



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 15, 2018

To: Humboldt County Planning Commission

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

Subject: **Hogwash Pharms, LLC**
Application Number: 11374
Case Number: SP-16-214
Assessor's Parcel Number: 220-292-009
4741 Blue Slide Creek Rd, Whitethorn area

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Please contact Elizabeth Moreno, Planner, at (707) 445-7541 or by email at emoreno@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 15, 2018	Subject Special Permit	Contact Elizabeth Moreno
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Project Description: A Special Permit is requested for an existing 7,296 square feet of outdoor commercial cannabis cultivation. No supplemental light is used in the operation. The water source comes from the adjacent parcel on APN 220-292-013. The applicant estimates 60,425 gallons of water is required annual for irrigation. The water storage capacity on site is 62,500 gallons in one bladder and five hard-sided tanks. Drying will be performed on an adjacent parcel owned by the applicant, APN: 220-292-012, with all other processing done by a third party. An existing 160 square-foot shipping container is used for materials storage. There will be no employees; all cultivation activities will be performed by the two operators and three collective members. Restroom facilities will be provided by portable toilet facilities.

Project Location: The project is located in Humboldt County, in the Briceland area, on the East side of Blue Slide Creek Road, approximately 4.5 miles North from the intersection of Briceland Thorne Road and Blue Slide Creek Road to a Private Drive, then approximately .6 miles East from the intersection of Blue Slide Creek Road and the Private Drive, on the property known as 4741 Blue Slide Creek Road.

Present Plan Land Use Designation: Residential Agriculture (RA), Density: 1 dwelling unit per 40 acres, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR), Building Site Combining Zone (B-5(40))

Case Numbers: SP16-214

Application Number: 11374

Assessor Parcel Number: 220-292-009

Applicant
Hogwash Pharms, LLC
Kaylie Saxon
1650 Central Avenue, Suite C
McKinleyville, CA 95519

Owner
Martin Eric H & McClure Jill A
P. O. Box 1781
Redway, CA 95560

Agent
Green Road Consulting, Inc.
Kaylie Saxon
1650 Central Ave. Suite C
McKinleyville, CA 95519

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), Section 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects).

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Hogwash Pharms, LLC, Special Permit
Case Number: SP 16-214
Assessor's Parcel Number (APN): 220-292-009

Recommended Commission Action

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Find the project exempt from environmental review pursuant to Sections 15301, 15304 and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Hogwash Pharms, LLC, Special Permit subject to the recommended conditions.

Executive Summary

The proposed Special Permit would allow operation of an existing outdoor 7,296-square foot commercial cannabis cultivation on an approximately 46-acre parcel (assessed lot size) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Development on the site is concentrated in one cultivation area. Existing structures include a 50,000-gallon water bladder, five 2,500-gallon hard-sided water storage tanks, a 160-square-foot shipping container and an outbuilding. Security for the site consists of locked gates and game cameras providing video surveillance.

The current cultivation operation consists of open air outdoor cultivation. No artificial lighting is proposed. Cultivation activities extend from May to October. Automated covers are activated in the late summer months to cover the plants from excessive sunlight. Watering will be done by hand. One harvest is expected per year, beginning in October. There will be no employees; all cultivation activities will be performed by the two operators and three members of the collective. Restroom facilities will be provided by portable toilet facilities. The Department of Environmental Health (DEH) conditionally approved the project by requiring the applicant to provide an invoice, or equivalent documentation to DEH to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of cultivation staff. A shipping container located north east of the cultivation is used for storage of materials, such as fertilizers and nutrients. The cultivation will be dried at parcel 220-292-012 and then further processed offsite at a licensed processing or manufacturing location.

Water for irrigation is supplied via an existing well adjacent property on APN 220-292-013 owned by the applicant. Given that a person cannot dedicate an easement to him or herself, the applicant will be required to prepare a Contingent Easement on forms provided by the County Planning Department, along with recordation fees. When/if the property is transferred the actual easement is executed and recorded. Conditions of approval for the proposed project require the applicant to notify the California Department of Fish and Wildlife (CDFW) regarding use of the well and request a determination if the well is within the jurisdiction of CDFW. If so, the applicant is also required to obtain appropriate water rights for water storage on-site from the State Water Resources Control Board – Water Rights Division. The anticipated annual water usage is 60,425 gallons. The applicant uses a drip irrigation system. Sufficient storage exists on-site to provide water for irrigation for the duration of the cultivation season as there is a total of 62,500 gallons of water storage. Conditions of approval require the applicant to agree to a compliance agreement that includes (but is not limited to) replacement of the bladder with hard-sided tank storage.

The cultivation site is located within an area where timberland conversion and grading occurred without the benefit of agency review. According to the Timber Conversion Evaluation dated April 9, 2018, conducted by Timberland Resource Consultants, it was found a total of .85 acres of unauthorized timber conversion occurred between 2005 - 2012. The report was sent to CAL FIRE for review. CAL FIRE comments on the report stated the recommendation offered is acceptable and appropriate based on the conditions and detailed information provided. CAL FIRE has no additional recommendations or comments.

On July 16, 2018 California Department of Fish and Wildlife (CDFW) noted that an additional timber conversion occurred in 2018. The additional conversion was confirmed by a Timber Conversion Evaluation report dated July 23, 2018 conducted by Timberland Resource Consultants, it was found that an additional .19 acres of unauthorized timber conversion occurred between 2016 - 2018. The second report was sent to CAL FIRE and they indicated that they had no additional recommendations. However, the additional timber clearing is not consistent with the Mitigated Negative Declaration (MND) adopted by the County on September 13, 2016 prepared for adoption of the Commercial Medical Marijuana Land Use Ordinance(CMMLUO). The MND assumed there would be no additional timber conversion associated with cannabis cultivation. In order to be covered by the environmental review associated with adoption of the CMMLUO this area need to be restored.

The section Agriculture and Forest Resource C) and D) Less than Significant, Page 9 of the Mitigated Negative Declaration, states that the impact to existing zoning for forest land, timberland, and TPZ is less than significant, because, the discretionary permitting process will also enable after-the-fact review and permitting of illegal conversions through the implementation of remediation measures including restocking or the preparation of a notice of timberland conversion or less than 3-acre conversion. Thus, as a condition of approval the applicant is to restock the unauthorized .19 acre timber conversion that occurred between 2016-2018. Applicant is to submit a remediation plan created by a qualified professional to the Planning Department.

The parcel is accessed off of Blue Slide Creek Road. The Public Works Department recommended approval with a condition that the existing on-site driveway be improved to commercial standards. A Road Evaluation Report dated 12/20/2017 was prepared for Blue Slide Creek Road which identifies the road as developed to the equivalent of Category 4 road standards (i.e., the roadway is generally 20 feet wide, but has pinch points which narrow the road and require oncoming vehicles to stop and wait for the other vehicle to pass). The project is conditioned on obtaining an encroachment permit from the Department of Public Works to improvements at the intersection of the County-maintained and non-County maintained portion of Blue Slide Creek Road. The project is also conditioned upon the road being improved to the functional equivalent of a Category 4 road as certified by an engineer or county staff.

The project was scheduled for a public hearing with the Zoning Administrator on June 21, 2018, however, the hearing was not opened due to a request from a member of the community to have the project heard by the Planning Commission. The community member objected to the project due to a dispute over the applicant denying access to a shared easement. The applicant was asked to survey the easement described in the grant deed and to submit a final map illustrating the easement with the appropriate setbacks to the cultivation area. The applicant submitted an Easement Evaluation, prepared by James H. Baker P.L.S. 4784, which includes maps illustrating the easement with the appropriate setbacks to the cultivation area. This evaluation is included as Attachment 5.

The applicant has identified four unnamed Class II watercourses flow through the project site — one passes through the north central and northeastern portion of the site. The Streamside Management Area (SMA) boundaries shown on the site plans demonstrate that all on-site

structures are outside of the SMAs. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID# 1B16535CHUM). The Water Resource Protection Plan (WRPP) developed for the subject parcel indicates that several corrective actions are required to achieve compliance with the NCRWQCB's program, including (but not limited to) road improvements to interior access roads, removal of three stream crossings and replacement of water storage bladders with hard-sided tanks.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permit.

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is Categorically Exempt under the three Exemption Classes 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 18-**

**Case Number: SP 16-214
Assessor's Parcel Number: 220-292-009**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Hogwash Pharms Special Permit request.

WHEREAS, Hogwash Pharms, LLC, submitted an application and evidence in support of approving the Special Permit to permit a 7,296-square-foot outdoor commercial medical cannabis cultivation area. Cultivation activities extend from May to October and will be conducted by collective members. There is one harvest per season. Water for irrigation is provided by an existing well on APN 220-292-013. Once harvested, cannabis plants will be transported to APN 220-292-012 to be dried then transported to an off-site processing facility for trimming and curing; and

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

WHEREAS, the project is exempt from environmental review per Section 15301 (Existing Facilities) of the State CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP16-214); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on November 15, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The proposed project is categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP16-214 based on the submitted substantial evidence; and
3. Special Permit Case Number SP16-214 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on November 15, 2018.

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

AYES: Commissioners:

NOES: Commissioners:

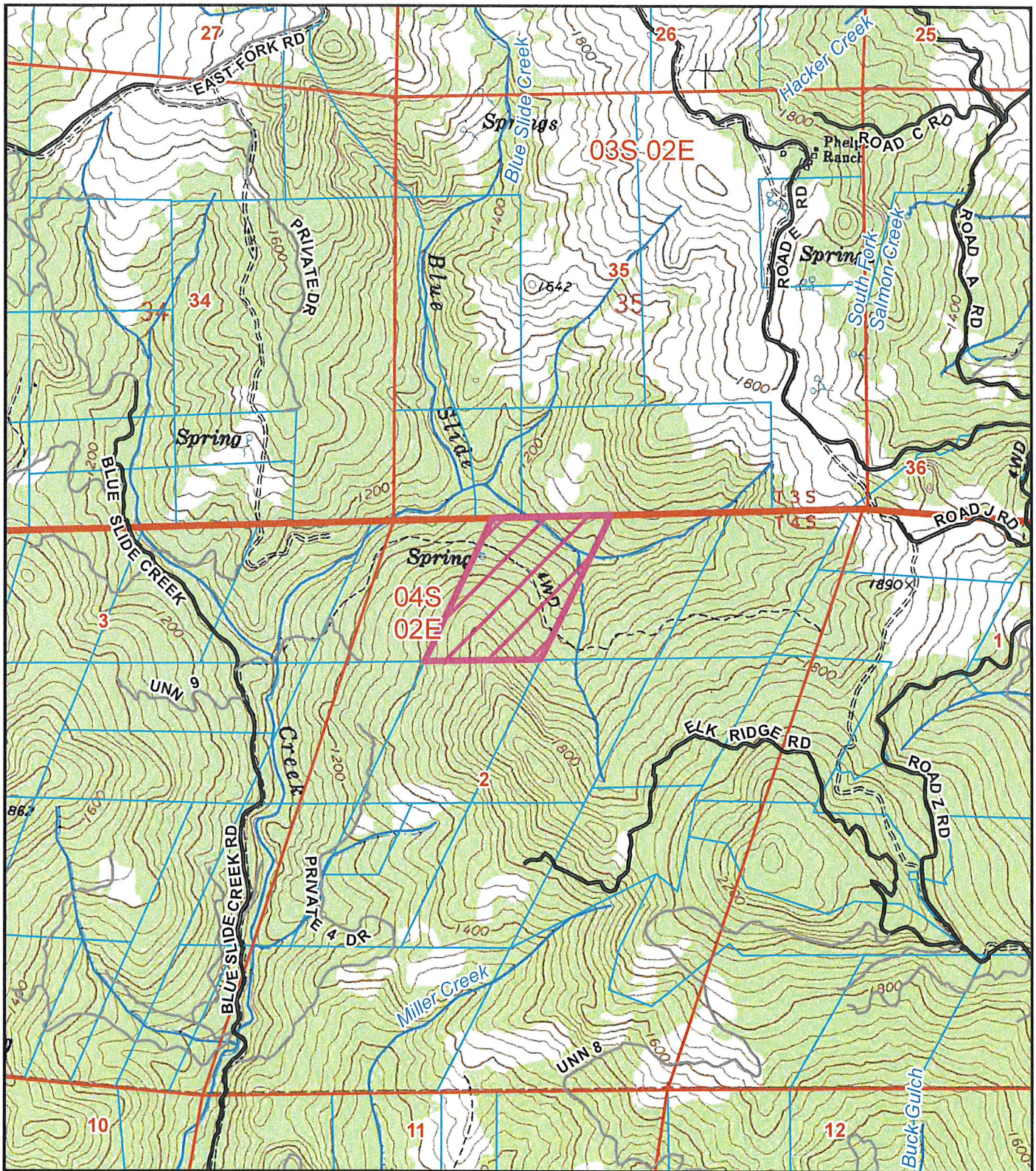
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

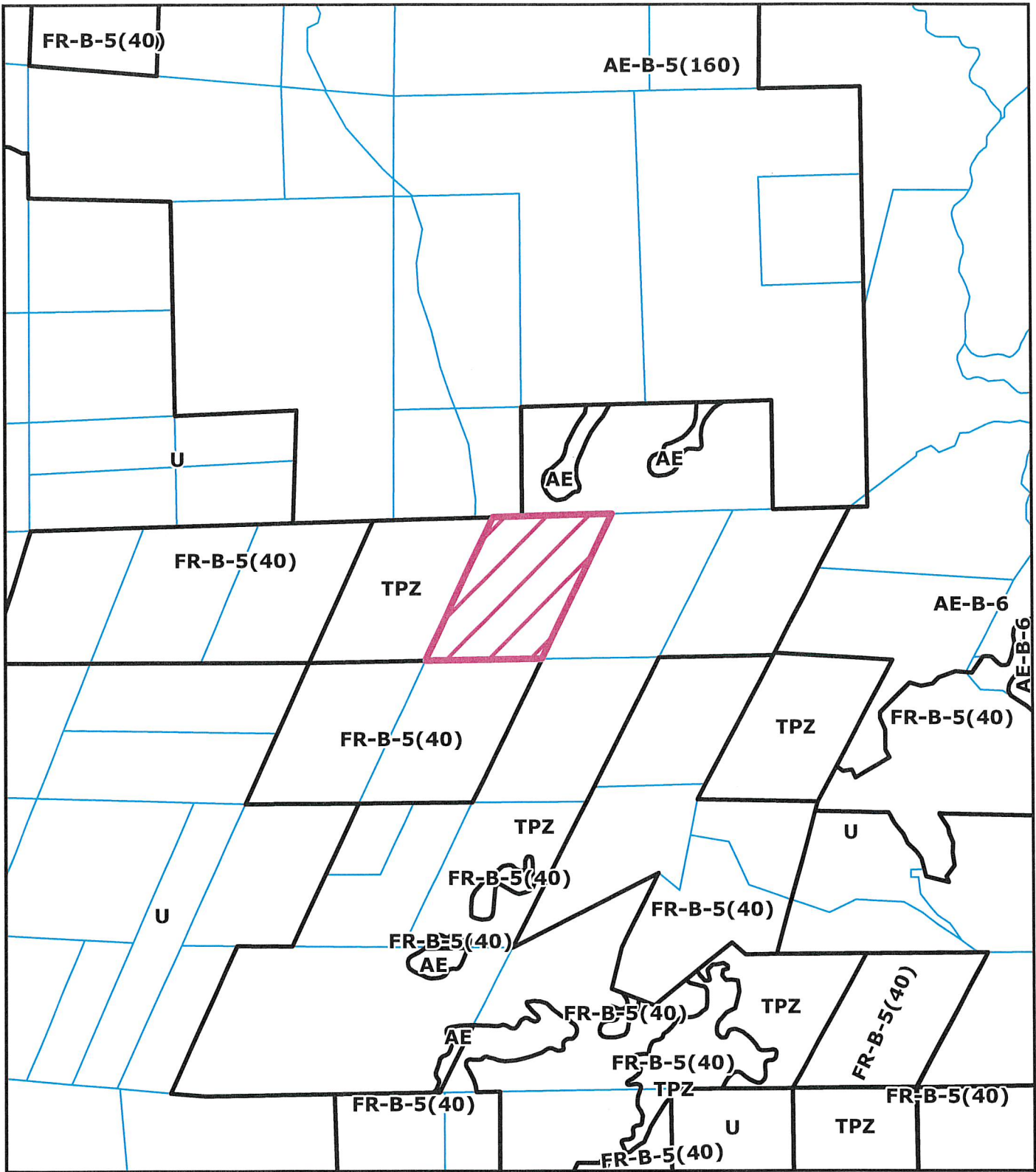
John Ford, Director
Planning and Building Department




**TOPO MAP
PROPOSED BLUE SLIDE ORGANICS
BRICELAND AREA
SP-16-214
APN: 220-292-009
T04S R02E S2 HB&M (ETTERSBURG)**


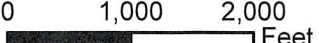
Project Area =

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.

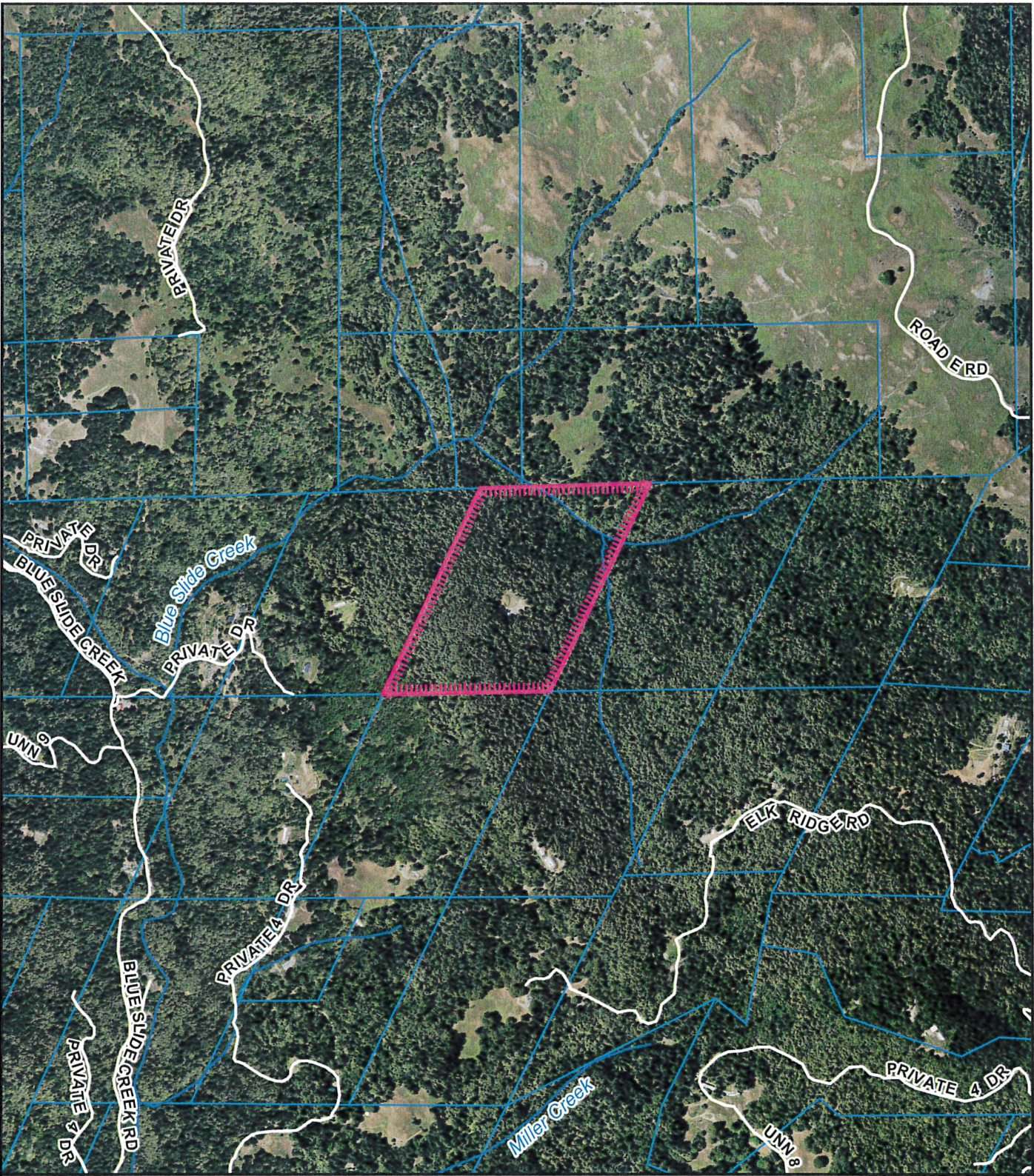


**ZONING MAP
PROPOSED BLUE SLIDE ORGANICS
BRICELAND AREA
SP-16-214
APN: 220-292-009
T04S R02E S2 HB&M (ETTERSBURG)**

Project Area = 

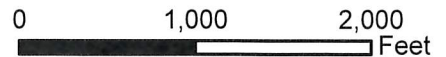



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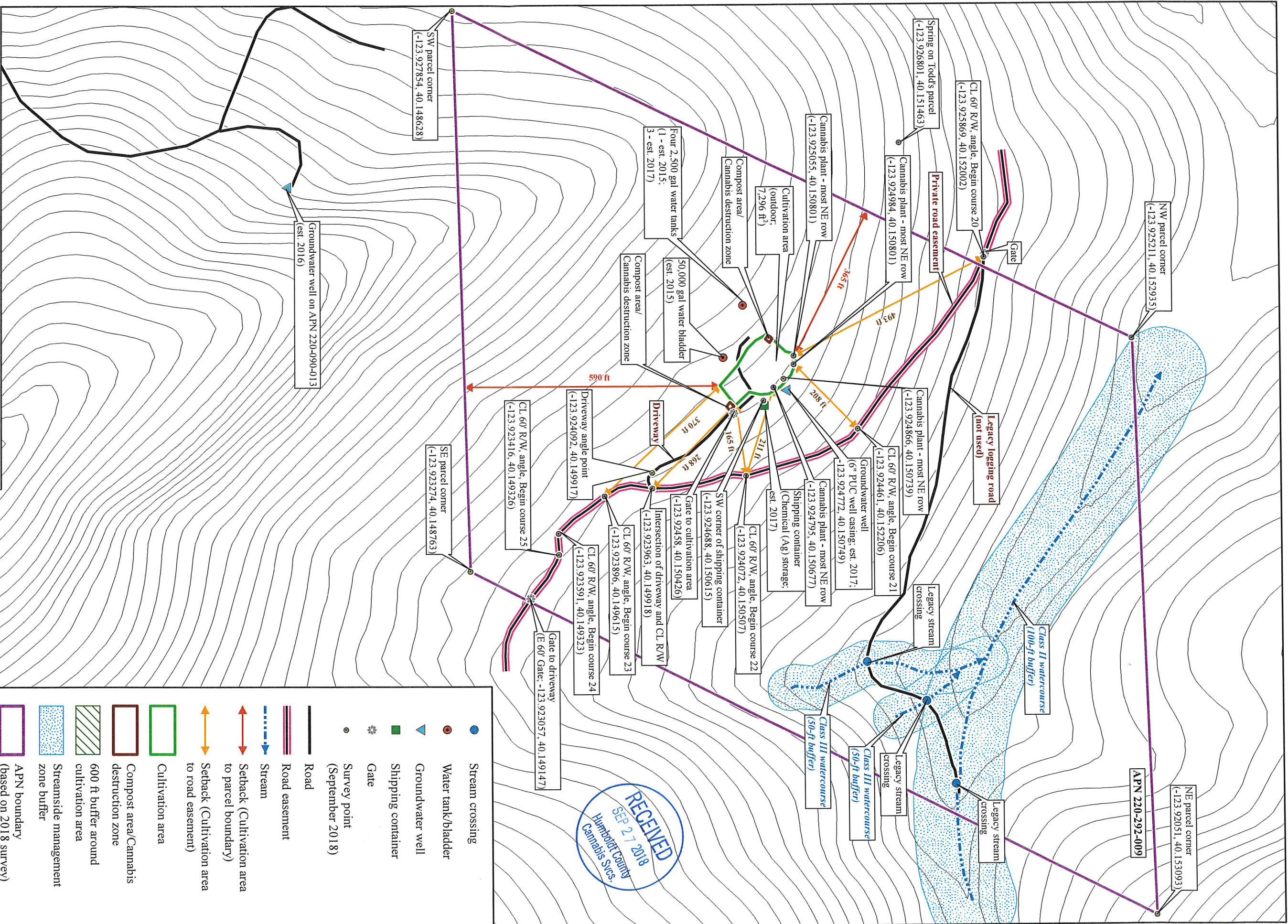


AERIAL MAP
PROPOSED BLUE SLIDE ORGANICS
BRICELAND AREA
SP-16-214
APN: 220-292-009
T04S R02E S2 HB&M (ETTERSBURG)

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.



- Note:
1. Owner's Name/APN: Jill McClure/APN 220-292-009
 2. One private road easement through property.
 3. There are no school bus stops within 600 feet of a cultivation area.
 4. There are no public parks within 600 feet of a cultivation area.
 5. There are no schools within 600 feet of a cultivation area.
 6. There are no places of worship within 600 feet of a cultivation area.
 7. The nearest residence is approximately 1,566 feet to the southwest of the cultivation area.
 8. There are no known tribal cultural resources within 600 feet of any cultivation site.

	Stream crossing
	Water tank/bladder
	Groundwater well
	Shipping container
	Gate
	Survey point (September 2018)
	Road
	Road easement
	Stream
	Setback (Cultivation area to parcel boundary)
	Setback (Cultivation area to road easement)
	Cultivation area
	Compost area/Cannabis destruction zone
	600 ft buffer around cultivation area
	Streamside management zone buffer
	APN boundary (based on 2018 survey)

Scale 1:2,520 1 inch = 210 feet
 Parcel boundary data:
 2018 Humboldt County GIS
 (modified according to property
 survey in September 2018)

Prepared September 2018 by:
 Pacific Watershed Associates
 www.pacificwatershed.com



ATTACHMENT 1
Recommended Conditions of Approval

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

1. **The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department within 60 days of the effective date of permit approval**, detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall improve the existing applicant's private driveway apron (encroachment) that connects to the County maintained Briceland Thorne Road to meet the County visibility ordinance and encroachment permit standards. This requires that the driveway apron be paved for a minimum width of 20 feet and for a length of 50 feet. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
3. The applicant shall demonstrate the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
4. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2* enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
5. Applicant shall replace all water bladders with hard plastic tanks.
6. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. Obtain Building Permits and/or clearances from the Building Division for all existing and proposed structures that have a nexus to the medical cannabis activity.

9. Provide portable toilets to meet the needs of cultivation staff. Annual contracts or invoices confirming service are required and will be provided to Humboldt County Health and Human Services, Division of Environmental Health (DEH). (NOTE: allowable for cultivation only)
10. Adhere to recommendations in the Cultural Resources Investigation, including the Inadvertent Discovery Protocol.
11. No artificial light will be used in the cultivation operation.
12. The applicant will submit notification of Lake and Stream Alteration (LSA) to the Department of Fish and Wildlife (CDFW) for a determination as to whether the well on APN 220-292-013 is hydrologically connected to surface water and for removal of the three stream crossings described in the WRPP. If the well is determined to be connected, the applicant will provide sufficient water storage for the forbearance period as specified in the LSA. The applicant shall obtain the appropriate surface water diversion rights from the California State Water Resources Control Board and the Division of Water Rights (see Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project Condition #5).
13. The groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise.
14. No further ground disturbance and no generators shall be used for this project until a qualified biologist, in consultation with CDFW has determined whether the area has Northern Spotted Owl, or has assume presence.
15. The applicant is to restock the unauthorized .19 acre timber conversion that occurred between 2016-2018. Applicant is to submit a remediation plan created by a qualified professional to the Planning Department.
16. A Contingent Easement on forms provided by the Planning and Building Department shall be recorded establishing a valid, permanent legal right to water use from the well source on APN 220-292-009, including use of water lines and appurtenances, and quantifying the amount of water deeded.
17. A revised site plan shall be submitted to the Planning and Building Department showing:
 - a) Adequate off-street parking, and
 - b) Compliance with emergency vehicle access requirements.
18. The access road shall be improved to meet the functional equivalent of a Category 4 road with slopes consistent with Fire Safe Regulation standards as certified by a licensed engineer or County staff.
19. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
20. Prior to initiating commercial medical cannabis cultivation or associated activities the property owner(s) 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.

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

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.

9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. No generators are proposed for project operations. The noise produced by any generator used for cannabis operations shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. The applicant shall obtain approval from the Planning Department for a restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
16. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
17. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
18. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

Performance Standards for Cultivation and Processing Operations:

19. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt

County Code (including the Building Code).

21. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. All cultivators shall comply with the approved Processing Plan as to the following:
 - i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire one (1) year after the date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request re-inspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

25. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

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

26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

27. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are

in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
8. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

Staff Analysis of the Substantial Evidence Supporting the Required Findings

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): Large lot residential uses that typically use on-site water and wastewater systems. Applied density reflects land capabilities or compatibility issues. Five to 20 acre density for lands with slopes less than 30% and good road access. Higher densities are applied to more remote, steep and high hazard areas or to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 1 dwelling unit per 40 acres.</p>	<p>The proposed project includes approximately 7,296 square feet of outdoor cultivation on a 46.60-acre parcel. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The project site is located in the Whitethorn area. The site is accessed by a private driveway off of Blue Slide Creek Road. A Road Evaluation Report, prepared by the Applicant dated 12/20/2017, was prepared for Blue Slide Creek Road which identifies the road as developed to the equivalent of Category 4 road standards (a roadway that is generally 20 feet wide but has pinch points which narrow the road and require oncoming vehicles to stop and wait for the other vehicle to pass). Conditions of approval for the proposed project require an engineer or county staff to certify that the road is or to require the road to be improved to the functional equivalency of a Road Category 4 and for the Applicant to obtain an encroachment permit for improvements to the intersection of Blue Slide Creek Road and Briceland Thorne Road, County maintained road.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The Open Space Action Program applies to the project because of the overlay for Streamside Management Areas (SMA) and Other Wet Areas. All existing cannabis cultivation is located outside the SMA, and water for irrigation comes from a well on APN 220-292-013.</p> <p>Furthermore, the project includes a Water Resource Protection Plan where it is recommended that the existing water bladder is replaced by plastic hard tanks in case the bladder fails.</p> <p>Lastly, the project supports the Open Space Land Plan because it showcases the working landscape in Humboldt County while not impacting the county's natural landscape.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The applicant obtained a Registered Professional Forester evaluation for prior unauthorized conversion of timberland. The report includes a biological report in which states that no sensitive, rare, threatened, or endangered species of special concern are located within 0.70 miles radius. The nearest Northern Spotted Owl (NSO) activity center is approximately 1.3 miles from the cultivation site.</p>
Conservation and Open Space	Goals and policies contained in this Chapter relate to the protection and enhancement of	The applicant retained Dimitra Zalarvis-Chase (DZC) for the preparation of a Cultural Resources Investigation for the

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Chapter 10</p> <p>Cultural Resources</p> <p>Section 10.6</p>	<p>significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation].</p>	<p>Project site. DZC conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Informational Notes #3 are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Scenic Resources</p> <p>Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project does not involve mixed-light cultivation. Clones are brought into the property for planting.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Pacific Watershed Associates (PWA) for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The Water Resources Protection Plan (WRPP) states that an Onsite Wastewater Treatment System (OWTS) was not constructed properly and anyone working on the site has used an unpermitted OWTS on an adjacent parcel (APN 220-291-013). Recommendations in the WRPP and conditions of approval for this project require the applicant to use portable bathroom and handwashing stations for employees conducting cultivation activities.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The existing cultivation is outdoor and does not use generators.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The project is also mapped outside floodplains and tsunami run up areas. The County's GIS shows the site in an area designated as Moderate Instability (2). The majority of the site is mapped by USGS as having slopes between 30 – 50 percent; however, the County GIS show the cultivation areas on the site being located in areas mapped primarily as containing slopes between 15 to 30 percent, and 15 - 30 percent. Based on review of historic aerial imagery on GoogleEarth®, the locations of the cultivation areas have been previously graded. Small areas in the north and south on the site contain steep slopes mapped as over 50 percent. These areas are heavily wooded and are not usable. As a condition of approval, the graded areas shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 10 miles distance from the coast and approximately 1,429 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire</p>	<p>The subject property is located within the Briceland Fire Protection District and is also within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Safe Regulations.	development standards for minimizing wildfire danger in state responsibility designated areas. As a condition of approval the applicant shall reserve 2,500 gallons of emergency water supply to meet the general standards. Additionally, access to the parcel and emergency truck turnarounds must be developed in accordance with the Fire Safe regulations.
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	Applications for grading and or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	This parcel of land is known as Assessor Parcel Number 220-292-009 and is a legal parcel created as Parcel 7 of Parcel Map No. 67 per Map recorded in Book 1, page 120 of Parcel Maps in the Office of the Humboldt County Recorder.
§314-7.3 Forestry Recreation Zone §314-21 Special Building Site Combining Zone	<p>Forestry Recreation (FR): Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>The Special Building Site Combining or B Zones and subzones there under are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone.</p>	The applicant is seeking a Special Permit for an existing 7,296-square-foot outdoor medical cannabis cultivation operation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	40 acres (per B-5 Combining Zone)	46 acres
Minimum Lot Width:	200 feet	>1,200 feet
Maximum Lot Depth:	None specified	N/A
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks (through the SRA)	Front: 20 feet Rear: 20 feet Side: 10 feet	Front: 60 feet (processing facility/barn will be 60 feet from southern site boundary) Rear: >20 feet Side: 30 feet. 10% of average lot width is

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
requirements):	30 Feet	<20 feet; therefore, a 30-foot setback is in compliance. SRA complies
Max. Building Height:	35 feet	<35 feet
§314-61.1 Streamside Management Area (SMA)	Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.	The project does not propose to use a surface water diversion or a hydrologically connected well as a water source for cultivation activities. The project's on-site activities are located 677 feet or further from the edge of an unnamed creek.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. <i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i>	There are no employees associated with the requested permit. All work would be conducted by the two operators and 3 members of the collective. The land use on the site is agricultural, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift about 5 parking spaces (per Section 314-109.1.3.4.2 - Manufacturing).

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned AE, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.</p>	<p>The applicant has submitted a Registered Professional Forester report completed by Timberland Resource Consultants. The report states that the unauthorized timber conversions conducted on the parcel comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. Further, the report suggest no recommendation at this time. The report was referred to CAL FIRE on 10/17/2018 and they provided the following comments: the mitigation offered is acceptable and appropriate based on the conditions and detailed information provided. Cal Fire has no additional recommendations or comments. As a condition of approval require the applicant to obtain approval from the Planning Department for a restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration.</p>
<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitations), RA (on parcels five acres or larger), and TC and TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.</p>	<p>The applicant has provided evidence of cultivation prior to January 1, 2016, an aerial image of the site dated 2015 from TerraServer, which shows the outdoor cultivation in the area shown on the site plan. The County has verified the applicant's cultivation area.</p> <p>The proposed project includes permitting up to 7,296 square feet of existing outdoor cultivation operation on a parcel zoned FR-B-5(40). The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>

<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person.</p>	<p>According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for outdoor cultivation.</p>
<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>Drying will occur on an adjacent parcel (APN 209-292-012) that is also owned by the applicant and further processing will occur offsite at a licensed processing or manufacturing facility.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>
<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The source of water is an existing well located on APN 220-292-013. The applicant pumps water from the well with the use of a generator and it is gravity fed in a one inch pipe to the site. The hydrologic connectivity of the well is to be determined by the California Department of Fish and Wildlife. Should the well be found to be hydrologically connected, the applicant is to forbear from May 15th to October 31st or provide a water management plan by a qualified professional that demonstrates a shorter forbearance period could be allowable. Conditions of approval also require the applicant to obtain appropriate water rights if the well is connected to surface waters.</p> <p>Water storage capacity onsite is 62,500-gallons consisting of one 50,000 gallon bladder and five 2,500 gallon hard tanks. As recommended by the WRPP and as a condition of approval, the applicant is to transition into hard plastic water tanks and remove the water bladder.</p>

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation area conforms to the 600-foot school bus stop. Nor is there a place of religious worship within 600 feet. The outcome of the cultural resources study was there are no TCRs present on the site.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>No generators are proposed as part of this application.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on October 28, 2016.</p>

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§15301 of CEQA Guidelines	Categorically exempt from State environmental review.	The project has been determined to be exempt from CEQA pursuant to Sections 15301 – Existing Facilities of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the operation, repair maintenance, permitting, licensing, or minor alteration of existing private structures or facilities where involving negligible or no expansion of use. The cultivation area was in existence prior to January 1, 2016. No use of hazardous materials

		<p>are proposed aside from the cleaning agents, fertilizer, pesticide and fungicide described on the MSDS Data Sheets in the project file. The project will not result in any significant adverse impact on the environment as the lot is approximately 46 acres in size and ground coverage is less than 1% of the lot area.</p>
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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 ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached - site plan prepared by Green Road Consulting, dated August 2, 2017)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (On file - Cultivation and Operations Plan received May 30, 2017 and addendum dated August 2, 2017)
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 (On file for domestic use).
6. Description of water source, storage, irrigation plan, and projected water usage. (On file - see addendum dated August 17, 2017)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file - NOI; Watershed Resource Protection Plan; Reporting Form August 17, 2016)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not Applicable)

9. If the source of water is a well, a copy of the County well permit, if available (On file).
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 (Conversion Evaluation Report on file).
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Phase 1 Cultural Resource Inventory, DZC Archeology and Cultural Resource Management, dated September 2017. (On file and confidential)
16. Road Evaluation Report dated December 20, 2017. (On file)
17. DEH Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)
18. Timberland Conversion Evaluation Report, prepared by Timberland Resource Consultants, dated April 9, 2018. (On file)

19. Timberland Conversion Evaluation Report, prepared by Timberland Resource Consultants, dated July 20, 2018. (Attached)

20. Cal Fire final comment to the RPF comment. (On file)



GREEN ROAD CONSULTING

Site Plan Overview and Cultivation and Operations Plan

Applicant

Full Circle Leasing and Supply Inc.

PO Box 1781, Redway CA, 95560

Parcel: 220-292-009

Agent

Kaylie Saxon

Green Road Consulting, Inc.

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

Full Circle Leasing and Supply is submitting this application for a Type 2 Special Permit for 9,600 square feet of existing outdoor commercial cannabis cultivation on a 46.54-acre parcel, located in Whitethorn, CA, 95589, Assessor's Parcel Number("APN") 220-292-009.

The applicant is sourcing water from a permitted well located on parcel 220-292-013 (which applicant owns). There is one (1) 50,000-gallon bladder tank and five (5) 2,500-gallon hard tanks for a total of 62,500 gallons of water storage onsite. The applicant is anticipated to use a total of 60,425 gallons of water annually.

There are two buildings on this site. One (1) Shipping Container which was installed in 2017, it measures approximately 8'X20' and is used for storing fertilizers and soil amendments for cannabis cultivation purposes. There is one (1) Domestic Storage building on this site it was built in 1996 it is not used for cannabis cultivation purposes.

The applicant has indicated that there is one harvest per season occurring in late October. Once plants are harvested they are taken offsite to an adjacent parcel, number 220-292-012, once there the plants are spread on drying racks in a drying room, the flowered material is then removed from the stalks. Once this is complete the dried cannabis is packaged into totes and taken to a separate location for HAG (Humboldt Alchemy Group) for manufacturing into CO2 oil. ** Dried*

There are no employees, all harvesting, is done by family or members of the collective. ** Processing By*

There are no large generators or fuel storage containers on the Project Site. ***

This application is submitted through their agent, Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Type 2 Special Permit would achieve the following results for the Applicant:

- a. Permit ^{7,294}~~9,600~~ square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board and California Department of Fish and Wildlife.

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Briceland/ Whitethorn, CA. The Parcel is comprised of 46.54-acres and is identified by Assessor's Parcel Number (220-292-009). The street address for this Parcel is 4741 Blue Slide Creek Rd. Whitethorn, CA, 95589.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of AL40 (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as FR-B-5(40) with cultivation sites between 5,000 square feet and 10,000 square feet with a Type 2 Special Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "one" of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

That real property, situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE

Parcel 5 of Parcel Map No. 67 per Map recorded in Book 1, page 120 of Parcel Maps in the Office of the County Recorder of said County.

EXCEPTING FROM said Parcel One all gas, oil, coal and mineral rights of every nature and kind and the right to prospect for oil, gas, coal and all minerals and the right to remove the same without let or hindrance forever, as excepted and reserved in the deed dated March 5, 1945 executed by Grace M. Tucker, a widow to Ezra J. Stump and wife and recorded January 21, 1947 in Book 2 of Official Records, page 209 under Recorder's File No. 602 of Humboldt County Records, and by Correction Deed recorded May 21, 1948 under Recorder's File No. 5127, Humboldt County Records.

PARCEL TWO

A non-exclusive right of way for ingress, egress and public utilities to be used in common with others over the road designated as "Centerline of 60-foot Private Right of Way" on the Record of Survey made by Joseph J. Scherf, which Survey is on file in the Office of the County Recorder of Humboldt County, California in Book 23 of Surveys, pages 2 and 3.

PARCEL THREE

A non-exclusive right of way for ingress, egress and public utilities to be used in common with others over the road designated as "Centerline of 60-foot Private Right of Way" on the Record of Survey made by Joseph J. Scherf which Survey is on file in the Office of the County Recorder of Humboldt County, California in Book 22 of Surveys, pages 121 to 124 inclusive.

EXCEPTING THEREFROM that portion thereof lying within the North Half of the Southwest Quarter of Section 3, Township 4 South, Range 2 East, Humboldt Meridian.

ALSO EXCEPTING THEREFROM that portion thereof lying Northerly of the Westerly line of Parcel One of said Parcel Map.

PARCEL FOUR

A non-exclusive right of way for ingress, egress and public utility purposes to be used in common with others over that portion of the road designated as "Existing Private Road" on the Record of Survey on file in the Office of the County Recorder of Humboldt County, California in Book 22 of Surveys, pages 66 to 69 inclusive, running from the most Westerly terminus of Parcel Three above, Southeasterly to the County Road in Section 24, Township 4 South, Range 2 East, Humboldt Meridian.

PARCEL FIVE

A non-exclusive easement for ingress, egress and public utility purposes over a strip of land (30 feet in width the center line of which is delineated on said Parcel Map No. 67 as Courses 1 to 51 inclusive; together with the right to convey said easement to others.

PARCEL SIX

A non-exclusive right of way, 60 feet in width for ingress, egress and public utilities to be used in common with others, the center line of which is the centerline of an existing road extending from the Easterly line of the right of way described in Parcel Three herein near the Southwesterly corner of Parcel One of said Parcel Map in a Northerly, Northeasterly and Easterly direction across Parcels One and Two of said Parcel Map to the Easterly line of Parcel of said parcel map.

4.0 Natural Waterways

There are four (4) unnamed Class II streams that cross the parcel.

5.0 Location and Area of Existing Cultivation

The ^{7,296}~~10,000~~ square feet of Outdoor cannabis cultivation occurs in one main location, located in the middle of the parcel.

Outdoor Cultivation

Cultivation Area #1

Cultivation Area #1 is located near the center of the parcel. It consists of approximately ^{7,296}~~10,000~~ square feet of outdoor cannabis cultivation, located in the middle of the parcel.

6.0 Setbacks of Cultivation Area

The cultivation area is setback approximately 501ft from the eastern line of the parcel, and approximately 610ft back from the southern parcel line.

7.0 Access Roads

The Parcel is located off Blue Slide Creek Rd. Approximately 1.6 miles of road was previously inspected, mostly comprised of a two longer sections of access roads, multiple spurs, and a segment of abandoned road. Roads on the property occupy both ridge and mid-slope locations and exhibit surface erosion issues caused by a lack of road drainage structures. Multiple road-related sediment delivery features (Shown in Figure 2 of the WRPP) were identified; including a long section of concentrated road runoff and an outboard fillslope failure both with sediment delivery to the Blue Slide Creek stream network. These features are considered high priority and need to be treated as a part of the Waiver Program. Until these treatments are completed, the Project Site is considered non-compliant with the Order. PWA recommends implementing the recommendations provided within the 2016 Erosion Control Plan (ECP). These recommendations address both upgrading and decommissioning of roads on the property to mitigate future erosion and sediment delivery.

8.0 Graded Flats

The Parcel contains one (1) graded flat. That may require permitting by the Humboldt County planning and building department.

9.0 Existing Buildings

There are two (2) existing buildings onsite.

Shipping Container

The Shipping Container was installed in 2017, it measures approximately 8'X20' and is used for storing fertilizers and nutrients for cannabis cultivation purposes. ✓

Out Building

The Outbuilding was built in 1996, it is used for domestic storage, not cannabis cultivation purposes.

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

10.1 Water Source

All water used for cultivation is sourced from a permitted well located on parcel 220-292-013 (which is owned by the applicant).

10.2 Water Storage

There is one (1) 50,000-gallon bladder tank and five (5) 2,500-gallon hard tanks for a total of 62,500 gallons of water storage

10.3 Irrigation Plan

All irrigation of cannabis is completed by a timed, metered, drip irrigation system preventing any over watering or runoff.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The applicant is anticipated to use a total of 60,425 gallons of water in the year.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

There are four (4) unnamed Class II streams that crosses the parcel.

The following items require remediation according to the WRPP compiled by Pacific Watershed Associates (PWA).

There are four (4) unnamed Class II streams that crosses the parcel.

An erosion control plan and map have already been developed for the parcel, as well as the adjoining properties owned by the landowners. McClure Erosion Control Plan Construction Log of Road Maintenance, Upgrade and Decommissioning Treatments, McClure Property was developed by PWA for the landowners in 2016. Recommended road drainage treatments have been stationed and presented in a road log, including materials necessary for construction. Approximately 1.6 miles of road was previously inspected, mostly comprised of a two longer sections of access roads, multiple spurs, and a segment of abandoned road. Roads on the property occupy both ridge and mid-slope locations and exhibit surface erosion issues caused by a lack of road drainage structures. Multiple road-related sediment delivery features (Figure 2) were identified; including a long section of concentrated road runoff and an outboard fillslope failure both with sediment delivery to the Blue Slide Creek stream network. These features are considered high priority and need to be treated as a part of the Waiver Program. Until these treatments are completed, the Project Site is considered non-compliant with the Order. PWA recommends implementing the recommendations provided within the 2016 Erosion Control Plan (ECP). These recommendations address both upgrading and decommissioning of roads on the property to mitigate future erosion and sediment delivery

There are three (3) stream crossings on the Project Site that require decommissioning to mitigate future erosion and sediment delivery. PWA recommends implementing the recommendations provided within the existing PWA Erosion Control Plan (ECP) to treat the stream crossings and address the issues.

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

At the time of the drafting of the WRPP Fertilizers and soil amendments were stored offsite on another parcel (APN 220-292-013). PWA recommended that the applicant either 1) enroll both parcels, or 2) put corrective actions in the WRPP that eventually result in having on-site storage for their materials, such the enrolled parcel has all it needs to be self-contained and compliant with the Order. The applicant has since installed a shipping container for nutrient and fertilizer storage. Based on field observations at the time, PWA noted that fertilizers and soil amendments were being properly stored. Most growing amendments will be brought inside during the growing season and either stored indoors or under tarps such that they are protected from the elements. PWA has informed the applicant that Fertilizers and petroleum products should not be stored in the same building. Fertilizers and amendments were reported to be organic and applied according to packaging instructions. Usage is diminished or eliminated toward the end of the growing season. With the closest stream located well away from the cultivation area, any runoff that theoretically might flow off the Project Site could not travel far due to the low gradient topography and wide vegetative buffer between the cultivation area and the stream network. Under the Order, the applicant will be required to keep track of the timing and volume of fertilizers and other soil amendments that are applied. This can be done using a simple log form that is provided in Appendix E of the WRPP.

There are no generators or fuel storage containers on the Project Site at this time.

The Project Site currently lacks a permitted or approved OWTS which is required by the Order. Subsurface investigations and wet weather testing should be conducted to design and install a permitted OWTS. Based on field observations, the Project Site appears to hold good potential for a standard gravity-fed septic system. Portable toilets should be used at the site until a permitted OWTS can be installed. The Project Site was clean at the time of PWA's inspection.

2.0 Cultivation Activities

Cultivation activities may vary by climate, strain, and the applicants personal schedule.

Cultivation activities typically begin sometime during May when cannabis plants (clones) are brought to the Parcel for planting. The applicant has automated covers, that are activated in the late summer months to cover the plants from excessive sunlight. Watering will be done by hand by members of the collective or family. The applicant will apply nutrients and fertilizers to the plants throughout the grow period.

The applicant anticipates one harvest per season occurring in late October.

3.0 Processing Practices

Once plants are harvested they are taken offsite to an adjacent parcel, number 220-292-012, once there the plants are spread on drying racks in a drying room, the flowered material is then removed from the stocks. Once this is complete the dried cannabis is packaged into totes and taken to a separate location for HAG (Humboldt Alchemy Group) for manufacture processing into CO2 oil.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

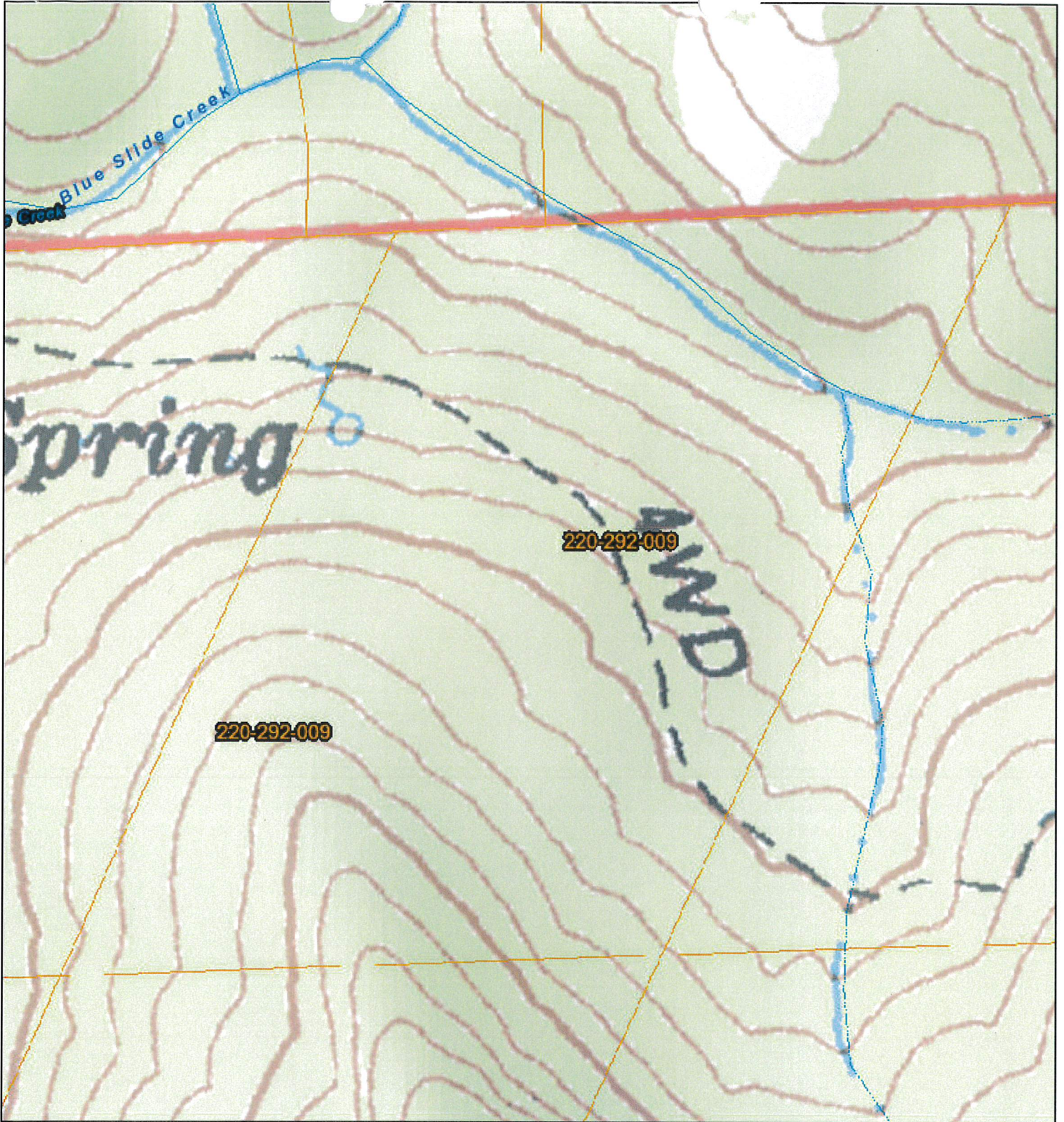
4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas. The parcel also has cell service should emergency personnel need to be reached.



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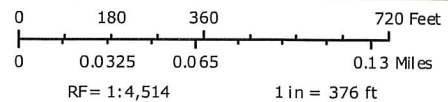
Attachment “A”



ArcGIS Web Map

Humboldt County Planning and Building Department

- | | | | |
|---------------------|--------------------------------|-----------------|---------------|
| Highways and Roads | — Private or Unclassified | — Intermittent | Green: Band_2 |
| Principal Arterials | — Major River or Stream | — Subsurface | Blue: Band_3 |
| Minor Arterials | Blue Line Streams | — City Boundary | Red: Band_1 |
| Major Collectors | — Perennial 1-3 | — Counties | |
| Minor Collectors | — Perennial >4 | — Parcels | |
| Local Roads | SP 16-214 Hogwash Pharms 11374 | | |



Printed: June 16, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

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

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

November 15, 2018

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Attachment “B”

Cultivation and Water Usage

Month	Stage of Cultivation		Cultivation Space per Stage (Square Footage)*	Water Usage (gallons/month)
	Vegging Harvesting	Flowering		
EXAMPLE	X	X	1,200 sq. ft. — Vegging 1,500 sq. ft. — Flowering	5,000 gal/month
January				0
February				0
March				0
April				350
May				500
June				670
July	X		Vegging — 6,600 sq ft	13,625
August	X	X	Vegging — 3,000 sq ft Flowering-6,600 sq ft	20,500
September		X	Flowering — 9,600 sq ft	20,500
October		X	Flowering — 3,000 sq ft Harvest-9,600 sq ft	6,800
November				0
December				0

*with a plant density of 0.85



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

July 20, 2018

Blue Slide Organics
c/o Jill McClure
P.O. Box 1781
Redway, CA 95560

Dear Blue Slide Organics:

The following is an evaluation of potential timberland conversion on a cannabis cultivation site included in the Humboldt County Cannabis Permit Application (Apps #11374) for APN 220-292-009. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites contained within the application on March 19th, 2018. Landowner Jill McClure also attended the site visit. The RPF and his designees have exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation site for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

Project Location

APN: 220-292-009

Acreage: 46.55 GIS acres

Legal Description: NE ¼ of NW ¼ of Section 2;
Township 4 South, Range 2 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Ettersburg, 1969

Humboldt County Zoning: FR-B-5(40)

Site Address: 4741 Blue Slide Creek Road, Whitethorn, CA 95560

Landowner/Timber Owner: Eric C. Martin & Jill A. McClure, P.O. Box 1781, Redway, CA 95560

Project Location Description: The project area is located approximately 3.2 air miles north-northwest of Briceland, Calif., and 3.8 air miles east-northeast of Ettersburg, Calif. To access the project area from Briceland, CA, on westbound Briceland-Thorne Rd, turn right onto China Creek Road; turn right onto Blue Slide Creek Rd; continue for approximately 3.2 miles, then turn right onto an unnamed private, gated road; continue for 0.9 miles to reach the project areas above the road.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property consists of a single, 46.5-acre parcel known as APN 220-292-009. The parcel is densely forested with mature Douglas-fir, tanoak, Pacific madrone, and other hardwood species (see Photos 1 and 2). The average age of the dominant Douglas-fir trees is estimated to be approximately 80-100 years old. The parcel contains segments of Class II and Class III watercourses which are tributary to Blue Slide Creek. Blue Slide Creek is tributary to the Mattole River. The property contains a private, permanent road system.

Review of historic aerial imagery from 1968 to present shows no definitive evidence of logging events such as truck roads, skid roads, and reduced canopy density. No definitive even-aged units were observed within the property. It does not appear that any documented commercial timber harvesting has occurred on the property in the last 20 years (*CAL FIRE Watershed Mapper v2*). Eric Martin and Jill McClure purchased the property and its timber in 1995.

Project Description

One cultivation site (and no associated areas) was inspected during the field assessment within APN 220-292-009. See detailed site description below.

Cultivation Site

The Cultivation Site is a 1.04-acre area located in the central portion of the property (see Photos 1, 2, and 3). Cultivation-related activities observed included several outdoor-grown cannabis plants and an approximately 50,000-gallon plastic water storage bladder. Review of aerial imagery reveals that the site was mostly forested in 1968 and completely forested in 1993. It does not appear that the site was used historically as a logging landing. The site was initially cleared of trees, stumps, and vegetation between 1993 and 2005. The site was expanded further between 2010 and 2012, then expanded to its current size between 2016 and 2018. It does not appear that any commercial timber operations occurred. Slash and woody debris from the conversion activities has been bucked into firewood. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Other Mapped Features

The Overview map also shows the location of multiple plastic water storage tanks used for cultivation water storage (see Photo 4). Though minor tree and vegetation clearing may have occurred to install these features, the surrounding timber stand still meets the stocking standards of the California Forest Practice Rules (FPRs). Ultimately, the water tanks do not impede the use of the land for current or future timber growth and harvesting; therefore, they do *not* constitute timberland conversion.

Timberland Conversion Summary

In total, TRC observed approximately 1.04 acres of unauthorized timberland conversion for cultivation-related purposes within APN 220-292-009. This total does not exceed the three-acre conversion exemption maximum.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

Humboldt County General Plan, Appendix G Housing Element, G-118: "The County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality...The width of the SMA depends on whether or not the stream is perennial or intermittent and whether the area is inside or outside of Urban Development and Expansion Areas. In urban areas, the SMA width is 50 feet on each side of perennial streams and 25 feet for intermittent streams; outside of urban areas, the width is 100 feet for perennial streams and 50 feet for intermittent streams. Development within the SMAs is very restricted and is subject to implementation of numerous mitigation measures designed to protect the habitat quality of the SMA."

No conversion areas exist within Watercourse and Lake Protection Zones (WLPZ) or Equipment Exclusion Zones (EEZs) on the property. Overall, no conversion activities appear to have impacted water resources.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – "Treatment of Slash and Woody Debris"

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.
- 6) Full slash and woody debris treatment may include any of the following:
 - a) Burying;
 - b) Chipping and spreading;
 - c) Piling and burning; or
 - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.
- 8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules."

All slash and woody debris generated from the conversion activities has been effectively treated, mostly bucked and split into firewood to be removed from the site (see Photo 5).

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDDB) on March 23rd, 2018 showed observations of no (0) sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the cultivation site. No individuals of sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area, though potential habitat may exist on the property. See Blue Slide Organics – CNDDDB Map attached for more information.

A query of the CNDDDB also revealed no (0) known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius BAA surrounding the cultivation site. No evidence of NSO individuals was observed during the TRC field assessment though habitat exists on the property. See Blue Slide Organics – NSO Map attached for more information.

Limitations and Considerations for Timberland Conversion Activities

Biological Resources and Forest Stand Health cont'd

The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD). The Mattole Restoration Council has extensively sampled the property and its surrounding parcels for SOD infection. According to UC Berkeley's Mobile SOD Map, of the more than 70 trees sampled within a one-mile radius of the cultivation site, only two "Bay/Other" trees (sampled in 2011) tested positive for SOD infection. No risk assessment was made at the property. The conversion activities do not appear to have impacted forest health. No other major forest health issues were observed during the field assessment.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."

A professional archaeologist recently surveyed the property for prehistoric and historic sites. No sites were discovered during the survey.

Additionally, no archeological sites were observed during the TRC field assessment. The RPF's designee conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Brita Rustad, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #161). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surface.

Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

In summary, a total of 1.04 acres of unauthorized timberland conversion has occurred within APN 220-292-009. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property comply with the standards set forth in the California Forest Practice Act and the California Forest Practice Rules. The RPF suggests no recommendations at this time.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants
165 South Fortuna Blvd, Suite 4
Fortuna, CA 95540
(707) 725-1897
trc@timberlandresource.com

Enclosures:

General Location Map
Overview Map
DOQ Map
GoogleEarth Map
WRPP Site Map (prepared by Pacific Watershed Associates)
Blue Slide Organics CNDDDB Map
Blue Slide Organics NSO Map
Photos
References

Blue Slide Organics - Timberland Conversion Evaluation DOQ Map

APN: 220-292-009

NE 1/4 of NW 1/4 of Sec. 2, T4S, R2E
HB&M, Humboldt County
USGS 7.5' Quad: Ettersburg
Map Scale: 1" = 150'
Revised: 07/20/18



*The property boundary depicted is adapted from the Humboldt County Assessor's parcel map and WRPP Site Map. The boundary has been adjusted approximately 200 feet to the east. This mapped boundary may not precisely align with the geographic boundary on the ground. The RPF is not responsible for surveying property boundaries.

1993

View of the property prior to conversion activities.



2005

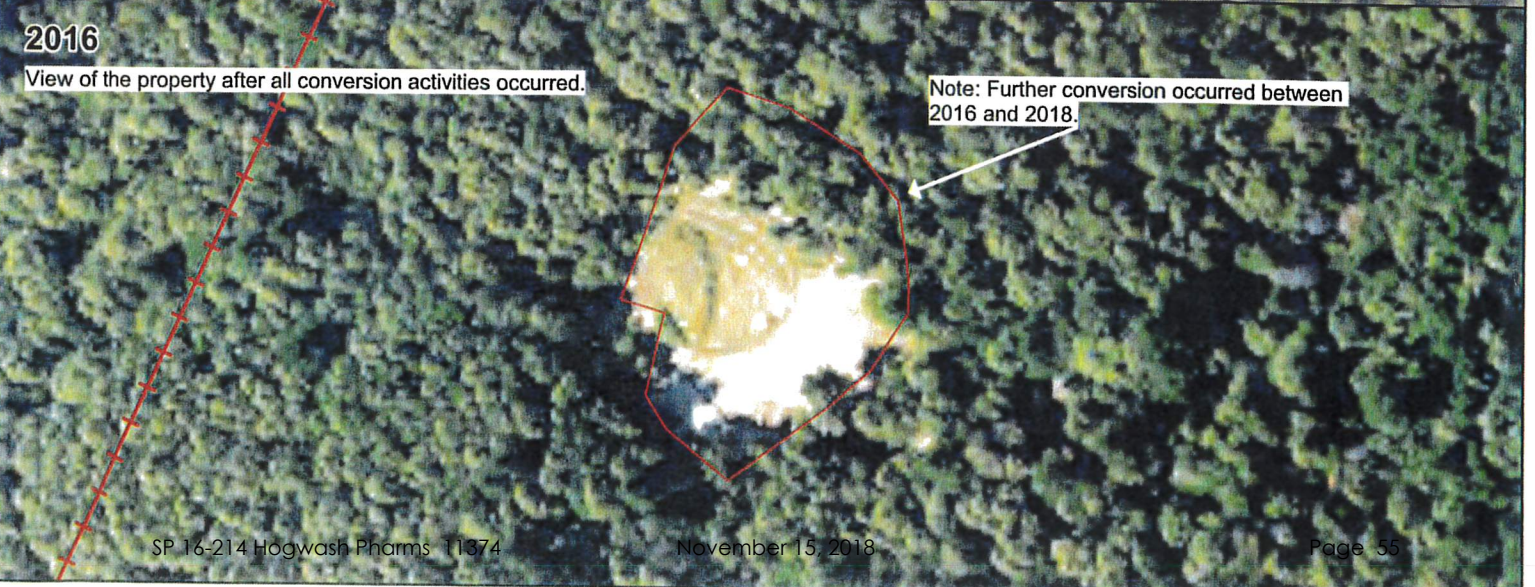
View of the property after initial conversion occurred.



2016

View of the property after all conversion activities occurred.

Note: Further conversion occurred between 2016 and 2018.



Legend



300 ft

Blue Slide Organics

View of Cultivation Site in 2018

Google Earth

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

11374
10/31

PART A: Part A may be completed by the applicant

Applicant Name: Jill McElvick APN: 220-292-009

Planning & Building Department Case/File No.: SP16-214

Road Name: BLUESLIDE CREEK ROAD (complete a separate form for each road)

From Road (Cross street): BRICELAND THORNT - ROAD

To Road (Cross street): DRIVEWAY 4741 BLUESLIDE CREEK ROAD

Length of road segment: 4.7 miles miles Date Inspected: 12/20/17

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

Check one of the following:

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

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

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

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

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

Signature

Jill McElvick

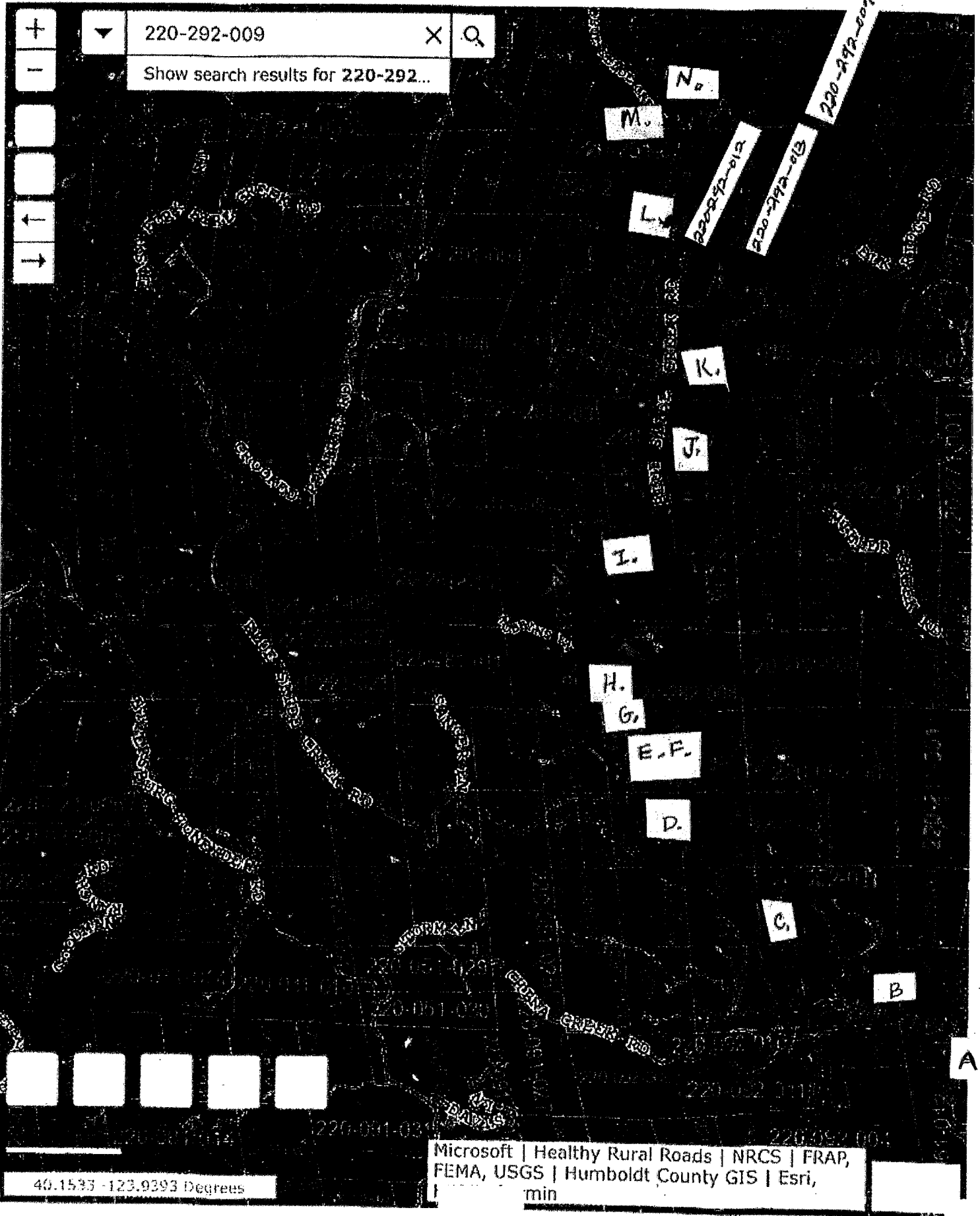
Date

12/20/17

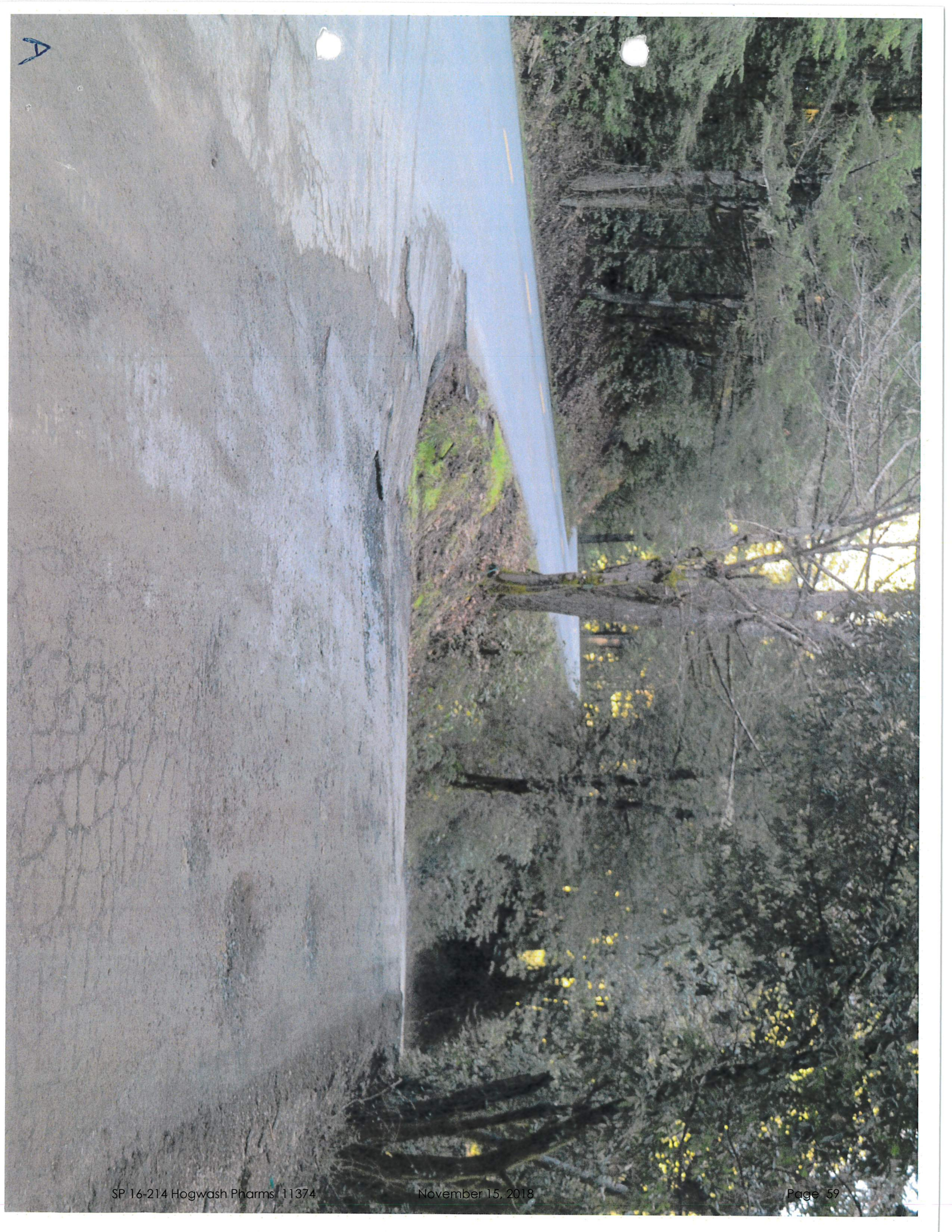
Name Printed

Jill McElvick

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.



A

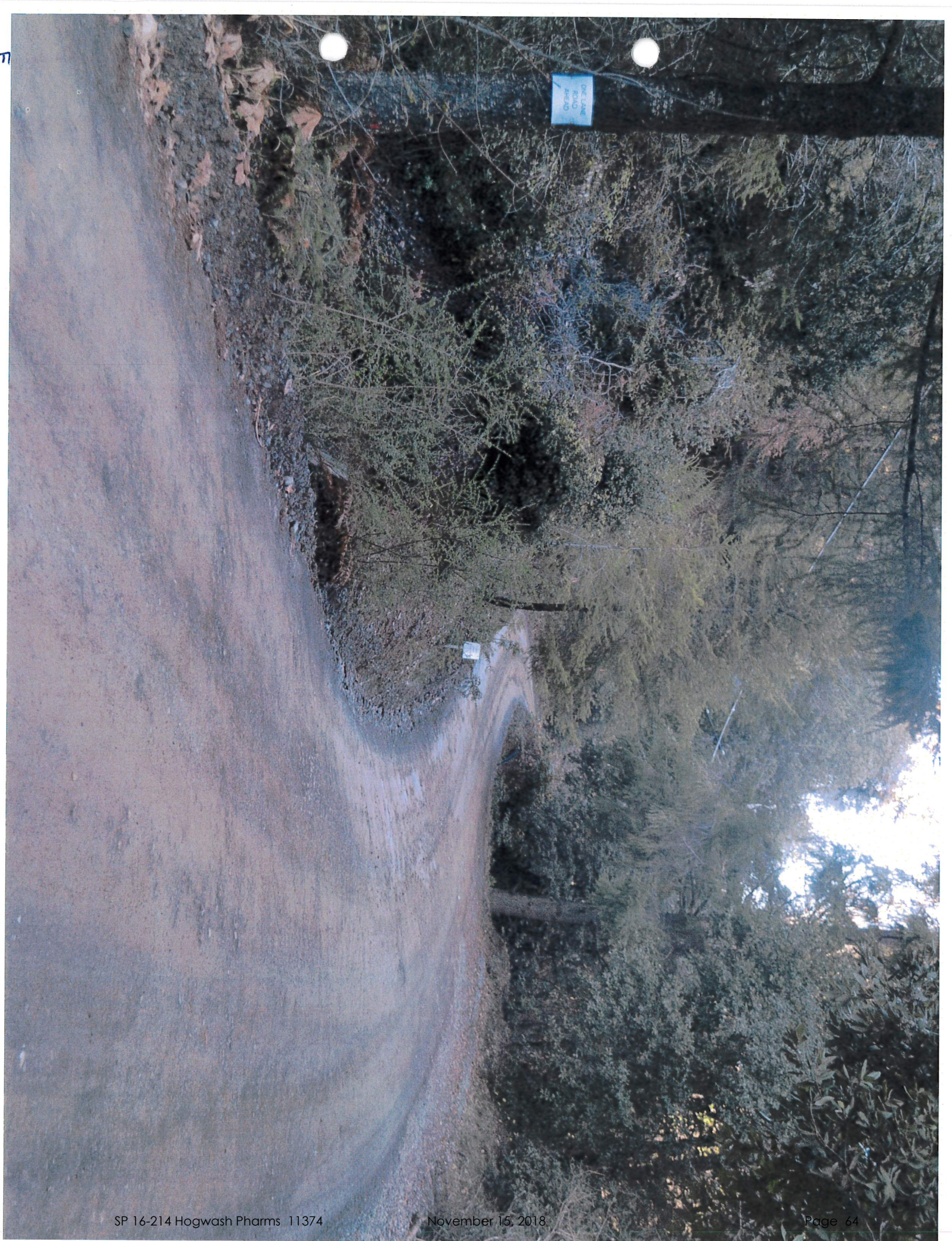


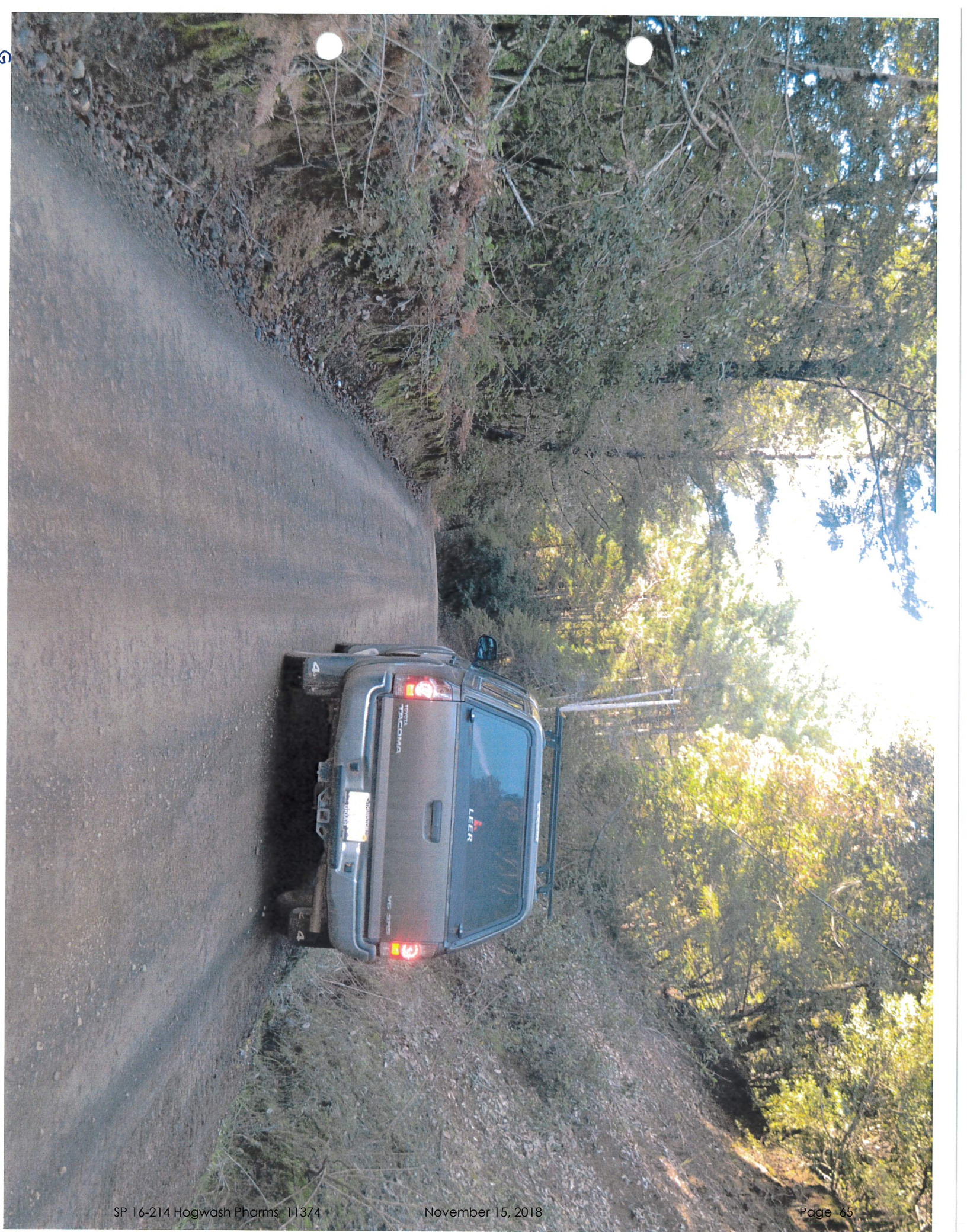


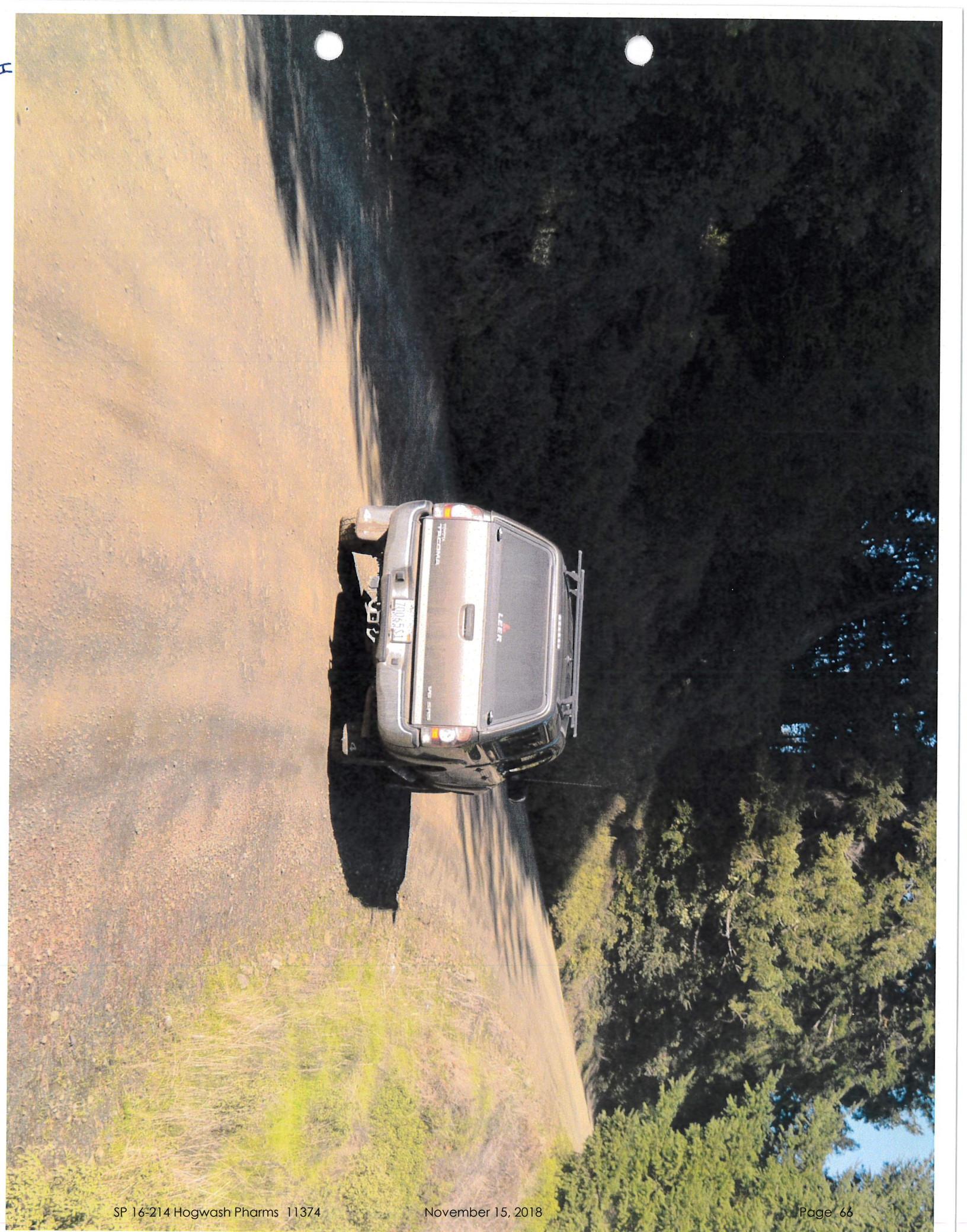


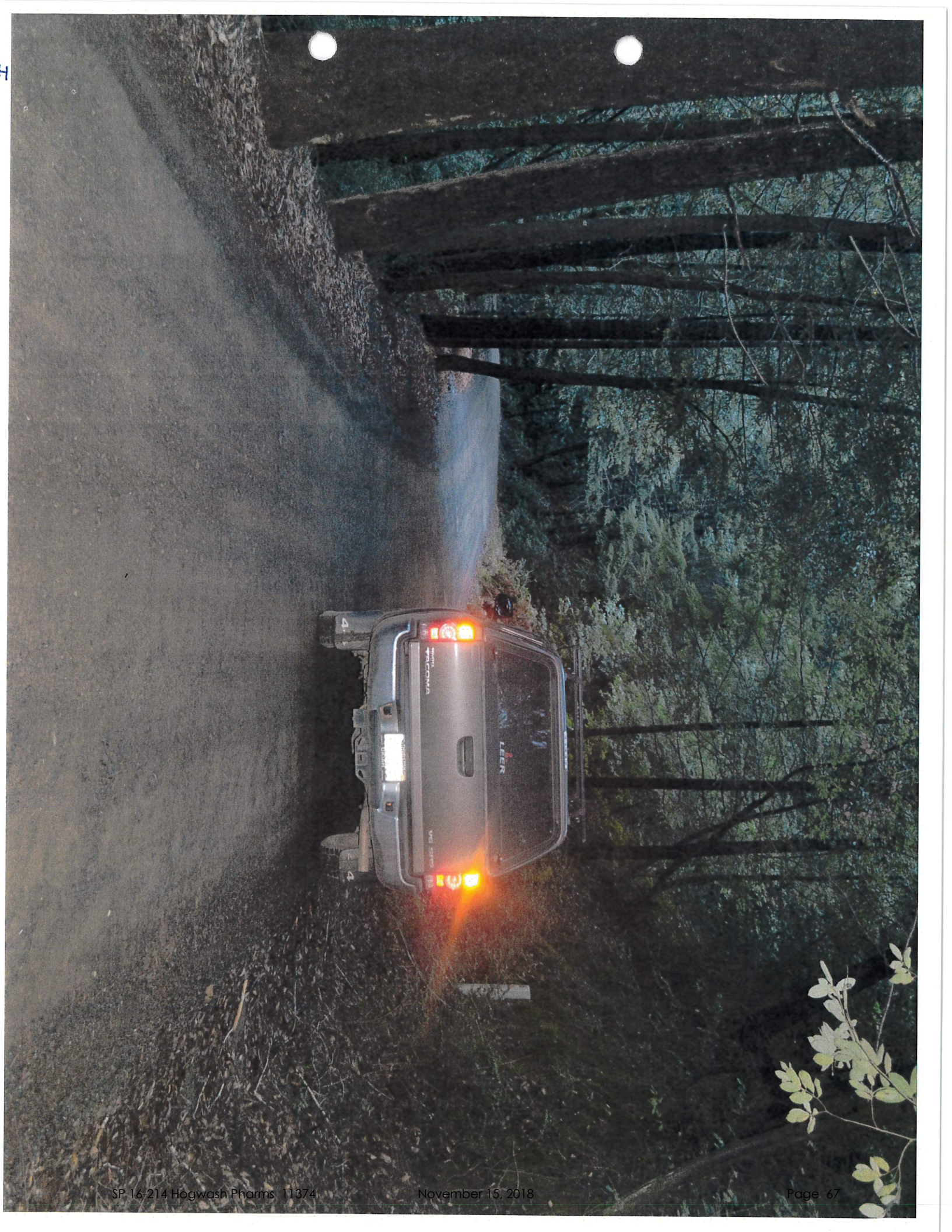


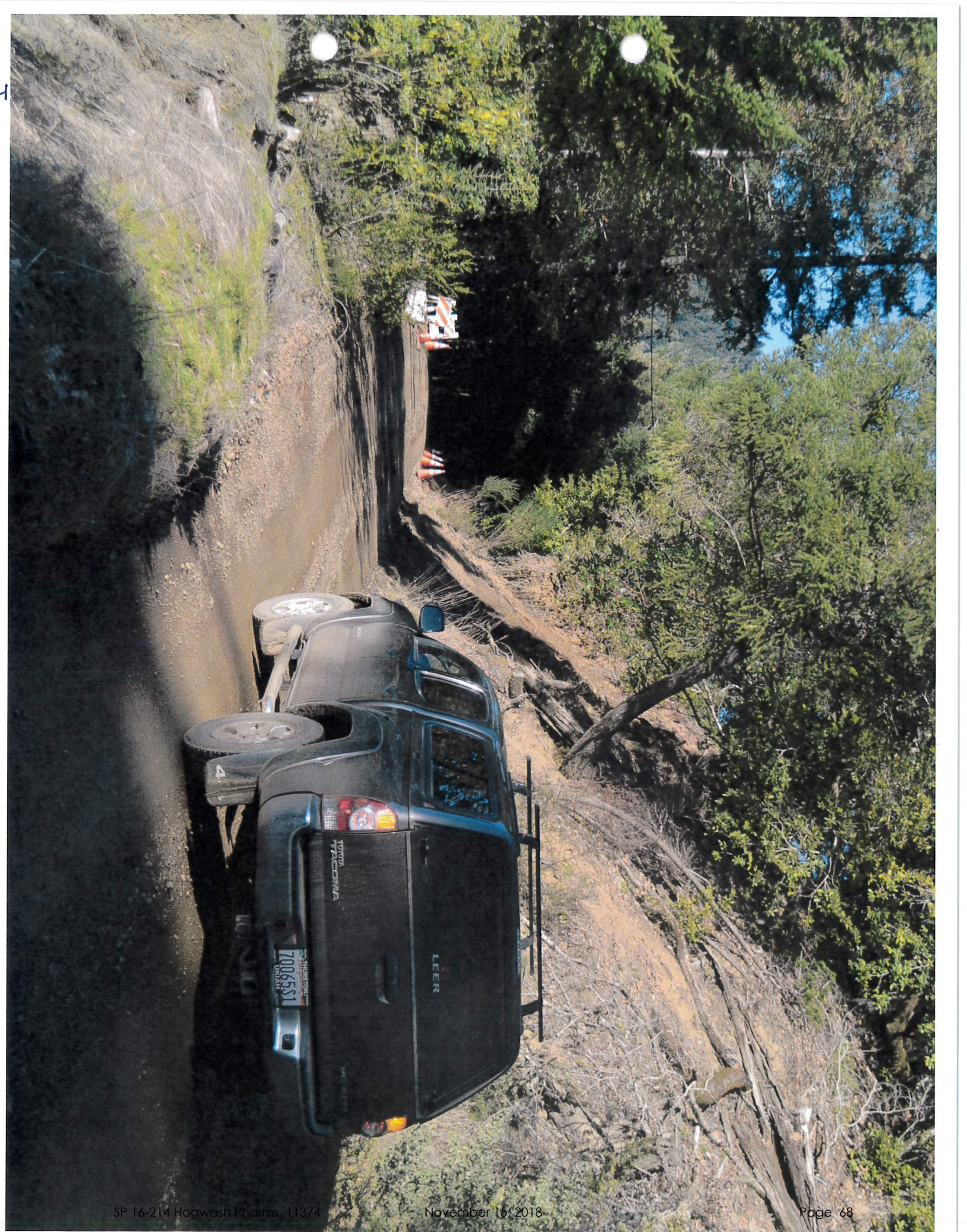
ONE LANE
ROAD
AHEAD

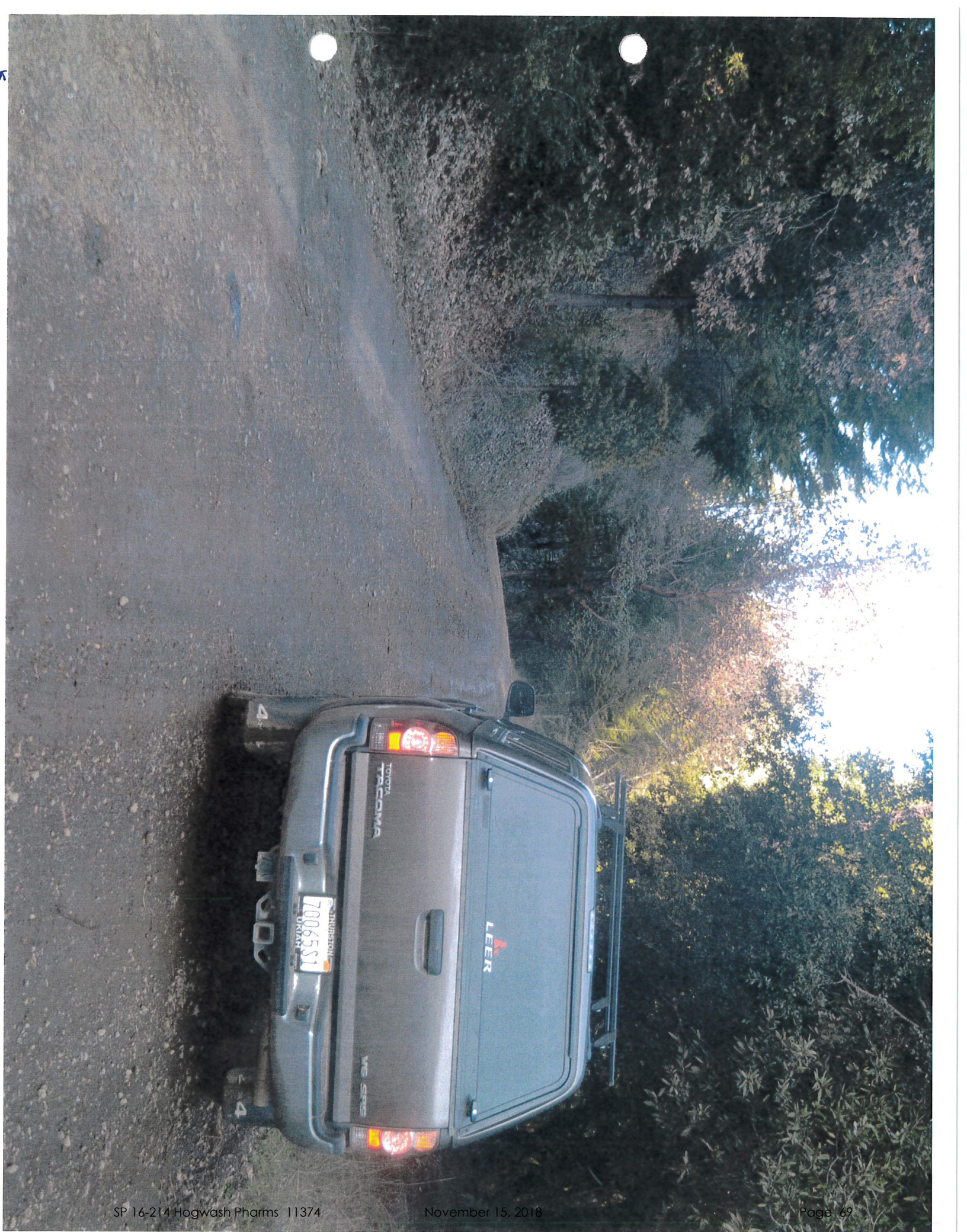


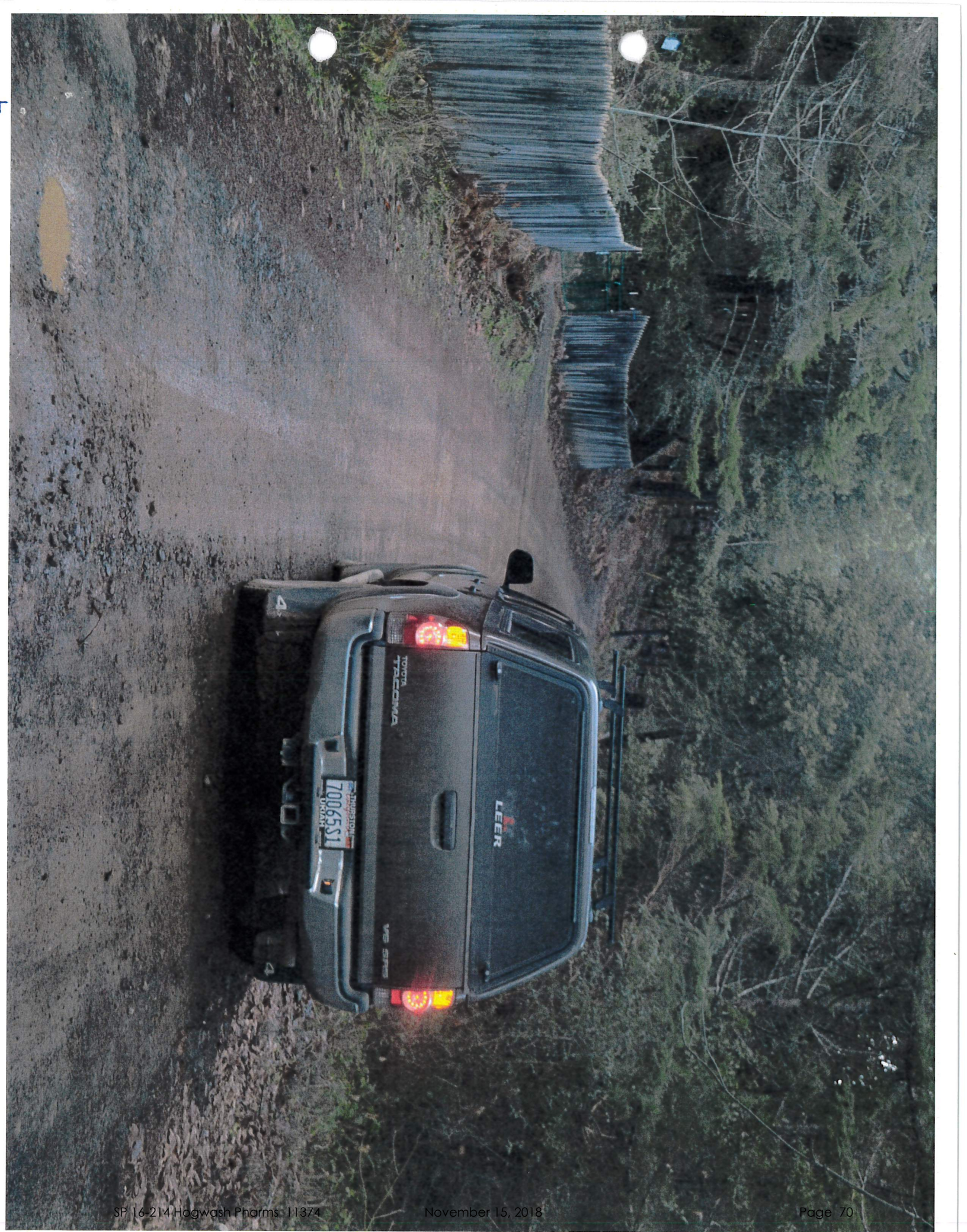














ATTACHMENT 4

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	On file with Planning
Public Works Land Use Division	✓	Conditional approval	Attached
Department of Environmental Health	✓	Conditional approval	Attached
CAL-FIRE	✓	Conditional approval	Attached
Briceland Fire Protection District		No response	
California Department of Fish and Wildlife		Comments	Attached
Northwest Information Center	✓	Requested an Archeological Report	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Inadvertent Discovery protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
North Coast Unified Air Quality Management District		No response	
Southern Humboldt Unified School District		No response	
Agriculture Commissioner		No response	
Humboldt County Sheriff's Office		No response	

ATTACHMENT 5



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

*DEH received
10-26-17*

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0961

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified

Applicant Name Hogwash Pharms **Key Parcel Number** 220-292-013-000

Application (APPS#) 11376 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-127

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

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

Response Date: 4/23/2018 **Recommendation By:** Benjamin Dolf

LDM

2746



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION	839-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
		BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
		ENGINEERING	445-7377	PARKS	445-7651		
		FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421		

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 4-24-2018

RE:

Applicant Name	<i>Bive Slide Organics</i>
APN	<i>220-292-009</i>
APPS#	<i>11374</i>

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 12/20/17, with PART A-Box 2 checked, STATING THAT THE ROAD IS EQUIVALENT OF A ROAD CAT 4 STANDARDS.

APPLICANT SHALL REPAIR THE ENTRANCE ONTO BRICSLAND-TURNER ROAD AT THE TIME OF SURFACING THE ENTRANCE.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11374

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

BLUE SLIDE CREEK RD ENTRANCE AT BRUCELAND-THORNE RD
8/9/17



Moreno, Elizabeth

From: Titus, Lucas@CALFIRE <Lucas.Titus@fire.ca.gov>
Sent: Monday, June 11, 2018 9:48 AM
To: Moreno, Elizabeth; Planning Clerk
Cc: Meyers, Tim@CALFIRE; HUU Second Review@CALFIRE; Schaeffer, Mara@CALFIRE
Subject: Re: APPS 11374 APN: 220-292-009

I have reviewed the landowner's proposal of mitigation prepared by an RPF regarding the conversions that occurred over the past years. I have concluded that the mitigation offered is acceptable and appropriate based on the conditions and detailed information provided. Cal Fire has no additional recommendations or comments. This email serves as official response within the ten day period of review.



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

Every Californian should conserve water. Find out how at:



SaveOurWater.com · Drought.CA.gov

From: Titus, Lucas@CALFIRE
Sent: Friday, June 8, 2018 5:49 PM
To: Meyers, Tim@CALFIRE
Subject: Re: APPS 11374 APN: 220-292-009

I will address

Sent from my iPhone

> On Jun 8, 2018, at 4:42 PM, Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov> wrote:
>
> Can you do this for me also? I got another plan, great
>

> Sent from my iPhone

>

> Begin forwarded message:

>

> From: "Moreno, Elizabeth" <EMoreno@co.humboldt.ca.us<mailto:EMoreno@co.humboldt.ca.us>>

> To: "Meyers, Tim@CALFIRE" <Tim.Meyers@fire.ca.gov<mailto:Tim.Meyers@fire.ca.gov>>

> Subject: APPS 11374 APN: 220-292-009

>

> Hi Tim,

>

> My name Elizabeth and I am following up with a referral comment that you provided for APPS 11374 APN: 220-292-009, Blue Slide Organics (attached). You requested an RPF Report, it is attached for your review. I was hoping to get a final comment as soon as possible.

>

> Thank you,

>

>

[cid:image003.png@01D1155C.4EA70C00]<<https://na01.safelinks.protection.outlook.com/?url=humboldt.gov&data=01%7C01%7CRYandell%40co.humboldt.ca.us%7Ca9d16dc0632a412acb1108d47df3190d%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0&sdata=EM3KGgHOosIDil7bnO9IbjMr4YhZ5qFOC%2FYEAofqpkA%3D&reserved=0>>

>

> Elizabeth Moreno

> Planner

>

> Cannabis Services

Division<<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.humboldt.gov%2Fmmj&data=01%7C01%7CRYandell%40co.humboldt.ca.us%7Ca9d16dc0632a412acb1108d47df3190d%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0&sdata=blO8FJVggB6e67NJ7vxWBnR8gLv9%2BXCI7qXK%2BeHQBP%3D&reserved=0>>

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> Planning and Building

Department<<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhumboldt.gov%2F156%2FPlanning%2FBuilding&data=01%7C01%7CRYandell%40co.humboldt.ca.us%7Ca9d16dc0632a412acb1108d47df3190d%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0&sdata=xP2TBHtkTo4KTrC7mUX%2BX%2FMY5xAsa%2FtwJaBOyqRr5M8%3D&reserved=0>>

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> 707.268.3713

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> <11347_Timber Conversion Report.pdf>

> <11374_ref_CALFIRE (2).pdf>

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: October 31, 2017

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

Attention: Cannabis Planner (CPOD)

Applicant: Blue Slide Organics

APN: 220-292-009-000

Area: Briceland

Case Numbers:

SP16-214

Humboldt County Application #: 11374

Type of Application: Special Permit

Date Received: 10/26/2017

Due Date: 11/10/2017

Project Description: An application for a Special Permit for 9,600 square feet existing outdoor medical cannabis cultivation. Water source is a well located on APN: 220-292-013. Water storage capacity onsite is 62,500- gallons between one (1) 50 gallon bladder and five (5) 2,500 gallon hard tanks. Drying would be performed on an adjacent parcel APN: 220-292-012 with all other processing done by a third party. No power source.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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

Johnson, Cliff

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Wednesday, November 07, 2018 2:41 PM
To: Johnson, Cliff
Subject: RE: Hogwash Pharms

Hello Cliff,

Thank you for the revised Project Description and conditions. Given the changes to the project along with the proposed conditions, CDFW withdraws our previous recommendation of denial and alternatively recommends conditional approval of this project.

Thank you,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Sent: Wednesday, November 7, 2018 2:14 PM
To: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: Hogwash Pharms

Hi Kayln, Below is the revised project description and attached are the proposed conditions of approval for Hogwash Pharms/Blue Slide Organics. I'm hoping that you can review and respond to whether this changes your recommendation of denial. Thanks

A Special Permit is requested for an existing 7,296 square feet of outdoor commercial cannabis cultivation. No supplemental light is used in the operation. The water source comes from the adjacent parcel on APN 220-292-013. The applicant estimates 60,425 gallons of water is required annual for irrigation. The water storage capacity on site is 62,500 gallons in one bladder and five hard-sided tanks. Drying will be performed on an adjacent parcel owned by the applicant, APN: 220-292-012, with all other processing done by a third party. An existing 160 square-foot shipping container is used for materials storage. There will be no employees; all cultivation activities will be performed by the two operators and three collective members. Restroom facilities will be provided by portable toilet facilities.

Cliff Johnson, Supervising Planner
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

Rec'd
7.16.18



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

Applicant: Blue Slide Organics		Date: 7/16/2018	
APPS No.: 11374	APN: 220-292-009	CDFW CEQA: 2017-0948	Case No.: SP16-214
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input type="checkbox"/> Outdoor (SF): 9,600 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

It appears the applicant has converted timberland between 2017 and 2018 for the use of cannabis cultivation. The Project parcel is presently zoned Forestry Recreation (FR), which does not allow the conversion of timber for the use of cannabis. In addition, a Northern Spotted Owl Activity Center is located within 1-mile of the project site. Protocol level surveys were not conducted prior to the conversion. CDFW requests mitigation for the loss of potential NSO habitat.

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

- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation. Referral materials state that the applicant has a surface water diversion. CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion associated with the project.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Aerial imagery and referral materials suggest that significant timber conversion and grading has taken place on the parcel. Please provide evidence of the following: a valid grading permit and a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 5,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ Water for this project is sourced from a groundwater well. It is estimated that water use may be as high as 100,000 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.



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

Please confirm that you have received this email.

Sincerely,

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

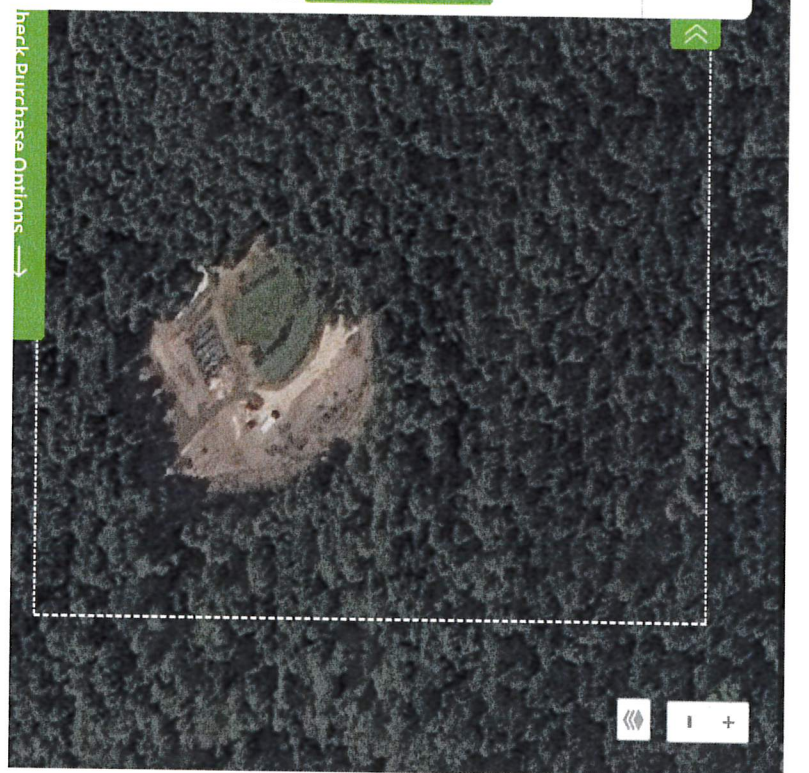
Image Drawer

Date Range  All Images 

2018-04-25 (0.50m) 2017-12-21 (0.50m) 2017-03-12 (0.50m)

2016-07-24 (0.50m) 2016-05-28 (0.30m) 2016-05-28 (0.30m)

2016-02-07 (0.50m) 2016-02-07 (0.50m) 2015-11-04 (0.50m)



back Purchase Options →

ATTACHMENT 5

Easement Evaluation, prepared by James H. Baker P.L.S. 4784

James H. Baker
Land Surveyor

September 27, 2018

Eric Martin/Jill McClure
P.O. Box 138
Garberville, CA 95542

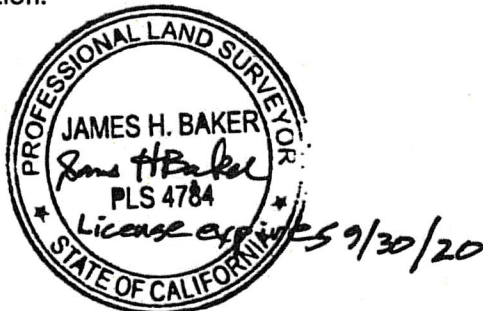
Dear Jill and Eric,

I was contacted by you on July 17, 2018 to assist you in complying with a request by planner Elizabeth Moreno with the Humboldt County Planning Department to "have a qualified surveyor survey the easements described in your grant deed". I was able to personally contact Ms. Moreno in August to further define the scope of work the planning department needed from the survey, which was to delineate on the ground and plot on an aerial map the property lines and right of way locations traversing your A.P.# 220-292-009, which is described on your deed as "Parcel 5 of Parcel Map No. 67 per Map recorded in Book 1, Page 120 of Parcel Maps in the Office of the County Recorder ...". I was told that the purpose of the survey was to determine the relationship of the right of way to the nearest cannabis plants growing in the garden south of the right of way.

Accordingly, I met with you on August 26, 2018 onsite to determine with a handheld GPS unit the latitude and longitude of the nearest row of cannabis plants to the existing road, and to confirm that the location of the physical road traversing southeasterly through the parcel was within the 60' right of way shown on the Record of Survey. Right of Way courses 20 through 26 are within Parcel 5, and I had previously calculated the coordinates of these courses based on recovery and Static GPS positioning of several property monuments also shown on Parcel Map 67, which were mathematically tied to the right of way locations shown on the map. My work confirmed that the physical location of the existing road was within the map right of way. The shortest distance between the centerline of the 60' right of way and the nearest cannabis plant in the garden was approximately 160 feet, or 130 feet from the southwesterly right of way line of course # 21 as designated on Parcel Map 67.

Attached are three aerial maps showing the property lines of Parcel 5, the centerline of the right of way, and the garden area which encloses the cannabis. The three maps are at different scales; 1:1200, 1:2400 and 1:3600 for detail and clarity. The parcel lines are plotted in yellow, and the right of way centerline and driveway locations in red. The nearest row of cannabis plants to the right of way is delineated by a green line which is visible on the largest scale map. It should be noted that the actual surveyed locations of the recovered property corner monuments do not conform to the property corners shown on the County GIS map, which is to be expected and disclosed on the County GIS website. In this area the County GIS parcel lines are well over 100' farther west than the actual locations which are represented on my maps. Also attached is a copy of Parcel Map 67.

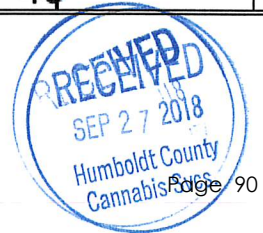
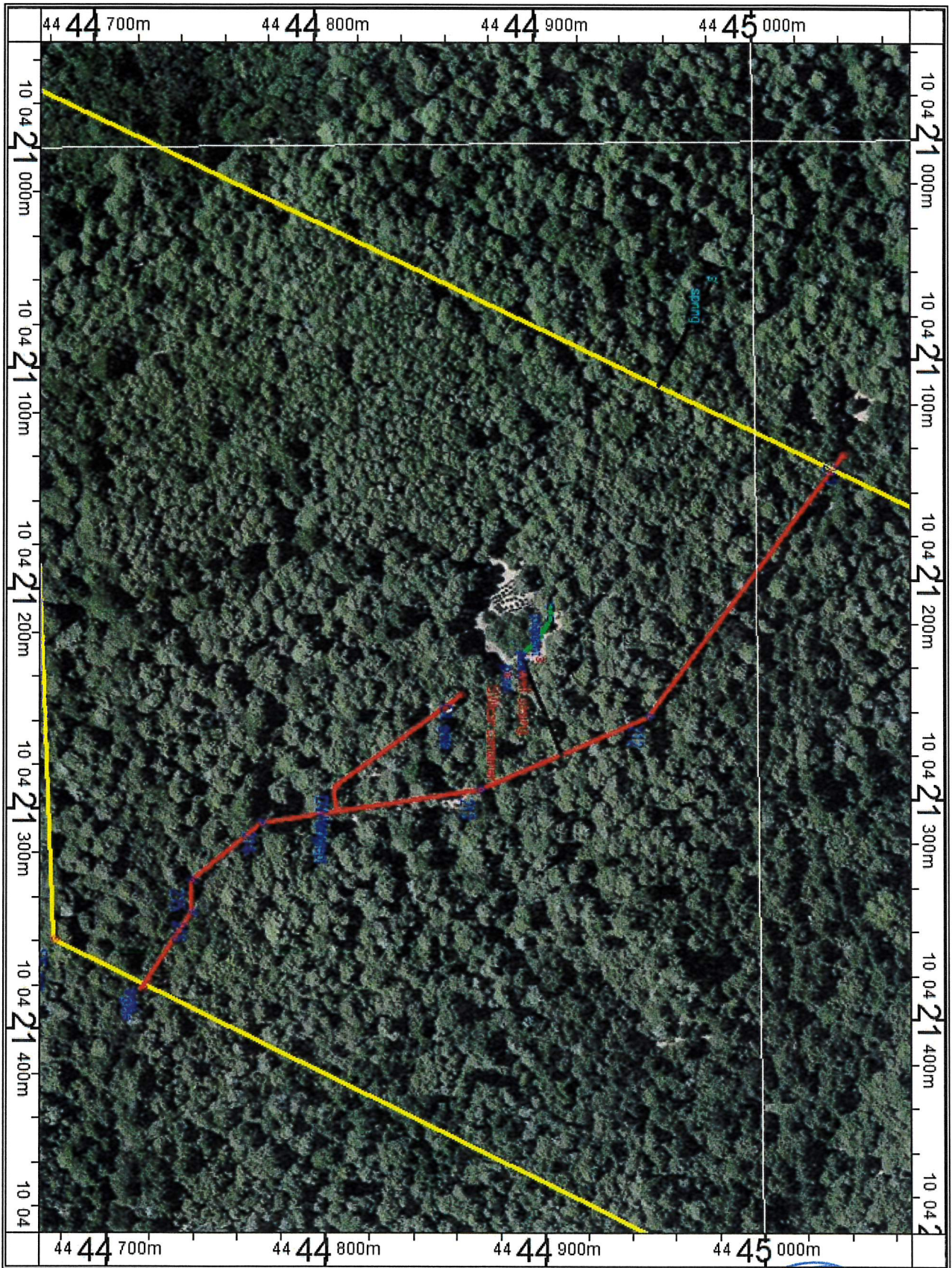
Don't hesitate to contact me if you or the Planning Department needs further information or clarification.

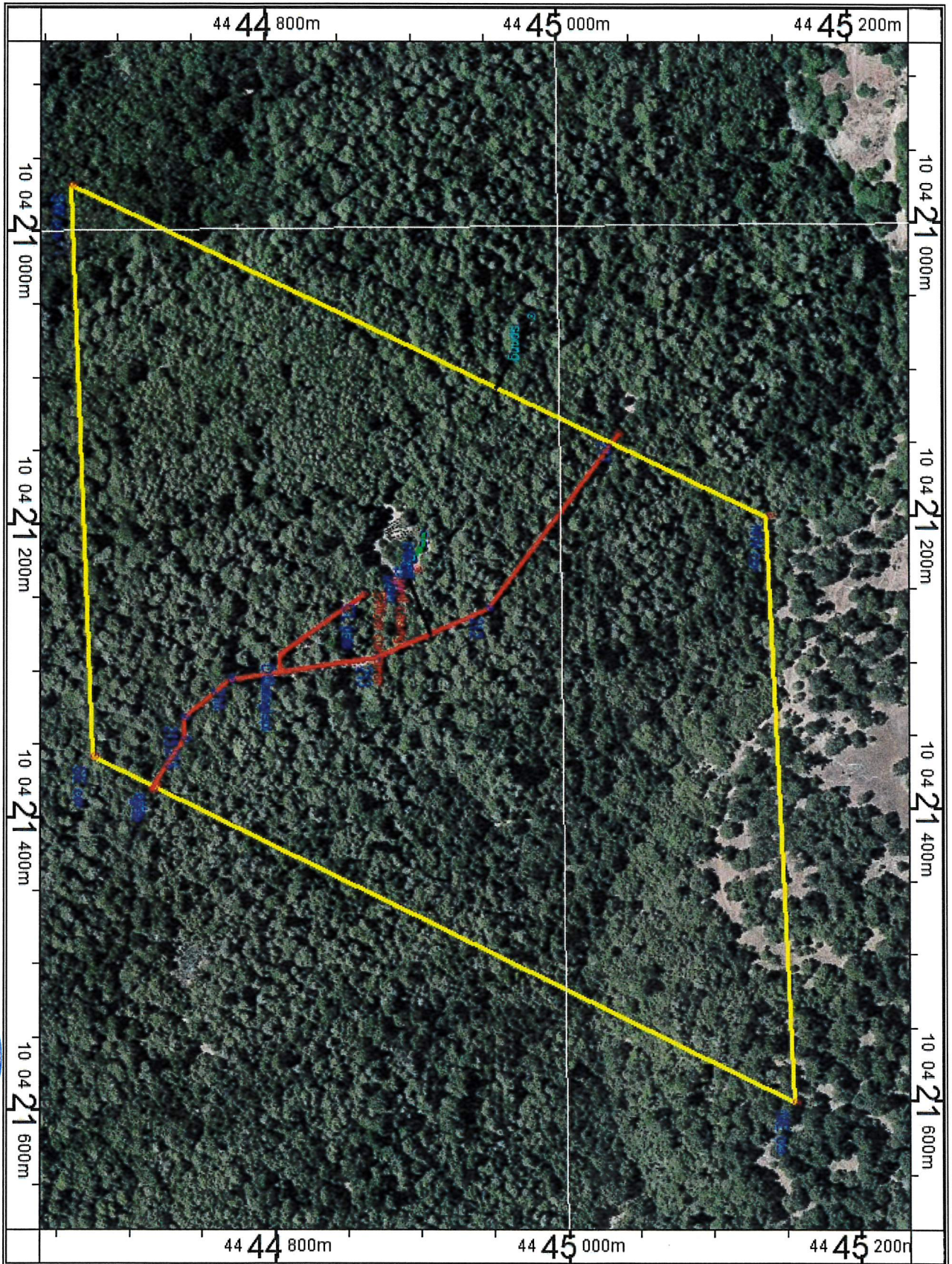


Yours truly,

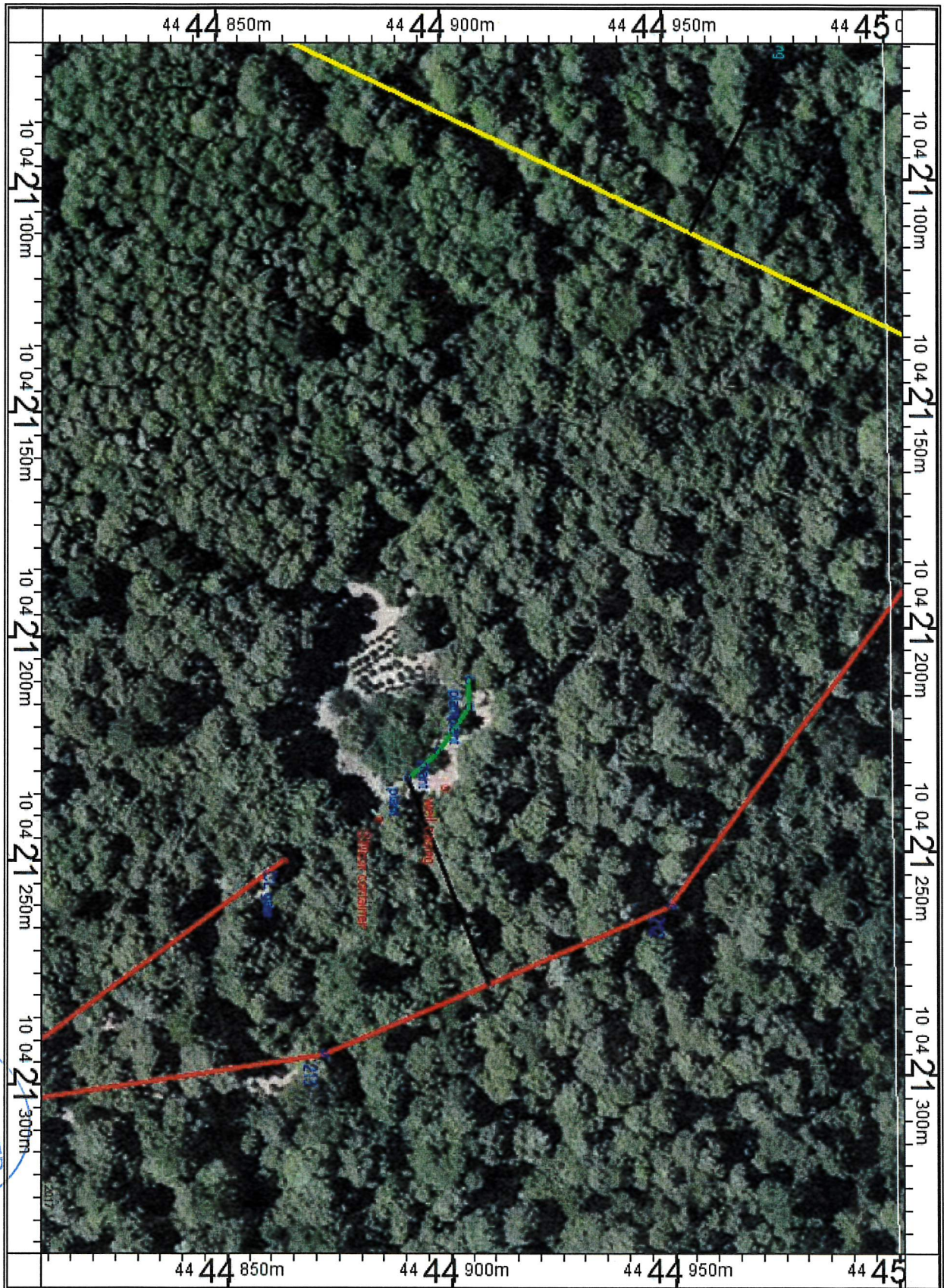
James H. Baker, P.L.S. 4784



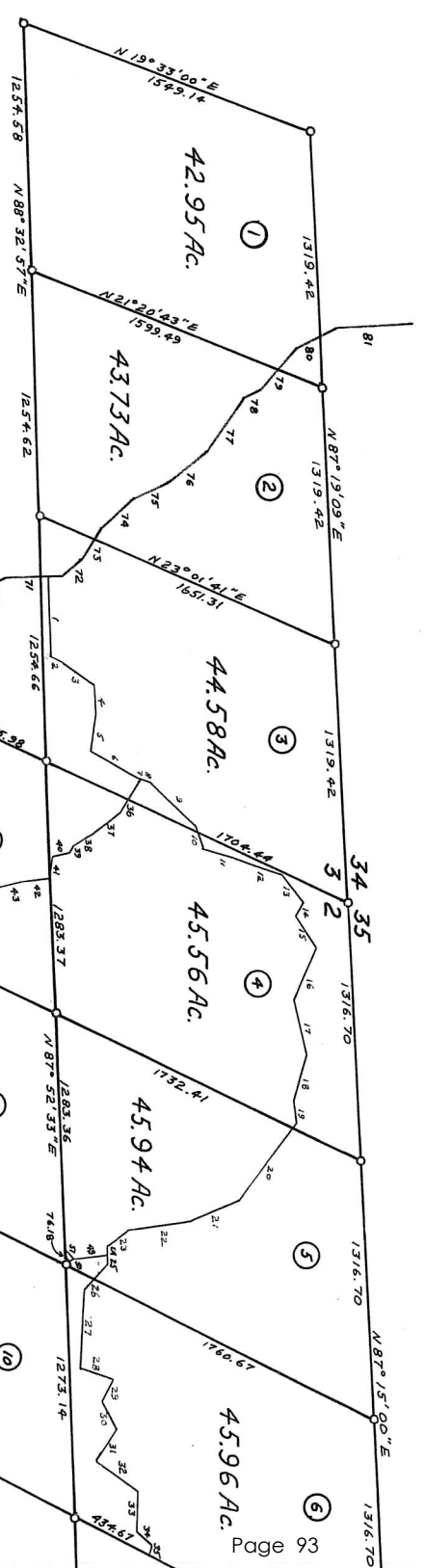




RECEIVED
 SEP 27 2018
 Humboldt County
 Cannabis Svcs.



RECEIVED
 SEP 27 2018
 Humboldt County
 Cannabis Svcs.



COURSES

- These courses are the centerline of a 60' wide private right-of-way. Course 50 ties the CN 1/4 corner and is the right-of-way into parcel 10.
- N 88° 32' 57" E 403.89
 - N 29° 31' 00" E 89.52
 - N 3° 38' 00" E 196.50
 - N 86° 11' 20" E 141.79
 - S 82° 12' 50" E 194.39
 - N 31° 19' 10" E 265.98
 - N 16° 42' 10" E 27.90
 - N 16° 42' 10" E 33.70
 - N 43° 47' 10" E 321.30
 - N 68° 20' 20" E 134.38
 - N 16° 42' 50" E 161.95
 - N 19° 12' 50" E 253.84
 - N 52° 49' 10" E 172.34
 - S 62° 00' 00" E 87.44
 - N 56° 07' 10" E 199.58
 - S 67° 26' 50" E 292.34
 - N 76° 17' 10" E 284.77
 - S 73° 53' 30" E 243.05
 - N 82° 59' 00" E 111.00
 - S 53° 18' 00" E 490.09
 - S 23° 06' 30" E 277.74
 - S 08° 37' 30" E 329.28
 - S 38° 37' 40" E 137.02
 - N 88° 24' 20" E 49.02
 - N 88° 24' 20" E 39.95
 - S 49° 37' 50" E 178.76
 - S 86° 58' 40" E 396.12
 - N 20° 16' 40" E 180.47
 - S 65° 21' 20" E 130.51
 - N 62° 04' 50" E 147.21
 - S 48° 43' 00" E 192.69
 - N 35° 41' 30" E 261.04
 - S 89° 38' 50" E 203.25
 - N 43° 06' 50" E 107.80
 - S 73° 49' 30" E 34.44
 - S 58° 00' 00" E 196.87
 - S 37° 00' 00" E 189.90
 - S 29° 00' 00" E 99.58
 - S 57° 00' 00" E 57.36
 - S 13° 00' 00" E 84.52

NOTES

- All corner notes are shown in Book 26 of Surveys, page 11
- Course no. 1 begins S 00° 34' 20" W 82.09 ft. from the northerly terminus of course 71 as shown in book 23 of Surveys, page 3

BASIS OF BEARINGS

This portion of Sec. 2 & 3 is shown in Book 26 of Surveys, page 11. The bearings are the same as said survey



11574

Filed for record this 22nd day of JULY, 1971 at L151 PM in Book 1 of Parcel Maps at Page 120, Humboldt County Records at the request of Edward J. Hill.

This map has been examined this 20th day of SEPTEMBER, 1971 for conformance with the requirements of Section 11575 of the Subdivision Map Act.

Fee \$500
By Anna Jackson
Deputy
County Recorder, Humboldt County

Steph Walker
County Surveyor



HUMBOLDT
1406th CRAW
Portage of
Scale 1" = 200'
Edward J.
L.S. 325
Sheet 3

ATTACHMENT 6
Public Comments Received

Bruce & Robin Cotherman



2080 Walker Ave. McKinleyville, Ca. 95519
970-218-1299
wapiti4bruce@msn.com

July 15, 2018

Humboldt County Planning Commissioners

My name is Bruce Cotherman and I am objecting to Case #SP16-214; Application #11347; Assessor's Parcel Number 220-292-009, Named Hogwash Farms LLC. Address 4741 Blue Slide Creek Road. This parcel owner and the Cothermans, are involved in a lawsuit over access, which has been ongoing for 6 years. The owner of this parcel (220-292-009) has denied access to our property, parcel (220-292-010), Address 4761 Blue Slide Creek Road, and a court hearing has been scheduled for October 1st 2018. I request that this permit not be granted until these legal matters are resolved.

Thank You
Bruce & Robin Cotherman

A handwritten signature in black ink, appearing to read "Bruce Cotherman", written in a cursive style.

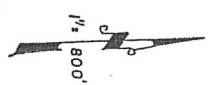
A handwritten signature in black ink, appearing to read "Robin Cotherman", written in a cursive style.



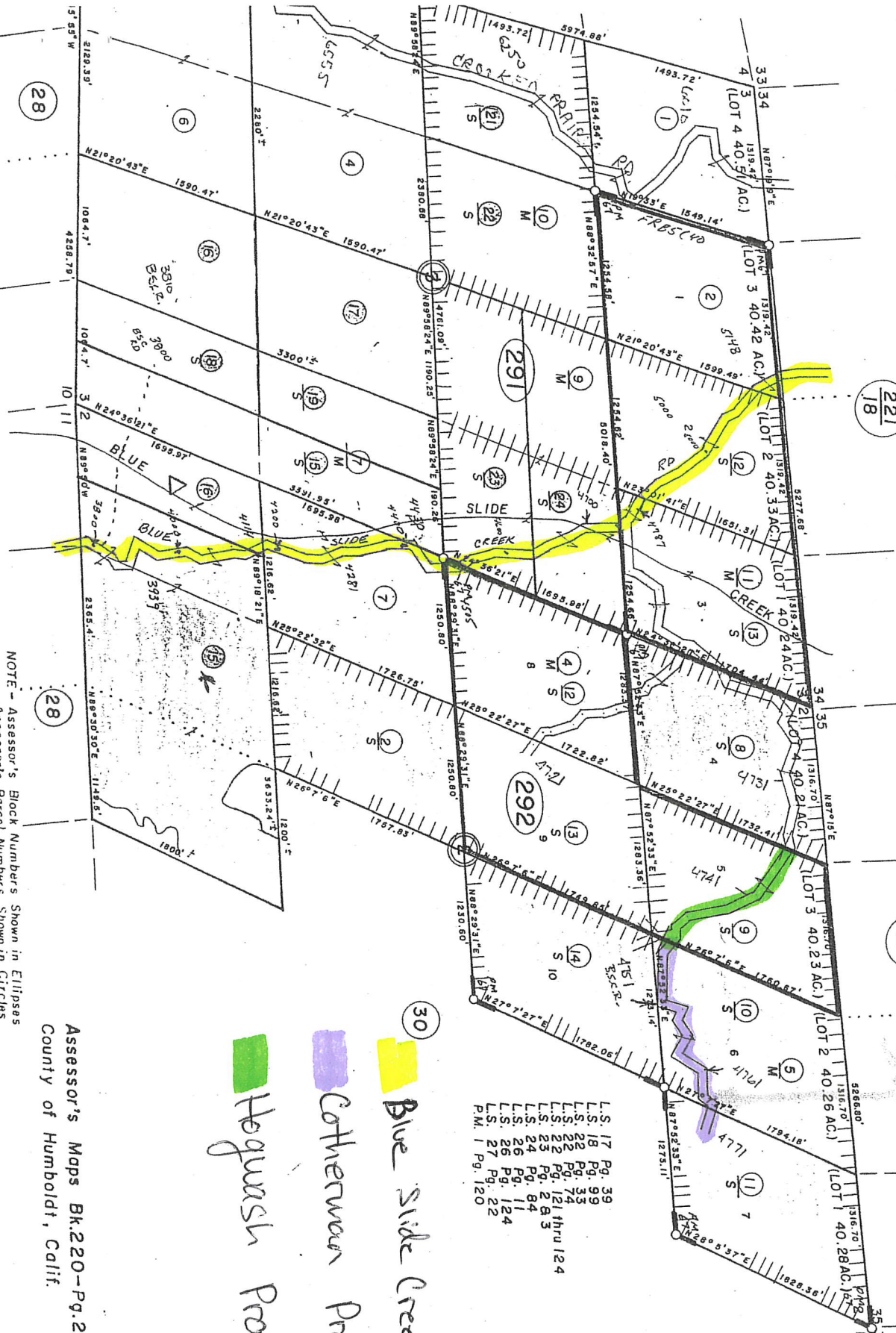
POR. SEC. 2 & SEC. 3 T4S R2E

220-29

FRBS (40)
TPZ AE



- L.S. 17 Pg. 39
- L.S. 18 Pg. 99
- L.S. 22 Pg. 33
- L.S. 23 Pg. 74
- L.S. 24 Pg. 121 thru 124
- L.S. 25 Pg. 84
- L.S. 26 Pg. 124
- L.S. 27 Pg. 22
- P.M. 1 Pg. 120



30 Blue Side Creek Road
 Cotherman Property
 Hogwash Property

Assessor's Maps Bk.220-Pg.29
 County of Humboldt, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles