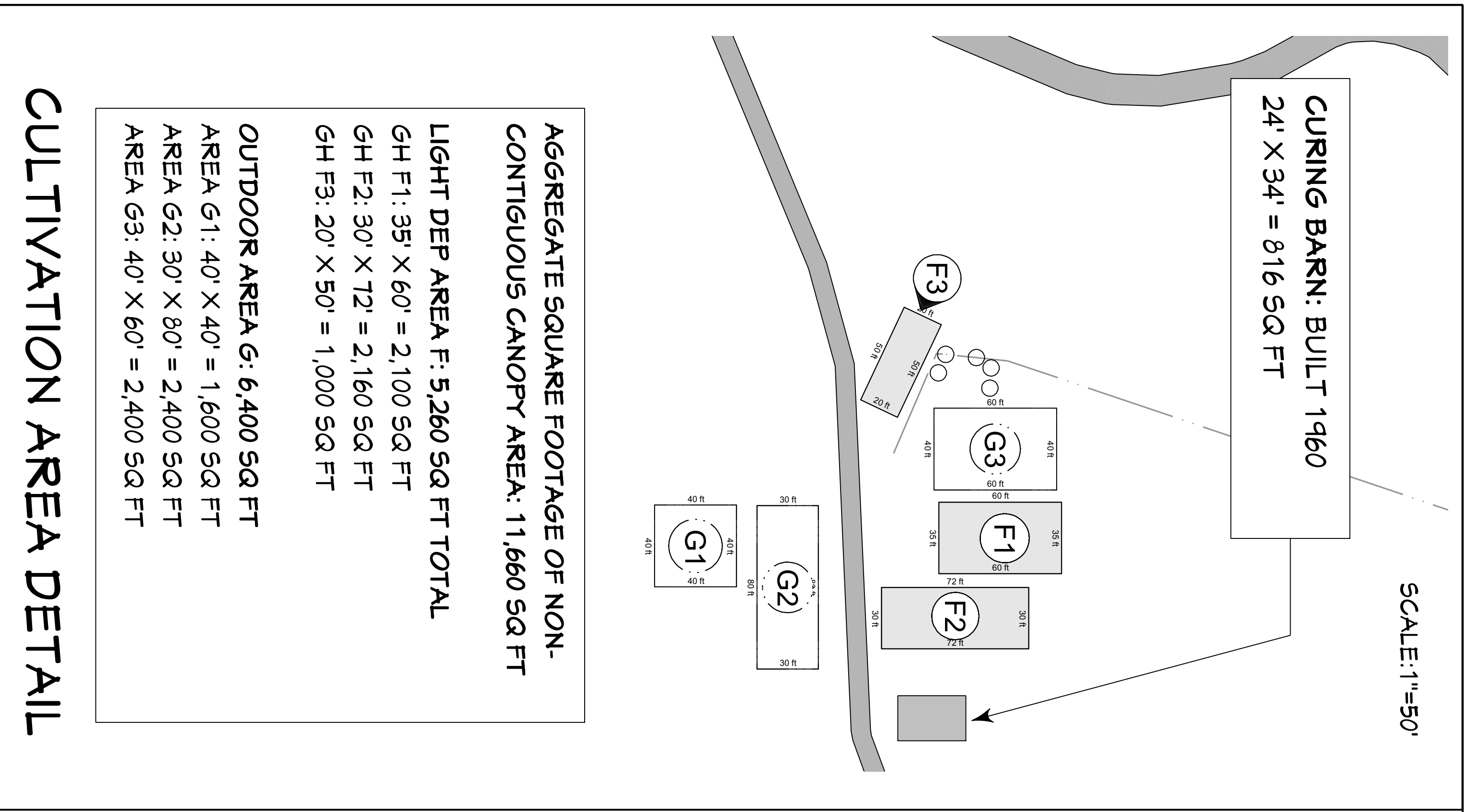
NUMBER	DATE	REVISED BY	DESCRIPTION

Operator: MERMAID SPRING, MBC  
APN#: (216-025-009/216-025-016)/  
216-025-002/216-025-011  
ERIK STUGARD 707-223-3646  
Po Box 942  
Garberville, CA, 95542

Project Overview

DRAWINGS PROVIDED BY:  
**HUBER C&D**  
530-864-8654  
www.hubercad.com

DATE: 3/17/2021  
SCALE: 1" = 752 FT  
SHEET: P-1



SCALE

SCALE: 1"=120'

PROPERTY DIAGRAM, PARCEL 3, CULTIVATION AREA F/G, APN#: 216-025-002

DRAWINGS PROVIDED BY:  
**HUBER C&D**  
530-864-8654  
www.hubercad.com

**PROPERTY DIAGRAM,  
PARCEL 3, APN#:216-025-002**

**Operator:** MERMAID SPRING, MBC  
APN#: (216-025-009/216-025-016)/  
216-025-002/216-025-011  
ERIK STUGARD 707-223-3646  
Po Box 942  
Garberville, CA, 95542

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DATE:  
3/17/2021

SCALE:

SHEET:  
P-9

PLN-12471-CUP Mermaid Spring Estate, LLC

April 15, 2021

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## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and

no longer considered provisional.

7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
9. The applicant shall rock the surface at the location of Bell Springs Road where it meets the access road to the parcel. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
10. The applicant shall adhere and implement all corrective actions found within the Onsite Relocation Letter prepared by Timberland Resources Consultants dated March 15, 2019.
11. The applicant shall obtain and record contingent easements for the use of the two rainwater catchment ponds and water storage located on APN 216-025-009 to ensure that permanent easements are granted if the parcel changes ownership.
12. The applicant shall install water monitoring device on each source - well and surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use. Final signoff from the Planning Department will satisfy this condition.
13. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 2 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. Final signoff from the Planning Department will satisfy this condition.
14. 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.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice

and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Biological Assessment prepared by O'Brien Biological Consultants and dated March 15, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed

and be allowed to leave the work site unharmed.

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

18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

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

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A

qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN 216-025-002; 8790 Bell Springs Road, New Harris, County of Humboldt**

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

**April 2021**

## **Background**

### **Modified Project Description and Project History –**

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

The modified project involves a Conditional Use Permit (CUP-16-036) for an 11,660 square feet of outdoor cannabis cultivation operation.

Water for irrigation will be provided by two rainwater catchment ponds located on APN 216-025-009. The northern pond is 965,000 gallons and the southern pond is 200,000 gallons. Water storage is also located on APN 216-025-009. There is a total of 1,335,250 gallons of available water storage occurring within the two ponds and thirty-two (32) hard tanks. The applicant anticipates 72,000 gallons of water will be required for irrigation annually.

There are no mapped endangered or threatened species of concerns located on the subject parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0993) is located approximately 0.44-miles north of the cultivation site and the nearest NSO observation was observed approximately 1.54-miles northwest from the cultivation site. Marbled Murrelet habitat is mapped approximately 0.28 miles northwest from the cultivation site, which is on the adjacent parcel (APN 216-025-019). There is also Marbled Murrelet habitat mapped approximately 0.46 miles west from the cultivation site, which is on another adjacent parcel from the project site (APN 216-024-004). Both properties (APN 216-024-004 and 216-024-003) are owned by the Bureau of Land Management (BLM). Cultivation activities are proposed approximately 1,421 feet southeast from the nearest publicly owned land. The applicant submitted a Biological Assessment prepared by O'Brien Biological Consultants. The assessment states the forested habitat on the subject property (APN 216-025-002) does not have trees of sufficient age or canopy complexity to support breeding marbled murrelets or NSO's and the proposed cultivation activities will not have an impact to any critical habitat for the marbled murrelets and NSO's.

The project is located in the Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resource Study (CRS) prepared by RPA William Rich and Associates dated November 2018. The CRS concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource, exist in the limits of the project area. Additionally, tribal cultural resources were present within the direct project area or within 600 feet of the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

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

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 11,660 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan prepared by the agent dated May 9, 2019.
- Site Plan prepared by the agent dated August 1, 2019.
- Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants

- received June 14, 2017.
- Onsite-Relocation-Letter prepared by Timberland Resource Consultants dated March 15, 2019.
- Biological Assessment prepared by O'Brien Biological Consultants dated March 15, 2019.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### **ATTACHMENT 3**

#### **Applicant's Evidence in Support of the Required Findings**

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated 08/1/2019 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated 05/9/19- Attached)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by the applicant – On file. Notice of Applicability: Waste Discharge Requirements Water Quality WD 1B161035CHUM – Attached)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under

Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Onsite Relocation and Regeneration Plan dated 3/15/19– Attached)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Biological Assessment prepared by O'Brien Biological Consultants dated March 15, 2019. (On file)
16. Onsite-Relocation-Letter prepared by Timberland Resource Consultants dated March 15, 2019. (Attached)
17. Road Evaluation Report prepared by the applicant dated May 9, 2019. (On file)
18. Email to CDFW requesting referral comments dated March 11, 2021. (Attached)

## Giannini, Trip

---

**From:** Alberts, Chris  
**Sent:** Thursday, March 11, 2021 9:55 AM  
**To:** Bauer, Scott@Wildlife  
**Cc:** O'connell, Gregory@Wildlife; Hollis, Jonathan@Wildlife; david.manthorne@wildlife.ca.gov  
**Subject:** Application No. 12471 Referral Response- APN 216-025-002  
**Attachments:** 12471 Bio Resource Assessment.pdf; 12471 WRPP 06.14.2017.pdf; 12471\_Site Plan.pdf; County Relocation Letter\_APPS #12471.pdf

Good Morning,

The subject project is anticipated to be scheduled for the April 15, 2021 Planning Commission Hearing. Please see the project description below:

*"A Conditional Use Permit for an existing 13,600 square feet (SF) outdoor cannabis cultivation operation located on Assessor's Parcel Numbers APN 216-025-002, which is approximately 54 acres in size and represents one legal parcel. The project includes relocation of existing cultivation activities to an environmentally superior location onsite. Water for irrigation for the project site is sourced from two rainwater catchment ponds constructed in 2016 located on APN 216-025-009. The northern pond has an estimated capacity of 965,000 gallons and the southern pond has an estimated capacity of 200,000 gallons. Additionally the adjacent parcel APN 216-025-009 has thirty-two (32) hard tanks totaling 153,250-gallons, while the subject parcel utilizes one 2,000-gallon hard tank, as well as three 5,000-gallon hard tanks bringing the total water storage capacity for irrigation to 1,335,250-gallons Approximately 72,000 gallons of water is required for annual operations on site, while an additional 128,000 gallons will be utilized for cultivation associated with applications 12469 and 11102 located on APNs 216-025-011 and 216-025-009 respectively. Processing activities including curing will occur onsite in an existing 816-square-foot barn while trimming will occur offsite on APN 216-025-009 within a 1,200-square-foot metal building and will serve as a processing facility for the Applicants other projects located on APNs 216-025-011 and 216-025-009. Operations on site do not require power, in the event that this should change the applicant will utilize a portable generator."*

I also attached the following items to the email:

- Bio Resource Assessment;
- Water Resource Protection Plan (WRPP);
- Site Plan; and
- Relocation Plan

Please let me know if you have any questions or comments regarding the subject project.

Best,



Christopher Alberts  
Planner II  
[Planning and Building Department](#)  
County of Humboldt  
(707) 268-3771



Please consider your environmental responsibility before printing this e-mail

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	On file
Division Environmental Health	✓	Comments	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFire	✓	Comments	Attached
California Department of Fish & Wildlife	✓	No response	Email to CDFW requesting comments dated March 11, 2021- Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bureau of Land Management	✓	Comments	Attached
Humboldt County Sheriff		No Response	
County Counsel		No Response	
Southern Humboldt Joint Unified		No response	
Humboldt County District Attorney		No response	
North Coast Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No Response	



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

10/31

9/18/2017

**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, Mendocino County, Humboldt County Sheriff, Southern Humboldt Joint Unified School District School District, Palo Verde VFC Response Area Fire Protection District

**Applicant Name** Mermaid Spring MBC **Key Parcel Number** 216-025-002-000

**Application (APPS#)** 12471 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-699

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 10/3/2017**

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: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

216-025-002



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.: 44995 / 12471  
Parcel No.: 216-025-002  
Case No.: CUP16-699

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: SEE PHOTOS ATTACHED UNDER AP# 216-025-009 FILE.

Name: MARC PHIPPEN

Date: 12/11/17

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.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit

118 Fortuna Blvd.

Fortuna, CA 95540

Website: [www.fire.ca.gov](http://www.fire.ca.gov)

(707) 726-1272

Ref: 7100 Planning  
Date: September 26, 2017

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

**Attention:** Cannabis Planner (CPOD)**Applicant:** Mermaid Spring MBC**APN:** 216-025-002-000**Area:** New Harris**Case Numbers:** CUP16-699**Humboldt County Application #:** 12471**Type of Application:** Conditional Use Permit**Date Received:** 9/19/2017**Due Date:** 10/3/2017

**Project Description:** A Conditional Use Permit for an existing 19,225 square feet of outdoor medical cannabis cultivation operation is requested. The Applicant proposes to relocate Cultivation Area 6, totaling 7,600 square feet, to a more suitable, unused area on the same parcel, adjoining Cultivation Area 5, which meets all environmental requirements. There is a total of 1.33 million gallons of water stored in two (2) rainwater catchment ponds and thirty six (36) hard sided water tanks on APN: 216-025-009 that is piped to all three (3) parcels. Processing activities, including drying, curing, trimming and packaging occur on APN: 216-025-009 within the existing metal building. Power is provided by a solar-inverter system and a back-up generator for emergency purposes only, on APN: 216-025-009.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## **RESOURCE MANAGEMENT**

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

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

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

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

### **General Recommendations:**

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

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**From:** [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)  
**To:** [Planning Clerk; HUU.CEOA@CALFIRE](mailto:HUU.CEOA@CALFIRE)  
**Subject:** APN: 216-025-002-000 Mermaid Spring MBC  
**Date:** Friday, October 06, 2017 4:10:36 PM

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No additional comments from B-1211

*M. Isaac Lake*

Battalion Chief

**CAL FIRE**

**HUMBOLDT-DEL NORTE UNIT**

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

[MLake@fire.ca.gov](mailto:MLake@fire.ca.gov)



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  
9-18-17

**Project Referred To The Following Agencies:**

17/18-0719

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, Mendocino County, Humboldt County Sheriff, Southern Humboldt Joint Unified School District School District, Palo Verde VFC Response Area Fire Protection District

**Applicant Name** Mermaid Spring MBC **Key Parcel Number** 216-025-002-000

**Application (APPS#)** 12471 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-699

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

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

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

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

**Return Response No Later Than:**

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following condition:

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

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

**Response Date:** 5/11/2018 **Recommendation By:** Joey Whittlesey

**DISTRIBUTED**  
5-14-18





DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7368

AVIATION 839-5401

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

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE:

4-17-2018

RE:

Applicant Name	Mermaid Spring MBC
APN	216-025-002
APPS#	12471 CUP16-699

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

### Public Works Recommended Conditions of Approval

APPS # 12471

**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.**

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:

// END //

Exhibit "D"

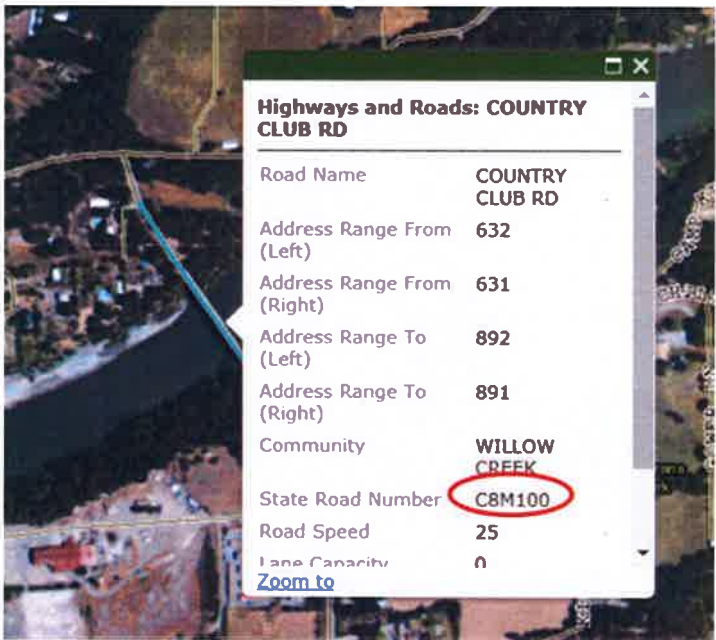
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

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

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Fermdale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

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

// END //