



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: September 5, 2019

To: Humboldt County Planning Commission

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

Subject: **Rocci Costa, Conditional Use Permit**
Application Number 12176
Case Number PLN-12176-CUP
Assessor's Parcel Number (APN) 516-211-025
1734 Warren Creek Rd, Blue Lake, CA 95521

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Please contact Elizabeth Moreno, Planner, at 707-445-7245 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 5, 2019	Subject Conditional Use Permit	Contact Elizabeth Moreno
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Project Description: Rocci Costa seeks approval of a Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation, and a 2,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. The irrigation method is dry farming. The water source for the proposed 2,000 square-foot nursery will be rainwater catchment. The applicant will store water in two 5,000-gallon tanks. Ancillary processing would occur onsite in a proposed processing facility with a maximum of four (4) employees. There is an existing residence onsite served by a septic system. The site is served by PGE.

Project Location: The project is located in the Blue Lake area, at the terminus of Warren Creek Road approximately 0.45 miles east from the intersection of Blackberry Lane and Warren Creek Road, on the property known as 1734 Warren Creek Road.

Present Plan Land Use Designations: Residential Agriculture (RA5-20), Density: 20 to 5 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Agriculture General (AG)

Application Number:12176

Case Number: PLN-12176-CUP

Assessor Parcel Numbers: 516-211-025

Applicant	Owner	Agent
Rocci Costa 638 W Sonoma St Eureka, CA 95501	Rodney Costa Box 206 Alderpoint, CA 95511	N/A

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

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

Major Issues: None

ROCCI COSTA
Case Number PLN-12176-CUP
Assessor's Parcel Number 516-211-025

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the applicant has not provided the County the information necessary to make the required findings that the project meets Humboldt County Code §312-17.1.4, therefore the required findings for approval cannot be made, and adopt the Resolution denying the proposed Rocci Costa Conditional Use Permit.

Executive Summary: Rocci Costa seeks approval of a Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. The irrigation method is dry farming. The water source for the proposed 2,000 square-foot nursery will be rainwater catchment. The applicant will store water in two 5,000-gallon tanks.

Ancillary processing would occur onsite in a proposed processing facility performed by the applicant with a maximum of four (4) employees. There is an existing residence onsite served by a septic system. The site is served by PGE. A 768 square foot processing facility is proposed. The proposed metal building will meet American Disability Act (ADA) Standards.

The site contains an existing 50-foot right-of-way along the northern property line. The existing 30-foot driveway to the neighboring property is not contained within the right-of-way. The applicant proposes to relocate the driveway to be contained within the 50-foot right-of-way. The easement is used by the adjacent neighbor on Parcel APN 516-211-023. Site Plan A illustrates the proposal to move the road and locate the proposed greenhouses where the existing road is located. Site Plan B illustrates the proposed greenhouses within the area where existing road is now located.

The project is located close to two Northern Spotted Owl activity centers. To the north westside of the project, about 1.18 and 1.32 miles away. Because the project is for outdoor cultivation and power is provided by PG&E, the operation is not expected to negatively impact Northern Spotted Owl.

Pursuant to section 55.4.6.7- Zoning Clearance Certificates for Open Air Cultivation submitted under prior ordinance –Provisions for Neighborhood Compatibility Where located in or within one thousand feet (1000') of any incorporated city, Sphere of Influence (SOI) of any incorporated city, Tribal Lands, or within any of the following mapped Community Planning Areas: Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek, Zoning Clearance Certificate applications submitted prior to January 1, 2016 shall be subject to compliance with the following provisions, which are designed to ensure compatibility with surrounding land uses and control of potential nuisance, and are hereby retroactively applicable.

In situations where there is public controversy, applicants and operators must choose to comply with one of the following options. a) Demonstrate all areas of open-air cultivation activities maintain setbacks of 600 feet or greater from any residence(s) located on a separately owned parcel and are located 600 feet or greater from any residentially zoned area or applicable Community Planning Area boundary. b) Confine all open-air cultivation activities to Enclosed structures. c) Secure a Conditional Use Permit. In considering the Use Permit request, the Planning Commission shall evaluate whether a reduced setback would result in adverse impacts to surrounding land uses, as well as whether project alternatives or opportunities for additional feasible mitigation exist. The applicant would like to keep the cultivation open air and thus, the applicant has requested a Conditional Use Permit.

Pacific Union School recommended denial of the project. However, no bus stop is within 600 feet.

Recommendation: Staff is recommending denial of the project based on lack of evidence to make one of the required findings for approval of the Conditional Use Permit as follows:

Section 312-17.1.4. "The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity."

The issue at hand is the adequacy of the access road to the property, Warren Creek Road off West End Road in the Blue Lake area. The road does not meet category 4 standards, and is quite narrow over most portions of the road. There are multiple pinch points that have limited sight distance (See photographs included in Attachment 1). In order to approve a Conditional Use Permit the project must be found to not be detrimental to the public health, safety or welfare. The existing condition of Warren Creek Road is somewhat dangerous and adding commercial vehicular traffic to the road could negatively impact the public safety and welfare. Staff attempted to work with the applicant to resolve this issue as follows, included in Attachment 1:

1. The applicant submitted a self-certified Road Evaluation Report on May 5, 2019. On June 28, 2019, while preparing the staff report, Planning staff conferred with the Department of Public Works (DPW). DPW staff determined that Warren Creek Road is not currently functioning safely for commercial traffic that might be associated with the project and requested that a Road Evaluation Report be prepared by a qualified engineer to identify what improvements, if any, could be done to accommodate the proposed commercial traffic.
2. On June 28, 2019, staff notified the applicant by email that a Road Evaluation Report was required to be prepared by a qualified engineer.
3. On July 22, 2019, DPW responded in writing requiring a Road Evaluation Report for Warren Creek Road.
4. The applicant subsequently called Planning staff and communicated that he would not hire an engineer to have a Road Evaluation Report prepared unless he knew that his Conditional Use Permit would be approved. Specifically, Mr. Costa has stated that he will not enclose his cultivation and would only cause an engineered road evaluation to be prepared if he knew that he would be allowed to operate his cultivation unenclosed.
5. On August 2, 2019 County staff emailed the applicant stating that without a Road Evaluation Report prepared by an engineer, staff's conclusion can only be that the project does not meet the required findings for approval.

Based on the inability to make the findings for approval, staff recommends that the Planning Commission deny the requested Conditional Use Permit.

ALTERNATIVES: The Planning Commission could elect to direct staff to work with the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC §312-4.1 et seq.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Case Number PLN-12176-CUP
Assessor Parcel Numbers: 516-211-025**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rocci Costa Conditional Use Permit.

WHEREAS, Rocci Costa submitted an application for a Conditional Use Permit to cultivate 8,000 square feet of new mixed light cultivation and 2,000 square feet new outdoor cannabis cultivation and appurtenant facilities within the Blue Lake Community Planning Area; and

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

WHEREAS, Section 312-17.1.4 of the Humboldt County Code requires the County to make the finding the proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;; and

WHEREAS, the property is located at the end of Warren Creek Road, a road that does not meet category 4 road standards, and has multiple pinch points with limited sight distance; and

WHEREAS, the applicant has not submitted evidence that the road is safe for the additional commercial traffic that would be generated by the project, nor has the applicant identified any improvements that could be made to mitigate for the potential impact; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 5, 2019.

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

1. The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and
2. The required findings for approval in Section 312-17.1.4 of the Humboldt County Code cannot be made because the evidence does not indicate that the proposed development and conditions under which it would be operated will not be detrimental to the public health, safety, or welfare.
2. Conditional Use Permit PLN-12176-CUP is denied.

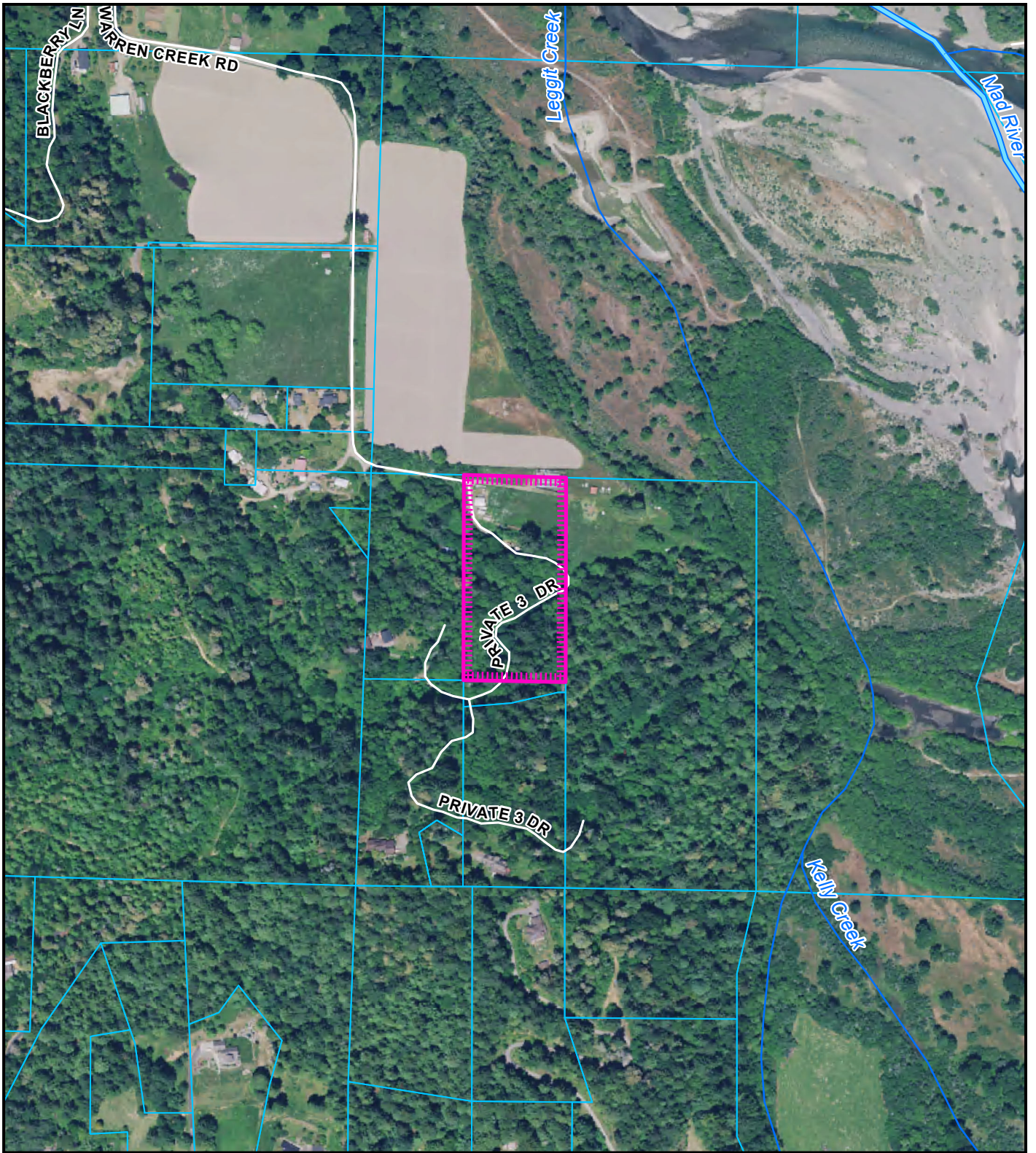
Adopted after review and consideration of all the evidence on September 5, 2019.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

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

John Ford, Director
Planning and Building Department

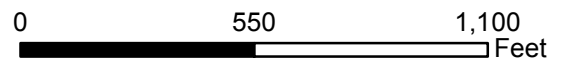


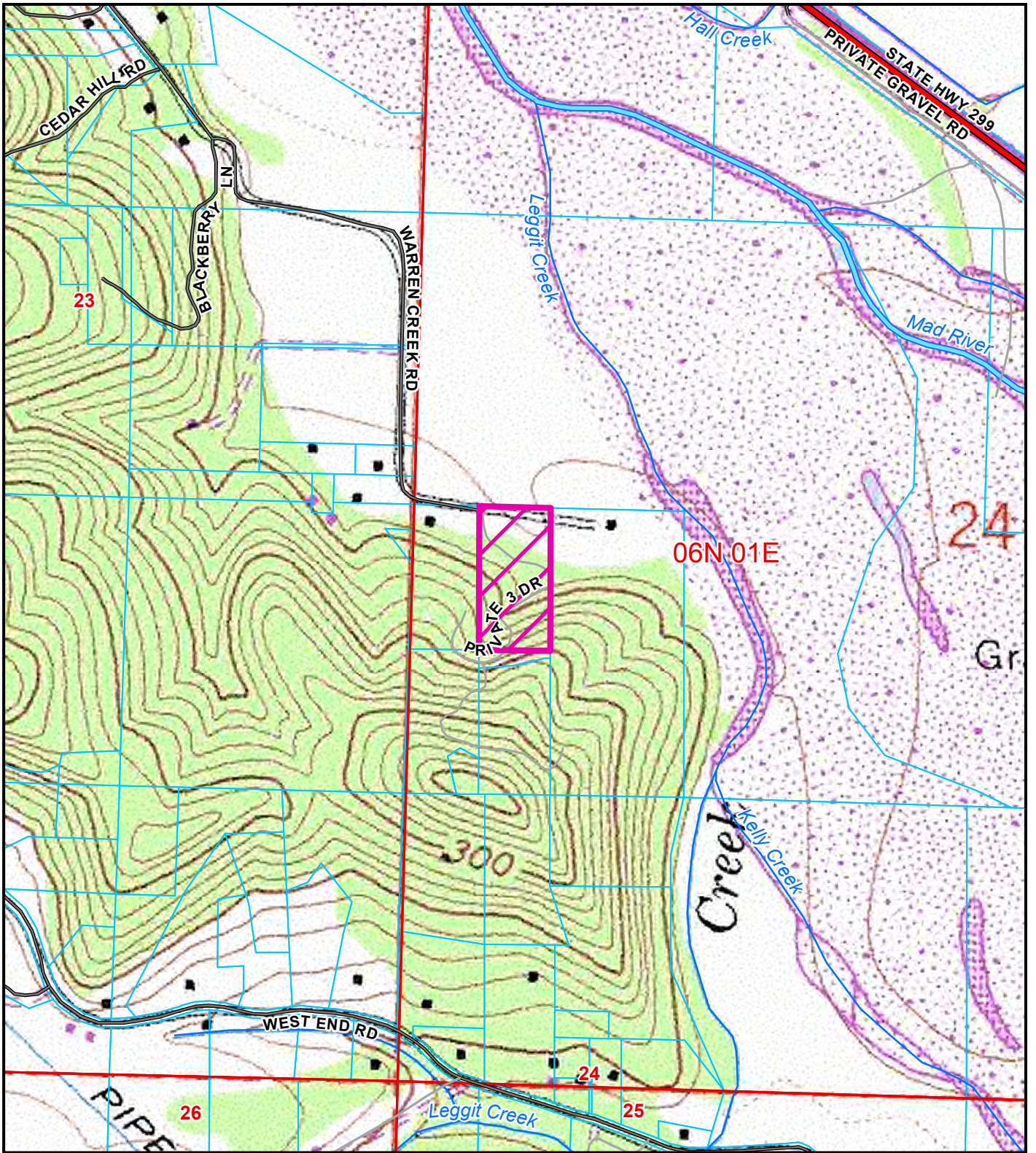
Project Area = 

**AERIAL MAP
 PROPOSED ROC SQUATCH FARMS
 BLUE LAKE AREA
 ZCC-16-369
 APN: 516-211-025
 T06N R01E S24 HB&M (ARCATA NORTH)**



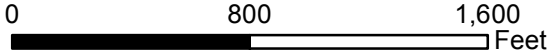
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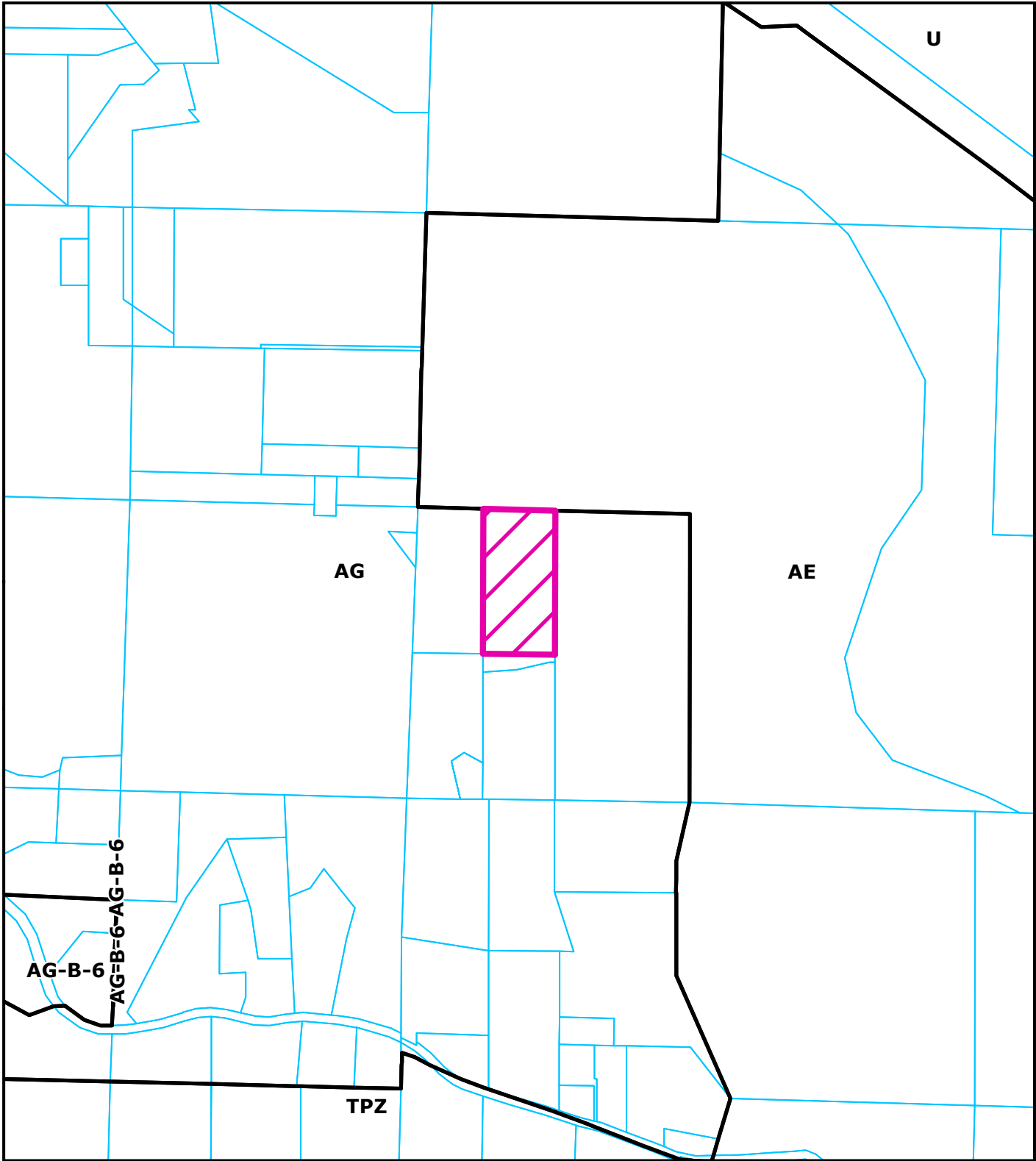


TOPO MAP
PROPOSED ROC SQUATCH FARMS
BLUE LAKE AREA
ZCC-16-369
APN: 516-211-025
T06N R01E S24 HB&M (ARCATA NORTH)

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.

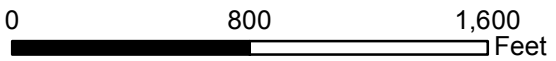


Project Area = 

ZONING MAP
PROPOSED ROC SQUATCH FARMS
BLUE LAKE AREA
ZCC-16-369
APN: 516-211-025
T06N R01E S24 HB&M (ARCATA NORTH)



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.

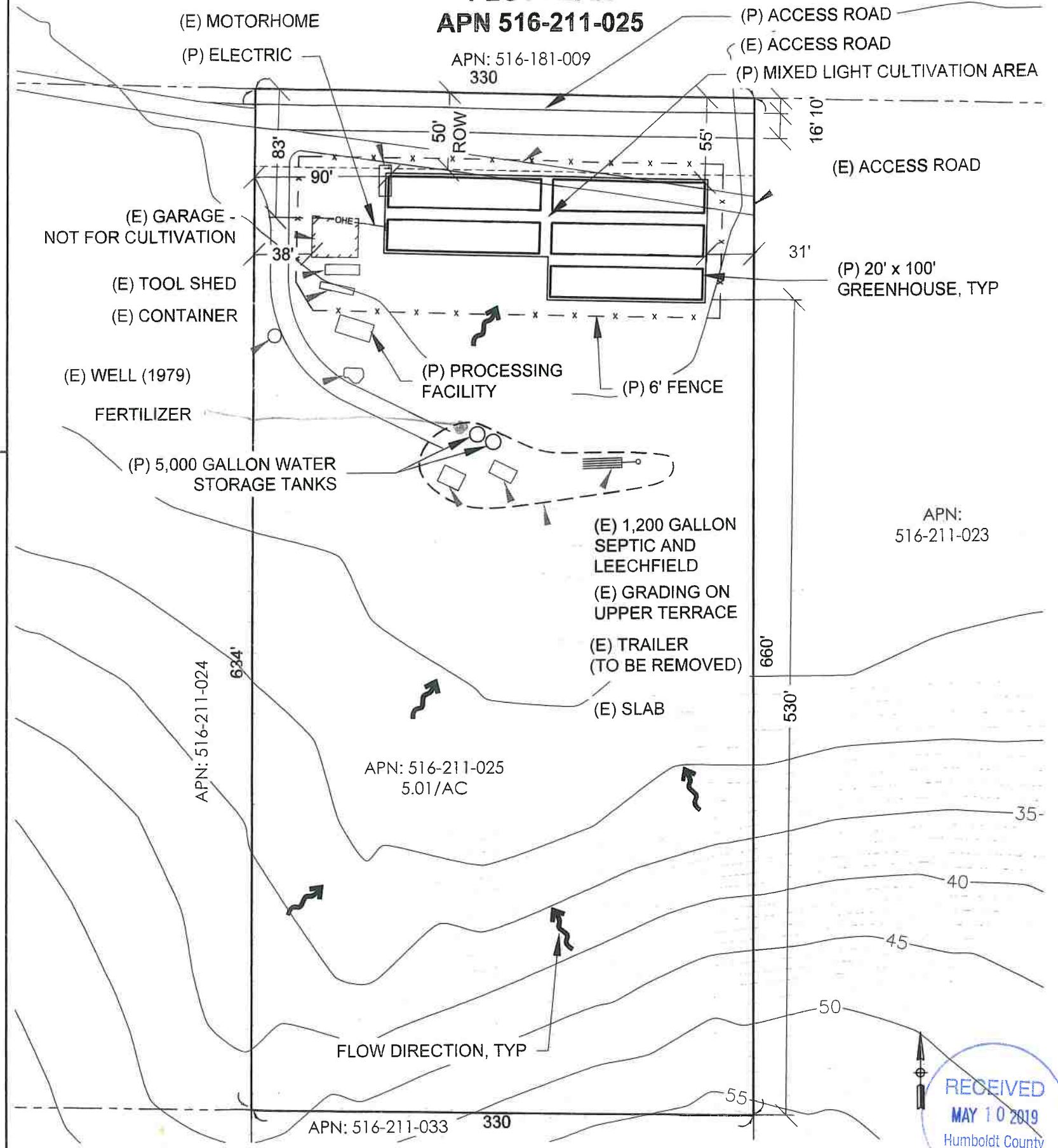




LOCATION MAP
SCALE: 1" = 3,000'

ROC SQUATCH FARMS

PLOT PLAN APN 516-211-025



SITE MAP
SCALE: 1" = 100'

September 5, 2019

PROJECT INFORMATION:

PROJECT DESCRIPTION: A ZONING CLEARANCE CERTIFICATE FOR A PROPOSED 10,000 SQUARE FOOT MIXED LIGHT MEDICAL CANNABIS CULTIVATION OPERATION.

APPLICANT: ROC SQUATCH FARMS
ATTN: ROCCI COSTA
638 W. SONOMA STREET
EUREKA, CA 95501
(707) 998-1686 616 32

PROPERTY OWNER: RODNEY COSTA
P.O. BOX 206
ALDERPOINT, CA 95571

ACRES: 5.01
PLAN: RA5-20
ZONE: AG

NOTES:

- FOR PLANNING PURPOSES ONLY. NOT FOR CONSTRUCTION.
- DATA IS APPROXIMATE.
- SOURCES: CONTOURS FROM NATIONAL ELEVATION DATASET, STREAMS FROM NATIONAL HYDROGRAPHY DATASET, PARCELS FROM HUMBOLDT COUNTY SHAPE FILE, IMAGE FROM BING
- THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION AREA.
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, CHURCHES OR OTHER PLACES OF RELIGIOUS WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
- GREENHOUSE SIZES ARE APPROXIMATE.
- APPLICANT TO HAVE PARCEL BOUNDARY AND CONSTRUCTION STAKING DONE PRIOR TO CONCRETE PLACEMENT FOR SETBACK VERIFICATION.
- PROPOSED WATER STORAGE INCLUDES 7,500 GALLONS FOR SRA WATER STORAGE REQUIREMENTS.

LEGEND:

OHE OVERHEAD ELECTRIC

PLN-12176-CUP Rocci Costa

NO.	HISTORY / REVISION	BY	CHK	DATE

**ROC SQUATCH FARMS
PLOT PLAN**

1734 WARREN CREEK RD. BLUE LAKE, CA 95521
APN: 516-211-025

DRAWN	JDB
CHECK	MR
APPROVED	MR
DATE	3/31/17
JOB NUMBER	3.31.2017
FIGURE	
Page	10



Mar 19, 2018 - 9:20am F:\ACAD\CAD FILES\MEGHAN RYAN\1734 WARREN CREEK ROAD\DWG\ PLOT PLAN.dwg

ATTACHMENT 1
Correspondence with Applicant and Photographs of Warren Creek Road

From: [Moreno, Elizabeth](#)
To: [Laura Costa](#)
Cc: [Johnson, Cliff](#)
Subject: APPS 12176
Date: Friday, August 2, 2019 3:25:00 PM
Attachments: [image001.png](#)

Hi Rocci,

Pursuant to the conversation you and my Supervisor Cliff had regarding your unwillingness to submit a Road Evaluation prepared by an qualified Engineer, we are taking your project to the Planning Commission on September 5, 2019. However, without a Road Evaluation to identify whether the road is safe for the commercial use, we will not be recommending approval of the application. We will send you a copy of the staff report the Friday before the hearing.

If you have any questions, please call me or my supervisor.

Best,



Elizabeth Moreno
Planner
[Cannabis Services Division](#)
[Planning and Building Department](#)
707.445.7245

From: [Laura Costa](#)
To: [Moreno, Elizabeth](#)
Subject: Re: APPS 12176
Date: Sunday, June 30, 2019 2:29:37 PM

Elizabeth,

I will most likely use one of the greenhouses as a nursery, so 2,000”.
Thank you
Rocci

On Jun 28, 2019, at 12:41 PM, Moreno, Elizabeth
<EMoreno@co.humboldt.ca.us> wrote:

Hi Rocci,

As part of the Road Evaluation, I forwarded it to Public Works, who has notified me that Warren Creek will need an Engineer to complete a Road Evaluation, as Warren Creek does not meet Category 4 standards. Unfortunately, because the project is for new, I cannot move it forward for Noticing for Planning Commission on July 25, 2019, until we have a qualified professional do the Road Evaluation.

Also, below I short project description of the project:

Rocci Costa seeks approval of a Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation, and a _____ square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. The irrigation method is dry farming. The water source for the proposed nursery will be rainwater catchment. The applicant will store water in two 5,000-gallon tank. Ancillary processing would occur onsite in a proposed processing facility performed by the applicant with a maximum of four (4) employees. There is an existing residence onsite served by a septic system. The site is served by PGE.

Please, let me know the square footage of the nursery,

Best,

<[image001.png](#)>

Elizabeth Moreno

Planner

[Cannabis Services Division](#)

[Planning and Building Department](#)

707.445.7245











ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p> <p>Residential Agriculture</p>	<p>Residential Agriculture (RA5-20): This designation is intended for large lots that rely upon on-site water and wastewater systems. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access.</p> <p>Primary and Compatible Uses include: Single-family and second residential units, and general agriculture.</p> <p>Density for RA5-20 is one dwelling unit per 5 to 20 acres.</p>	<p>Rocci Costa seeks approval of a Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation and appurtenant facilities on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area.</p> <p>General agriculture and similar and compatible uses are allowable use types for this designation. Accordingly, the project may be found consistent with the Residential Agriculture land use designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The project site is accessed from Warren Road, which 0.95 mile is a County maintained road. However, The Department of Public Works has indicated that Warren Creek does not meet Category 4 standards, and has existing issues with pinch points and limited sight distance that they can not currently find that the road is safe for additional traffic. Public Works and County Planning staff have asked for the applicant to submit a Road Evaluation Report prepared by a qualified engineer to identify what improvements, if any, could be done to mitigate for the expected commercial traffic. However, the applicant has communicated that he would not have a Road Evaluation Report prepared for the project.</p> <p>Based on the current known condition of the access road, without this information, it is not possible to make the finding that there is safe, efficient access available for the proposed use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development; however, the project will not preclude any future residential development that is consistent the general plan and zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designation and zoning. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contain in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The proposed project site does not contain any known occurrences of sensitive species. However, there are known occurrences within the vicinity. Within a mile of the proposed cultivation, there are two Northern Spotted Owl Activity Centers. The proposed project is for outdoor cultivation and would be powered by PG&E, therefore there is no expected impacts to Northern Spotted Owls.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future</p>	<p>The project was sent out to Blue Lake Rancheria, Bear River Band Rancheria, and Wiyot Tribe. Blue Lake Rancheria, Bear River Band Rancheria and recommended inadvertent discovery protocol.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation].</p>	
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project site is not located near any designated scenic highway. The CMMLUO requires that mixed-light cultivation activities comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The irrigation method for the project will be dry farming. The applicant will use stored rainwater for the proposed nursery. The parcel has a septic tank and leach field.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The parcel is served by PG&E.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>Based on the Humboldt County Web GIS, the project site is not located in a mapped Alquist-Priolo fault zone. Geologic hazard maps of the General Plan show the slope instability of the property to be high, which is the case for much of the County. The parcel is also located in an area of soil liquefaction. As a Condition of Approval, the applicant will prepare a R-2 soils report and have a geologist make recommendations on soil suitability for development. Any proposed grading and structures will require review and permits from the Building Department.</p> <p>The proposed project is located in a Federal Aviation Regulation Transitional Area. The project does not propose to develop any new residential buildings.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is within a mapped dam or levee inundation area but is well outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential risk of wildfire.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The parcel is in an area of Very High Fire Hazard rating and within the Blue Lake Fire Protection District. In order to gain approval, the applicant would be required to construct a fire turn-around and pull-out area for emergency vehicles and management of trees and vegetation around structures to maintain the required 100-foot defensible space, in addition to installation of a dedicated 2,500-gallon tank with SRA riser and hydrant if required by CAL FIRE. All water stored in the two existing 2,500 gallons tanks would be available for fire suppression efforts as well.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>The proposed project construction will require grading and heavy equipment operation, both of which could generate air quality pollutants. Applications for grading and or building permits will be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 516-211-025 is a legal parcel created as Parcel 2 of Parcel Map 1342 for Thomas R. Jackson, recorded on July 14, 1978 in Book 11 of Parcel Maps, Page 149. There is no evidence indicating that there have been any subsequent acts to merge or divide the parcel; therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Agriculture General (AG)	Agriculture General (AG): The Agriculture General is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.	Rocci Costa seeks approval of a Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation and appurtenant facilities on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. General agriculture is specifically allowed in the AG zoning district.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Area	2.5 acres	The subject parcel is approximately 5 acres.
Maximum Ground Coverage	35%	Less than 5%
Minimum Lot Width	60 feet	330 feet
Maximum Lot Depth	None specified	666 feet
Setbacks Front: 20 feet Rear: 20 feet Side: 6 feet Fire Safe Standards setback from all property lines: 30 feet		Front, rear, and side property lines: The plot plan shows a 30-foot setback from all property lines. All existing and proposed structures meet the Fire Safe setback requirements.
Max. Building Height	35 feet	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	No streamside management areas have been identified on the project site map and all cannabis cultivation and processing operations are outside of the required buffers.
§314-109.1.2.3 Off-Street Parking	Parking Facilities shall be provided for any new building constructed.	One per employee is required. The project site has adequate area to accommodate the required parking spaces

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.1	On parcels 5 acres or larger in size, a Zoning Clearance Certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agricultural Soils, in zoning districts RA or AE, on slopes of 15% or less, and with documented current water right or other non-diversionary source of irrigation water (e.g., municipal, public utility, or permitted well), subject to the conditions and limitations set forth in this section.	A Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation and appurtenant facilities on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area. The irrigation method is dry farming. The water source for the proposed 2,000 square-foot nursery will be rainwater catchment.
§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where cultivation and processing operations will be located. No trees have been nor are proposed to be removed as part of the project.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	The applicant is applying for a single CUP for this project. This application is for one permit and the only permit the applicant is applying for and is entitled to four. According to records maintained by the Department, this is confirmed.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial cannabis cultivated will be processed (dried, trimmed, and cured) in the proposed processing building. All product harvested on-site will be processed on-site. The project has been conditioned to include all applicable Employee Safe Practices enumerated in Section 55.4.11 (q) through (u).
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The project is for new cultivation.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant proposes to dry farm. The water source for the proposed 2,000 square-foot nursery will be rainwater catchment.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The subject parcel conforms to the 600-foot setback for schools, school bus stops, parks, and places of religious worship, and tribal culture resources. Pacific Union School recommended denial of the project. However, no bus stop is within 600 feet.
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	The primary power source for the project is currently PG&E.

§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 21, 2016.
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4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The proposed project uses an access road that has known problems with pinch points and limited sight distance. The department requested information to show that the road would be adequate for the proposed activity or that improvements could be made to mitigate for the additional traffic, but the applicant did not provide the requested documentation. The Public Works Department indicated that the access road, Warren Creek Road, does not meet the required standards for commercial traffic. There is therefore not sufficient information available to make this finding as additional traffic on Warren Creek Road may be detrimental to the public health, safety, and welfare.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The project does not involve housing and does not limit the ability of the parcel to be developed for residential uses. It is developed with a storage shed, which will remain. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The denial of the proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

ATTACHMENT 3

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
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. (Condition of Approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)

11. Consent for 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. DEH Worksheet (on file)



March 23, 2019
Rocci Costa
APN 516-211-025

Dear Ms Moreno,

I understand that to move forward now that I must 'forbear' use of my well until the CDFW makes its determination. In lieu of that information we would like to pursue the CUP, eliminating any other hurdles that may await us.

As we have discussed we are planning to dry farm, and we will need only a small storage tank, 10,000 gal, to support our nursery, and an additional tank designated for fire suppression. Our intention is to follow the business models of Sunshine Johnson of Sunboldt Farms, and Chrystal Ortiz of High Water Farms.

Our revisions are as follows.

1.2 Project Proposal

Change "medical cannabis cultivation area" to "medical cannabis dry farm cultivation area"

2.1. Water Storage and Usage

Change to; "The dry farm uses no irrigation. The domestic and nursery water will come from a existing onsite well pending approval by the CDFW. The nursery will be supported by a 10,000 gallon storage tank in which the ph can be balanced. Applicant shall provide additional water storage designated for fire suppression" ✓

2.2 Site Drainage

Add; "Since there is no irrigation of the plants when 'dry farming', there is no drainage either. The small nursery uses all its water, there is no drain off. The domestic water is discharged into a septic."

2.3 Watershed and Wildlife Habitat Protection

Add; "The Applicant is further committed to maintaining the balance of the land by using The Dry Farm method. The Applicant has chose this farming protocol with intentions to tread lightly on the land, the watershed and the wildlife habitat.

2.5 Cultivation Activities

Add; "Daily operations will consist of 4 GH, 20'x100', lights and fans, and sides lifted daily for maximum fresh air and workability. The remaining 2000' will be long term, full sun outdoor.

All will be Dry Farm. "

"Lights will be for augmenting plants in the spring and possibly at the end of summer to support the bloom. Lights will be used as little as possible, minimizing the carbon footprint as much as possible."

2.6 Schedule of Cultivation Activities

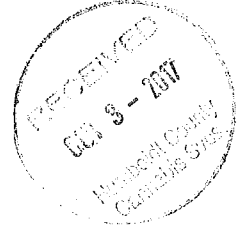
A considerable amount of infrastructure work is required before any cultivation or planting. We have clearly missed this desired proposed schedule. We will submit a new schedule TBA.

Thank you
Rocci Costa

12176

Cultivation and Operations Plan

Roc Squatch Farms
1734 Warren Creek Road
Blue Lake, CA
APN 516-211-025



Prepared for:
Humboldt County Planning Department,
Cannabis Services Division
3015 H Street, Eureka, CA 95501

Prepared by:
Meghan Ryan, Environmental Planner
P.O. Box 4836
Arcata, CA 95518

1.0 PROJECT DESCRIPTION

1.1 Project Location

The project is located on Assessor Parcel Number (APN) 516-211-025, also known as 1734 Warren Creek Road, near the community of Blue Lake. The subject parcel is approximately 5.01 acres in size per the Humboldt County WebGIS. The parcel has a plan designation Dispersed Housing (DH) per the Northern Humboldt General Plan (NHGP)¹. The parcel is zoned Agriculture General (AG)². The parcel is currently developed with a manufactured home, an agricultural accessory structure and is served by private water and sewer.

1.2 Project Proposal

Roc Squatch Farms (Applicant) is proposing to permit a new an approximately 10,000 square feet (sf) mixed light medical cannabis cultivation area with a Zoning Clearance Certificate (ZCC).

1.3 Overview of State and Local Regulations Regarding Medical Cannabis Cultivation

In November 1996, the voters of the State of California approved Proposition 215, also known as The Compassionate Use Act of 1996 (CA Code §1136.5). Proposition 215 decriminalized the cultivation and use of marijuana by seriously ill individuals upon a physician's recommendation. California Code Section 11362.5(d) specially states that Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of physician. Effective January 1, 2004, Senate Bill (SB) 420, the Medical Marijuana Program Act (MMP), set forth the guidelines for Proposition 215 and established a voluntary patient identification card system.

The guidelines recognized the rights of patients and caregivers to associate collectively or cooperatively to grow medical marijuana. SB 420 also gives local governments autonomy when establishing increase guidelines for the amount a patient can grow and possess. Conversely, it ensures 'no tolerance' counties must adhere to the minimum guidelines. In February 2007, the California State Board of Equalization (BOE) issued a Special Notice confirming its policy of taxing marijuana transactions, as well as its requirement that businesses engaging in such activities hold a Seller's Permit. Prior to 2005, BOE did not issue seller's permits to sellers of property that may be considered illegal. By 2006, BOE directed staff to begin issuing the seller's permits for people selling tangible personal property that is subject to sales tax regardless of the fact the property being sold may be illegal.

¹ Northern Humboldt General Plan. Page 44.

² Humboldt County Code Zoning Regulations, Title III, Division 1, §314-7.2 (2000).

As required by additional legislation in 2003, the Attorney General adopted Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (Guidelines) in August 2008. The purpose of the Guidelines is the following:

- (1) Ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets;
- (2) Help law enforcement agencies perform their duties effectively and in accordance with California Law; and
- (3) Help patients and primary caregivers understand how they may cultivate, transport, possess, and use medical marijuana under California Law.

The Guidelines set forth definitions for cooperatives, collectives and the lawful operation of these facilities. The Guidelines require that cooperatives and collectives obtain a seller's permit from BOE to track sales, whether a profit was gained or not. The Guidelines suggest detailed membership application be required of new patients and caregiver to help ensure that marijuana grown for medical use is not diverted to illicit markets. The Guidelines describe permissible reimbursements and allocations, allowing cooperatives to recover the costs associated with cultivation of the medical marijuana. Finally, the Guidelines recommend that collectives provide adequate security to ensure that patients are safe and the surrounding homes or businesses are not negatively impacted by nuisance activity such as loitering or crime.

In December 2015, the California legislature adopted comprehensive legislation known as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA established a statewide regulatory scheme, headed by a new Bureau of Medical Marijuana Regulation (BMMR) with the Department of Consumer Affairs. The MMRSA requires both State and local licenses, inventory tracking, testing, labeling of products, as well as specific penalties for non-compliance. The State's implementation of MMRSA license requirements is not anticipated to be fully implemented until 2018. The passage of SB 837 revised the name of MMRSA to the Medical Cannabis Regulation and Safety Act (MCRSA).

Due to the passage of MCRSA in December 2015, the Humboldt County Planning Department began a series of meetings with the stakeholders, community members, Planning Commission and the Board of Supervisors to develop a comprehensive set of regulations to oversee the permitting of commercial medical cannabis cultivation and associated activities (processing and manufacturing). In 2016, the Humboldt County Planning Department encourage those engaged in the commercial cannabis industry to submit a registration form prior to August 23, 2016, to work toward determining what existing commercial cannabis businesses may receive priority processing for State licenses, once available in 2018.

1.4 Land Use, Zoning and Surrounding Uses

The Project site has a land use designation of DH as identified by the NHGP. The site is zoned AG. According to the County of Humboldt Zoning Regulations, Section 314-7.2, principally permitted uses in

the AG zoning district include general agriculture, including agricultural accessory uses and structures. The Additionally, the AG District allows for one-family dwellings and farm dwellings.³ Medical cannabis cultivation facilities are allowable land uses in this zone per CMMLUO Section 55.4.8.2.1, which states, "...On parcels 5 acres in size or larger, a Zoning Clearance Certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agricultural Soils, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less, and with documented current water right or other non-diversionary source of irrigation water..." The zoning districts adjacent to the subject parcel are also AG. Parcels to the south and east of the subject parcel have classifications of DH per the NHGP. The minimum lot size for this classification is one acre.⁴

1.5 Project Construction Schedule

Because this is a proposed cultivation site, the project will be developed upon permit approval. Upon permit approval, the Applicant will submit permit applications to the Humboldt County Building Department for site development, including access road improvements and the proposed five (5) greenhouses.

³ *Humboldt County Code Zoning Regulations*, Title III, Division 1, §314-7.2 (2000).

⁴ Northern Humboldt General Plan. Page 44.

2.0 CULTIVATION AND OPERATIONS PLAN

2.1 Water Source and Usage

The water source for domestic and irrigation uses is an existing onsite well. Water usage varies throughout the cultivation cycle depending on the time of year and stage of plant within its life cycle. The Applicant estimates the following monthly water usage:

Month	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gallons	0	0	0	500	30,000	30,000	30,000	30,000	30,000	5,000	0	0

2.2 Site Drainage

The cultivation area is near the northern edge of the parcel and is relatively flat. The southern portion of the parcel is forested and has slopes greater than 15%. Because of the soil type at the cultivation area, the soil is able to absorb and infiltrate the high volume of rain received annual in the area. There are no culverts on the property that modify natural drainage patterns. Because, the development is concentrated within the relatively flat agricultural lands, the impervious surface area is reduced.

2.3 Watershed and Wildlife Habitat Protection

The Applicant is committed to ensuring the project is designed for protection of watershed and wildlife habitat. Primarily, the Applicant utilizes water from an existing onsite well and does not divert surface water for irrigation of the cultivation area. The Applicant will ensure that all nutrients and pesticides used for cultivation will be stored and applied appropriately to discourage contamination of groundwater and ingestion by wildlife species (see Section 2.4 *Storage of Regulated Products* below for additional information). The Applicant will comply with lighting standards to not disrupt patterns of nocturnal wildlife.

2.4 Storage of Regulated Products

The Applicant will follow the NCRWQCB's Best Management Practices (BMPs) regarding the storage of regulated products as described by Order No. R1-2015-0023. The following BMPs will utilized on-site and included in the WRPP:

- Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
- All chemicals will be stored in containers within an above-ground storage shed.
- Products will be labeled properly and applied according to the label.
- Integrated pest management strategies will be implemented that applies pesticides only to the area of need and at times when runoff losses are least likely, including losses of organic matter from dead plant material.
- The Applicant will periodically calibrate pesticide application equipment.

- The Applicant will use anti-backflow devices on water supply hoses, and other mixing/loading practices designed to reduce the risk of runoff and spills.
- Petroleum products shall be stored with a secondary containment system.
- Throughout the rainy season, any temporary containment facility will have a permanent cover and side-wind protection, or be covered during non-working days and prior to and during rain events.
- Materials shall be stored in their original containers and the original product labels shall be maintained in place in a legible condition. Damaged or otherwise illegible labels will be replaced immediately.
- Bagged and boxed materials shall be stored on pallets and will not be allowed to accumulate on the ground. To provide protection from wind and rain throughout the rainy season, bagged and boxed materials will be covered during nonworking days and prior to rain events.
- The Applicant will have proper storage instructions posted at all times in an open and conspicuous location.
- The Applicant will keep ample supply of appropriate spill clean-up material near storage areas.

2.5 Cultivation Activities

The Applicant is proposing mixed light cultivation at the project site. Cultivation will occur in greenhouses and utilize the light deprivation cultivation method. Light deprivation 'tricks' the medical cannabis plants into the thinking the season is changing earlier than it is by pulling tarps over the greenhouses to deprive the plants of light when the cultivator wants the plants to flower (High Times, 2016). Utilizing the light deprivation cultivation method maximizes the cultivation season, typically allowing for two (2) or more harvests annually.

Greenhouses will be shield greenhouses so that little to no light escapes. Light will not escape at a level that is visible from neighboring properties between sunset and sunrise as required by CMMLUO §314-55-4.11(v). The Applicant will accomplish this by utilizing natural light and covering greenhouses with black tarps when utilizing an artificial lighting source to keep light from escaping (Kemp, 2016).

Additionally, the light source will comply with the International Dark Sky Association standards for *Lighting Zone 0* and *Lighting Zone 1*, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). The Applicant will accomplish this by shielding and utilizing downward facing lights for safety, security and convenience purposes. The Applicant will turn off the cultivation lights when they are not in use and any lights used for safety, security or convenience purposes will be motion-sensing lighting, therefore, the lights will only be used as needed. The Applicant is willing to repair, inspect and correct, as necessary, any issues that may arise from the lighting, should the HCPD receive any complaints.

2.6 Schedule of Cultivation Activities

As mentioned above, the Applicant will cultivate medical cannabis three (3) times per year by utilizing the mixed light cultivation method. The following schedule outlines the approximate timing associated with the activities described above:

Dates	Description of Activities
January – March	No cultivation
March – April	Cloning of mother plant to provide starts for the first cycle of cultivation
April – June	Cycle 1 – Mixed Light Cultivation Harvest Cycle 1 Drying and curing of Harvest Cycle 1 Cultivation area maintenance, if required Till soil and replant cultivation area
June – August	Cycle 2 – Mixed Light Cultivation Harvest 1 Processing
August – October	Cycle 3 – Mixed Light Cultivation Harvest 2 Processing Harvest Cycle 3 Cultivation area maintenance, if required Till soil and winterization of cultivation area
November – December	Harvest 3 Processing

2.7 Security Plan

The Applicant will utilize existing security measures onsite to protect the cultivation area from theft. The Applicant proposes to install an electronic gate where the access driveway intersects with Warren Creek Road and only the Applicant and the neighbor who has an easement for access to an adjacent parcel will have the security code to operate the gate. The cultivation site will be secured by six-foot (6') fencing. Greenhouses and the processing facility will remain locked when not in use. The Applicant will be the only persons that hold the key to the locks. In case of an emergency, the Applicant will contact local emergency responders depending on the situation.

3.0 PROCESSING PLAN

3.1 Processing Practices

The Applicant will comply with the processing practices described by the CMMLUO. The proposed project includes an on-site processing facility where medical cannabis grown on-site will be dried, cured, graded, trimmed, and/or packaged under the control of the Applicant only. Processing Operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis. The processing facility will be equipped with odor control and mechanical systems to minimize mold and mildew growth on cannabis. Processing methods will utilize non-chemical cleaners for equipment to avoid contamination. Employees handling cannabis in processing operations will have access to handwashing, facemasks and gloves in good operable condition, as applicable to their job function. Gloves will be made available in the processing facility for employees both working in the greenhouses and the processing facility. Employees will be required to wash their hands sufficiently when handling cannabis or wear gloves. Water and soap for handwashing will be available in the employee bathroom in the processing facility.

3.2 Processing Location

Medical cannabis cultivated on-site will be processed on-site in a processing facility (see Attachment A – *Roc Squatch Farms Site Plan*).

3.3 Estimated Number of Employees

Cultivation and processing will be performed by Applicant and family members with a maximum of four people on-site during peak processing times. No employees will be required to meet operational needs. From January 1 – March 1, when no cultivation is occurring, no employees will be on-site.

3.4 Employee Safety Practices

Employee safety is a top priority for the Applicant. Prior to starting work at the processing facility, employees of Roc Squatch Farms will receive a comprehensive employee training that includes information regarding employee safety practices. The Applicant will visibly post and maintain an emergency contact list that is easily accessible to employees (see Attachment B – *Emergency Contact List*). Employees will be encouraged to contact the Operations Managers initially to determine the scope of the issue and the appropriate emergency responder to contact. Employees will be instructed to dial 9-1-1 if the emergency appears to be life threatening. The Emergency Contact List will be kept in three (3) locations in the processing facility – office, trimming room and employee breakroom.

3.5 Toilet and Handwashing Facilities

Toilet and handwashing facilities will be located the proposed processing facility. Toilet and handwashing facilities will be made available at all times during the employees shift. Toilet and handwashing facilities will be cleaned and maintenance regularly to ensure the health and safety of employees.

3.6 Plumbing and Septic System

Currently, the parcel is developed with an existing septic system for the single family residence. Upon entitlement, the plans for the proposed processing facility will include plumbing that meets or exceeds the standards of the current California Building Code. Additionally, the proposed processing facility will include a new septic system that is capable of adequately serving four (4) employees, which is the most number of employees that will be on site at one time.

3.7 Source of Drinking Water

Drinking water will be provided by the Applicant, who will purchase bottled drinking water. The drinking water will be purchased to reduce the water demand from the well. The drinking water will be made available to employees throughout their shifts.

3.8 Minimizing Road Impacts

Access to the site is via Warren Creek Road. Warren Creek Road is a partially paved road. To reach the subject property, it is approximately 1.79 miles (9,447 feet) from the intersection of West End Road and Warren Creek Road. Due to the low number of employees needed to operate throughout the cultivation season, it is anticipated that the project will not significantly increase traffic on Warren Creek Road. During the time of year when the medical cannabis is processed, the most employees traveling to the site will be four or less. The Applicant will encourage carpooling to reduce the number of cars using Warren Creek Road.

3.9 On-site Housing

The parcel is currently not developed. No on-site housing will be provided for employees.

4.0 RESOURCES

County of Humboldt. 2016. *Commercial Medical Marijuana Land Use Ordinance*. Pages 19-35.

County of Humboldt. 1968. *Northern Humboldt General Plan*. Page 44.

County of Humboldt. Humboldt County Code. *Division III – Chapter 4: Regulations Outside the Coastal Zone*. Page 29. Date accessed: 04/24/2017.

<http://humboldt.gov/DocumentCenter/View/1184>.

High Times. 2016. *The Secrets of Light Deprivation for Greenhouses*. Date accessed: 12/5/2016.

<http://hightimes.com/grow/the-secrets-of-light-deprivation-for-greenhouses/>.

International Dark Sky Association. 2016. *Recommended Lighting Zones*. Date Accessed: 12/5/2016.

<http://darksky.org/lighting/model-lighting-laws-policy/recommended-lighting-zones/>

Kemp, Kim. 2016. In Defense of the Stars: The Use of "Mixed Light" Greenhouses is Changing Our Night Skies and May be Altering Our Nocturnal Ecology. Date accessed: 12/5/2016.

<http://kymkemp.com/2016/06/02/in-defense-of-the-stars-the-use-of-mixed-light-greenhouses-is-changing-our-night-skies-and-may-be-altering-our-environments/>.

North Coast Regional Water Quality Control Board. 2015. *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects*. Pages 14 – 15. Date Accessed: 10/12/2016.

http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/150728_Appendix%20B_BMP_clean.pdf

Attachment A
Roc Squatch Farms Site Plan



Attachment B
Emergency Contacts

FOR IMMEDIATE ASSISTANCE, DIAL 9-1-1

Humboldt County Sheriff, Eureka: (707) 445-7251

Mad River Community Hospital: (707) 822-3621

Arcata Fire District: (707) 825-2000

**Humboldt County Animal Control Division:
(707) 840-9132**

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Rocci Costa APN: 516211025000

Planning & Building Department Case/File No.: _____

Road Name: Warren Creek Rd (complete a separate form for each road)

From Road (Cross street): Cedar Hill Rd

To Road (Cross street): End

Length of road segment: 0.9 miles Date Inspected: 5/21/19

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. A map showing the location and limits of the road being evaluated in PART A is attached.

Rocci Costa
Signature

5/30/19
Date

Rocci Costa
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.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (Post Mile _____) Planning & Building
To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations: _____
(Contact the Planning & Building Department for information on other nearby projects.)

ADT: _____ Date(s) measured: _____

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400). Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO A Policy on Geometric Design of Highways and Streets, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400) for guidance.)

- A. Pattern of curve related crashes.
Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
Check one: No. Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.
Check one: No. Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.
Check one: No. Yes (check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
Check one: No. Yes.
- F. Need for turn-outs.
Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)
- The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Signature of Civil Engineer _____ Date _____

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.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
Blue Lake Rancheria	✓	Conditional Approval	On file with Planning
Wiyot Tribe		No Response	
Pacific Union School District	✓	Denial	Attached



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



8/14/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Union School District

Applicant Name Roc Squatch Farms **Key Parcel Number** 516-211-025-000
Application (APPS#) 12176 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-36

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

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

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

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

Return Response No Later Than 8/29/2017 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

516-211-025

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

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

Other Comments: _____

DATE: 8-18-17 PRINT NAME: Gustin Dumlac



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 12176
Parcel No.: 516-211-025
Case No.: ZCC16-369

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: See photos @ ZCC16-369 folder
516-211-025
- Existing mobile home has been removed.
- Ag Shed is being used as garage.

Name: Gustin Dumlauer

Date: 8-18-17

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

Well



Ag Storage Shed



8-18-17 516-211-0255

6H Area



As Sled



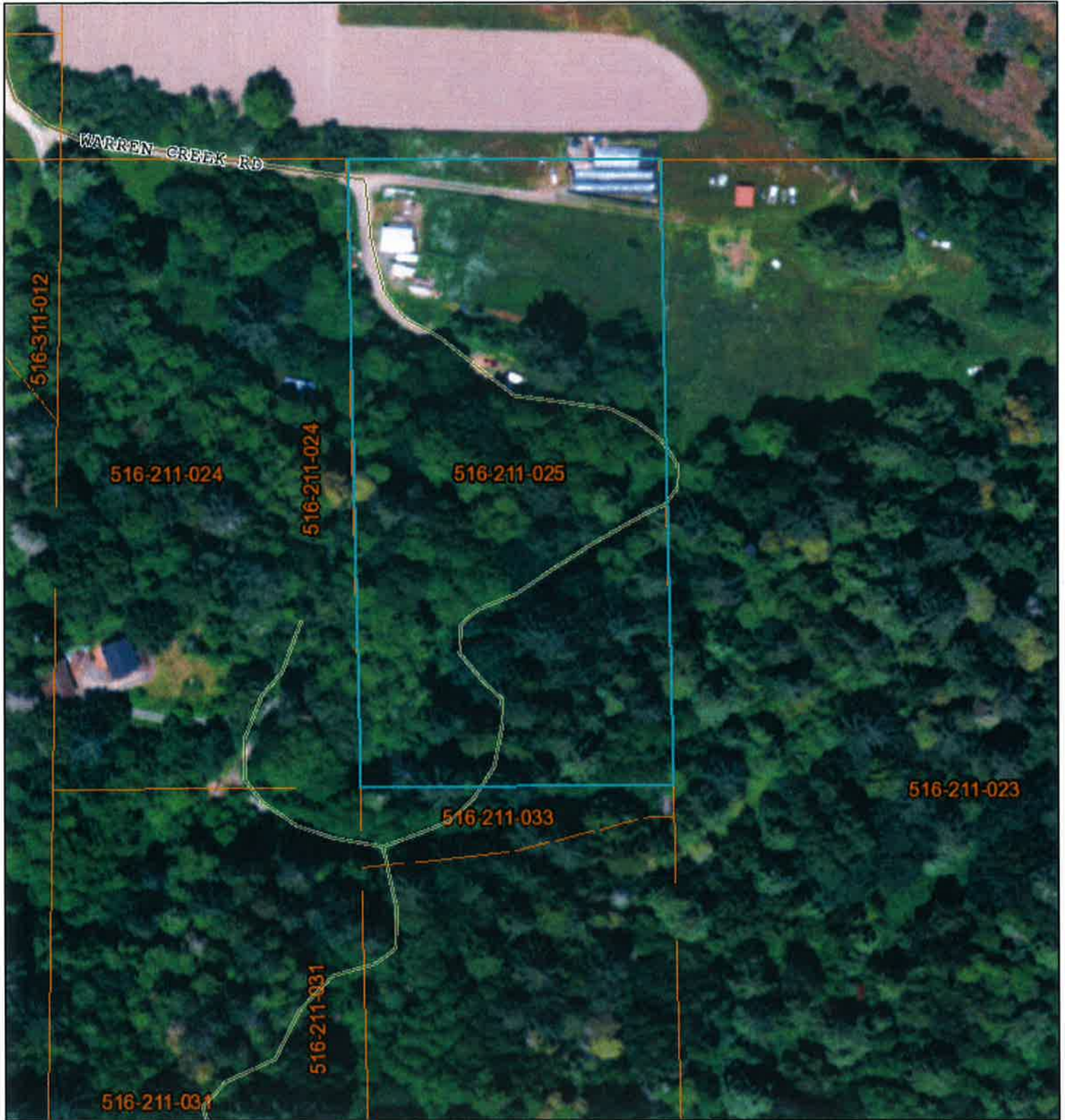
8-18-17 516-211-915 500-112-915

Existing Mobile home site (Mobile Home removed)



Some tree removal





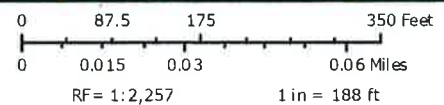
516-211-025

Humboldt County Planning and Building Department

- | | | |
|---------------------------|---------------------------|--------------------|
| Highways and Roads | — Private or Unclassified | — Intermittent |
| Principal Arterials | — Major River or Stream | — Subsurface |
| Minor Arterials | Blue Line Streams | — City Boundary |
| Major Collectors | — Perennial 1-3 | — Counties |
| Minor Collectors | — Perennial 4 | — Parcels (Owners) |
| Local Roads | | |

PLN-12176-CUP-River Costa

September 5, 2019



Printed: August 18, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

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

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



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



DEH received
8-14-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0338

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Union School District

Applicant Name Roc Squatch Farms **Key Parcel Number** 516-211-025-000

Application (APPS#) 12176 **Assigned Planner** Elizabeth Moreno (707) 268-3713 **Case Number(s)** ZCC16-369

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

Comments:

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
3. **Legalize or destroy the well:** An existing unpermitted well is described as the water source in the project description. Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for each well.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

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





**California Department of Fish and Wildlife
CEQA: Project Referral Comments**

Applicant: Rocci Costa		Date: 5/10/19	
APPS No.: 12176	APN: 516-211-025-000	DFW CEQA No.: 2017-0456	Case No.: ZCC16-369
<input checked="" type="checkbox"/> New	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 10,000		

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

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

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

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

- If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- If the Project requires fill disposal, include the disposal location on the site plan/map.
- CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife.
- The Project may have a potentially significant adverse effect on biological resources. The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.

Please note the following information and/or requested standard conditions of Project approval:

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, 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.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



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



8/14/2017

PROJECT REFERRAL TO: Pacific Union School District

Project Referred To The Following Agencies:

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Union School District

Applicant Name Roc Squatch Farms **Key Parcel Number** 516-211-025-000

Application (APPS#) 12176 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-369

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

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

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

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

Return Response No Later Than 8/29/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: See accompanying letter.

DATE: 13 Sept 2017

PRINT NAME: Karla K Darnall
Karla K Darnall
Superintendent / Principal



Pacific Union School District

3001 Janes Road • Arcata, California 95521 • 707/822-4619 FAX 707/822-0129

Karla K. Darnall
Superintendent/Principal
Alyse Eckenrode
Associate Principal
Board Of Trustees
Jason Barr
Karan Collenberg
Chris Emmons
Dirk Luoma
Ted Weller

September 13, 2017

Via Email

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA. 95501
Email: PlanningClerk@co.humboldt.ca.us

Re: Roc Squatch Farms, Application 12176, Case Number ZCC16-369, Key Parcel Number 516-211-025-000

To Whom This Concerns,

Pacific Union School District ("District") desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure a drug-free campus, we have adopted Board Policy 4020, "Drug and Alcohol-Free Workplace," and Board Policy 5131.6, "Alcohol and Other Drugs." These policies are maintained and strictly enforced. Pacific Union School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

You have asked the District to recommend an action as to the proposal. The proposal for approval of the above-referenced application raises concerns for the District. The proposed business, which may be legal in Humboldt County, is not legal on a federal level. As such, the District cannot "recommend" approval of a permit to engage in illegal activity without risking federal consequences, including, but not limited to, jeopardizing its federal funds. Further, the District does not wish to restrict its own ability to add a bus stop within 600 feet of this location should such a need arise in order to serve our students.

You also asked if the proposed location is within 600 feet of a school bus stop. At this time, this location is further away than 600 feet from the closest existing bus stop.

Sincerely,

Karla Darnall, Superintendent
Pacific Union School District