



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

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Hearing Date: November 18, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Full Cup Farmstead, LLC, Special Permits**  
Record Number: PLN-13043-CUP  
Assessor's Parcel Number (APN): 316-064-011  
34500 State Highway 299, Willow Creek area

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Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at [marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> November 18, 2021	<b>Subject</b> Special Permits	<b>Contact</b> Megan Marruffo
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**Project Description:** A Special Permit for 10,000 square feet (SF) of existing outdoor cannabis cultivation. Ancillary propagation, totaling 3,000 SF, currently occurs onsite. Irrigation water is sourced from rainwater catchment. Existing available water storage is 34,905 gallons in a series of hard sided tanks, with an additional 30,000 gallons of water storage proposed, for a total of 64,905 gallons of onsite water storage. Estimated annual water usage is 33,000 gallons. Processing is proposed to occur onsite in an existing barn. Work associated with the operation is performed by two (2) property owners/farm operators; no employees are proposed. Power is provided by Pacific Gas and Electric Company (PG&E). The proposed project also includes a Special Permit to reduce the required 600-foot setback from public lands.

**Project Location:** The project is located in the Willow Creek area, on the north and south side of State Highway 299, approximately 1.5 miles southwest from the intersection of M W Ranch Road and State Highway 299, on the property known as 34500 State Highway 299.

**Present Plan Land Use Designations:** Timberland (T) Density: 40 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2)

**Present Zoning:** Agriculture Exclusive (AE); Timber Production Zone (TPZ)

**Record Number:** PLN-13043-CUP

**Assessor's Parcel Number:** 316-064-011

<b>Applicant</b>	<b>Owner</b>	<b>Agents</b>
Tim Dower PO Box 74 Willow Creek, CA 95573	Tim Dower and Shannon Hughes; and Steven and Shan Miskulin PO Box 74 Willow Creek, CA 95573	N/A

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

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

**Major Issues:** None.

**Full Cup Farmstead, LLC**  
Record Number: PLN-13043-CUP  
Assessor's Parcel Number: 316-064-011

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Full Cup Farmstead, LLC project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Full Cup Farmstead, LLC, seeks a Special Permit to allow the continued cultivation of 10,000 square feet (SF) outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ); however, cultivation occurs within the portion of the site zoned as TPZ. Cultivation takes place in the central portion of the property, located east of Highway 299, in individual in-ground beds and a 1,600 SF (20'x80') hoop house structure, within an area previously cleared under a Less-Than-Three-Acre Conversion. Ancillary propagation also occurs on the east side of State Highway 299, within an existing 2,500 SF barn (50'x50'), portable office building, multiple-use dwelling, and in areas near the flowering cultivation canopy, and totals approximately 3,000 SF. One harvest is anticipated annually for a growing season that extends from June through October.

Processing currently occurs onsite in an existing permitted dwelling, and is proposed to occur within the barn and portable office building. Up to two (2) people, including the property owners/farm operators, may be utilized during peak operations; no additional employees are required. Power is provided by Pacific Gas and Electric Company (PG&E). The operation is secured behind a gated access and a video surveillance system is proposed to be installed. In addition, cultivation sites are located directly next to the main dwelling on the property, which is occupied year-round.

**Setback from Six Rivers National Forest**

The proposed project includes a Special Permit to reduce the 600-foot setback from Six Rivers National Forest (SRNF), located immediately adjacent to the south (APN 316-053-002), owned by the U.S. Department of Agriculture (USDA) Forest Service. Existing onsite cultivation occurs approximately 505 feet north of the adjacent public lands per Humboldt County's WebGIS, with the existing barn and portable office building located approximately 180 feet north of the adjacent SRNF-owned lands. The project was referred to SRNF in March 2019 (see Attachment 4). SRNF staff responded on March 28, 2019, which recommended denial and indicated the project is located within one-quarter mile (1,320 feet) of the East Fork Campground, a summer campground (see Attachment 4).

The adjacent public land is subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams, by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers (THPO) and avoidance of sensitive tribal cultural resources. Additionally, a Water Resources Protection Plan (WRPP; discussed further below) was developed for the project. The WRPP

was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, or reduction of quality habitat for plants and animals. Therefore, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Because the proposed project was in existence prior to January 1, 2016, is more than 600 feet from developed recreational facilities, and includes operational changes to improve the projects from baseline conditions, Planning staff recommends approval of the setback reduction.

### **Nursery Space**

As noted above, ancillary propagation associated with the operation occurs within the existing 2,500-square-foot barn (50'x50'), portable office building, multiple-use dwelling, and in areas near the flowering cultivation canopy, and totals 3,000 SF. This equates to approximately 30% of the total cultivation area. However, a nursery space of 10% of the cultivation area is what planning division staff and the Planning Commission have found allowable in the past, which would be equivalent to a nursery space of 1,000 SF, with the remaining cultivation area comprising 9,000 SF, for a total of 10,000 SF of onsite propagation and cultivation.

The applicant provided justification as to why the current amount of nursery space (3,000 SF) is needed for the operation (Attachment 3). Per the provided justification, the propagation area for clones requires space for up to 20 clone trays measuring 10 inches by 20 inches each (28 SF); the seed sprouting area for seedlings requires space for up to 300 plants in 5 gallon pots (12 inches wide), and pots must be spread out with approximately 12 inches between each on all sides to maintain adequate plant health and structure (900 SF); and when clones are up-potted, this requires space for up to 700 clones in 5 gallon pots (12 inches wide), where pots must be spread out with approximately 12 inches on all sides to maintain adequate plant health and structure (2,000 SF).

As the current nursery space (3,000 SF) is considerably larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 1,000 SF.

### **Removal of Mixed-Light Infrastructure**

As noted on the Site Plan, the site contains 1,600 SF of mixed-light cultivation with an existing hoop house. Per the County's Cultivation Area Verification (CAV) and interim permit that has been issued for the site, only outdoor cultivation is authorized by this permit. A condition of approval has been added to require the applicant remove all mixed-light infrastructure, including artificial lighting, dehumidifiers, and/or fans within 90 days of project approval.

### **Onsite Relocation and Remediation**

A Remediation Plan Report was prepared by Timothy Dower, Environmental Scientist and Rangeland Resource Scientist, dated December 15, 2020 (Attachment 3), indicating that the cultivation was reconfigured in order to consolidate operations within a regulation-compliant location and minimize impacts on adjacent public and private forested areas and riparian zones. A Less Than Three Acre Conversion was filed in 1993 and is on file in the California Department of Forestry and Fire Protection's (CAL FIRE) archives, under file number 1-93EX-1582HUM. Per the Report, the property owners took ownership of the site in 2015 and the site had pre-existing cultivation in multiple areas. In 2015, the current landowners reconfigured the canopy square footage to be located within an existing 1.78-acre clearing created via the above-mentioned Less Than Three Acre Conversion. Two (2) existing cultivation areas, including 21,711 SF located north of Highway 299, adjacent to the south bank of Willow Creek (Site 2), and 10,830 SF located south of Highway 299, under the powerlines in a PG&E easement right-of-way (Site 3).

Site 2 was abandoned due to being located within the required riparian setback corridor of Willow Creek, and was also considered a less secure location for cultivation operations due to the field of view from the highway as well as the downhill orientation of the cultivation site to the highway. Post 2014, no cultivation has occurred at this location and all cultivation materials were removed following transfer of property ownership. Grass and forb species that occupied the area surrounding this site have populated and become densely ubiquitous within the previously disturbed area. No further remediation efforts are recommended in the Report, as this may cause a disruption in the re-establishment of the naturalized plant community or sediment run-off to the adjacent water bodies (Willow Creek and the unnamed creek).

Site 3 has also been abandoned, as it was located within the riparian setback of the unnamed creek and located only 100 to 150 feet from Highway 299. Cultivation-related materials, such as metal cages and irrigation lines, were removed in 2016. In 2019, the transmission line poles along the parcel right-of-way easement were replaced by PG&E. The entirety of this former cultivation area was graded for the transmission line pole installation. As the disturbance by PG&E “contributed impacts that effectively outweigh impacts from past cultivation activities”, no further remediation for this former cultivation site is deemed necessary in the Report.

### **Water Resources**

Estimated annual water usage is 33,000 gallons (3.3 gal/SF), weather depending, with peak demand occurring in June, at approximately 10,300 gallons. Water for irrigation is provided by rainwater catchment. Existing available water storage is 34,905 gallons in a series of hard-sided tanks, with 30,000 gallons of water storage proposed in six (6) 5,000-gallon tanks, for a total of 64,905 gallons of onsite water storage. Conditions of approval require the placement of the additional water storage tanks to occur on previously disturbed area.

The operation previously obtained water from three points of diversion (PODs) from Willow Creek, a Class II stream. These PODs are no longer utilized for irrigation and solely for domestic purposes. A Streambed Alteration Agreement (SAA) No. 1600-2015-0544-R1 was issued by the California Department of Fish and Wildlife (CDFW) in April 2016 (see Attachment 3), which indicates the SAA covered the three stream diversions (where two of the PODs were located on the Class II stream, which is a tributary to Willow Creek, and the third POD was located on the Willow Creek main stem), and included installation, use, and maintenance of the water diversion infrastructure for domestic use and irrigation. The applicant completed the State Water Board's Cannabis General Order and Small Irrigation Use Registration (SIUR) Portal for the three stream diversions and rainwater catchment (Attachment 3) to obtain evidence of enrollment with the State Water Resources Control Board, required for a California Department of Food and Agriculture (CDFA) Cannabis Cultivation License. In addition, the applicant completed the State Water Board's Division of Water Rights Initial Statement of Water Diversion and Use (Attachment 3) for use of an unnamed Class II stream, a tributary to Willow Creek, for domestic and irrigation uses.

A Water Resource Protection Plan (WRPP) was prepared by Timberland Resource Consultants in February 2017 (revised in March 2017; WDID: 1B161204CHUM; Attachment 3), which includes measures to minimize potential impacts on water resources. Additionally, the WRPP prescribes corrective measures to upgrade specific road condition deficiencies identified and replace an existing 18-inch diameter culvert inlet and a 36-inch diameter outlet for a Class II watercourse as the culvert is undersized for a 100-year storm. Per the WRPP, the stream crossing culverts should be replaced with a minimum 42-inch diameter smooth walled culvert, or a 48-inch diameter corrugated culvert. The project is conditioned to implement all measures contained in the WRPP. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the WRPP required by the North Coast Regional Water Quality Control Board, and additional measures, as detailed below. The applicant is enrolled as a Tier 2 cultivator under the North Coast Regional Water Quality Control Board (NCRWQCB). As a condition of approval, the applicant shall show compliance with the State Water Board Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis

Cultivation Activities (General Order), and shall furnish a Notice of Applicability, and prepare and submit a Site Management Plan (SMP) developed for the property.

### **Biological Resources**

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in July 2021, the site has the potential for sensitive species to be present onsite, as the subject property is located within potential habitat area for special status animal and plant species. Additionally, the multiple-use dwelling (which currently includes onsite processing) is located approximately 190 feet north of Northern Spotted Owl (NSO) Final Critical Habitat, which may be located within the boundaries of the subject parcel. The nearest NSO observation is located approximately 0.16 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.62 miles from the cultivation area. Per the applicant, power is provided by PG&E. Humboldt County WebGIS and the site plan show Willow Creek traverses the site, west of Highway 299. Additionally, per the site plan, there is one (1) additional unnamed creek within the central portion of the site, on both sides of Highway 299. Although no Streamside Management Area (SMA) buffers are currently shown on the site plan, the cultivation area and associated infrastructure are located more than 100 feet from the watercourses, and are therefore outside of the required SMA buffers, preserving them as wildlife corridors.

Additional conditions of approval include, but are not limited to, having all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, the project is conditioned to adhere to Dark Sky Standards for onsite lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. Further, as discussed above, the proposed water storage tanks to be added shall occur within a previously disturbed area. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

### **Access**

Access to the site is via a private driveway off a private road from Highway 299. Highway 299 is a State-maintained highway. A Road Evaluation Report with associated photos (Attachment 3) was prepared by one of the landowners in December 2020, which indicates the entire road segment is developed to the equivalent of a road category 4 standard. Per comments received from the California Department of Transportation (Caltrans) in April 2021, the driveway was noted to meet Caltrans' commercial driveway standards. In addition, it is noted that only right turn-in and right turn-out movements to and from the project site are legal. Per Caltrans' comments, sight distance to the west will need to be improved and could be accomplished with vegetation trimming and minor earthwork. Any work to improve sight distance within the State right-of-way will require an encroachment permit from Caltrans. The project is conditioned to perform sight distance improvements per Caltrans' comments and obtain an encroachment permit from Caltrans, if deemed necessary. CAL TRANS staff was contacted on September 15, 2021 (see Attachment 4). Planning staff provided response to their comments. No response was received as of the date of writing this staff report. Any comments received prior to the hearing will be presented as a supplemental.

As previously discussed, per the WRPP, prescribed corrective measures are required to upgrade specific road condition deficiencies identified in the Report, which includes replacing an existing 18-inch diameter culvert inlet and a 36-inch diameter outlet for a Class II watercourse, which are undersized for a 100-year storm. As stated in the WRPP, the stream crossing culverts should be replaced with a minimum 42-inch diameter smooth walled culvert, or a 48-inch diameter corrugated culvert. The project is conditioned to implement all measures contained in the WRPP.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has

prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**ALTERNATIVES:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.





**EVIDENCE:**

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WRPP) was prepared by Timberland Resource Consultants in September 2017, to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. As a condition of approval, the applicant shall show compliance with the State Water Board Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order), and shall furnish a Notice of Applicability, and prepare and submit a Site Management Plan developed for the parcel.
- d) California Department of Fish and Wildlife (CDFW) Resource Maps, including review of CDFW's California Natural Diversity Database (CNDDDB) in July 2021, indicate the site has the potential for sensitive species to be present onsite, as the subject property is located within potential habitat area for special status animal and plant species. Additionally, the existing multiple-use dwelling (which includes existing onsite processing) is located approximately 190 feet north of Northern Spotted Owl (NSO) Final Critical Habitat, which may be located within the boundaries of the subject parcel. The nearest NSO observation is located approximately 0.16 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.62 miles from the cultivation area.. As previously described, power is provided by PG&E. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. Additional conditions of approval include, but are not limited to, having all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, the project is conditioned to adhere to Dark Sky Standards for onsite lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. Further, the proposed water storage tanks to be added shall occur within a previously disturbed area.
- e) No net loss of timberland after the environmental baseline of December 31, 2015 will occur under the project. As noted in the Remediation Plan Report prepared by Timothy Dower, Environmental Scientist and Rangeland Resource Scientist, in December 2020, the site previously contained pre-existing cultivation in multiple areas on the subject property and was reconfigured in 2015 when the current landowners took ownership. As noted in the Report, the canopy was relocated within an existing 1.78-acre clearing completed under a prior Less Than Three Acre Conversion (1-93EX-1582HUM). Per review of aerial imagery dating back to 2004, it does not appear that any timber conversion has occurred after the CMMLUO baseline date and no additional conversion is proposed. Conditions of approval require the additional water storage tanks

proposed under the project to be located within a previously disturbed area.

- f) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) A Road Evaluation Report was prepared by the applicant in December 2020, which evaluated a 0.34-mile segment of the private road from Highway 299 to the private driveway, and identified that the road segment is developed to the equivalent to road Category 4 standard and is suitable for safe access to and from the project site.

### **FINDINGS FOR SPECIAL PERMITS**

#### **3. FINDING**

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

#### **EVIDENCE**

- a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned primarily for timberland, but where agricultural uses are principally permitted. The use of previously converted areas and natural open spaces on the parcel for cannabis cultivation is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The project is located adjacent to Federal lands managed by the Six Rivers National Forest Lower Trinity Ranger District, with existing cultivation located approximately 505 feet to the north of the adjacent public lands, with the existing barn and portable office building located approximately 180 feet north of the adjacent SRNF-owned lands. In comments dated March 2019, SRNF staff indicated the project is located within one-quarter mile (1,320 feet) of the East Fork Campground, a summer campground. The adjacent public lands are subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails.

#### **4. FINDING**

The proposed development is consistent with the purposes of the existing TPZ zone in which the portion of the site where cultivation occurs is located.

#### **EVIDENCE**

- a) The Timber Production Zone (TPZ) is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Principal permitted uses compatible with timber production include

grazing and other agricultural uses.

- b) All general agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of outdoor cultivation with ancillary propagation and processing activities on a 54-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by an approved lot line adjustment (LLA 32-91), as confirmed by a Certificate of Subdivision Compliance (1992-35457-3), recorded on December 10, 1992.
- c) Water for irrigation is sourced via rainwater catchment. Conditions of approval require the applicant to monitor water use via rain catchment and amount of water available in storage tanks annually to demonstrate there is sufficient water available to continue to meet operational needs.
- d) A Road Evaluation Report was prepared by the applicant in December 2020 for a 0.34-mile segment of the private road from Highway 299 to the private driveway, which indicated that the road segment is developed to the equivalent of a road Category 4 standard. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is ranging from 15% - 50% per the County GIS.
- f) No net loss of timberland after the environmental baseline of December 31, 2015 will occur under the project. As noted in the Remediation Plan Report prepared by Timothy Dower, Environmental Scientist and Rangeland Resource Scientist, in December 2020, the site previously contained pre-existing cultivation in multiple areas on the subject property and was reconfigured in 2015 when the current landowners took ownership. As noted in the Report, the canopy was relocated within an existing 1.78-acre clearing completed under a prior Less Than Three Acre Conversion (1-93EX-1582HUM). Per review of aerial imagery dating back to 2004, it does not appear that any timber conversion has occurred after the CMMLUO baseline date and no additional conversion is proposed. Conditions of approval require the additional water storage tanks proposed under the project to be located within a previously disturbed area.
- g) The location of the cultivation complies with all but one setback required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, or Tribal Cultural Resource. However, the site is located

adjacent to public lands managed by the Six Rivers National Forest Lower Trinity Ranger District. The existing cultivation is located approximately 505 feet to the north of the adjacent public lands, with the existing barn and portable office building located approximately 180 feet north of the adjacent SRNF-owned lands. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails, as the project is located approximately 1,320 feet from the nearest facility (East Fork Campground). The project is not anticipated to result in any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, or reduction of quality habitat for plants and animals. As such, there are no existing or proposed developments within the park that would be impacted as result of the project.

- h) The cultivation site would be approximately 505 feet north of a parcel of land within Six Rivers National Park. The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The nearest developed facility to the project site is the East Fork Campground, located approximately 1,320 feet southwest. The adjacent public lands are subject to the Six Rivers National Forest Plan (SRNFP) adopted in 1995. The project is consistent with the SRNFP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The SRNFP's provisions for heritage resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Six Rivers National Park.

**6. FINDING**

The cultivation of 10,000 square feet of outdoor cannabis cultivation with ancillary propagation and processing activities and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet

from the nearest off-site residence.

- d) Irrigation water will be sourced from a non-diversionary water source via rainwater catchment.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

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

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but currently contains one existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for the residence to continue to be utilized on this parcel.

**DECISION**

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

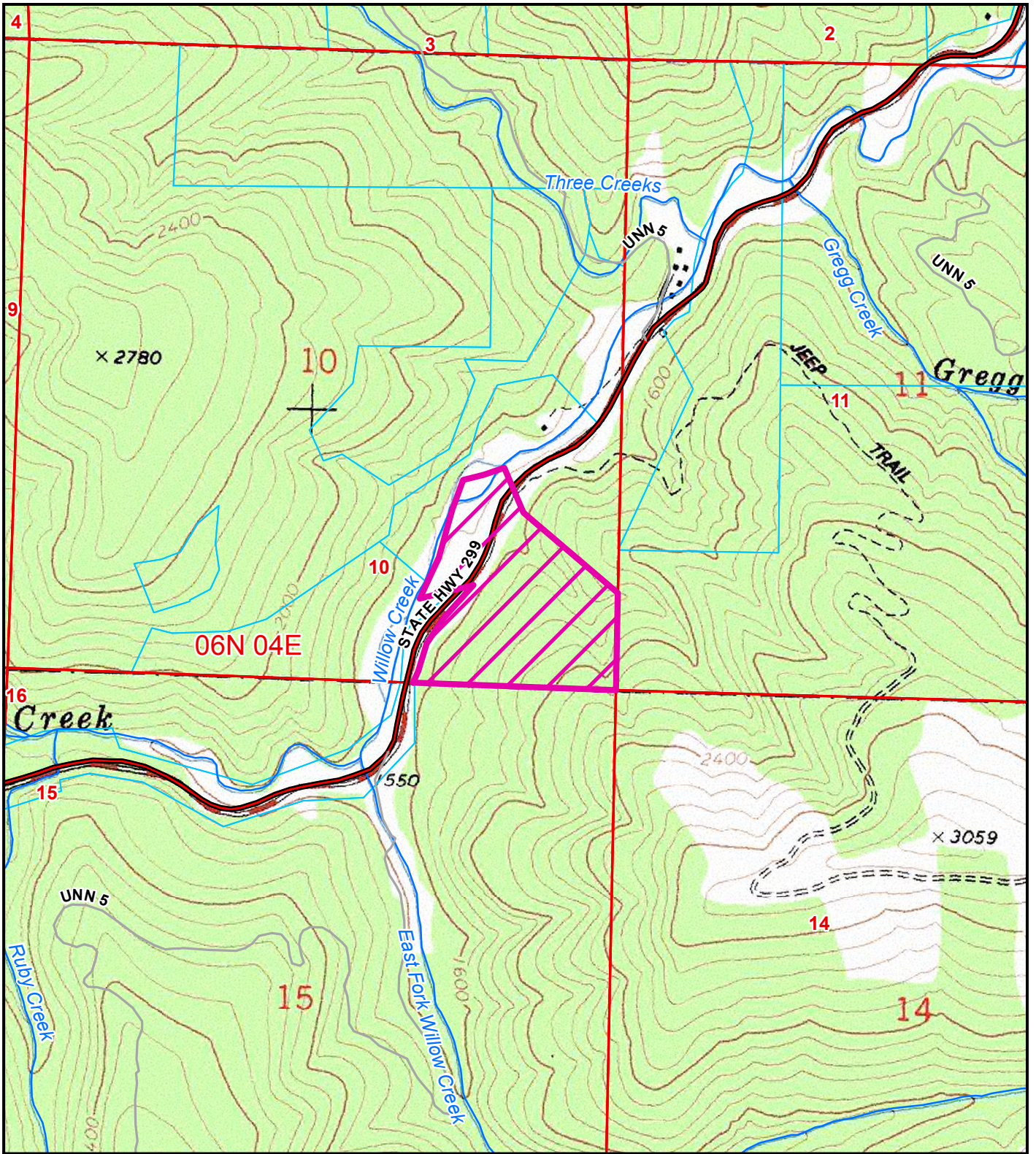
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Full Cup Farmstead, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **November 18, 2021**.

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

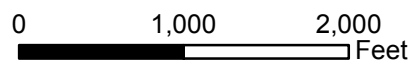
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John Ford, Zoning Administrator  
Planning and Building Department

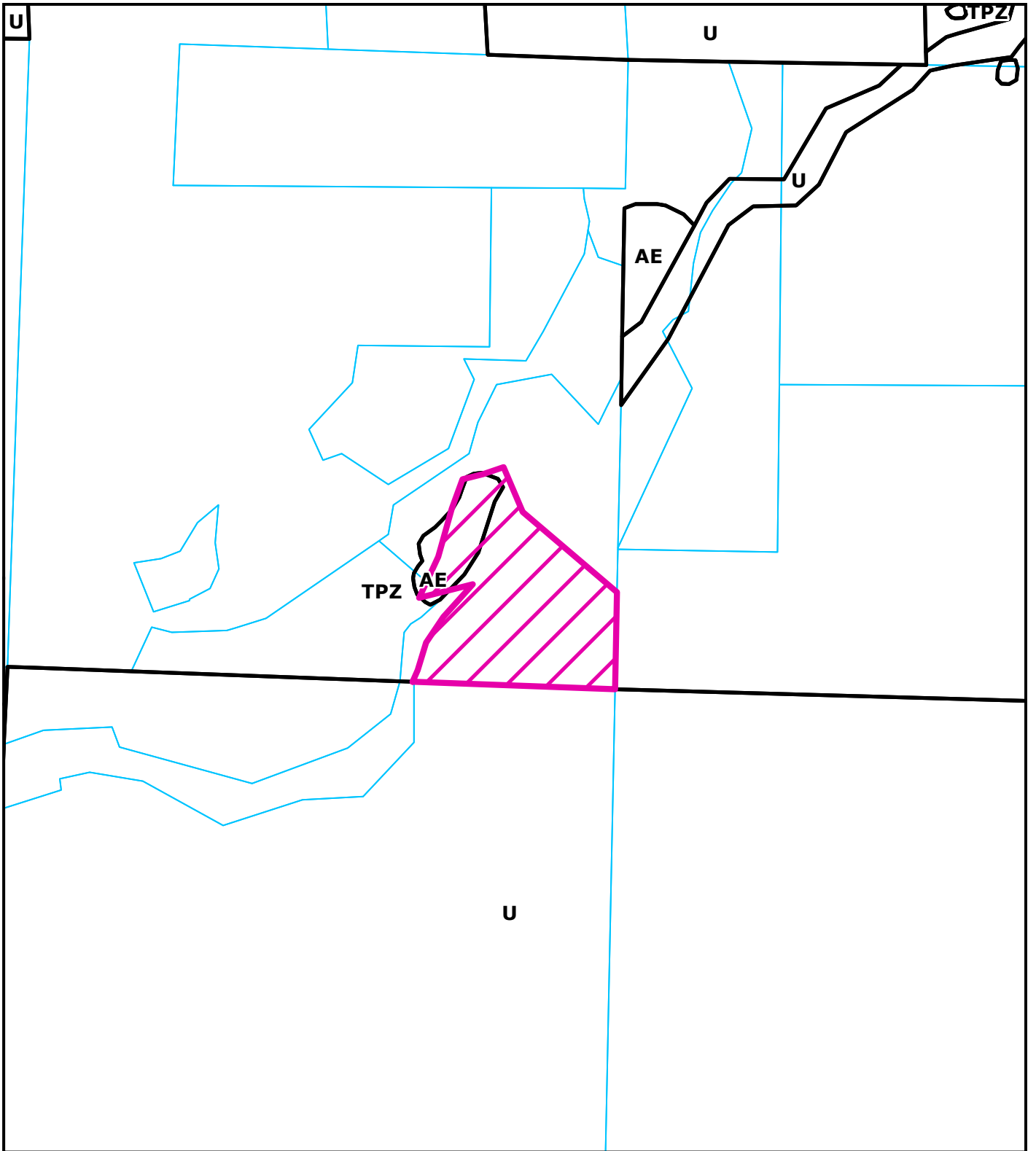


**TOPO MAP**  
**PROPOSED FULL CUP FARMSTEAD LLC**  
**WILLOW CREEK AREA**  
**CUP-16-965; SP-16-743**  
**APN: 316-064-011-000**  
**T06N R04E S10 HB&M (WILLOW CREEK)**

Project Area = 

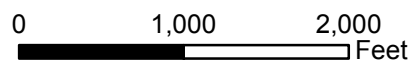


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

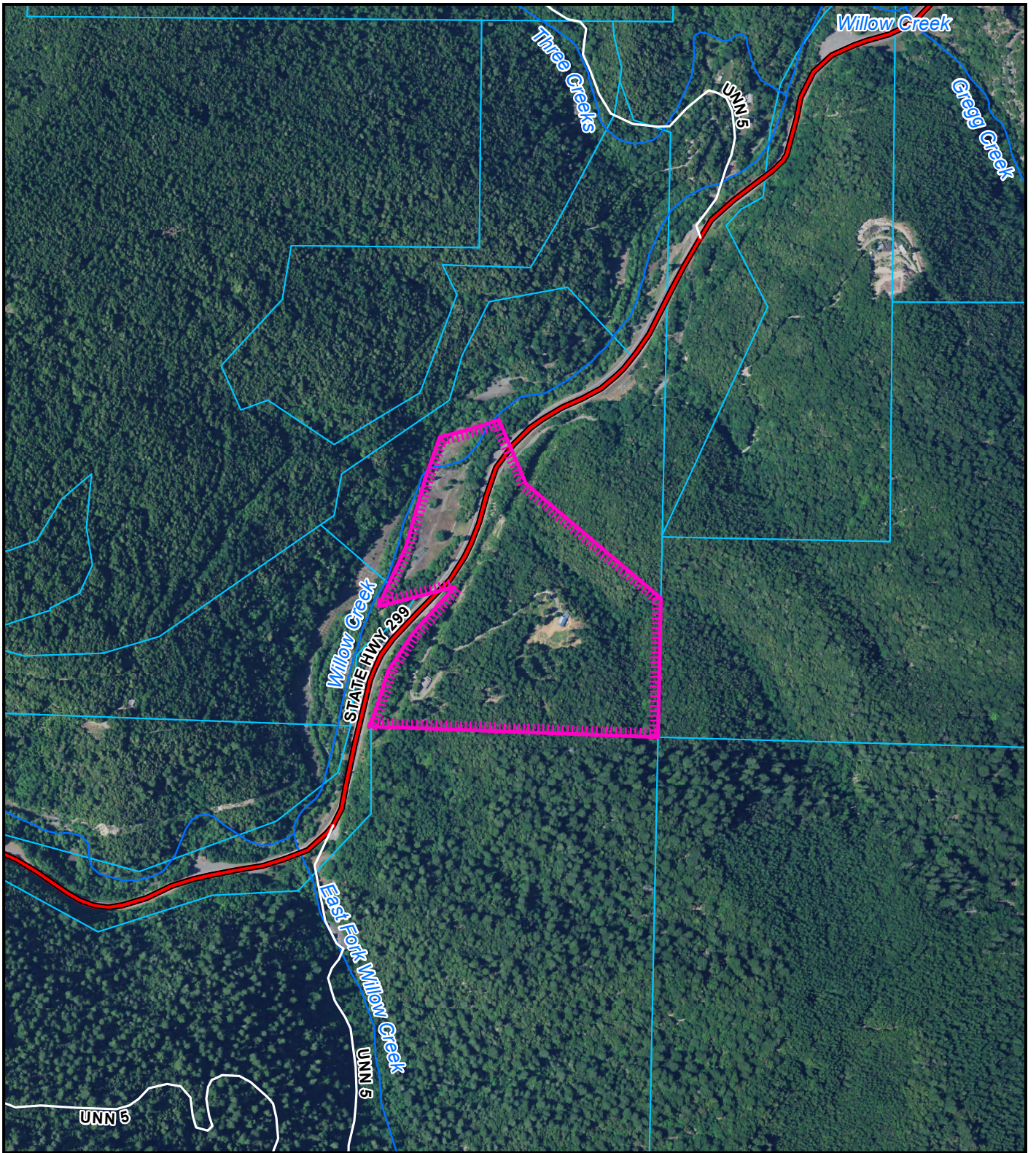


Project Area = 

**ZONING MAP**  
**PROPOSED FULL CUP FARMSTEAD LLC**  
**WILLOW CREEK AREA**  
**CUP-16-965; SP-16-743**  
**APN: 316-064-011-000**  
**T06N R04E S10 HB&M (WILLOW CREEK)**



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

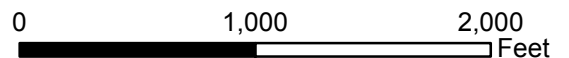


**AERIAL MAP**  
**PROPOSED FULL CUP FARMSTEAD LLC**  
**WILLOW CREEK AREA**  
**CUP-16-965; SP-16-743**  
**APN: 316-064-011-000**  
**T06N R04E S10 HB&M (WILLOW CREEK)**

Project Area = 



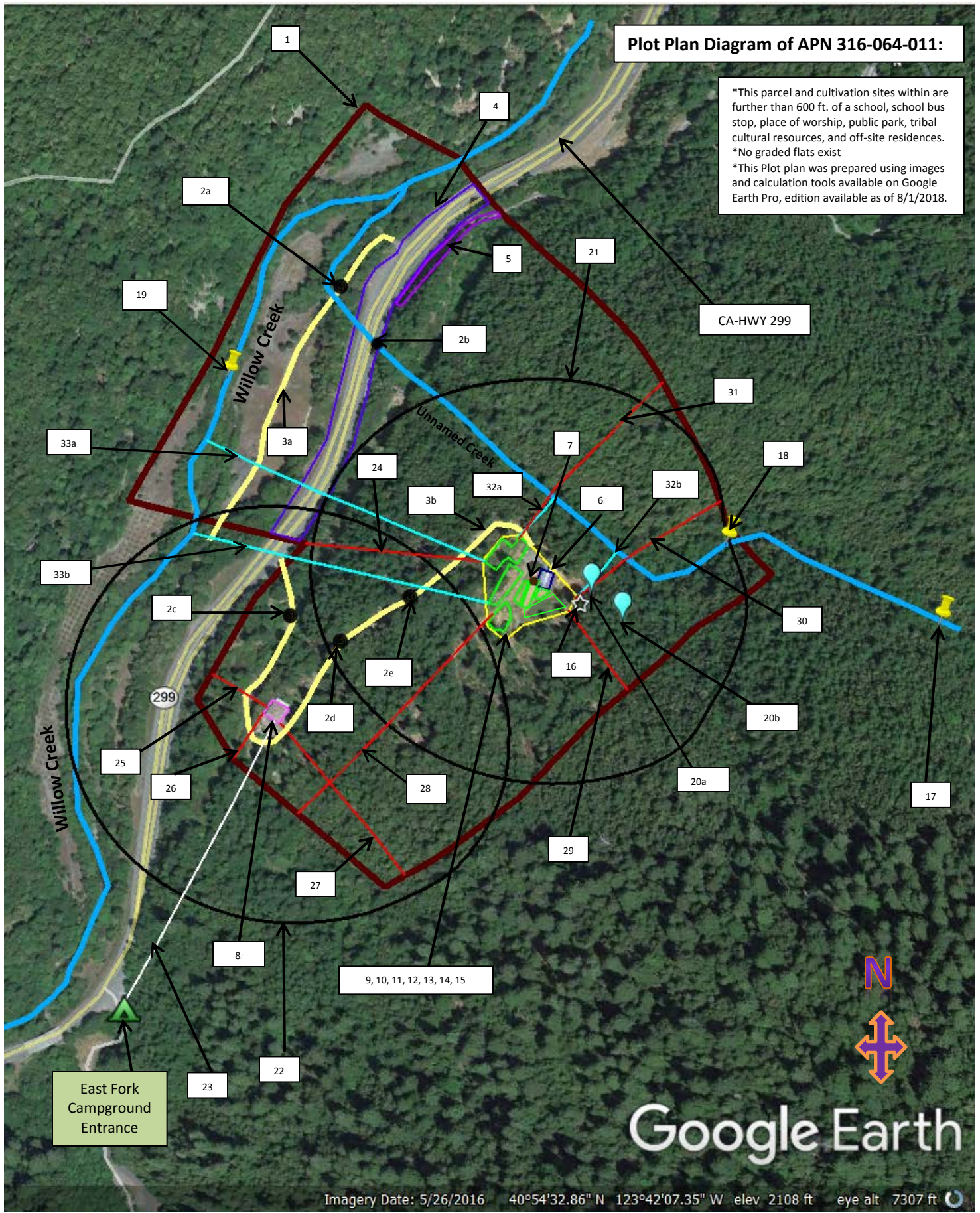
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**Plot Plan Diagram of APN 316-064-011:**

\*This parcel and cultivation sites within are further than 600 ft. of a school, school bus stop, place of worship, public park, tribal cultural resources, and off-site residences.  
\*No graded flats exist  
\*This Plot plan was prepared using images and calculation tools available on Google Earth Pro, edition available as of 8/1/2018.



**Legend for Plot Plan of APN 316-064-011:**

Owners Names: Tim Dower, Shannon Hughes, Steve Miskulin, Shannon Miskulin

- 1 (Burgundy Line).....Property Boundary
- 2a, 2b, 2c, 2d, & 2e (Black Circles).....Culverts

**Driveway and Easements**

- 3a & 3b (Light Yellow Line).....Rocked Access Roads
  - The 3a Driveway is an easement for accessing the McFadden Parcel
- 4 (Purple Polygon).....Cal Trans CA HWY-299 Easement
- 5 (Bright Purple Polygon).....Neighbor’s Driveway Easement

**Buildings**

- 6 (Dark Blue Square).....Multi-Use Building; Permitted Primary Dwelling; Built 1994; Appurtenant Nursery/Drying/ Processing/Storage
  - see attached “Multi-Use Building Diagram” for details of use for locations and square footages utilized within.
- 7 (Brown Circle).....Septic System; approximately 20 ft. north of northwest corner of house
- 8 (Pink & Blue Square).....Quonset Hut; Ag. Exempt Barn built 2003; 2500 ft<sup>2</sup> Appurtenant Nursery/Drying/ Processing/Storage
  - see attached “Cultivation Area and Immature Plant Area Diagram” & “Multi Use Building Diagram” for details of use for locations and square footages utilized within.

**Cultivation Areas**

\*Current cultivation area not to exceed 6600 ft<sup>2</sup>. Requesting increased cultivation area not to exceed 10,000 ft<sup>2</sup>.

\*Cultivation occurs within Timber Production Zone with an opening made via “three acre conversion” in 1996.

-see “Cultivation Area and Immature Plant Area Diagram” for detail and immature plant area locations.

(9-15) are within Bright Yellow Polygon)

- 9 (Green Polygon).....Orchard; Outdoor Cultivation
- 10 (Green Polygon).....Horse and Pony; Outdoor Cultivation
- 11 (Green Polygon).....Lower Laundry; Outdoor Cultivation
- 12 (Green Polygon).....Hoop House; 1600 ft<sup>2</sup> Mixed Light Cultivation
- 13 (Green Polygon).....Upper Laundry; Outdoor Cultivation
- 14 (Green Polygon).....Upper; Outdoor Cultivation
- 15 (Green Polygon).....Meadow; Outdoor Cultivation

**Water Sources**

\*All water used for cannabis is collected by a rainwater catchment system attached to the dwelling and stored in tanks.

- 16 (White Star).....Abandoned Well Site; Unsuccessful drilling attempt on 7/7/2017
- 17 (Yellow Tack).....Household Use Only Point of Diversion 1; POD on Unnamed Creek
- 18 (Yellow Tack).....Household Use Only Registered Point of Diversion 2; POD on Unnamed Creek
- 19 (Yellow Tack).....Household Use Only Registered Point of diversion 3; POD on Willow Creek
- 20a & 20b (Aqua Balloons).....34,945 gallons Water Storage Tanks

**600 Ft. Buffers Around Cultivation Sites**

- 21 (Black Circle).....600 ft. Buffer House Adjacent Zone
- 22 (Black Circle).....600 ft. Buffer Quonset Hut Zone
- 23 (White Line).....1030 ft. from West side of Quonset Hut to SRNF East Fork Campground

**Set Backs from Cultivation to Property Line**

- 24 (Red Line).....West corner of Orchard Space to Inner West Property Corner: .....505 ft.
- 25 (Red Line).....North West Quonset Hut Wall to North West Property Line: .....187 ft.
- 26 (Red Line).....South West Quonset Hut Corner to South West Property Line: .....169 ft.
- 27 (Red Line).....South Corner Quonset Hut to South East Property Line: ..... 540 ft.
- 28 (Red Line).....Meadow Zone to South West Property Line: .....832 ft.
- 29 (Red Line).....South East Border Cultivation Zone to South East Property Line: .....268 ft.
- 30 (Red Line).....East Corner Cultivation Zone to North East Property line: .....507 ft.
- 31 (Red Line).....North Corner Orchard Space to North East Property Line: .....583 ft.
- 32a & 32b (Aqua Line) Nearest Points of Cultivation to Unnamed Creek.....over 220 ft.
- 33a & 33b (Aqua Line) Nearest Points of Cultivation to Willow Creek.....over 220 ft.

**Legend for Plot Plan of APN 316-064-011: (cont'd)**

**Immature Plant Areas and Miscellaneous Multi-Use buildings**

- 34 (Blue Polygon).....Immature Orchard; 625 ft<sup>2</sup>
- 35 (Blue Polygon).....Immature Road; 960 ft<sup>2</sup>
- 36 (Blue Polygon).....Immature Multi-Use Building; 531 ft<sup>2</sup>
- 37 (Blue Polygon).....Immature Behind Multi-Use Building; 400 ft<sup>2</sup>
- 38 (Blue Polygon).....Ag Storage Shipping Container 2; 160 ft<sup>2</sup>
- 39 (Blue Polygon).....Ag Storage Shipping Container 1; 160 ft<sup>2</sup>
- 40 (Orange Polygon).....Portable Building; Appurtenant Nursery/Drying/ Processing/Storage; 480 ft<sup>2</sup>
- 41 (Purple Placemark).....Future Location of Portable Building
- 42 (Green Placemark).....Future Location of Shipping Containers 1 & 2

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

##### A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan and a revised Cultivation and Operations Plan detailing and describing the following, in addition to what is currently shown and described:
  - a. Revise the square footage of the ancillary propagation areas to be a maximum of 1,000 square feet total, which equates to 10% of the cultivation area.
6. No mixed-light cultivation is authorized under this permit. Within 30 days of the effective date of permit approval, the applicant shall remove all mixed-light infrastructure from the subject property, including artificial lighting, dehumidifiers, and/or fans. The applicant shall provide evidence (e.g. photographs with newspaper showing date) that all mixed-light infrastructure is removed. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning Department to verify the mixed-light infrastructure is removed. A sign-off from the Planning Department will satisfy this condition.
7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 – #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

8. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan (WRPP) developed for the parcel, prepared by Timberland Resource Consultants in February 2017 (revised March 2017), pursuant to a Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant shall provide evidence (e.g. letter from a qualified professional and/or photographs) that these improvements are completed. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning A sign-off from the Planning Department will satisfy this condition.
10. The applicant shall enroll under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant is to submit copies of all documents filed with the SWRCB, including, but not limited to, a Notice of Availability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall improve sight distance to the west, which may be accomplished with vegetation trimming and minor earthwork. Prior to any work to within the State right-of-way, the applicant shall obtain an encroachment permit from Caltrans. The applicant shall also conduct floristic surveys and wetland delineation as requested by CAL TRANS. If the access cannot be improved or modifications are required due to the outcome of the floristic surveys and/or wetland delineations, a modification of this permit will be required. A letter or similar communication from Caltrans stating the improvements were completed to their satisfaction shall be submitted by the applicant. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall continue to adhere to the Final Streambed Alteration Agreement (Notification No. 1600-2015-0544-R)) issued by the California Department of Fish and Wildlife (CDFW) in April 2021. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
13. The applicant shall maintain noise containment structures for all generators used on the parcel, if applicable. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard.
14. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to rainwater catchment and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.

15. The applicant shall not use any erosion control measures that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
16. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
17. 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.
18. Any additional water storage tanks to be added on the subject property shall be located on previously disturbed land. No additional tree removal is authorized under this permit.
19. The shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. 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.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of

receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected, as necessary.

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. The applicant shall follow all of CalFire's general recommendations for fire safety, resource management, and cannabis, including providing emergency access turnarounds, signing and building numbers, emergency water standards (designated water storage for fire), and fuel modification standards.
20. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County, if applicable.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
26. All outside lighting shall be placed on timers or motion sensors to reduce light exposure to wildlife and their potential habitat.
27. For the life of the project, the applicant shall avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work to ensure there are no active nests within close proximity to the work area.

#### Performance Standards for Cultivation and Processing Operations

28. 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."



29. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
30. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
31. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
32. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. Onsite housing, if any
33. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the

anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

34. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
35. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
36. 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.
37. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #31 and #33 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. Per comments received from Caltrans in April 2021, only right turn-in and right turn-out movements to and from the project site are legal. Vehicles turning left from either driveway on the subject parcel may be cited by law enforcement.

**ATTACHMENT 2**

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

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

**APN 316-064-011; 34500 State Highway 299, Willow Creek  
County of Humboldt**

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

**November 2021**

## Background

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

The modified project involves a Special Permit for an existing 10,000 square foot (SF) outdoor cannabis cultivation operation with ancillary propagation and processing activities. Irrigation water is sourced from rainwater catchment. Existing available water storage is 34,905 gallons in a series of hard-sided tanks, with an additional 30,000 gallons of water storage proposed, for a total of 64,905 gallons of onsite water storage. Estimated annual water usage is 33,000 gallons. Work associated with the operation is performed by two (2) property owners/farm operators; no additional employees are proposed. Power is provided by Pacific Gas and Electric Company (PG&E). The proposed project also includes a Special Permit to reduce the required 600-foot setback from public lands.

Humboldt County's WebGIS and the Site Plan shows Willow Creek west of Highway 299. Additionally, the Site Plan depicts one additional unnamed creek on the east side of the property, north of the cultivation area, which connects to Willow Creek. Although no Streamside Management Area (SMA) buffers are shown on the Site plan, the cultivation area and associated infrastructure appear to be outside of the SMA buffers. Additionally, all approved cannabis activities would be located on slopes less than 50 percent. A Remediation Plan Report was prepared by Timothy Dower, Environmental Scientist & Rangeland Resource Scientist in December 2020, which indicated the cultivation was reconfigured to consolidate operations within a regulation compliant location and minimize impacts on adjacent public and private forested areas, and riparian zones. While land owned and operated by the Six Rivers National Forest (SRNF) is located immediately south of the site, the cultivation area and associated facilities are located more than 600 feet from development or designated recreational facilities on the SRNF lands.

Per the CDFW Resource Map, the nearest Northern Spotted Owl (NSO) observation is located approximately 0.16 miles from the cultivation area, with the nearest NSO activity center located approximately 0.62 miles from the cultivation area and is within potential habitat area for sensitive animal and plant species. No artificial lighting or additional tree removal is authorized under this permit. Per the applicant, electricity is sourced from PG&E power. Conditions of approval require the applicant use light and noise attenuation to ensure the project has a Less the Significant Impact on NSO. The applicant is enrolled as a Tier 2 cultivator under the North Coast Regional Water Quality Control Board (NCRWQCB). As a condition of approval, the applicant shall show compliance with the State Water Board Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Tsnungwe Council.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring onsite lighting adheres to Dark Sky Association standards and ensuring project related noise

does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 10,000 square feet of cultivation with ancillary propagation and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plans prepared by the applicant, received 8/27/21.
- Cultivation & Operations Plan prepared by the applicant, received 8/27/21.
- Project Description prepared by the applicant, received 8/27/21.
- Nursery Square Footage Increase Rationale prepared by the applicant; received 8/27/21.
- Remediation Plan prepared by Timothy Dower, Environmental Scientist & Rangeland Resource Scientist, dated 12/15/20.
- CAL FIRE Conversion Documentation, File No. 1-93EX-1582HUM, not dated.
- Water Resources Management Plan (WRPP) prepared by Timberland Resource Consultants, dated 2/28/17 and revised 3/14/17.
- Streambed Alteration Agreement (Notification No. 1600-2015-0544-R1 issued by the California Department of Fish and Wildlife (CDFW), executed 4/12/16.

- Roadway Evaluation for a Private Road from State Highway 299 to a Private Driveway prepared by the applicant, dated 12/23/20.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

## ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plans prepared by the applicant, received 8/27/21)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation & Operations Plan prepared by the applicant, received 8/27/21)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation and Operations Plan – item 4. above) and Water Resource Protection Plan prepared for the North Coast Regional Water Quality Control Board Order No. R1-2005-0023 (item 7, below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – Initial Statement of Water Diversion and Use and Water Resource Protection Plan prepared by Timberland Resource Consultants, dated 2/28/17)
8. If any onsite or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached** – Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, Notification No. 1600-2015-0544-R1, executed 4/11/2016)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)



10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (On file - CAL FIRE Conversion Documentation, File No. 1-93EX-1582HUM, not dated)
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. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report for Private Road from Highway 299 to Private Driveway prepared by the applicant, dated 12/23/2020. (**Attached**)
17. Remediation Plan Report prepared by Timothy Dower, Environmental Scientist & Rangeland Resource Scientist, dated 12/15/20 (**Attached**)
18. Project Description prepared by the applicant, received 8/27/21 (**Attached**).
19. Nursery Square Footage Increase Rationale prepared by the applicant; received 8/27/21 (**Attached**)
20. Email from applicant dated April 14, 2021, regarding entrance to subject parcel. (**Attached**)

## **Cultivation & Operations Plan**

### Description of water source, storage, irrigation plan, and projected water usage

Currently this parcel utilizes rainwater catchment and water storage tanks for all cannabis cultivation water usage. Current water storage is 34,945 gallons. Once expansion is granted, more storage tanks will be purchased and installed.

All cultivation sites, in ground, in containers, and indoor, will be irrigated using a pressure compensating drip irrigation system and stored water. Plants will be irrigated only after growing medium and plants have been assessed for water needs and determined to need water.

### Description of site drainage, including runoff and erosion control measures

On the south side of CA-HWY 299, outdoor cultivation is occurring in-ground with the native soil and organic amendments. The native soil has exceptional water retention qualities due natural composition. The organic amendments not only add fertility, but condition the soil to efficiently hold moisture and foster beneficial soil organism activity. Water retention is very high and minimal runoff occurs. To mitigate any potential ill effects from runoff, straw waddles have been installed around cultivation sites. Cultivation on this portion of the parcel occurs in a previously cleared flat. No clearing or grading is necessary to cultivate on this portion of the parcel, minimizing any risk of erosion.

The parcel on which this project will occur is adjacent to CA-HWY 299. The cultivation site is accessed by an existing driveway. No additional roads are needed on this portion of the parcel.

The cultivation activities will be executed by the owners of the parcel who live on-site. There will be no extra driveway traffic from employee vehicles. Therefore, this project will not require mitigation for additional traffic required to execute the cultivation activities.

### Detail of measures taken to ensure protection of watershed and nearby habitat

No clearing or grading is required to complete any cultivation projects proposed here, thereby ensuring the protection of our watershed and nearby habitat. Cultivation will maintain a substantial buffer between the site and any riparian habitat. All cultivation will be conducted in accordance with all regulations put forth by agencies having jurisdiction over this parcel.

Any products used for cultivation that pose as an attractant or as harmful to flora or fauna will be stored in a locked building. All cultivation sites are in cleared areas, minimizing risk of fire.

### Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized

All products including, but not limited to organic bagged amendments, organic liquid nutrients, organic pesticides and fungicides, propagation products, processing materials, and storage materials will be stored inside a closed, locking structure and will be stored inside labeled, closed containers when applicable.

### Description of cultivation activities

#### **Outdoor:**

Outdoor cultivation occurs on the south side of CA-HWY 299, zoned Timber Production Zone in a previously existing clearing via a 3-acre conversion in 1996. Plants are cultivated in individual in-ground, native soil planting sites and in a 20' x 80' hoop house structure. The native soil was tested by Dirty Business Soil Consulting & Analysis and showed to have compatibility with in ground planting. Organic soil amendments were added to the native soil.

#### **Nursery:**

Nursery operations will utilize multiple spaces throughout the year. Until the completion of the 50' x 50' building enclosure and approval for use of portable office building, propagation occurs in an area within the permitted multi-use dwelling. Once hardened to be outside, plants will be reared in locations within the existing clearing as pictured in the plot plan map.

### Processing Plan

All harvested materials will be dried in the 50' x 50' permitted ag structure on the South side of CA-HWY 299. Until completion of this building enclosure, space within the permitted multi-use dwelling is utilized. No employees are currently required for this process.

Once material is dry, it will be processed with a specialized machine that has been properly sanitized. All harvested materials and byproducts from machine processing are then packaged and stored securely. Adequate facilities are available, such as clean drinking water, a hand washing station, and a flushing toilet. Any persons involved in this process will be required to wash hands, wear facemasks, gloves, and any other protective clothing required before coming into contact with harvested material or the processing facility. No hazardous materials are used in this process.

If allowed, processing utilizing employees or independent contractors will occur on site within the 50' x 50' permitted ag structure as well as the portable office building located next to this

structure. Once granted the expanded cultivation canopy square footage, ADA requirements will be satisfied as well as all employee/independent contractor requirements.

### Schedule of activities during each month of the growing and harvesting season

#### **January:**

Outdoor - This month will be spent primarily layering organic materials and amendments onto areas to be planted in the spring.

Nursery - The nursery will be sprouting seeds and producing clones. This will be done in areas that have power, so no generator usage is required.

#### **February:**

Outdoor – same activities as January

Nursery – The nursery will be consistently making clones and transplanting plants. The plants will also be sprayed with preventative organic pesticides and fungicides.

#### **March:**

Outdoor – More cover crop seed will be dispersed during this month. A soil sample is taken for analysis.

Nursery - This month will consist of nursery activities, such as transplanting, feeding, watering, and spraying.

#### **April:**

Outdoor – More organic matter and amendments will be added to planting sites in accordance with the soil test results. Hoop structure will be planted at the end of this month.

Nursery – This month will consist of more transplanting, feeding, watering, and spraying.

#### **May:**

Outdoor - Final amendments are added to the soil to prepare for planting between May 1<sup>st</sup> and June 1<sup>st</sup>.

Nursery – Nursery is still transplanting, feeding, watering, and spraying.

**June:**

Outdoor – Plants are now in the ground. They are now watered and fed with drip irrigation, and sprayed preventatively with organic pesticides and fungicides. Sites are mulched for water retention.

Nursery – Nursery operations are slowing now but are still working on any ongoing breeding projects and housing plants to be used for the rest of the season.

**July:**

Outdoor – Everything is planted and being watered, fed, and sprayed. The hoop structure will be harvested at the end of this month and replanted.

Nursery – Mostly ongoing breeding projects from now, aside from generation of indoor cultivation needs.

**August:**

Outdoor – Everything is planted and being watered, fed, and sprayed.

Nursery - Mostly ongoing breeding projects from now, aside from generation of indoor cultivation needs.

**September:**

Outdoor – Everything is planted and being watered, fed, and sprayed. This is when we start preparing for harvest in late-September and October.

Nursery - Mostly ongoing breeding projects from now, aside from generation of indoor cultivation needs.

**October:**

Outdoor – Everything is harvested throughout this month, dried, processed, packaged up, and stored securely.

Nursery - Mostly ongoing breeding projects from now, aside from generation of indoor cultivation needs.

**November:**

Outdoor – All of the harvested material is finished being processed, packaged, and stored securely. Cover crop seed is spread out onto planting sites by the 24<sup>th</sup>.

Nursery - Mostly ongoing breeding projects from now, aside from generation of indoor cultivation needs.

**December:**

Outdoor – nothing

Nursery - Mostly ongoing breeding projects from now, aside from generation of indoor cultivation needs.

**Security Plan:**

The portion of the parcel on the south side of CA-HWY 299 is equipped with locked gates and cameras to prevent unwanted entry. The cultivation sites are directly next to the main dwelling on the property. Any equipment or materials that would pose as an attractive nuisance will be stored out of sight in a locked building. OMNI Security Services is a local security service that can also be utilized at any time. Additionally, a video surveillance system will be installed to prevent any security breach.

## **CAL-FIRE Conversion Documentation**

This parcel has a less than 3-acre conversion on file with CAL-FIRE.

The file number is 1-93EX-1582HUM filed in 1993 by Dave Kingman Smith.

The physical paperwork is in their archives, but they are not able to pull these records and stated that providing the file number is sufficient.

13043

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: Full Cup Farmstead APN: 316-064-011

Planning & Building Department Case/File No.: 13043

Road Name: Private (complete a separate form for each road)

From Road (Cross street): Hwy 299

To Road (Cross street): Private driveway

Length of road segment: 1800' / 0.34 miles Date Inspected: 12/23/20

Road is maintained by:  County  Other Private  
(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.

Shannon Hughes  
Signature

12/23/20  
Date

Shannon Hughes  
Name Printed

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



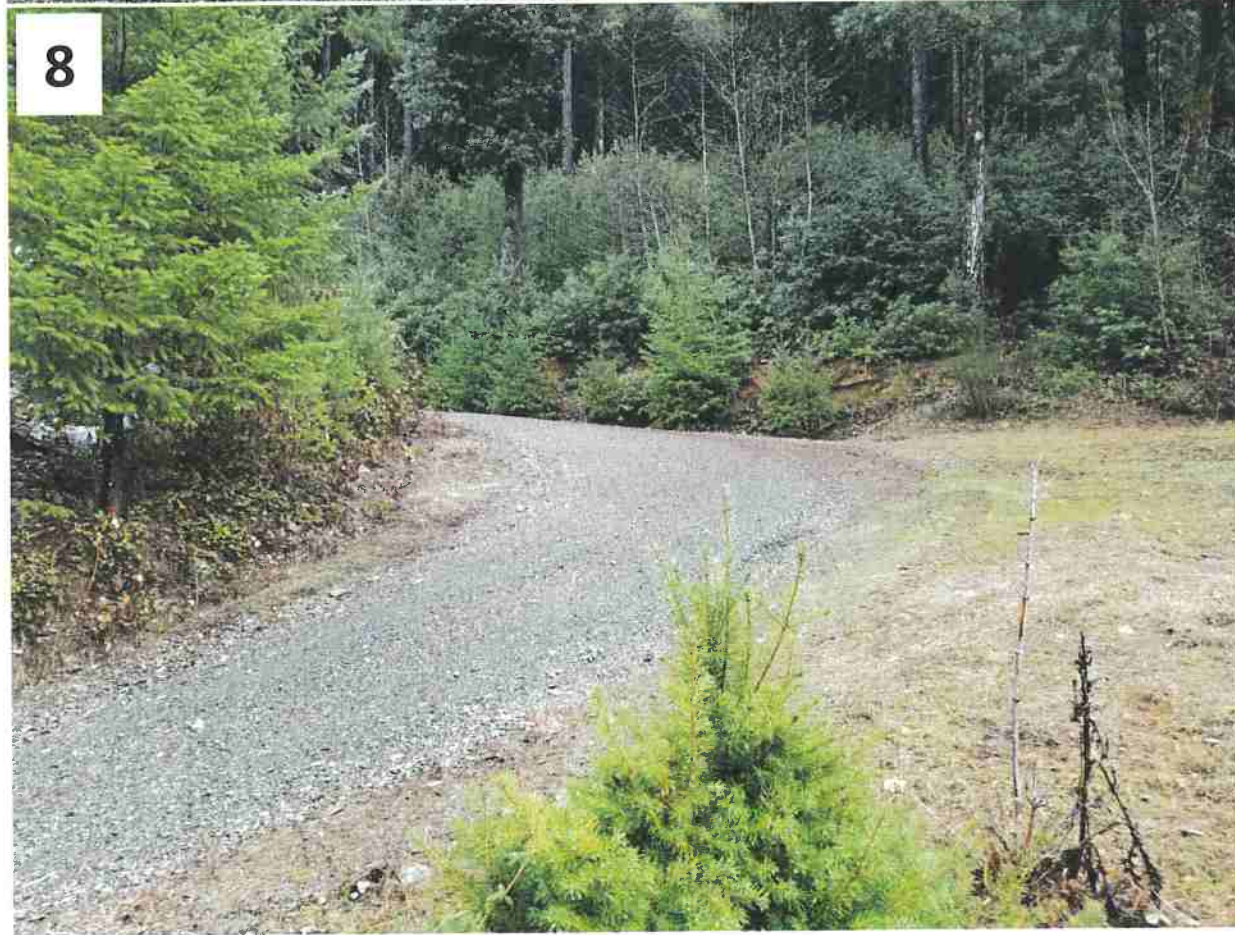
**Road Evaluation Report Documentation:**

Pictures taken 12/2020 are numbered in ascending order from the North side of CA-HWY 299 to the cultivation site.

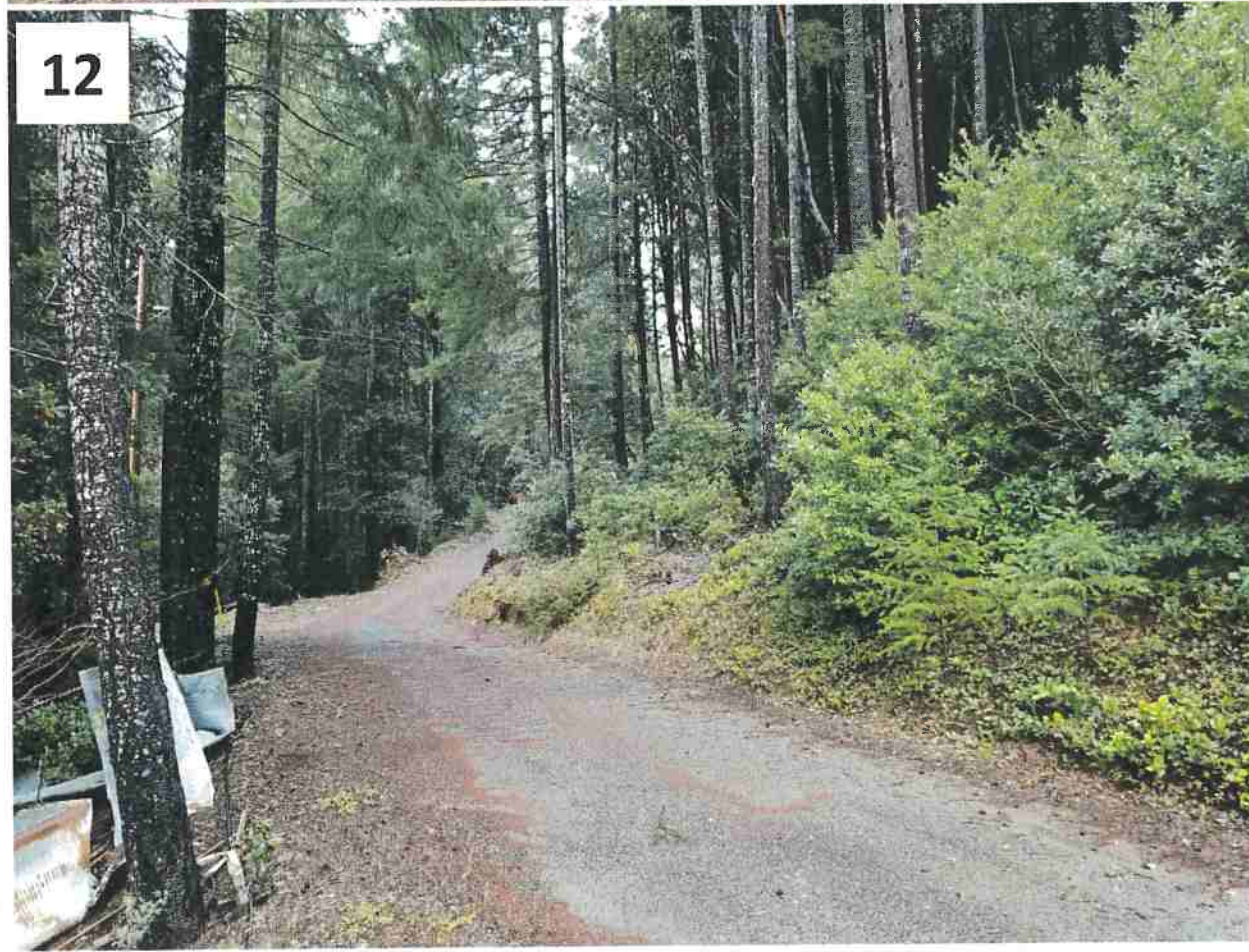














13



14







17



18



13043



### Remediation Plan Report:

Dower/Hughes/Miskulin took ownership and control of parcel 316-064-011 in 2015. The parcel had pre-existing cultivation sites in multiple areas. Full Cup Farmstead LLC (owned by Dower and Hughes) reconfigured the canopy square footage in 2015 to be located within a 1.78 acre pre-existing opening created via Three Acre Conversion located on the south west side of CA-HWY 299 (Zone 1). Cultivation was reconfigured to consolidate operations within a regulation compliant location and minimize impacts on adjacent public and private forested and riparian zones. There are two abandoned cultivation sites: 21,711 ft<sup>2</sup> north of CA-HWY 299 adjacent to the south bank of the Willow Creek (Zone 2), and 10,830 ft<sup>2</sup> south of CA-HWY 299 under powerlines in a Pacific Gas and Electric Co. (PG&E) easement right-of-way (Zone 3).

Zone 2 was abandoned due to its proximity within the required setback of the riparian corridor of the Willow Creek. It is also considered to be a less secure location for cultivation operations than Zone 1 due to field of view from the highway as well as the downhill orientation of the cultivation site to the highway.

No cultivation occurred in Zone 2 for 2015 and all cultivation materials were removed following transfer of property ownership. Post 2014, no cultivation activities have occurred and grass and forb species that occupied area surrounding Zone 2 have populated and become densely ubiquitous within the previously disturbed area. Further mitigation efforts, whether manual or mechanical, threaten more disturbances in the riparian corridor of the Willow Creek. Further disturbance may cause a disruption in the re-establishment of the naturalized plant community, or sediment run-off to the adjacent water bodies (Willow Creek and Unnamed Creek). Though the Ag Exclusive zoning provides agriculture as an allowable use, due to the proximity to the aforementioned waterbodies, commercial cannabis cultivation is prohibited.

Zone 3 was abandoned because cultivation was occurring within the required riparian corridor setback from Unnamed Creek. Zone 3 is roughly 100 ft to 150 ft from CA-HWY 299, making it a less secure location for cultivation activities than Zone 1. Cannabis was being grown in-ground in the native soil. Cultivation materials (i.e. Metal cages and irrigation line) were removed in 2016. Throughout 2019 PG&E replaced transmission line poles along parcel right-of-way easement, one of which was located in Zone 3. The entirety of Zone 3 was graded to make way for transmission line pole installation. The disturbance by PG&E activities contributed impacts that effectively outweigh impacts from past cultivation activities. Further cultivation activity remediation efforts are unnecessary.

*Site analysis & report prepared by Timothy Dower, Environmental Scientist & Rangeland Resource Scientist on 12/15/2020.*

*Calculations were obtained using Google Earth imaging on 12/15/2020.*

Photo documentation on 12/16/2020 of remediation/current condition of previous cultivation site adjacent to Willow Creek

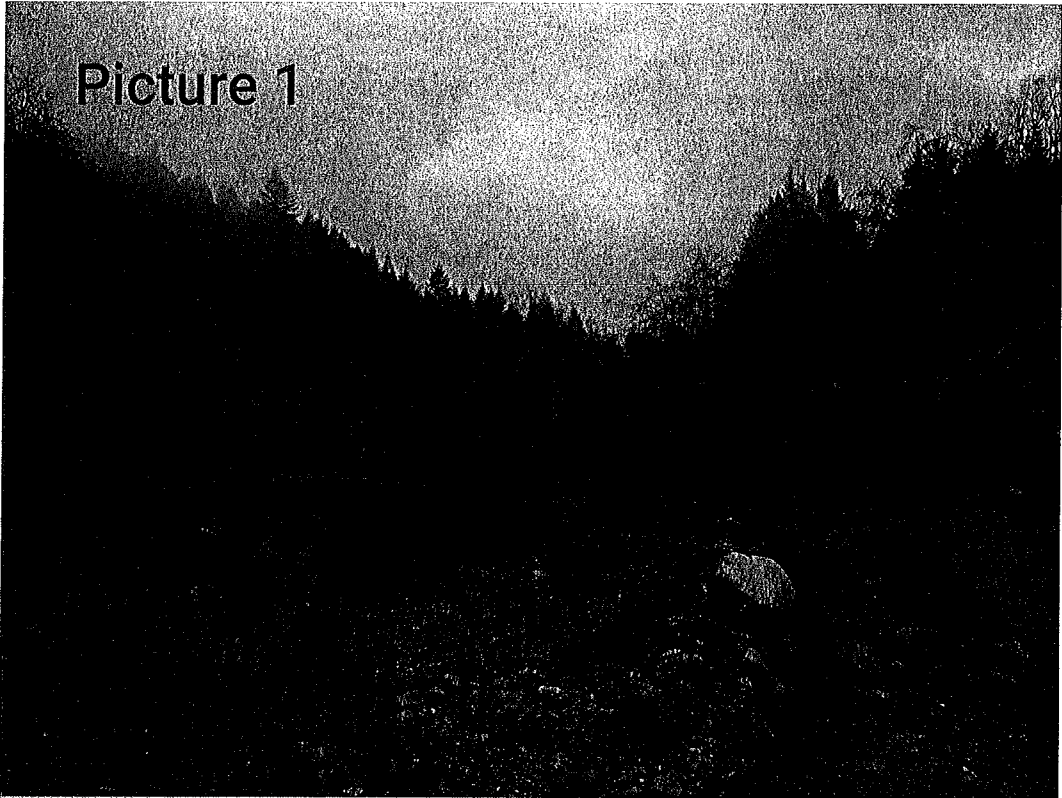
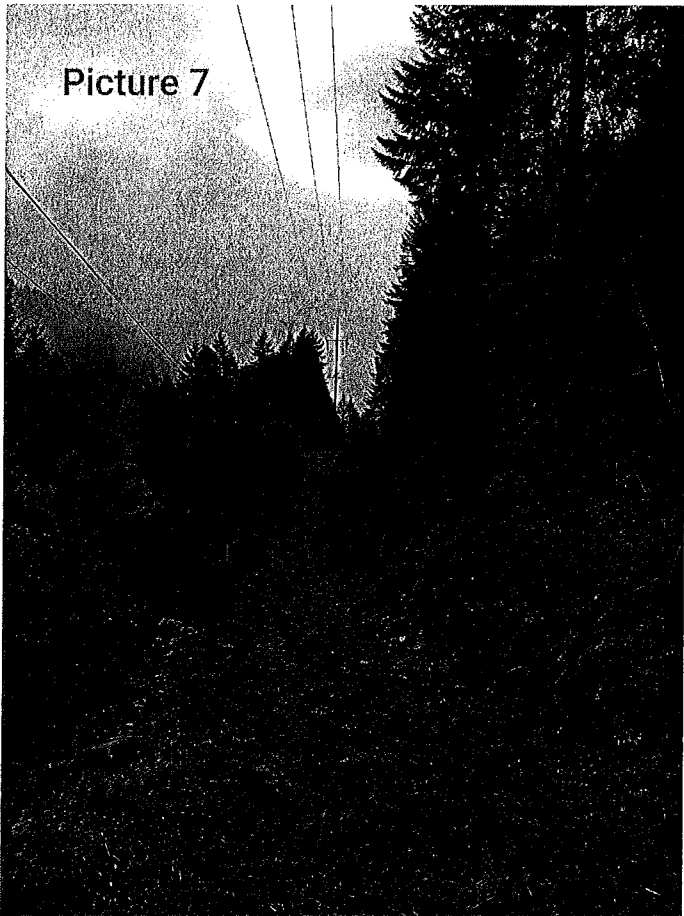




Photo documentation on 12/16/2020 of remediation/current condition of previous cultivation site under PG&E power lines





## **Project Description**

This proposed project consists of outdoor cultivation with appurtenant nursery operations. Total flowering canopy square footage for this project will not exceed 10,000 square feet. Total nursery square footage needed for this project will not exceed 3,000 square feet.

Outdoor cultivation occurs in individual in-ground beds and a 20' x 80' hoop house structure. The projected square footage for this type of cultivation is 10,000 square feet. These sites will be located on the south side of CA-HWY 299, zoned Timber Production Zone in a previously existing clearing via a 3-acre conversion.

There is a 50' x 50' permitted ag barn structure on the south side of CA-HWY 299 wired with three phase electricity which will be utilized for nursery, drying, storage & processing. There is a portable office building next to the permitted ag barn structure that will be utilized for nursery, drying, storage & processing. Until completion of this project, the permitted multi-use dwelling is utilized for nursery, drying, storage & processing. Nursery operations will also occur in areas near the flowering canopy cultivation as pictured on the plot plan maps.



Rationale for 3000 square feet of appurtenant nursery space:

This project requires approximately 3000 square feet of nursery operation space.

The propagation area for clones requires space for up to 20 clone trays measuring 10" x 20" each (28 square feet).

The seed sprouting area for seedlings requires space for up to 300 plants in 5 gallon pots (12" wide). Pots must be spread out with approximately 12" between each on all sides to maintain adequate plant health & structure. This requires 900 square feet.

When clones are up-potted, this requires space for up to 700 clones in 5 gallon pots (12" wide). Pots must be spread out with approximately 12" between each on all sides to maintain adequate plant health & structure. This requires 2000 square feet.

**Yandell, Rodney**



**From:** Tim & Shannon <fcfhumboldt@gmail.com>  
**Sent:** Wednesday, April 14, 2021 11:34 AM  
**To:** Quintrell, Heidi L@DOT  
**Cc:** ROBERTSON, JESSE GRAHAM@DOT; Planning Clerk; Southard, Amy J@DOT  
**Subject:** Re: Caltrans Comments for Full Cup Farmstead, PLN-13043-CUP (1-HUM-299-33.53)

Hello,

We conducted a survey ourselves today and it appears that the survey completed is referring to the driveway just east of the driveway in question that accesses our project location. The driveway just east of us does NOT access our parcel as stated in the report. That driveway is on our parcel but accesses our neighbor's parcel (Moon & Stars Farm).

We have pictures and video footage showing that from the paved area at the road, at least 10 hot spots are clearly visible, therefore this adds up to at least 500' of visibility (the hotspots are appx 50' apart). We would like another survey to be completed and would like to be present at the time of the survey so there is no confusion about which entrance we are discussing.

Thank you,

Shannon

On Wed, 14 Apr 2021 at 09:55, Tim & Shannon <[fcfhumboldt@gmail.com](mailto:fcfhumboldt@gmail.com)> wrote:  
Thank you very much for the information. I look forward to speaking with her tomorrow.

On Wed, 14 Apr 2021 at 09:55, Quintrell, Heidi L@DOT <[heidi.quintrell@dot.ca.gov](mailto:heidi.quintrell@dot.ca.gov)> wrote:

Amy is currently on vacation, and will return tomorrow.

*Heidi Quintrell, P.E.*  
*District Permit Engineer*  
*Office Chief Encroachment Permits*  
*Caltrans - District 1*  
*1656 Union St*  
*Eureka, CA 95501*  
*(707) 445-6385 - office*  
*(707) 498-0578 - cell*

**From:** Tim & Shannon <[fcfhumboldt@gmail.com](mailto:fcfhumboldt@gmail.com)>

**Sent:** Wednesday, April 14, 2021 9:52 AM

**To:** ROBERTSON, JESSE GRAHAM@DOT <[jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov)>

**Cc:** [PlanningClerk@co.humboldt.ca.us](mailto:PlanningClerk@co.humboldt.ca.us); Quintrell, Heidi L@DOT <[heidi.quintrell@dot.ca.gov](mailto:heidi.quintrell@dot.ca.gov)>

**Subject:** Re: Caltrans Comments for Full Cup Farmstead, PLN-13043-CUP (1-HUM-299-33.53)

**EXTERNAL EMAIL. Links/attachments may not be safe.**

Hi Jesse,

Thank you for talking with me yesterday and agreeing that CalTrans needs to work with us quickly on a resolution here. I called Amy Southard first thing this morning to discuss an expedited process here due to CalTrans unacceptable lag time in getting this assessment completed so you could write your report, but I have not heard back yet. I was hoping to talk with her today. Can I request that you might urge her to get in contact with me today since we have little time to resolve this prior to the expiration of our interim permit on 12/31/2021.

Thank you in advance! :)

Shannon

On Tue, 13 Apr 2021 at 16:50, ROBERTSON, JESSE GRAHAM@DOT <[jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov)> wrote:

Cade McNamara,

Caltrans' comments for the Full Cup Farmstead Conditional Use Permit (PLN-13043-CUP) are attached. Please print any copies needed for your files. Please contact me with questions or for further assistance with the attached comments.

Jesse Robertson

Transportation Planning

Caltrans District 1

(707) 684-6879 (mobile)

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional Approval	<b>Attached</b>
Division Environmental Health	✓	Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Comments	<b>Attached</b>
CAL FIRE	✓	No Comment	<b>Attached</b>
Caltrans	✓	Conditional Approval	<b>Attached</b>
Humboldt County Sheriff	✓	Comments	On file with Planning
Northwest Information Center	✓	Further Study	On file and confidential
Hoopla Valley Tribe		No Response	
Tsnungwe Council	✓	Comments	On file and confidential
Six Rivers National Forest	✓	Denial	<b>Attached</b>
Klamath-Trinity JUSD: School District		No Response	
California Department of Fish & Wildlife		No Response	<b>Attached</b> – Planning staff email to request project comments
Humboldt County Agricultural Commissioner		No Response	
District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING**  
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

5/16 AM

5/3/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, Klamath-Trinity JUSD:School District, Cal Fish & Wildlife, CalFire, CalTrans Dist 1, CA Division of Water Rights, Hoopa Valley Tribe, NWIC, Tsnungwe Council, Six Rivers NF:Other

**Applicant Name** Full Cup Farmstead LLC **Key Parcel Number** 316-064-011-000

**Application (APPS#)** PLN-13043-CUP Historic Planning **Assigned Planner** Misael Ramos

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: 5/18/2019**

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

Shannon  
 707-499-3116

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

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

Other Comments: \_\_\_\_\_

DATE: 5/7/19 PRINT NAME: MARC PHIPPEN



(E) LOWER FLECT. SERVICE



QUONSET HUT W/ MOBILE OFFICE STRUCTURE





House



House / Mobile



ATTACHED CARPORT



(13) MIXED LIGHT GREENHOUSE 1600<sup>4</sup>





OUT DOOR GRW



EXT (E) STORAGE SITE 10/18/2021



UPPER GROW AREA + BACK OF (E) PLS.



UPPER GROW AREA November 18, 2021

TEMP POOL



LOWER GROW





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

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Misael Ramos, Planner, Planning & Building Department  
FROM: Kenneth M. Freed, Assistant Engineer *KMF*  
DATE: 03-29-2019

RE:

<b>Applicant Name</b>	<b>FULL CUP FARMSTEAD LLC</b>
<b>APN</b>	<b>316-064-011</b>
<b>APPS#</b>	<b>PLN-13043-CUP</b>

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"**.

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

This project fronts State Highway 299. Review Item 2 of Exhibit "C".

This project has no direct effect on any facilities maintained by this Department.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 13043

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

- 1. ROADS – PART 1. Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

[ ] YES [ ] NO

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

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

- 2. ROADS – PART 2. Does the project take access from a series of non-county maintained roads or driveways that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

[x] YES [ ] NO

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

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

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

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? [ ] YES [ ] NO

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

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

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

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**Additional Review is Required by Planning & Building Staff**

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

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

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

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

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

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

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

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

If **YES**, include the following requirement:

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

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**



## California Department of Transportation

DISTRICT 1  
 P.O. BOX 3700 | EUREKA, CA 95502-3700  
 (707) 445-6600 | FAX (707) 441-6314 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



April 13, 2021

1-HUM-299-PM 33.5  
 PLN-13043-CUP  
 APN: 316-064-011



Mr. Cade McNamara  
 Planning & Building Department  
 County of Humboldt  
 3015 H Street  
 Eureka, CA 95501

Dear Mr. McNamara:

Thank you for giving Caltrans the opportunity to comment on the application for a Special Permit for 5,860 square feet of existing outdoor medical cannabis cultivation. The project is located in unincorporated Humboldt County, in the Willow Creek area, on the property known as 34500 State Highway 299. We offer the following comments:

The subject parcel is divided by State Route 299 (SR 299) and the project proposes to use the driveway at postmile 33.53 (approximate) for the current entitlement request. The driveway at post mile (PM) 33.53, SR 299 was evaluated in the field by the District Encroachment Permit staff, whom noted that sight distance to the west will need to be improved. Sight distance improvements may be accomplished with vegetation trimming and possibly some minor earthwork. Work to improve sight distance within State right of way will require an encroachment permit from Caltrans. Other than sight distance limitations, the project driveway appears to meet Caltrans' commercial driveway standards.

Please note that prior to issuing an encroachment permit to improve sight distance, the applicant will need to ensure that work within the State highway right of way has satisfied CEQA requirements, including the provision of any mitigation required for environmental impacts. The project is located within the range of state and federally protected northern spotted owl. The site should be evaluated to determine if suitable habitat is present for this species. If suitable habitat is present, proposed project activities should be evaluated for effects to this species and consultation with US Fish and Wildlife Service may be necessary. A minimum of two seasons of floristic surveys should be conducted in any areas where ground disturbance will occur to make sure no rare plants are adversely affected. Wetlands and "waters of the US/state" should also be evaluated for potential impacts or avoidance.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Mr. Cade McNamara  
4/13/21  
Page 2

There are two sets of unbroken double yellow lines separating the eastbound and westbound lanes of SR 299, which indicates that the highway is a divided highway via a painted center median. This designation is significant because left turns are prohibited across a painted median, in accordance with the California Vehicle Code Section 21651. The applicant will need to be aware that for both of the driveways serving the subject parcel, only right turn-in and right turn-out movements are legal. Vehicles turning left into either of the applicant's driveways may be cited by law enforcement.

Any work within Caltrans Right-of-Way will require an Encroachment Permit from Caltrans. Applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we encourage the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 441-5741. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <https://dot.ca.gov/programs/traffic-operations/ep>.

Please contact me with questions or for further assistance at 707-684-6879, or by email at: [jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov).

Sincerely,

*Jesse Robertson*

JESSE ROBERTSON  
Transportation Planning  
Caltrans District 1

c: Heidi Quintrell, Chief, Caltrans District 1 Encroachment Permits (e-copy)

**From:** [Meghan Ryan](#)  
**To:** "[jacob\\_rightnar@dot.ca.gov](mailto:jacob_rightnar@dot.ca.gov)"  
**Cc:** [Megan Marruffo](#); "[Johnson, Cliff](#)"; "[ROBERTSON, JESSE GRAHAM@DOT](mailto:ROBERTSON_JESSE_GRAHAM@DOT)"  
**Subject:** FW: APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County  
**Date:** Wednesday, September 15, 2021 1:42:00 PM  
**Attachments:** [13043\\_ref\\_CalTrans\\_04.13.21.pdf](#)

---

Hi Jacob – I hope your’e doing well! I saw Jesse’s out of office reply, so I thought I would forward you the email below.

Please let me know if you have any questions.

Thanks!  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 443-5054  
<http://www.lacoassociates.com>

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---

**From:** Meghan Ryan  
**Sent:** Wednesday, September 15, 2021 9:53 AM  
**To:** 'ROBERTSON, JESSE GRAHAM@DOT' <jesse.robertson@dot.ca.gov>  
**Cc:** Megan Marruffo <marruffom@lacoassociates.com>; 'Johnson, Cliff' <CJohnson@co.humboldt.ca.us>  
**Subject:** APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County

Good morning, Jesse – I hope you’re doing well! I wanted to provide a response to CAL TRANS comments for this project as follows:

1. The project will be conditioned to improve the encroachment to CAL TRANS satisfaction and obtain an encroachment permit prior to commencing any improvements.
2. Presence of Northern Spotted Owl is assumed and there will be conditions of approval limiting noise to 50 dB at 100 feet per USFWS guidance and light attenuation to adhere to Dark Sky standards. We will also limit construction to outside the breeding season (Feb – July), which would apply to work associated with the encroachment permit.
3. Conditions of approval will require the applicant to conduct the floristic surveys and wetland delineation as requested in CAL TRANS referral comments prior to commencing any encroachment improvement. If the studies find any impacts to plant and wetland habitat, the applicant will be required to modify this permit for required changes to the existing access.
4. An informational note will be added to the staff report regarding right turn-in and right turn-

out movements as stated by CAL TRANS comments.

We are hoping to move this project forward at the 10/7/2021 hearing, which means providing a notice today. Please let me know if you have any questions or comments regarding this approach. I understand you may need additional time to review.

I appreciate your assistance on this project!

Best,  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 443-5054  
<http://www.lacoassociates.com>

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**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING**  
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245



3/27/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, Klamath-Trinity JUSD: School District, Cal Fish & Wildlife, CalFire, CalTrans Dist 1, CA Division of Water Rights, Hoopa Valley Tribe, NWIC, Tsungwe Council, **Six Rivers NF: Other**

**Applicant Name** Full Cup Farmstead LLC **Key Parcel Number** 316-064-011-000

**Application (APPS#)** PLN-13043-CUP Historic Planning **Assigned Planner** Misael Ramos

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: 4/11/2019**

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

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

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

Other Comments: Cannabis grow is within 600 feet of Public land (Six Rivers National Forest). Forest Service does not waive 600' set back

DATE: 28 March 2019 PRINT NAME: George Frey

*Project is also within 1/4 mile of a summer campground - E. Fork Campgrounds. See attached letter on Forest Service position on cannabis transportation over Forest Service*



United States  
Department of  
Agriculture

Forest  
Service

Pacific Southwest Region  
Six Rivers National Forest

1330 Bayshore Way  
Eureka, CA 95501  
707-442-1721  
TDD: 707-442-1721  
Fax: 707-442-9242

File Code: 1500  
Date: August 29, 2018

Michelle Nelson  
Planning and Building Department  
Humboldt County  
3015 H Street  
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN  
Acting Forest Supervisor

