



**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: February 03, 2022

To: Humboldt County Planning Commission

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

Subject: **Enchanted Earth, LLC Conditional Use Permits and Special Permits**  
Application Number: PLN-12190-CUP  
Assessor's Parcel Number: 524-201-022  
212 Enchanted Spring Lane, Willow Creek

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Please contact Megan Acevedo, Planner I, at 707-441-2634 or by email at [macevedo@co.humboldt.ca.us](mailto:macevedo@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 3, 2022	Conditional Use Permit and Special Permit	Megan Acevedo

**Project Description:** Enchanted Earth, LLC is seeking a Conditional Use Permit for 2,995 square feet (SF) of outdoor commercial cannabis cultivation and 300 SF of ancillary propagation within the Willow Creek Community Planning Area. Water for irrigation is sourced from the Willow Creek Community Services District. There is no water storage on-site and none is required. Projected annual water use is 78,000 gallons (23.7 gal/SF/year). Processing is proposed on-site, and trimming is proposed in the residence. The farm is owner-operated, and power is sourced by PG&E. An additional Conditional Use Permit is being requested to allow for unenclosed cannabis within 600 feet from a residence on a separately owned parcel, a Special Permit to allow up to 3,000 SF of cultivation area on parcels between 1 and 5 acres, and a Special Permit for a setback reduction to public lands of less than 600 feet from the cultivation area.

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the West side of State Highway 299, approximately 0.20 miles West from the intersection of State Highway 299 and Enchanted Spring Lane, on the property known as 212 Enchanted Spring Lane.

**Present Plan Land Use Designations** Residential Estates (RE); 2017 General Plan; Willow Creek Community Plan; Density 2.5 -5 units per acre; Slope Stability: Low Instability (2)

**Present Zoning:** Agriculture General (AG)

**Record Number:** PLN-12190-CUP

**Assessor's Parcel Number:** 524-201-022

**Applicant**

Enchanted Earth, LLC  
PO Box 1146  
Willow Creek, CA 95573

**Owner**

Katherine Strouse  
PO Box 1146  
Willow Creek, CA 95573

**Agent**

Sara Maltzman  
North Coast Cannabis Compliance  
427 F Street, Suite 214  
Eureka, CA 95501

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report 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

**Enchanted Earth, LLC**  
Record Number: PLN-12190-CUP  
Assessor's Parcel Number: 524-201-022

**Recommended Commission Action**

1. Describe the application as part of a public hearing.
2. Request staff to present the application and staff report;
3. Open the public hearing and receive testimony;
4. Close the public hearing and adopt the Resolutions to take the following actions:

*1) Find that the Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permits and Special Permits and 3) approve the Enchanted Earth, LLC Conditional Use Permits and Special Permits as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Enchanted Earth, LLC is seeking a Conditional Use Permit for 2,995 square feet (SF) of outdoor commercial cannabis cultivation and 300 SF of ancillary propagation within the Willow Creek Community Planning Area. Water for irrigation is sourced from the Willow Creek Community Services District. There is no water storage on-site and none is required. Projected annual water use is 78,000 gallons (23.7 gal/SF/year). Processing is proposed on-site, and trimming is proposed in the residence. The farm is owner-operated, and power is sourced by PG&E.

The project proposes to have six (6) hoop houses, totaling 2,995 SF of outdoor cultivation, which will utilize light-deprivation techniques without the use of supplemental lights. An additional 300 SF full-sun outdoor ancillary propagation area is also proposed. Two harvests are anticipated per year. The site will be owner-operated and the applicant plans to trim on-site within the Residence, or will have fresh frozen product collected by a licensed off-site distributor or manufacturing facility, or may choose to have trimming done off-site at a licensed processing facility. In the event that the applicant plans to have product taken by a licensed off-site processing distribution or manufacturing facility, the applicant shall keep records from the licensed facility to be furnished during an annual inspection (**Ongoing Condition B.1**). The project was referred to the Department of Environmental Health (DEH), and comments from DEH stated that the site has a sewage disposal system permit application that was installed in 1980, and recommended approval of the project. A building inspection was conducted on July 12, 2017. Comments from the building inspector included a recommendation of approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained. The project is conditioned to obtain the appropriate building permits for the six (6) hoop houses, the residence, and one (1) proposed storage shed for drying and harvest storage area (**Condition A.6**). In the event that the applicant no longer plans to trim in the residence on-site, the residence will no longer require a building permit.

**Setbacks**

The applicant is applying for a Special Permit to reduce the 600 foot setback from Six Rivers National Forest (SRNF). The nearest cultivation area is approximately 165 feet to the SRNF. The project was referred to the US Forest Service on January 11, 2022, and no response was received. The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). This property is located within the mapped Essential Habitat Connection corridor per the California Essential Habitat Connectivity Project that has been adopted by the State of California to help guide statewide transportation and land use planning projects however the setback reduction would not impact the ability of these public lands to continue to function for habitat connectivity as the property is not actually adjacent to public lands and no lights or generators are proposed to be used. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife, as no lights or generators are a part of the proposed project. The parcel is connected to PG&E grid power and the applicant will transition to 100% renewable power sourced from PG&E. Further, the project will source water from the Willow Creek Community Services

District. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

The proposed cultivation area is located closer than 300 feet to five (5) residences on neighboring parcels. The applicant has obtained letters waiving the 300 foot setback requirement for the proposed project from all neighbors located within 300 feet of the proposed cultivation area.

The project is also proposing outdoor cultivation within 600 feet of residences on twelve (12) neighboring parcels. The applicant is requesting an exception from the prescribed open air cultivation setbacks with a Use Permit per Section 55.4.6.4.4 (l) of the CCLUO. There are two (2) approved outdoor cannabis operations and two (2) other open applications within 600 feet of the subject parcel. As well, an Early Notice of Application was sent out to all neighbors within 1,000 feet of the proposed project on December 8, 2021. No responses were received in response to the Early Notice of Application. Based on existing uses in the area and the sentiment of neighboring residents, it does not appear that approval of this application would be detrimental to the neighborhood.

### **Timber Conversion**

The parcel is zoned Agriculture General (AG), and no apparent timber conversion has occurred on the subject parcel. The project was referred to CalFire on January 11, 2022, and no response was received by the agency.

### **Fire Hazard**

There are some hoop houses proposed within the 30-foot setback to the southern property line, and per the Humboldt County Fire Safe Regulations the applicant is required and conditioned to have a maintenance and open space easement recorded with the adjoining lot to the south (APN: 524-201-025) (**Condition A.7**). The project is located within an area designated to have a Very High Fire Hazard Severity, and is shown to be within the Willow Creek Volunteer Fire District. The applicant shall contact the local fire service provider (Willow Creek Volunteer Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division (**Condition A.8**).

### **Water Resources**

Projected annual water usage is a maximum of 78,000 gallons per year, (23.7 gallons/SF/year). Water for cannabis irrigation will be provided by the Willow Creek Community Services District (WCCSD), and the applicant has a will-serve letter from the WCCSD allowing the continued use of 26,000 cubic feet (194,493 gallons) of water to be used annually for residential and agricultural purposes. The WCCSD has a Drought Ordinance in its Board Policy, and in the event of a drought the water usage may be restricted per the policy and the applicant shall adhere to any restrictions set forth by the WCCSD (**Ongoing Condition B.2**). The applicant shall also install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses (**Condition A.9**). There is no water storage on-site, and the applicant is not required to add water storage for the project.

The site has enrolled under the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001. The applicant has obtained a Notice of Applicability (NOA) letter from the SWRCB dated May 14, 2019, showing enrollment under WDID: 1\_12CC402854. The NOA states that the project requires a Site Closure Report 90 days prior to permanently ending cannabis cultivation, and no other technical reports are required.

There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

## **Biological Resources**

There are no mapped biological resources shown on the subject parcel in the CNDDDB database in Humboldt County Web GIS, and the nearest known activity center for Northern Spotted Owls is 1.3 miles to the proposed project site. This is well outside of the 0.7 mile required setback to nearest activity center for pre-existing sites under the Environmental Impact Report that was prepared for the CCLUO. As the project is for pre-existing cultivation, and no new ground disturbance is proposed as part of the project, no Biological Assessment was required. As the project will consist of outdoor cultivation, no light pollution is anticipated as a result of the proposed project.

The project was referred to the California Department of Fish & Wildlife (CDFW) on July 17, 2017, and comments were received on June 4, 2019. Comments from CDFW included recommendations to mitigate noise and light pollution, which no longer apply to this project as it is outdoor with no use of lights, and power is sourced by PG&E and no generators are used. Other recommendations of approval included the prohibition of synthetic netting, and that all refuse be contained in wildlife proof storage container at all times, and disposed of at an authorized waste management facility (**Ongoing Conditions B.5 & B.6**). As there are no streams, stream crossing or diversions used for the project, the applicant is not required to obtain a Lake or Streambed Alteration Agreement with CDFW.

The project is located within the CDFW's Essential Habitat Connection, and is requesting a Special Permit to reduce the 600 foot setback to SRNF. The project is located in a residential neighborhood where two (2) approved cannabis permits exist, two (2) active cannabis applications exist, and the site is located approximately 1,100 feet to State Hwy 299. The project will not be utilizing lights, generators, or employees, and receives water from the WCCSD. No significant impacts to wildlife are anticipated as part of this project.

## **Noise**

Section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The project is for a pre-existing cultivation site, and no additional noise is anticipated as a result of this project approval.

## **Tribal Cultural Resource Coordination**

The proposed project is located within the mapped ancestral aboriginal territories for the Hoopa and Tsnungwe tribes. The project was referred to the Hoopa and Tsnungwe tribes, and the Northwest Information Center (NWIC) on July 18, 2017. The NWIC commented on the project on August 1, 2017, recommending that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. A comment was received from the Tsnungwe tribe on October 3, 2020, stating that they had no objection to the project. No Cultural Resource Investigation was required for the project. The project is conditioned to adhere to inadvertent discovery protocols (**Informational Note 3**).

## **Energy Plan**

Power is provided by PG&E grid connection, and no generators are a part of the proposed project. The project is conditioned to provide proof of 100% renewable energy source provided by PG&E or to purchase carbon off-set credits for all power sourced from non-renewable sources (**Condition A.10**).

## **Access**

The project is accessed off of Enchanted Springs Lane, which is a non-county maintained road located off of State Hwy 299. The applicant submitted a Road Evaluation Report form for Enchanted Springs Lane, which designates the road as being developed to a Category 4 road standard. The project was referred to Caltrans on October 14, 2020, and no comments were received. As there are more than three permit applications that have been filed for commercial cannabis activities, which will utilize the

same access road, all applicants shall enter in a Road Maintenance Association. The applicant is conditioned to enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance (**Condition A.11**).

### **Willow Creek Community Planning Area**

The CCLUO requires a Conditional Use Permit for all commercial cannabis activities in certain community planning areas, including the Willow Creek Community Plan. In accordance with the procedures of the CCLUO a Notice of Application was sent to surrounding property owners within 1,000 feet of the site on December 8, 2021. No comments were received in response to the Early Notice of Application.

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 Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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 Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

**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 EIR for the CCLUO 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 22-  
Record Number PLN-12190-CUP  
Assessor's Parcel Number: 524-201-022**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Enchanted Earth, LLC Conditional Use Permits & Special Permits**

**WHEREAS, Enchanted Earth, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for 2,995 square feet (SF) of outdoor commercial cannabis cultivation, and 300 SF of ancillary propagation space within the Willow Creek Community Planning Area, with appurtenant drying, trimming and storage; a Special Permit to allow up to 3,000 SF of cultivation on a parcel between 1 and 5 acres in compliance with Section 55.4.6.5.3 of the CCLUO; and a Special Permit to reduce the 600 ft setback to Six Rivers National Forest; and

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on February 3, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special 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:** a Conditional Use Permit for 2,995 square feet (SF) of outdoor commercial cannabis cultivation and 300 SF of ancillary propagation within the Willow Creek Community Planning Area. Water for irrigation is sourced from the Willow Creek Community Services District. There is no water storage on-site and none is required. Projected annual water use is 78,000 gallons (23.7 gal/SF/year). Processing is proposed on-site, and trimming is proposed in the residence. The farm is owner-operated, and power is sourced by PG&E. An additional Conditional Use Permit is being requested to allow for unenclosed cannabis within 600 feet from a residence on a separately owned parcel, a Special Permit to allow up to 3,000 SF of cultivation area on parcels between 1 and 5 acres, and a Special Permit for a setback reduction to public lands of less than 600 feet from the cultivation area.

**EVIDENCE:** a) Project File: PLN-12190-CUP

**2. FINDING:** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

**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 EIR. 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.

### **FINDINGS FOR CONDITIONAL USE PERMITS & SPECIAL PERMITS**

#### **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 and intensive agriculture are use types permitted in the Residential Estates (RE) 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.
- b) The applicant is applying for a Special Permit to reduce the 600 foot setback from Six Rivers National Forest. The nearest cultivation area is approximately 165 feet to the Six Rivers National Forest to the west. The project was referred to the US Forest Service, and no response was received. The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife, as no lights or generators are a part of the proposed project. The parcel is connected to PG&E grid power and the applicant will transition to 100% renewable power sourced from PG&E. Further, the project will source water from the Willow Creek Community Services District. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

#### **4. FINDING**

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

#### **EVIDENCE**

- a) Humboldt County Code section 314-55.4.6.5-5.3 allows cultivation of up to 3,000 SF of Cultivation Area with a Special Permit on a parcel between 1 and 5 acres. As set forth in the following subsections, Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production, General Plan land use designation or Residential land use designation requiring parcel sizes between 1 and 5 acres. The application for 2,995 SF of outdoor cultivation on a 1.06-acre AG zoned parcel is consistent with this.

#### **5. FINDING**

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

#### **EVIDENCE**

- a) Per Parcel Map No. 1344, Book 12, Page 1, the subject parcel 524-201-022 has been determined to be one legal parcel.
- b) The project will obtain water from a non-diversionary water source.



- c) The parcel is accessed by Enchanted Spring Lane off of State Highway 299. The applicant submitted a Road Evaluation Report form designating Enchanted Springs Lane as being developed to category 4 road standards. The project was referred to the Department of Public Works and Caltrans and no comments were received.
- d) The cultivation of cannabis will not result in the net conversion of timberland. No timber conversion has occurred on the subject parcel. The project was referred to CalFire and no response was received.
- e) The location of the proposed cultivation activities complies with setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 600 feet from any school, church, or Tribal Cultural Resource, and approval has been obtained from all property owners of neighboring parcels containing residences within 300 feet of the proposed cultivation area. As well, the project proposes cultivation within 30 feet of the southern property line, and the application will have a maintenance and open space easement recorded with the adjoining lot to the south. County GIS indicates that cultivation areas are within 270 feet of adjacent undeveloped parcels owned by Six Rivers National Forest. However, as the parcels are managed for open space and/or wildlife habitat purposes, no future residential development is anticipated.
- f) The project is located within 600 feet of a Public Park, the Six Rivers National Forest, and the applicant is applying for a Special Permit to reduce the 600 foot setback to public lands, per Section 55.4.6.4.4 (f).

**6. FINDING**

**EVIDENCE** Cultivation of 2,995 SF of outdoor commercial 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 a road that has been determined to be developed to category 4 road standards, and can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) 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 presence of multiple cannabis operations in the neighborhood.
- c) Irrigation water will come from the Willow Creek Community Services District.

**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**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

**FINDING**

- a) The project is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 permits and the total approved acres would be 25.4 acres of cultivation.

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permits & Special Permits for Enchanted Earth, LLC based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

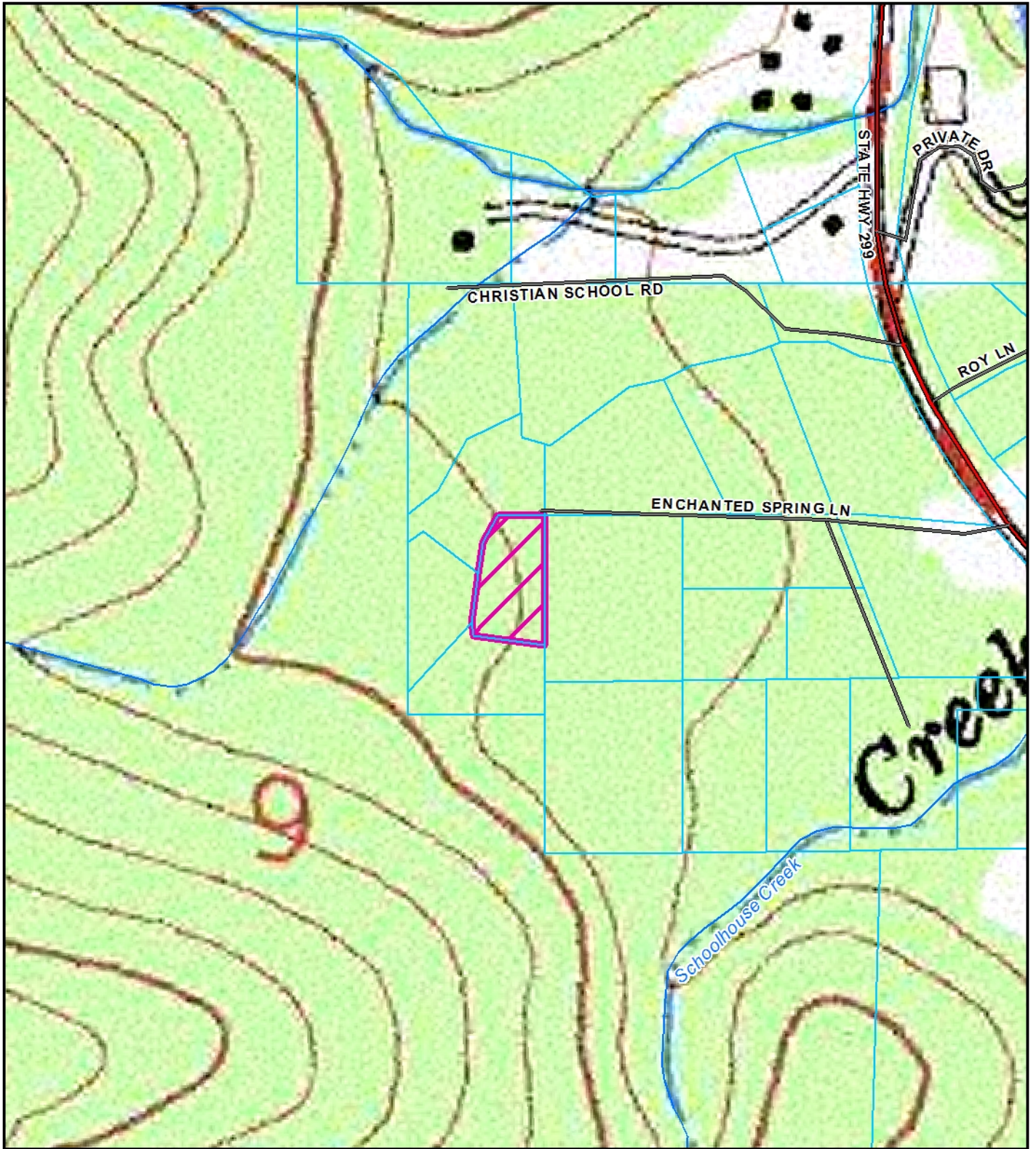
Adopted after review and consideration of all the evidence on **February 3, 2022**.

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

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

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

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




**TOPO MAP**

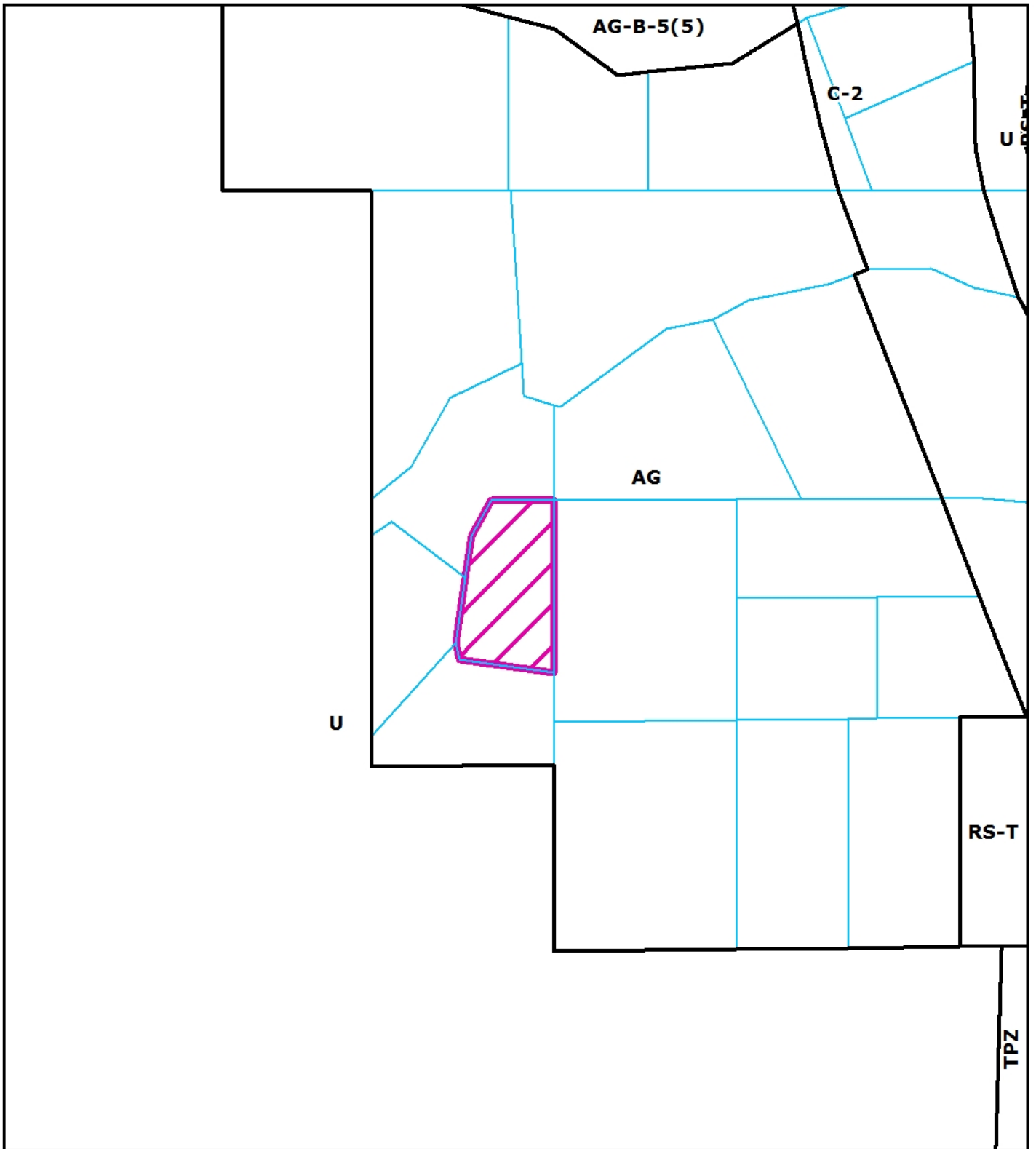
**PROPOSED ENCHANTED EARTH LLC  
 WILLOW CREEK AREA  
 ZCC-16-376  
 APN: 524-201-022  
 T06N R05E S9 HB&M (SALYER)**

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.



0 125 250  
 Feet

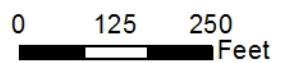


**ZONING MAP**

**PROPOSED ENCHANTED EARTH LLC  
 WILLOW CREEK AREA  
 ZCC-16-376  
 APN: 524-201-022  
 T06N R05E S9 HB&M (SALYER)**

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.






**AERIAL MAP**

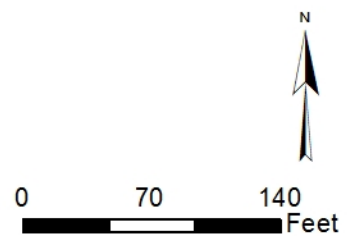
**PROPOSED ENCHANTED EARTH LLC  
WILLOW CREEK AREA  
ZCC-16-376**

**APN: 524-201-022**

**T06N R05E S9 HB&M (SALYER)**

**Project Area =** 

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# ENCHANTED EARTH, LLC

APN: 574-201-022

## 2021 - EXISTING & PROPOSED SITE PLAN



**PROJECT LOCATION:**  
 THIS PROJECT IS LOCATED IN HUMBOLDT COUNTY, IN THE WILLOW CREEK AREA, ON THE WEST SIDE OF STATE HWY 299 APPROX. 20 MILES WEST FROM THE INTERSECTION OF HWY 299 AND ENCHANTED SPRING LN. ON THE PROPERTY KNOWN AS 212 ENCHANTED SPRING LANE

**APPLICANT:** ENCHANTED EARTH, LLC  
 212 ENCHANTED SPRING LANE  
 WILLOW CREEK, CA 95573

**OWNER:** KATHERINE STROUSE  
 212 ENCHANTED SPRING LANE  
 WILLOW CREEK, CA 95573

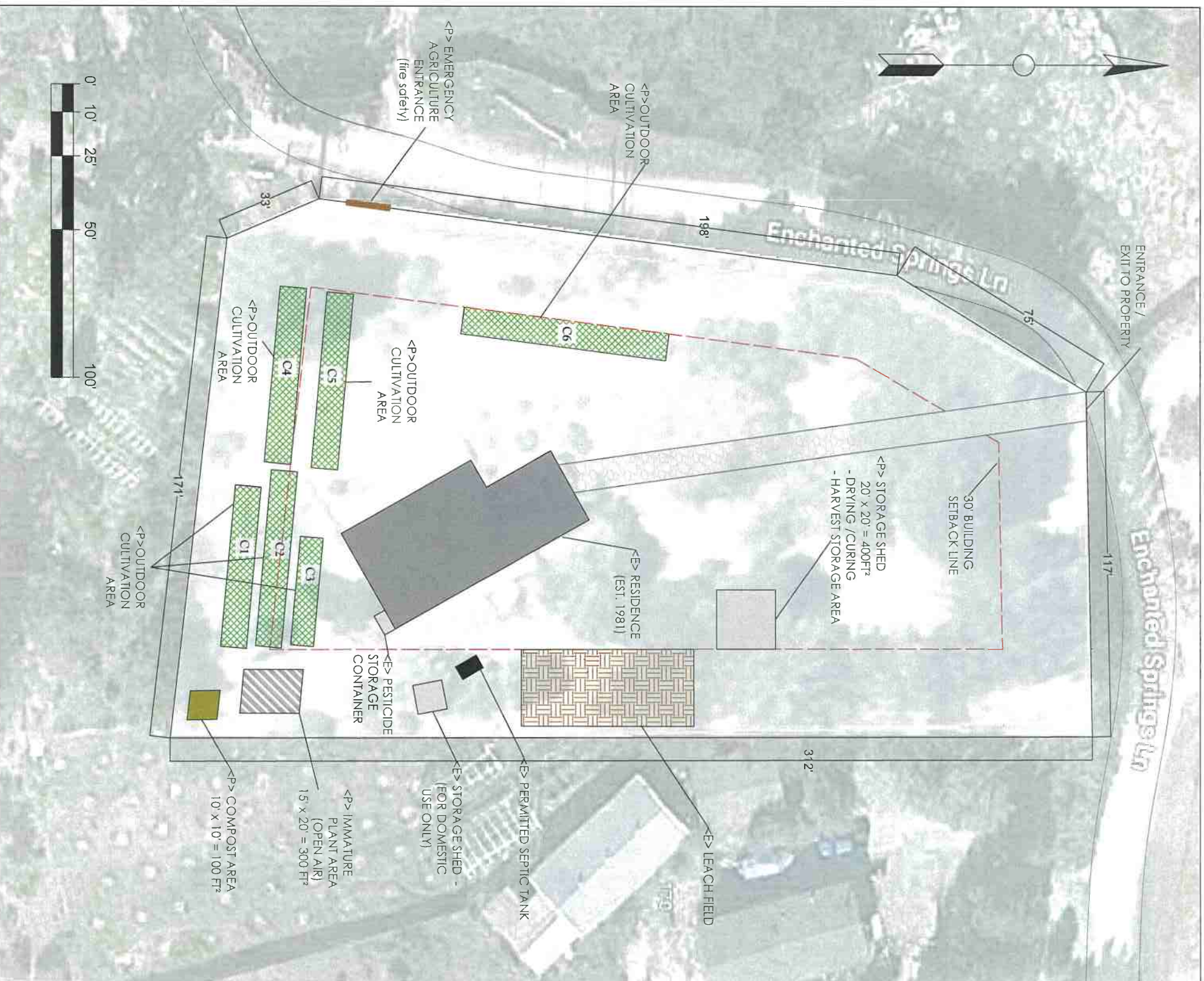
CULTIVATION AREA	DIMENSIONS	SQ FT <sup>2</sup>
C1	8'-9" x 55'	481
C2	8'-9" x 60'	525
C3	7'-9" x 36'	279
C4	9' x 60'	540
C5	9' x 60'	540
C6	9' x 70'	630
<b>TOTAL OUTDOOR CULTIVATION</b>		<b>2995</b>

**NOTES:**  
 WATER IS PROVIDED BY WILLOW CREEK COMMUNITY SERVICES DISTRICT  
 ELECTRICAL IS PROVIDED BY PG&E  
 THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION SITE

**LEGEND**

	MATURE PLANT CANDY AREA
	IMMATURE PLANT AREA
	ACCESS ROAD
	NO SETBACK FROM PROPERTY LINE
	EXISTING BEATTI LINE
	PROPOSED BEATTI LINE

**DRAWING COMPLETED BY:**  
 NORTH COAST CANNABIS COMPLIANCE  
 427 F STREET STE 214  
 EUREKA, CA 95501  
 (707) 601.9621  
 UPDATED: 11/15/2021



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMITS & SPECIAL PERMITS 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. The Department will file the NOD and will charge this cost to the project.
5. 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 #6 through #11. 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.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, six (6) hoop houses, the residence, and one (1) proposed storage shed for drying and harvest storage area, or any other building with a nexus to cannabis. In the event that the applicant no longer plans to trim in the residence on-site, the residence will no longer require a building permit. 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.
7. The applicant shall have a maintenance and open space easement recorded with the adjoining lot to the south (APN: 524-201-025).
8. The applicant shall install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses.

9. The applicant shall contact the local fire service provider (Willow Creek Volunteer Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. The project is conditioned to provide proof of 100% renewable energy source provided by PG&E or to purchase carbon off-set credits for all power sourced from non-renewable sources.
11. The applicant is conditioned to enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.
12. 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.
13. 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. In the event that the applicant plans to have product taken by a licensed off-site processing distribution or manufacturing facility, the applicant shall keep records from the licensed facility to be furnished during an annual inspection.
2. The WCCSD has a Drought Ordinance in its Board Policy, and in the event of a drought the water usage may be restricted per the policy and the applicant shall adhere to any restrictions set forth by the WCCSD.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. No generators shall be used for the operation of cannabis cultivation.
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. 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.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
11. 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.
12. 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.
13. 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.
14. 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).
15. Maintain enrollment in Tier 1, 2 certification and compliance with the State Water Resources Control Board General Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. 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).
17. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
18. Pay all applicable application, review for conformance with conditions and annual inspection fees.
19. 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.

20. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
21. 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

22. 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).
23. 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.
24. 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.
25. 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
26. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permit. Any Commercial Cannabis Cultivation CUP or SP issued pursuant to the CCLUO 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.
27. 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.
28. 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.
29. 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.
30. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- 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.
31. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

### **Informational Notes:**

1. Pursuant to Section 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state 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 314-55.4.5.7 of the CCLUO.
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 #5 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 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.

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)  
(State Clearinghouse # 2017042022), January 2018**

**APN 524-201-022, 212 Enchanted Spring Lane, Willow Creek  
County of Humboldt**

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

**January 2022**

## Background

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

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new and pre-existing commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

### **Project Description:**

The modified project involves a Conditional Use Permit for 2,995 square feet (SF) of outdoor commercial cannabis cultivation and 300 SF of ancillary propagation within the Willow Creek Community Planning Area. Water for irrigation is sourced from the Willow Creek Community Services District. There is no water storage on-site and none is required. Projected annual water use is 78,000 gallons (23.7 gal/SF/year). Processing is proposed on-site, and trimming is proposed in the residence. The farm is owner-operated, and power is sourced by PG&E.

The project proposes to have six (6) hoop houses, totaling 2,995 SF of outdoor cultivation, which will utilize light-deprivation techniques without the use of supplemental lights. An additional 300 SF full-sun outdoor ancillary propagation area is also proposed. Two harvests are anticipated per year. The site will be owner-operated and the applicant plans to trim on-site within the Residence, or will have fresh frozen product collected by a licensed off-site distributor or manufacturing facility, or may choose to have trimming done off-site at a licensed processing facility. In the event that the applicant plans to have product taken by a licensed off-site processing distribution or manufacturing facility, the applicant shall keep records from the licensed facility to be furnished during an annual inspection. The project was referred to the Department of Environmental Health (DEH), and comments from DEH stated that the site has a sewage disposal system permit application that was installed in 1980, and recommended approval of the project. A building inspection was conducted on July 12, 2017. Comments from the building inspector included a recommendation of approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained. The project is conditioned to obtain the appropriate building permits for the six (6) hoop houses, the residence, and one (1) proposed storage shed for drying and harvest storage area. In the event that the applicant no longer plans to trim in the residence on-site, the residence will no longer require a building permit.

### **Setbacks**

The applicant is applying for a Special Permit to reduce the 600 foot setback from Six Rivers National Forest. The nearest cultivation area is approximately 165 feet to the Six Rivers National Forest. The project was referred to the US Forest Service on January 11, 2022, and no response was received. The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize

impacts to biological resources and wildlife, as no lights or generators are a part of the proposed project. The parcel is connected to PG&E grid power and the applicant will transition to 100% renewable power sourced from PG&E. Further, the project will source water from the Willow Creek Community Services District. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

The proposed cultivation area is located closer than 300 feet to five (5) residences on neighboring parcels. The applicant has obtained letters waiving the 300 foot setback requirement for the proposed project from all neighbors located within 300 feet of the proposed cultivation area.

The project is also proposing outdoor cultivation within 600 feet of residences on twelve (12) neighboring parcels. The applicant is requesting an exception from the prescribed open air cultivation setbacks with a Use Permit per Section 55.4.6.4.4 (I) of the CCLUO. There are two (2) approved outdoor cannabis operations and two (2) other open applications within 600 feet of the subject parcel. As well, an Early Notice of Application was sent out to all neighbors within 1,000 feet of the proposed project on December 8, 2021. No responses were received in response to the Early Notice of Application. Based on existing uses in the area and the sentiment of neighboring residents, it does not appear that approval of this application would be detrimental to the neighborhood.

### **Timber Conversion**

The parcel is zoned Agriculture General (AG), and no apparent timber conversion has occurred on the subject parcel. The project was referred to CalFire on January 11, 2022, and no response was received by the agency.

### **Fire Hazard**

There are some hoop houses proposed within the 30-foot setback to the southern property line, and per the Humboldt County Fire Safe Regulations the applicant is required and conditioned to have a maintenance and open space easement recorded with the adjoining lot to the south (APN: 524-201-025).

### **Water Resources**

Projected annual water usage is a maximum of 78,000 gallons per year, (23.7 gallons/SF/year). Water for cannabis irrigation will be provided by the Willow Creek Community Services District (WCCSD), and the applicant has a will-serve letter from the WCCSD allowing the continued use of 26,000 cubic feet (194,493 gallons) of water to be used annually for residential and agricultural purposes. The WCCSD has a Drought Ordinance in its Board Policy, and in the event of a drought the water usage may be restricted per the policy and the applicant shall adhere to any restrictions set forth by the WCCSD. The applicant shall also install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses. There is no water storage on-site, and the applicant is not required to add water storage for the project.

The site has enrolled under the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001. The applicant has obtained a Notice of Applicability (NOA) letter from the SWRCB dated May 14, 2019, showing enrollment under WDID: 1\_12CC402854. The NOA states that the project requires a Site Closure Report 90 days prior to permanently ending cannabis cultivation, and no other technical reports are required.

There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

### **Biological Resources**

There are no mapped biological resources shown on the subject parcel in the CNDDDB database in Humboldt County Web GIS, and the nearest known activity center for Northern Spotted Owls is 1.3 miles to the proposed project site. This is well outside of the 0.7 mile required setback to nearest activity

center for pre-existing sites under the Environmental Impact Report that was prepared for the CCLUO. As the project is for pre-existing cultivation, and no new ground disturbance is proposed as part of the project, no Biological Assessment was required. As the project will consist of outdoor cultivation, no light pollution is anticipated as a result of the proposed project.

The project was referred to the California Department of Fish & Wildlife (CDFW) on July 17, 2017, and comments were received on June 4, 2019. Comments from CDFW included recommendations to mitigate noise and light pollution, which no longer apply to this project as it is outdoor with no use of lights, and power is sourced by PG&E and no generators are used. Other recommendations of approval included the prohibition of synthetic netting, and that all refuse be contained in wildlife proof storage container at all times, and disposed of at an authorized waste management facility. As there are no streams, stream crossing or diversions used for the project, the applicant is not required to obtain a Lake or Streambed Alteration Agreement with CDFW.

### **Noise**

Section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The project is for a pre-existing cultivation site, and no additional noise is anticipated as a result of this project approval.

### **Tribal Cultural Resource Coordination**

The proposed project is located within the mapped ancestral aboriginal territories for the Hoopa and Tsnungwe tribes. The project was referred to the Hoopa and Tsnungwe tribes, and the Northwest Information Center (NWIC) on July 18, 2017. The NWIC commented on the project on August 1, 2017, recommending that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. A comment was received from the Tsnungwe tribe on October 3, 2020, stating that they had no objection to the project. No Cultural Resource Investigation was required for the project. The project is conditioned to adhere to inadvertent discovery protocols.

### **Energy Plan**

Power is provided by PG&E grid connection, and no generators are a part of the proposed project. The project is conditioned to provide proof of 100% renewable energy source provided by PG&E or to purchase carbon off-set credits for all power sourced from non-renewable sources.

### **Access**

The project is accessed off of Enchanted Springs Lane, which is a non-county maintained road located off of State Hwy 299. The applicant submitted a Road Evaluation Report form for Enchanted Springs Lane, which designates the road as being developed to a Category 4 road standard. The project was referred to Caltrans on October 14, 2020, and no comments were received. As there are more than three permit applications that have been filed for commercial cannabis activities, which will utilize the same access road, all applicants shall enter in a Road Maintenance Association. The applicant is conditioned to enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.

### **Willow Creek Community Planning Area**

The CCLUO requires a Conditional Use Permit for all commercial cannabis activities in certain community planning areas, including the Willow Creek Community Plan. In accordance with the procedures of the CCLUO a Notice of Application was sent to surrounding property owners within 1,000 feet of the site on December 8, 2021. No comments were received in response to the Early Notice of Application.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 2,995 SF outdoor commercial cannabis cultivation and conditions to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, and results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation & Operations Plan received November 23, 2021.
- Site Plan received November 23, 2021.
- Willow Creek Community Services District Will-Serve letter dated December 15, 2021.
- Road Evaluation Report form prepared by the applicant, dated October 4, 2020.
- Notice of Applicability letter from the State Water Resources Control Board dated May 14, 2019, showing enrollment under WDID: 1\_12CC402854.

### **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 EIR was adopted. Based upon this review, the following findings are supported:

## **FINDINGS**

1. The proposed project will permit a new 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 EIR was adopted as complete.

## **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, 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. (**Attached** with 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. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
7. Copy of Notice of Applicability and other documents filed with the State Water Resources Control Board demonstrating enrollment in Tier 1, or 2 under Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Willow Creek Community Services District Will-Serve letter dated December 15, 2021. (**Attached**)
16. Road Evaluation Report form prepared by the applicant, dated October 4, 2020. (**Attached**)
17. Expressed written owner's consent to allow cultivation to be within the 300 feet from neighboring residence of APN's: 524-201-024, 524-201-001, 524-201-002, 524-201-025, and 524-201-032. (On-file)

# Amended Cultivation & Operations Plan



For:

**Enchanted Earth, LLC**  
**Katherine Strouse**  
**212 Enchanted Spring Lane**  
**Willow Creek, CA 95573**

Submitted to:

**Humboldt County Planning Department-**  
**Cannabis Services Division**

In Reference To:

**APPS#: 12190**  
**APN: 524-201-022**

Prepared By: North Coast Cannabis Compliance

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**1.0 – PROJECT DESCRIPTION:**

The Applicant is seeking a Conditional Use Permit for 3,000 ft<sup>2</sup> of existing Outdoor Cannabis Cultivation. Cultivation will take place within a mixture of hoop houses, using light deprivation and existing beds. Propagation will occur in a 300 ft<sup>2</sup> outdoor area near the south-east corner of the parcel. Plants will be dried in the proposed shed.

The applicant would like to keep the option open to either process (trim) on site or to send harvested product to a licensed facility to be processed, depending on availability of licensed processing facilities.

This is a family owned and operated project, however, the Applicant would like the option to hire 1-2 temporary staff members to help during harvest times. Water used for irrigation is sourced by the Willow Creek Community Services District. Electricity is provided by PG&E and Applicant will join PG&E’s renewable energy program.

The Applicant is requesting the reduction of the 300 foot setback from nearby existing residences and has obtained letters from each neighbor within that proximity stating their approval.

**2.0 – WATER MANAGEMENT**

**2.1- Water Source & Storage:**

Water for both domestic Use and Irrigation is Supplied by Willow Creek Community Services District (WCCSD). There are currently no water storage tanks on site designated for irrigation. The Applicant will install a 2,500-gallon tank by the request of CAL FIRE officials.

**2.2 - Irrigation & Projected Water Use:**

To limit the amount of water used and prevent over-watering and runoff, the Applicant will use a drip irrigation system. Immature and Mother plants in the nursery will be carefully hand watered as needed. Annual water usage is monitored by WCCSD. The projected annual water usage is, on average 2,690 per month. However, this number describes both domestic use and cannabis related irrigation. Below is a table of projected water usage broken down by month for cannabis irrigation only (Approx. 80k gal / year)

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
500	1,000	1,500	6,000	12,000	15,000	15,000	15,000	8,000	4,000	500	500

### **3.0- WATERSHED & NEARBY HABITAT PROTECTION**

The cultivation site is over 350 feet from the closest waterway. The Applicant is enrolled in the State Waterboard Resources Control Board (SWRCB) – General Order as a Tier 1 – Low Risk Discharger. The Applicant will develop and implement a Site Management Plan which will describe all applicable Best Practicable Treatment or Control Measures mentioned in Attachment A of the Cannabis Cultivation Policy should the SWRCB require this.

There are no waterways on the parcel. The Applicant has acquired an exemption from the CA Department of Fish and Wildlife stating that a Lake and Streambed Alteration Agreement is not required.

### **4.0- MATERIALS MANAGEMENT**

#### **4.1 – Materials Use & Storage:**

Pesticides are kept in a locked storage box when not in use. Both Cultural and Biological methods of pest prevention are employed as the primary methods. Should it become necessary to implement chemical control, only natural and/or organic products are used. All products that are used comply with pesticide laws and regulations enforced by the Department of Pesticide Regulations (DPR) and are accepted under Legal Pest Management Practices for Cannabis Growers in California.

A spill containment kit that includes towels, sorbent socks, sorbent materials, gloves, goggles, and disposable bags has been placed in the storage area. Spill containment mats are in place to contain any spills that may occur on-site. All labels are kept intact, and directions are carefully followed when products are being mixed and applied. All SDS are kept in a binder in the company's main office and all authorized personnel have access to them.

Empty fertilizer containers will be disposed of in accordance with all local, state and federal regulations, in a timely manner to minimize the chance of leaching in to ground and being transported to waterways

#### **4.2 – Soil Management:**

Plants are grown in native soil within raised beds. After each cycle all large plant debris is removed and the soil is amended to be used again.



### 4.3 – Waste Management:

Composting is the primary method of waste management for all green waste / plant material. A 10' x 10' area near the south-east corner of the parcel has been proposed. All other waste materials will be kept securely in designated receptacles to be transferred to the proper waste facility. There are no hazardous materials to be used as part of this project. There is an existing permitted septic system on site to handle sewage.

## 5.0 – CULTIVATION ACTIVITIES

### 5.1 – Cultivation Schedule:

The Applicant anticipates 1-2 flowering cycles per year depending on financial and environmental variables. Schedule subject to changes:

<b>MONTH</b>	<b>ACTIVITY</b>
JANUARY	Caring for Mother Plants
FEBRUARY	Begin germination of seeds or taking cuts for clones
MARCH	Begin germination of seeds or taking cuts for clones
APRIL	Plants are in vegetative stage / prepare for planting / planting
MAY	Plants are flowering / Cuts being taken for next cycle
JUNE	Plants are flowering / Pruning / Upkeep
JULY	Harvest and Drying 1 <sup>st</sup> round of plants / Plant 2 <sup>nd</sup> round of plants
AUGUST	2 <sup>nd</sup> round of plants start flowering
SEPTEMBER	Plants Are flowering / Pruning / Upkeep
OCTOBER	Pruning / Harvest 2 <sup>nd</sup> round / Drying 2 <sup>nd</sup> round
NOVEMBER	End of cultivation year / Winterize / Care for Mother Plants
DECEMBER	Caring for Mother Plants

### 5.2 – Processing Activities:

The Applicant would like to propose the ability to choose between sending harvested cannabis to a licensed, off-site, processing or manufacturing facility depending on the availability of such facilities to accommodate this operation at the time of harvesting. If no such facility is available, the Applicant is proposing on-site processing.

### 5.3 – Employee Activities:

This operation is Owner operated for most of the year. The Applicant is proposing the use of 2-3 employees during peak season activities (e.g. planting, harvesting) in order to be efficient. These workers will be employed by a separate, licensed, farm-labor contractor (staffing agency). All personnel are encouraged to carpool and to bring meals with them in order to ensure minimal increased traffic.

The Applicant will comply with all applicable federal, state and local laws as well as the regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Codes related to this subject, should employees be present.

Temporary employees will have access to safe drinking water and clean and sanitary toilets and hand washing facilities. A portable restroom will be leased and on site to ensure that the existing septic tank is not overused.

## 6.0 – SECURITY MEASURES

The entire parcel is surrounded by fencing. There is only one (1) Entrance / Exit that remains closed and locked at all times. Lighting is present around the premises of the property.

May 14, 2019

WDID:1\_12CC402854

ENCHANTED EARTH LLC  
ATTN: KATHERINE STROUSE  
PO BOX 1146  
WILLOW CREEK, CA 95573

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

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

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

Sincerely,

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

190514\_Conditionally exempt\_1\_12CC402854\_Enchanted Earth\_NOA\_TW

**NOTICE OF APPLICABILITY – CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, ENCHANTED EARTH LLC, HUMBOLDT COUNTY APN(s) 524-201-022**

Enchanted Earth LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 19, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC402854**.

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

**1. FACILITY AND DISCHARGE DESCRIPTION**

The information submitted by the Discharger states: 1) the cultivation areas are contiguous and all located on one parcel or on contiguous parcels, 2) outdoor cultivation activities disturb less than 2,000 square feet, 3) no portion of the disturbed area is located on a slope greater than 20 percent, and 4) the Discharger complies with all applicable requirements listed in Attachment A of the Policy and General Order. Based on the cannabis cultivation activities described, the Discharger meets the requirements of the Waiver of Waste Discharge Requirements (Conditional Waiver). If conditions change such that the facility no longer meets the requirements of the Conditional Waiver, the Discharger must enroll under the appropriate tier and risk classification of the General Order. Coverage under this Conditional Waiver expires on December 18, 2022, and the Discharger will be required to re-apply for coverage at that time to continue any cannabis cultivation activities.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as conditionally exempt and meet the requirements of the Conditional Waiver.

**2. SITE-SPECIFIC REQUIREMENTS**

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

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

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

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide,

including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

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

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

### **3. TECHNICAL REPORT REQUIREMENTS**

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

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

### **4. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above). The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

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

Cc: Kevin Porzio, State Water Resources Control Board,  
dwq.cannabis@waterboards.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife,  
cheri.sanville@wildlife.ca.gov  
Cliff Johnson, Humboldt County Planning and Building,  
cjohnson@co.humboldt.ca.us  
Katherine Strouse Po box 1146 Willow Creek, CA 95573



December 15, 2021

Katherine James Strouse  
PO Box 1146  
Willow Creek, CA 95573

**RE: Water use at 212 Enchanted Springs**

Katherine James Strouse,

Your residence at 212 Enchanted Springs in Willow Creek has an existing 3/4" water meter on the Willow Creek Community Services District water system. Your average annual water usage is approximately 26,000 cubic feet.

I understand you have inquired if this meter can continue to be used at this rate for your agricultural business (in combination with residential use). This is acceptable to the Willow Creek Community Services District.

Please note that the WCCSD has a Drought Ordinance in its Board Policy. In the event of a drought, the water usage may be restricted per the policy (see attached).

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in blue ink that reads "Susan O'Gorman". The signature is fluid and cursive.

Susan O'Gorman, PE  
General Manager

**Section 7 - Shortage of Water Priorities (Ord. #44 3.14.2014) (amended 4.30.15)**

If for any reason, the Willow Creek Community Services Districts water is significantly depleted, the following priorities for water usage shall be followed.

1. District residential and small business customers will be our top priority.
2. Livestock watering.
3. Agricultural usage.
4. Commercial, Industrial, Golf Courses and Park Systems.

**SECTION 7A - DROUGHT CONDITIONS**

1. If the Willow Creek Community Services District experiences drought conditions and the watershed is stressed from low rainfall. The District will impose the following water restrictions, if the Albert E Hodgson Water Treatment Facility is not able to pump and treat a minimum of 2.25 CFS (Cubic Feet Second) during peak usage from the confluences of the Willow Creek.
2. The Willow Creek Community Services District will follow all of the Governors executive orders of said document.
3. Governor may require a percentage of mandatory reduction of water usage (To be determined), **2015 will be 25%.**
4. No watering or washing down of driveways.
5. Washing vehicles with nozzles on hoses only.
6. No wasting water by prolonged leaks (must be repaired within 72 hours of notification).
7. Turning auto sprinklers off during rain storms and for two days after.
8. Ornamental fountains must have a recirculation water pump.
9. Water days may be restricted (If necessary).
10. No watering of public street medians with potable water that have ornamental turf.
11. Potable water sold within the WCCSD boundaries to water tenders will be limited to one load per week (up to 3,000 gallons per load) for residential use per parcel. This will be by permit only.  
Exception for water tenders will be for emergency services vehicles.
12. **Public Notice of Hearing:** Said Board of Directors shall, pursuant to Section 6061 of California Government Code, publish said hearing date at least seven days prior to vote on Emergency Drought Conditions.
13. Implementation of SECTION 7A, the Board of Directors will by majority vote; **State a Declaration of Emergency Drought Conditions in the Willow Creek Watershed.**



14. Such vote shall be enacted for that current calendar year only. If conditions exist continuously said Board of Directors shall vote each calendar year thereafter.
15. The Willow Creek Community Services District will restrict the water usage of our Park System up to 95 percent (to be determined by the General Manager).
16. The WCCSD will ask for volunteer water consumption decrease of up to 20 percent of normal monthly use for all customers first.
17. If volunteer usage fails to reach water usage goals, the following steps will be implemented.
  - A. Residential customers may be restricted up to 50 percent (to be determined by the General Manager) of normal household water usage. In particular warm outdoor watering season (May to October). All usage will be based on monthly average.
  - B. Residents will be restricted of no watering of lawns and gardens.
  - C. Livestock watering will be restricted to watering and care of animals only.
  - D. 1" to 3" Commercial, Industrial, large business and Agricultural meters will be restricted up to 75 percent (to be determined by the General Manager) and will be restricted of no watering of lawns. All usage will be based on a monthly average.
  - E. The District will restrict fire hydrant usage to emergency household water (dwellings, non-agriculture) for out of District and will also allow for the use of all fire departments and public emergency services.
  - F. Water will not be sold from hydrants for agriculture, commercial or personal use during drought conditions for non-emergency.
  - G. Customers not in compliance (water restrictions) with ORDINANCE NUMBER 44 will be subject to termination of service. However not before a written notice of non-compliance and the WCCSD working with the customer to rectify said non-compliance. This will be determined by the General Manager.
  - H. Customer service will not be restored without written agreement of compliance of ORDINANCE NUMBER 44 and acceptance of said agreement by the General Manager.
  - I. Said customer shall pay all costs that were occurred by the Willow Creek Community Services District for enforcing ORDINANCE NUMBER 44.
8. Appeal process: Customer may appeal noncompliance of ORIDANCE NUMBER 44 by following board policy protocol.
9. WCCSD customers will be given a 96 hour public notice (News outlets, WCCSD website and US Mail) if SECTION 7A is to be implemented.



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A: Part A may be completed by the applicant**

Applicant Name: Enchanted Earth LLC APN: 524-201-022  
Katherine Strouse

Planning & Building Department Case/File No.: 12190

Road Name: Enchanted Springs Ln. (complete a separate form for each road)

From Road (Cross street): HWY 299

To Road (Cross street): Project site (212)

Length of road segment: .2 miles Date Inspected: 10/1/20

Road is maintained by:  County  Other  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Katherine Strouse  
Signature

10/4/20  
Date

Katherine Strouse  
Name Printed

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

u:\pwrk\landdev\projects\referrals\forms\road evaluation report form (2017-10-26).docx

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Division Environmental Health	✓	Approved	<b>Attached</b>
Building Inspection Division	✓	Approved with Conditions	<b>Attached</b>
Northwest Information Center	✓	Comments	On file and confidential
Tsungwe Council	✓	No Objections	On file and confidential
California Department of Fish & Wildlife	✓	Approved with Conditions	<b>Attached</b>
Cal FIRE		No Comments	
US Forest Service		No Comments	
Cal Trans District 1		No Comments	
Hoopa Valley Tribe		No Comments	
Klamath-Trinity Joint Unified School District		No Comments	
Willow Creek Community Services District		No Comments	

Location: OnTrack > Parcel > All Parcel Table > 524-201-022-000 > DEH Land Use Projects > 17/16-0087 > Program Distribution > 8/14/2017

Current Location: 8/14/2017

Save

Date Assigned 8/14/2017 Program Distribution Land Use Staff Assigned A. Molditsky Review Completed 8/14/2017

**Attached File(s)** Comment Date

Comments: Irrigation water is provided by Willow Creek Community Services District. There is not an OWTS permit application for parcel nor any information on the existing septic system. They are proposing processing onsite. I called applicant, Katherine Strouse, and left message concerning proposed use of existing septic system. Katherine found old AP number for parcel (524-201-018). It has a sewage disposal system permit application that was installed in 1980. There is a 1800 gallon septic tank and 6- 50 foot disposal lines. I recommend approval of zoning clearance certificate.

**PROJECT INFORMATION**

Business Name	Applicant	Project Detail
Enchanted Earth LLC	ZCC for 2,000 square feet (SF) of existing commercial medical cannabis cultivation area including 1,400 SF mixed-light and 600 SF outdoor. Irrigation water source is Willow Creek Community Services District. There is no water storage. Projected annual water use is 34,000 cubic feet. Processing is done onsite with no employees. There is an existing residence and outbuildings onsite.	



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

*M*



**7/18/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Klamath Trinity Joint School District

**Applicant Name** Enchanted Earth LLC **Key Parcel Number** 524-201-022-000

**Application (APPS#)** 12190 **Assigned Planner** () - **Case Number(s)** ZCC16-376

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

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

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

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

**Return Response No Later Than 8/2/2017** 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: 9-12-17 PRINT NAME: Gustin Dumlauer



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.: 12190

APN: 524-201-022  
CASE #: ZCC 16-376

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: Property lines /setbacks East side appear to be 0',  
Hoops not shown on plot plan.  
See photos @ ZCC 16-376 - Folder 524-201-022

Name: Gustin Dumlak

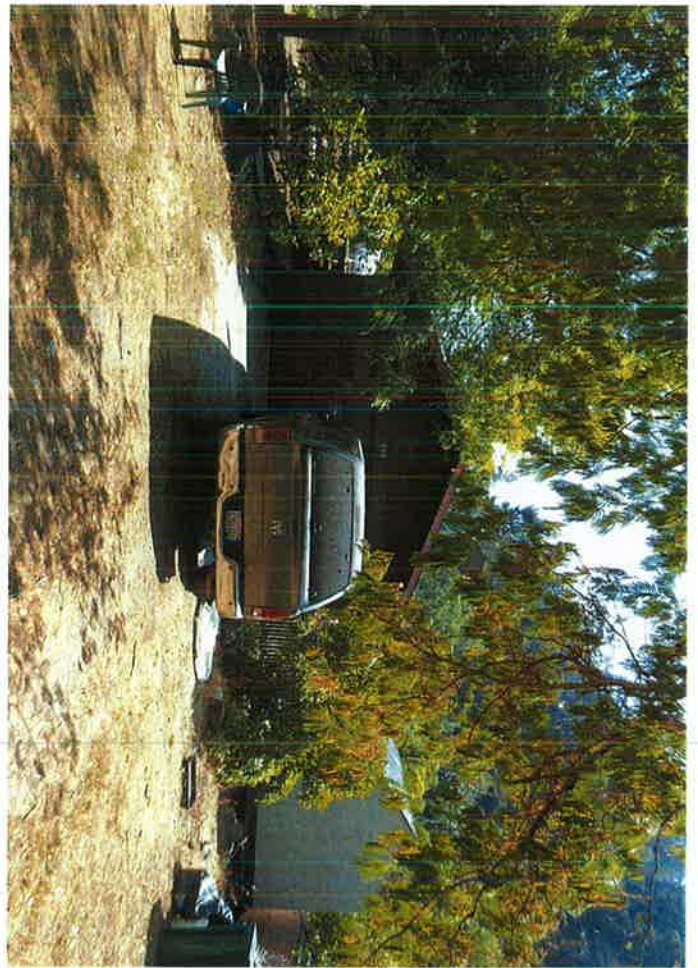
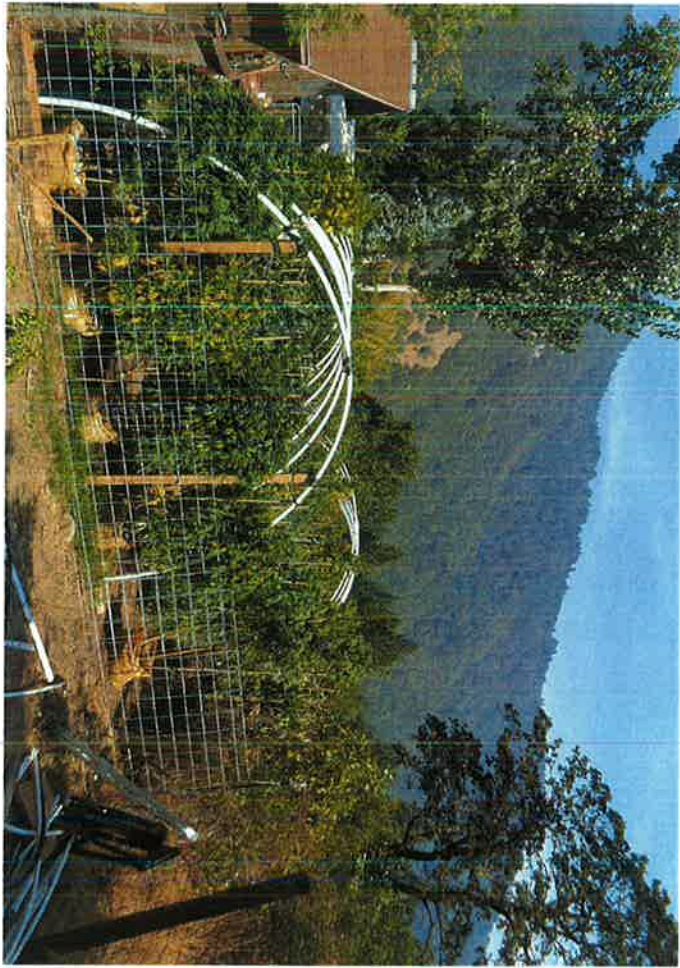
Date: 9-12-17

Note: Remember to take photographs and then save them to the Planning's <sup>CASE#</sup> application number.

J - Current Planning - Projects - (CUP SP ZCC)



9/11/17 Say-201-022



Boat







Applicant: Enchanted Earth		Date: 6/4/2019	
APPS No.: 12190	APN: 524-201-022	DFW CEQA No.: 2017-0311	Case No.: ZCC
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 1,400 <input checked="" type="checkbox"/> Outdoor (SF): 600 <input type="checkbox"/> Indoor	

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

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

**If the County elects to move this Project forward to hearing, CDFW requests the following items be incorporated as conditions of Project approval:**

- This Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light in greenhouse structures) cultivation adjacent to NSO potentially occupied habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown *et al.* 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward *et al.* 2011).

CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. To avoid and/or minimize disturbance CDFW requests the following measures as conditions of Project approval:

- To avoid disturbance of NSO and other sensitive species, CDFW requests the construction of noise containment structures for any/all backup generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer.
- To minimize impacts to sensitive species, such as NSO, potentially affected by this Project, CDFW requests, that artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting 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.

- ☒ 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.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), Foothill Yellow-legged Frog (*Rana boylei*), Boreal Toad (*Anaxyrus boreas boreas*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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