



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

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

Hearing Date: September 5, 2019  
To: Humboldt County Planning Commission  
From: John H. Ford, Director of Planning and Building Department  
Subject: **BFCCF, LLC, Conditional Use Permit**  
Application Number 11842  
Case Number CUP16-408  
Assessor's Parcel Number 220-282-008  
PO Box 325, Whitehorn, CA 95589

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Please contact Rodney Yandell, Planner II, at 707-445-7541 or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> September 5, 2019	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Rodney Yandell
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**Project Description:** A Conditional Use Permit for an existing 16,440 square foot (SF) of outdoor cannabis cultivation operation. The project also includes a 2,500 SF drying facility, a proposed 400 SF processing facility, a total of 60,050 gallons of water storage with an additional 50,000 gallons of storage planned, a 750 SF composting area, and a dedicated lockable metal 20'x8' shipping container for pesticides and agricultural chemicals. Water for irrigation is sourced from two permitted wells and a 41'x61' rooftop rainwater catchment system that flows to a 5,000-gallon tank with a pump. Water from both wells is used to supply water for both irrigation and for domestic purposes and neither are considered hydrologically connected due to depth to groundwater, subsurface soil conditions, and distance to the nearest streams and rivers. 90,500 gallons of water is required for annual cultivation operations. Plants are harvested and dried onsite. The project also includes 3,925 square feet of propagation area. All processing and operations associated with cannabis for BFCCF, LLC will be conducted solely by the owner of BFCCF, LLC and by immediate family members of the owner of BFCCF, LLC. Power is provided by existing 7200-watt solar PV system (approximately 2,000 SF) and a backup 25kw diesel generator is only used for backup.

**Project Location:** The project is located in Humboldt County, in the Briceland Area on the southeast side of the Blue Slide Creek Road, approximately 2.5 miles from the intersection of Briceland Thorn Road and Blue Slide Creek Road on the property known as 2525 Blue Slide Creek Road, Whitethorn, CA.

**Present General Plan Land Use Designation:** Residential Agriculture (RA40), Humboldt County General Plan (GP), Density: 5 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2).

**Present Zoning:** Unclassified (U).

**Application Number:** 11842

**Case Number:** CUP16-408

**Assessor Parcel Number:** 220-282-008

**Applicant**

BFCCF, LLC  
2525 Blue Slide Creek Road  
Whitehorn, CA 95589

**Owner**

Blair Theodore R TR  
PO Box 325  
Whitehorn, CA 95589

**Agent**

Clearwater Ag Services  
Attn: Diana Totten  
446 Maple Lane  
Garberville, CA 95542

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

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

**Major Issues:** None.

**BFCCF, LLC**  
Case Number: CUP16-408  
Assessor's Parcel Number: 220-282-008

**Recommended Commission Action**

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

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use based on evidence in the staff report and adopt the Resolution approving the BFCCF, LLC, Conditional Use Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** BFCCF, LLC seeks approval of one Conditional Use Permit for existing outdoor commercial medical cannabis cultivation located on Assessor's Parcel Number (APN) 220-282-008, which is approximately 65.72 acres in size. The project consists of an existing 16,440 SF of outdoor light deprivation cannabis cultivation operation. The project also includes a 3,925 square feet of propagation area, a 750 SF composting area, and a contained metal storage structures for all pesticides and agricultural chemicals. Cultivation activities begin in March and end in November and the number of harvests two per year. The applicant propagates his own plants from seeds. Plants propagated from seed may be male or female plants. Only female plants are selected to fill the cultivation areas. Once plants are mature enough to determine sex, male plants are destroyed. In order to ensure that enough well-formed female plants are grown to fill the approved cultivation areas, Canna County Farm utilizes several greenhouses in this process. None of the propagation greenhouse are used for flowering. All chosen females are moved into the greenhouses designated for cultivation.

The project also includes an existing 2,500 SF drying, a proposed 400-SF processing and packaging facility, a 2,000 SF house with 7200-watt solar panels that powers the project. A dedicated lockable metal 20'x8' shipping container for pesticides and agricultural chemicals will be used. The site contains a total of 60,050 gallons of water storage in tanks that are dispersed within six areas of the project site. The tanks include, one 1,500-gallon tank; one 350 gallons tank, one 5,000-gallon tank, two separate areas with four 5,000-gallon tanks each, and a sixth area with two 5,000 gallons tanks. Well water is pumped or gravity feed to the tanks and then to the cultivation areas. The applicant also has installed a 41'x61' rooftop rainwater catchment system on the processing facility that is piped to a 5,000-gallon storage tank. Per the applicant, the rainfall catchment system could be used to fill additional storage. The applicant is planning to add an additional 50,000 gallons of hard tank storage reducing the demand for groundwater.

The two wells were established in July of 2016 (Permit # 15/16-0546), and 2017 (Permit # 15/16-0519). The wells are situated at approximately 1,400 feet in elevation and depth to first water was approximately 206 feet and 160 feet. There is a drainage near the western project boundary approximately 800 feet west of the wells and a drainage on an adjacent property (220-281-006) to the northwest approximately 1,500 feet from the wells. The southerly drainage flows to China Creek approximately 1.25 miles to the southeast and the northerly drainage flows to Blue Slide Creek approximately 0.75miles to the north. The wells also are located approximately 0.75 miles from Miller Creek which is to the northeast. The wells are approximately 5.5 miles from the South Fork Eel River and 3.0 miles from the Mattole River. Because of the subsurface soil layers and the distance to the listed water sources, the wells are not anticipated to be hydrologically connected. The applicant has filed a Notification of Lake or Streambed Alteration (LSAA) with the California Department of Fish and Wildlife (CDFW) on March 11, 2019 indicating that road maintenance to prevent sediment from entering the stream as well as noise controls to avoid or minimize impacts to species will be used. The applicant also will use bioswales and a cover crop during the off season. Per the applicant, a response has not been received. In addition, correspondence from the State Water Resources Control Board (SWRCB) indicates that the applicant does not need to file for a Small Irrigation Use Registration (SIUR) and may use the existing water source for cannabis cultivation.

Per the applicant, cultivation operations require approximately 90,500 gallons of water is required for annual operations (approximately 2.52 gallons per square foot) but fluctuates depending on weather conditions. Peak monthly water demand is approximately 10,000 gallons from June through September. Water is applied at agronomic rates using drip irrigation, mulch, watering at certain times of day, and with moisture retentive soils for water conservation. Existing water storage complies with the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) water storage requirement of 2,500 gallons. The project, however, has been conditioned to provide a separate 2,500-gallon tank reserved solely for fire protection.

All plant related material will be composted to prevent nutrient transport and will be reused as part of the applicant's soils management plan. Soils will be contained in the greenhouses and garden beds reducing potential for runoff. During the off-season soils will be tarped or planted with a crop cover. The applicant uses permaculture techniques which reduce the need for soils additives and fertilizers and uses an integrated pest management plan to control pests. All nutrients are stored in secure containers, in a storage shed with secondary containment. All nutrients are applied at or below agronomic rates. The applicant does not use any pesticides, fungicides, or rodenticides on the property and in the instance such materials are used, the applicant will recycle pesticide and fertilizer containers per California pesticide regulations. and uses an integrated pest management plan to control pests. All refuse and garbage are appropriately stored in three 33-gallon cans the waste is hauled to the nearest permitted transfer station on a weekly basis.

The applicant was issued a Notice of Applicability from the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. In accordance with the associated requirements, the applicant prepared a Site Management Plan (SMP) under the State Water Resources Control Board Order WQ 2017-0023-DW as a Tier 1 Low Risk discharger (WDID#1\_12CC402645). The SMP and aerial photos indicates that all cultivation areas meet applicable 50 ft setback requirements to the ephemeral Class III watercourse. There are no unstable areas within the property and proper erosion control measures are in place. In addition, seasonal access roads as well as disturbed areas will be seeded and mulched and the applicant will perform self-inspections, erosion control, and implement sediment control Best Practicable Treatment or Control (BPTC) measures at the beginning of the season and following significant rainfall events.

The California Department of Fish and Wildlife (CDFW) Resource Map does not identify any observations of the Northern Spotted Owl (NSO) (*Strix occidentalis caurina*) in the project site. Observations of the NSO are shown approximately 1.4 miles northeast and approximately 2.2 miles to the southeast of the boundary of the project site. No activity centers are shown within 1.4 miles of the project area. Conditions of approval require noise attenuation for all generators, fans and dehumidifiers on the parcel. Conditions of approval also require the project complies with International Dark Sky Association standards. Low wattage supplemental light for propagation needs only would be used. There are 12 commercial cannabis cultivation applications within a 1-mile radius of the project site; however, the majority of these are further away from the closest known activity center to the subject parcel. Within a 1 mile radius of the closest activity center to the project site there are 14 cannabis cultivation applications. Due to noise and light restrictions that will be applied to both the current project and all other projects in the vicinity, there are no cumulative impacts to the Northern Spotted Owl habitat that are expected to occur.

While no timber conversion has occurred after the adoption of the Commercial Medical Marijuana Land Use Ordinance and associated Mitigated Negative Declaration, in an e-mail from CALFIRE, dated September 12, 2017, it was noted that a potential illegal timber conversion by may have occurred without the review and approval of CALFIRE. Per the applicant the loss of trees occurred due to blow down from storm events. Based on a review of aerial photographs standing timber was lost or removed between 2005 and 2014. As a condition of approval, the applicant shall be required submit a report by a registered forester as to the nature of the loss of timber and if necessary, determine remedial actions to bring the areas into compliance with the provisions of the Forest Practices Act, and to undertake those actions to the satisfaction of CDF and the County of Humboldt.

Drying of cannabis is done on-site in the existing 2,500 SF structure. All processing and operations associated with cannabis for BFCCF, LLC will be conducted solely by the owner of BFCCF, LLC and by immediate family members of the owner of BFCCF, LLC. All cannabis processing shall be conducted on site in the proposed 400 SF processing building. Power to the site is provided by the 7200-watt solar system on the existing 2,000 residences and a generator is only used for backup power. The generator is stored and when used, in an enclosure to reduce noise.

Per the applicant, an engineered and permitted septic system is utilized for domestic sewage at the residence. On March 4, 2019, the septic and leach-field were inspected and found to be functioning well, sited appropriately, showed no signs of performance deficiencies, and qualified for a Tier 0 designation under the Humboldt County Local Agency Management Plan. Therefore; the septic system as designed would be sufficient to meet the needs of this cultivation site. Per the applicant cultivation operations are performed by the applicant and immediate family and there will be no employees.

Entrance to the property is through a locked gate and game cameras and security lighting is installed around the facilities. No trespassing signs also are visible. Full time residents are on the property at most times. None of the cannabis is visible from a public place or roadway. All cultivation items and products are stored in locked locations.

The cultivation areas are not setback at least 30-feet or more from the northerly property line. A portion northerly outdoor full sun cultivation area and one greenhouse are within the 30-foot setback area of the northern property line. Between the dates of June 5, 2019 and June 14, 2019, the four property owners of the adjacent parcel signed a document granting their permission for the applicant to extend his permitted full sun portion of his commercial cannabis operation in to the 30-foot setback. This was presented and accepted by the Humboldt County Planning Department. The applicant's northernmost greenhouse is currently within the 30-foot fire-safe setback. The project proposes to relocate the greenhouse out of the setback. The new location is environmentally superior due to the relocation resulting in improved fire protection.

The eastern, western, northern and southern sides of the buildings are cleared of vegetation. To the east, south, and north of the residence and to the north and west of the drying building is the central area of the developed area on site and is nearly devoid of vegetation except for sparse ground cover and consists of access roads, parking, and previously disturbed areas. Except for a single tree which is limbed and trimmed to standards, the remaining sides of the buildings are devoid of vegetation and tree canopy at distances greater than 30 feet. The defensible space area is cleared of vegetation and does not contain any tree canopy. Within 200 feet of the residence, there are four water tanks totaling approximately 8,000 gallons that will serves as an available emergency water source. In addition, the site shall maintain a dedicated fire tank minimum 2,500-gallon capacity that shall be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications. This requirement has been added as a condition of approval.

A cultural resources investigation was not prepared for the project because it was not requested from the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria per her email dated September 15, 2017. Inadvertent discovery language is included in Attachment 1.

A road evaluation report was not required by Public Works. The project site is accessed directly via Blue Slide Creek Road which takes access from the paved and striped Briceland Thorne Road and has the same practical effect as a road category 4 standard. Per the request of Public Works, the applicant has certified that the portion of Blue Slide Creek Road used to access the project site meets the required standards.

There are no schools, school bus stops, churches, public parks, public lands, or known tribal cultural resources within 600-feet of the nearest cultivation area.

The California Department of Fish & Wildlife (CDFW) requested seven items:

- 1) A topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each;
- 2) 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;
- 3) A copy of the North Coast Regional Water Quality Control Board Water Resource Protection Plan if one has been developed for the Project;
  - 4) Prohibition on use of synthetic netting;
  - 5) Leave wildlife unharmed;
  - 6) All refuse be contained in wildlife proof storage containers;
  - 7) Noise released shall be no more than 50 decibels measured from 100ft;

Condition 1 has been met (Site Plan attached). Condition 2 has been met (there are no stream crossings, or any other alteration of the bed, bank, or channel of any stream located on the parcel). Condition 3 has been met (Site Management Plan attached). Conditions 4 - 7 are conditions of approval.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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

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

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Case Number: CUP16-408  
Assessor Parcel Numbers: 220-282-008**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the BFCCF, LLC Conditional Use Permit request.**

**WHEREAS**, BFCCF, LLC submitted an application and evidence in support of approving one Conditional Use Permit for the existing cultivation of 16,440 SF of outdoor commercial cannabis cultivation, 3,925 square feet of propagation area and onsite processing. There is 90,500 gallons of water required annually. Water for irrigation is provided by a total of 60,050 gallons of water storage with an additional 50,000 gallons of storage planned. Water is sourced from, a 41'x61' rooftop catchment system and two permitted wells. Plants are dried, processed, and packaged in the existing facility and is conducted solely by the owner of BFCCF, LLC and by immediate family members. The existing septic system meets Tier 0 standards and power is provided by existing 7200-watt solar PV system (approximately 2,000 SF) and a generator is only used for backup.

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-408); 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 Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Case Number-CUP16-408, based on the submitted substantial evidence; and
3. Conditional Use Permit CUP16-408 is approved as recommended and conditioned in Attachment 1.

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:

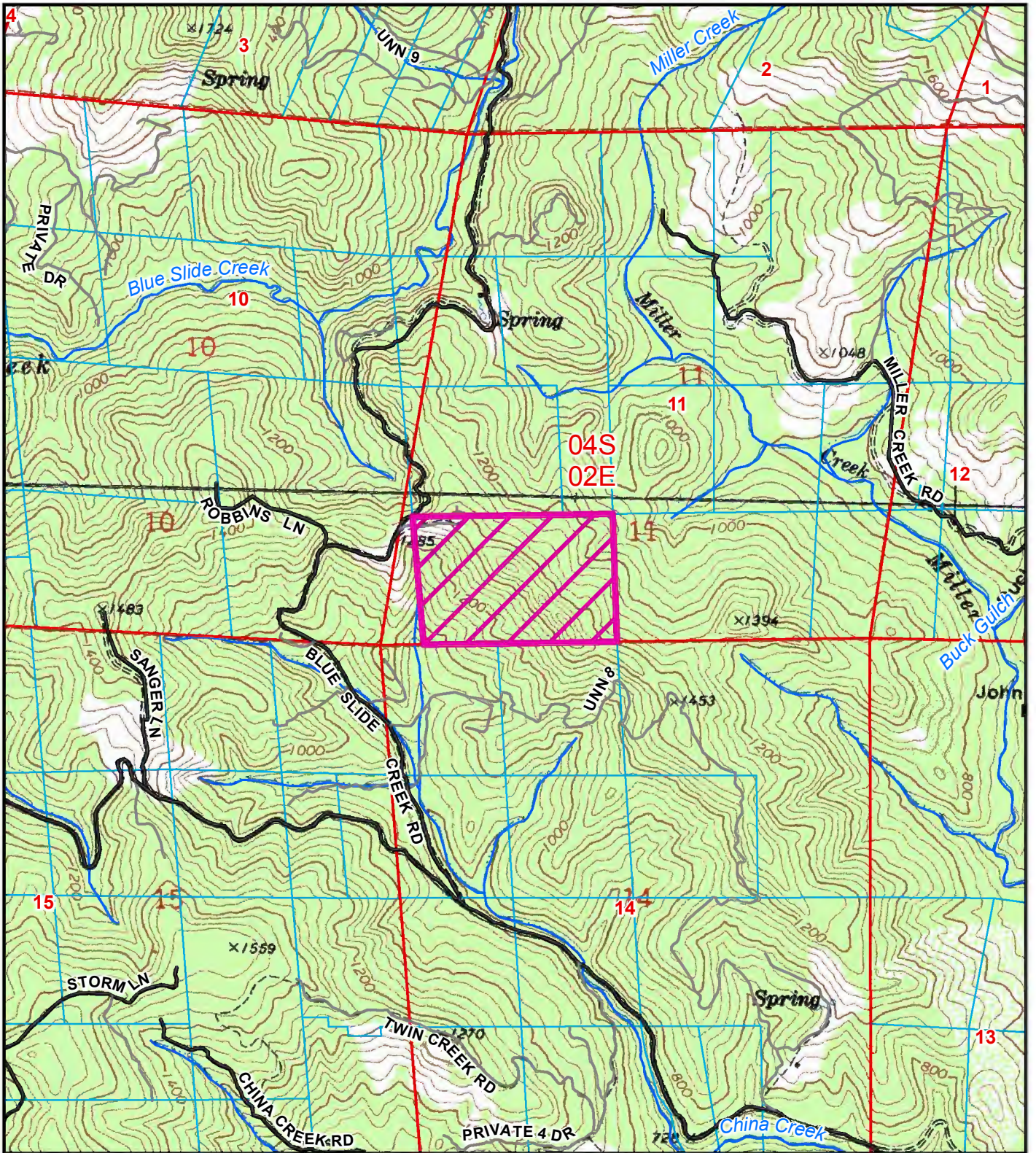
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION:

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

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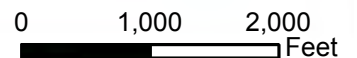
John Ford, Director  
Planning and Building Department



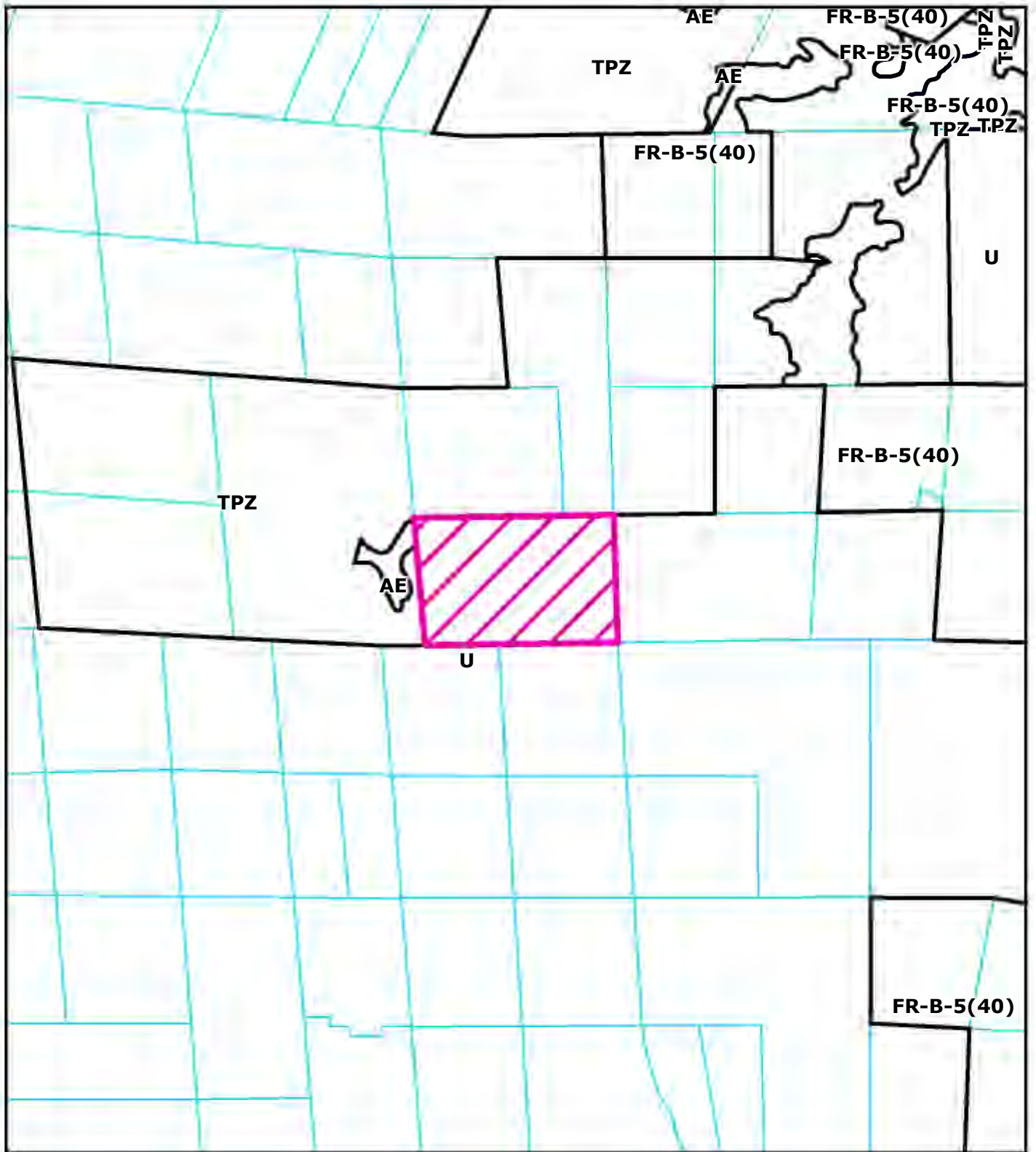


Project Area = 

**TOPO MAP**  
**PROPOSED TED BLAIR**  
**BRICELAND AREA**  
**CUP-16-408**  
**APN: 220-282-008**  
**T04S R02E S11 HB&M (BRICELAND)**

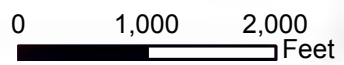


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

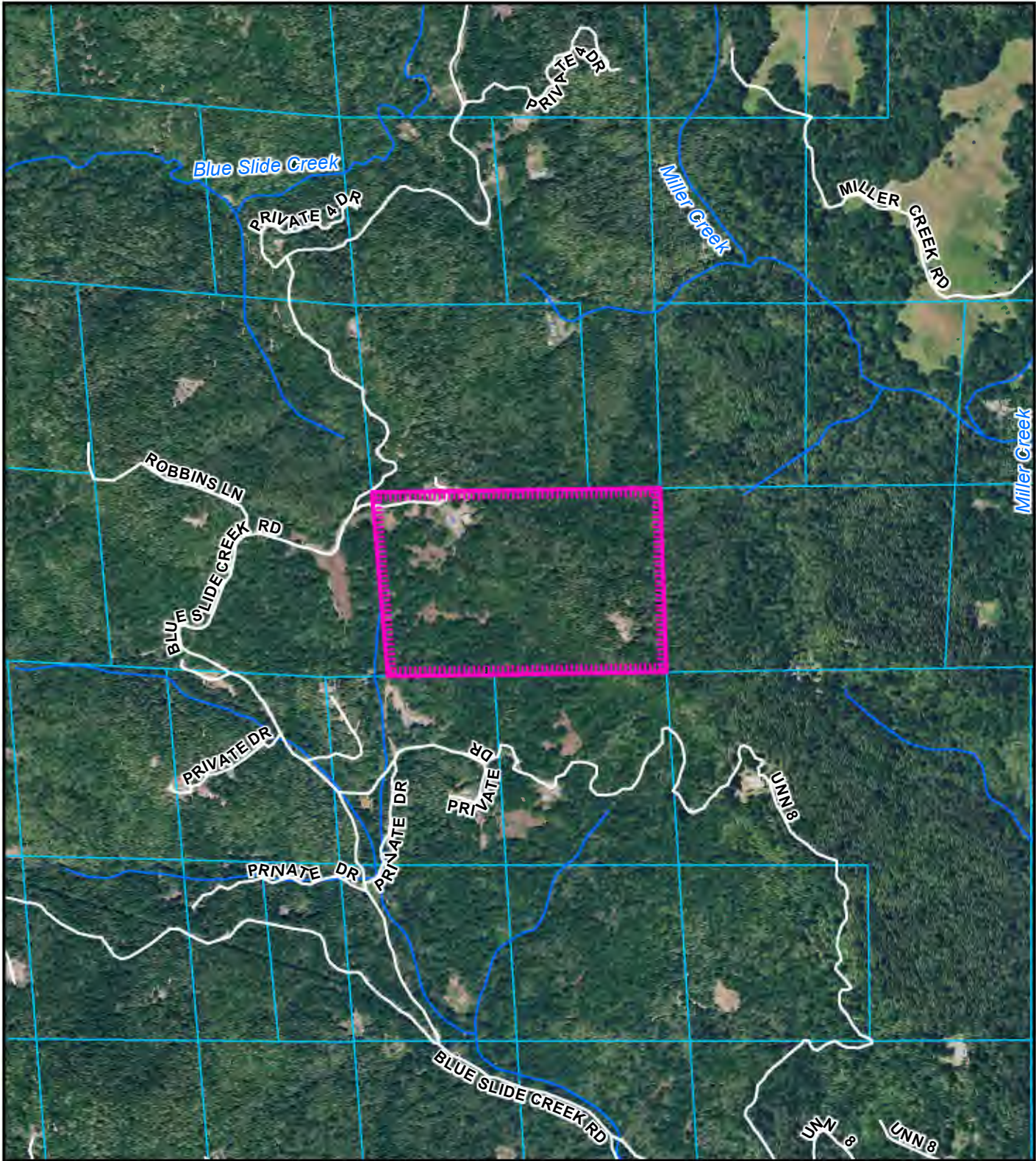


Project Area = 

**ZONING MAP**  
**PROPOSED TED BLAIR**  
**BRICELAND AREA**  
**CUP-16-408**  
**APN: 220-282-008**  
**T04S R02E S11 HB&M (BRICELAND)**



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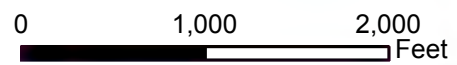


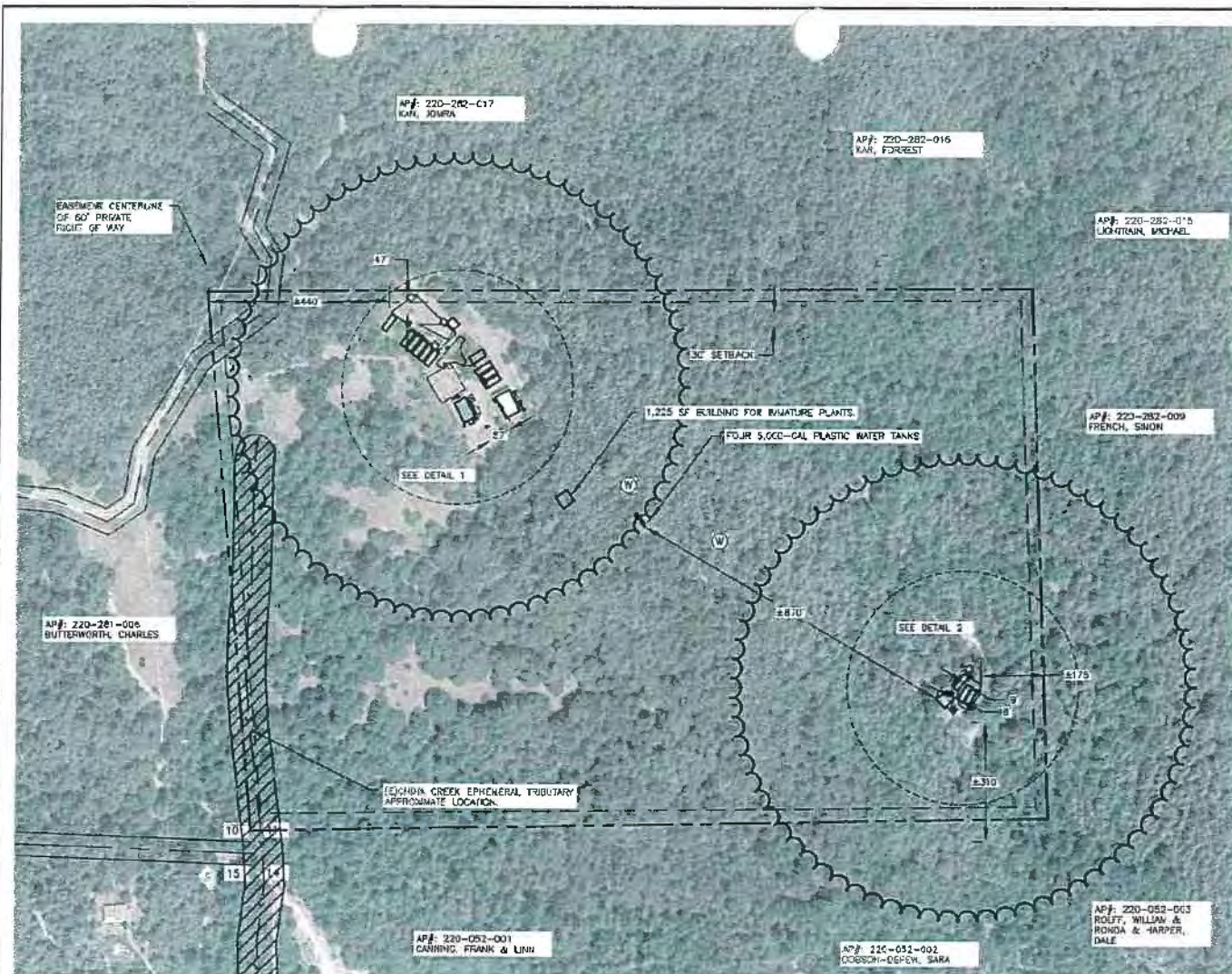
Project Area = 

**AERIAL MAP**  
**PROPOSED TED BLAIR**  
**BRICELAND AREA**  
**CUP-16-408**  
**APN: 220-282-008**  
**T04S R02E S11 HB&M (BRICELAND)**



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.





**DIRECTIONS:**  
 EXIT US-HWY 101 (642) TOWARD REHWAY, TURN SLIGHT RIGHT ONTO REDWOOD DRIVE. TURN RIGHT ONTO WILLOW AVENUE. STAY STRAIGHT TO GO ONTO CEDAR LN. TAKE 1ST RIGHT ONTO BRICELAND THORN RD. TURN LEFT TO STAY ON BRICELAND THORN RD. TURN SLIGHT RIGHT ONTO BLUE SLIDE CREEK RD. THE PARCEL IS ON THE RIGHT.

- NOTES:**
1. THE WATER SOURCE FOR THIS SITE IS PRIVATE WATER.
  2. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 5%.
  3. DURING WET WEATHER CULTIVATION SITES WILL BE MONITORED DAILY. AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PLACED TO MITIGATE ANY SEASONAL RUN OFF.
  4. ALL KNOWN EASEMENTS SHOWN.
  5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, W/IN 800' OR W/IN 300' OF OFF-SITE RESIDENCES.
  6. THERE ARE NO PRIME AG SOILS IN THE VICINITY.

**EXISTING CULTIVATION AREA DELINEATIONS:**  
 AREA 1 - 413,97 SQ-FT 0-5% AVG. SLOPE  
 AREA 2 - 43,243 SQ-FT 0-5% AVG. SLOPE  
 TOTAL - 457,210 SQ-FT

**PROJECT INFORMATION**

**OWNER/APPLICANT:**  
 TED BLAIR/BFCCF, LLC  
 P.O. BOX 325  
 WHITETHORN, CA 95589  
 (707)488-0459

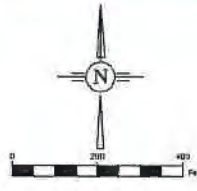
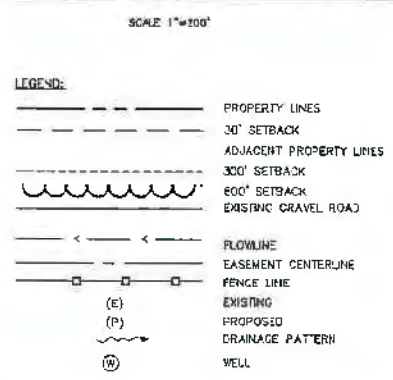
**LOCATION:**  
 A.P.N. 220-282-008

**SETBACK:** 30' PERIMETER

**ZONING:** UNCLASSIFIED

**LOT SIZE:** 85.72 ACRES

**SITE PLAN**



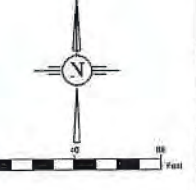
**DISCLAIMER:**  
 MAPPING INFORMATION PROVIDED IS FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.

THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT ARE USEFUL TO ASSURE THAT THE STRUCTURES ARE LOCATED APPROPRIATE TO THEIR SURROUNDINGS. HOWEVER, NONE OF THE INFORMATION SHOWN IS IMPLIED TO SURVEY OR SUBSTITUTE FOR A CONTRACTED ACTUAL LAND SURVEY.

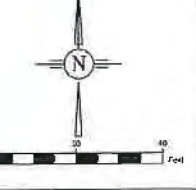
A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY ARISING FROM THE USE OF INFORMATION PROVIDED, OTHER THAN WHAT HAS BEEN SPECIFICALLY INTENDED FOR PLANNING PURPOSES ONLY.

**EXISTING**

**DETAIL I**



**DETAIL 2**



RECEIVED  
 JUN 14 2019  
 Humboldt County  
 Cannabis Svcs.

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

REVISIONS

**A.M. Baird**  
 Engineering & Surveying  
 1257 Main St., P.O. Box 396, Fortuna, CA 95540  
 (707)725-5182

**BFCCT, LLC**  
 APN: 220-282-008  
 HUMBOLDT COUNTY, CA  
 COMMERCIAL MEDICAL MARIJUANA SITE PLAN  
**SITE PLAN**

SCALE: AS SHOWN  
 DRAWN BY: PCS  
 CHKD: A.M.B.  
 DATE: 4/18/2018

JOB NO. 16-4206-3

SHEET NO. 1 OF 1



**DIRECTIONS:**  
 EXIT US-HWY 101 (642) TOWARD REDWAY, TURN SLIGHT RIGHT ONTO REDWOOD DRIVE, TURN RIGHT ONTO WILLOW AVENUE, STAY STRAIGHT TO GO ONTO CEDAR LN, TAKE 1ST RGH ONTO BRICELAND HORN RD, TURN LEFT TO STAY ON BRICELAND HORN RD, TURN SLIGHT RIGHT ONTO BLUE SLIDE CREEK RD, THE PARCEL IS ON THE RIGHT.

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  3. DURING WET WEATHER CULTIVATION SITES WILL BE MONITORED DAILY, AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PLACED TO MITIGATE ANY SEASONAL RUN OFF.
  4. ALL KNOWN EASEMENTS SHOWN.
  5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, W/IN 800' OR W/IN 300' OF OFF-SITE RESIDENCES.
  6. THERE ARE NO PRIME AG SOILS IN THE VICINITY.
  7. \*\*\*FOUR NON-NATIVE TREES TO BE REMOVED TWO JAPANESE MAPLES, ONE ORNAMENTAL CHERRY AND ONE PEAR.\*\*\*

**EXISTING CULTIVATION AREA DELINEATION:**  
 AREA 1 = 313,97 SQ-FT 0-5% AVG. SLOPE  
 AREA 2 = 312,243 SQ-FT 0-5% AVG. SLOPE  
 TOTAL = 626,240 SQ-FT

**PROJECT INFORMATION**

**OWNER/APPLICANT:**  
 TED BLAIR/BFCCF, LLC  
 P.O. BOX 225  
 WHITEHORN, CA 95589  
 (707)458-0459

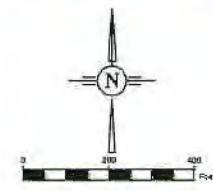
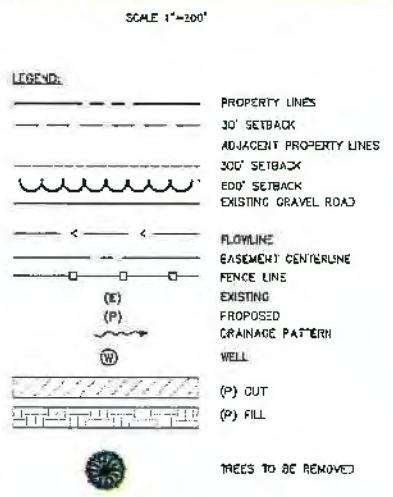
**LOCATION:**  
 A.P.N. 220-282-008

**SETBACK:** 33' PERMETER

**ZONING:** UNCLASSIFIED

**LOT SIZE:** 65.72 ACRES

## SITE PLAN



# PROPOSED

**DISCLAIMER:**  
 MAPPING INFORMATION PROVIDED IS FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.

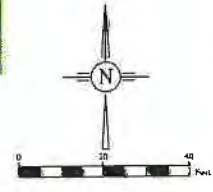
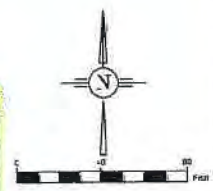
THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT TO ASSURE THAT THE STRUCTURES ARE LOCATED APPROPRIATE TO THEIR SURROUNDINGS, HOWEVER, NONE OF THE INFORMATION SHOWN IS IMPLIED TO SUGGEST OR SUBSTITUTE FOR A CONTRACTED ACTUAL LAND SURVEY.

A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY ARISING FROM THE USE OF INFORMATION PROVIDED, OTHER THAN WHAT HAS BEEN SPECIFICALLY INTENDED FOR PLANNING PURPOSES ONLY.

## DETAIL 1



## DETAIL 2



NO.	DATE	DESCRIPTION	BY
1	7/22/2019	CONCEPT TO ADVANCE AS PER CLIENT	PDS
2			
3			
4			
5			

**A.M. Baird**  
 Engineering & Surveying  
 1287 Main St., P.O. Box 386, Fortuna, CA 95540  
 (707)725-5190



SCALE AS SHOWN  
 DRAWN BY PDS  
 CHKD A.M.B.  
 DATE 5/10/2019

BFCCT, LLC  
 A.P.N. 220-282-008  
 HUMBOLDT COUNTY, CA  
 COMMERCIAL MEDICAL MARIJUANA SITE PLAN  
**SITE PLAN**

JOB NO. 16-4206-3  
 SHEET NO. 1 OF 1

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 -11. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. Structures used for trimming and/or packaging must comply with the building code and its companion codes as a commercial building, complying with accessibility standards. Permits shall be secured within the time frame for a provisional permit.
4. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
5. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
6. The applicant shall maintain a dedicated fire tank with a minimum 2,500-gallon capacity that will be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications.
7. The applicant shall implement all site specific and monitoring and reporting requirements detailed within the Notice of Applicability for Waste Discharge Requirements from the North Coast Regional Water Quality Control Board (NCRWCB) in a letter dated June 14, 2018 and the Site Management Plan (SMP) developed for the parcel, prepared pursuant to Tier 1 enrollment under the Cannabis Waste Discharge Regulatory Program (Order WQ 2017-0023-DWQ), including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the State Water Board. A letter or similar communication from the State Water Board verifying that all of their requirements have been met by the listed dates or the applicant has proven to their satisfaction or a Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.
8. To address the potential illegal timber conversion noted by CALFIRE (September 12, 2017) and which, based on a review of aerial photographs that appears to have occurred sometime between 2012 and 2014, a report prepared by a registered professional forester (RPF) shall be submitted to the Planning Division. The report must contain the RPF's recommendation, if needed, as to remedial actions necessary to bring the potential conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall provide the report to CAL FIRE for comment. If no comments

are received, the RPF recommendations in the report will become final and shall be implemented. In the event that CAL FIRE responds, the conversion that occurred must be resolved to their satisfaction.

9. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
10. The applicant shall contact the local fire service provider [Briceland Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
11. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
12. All onsite lighting used in mixed-light greenhouses and nursery propagation facilities that is existing or installed in the future shall be fully shielded and designed and installed to eliminate light leakage that could lead be visible from all property boundaries between sunset and sunrise. The light source should 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). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
13. Prior to any additional construction activities or work within currently undisturbed areas, conditions of approval require that a biological scoping study be prepared by a qualified professional that includes, but is not limited to, foothill yellow-legged frog (*Rana boylii*) exist within the or near the proposed area(s) of disturbance. The report should include any recommendations that will be required before and during construction to ensure that no sensitive species are disturbed.
14. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
15. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
13. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
14. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.



15. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, generators, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

19. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.

- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - (a) Operation manager contacts;
  - (b) Emergency responder contacts;
  - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

23. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

24. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.

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

26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

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

28. Permittee further acknowledges and declares that:

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

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

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

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

#### **Informational Notes:**

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

plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

## ATTACHMENT 2

### 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 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.

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 identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan, 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><b>Residential Agriculture (RA40):</b> Large lot residential uses that typically rely upon on-site water and wastewater systems. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 16,440 SF of outdoor commercial cannabis cultivation on lands designated as Residential Agriculture. Intensive agriculture and agriculture product processing are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the subject parcel is off Blue Slide Creek Road which is a privately maintained road. A road evaluation report was not required by Public Works, but Public Works did request a Road Evaluation Report be prepared. On March 2018, the applicant certified Blue Slide Creek Road has the having same practical effect as a road category 4 standard. The intersection of the private driveway with the paved and striped Briceland Thorn Road meets driveway standards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located within an Open Space Action Program because the project site is planned Residential Agriculture (RA) and zoned Unclassified (U). The proposed project can be found consistent with the Open Space Plan Open Space Action because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the Unclassified zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>There is one Class II stream located on the western boundary of the Parcel. All development is well outside the required setback.</p> <p>The subject parcel is located approximately 1.4 miles southwest and approximately 2.2 miles northwest from of Northern Spotted Owl observations. The California Natural Diversity Database (CNDDDB) for the Ettersburg of Briceland quadrangle does not list any observation of Marbeled Murrelet. Power to the site is provided by a 7200-watt solar PV and a generator is only used for backup. The applicant's backup generator, fans and dehumidifiers will be conditioned that noise released is no greater than 50 decibels as measured at 100 feet from the source or at the nearest tree line, whichever is closer.</p> <p>There are no water diversions, water crossings, culverts, or ponds on the property.</p> <p>According to the Biological Reconnaissance Survey conducted by Clearwater Ag Services on March 11, 2018, the subject parcel is also within potential habitat known for the foothill yellow-legged frog (<i>Rana boyii</i>). Because the cultivation aspects of the proposed project would not disturb or be located adjacent to an existing water course, it is not anticipated to affect this amphibian. A condition of approval is included to include seasonally appropriate surveys for the yellow-legged frog if any grading or disturbance activities in potential habitat are planned. Additionally, the applicant indicates that road maintenance to prevent sediment from entering the stream as well as noise controls to avoid or minimize impacts to species will be used. The applicant also will use bioswales and a cover crop during the off season to further prevent erosion of the site.</p> <p>The project is conditioned on implementing the corrective measures required by the Site Management Plan and maintaining compliance with the State Water Resources Control Board's Cannabis Cultivation Discharge Program.</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 generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p>	<p>The project was referred to the Northwest Information Center (NWIC), The Intertribal Sinkyone Wilderness Council, and the Bear River Band of the Rohnerville Rancheria. Though the NWIC noted that their office has no record of any previous cultural fieldwork studies in the proposed project area and recommended a cultural field study of the project area prior to commencement of project activities, Bear River responded that no cultural study is required and recommended only that</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>the standard inadvertent discovery protocol be included as a condition of permit approval.</p> <p>Inclusion of protocols for Inadvertent Discoveries has been included in Attachment 1 as a condition of permit approval.</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 standards: SR-S4, Light and Glare.</p>	<p>The project involves outdoor cultivation. The CMMLUO requires that mixed light cultivation 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). The project does not include mixed-light but would use artificial light for propagation. The project is required to follow International Dark Sky Association Standards that 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. The project site is not located near any designated scenic highway.</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 delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 1 of the State Water Resources Control Board (SWRCB) Order No. WQ 2017-0023-DW, which requires preparation of a Site Management Plan (SMP) to protect water quality from cannabis cultivation and related activities. The SMP was prepared by Clearwater Ag Services. The SMP identified two mitigation actions needed apart from implementation of Best Practicable Treatment or Control (BPTC) measures for ongoing agricultural practices. The two measures included providing a secondary containment for a diesel fuel storage tank, and relocation of compost outside the riparian area and coverage with a tarp. Both measures have been completed.</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-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>APN 220-282-008 contains an engineered and permitted septic system and leach field that accommodates the residence and includes a toilet and handwashing facilities inside. On March 4, 2019, the septic and leach-field were inspected and found to be functioning well, sited appropriately, showed no signs of performance deficiencies, and qualified for a Tier 0 designation under the Humboldt County Local Agency Management Plan. Per the applicant cultivation operations are performed by the applicant and immediate family and there will be no employees.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel requires special noise attenuation measures for Northern Spotted Owl. The existing cultivation is primarily powered by a 7200-watt solar PV and a generator is used only for emergency backup, so there will be minimal noise generated by the project. The applicant's backup generator, fans and dehumidifiers will be conditioned that noise released is no greater than 50 decibels as measured at 100 feet from the source or at the nearest tree line, whichever is closer.</p>
<p>Safety Element Chapter 14</p> <p>Geologic &amp; 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-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone, a mapped historic landslide, nor is it subject to liquefaction. The project does not include any proposed structures for human occupation. According to the SMP maximum natural slope of the hoop houses is 15% and there are no unstable areas within the property per 14CC 895.1. The project area is seismically classified as moderate instability; however, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</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; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 8 miles distance from the coast and over 1,300 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating and severity. The project site is located within the Briceland Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project site contains several existing water tanks and rooftop rainwater catchment system which could provide additional fire protection on site. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. In addition, on 10/19, 2016 and on 07/27/2017, the project site was inspected by CALFIRE for a Notice of Defensible Space and no violations were observed.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Briceland Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	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).  Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:**

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 220-282-008 is one separate legal parcel. DS18-001 conditions met to cure legacy subdivision violation. Parcel cleared to proceed with permit processing. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1  Unclassified (U)	<b>Unclassified (U):</b> Intended to be applied in unincorporated areas of the County that are not otherwise zoned. Principal permitted uses for this zone include one-family dwelling, general agriculture, rooming and boarding of not more than two persons, and manufactured home.	The applicant is seeking one Conditional Use Permit for an existing an existing 16,440 SF of outdoor cannabis cultivation operation on property zoned U. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	6,000 square feet	65.72 acres
Maximum Ground Coverage:	40%	Well below 40%.
Minimum Lot Width:	50 feet	2,250 feet
Maximum Lot Depth:	Three (3) times the width	1,200 feet

<p>Minimum Yard Setbacks:</p>	<p>Front: 20 feet Rear: 10 feet Side: 5 feet</p> <p>SRA: lot 1 acre or larger: 30 feet</p>	<p>Front (west): &gt;30 feet Rear (east): &gt;30 feet Side (south): &gt;5 feet Side (north): &lt;30 feet</p> <p>Between the dates of June 5, 2019 and June 14, 2019, the four property owners of the adjacent parcel signed a document granting their permission for the applicant to extend his permitted full sun portion of his commercial cannabis operation in to the 30-foot setback. This was presented and accepted by the Humboldt County Planning Department.</p> <p>The applicant's northernmost greenhouse is currently within the 30-foot fire-safe setback. The project proposes to relocate the greenhouse out of the setback. The new location is environmentally superior due to the relocation resulting in improved fire protection.</p>
<p>Max. Building Height:</p>	<p>None specified</p>	<p>The residence and processing facility are single story structures.</p>
<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.</p>	<p>The project site includes one SMA and includes an ephemeral watercourse through southwestern portion of the site in a southerly direction. Water for irrigation is sourced from permitted wells and rooftop rainwater catchment system. Per the site plan and aerial photographs, the nearest cultivation site to the ephemeral stream is approximately 800 feet away. No cultivation occurs or has occurred within a SMA.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p>	<p>The Site Plan identifies two existing, and one proposed designated parking space. Adjacent to the existing residence and drying facility, there are contiguous areas that are previously disturbed and that do not appear to contain any sensitive species. These areas are currently used for parking and would provide adequate area for vehicles for all existing residents and potential employees should the applicant choose to hire any.</p>

**314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

<p>§314-55.4.8.2</p>	<p>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.</p>	<p>The project site is a partially forested site zoned U and was reviewed for timberland conversion. CALFIRE did respond in an email dated September 12, 2017 that previous land use activities may have resulted in harvest without a permit and that more information would be needed to make a determination. Per the applicant the loss of trees occurred due to blow down from storm events. Based on a review of aerial photographs timber was removed between 2005 and 2014. While this potential timber conversion was well before the established baseline under the MND for the ordinance, it is nonetheless made a requirement of this permit to address the conversion and ensure compliance with the Forest Practices Act. A report prepared by a registered professional forester (RPF) shall be submitted to the Planning Division. The report must contain the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. This is a condition of approval.</p>
<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation &gt;10,000 - 43,560 sf on parcels over 1-acre, zoned FR.</p>	<p>The proposed action is one Conditional Use Permit for an existing 16,440 SF outdoor cannabis cultivation operation on property zoned U. Aerial imagery on Google Earth indicate that existing cultivation operations on the property began sometime before 2010. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one Conditional Use Permit.</p>

§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 processing and operations associated with cannabis for BFCCF, LLC will be conducted solely by the owner of BFCCF, LLC and by immediate family members of the owner of BFCCF, LLC. All cannabis processing will be conducted on site in the proposed 400 square foot processing building.
§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 applicant submitted the required Commercial Cannabis Registration Form with the Planning Division on August 18, 2016, and within the specified window.
§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 included as Conditions of project approval. They 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.	Water for irrigation and domestic purposes are sourced from permitted wells and a rooftop rainwater catchment system also supplies water for cultivation. The project does not use or propose the use of any diversionary water sources. Due to the subsurface soil conditions, depth to groundwater, and distance of off-site streams and rivers, and the wells are not likely hydrologically connected. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.
§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).	<p>There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no known TCRs present on the site.</p> <p>Between the dates of June 5, 2019 and June 14, 2019, the four property owners of the adjacent parcel signed a document granting their permission for the applicant to extend his permitted full sun portion of his commercial cannabis operation in to the 30-foot setback. This was presented and accepted by the Humboldt County Planning Department.</p> <p>The applicant's northernmost greenhouse is currently within the 30-foot fire-safe setback. The project proposes to relocate the greenhouse out of the setback. The new location is environmentally superior due to the relocation resulting in improved fire protection.</p>

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The existing cultivation is primarily powered by a 7200-watt solar PV and a generator is used only for emergency backup, so there will be minimal noise generated by the project. According to the applicant, the decibel level from the generator is less than 50db at 100 feet and inaudible at the property line. The subject parcel requires special noise attenuation measures for Northern Spotted Owl. The existing cultivation is primarily powered by a 7200-watt solar PV and a generator is used only for emergency backup, so there will be minimal noise generated by the project. The applicant's backup generator, fans and dehumidifiers will be conditioned that noise released is no greater than 50 decibels as measured at 100 feet from the source or at the nearest tree line, whichever is closer.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 14, 2016.</p>



**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 and will not adversely impact the environment.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single-family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3  
CEQA Addendum

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

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

*APNs 220-282-008, 2525 Blue Slide Creek Road, Whitehorn, County of Humboldt*

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

August 2019

## Background

**Modified Project Description and Project History** - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit for an existing 16,440 sf of outdoor cannabis cultivation. Cultivation activities extend from March to November. The applicant states there will likely be two harvest cycles. The applicant will use low wattage supplemental light for propagation needs only. Supplemental lighting will be used with full coverage blackout tarps between sunrise and sunset for a period of approximately 30 days.

Water for irrigation is sourced from two existing permitted wells and rooftop rainwater catchment system. Water is stored in hard tanks 60,050 gallons with an additional 50,000 gallons of storage planned. Irrigation water is gravity fed to the cultivation areas. The applicant estimates 90,500 gallons of water is required for the annual operations. Plants are harvested and dried onsite in the 2,500 SF building used for drying. All processing and operations associated with cannabis for BFCCF, LLC will be conducted solely by the owner of BFCCF, LLC and by immediate family members of the owner of BFCCF, LLC. All cannabis processing shall be conducted on site in the proposed 400 SF processing building.

Power to the site is provided by an existing 7200-watt solar PV installation and generators are only used for emergency backup power. According to the applicant, the decibel level from the generator, fans and dehumidifiers is less than 50db at 100 feet and inaudible at the property line.

The project site contains riparian habitat associated with a Class III stream; however, all related project elements are well outside of the required setbacks. Habitat for Northern Spotted Owl exists within approximately 1.4 miles of the project site, but the project is conditioned to reduce the noise impacts on NSO from the project to be below the thresholds that could cause disturbance of the species. A biological reconnaissance report has been prepared which documents that there will likely be no impacts to sensitive biological resources from the on-going cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;  
or

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Site Management Plan prepared by Clearwater Ag Services, received July 3, 2019.
- Biological Reconnaissance Survey prepared by Clearwater Ag Services, March 11, 2018.
- Onsite Wastewater Treatment System Tier 0 Declaration prepared by Timberland Resource Consultants, March 4, 2019.
- County GIS.
- Site Plan and Operations Plan for BFCCF, LLC.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of

previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

## ATTACHMENT 4

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

Attachment 4 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. (Not applicable)
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  $\frac{1}{4}$  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. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CALFIRE). 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 CALFIRE. (Condition of Approval)
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. Site Management Plan prepared by Clearwater Ag Services, received July 3, 2019. (Attached)
16. Biological Reconnaissance Survey prepared by Clearwater Ag Services, March 11, 2018. (Attached)
17. Road Evaluation Report, received March 23, 2018. (Attached)
18. Onsite Wastewater Treatment System Tier 0 Declaration prepared by Timberland Resource Consultants, March 4, 2019.



## Cultivation and Operation Plan



Canna Country Farm LLC, will be utilizing an existing series of greenhouses with additional outdoor cultivation for a total of 16,440 Sq Ft. .Up to 2 harvests per year are anticipated in the greenhouses utilizing light deprivation techniques. Cultivation in the greenhouses will take place in wood frame garden beds. The greenhouse floors are natural soil. The garden beds contain a high quality soil will be use for cultivation. The soil will be fully contained within the garden beds and will be amended as necessary for continued use, which will eliminate the need to purchase any additional soil. A lockable and existing 20'x8' shipping container is used for storage of nutrients and garden supplies. Only organic and natural products are used on this property. An existing building is located on site for drying of cannabis as well as storage and packaging.

The primary electrical power for cultivation and domestic use is supplied by a 7200 watt solar power system. A back up 25 kw diesel generator supplies less than 10% of electrical power necessary for this cultivation project. The generator is housed in a sound resistant structure to reduce sound. The decible levels from this power source is less than 50db at 100 feet. Sound from this generator is inaudible at the property line. Fuel is stored in an appropriate storage tank with secondary containment. Canna Country Farm has a Haz Mat Business plan in place for the fuel storage.

No employees will be needed for this cultivation project. The owners will use the existing permitted sanitary facilities on site.

## Parking Plan

This cultivation site is located on a privately maintained road with a well maintained gravel driveway of less than 600' to the cultivation site near the residence. The road and driveway are shaped with rolling dips and crowned where needed to reduce sediment discharge into any adjacent watercourses. There is ample parking and turn around for up to 3 vehicles including any type of emergency vehicle such as a Type 3 fire apparatus. An additional cultivation site is located on the southern part of the parcel and is accessed by a well maintained gravel road. This site has sufficient parking for 2 vehicles and turn around area for emergency vehicles. See site plan.

## Security Plan

Applicant has a security plan in place which consists of No Trespassing Signs and a locked gate to each cultivation area. Security cameras are also in place. Cannabis is not visible from a public place or road. This is a small family farm without the need for public access. This cultivation site is small and operations are discreet reducing the issue of security.

## Processing Plan

Canna Country Farm LLC will utilize a small dehydrator to dry the cannabis in an existing building. It will then be trimmed and packaged as needed. If any further processing is to take place of the product, it would be done at an off site permitted facility. All applicable County and State Licenses and Permits will be obtained and the rules and regulations of these Licenses and Permits will be followed.

## Materials Management Plan

Canna Country Farm LLC, will not use any Hazardous Materials as part of the cannabis cultivation project. Fuel for the backup generator is stored properly and has a Haz Mat Business Plan submitted with appropriate agencies. Any plastics such as tarps, waterlines, plastic pots or propagation trays or any unusable greenhouse materials will be disposed of appropriately at a licensed disposal site such as the Redway Transfer Station in Redway or the Humboldt Waste Management Facility in Eureka.

Proper storage of trash in trash cans inside an existing waste storage area will be utilized for other trash including household type trash. This also will be transported weekly to the appropriate facilities.

No rodenticides or pesticides are used on this parcel.

One contained compost area is shown on the site plan and will be used for all cannabis waste products.

## Light Pollution Plan

Canna Country Farm LLC will be using low wattage supplemental light for propagation needs only. This lighting will be used starting in April for appropriately 30 days then again as needed from August through October as needed. Full coverage black out tarps over the greenhouse during the time the lights are on between sunset and sunrise will eliminate any light from escaping the greenhouses, so no light pollution issues will exist. This project will meet the International Dark Sky objectives.

## Soils Management Plan

Applicant will utilize their existing high quality soil for their cannabis cultivation. The soil will be contained in the greenhouses and garden beds, eliminating the possibility of run off or exposure to cause any possible contamination of surrounding areas or water courses. If needed the soil will amended with natural or organic nutrients for optimum plant health. Soil will be tarped or utilize a cover crop such as legumes or clover in the off season to enrich the soil and reduce the possibility of runoff. No new soils will have to be purchased saving not only financially but by building the existing soil a superior product will be obtained for the long term stability of the farm.

## Energy Plan

The primary electrical power comes from an existing solar system. If needed a diesel generator is used for back up power needs. The anticipated use of the generator is less than 10% of the electrical needs of the parcel. Decible levels are less than 50db at 100 feet from the generator.

## Storm Water Management Plan

Applicant will maintain the gravel roads and driveways in a way to eliminate erosion and sediment discharge. There are no culverts on the driveway and it is shaped with a crown or when needed rolling dips. During storm events the applicant will monitor roads as well as the cultivation site to ensure that runoff from these sources will be corrected for minimal impact to the surrounding environment. This will include proper ditching and vegetation buffers to prevent erosion. If needed, straw, seed, wattles, jute clothe or other industry standard material will be used to eliminate runoff.

## Water Source and Storage

Canna Country Farm LLC uses 2 existing wells for domestic use. A rain catchment system that uses a rain catchment water tank of 5,000 gallons and a rain catchment system utilizing a roof of an existing building. The area of catchment is 41'x61'. The water is captured in a holding tank and pumped to storage tanks which allow for gravity feed for the cannabis cultivation irrigation needs. With 1 inch of rainfall approx. 1500 gallons of rain water are collected. This rain water collection system greatly reduces the impact of water use from any surface or well water diversion. This also allows for foreberance from any diversion from April 1 through October 31. Total irrigation water storage is 60,050 gallons in a series of rigid plastic water tanks. An additional 50,000 gallons is proposed. See site plan for location and sizes.

## Irrigation Plan

Cannabis cultivation irrigation takes place by careful hand watering. High quality soil greatly reduces water usage and makes for a healthy plant. See water use table attached.

<b>Water Usage - Ted Blair</b>				
<b>Month</b>	<b>Non-Commercial Propagation Activities</b>	<b>Cultivation Schedule</b>	<b>Processing Activities</b>	<b>Water Usage from Storage</b>
<b>January</b>	N/A	N/A	N/A	0 gallons
<b>February</b>	Sprout seeds	N/A	N/A	500 gallons
<b>March</b>	Plant sprouted seeds in 4" pots	Prep garden	N/A	1,000 gallons
<b>April</b>	Maintain seedlings/Determine sex	transplant	N/A	5,000 gallons
<b>May</b>	Sprout seeds	Planting/Grow	N/A	10,000 gallons
<b>June</b>	Plant sprouted seeds in 4" pots	Grow	N/A	15,000 gallons
<b>July</b>	Maintain seedlings/Determine sex	Grow/Harvest/Plant	Harvest/Dry	15,000 gallons
<b>August</b>	Maintain seedlings/Determine sex	Planting/Grow	Dry/Trim	15,000 gallons
<b>September</b>	Clean propagation areas	Grow	Dry/Trim	15,000 gallons
<b>October</b>	N/A	Grow/harvest	Dry/Trim	19,000 gallons
<b>November</b>	N/A	Grow/harvest	Dry/Trim	5,000 gallons
<b>December</b>	N/A	N/A	Trim	0 gallons
			<b>Total Water Use (up to)</b>	<b>90,500 gallons</b>

### Propagation Area Justification

Canna County Farm strives to grow the best product they can. In this effort, Canna Country Farm believes the healthiest plant stock to come from those propagated by seed, therefore, Canna Country Farm propagates its own plants from seeds. Plants propagated from seed may be male or female plants. Only female plants are selected to fill the cultivation areas. Once plants are mature enough to determine sex, male plants are destroyed. In order to ensure that enough well-formed female plants are grown to fill the approved cultivation areas, Canna County Farm utilizes several greenhouses in this process. None of the propagation greenhouse are used for flowering. All chosen females are moved into the greenhouses designated for cultivation.

# SITE MANAGEMENT PLAN

For APN 220-282-008

Canna Country Farm, LLC



Prepared by:



Diana Totten, Owner  
Doyle Coyne, Biologist  
446 Maple Lane  
Garberville CA 95542

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# 1. Sediment Discharge BPTC Measures

## 1.1 Site Characteristics

**Table 1.** Site information

Landowner	Discharger	Site Address	Assessor's Parcel Number (APN)	County	Zoning
Theodore (Ted) Blair	Canna Country Farm, LLC	2525 Blue Slide Creek Road, Whitethorn, CA 95589	220-282-008	Humboldt	AL

**Table 2:** Field Visit Data

Date	Time	Weather Conditions
Thurs, March 15th	12:00	Cloudy, some rain

Canna Country Farm is located on a 60 acre parcel 7.6 miles west of Garberville, CA. Slopes in the cultivation areas range from 0 to 15%. The cultivation site and surroundings were inspected for erosion sites with a focus on those having potential for sediment delivery to watercourses. Prior to the site visit, aerial photos and USGS Topo maps were examined for watercourse location, developed sites, roads and trails, slope instabilities, and erosional features (gullies, slides, etc.). Canna Country Farm does not propose any future grading of the site. Canna Country Farm maintains all access roads according to the Handbook for Forest Ranch and Rural Roads. Land surrounding cultivation area is maintained grass. Cultivation activity is outdoor and greenhouses. Greenhouses are disassembled when not in use. All cannabis products are processed on site. Cultivation begins in March and runs through harvest in October. All seasonal schedules are weather-dependent. Generator is used sparingly in non-harvest time, only to supplement solar power system. Private road and locked gate provides security as there is not free access to the area. Storage containers on the property are used for storage of fertilizer as well as petroleum products. Fertilizer is stored within adequate secondary containment. No pesticides or fungicides are used on the property. Water for cultivation comes from a well and is stored in four 4,700-gallon water tanks located on site. Plants are watered using drip irrigation at agronomic rates. Raised beds are conditioned using Down to Earth All-Purpose Fertilizer at the beginning of the growing season. It is recommended that Canna Country Farm use 2-3 inches of organic mulch in raised beds to prevent evaporation and conserve water.

**Table 3.** Cultivation areas

Cultivation Area (ft <sup>2</sup> )	Description	Max Natural Slope (%)	Distance to Nearest Watercourse (ft)	Watercourse Classification
9600	Hoophouses	15	67	Class III

### 1.1.1 Maps

**Figure 1.**

Map of Canna Country Farms cultivation site. Created using ArcGisMapServer Data in QGIS.



**Directions from Redway CA.** Heading Northwest on Redwood Drive toward Briceland/Thorn Road, turn left at the first cross street onto Briceland/Thorn Road and travel 7.1 miles. Turn right onto Blue Springs Creek Road and travel 1.4 miles. Turn right onto Blue Slide Creek Road and travel 1.1 miles. Turn right onto Access Road with locked gate.

### 1.1.2 Access Road Conditions

Access road is an existing road which has been storm proofed using the Handbook for Forest, Ranch, & Rural Roads. Road assessment revealed appropriate design and function. The roadway is surfaced with gravel from a local source and shows no evidence of erosion or the transport of sediment. The road is crowned or out sloped and drains properly with the use of

rolling dips. Rolling dips are utilized to break up grades and divert water to the outside of the road. Dips are placed at a frequency that reduces surface flow and ensures that runoff remains hydrologically disconnected from downstream watercourses. Estimated vehicle traffic is 1-2 vehicles per day. The average slopes of the access road are approximately 10% with a max slope of up to 15% for short pitches of 300 ft or less.

**Table 4.** Access roads

Name	Distance	Type/Description	Max Slope	Condition
Blue Slide Creek Road	1.1 miles	dirt/gravel access road	14%	varying condition
Unnamed private access road	Approximately 600 ft	gravel access road	15%	good

### 1.1.3 Vehicle Stream Crossings

There are no vehicle stream crossings on the property.

#### 1.1.3.1 Legacy Waste Discharge

No legacy waste discharge sites were observed on the property.

### 1.2. Sediment Erosion Prevention and Sediment Capture

There are no unstable areas within the property. Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1. The cultivation area is on a well-established flat, which is vegetated with well established and maintained grass. The storm water runoff does not drain into any nearby watercourse. All flats are stable without perched fill and vegetation is well established. These flats are not causing sediment runoff into water courses.

#### 1.2.1. Erosion Prevention BPTC Measures

Plastic tarps are used to cover cultivation beds during the winter period to prevent soil or nutrient runoff due to rainfall. Soil spoils pile is covered with a plastic tarp to prevent exposure to rainfall. Slopes adjacent to the site have well established vegetation.

#### 1.2.2 Sediment Control BPTC Measures

Seasonal access roads for vehicles and farm equipment as well as any disturbed areas on the property will be seeded and covered with 2-3 inches of seed free organic mulch before the onset of the winter period.

#### 1.2.3 Maintenance Activities

Canna Country Farm will perform self inspections of all facilities, erosion control, and sediment control BPTC measures at the beginning of the growing season and following any

significant rainfall event (see Facility Status Self Survey). Canna Country Farm will also inspect the site and implement any applicable BPTC measures before the onset of the winter period (see Winterization Checklist).

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent, minimize and mitigate discharges of waste to surface water: 1.) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2.) following the accumulation of 3" total precipitation or by December 15, whichever is sooner and 3.) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

## 2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

Canna Country Farm uses permaculture techniques which greatly reduce the need for soil additives. Nutrients are stored in secure storage containers on site. The containers provide cover from rain and side wind and are secure from wildlife. Nutrients are stored within adequate secondary containment vessels. Nutrients are applied at or below agronomic rates. Canna Country Farm does not use any pesticides, fungicides, or rodenticides on the property. Canna Country Farm will employ an integrated pest management plan to control pests.

**Table 5.** Fertilizers, Pesticides, Herbicides, and Rodenticides

Products Used on Site	Delivery Schedule and amount	N-P-K Ratio	Storage Condition	Product Usage	Winter Season Storage
Earthjuice organic grow	50 gallons delivered 2x per growing season	2-1-1	Stored inside storage shed within adequate secondary containment	Fertilizer, early season application	Any remaining fertilizer will be stored in the onsite shed throughout the winter period for use the following season

Earthjuice organic bloom	50 gallons delivered 2x per growing season	0-3-1	Stored inside storage shed within adequate secondary containment	Fertilizer, late season application	Any remaining fertilizer will be stored in the onsite shed throughout the winter period for use the following season
Earthjuice organic calmag supplement	25 gallons delivered 2x per growing season	NA	Stored inside storage shed within adequate secondary containment	Supplement, applied in conjunction with other liquid fertilizers throughout growing season	Any remaining fertilizer will be stored in the onsite shed throughout the winter period for use the following season
Earthjuice hi-brix molasses	25 gallons delivered 2x per growing season	NA	Stored inside storage shed within adequate secondary containment	Supplement, applied in conjunction with other liquid fertilizers throughout growing season	Any remaining fertilizer will be stored in the onsite shed throughout the winter period for use the following season

### 3. Petroleum Product BPTC Measures

Canna Country Farm LLC uses petroleum products sparingly at the site. A diesel generator for backup power as well as gas powered hand tools such as weed eaters, chainsaws, rototillers and lawn mowers are kept on site for use throughout the growing season. Tools that require petroleum fuels will be stored, fueled, and maintained within one of the three storage containers on site. At the time of inspection all petroleum products were not stored within adequate secondary containment. Canna Country Farm LLC will move petroleum products and equipment to a secure location with secondary containment to prevent spills and contamination of nearby watercourses. Spill and containment equipment (e.g., oil spill booms, sorbent pads, etc.) shall be stored onsite to prevent environmental contamination in case of spill.

### 4. Trash/Refuse, and Domestic Wastewater BPTC Measures

Solid waste on site is minimal. Trash/refuse is stored in three 33-gallon cans. Plastics will be hauled to the recycling center 1x per month in a 33 gal can. Self-hauled garbage and recycling will be taken to the Eel River Resource Recovery Center in Redway Ca. There are no visitors to the site on a regular basis. Domestic wastewater is disposed via engineered septic system.

### 5. Winterization BPTC Measures

Seasonal access roads will be closed and winterized each year before the onset of winter as per the Forest Ranch and Rural Roads Handbook chapter 7 section II. Water bars and straw wattles will be placed on unsurfaced sections of seasonal road to comply with sheet flow length as per Cannabis Cultivation Policy: Attachment A – Section 2 No. 128. All spoils piles and bare dirt will be covered or mulched with 2-3 inches of seed free organic mulch before the onset of the winter period.

### 6. Identified Sites Requiring Remediation

Unique Map Point(s)	Map Point Description	Associated Standard Condition SWRCB ORDER WQ 2017-0023- DWQ	Temporary BMP	Permanent BMP	Treatment Priority	Schedule for Completion of Permanent BMP	Completion Date
Storage container	Petroleum product stored without secondary containment	Section 2, #118	Empty fuel tank	Provide secondary containment for diesel fuel storage tank	1	5/1/18 - 10/15/18	
Storage container	Petroleum product spill and containment equipment	Section 2, #117	Relocate outside of riparian setbacks, cover with tarp, and contain	Compost or haul to landfill	1	5/1/18 - 10/15/18	

Treatment Priority: The time frame for treatment of the site. (1) would indicate a very high priority with treatment being planned to occur immediately. (2) would indicate a high priority site with treatment to occur prior to the start of the winter period (Oct. 15). (3) would indicate a moderate priority with treatment being planned to occur within a year 1, or prior to the winter period (Oct. 15) of the 2nd season of operations. (4) would indicate a low priority with treatment being planned to occur in the shortest time possible

**Pictures of site.**



**Photo 1.** Greenhouse cultivation area.





**Photo 2.** Outdoor cultivation area.



**Photo 3.** Storage container 1.



**Photo 4.** Storage containers 2 and 3.



**Photo 5.** Spoils pile.

## Biological Reconnaissance: California Natural Diversity Database Search Results

Date Accessed: 11 March 2018

CNDDDB results on following pages

- 1) Map result of species
- 2) Table result of species
- 3) Spotted Owl Map – none within 1 mile of project.

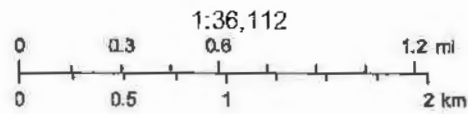
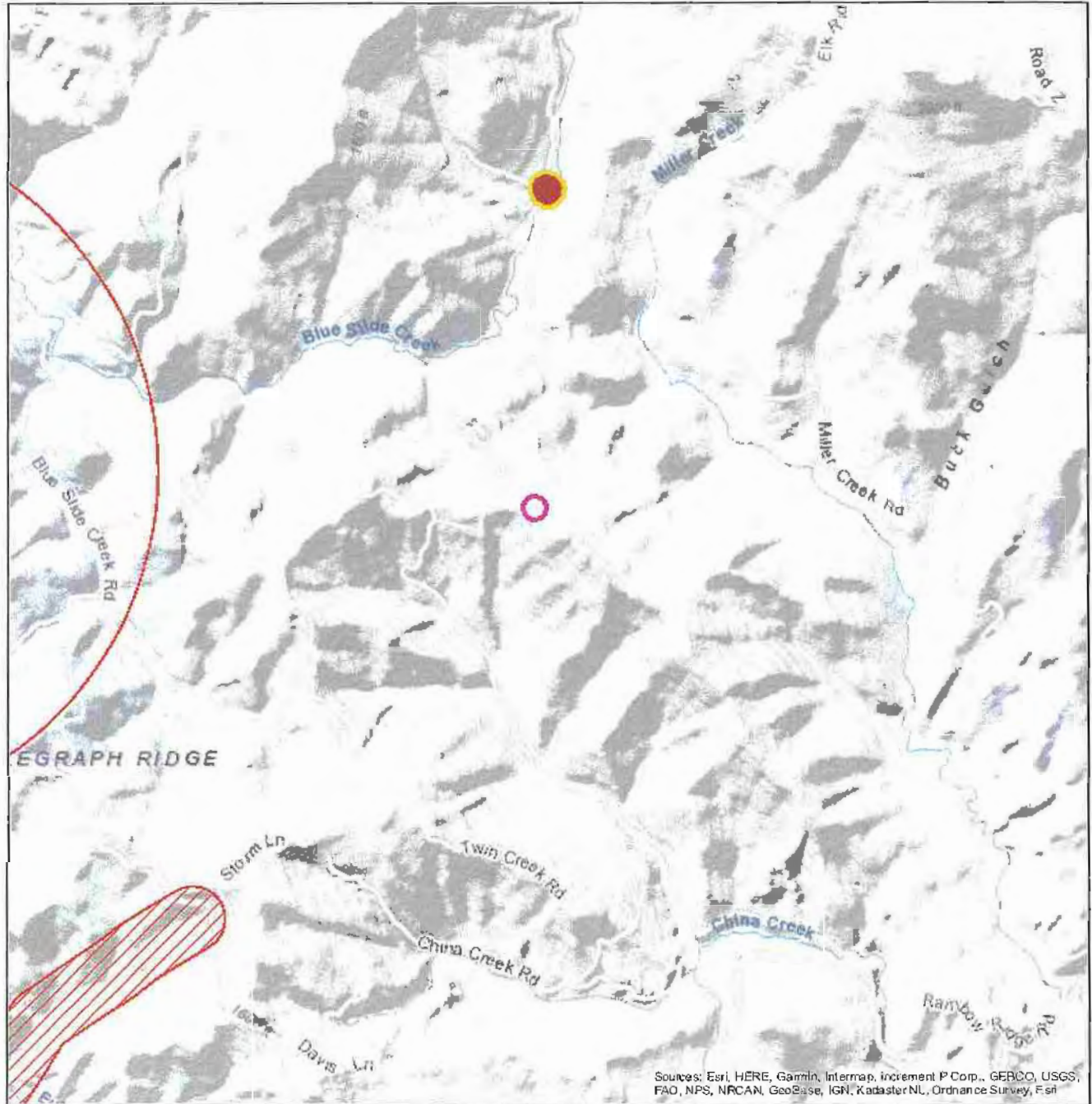




# Map of Project Area

California Natural Diversity Database (CNDDDB) Commercial [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)



March 11, 2019

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, IGN, KadasterNL, Ordnance Survey, Esri

## California Natural Diversity Database (CNDDDB) Commercial [ds85]

Scientific Name	Common Name	Station Code	Doc Number	MAPNOX	EDNOX	Key Quad Code	Key Quad Name	Key County Code	Accuracy	Product	Doc Type	Doc Rank	Sensitive	Size Date	Elim Date	Owner Management	Federal Status	State Status	Signal Rank	State Rank	Rare Plant Rank	CDFW Status	Other Status	Symbology
Rana boylei	foothill yellow-legged frog	AAABH01050	2460	B1478	113383	4012328	Ettersburg	HUM	80 meters	Presumed Extant	Natural/Native occurrence	Unknown	N	20180724	20180724	PVT	None	Candidate Threatened	G3	S3		SSC	BLM_S; IUCN_NT; USFS_S	201



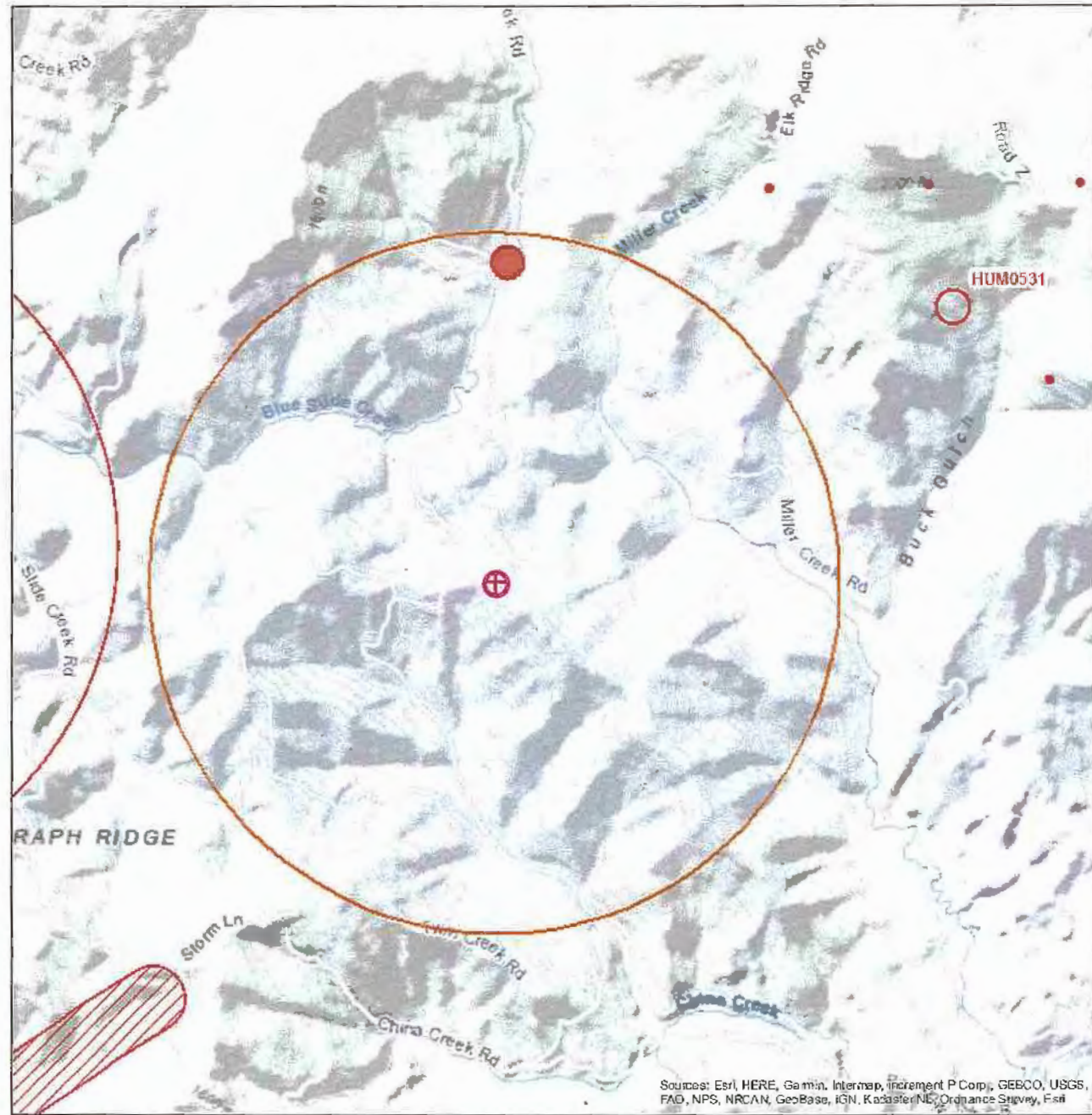
# Map of Project Area

## Spotted Owl Observations [ds704]

- Nest
- + Young
- ◇ Pair
- Other Positive Observation
- Negative Observation
- Activity Center
- Abandoned Activity Center
- ✕ Not Valid Activity Center

## California Natural Diversity Database (CNDDDB) Commercial [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific) 1:36,112
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

Author: cnddb\_com@dfg.ca.gov  
 Printed from http://blos.dfg.ca.gov

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Ted Blair APN: 220-282-008-000

Planning & Building Department Case/File No.: 11842

Road Name: Blueslide creek Rd (GIS) (complete a separate form for each road)

From Road (Cross street): Briceland Thorn Rd to project

To Road (Cross street): Project to Briceland Thorn Rd

Length of road segment: 3 miles miles Date Inspected: 3/10/18

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.

Ted Blair  
Signature

3/23/18  
Date

Ted Blair  
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.



*Applicant spoke to Ken, asked just to provide road evaluation no pictures required.*

**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.**

**Onsite Wastewater Treatment System**

**Tier 0 Declaration**

**APN: 220-282-008**

On March 4, 2019 the septic tank and leach-field serving a single bedroom residence on the aforementioned parcel was inspected. The septic tank was located approximately 18 feet off the southeast corner of the residence with visible cleanout access to the building sewer line. The tank appeared to be a *Norwesco* polyethylene model with a liquid capacity of 1,000 gallons based on measurements made. The surface of the tank was approximately eight (8) inches below the ground surface. The liquid level in the tank was observed at the invert of the outlet line and the interior of the tank was in good condition.

The leach-field consisted of two gravel filled trenches approximately 50 feet in length fed by a distribution box. The leachlines run parallel to the front of the residence. The leach-field and residence it serves set atop a ridge such that stormwater immediately migrates away from the area. The leach-field area was found to be remarkably dry given the abundance of recent rainfall occurring in the past few weeks.

The septic tank and leach-field meet all applicable set-back requirements and there is more than ample area available for reserve leach-field designation.

The tank and leach-field serves the residence exclusively with no other activity contributing to daily effluent flows.

Soils encountered in the road cuts leading to the home site exhibit an abundance of fractured-decomposing parent material and are suitable for the installation of a conventional gravity fed leach field such as the one serving the residence on the subject parcel. There is ample suitable area on the parcel to develop a replacement disposal field if ever needed.

Attached imagery shows topography and the location of the residence, septic tank and leach-field.

The existing OWTS is currently functioning well, sited appropriately and shows no signs of performance deficiencies therefore qualifying for a Tier 0 designation under the Humboldt County Local Agency Management Plan.



State of California  
Department of Public Health  
Registered Environmental  
Health Specialist



Issued pursuant to California Health and Safety Code, Section 106600-106705

Biennial Renewal - Expires December 31, 2019

REGISTRATION NUMBER: 5747

MR DAVID E SPINOSA

Signature

Location of Existing Onsite Wastewater Treatment System





**ATTACHMENT 5**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

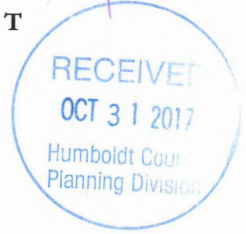
The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Conditional approval	Attached
CALFIRE	✓	Standard Comments and Potential for Less-Than-Three-Acre Conversion	Attached
NWIC	✓	Further review	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
California Division of Water Resources		No Response	
RWQCB		No Response	
Humboldt County District Attorney		No Response	
Humboldt County Agricultural Commissioner		No Response	
CA Department of Fish & Wildlife	✓	Conditional approval	Attached
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Briceland FPD		No Response	
CalTrans		No response	



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

10/26



**8/22/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified School District, HCSO, Briceland Fire Protection District

800-e8e-000

**Applicant Name** Ted Blair **Key Parcel Number** 220-282-008-000

**Application (APPS#)** 11842 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-408

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 9/6/2017**

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

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

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

DATE: 10-20-17

PRINT NAME: Patricia Metzger





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.: 44902  
Parcel No.: 270-282-008000  
Case No.: CUP 16-408

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Robert Metz

Date: 10-26-17

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



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 1-09-2018

RE:

Applicant Name	TED BLAIR
APN	220-282-008
APPS#	11842

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #4 on Exhibit "C"

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// END //

**Exhibit "C"**

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

APPS # 11842

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

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?  
 YES  NO

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

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

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?  
 YES  NO

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

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

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

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements?  YES  NO

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

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

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

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

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

**Exhibit "C"**

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

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

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

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

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

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

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

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

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

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

If YES, include the following requirement:

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

// END //

## Exhibit "D"

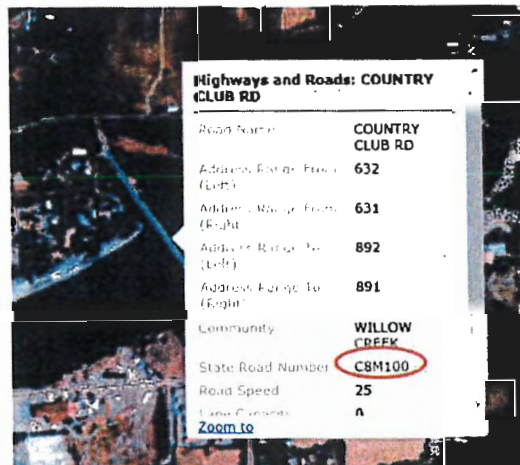
### Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD  
A3M020 Murray Road  
F6B165 Alderpoint Road  
6C040 Thomas Road





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



DEH received  
8-22-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

17/18-0390

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Southern Humboldt Joint Unified School District, HCSO, BriceLand Fire Protection District

**Applicant Name** Ted Blair **Key Parcel Number** 220-282-008-000

**Application (APPS#)** 11842 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-408

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**  
1-29-18

**Comments:**

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

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

**Response Date:** 1/24/2018 **Recommendation By:** Benjamin Dolf

CUP-16-408 BRCCP 11842

September 5, 2019

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
 Date: August 29, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Blair, Ted  
**APN:** 220-282-008-000  
**Area:** Briceland  
**Case Numbers:** CUP16-408

**Humboldt County Application #:** 11842  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/23/2017  
**Due Date:** 9/5/2017

**Project Description:** A Conditional Use Permit for an existing 20,000 square feet of existing cultivation. The water source is a well with a completion report and surface water diversions. Projected water usage is 330,000 gallons annually. Water storage totals 53,700 gallons in tanks. Processing is proposed to take place on-site. The power source is solar with a generator for backup.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief



## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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

## Cannabis

### **General:**

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

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

## Laney, Megan

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**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Sent:** Tuesday, September 12, 2017 11:59 AM  
**To:** Planning Clerk  
**Subject:** FW: APN# 220-282-008 Blair, Ted

Chris Ramey  
Battalion Chief, Fire Planning

### **CAL FIRE**

Humboldt-Del Norte Unit  
C: 707-599-6442  
Duty Days: Tues-Fri

**From:** Titus, Lucas@CALFIRE  
**Sent:** Tuesday, September 12, 2017 9:07 AM  
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Subject:** APN# 220-282-008 Blair, Ted

It may be necessary for a CALFIRE harvest permit to be obtained prior to expanding this cultivation and new development sites. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. Previous land use activities may have resulted in harvest without an permit and harvesting without a plan or a license. More information is required for a proper evaluation.

Lucas Titus

Forester I, Bridgeville Resource Management

Department of Forestry and Fire Protection

### **CAL FIRE**

Humboldt-Del Norte Unit

Office (707)777-1720

Cellular (707)599-6893

Every Californian should conserve water. Find out how at:



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

Applicant: Ted Blair		Date: 8/27/2019	
APPS No.: 11842	APN: 220-282-008	DFW CEQA No.: 2017-0533	Case No.: 11842-CUP
<input checked="" type="checkbox"/> Existing		<input checked="" type="checkbox"/> Outdoor (SF): 18,660	

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)*

- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- 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.
- Include a copy of the North Coast Regional Water Quality Control Board *Water Resource Protection Plan* if one has been developed for the Project. If none has been developed, indicate this in the referral packet.

**Please note the following information:**

- The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2019-0200). As of August 2019, the LSA Notification is **Incomplete**.
- 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.

- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ 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 and fans on the 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*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), 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](mailto:david.manthorne@wildlife.ca.gov).

Sincerely,

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