

COUNTY OF HUMBOLDT Planning and Building Department Current Planning Division

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

Hearing Date:	December 16, 2021
То:	Humboldt County Planning Commission
From:	John H. Ford, Director of Planning and Building Department
Subject:	Cannaboldt, Inc. Application Number PLN-11998-CUP Assessor's Parcel Number (APN) 212-201-013 Miranda area

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Please contact Michael Holtermann, Planner, at 707-268-3737 or by email at mholtermann@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 16, 2021	Conditional Use Permit	Michael Holtermann

Project Description The applicant is seeking a Conditional Use Permit for 9,790 square feet of existing outdoor cultivation, and 4,392 square feet of existing mixed light cultivation. Water for irrigation is sourced from an existing well. Water is stored in 26 tanks (239,300 gallons) and a pond. Processing, including drying and trimming, occurs on-site in shipping containers. Electricity is sourced from generator power.

Project Location: The project is located in Humboldt County, in the Miranda area, on both sides of Felt Road, approximately 1.2 miles east from the intersection of School Road and Felt Road, on the property known as 1351 Felt Road.

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timber Parcel Zone (TPZ)

Application Number: PLN-11998-CUP

Assessor Parcel Numbers: 212-201-013

Applicant Cannaboldt, Inc. Cassidy Clark PO Box 827 Miranda, CA 95553 **Owner** David Felt PO Box 233 Miranda, CA 95553 Agent Patricia Lai 545 I Street Arcata CA, 95521

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

State Appeal Status: The proposed project is NOT appealable to the California Coastal Commission

Major Issues: Inconsistency with Humboldt County Code, lack of adequate information to support making required findings for approval, and uncooperative applicants.

Cannaboldt, **Inc.** PLN-11998-CUP APN: 212-201-013

Recommended Commission Action:

- 1. Describe the application as a public hearing;
- 2. Request that staff present the project;
- 3. Open the public hearing and receive testimony; and
- 4. Close the hearing and adopt the Resolution to do the following:

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and deny the Cannaboldt, Inc. project.

Executive Summary: For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Conditional Use Permit for 9,790 square feet of existing outdoor and 4,392 square feet of existing mixed light medical cannabis cultivation. The Cannaboldt, Inc. application was submitted on December 19, 2016.

Staff is recommending denial of the project because the applicant has been unresponsive to County requests for information and has repeatedly violated county ordinance. The submitted application does not include evidence to support making the required findings under Section 312-17.1 of the Humboldt County Code (required findings for all permits). This project is not consistent with section 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. By initiating cultivation without the required County permit and State License, the applicant has violated the Humboldt County Code, as well as violated various provisions of state law as described below.

On February 9, 2017, an Incomplete Letter was sent to the applicant, listing required items to continue processing the application. An Application Withdrawal Notice was sent to the applicant six months later on August 16, 2017, explaining that if further information was not submitted within 30 calendar days the application would be considered withdrawn.

In March of 2018, a letter was sent to the applicant stating that the application was eligible for an Interim Permit, and in order to obtain a valid Interim Permit the original copies of the Interim Permit, signed Compliance Agreement, and Notary page would need to be submitted to the Planning Department. These documents were not returned to the county.

On July 5, 2018, the applicant was notified that cultivation was occurring on the subject parcel without the required County Interim Permit and state license. The applicant was directed to obtain an Interim Permit and state license or remove the unauthorized cultivation. The applicant received an Interim Permit from the County of Humboldt on July 31, 2018, which authorized the continued cultivation of 17,600 square feet of outdoor cannabis cultivation and 7,420 square feet of mixed light cannabis cultivation. The *Compliance Agreement* associated with the Interim Permit advised the applicant that any expansion beyond the verified cultivation area would be a violation of the Interim Permit, Humboldt County Code, and State Law.

On December 21, 2018, the applicant was sent notice from the Planning Department that the applicant would not be receiving an Interim Permit for the 2019 cultivation season due to unpaid taxes.

On May 8, 2020, a Violation Letter was issued to the applicant for unauthorized cultivation of 9,925 square feet of cannabis during the 2019 cultivation season. The applicant was required to pay a penalty fee of \$39,700 and was notified that repeated unauthorized cultivation would lead to denial of the permit application.

The information in the record shows that the applicant did not contact CEU or the Planning Department to verify removal of the structures, nor did the applicant pay the fine associated with the unpermitted cannabis cultivation.

A second Violation Letter was issued to the applicant July 13th, 2020, for unauthorized cultivation of 10,949 square feet of cannabis during the 2020 cultivation season. The applicant was required withdraw their application and remove all cannabis cultivation and related materials, or provide substantial evidence that no cannabis cultivation had taken place. The applicant failed to contact either CEU or the Planning Department.

A Code Enforcement case was opened in November of 2020, with a Notice to Abate Nuisance and Notice of Violation and Civil Penalty sent to the applicant dated November 23, 2020. The applicant submitted a Code Enforcement Appeal Hearing Request Form dated November 27, 2020. A case note was added to the Code Enforcement Case on October 15, 2021. The case note states that CEU received photo evidence that no cannabis cultivation was occurring in February of 2021, seven months after the second violation letter was sent requiring withdrawal of the application or proof that no cultivation had occurred.

The applicant has yet to pay the penalty associated with the 2019 violation, did cultivate without authorization in 2020, and according to aerial imagery the applicant continued to cultivate in the 2021 season, cultivating 11,127 square feet of cannabis as documented in attachment 2. The applicant's last documented contact with the Planning Department was February of 2021.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Because cultivation was initiated without a permit, the project is not consistent with 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. Finally, the department has attempted to contact the applicant and the applicant has failed to respond.

ALTERNATIVES: The Planning Commission could elect to direct staff to continue to attempt to reach the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq. However, given that staff has made multiple attempts to contact the applicant and they have been unresponsive, staff does not recommend this alternative.

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Resolution Number: 21-Records Number: PLN-11998-CUP Assessor's Parcel Number: 212-201-013

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Cannaboldt Inc. Conditional Use Permit.

WHEREAS, **Cannaboldt Inc.**, submitted an application on December 19, 2016, for a Conditional Use Permit for 9,790 square feet of existing outdoor and 4,392 square feet of existing mixed light medical cannabis cultivation: and

WHEREAS, the property has repeatedly been operated in violation of the county ordinance and state law; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on December 16, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING: Project Description: A Conditional Use Permit for 9,790 square feet of existing outdoor cultivation, and 4,392 square feet of existing mixed light cultivation.
 - **EVIDENCE:** a) Project File: PLN-11998-CUP
- 2. FINDING: CEQA. The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.
 - **EVIDENCE:** a) Section 15270 of the CEQA Guidelines

FINDINGS FOR CONDITIONAL USE PERMIT

- **3. FINDING** The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
 - EVIDENCE a) The applicant has repeatedly violated Humboldt County Code Section 314-55.4.8.1 which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. The site has repeatedly been utilized for commercial cannabis without the necessary county and state authorization and has been unresponsive to county direction for resolution of violations.
 - b) By cultivating without the required state license, the applicant has violated various provisions of state law.
 - c) Due to the repeated violations of Humboldt County Code, the application may not be found to be consistent with the requirements of the Humboldt County Code and the required findings for approval of all permits under Section 312-17.1 of the Humboldt County Code can not be made.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Denies the Conditional Use Permit for Cannaboldt Inc., based upon the Findings and Evidence.

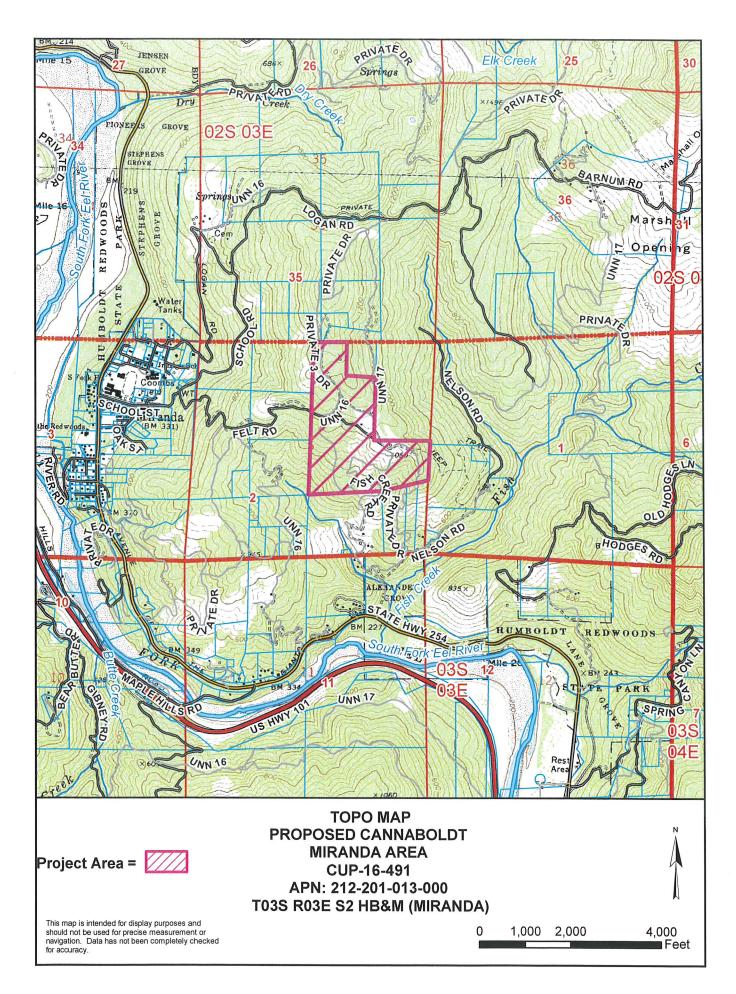
Adopted after review and consideration of all the evidence on December 16, 2021.

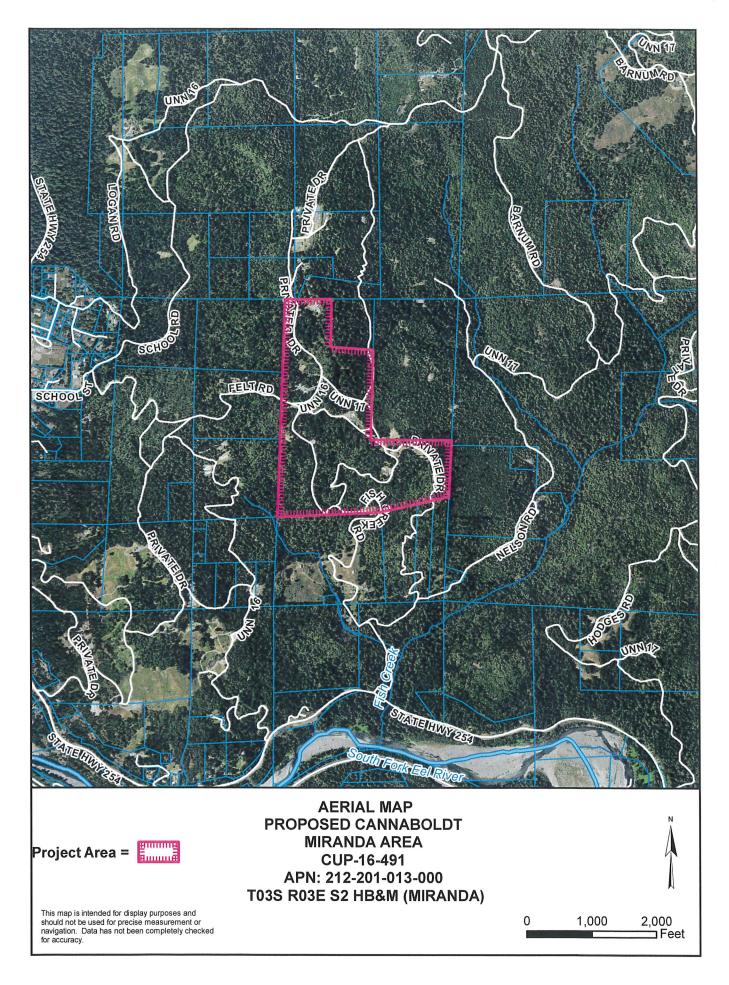
The motion was made by COMMISSIONER ______and second by COMMISSIONER ______and the following ROLL CALL vote:

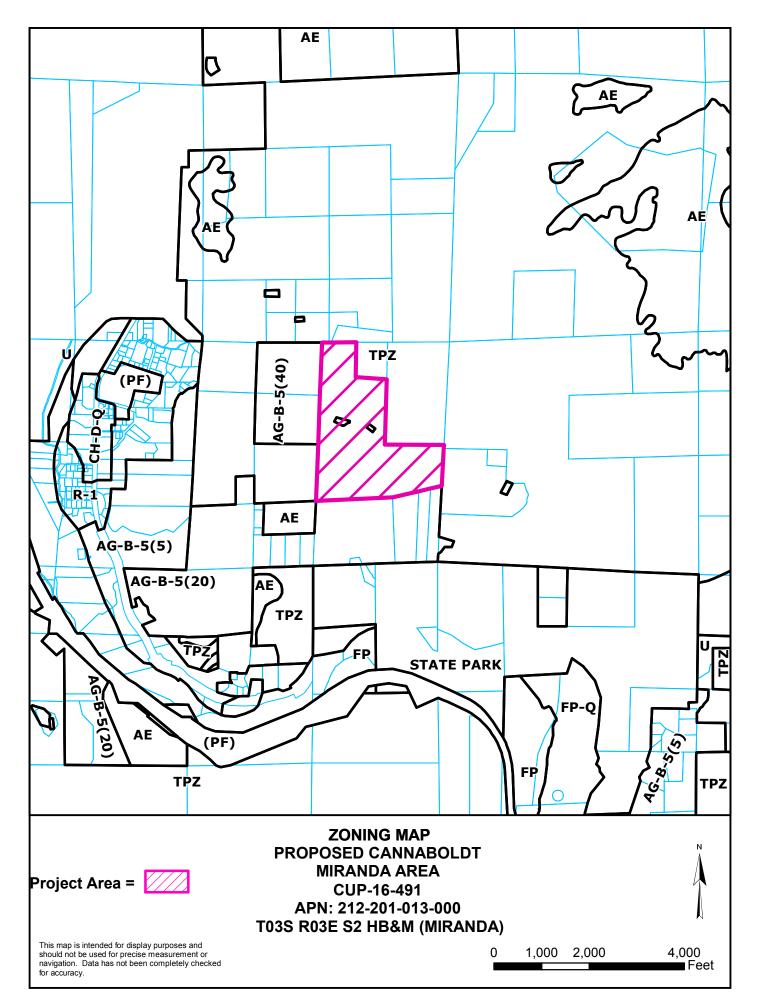
AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
DECISION:	

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

John Ford, Director Planning and Building Department







ATTACHMENT 1

Correspondence



HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT CANNABIS SERVICES DIVISION

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

2/9/2017

Green Road Consulting, Inc.

Kaylie Saxon

1650 Central Ave. Suite C

McKinleyville, CA 95519

RE: Permit Application No. 11998 APN 212-201-013-000

Dear Green Road Consulting, Inc.,

Thank you for your Commercial Cannabis Permit Application. After an initial review, the submittal did not contain all of the required information and has been deemed incomplete. The items below must be provided before we can begin processing your application. For a complete version of the application checklist please visit: <u>http://humboldtgov.org/DocumentCenter/View/53497</u>

✓ Additional Payments

Check(s) in the amount of \$30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the following tribes: \$30 to Bear River Band THPO. The application deposit balance indicated on your Notice of Incomplete Payment is due.

Application Materials

Indemnification and Hold Harmless Agreement; Commercial Medical Marijuana Land Use Ordinance Acknowledgement Form; Signed Affidavit - Commercial Cannabis Activity; Documentation of cultivation activities occurring prior to January 1, 2016 (not required for new cultivation).

✓ Evidence of Ownership or Authorization

Evidence of ownership is needed including, but not limited to: Copy of current deed for the property; Copy of lease or similar instrument authorizing application for permits; Copy of ownership instrument, showing all owner names (if more than one owner); Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization.

Site Plan of Entire Parcel Showing

A site plan is needed including, but not limited to: Owner's name and assessor's parcel number; Easements; Natural waterways including streams, springs, ponds, culverts, and any other water features; Location and area of cultivation or commercial activity; Setbacks of cultivation area from property lines; Access roads; Graded flats; Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity; Water storage structures labeled as to type, capacity, and date of construction; Water diversions including culverts, ponds, dams, and other ground disturbance from water diversion; Dimensions showing 600 square feet around the cultivation site, including distances from nearby schools, school bus stops, places of worship, public parks, Tribal Cultural Resources, and off-site residences within 300 feet.

Page 1 of 2

Cultivation and Operations ...n

An operation plan is needed including, but not limited to: Description of water source, storage, irrigation plan, and projected water usage; Description of site drainage, including runoff and erosion control measures; Detail of measures taken to ensure protection of watershed and nearby habitat; Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized; Description of cultivation activities (e.g. outdoor, indoor, mixed light); Processing Plan; If mixed light cultivation proposed, identify number of cultivation cycles; Schedule of activities during each month of the growing and harvesting season, including projected generator use; Security Plan.

✓ Indoor Cultivation Facilities

Information on indoor facilities is needed including, but not limited to: Identify source of electrical power; Include description of how it will meet energy requirements described in section 314-55.4.8.3 of the Zoning Code.

✓ Retirement, Remediation, and Relocation (if applicable)

If your project includes a Retirement, Remediation, and Relocation please consult the application checklist found at: <u>http://humboldtgov.org/DocumentCenter/View/53497</u>

✓ Other Permits, Licenses, and Documents (if applicable)

If applicable, please include: A 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; Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Board; Streambed Alteration Permit obtained from the Department of Fish and Wildlife; Copy of County of Humboldt well permit; If parcel is zoned FR, U or TPZ, or involves conversion of timberland, a copy of less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. For existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.

<u>Please assemble all requested material and submit as a complete package.</u> Once the items above are submitted and the application is determined to be complete, we will refer it to the appropriate agencies for comment. <u>Additional issues or concerns may be identified through the referral and/or environmental review process.</u> To help in this effort, the Division of Environmental Health has provided a checklist which has been enclosed.

The filing of an application does not authorize the applicant to engage in any new commercial medical marijuana cultivation, processing, manufacture or distribution activity. No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured.

If you submitted an update to your application that is not reflected in this letter, it may be because that additional information has not yet been added to your project file. Rest assured, if we received something, it will be added to your project file. Again please bring <u>all the items indicated in this letter to make your</u> <u>application complete</u>. If you have any questions regarding this letter please call the Planning and Building Department at (707)445-7245.

Sincerely,

__ dele

Rodney Yandell, Planner Cannabis Services

Page 2 of 2



HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT 3015 H Street, Eureka, CA 95501 ~ Phone (707) 445-7245

APPLICATION WITHDRAWAL NOTICE

Green Road Consulting, Inc.

Kaylie Saxon

1650 Central Ave. Suite C

McKinleyville, CA 95519

8/16/2017

This is a courtesy notification from the County of Humboldt Planning and Building Department for the following commercial cannabis permit application:

Application #: 11998

Application Submittal Date: 12/19/2016

Incomplete Letter Date: 2/10/2017

Application Withdrawal Effective Date: 9/16/2017

Assessor Parcel Number: 212-201-013-000

Your application for a commercial cannabis permit has remained incomplete for more than 6 months since the first incomplete letter was sent to you. Section 312-6.1.5 of the Humboldt County Code states an application which has not been made complete within 6 months of receipt of the application is deemed withdrawn.

If you <u>do NOT</u> submit <u>ALL</u> information required to complete your application <u>within 30 calendar days</u> from the date of this letter <u>your project will be deemed withdrawn</u>.

Due to our commitment to process complete applications received prior to June 30, 2017 and the very large number of applicants receiving this same letter, it is anticipated there will be long lines and limited staff availability at the Planning and Building Department counter. Submittals which do not result in a complete application will not be accepted. Staff will review the supplemental materials at the counter to ensure all required information is included to complete your application. If the information does not result in a complete application, the material will not be taken over the counter. Additional time extensions are not being granted as this 30 day period is the time extension.

Please make your application complete as early as possible so we can continue assisting you in achieving our common goal of permit approval and compliance. If you have any questions, please contact the Planning and Building Department between the hours of 8:30 AM and 5:00 PM at (707) 445-7245.

Sincerely,

Office of the Director Planning and Building Department County of Humboldt

PLN-11998-CUP Cannaboldt, Inc.



COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT

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

July 5, 2018

Cannaboldt PO Box 827 Miranda CA 95553

RECEIVED

SUBJECT: 2018 Update to Applicants seeking Cannabis Cultivation Permit Apps: 11998 APN: 212-201-013-000

Dear Applicant/Agent/Property Owner,

This letter is to inform you of changes to cannabis regulations affecting you and provide you with actions necessary to keep your site legal. It is important that your site remain legal in order to process your Cannabis Cultivation Permit Application to a positive action and to avoid enforcement actions. Your application is to permit an existing cultivation site, and you were given the opportunity to apply for an Interim Permit. To date, no Interim Permit has been issued for your application; therefore any cultivation currently occurring on this property is illegal.

YOUR ACTION IS REQUIRED

To legally cultivate cannabis in Humboldt County in 2018, you must have both a valid County Cultivation Permit and a State License. The County is committed to protecting the legal market. The cultivation season is well underway, and the County is engaged in code enforcement actions as well as supporting law enforcement actions on illegal cultivations. To ensure we target only illegal operations, and correctly discern the legitimate compliant cultivations, **your action is required** to avoid potential impact to your application and subsequent enforcement actions, you must take one of the following actions within 30 days:

1. Take the necessary actions to receive an Interim Permit to cultivate from the Planning and Building Department AND apply for a State License.

OR---

2. Submit a signed letter to this Department indicating that no cultivation is, or will occur on the property until a valid County Permit and State License have been obtained. The letter must include time-certain photographic evidence of your garden/structures demonstrating no cultivation is occurring. For example, photos with a newspaper front page visible inside each empty hoophouse with the coverings off. Or a photo of newspaper front page in foreground and a fallow garden in the background with identifying physical features visible. This evidence must be sufficient to readily identify the property/plot plan being depicted is the property in the application.

OR ----

3. Submit a signed and notarized letter requesting withdrawal of your cultivation application, and submit photographic evidence that there is no cultivation on site and all cannabis cultivation related improvements have been removed.

Cultivation sites not in compliance with the Humboldt County Code cannot be approved. Failure to submit information as identified in one of these three options demonstrating the site is in compliance within 30 days will result in your application being scheduled for a hearing at the Planning Commission with a recommendation to deny your project and subsequent referral to appropriate Civil and/or Penal Code Enforcement.

Thank you for understanding how important it is to maintain the legal market and for your anticipated response to this letter.

Sincerely,

John H. Ford Director

Cannabis Cultivation Permits July 5, 2018 Page 2

December 16, 2021

12/21/2018

Cannaboldt Cassidy Clark PO Box 827 Miranda, CA 95553

RE: Extension of Zoning Clearance Certificate for Interim Permit Application No.PLN-11998-CUP; Parcel No.: 212-201-013-000

The 2018 Zoning Clearance Certificate (ZCC) for an Interim Permit for existing cannabis cultivation associated with your ongoing application under the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) has NOT been approved for extension and will **NOT be continued into 2019.**

To legally cultivate cannabis in Humboldt County, you must have both a valid County Cultivation Permit and a license issued by the State of California. In addition you were required to have paid Measure S taxes to the County of Humboldt; and to have provided proof of enrollment/training in the California Cannabis Track-and-Trace (CCTT) System. Our records show that you have not completed these required actions.

The compliance agreement which you signed stated that you would comply with all of these provisions and that if the terms of the compliance agreement were not complied with the Interim Permit would be revoked or in this case not extended. Your 2017 cannabis cultivation taxes have not been paid, and/or you have not applied for or obtained the required temporary state license for 2019. The consequence of this action is that you do not have a permit to cultivate cannabis in Humboldt County.

Cultivation sites not in compliance with Humboldt County Code cannot be approved. Cultivation on the subject property after December 31, 2018 is a violation of Humboldt County Regulations. The only path to legal cultivation associated with this application is to obtain approval of the actual permit. We strongly encourage you to contact this Department as soon as possible to determine what steps need to be taken to receive approval of the permit.

Sincerely,

John H. Ford, Director Planning and Building Department



COUNTY OF HUMBOLDT Planning and Building Department Cannabis Services Division

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

May 8, 2020

Cannaboldt Attn: Cassidy Clark PO Box 827 Miranda, CA 95553

RE: Permit Application No. 11998, Key APN 212-201-013

Dear Cassidy Clark,

As part of its ongoing review of cannabis projects, the Planning and Building Department evaluates satellite imagery of cultivation areas. That review process has identified a potential violation for the above referenced project. The County is committed to helping all cannabis applicants remedy violations and comply with local and state regulations. Your immediate attention is requested to resolve the issues described below.

According to our records, there are no active permits to cultivate currently in place at this property. Analysis of satellite imagery has concluded that cultivation occurred without the required permits and approvals. Specifically, unauthorized cultivation consisting of 9,925 square feet of mixed light cultivation occurred during the 2019 season.

The penalty fee for the unauthorized cultivation is calculated by multiplying the area of unauthorized cultivation by twice the Measure S Excise Tax (\$2 a square foot for outdoor and \$4 a square foot for mixed light cultivation). The total penalty for the unauthorized cultivation described in this letter is \$39,700. The area of unauthorized cultivation must also be removed and restored. Please also be advised that repeated unauthorized cultivation may lead to denial of the permit application.

Response Required

The following options are available, and a response must be communicated to the Department in writing within 30 days:

- 1. If the aerial imagery analysis is accurate, resolve the violation by paying the penalty fee and removing the unauthorized cultivation area including infrastructure; OR
- 2. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition; OR
- 3. Respond to this letter with clear and substantial evidence to establish why the unauthorized cultivation did not occur.

Page 1 of 3

Responses must be received within 30 days of the date of this letter. If no response is received within 30 days of the date of this letter, the application will be prepared for hearing with the evidence presently in the file. Staff will recommend denial and refer the project for enforcement actions.

If you have questions about this letter, please contact Meghan Ryan at (707) 445-7541 or at mryan2@co.humboldt.ca.us.

Sincerely,

Cliff Johnson Supervising Planner

ENC: Satellite Imagery

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

Page 2 of 3

Total 2019 Cultivation: 9,925 ft2 Mixed Light PLN-11998-CUP / APN 212-201-013 October 2019 – Planet **C:D:** (2) 25 X 60 GH = 3,000 ft² **A:** 35 X 75 GH = 2,625 ft² **B**: 25 X 50 GH = 1,250 ft² **E:** 30 X 60 GH = 1,800 ft² **F:** 25 X 50 GH = 1,250 ft² **Cultivation Areas:** Page 3 of 3 9 S н.

July 13, 2020

Cannaboldt co Cassidy Clark PO Box 827 Miranda, CA 95553

RE: Permit Application No. 11998, APN 212-201-013-000

Cannaboldt co Cassidy Clark,

Your site has previously been identified as commercially cultivating cannabis without the proper authorizations, licenses and permits from the county and the state. You were notified in a previous letter that this was not permittable and that cultivation may not occur on the property until the required permits and licenses had been obtained.

According to our records, there are still no active permits to cultivate currently in place at this property. Analysis of satellite imagery has concluded that cultivation is again occurring without the required permits and approvals. Specifically, unauthorized cultivation consisting of 10,949 square feet occurred during the 2020 season.

As a result of these repeated violations of county code and state law, the county does not believe the permit application is supportable for approval. Accordingly, you have the following options.

Response Required

The following options are available, and a response must be communicated to the Department in writing within 10 days:

- 1. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition; OR
- 2. Respond to this letter with clear and substantial evidence that demonstrates that the unauthorized cultivation is not occurring.

If no response is received within 10 days of the date of this letter, the application will be prepared for decision and staff will recommend denial and refer the project for enforcement actions. You will also then be billed for the additional staff costs for preparing the application for denial.

If you have questions about this letter, please contact Branden Howton at (707) 476-2367 or at <u>bhowton1@co.humboldt.ca.us</u>

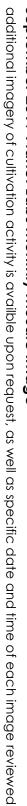
Sincerely,

Cliff Johnson Supervising Planner

ENC: Satellite Imagery EC: cannaboldt@gmail.com; kaylie@greenroadconsulting.com CC:

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

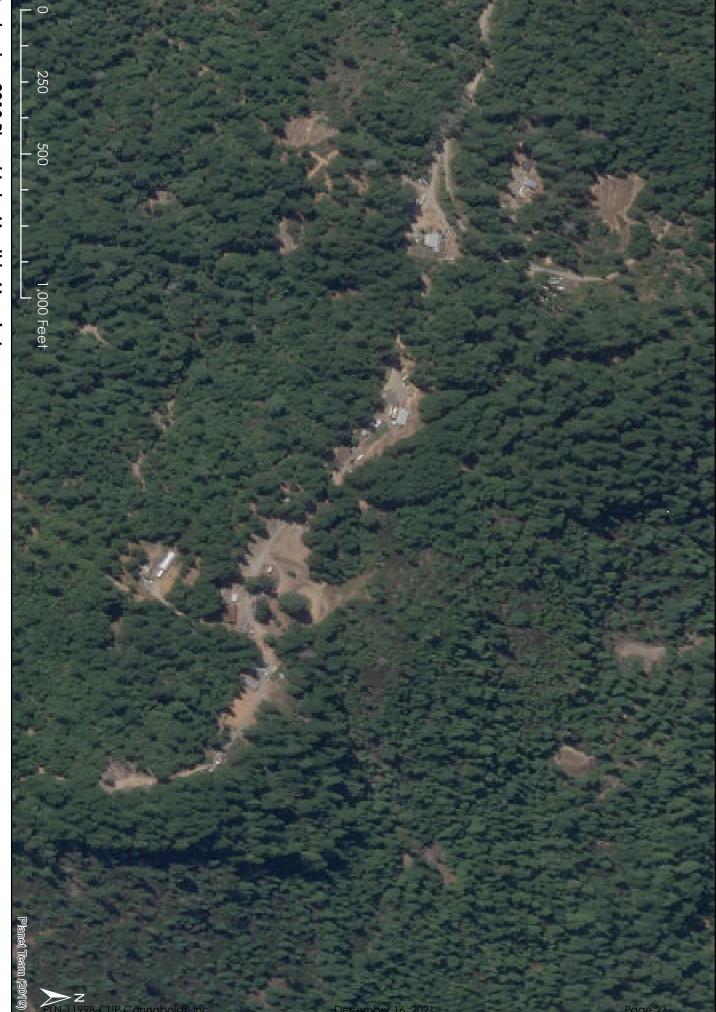
Owner: David L & Susan M Felt Po Box 233 Miranda, CA 95553



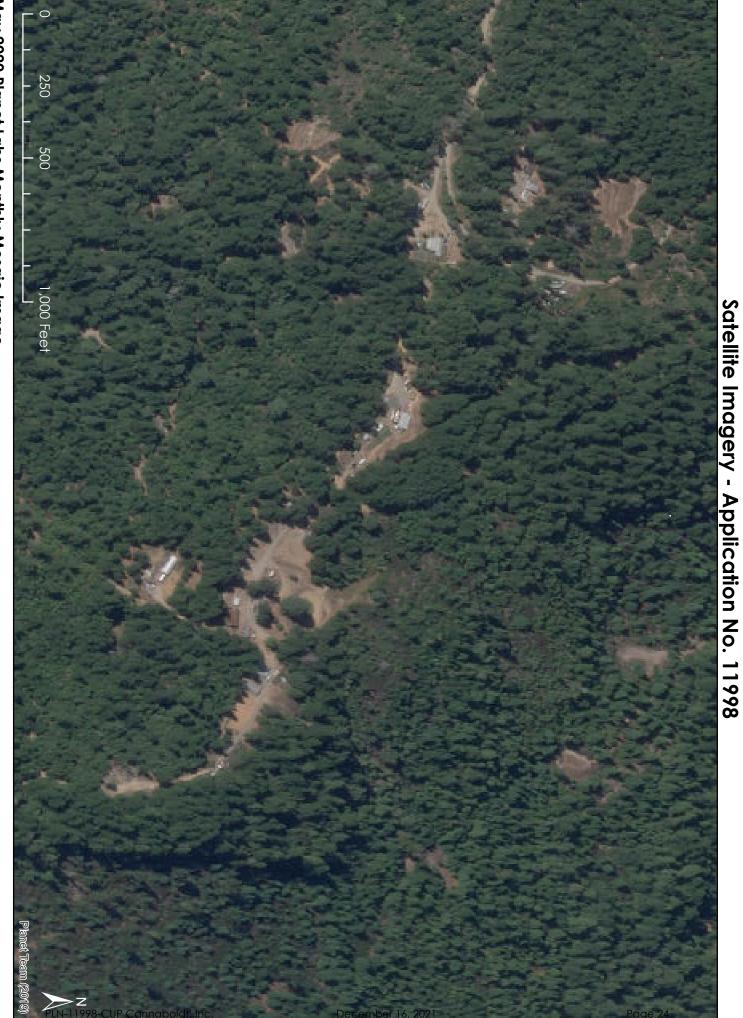


Satellite Imagery - Application No. 11998





Satellite Imagery - Application No. 11998



May 2020 Planet Labs Monthly Mosaic Image

additional imagery of cultivation activity is availble upon request, as well as specific date and time of each image reviewed

ATTACHMENT 2

2020 and 2021 Unauthorized Cannabis Cultivation

2021 Unauthorized Cannabis Cultivation

Unauthorized cultivation for 2020 is comprised of 11,127 square feet total. Cultivation is shown in the figures below, divided into three separate cultivation areas, labeled Cultivation Areas A, B, and C. Aerial imagery used in the calculations and figures below is taken from September 2021.



Figure 1: Cultivation Area A, consisting of two unauthorized cultivation areas, total cultivation between the two areas calculated via aerial imagery is 2,250 square feet. Cultivation area dimensions are listed in the table below.

Area 1	50x20 = 1,000 square feet
Area 2	50x25 = 1,250 square feet



Figure 2: One greenhouse in Cultivation Area B measures 90x15 for an area of 1,350 square feet.



Figure 3: Cultivation Area C is comprised of one greenhouse, and two outdoor cultivation areas. The greenhouse is 780 square feet (65x12), outdoor area 1 is comprised of 127 plants for an area of 4,572 square feet (6x6 per plant), and outdoor area 2 measured via aerial imagery is approximately 2,175 square feet.

ATTACHMENT 3

OPERATIONS PLAN





Humboldt County Planning Department 3015 H Street Eureka, CA 95501

RE: Cannaboldt – Humboldt County APPS No.11998 – APN: 212-201-013

August 22nd, 2018

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Cannaboldt, APPS #11998, APN: 212-201-013.

Cultivation Area

The Applicant has an existing grow of 9,790ft² of outdoor grow and 4,392ft² of Mixed light. All cultivation is generally located in the Eastern portion of the parcel.

Mixed Light Cultivation

<u>GH#1</u>

GH#1 consist of approximately 1,800 square feet of mixed light cultivation. It is located in the south-eastern section of the parcel.

<u>GH#2</u>

GH#2 consist of approximately 1,152 square feet of mixed light cultivation. It is located in the eastern section of the parcel.

<u>GH#3</u>

GH#3 consists of approximately 1,440 square feet of mixed light cultivation. It is located in the eastern section of the parcel.

Outdoor

<u>CA#1</u>

CA#1 consists of approximately 9,790 square feet of outdoor cultivation. It is located in the eastern section of the parcel.

Water Resource Protection Plan

The Applicant intends to enroll in the State Waterboard when they have funds to do so. Once a site visit can be preformed by a qualified professional, the tier and risk level can be properly

Green	Road	Consulting, Ir	IC.
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1650 Central Ave. Suite C McKinleyville, Ca

Robin Collins P.E.

Office 707-630-5041

assessed, and the necessary technical reports (if required) will be implemented and provided to your office when available.

Northern Spotted Owl Survey

At this time, it too late in the season to conduct a proper protocol survey for Northern Spotted Owls. Upon request a noise assessment survey can be conducted to determine if the noise produced by the operation constitutes harassment to NSO by the Department of Fish and Wildlife standards. In the mean time the applicant will take the necessary precautions to ensure the generator decibel reading do not exceed 50 dB(A) when measured at the property line.

Employees/ Sanitation Facilities

Until the Applicant can acquire a septic permit for the existing septic, portable toilets will be brought in for all those working on the property. Said portable toilets will also have handwashing stations attached to them. Clean drinking water will be provided in the form of five-gallon water tanks. The Applicant anticipates using 2-3 seasonal employees.

Greenhouse Flooring

The floors and foot paths in the Greenhouse are made up of natural soil and in compliance with Humboldt County Code section 314-43.1.3.2.

Soils Report/Stability Assessment

The Applicant has been informed of need the need for both items. Once the Applicant has the funding, they will seek out a qualified professional to perform this study. Once a report is completed, a copy will be made available to your office.

Timberland Conversion

As only Planning and building project can be processed on one property at a time. The Applicant will acquire a grading permit within two (2) years of acquiring their provisional permit.

Processing

The Applicant anticipates using a third-party processor until a building can be permitted and approved.

Power Source

The property is tied to PG&E grid power. However, at the moment the Applicant uses three (3) 2KW Honda EU generators for power until they can utilize PG&E.

Pond Capacity

The pond has a water storage capacity of approximately 180,000 gallons of water.

1650 Central Ave. Suite C McKinleyville, Ca

Robin Collins P.E.



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Site Plan Overview and Cultivation and Operations Plan

Applicant

Cannabodlt

PO Box 827

Miranda CA, 95553

Parcel: 212 - 201 - 013

Agent

Georgia Yarborough Green Road Consulting, Inc. 1650 Central Avenue, Suite C McKinleyville, CA 95519

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I. Site Plan Overview

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1.0 Project Information

Cannaboldt ("Applicant") is submitting this application for a Type 3 Use Permit for 20,000 square feet of existing outdoor commercial cannabis cultivation and a Type 2B Use Permit for 5,736 square feet of existing mixed light commercial cannabis cultivation on an 80-acre parcel, located near Miranda, CA ("Parcel"), Assessor's Parcel Number 212-201-013.

All water used for cultivation is sourced from a confined aquafer well. There are twenty-six (26) HDPE water tanks and one (1) Pond that total to 239,300-gallons of water storage. The Applicant estimates their annual water use to be 215,000 gallons.

The well will be evaluated to determine if it is hydrologically connected to surface waters. If the well is connected to surface water the Applicant will obtain proper permits for surface diversion. Currently, the Applicant does not have sufficient water storage and will need to increase their water storage by 29,236-gallons in order to meet the required forbearance period.

There are twelve (12) existing buildings located on the property. Shed #1, Shed #2, Generator Shed, Residences #1 - #4, Shop, and Storage Building are domestic structures and are not being used for cultivation purposes. The two (2) Shipping Containers are 8'x40' and were brought to the property in 2016. They are used to store nutrients, fertilizers and for drying harvested cannabis. The two (2) Carports are 10'x20' and erected during harvesting season each year. They are used for processing harvested cannabis.

The Applicant anticipates two (2) harvests from their mixed light Greenhouses, once in June and October. and one (1) harvest from their full term outdoor cultivation in October. All processing will be completed by collective members in the Carport using a trimming machine.

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

The Type 3 and Type 2B Use Permit would achieve the following results for the Applicant:

- a. Permit 20,000 square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO;
- b. Permit 5,736 square feet of Mixed Light commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Miranda, CA. The Parcel is comprised of 80-acres and is identified by Assessor's Parcel Number ("APN") 212-201-013.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is TPZ with a Current General Plan of T (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as TPZ with cultivation sites up to 43,560 square feet with a Type 3 Use Permit and existing Mixed Light commercial cannabis cultivation on land zoned as TPZ with cultivation sites up to 10,000 square feet with a Type 2B Use Permit.

2.2 Site Topography

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

3.0 Easements

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

PARCEL 1

Lot 2 of Section 2, Township 3 South, Range 3 East, Humboldt Meridian.

EXCEPTING THEREFROM that portion thereof described under Parcel 2 in the Deed to Lawrence C. Felt and wife and recorded December 16, 1954 under Recorder's Serial No. 17206 of Official Records in the Office of the County Recorder of said County and described as follows:

BEGINNING at the Southwest comer of said Lot 2;

thence East, along the South line of said Lot, 80 rods; thence at right angles North 20 rods;

thence at right angles West 40 rods; thence at right angles North 40 rods; thence at right angles West 40 rods;

thence at right angles South 60 rods to the point of beginning.

PARCEL 2

The Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 2, Township 3 South, Range 3 East, Humboldt Meridian.

PARCEL 3

BEGINNING at the Southwest comer of the Northwest Quarter of the Northeast Quarter of Section 2, Township 3 South, Range 3 East, Humboldt Meridian; thence East along the South line of said Northwest Quarter of the Northeast Quarter 80 rods; thence at right angles North 20 rods; thence at right angles West 40 rods; thence, at right angles North 40 rods; thence at right angles West 40 rods; thence at right angles South 60 rods to the point of beginning.

<u>PARCEL4</u>

BEGINNING at the center of said Section 2; thence East along the South line of the Northeast Quarter of said Section 80 rods; thence at right angles South 20 rods; thence at right angles West 80 rods; thence at right angles North 20 rods to the point of beginning.

PARCEL 5

BEGINNING at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 2; thence East along the South line of said Northwest Quarter of the Southeast Quarter 80 rods; thence at right angles North 60 rods; thence at right angles West 80 rods; thence at right angles. South 60 rods to the point of beginning."

4.0 Natural Waterways

There are five (5) Class III Drainages that cross the parcel.

The Applicant will have a Water Resource Protection Plan ("WRPP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

5.0 Location and Area of Existing Cultivation

The 20,000 square feet of Outdoor cannabis cultivation occurs in four (4) locations on the parcel and the 5,736 square feet of Mixed Light cultivation occurs in four (4) locations on the parcel.

Outdoor Cultivation

Cultivation Area #1

Cultivation Area #1 is located near the eastern section of the parcel on an existing graded flat. It consists of approximately 3,100 square feet of outdoor cannabis cultivation.

Cultivation Area #2

Cultivation Area #2 is located in the northwestern section of the parcel on an existing graded flat. It consists of approximately 5,540 square feet of outdoor cannabis cultivation.

Cultivation Area #3

Cultivation Area #3 is located south of Cultivation Area #2 on an existing graded flat. It consists of approximately 1,570 square feet of outdoor cannabis cultivation.

Cultivation Area #4

Cultivation Area #4 is located south of Cultivation Area #3 on an existing graded flat. It consists of approximately 9,790 square feet of outdoor cannabis cultivation.

Mixed Light Cultivation

Greenhouse #1

Greenhouse #1 is located in the same area as Cultivation Area #1. It consists of 1,800 square feet of cultivation.

Greenhouse #2

Greenhouse #2 is located in the same area as Cultivation Area #2. It consists of 1,152 square feet of cultivation.

Greenhouses #3

Greenhouse #3 is located north of Cultivation Area #3 on an existing graded flat. It consists of 1,344 square feet of cultivation.

Greenhouse #4

Greenhouse #4 is located in the same area as Cultivation Area #4. It consists of 1,440 square feet of cultivation.

6.0 Setbacks of Cultivation Area

Cultivation Area #1 & Greenhouse #1

Cultivation Area #1 and Greenhouse #1 are setback from the southern parcel line by approximately 482 feet and the eastern parcel line by more than 428 feet.

Cultivation Area #2

Cultivation Area #2 is setback from the northern parcel line by approximately 989 feet, the eastern line by approximately 110 feet.

Cultivation Area #3 & Greenhouse #2

Cultivation Area #3 and Greenhouse #2 are setback from the northern parcel line by approximately 112 feet, and the eastern line by more than 428 feet.

Cultivation Area #4

Cultivation Area #4 is setback from the eastern parcel line by more than 428 feet, and the northern line by approximately 112 feet.

Greenhouse #3 - #4

Greenhouses #3 - #4 are setback from the eastern parcel line by approximately 71 feet, and the northern line by more than 112 feet.

7.0 Access Roads

The Parcel is located off Felt Road, which is in usable condition.

8.0 Graded Flats

There are existing flats on the Parcel. They may require permitting with the Humboldt County Building Department.

9.0 Existing Buildings

Shipping Containers (x2)

The Shipping Containers are an existing 8'x40' structures that are used for storing nutrients, fertilizers, and drying harvested cannabis. They were erected in 2016 and may require permitting with the Humboldt County Building Department.

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<u>Carports</u>

The two (2) Carports are an existing 10'x20' structures that are used for processing harvested cannabis. They are erected every harvesting season and may require permitting with the Humboldt County Building Department.

<u>Sheds #1 - #2</u>

Sheds #1 and #2 are existing structures that is used for domestic storage. Shed #1 was constructed in 1987 and is 285 square feet. Shed #2 as constructed in 1980s and is 248 square feet. They may require permitting with the Humboldt County Building Department.

Generator Shed

The Generator Shed is an existing 8'x12' structure that is used for storing generators and fuels. It was constructed in 1970s and may require permitting with the Humboldt County Building Department.

Residences #1 - #4

Residences #1 - #4 are existing domestic structures that were built in the 1950s. Residence #1 is 1,770 square feet and is used as temporary living. Residence #2 is 3,070 square feet and is used as a place of living. Residence #3 is 1,900 square feet and is used for personal storage. Residence #4 is 3,390 square feet and is being used as temporary living. They may require permitting with the Humboldt County Building Department.

<u>Shop</u>

The Shop is an existing 2,065 square foot structure that is used for domestic storage. It was constructed in 1950s and may require permitting with the Humboldt County Building Department.

Storage Building

The Storage Building is an existing 700 square foot structure that is used for domestic storage. It was constructed in 1950s and may require permitting with the Humboldt County Building Department.

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

10.1 Water Source

All water used for cultivation is sourced from a confined aquafer well.

The well will be evaluated to determine if the well is hydrologically connected to surface waters. If the well is connected to surface water the Applicant will obtain proper permits for surface diversion.

10.2 Water Storage

There are twenty-six (26) HDPE water tanks and one (1) Pond that total to 239,300-gallons of water storage. The amount and number is outlined below:

- Two (2) 300-gallon HDPE tanks
- Nineteen (19) 2,500-gallon HDPE tanks
- Two (2) 1,100-gallon HDPE tanks
- Three (3) 3,000-gallon HDPE tanks
- One (1) 180,000-gallon Pond

10.3 Irrigation Plan

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

10.4 Projected Water Use

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

The Applicant estimates their annual water use to be 215,000 gallons

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

Site Drainage, Runoff, Erosion Control Measures

Any watercourse that may be influenced by cultivation drainage or discharge is over 100-feet away. The greenhouses will have proper erosion control (gravel, straw, mulch, etc.) around the base so rain runoff will not cause an erosion issue.

The Applicant will adhere to all best management practices for site drainage, runoff and erosion control set by the North Coast Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the Humboldt County Code section 331-14.

Watershed Protection

The Applicant will be enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge program as a Tier II discharger and will have a Water Resource Protection Plan created.

The cultivation areas reside outside of the required 50-foot streamside management area and providing several hundred feet of lush vegetation for any discharge to filter through.

12.0 Distances from Significant Landmarks

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

II. Cultivation and Operations Plan

1.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

All fertilizers and amendments are located in the Shipping Containers on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

The Applicant has three (3) 2KW and one (1) 3KW generators and are stored in the Generator Shed. All fuel for the generators are stored between eight (8) 5-gallon gasoline cans inside the Generator Shed.

There is no soil pile on-site. The Applicant brings in soil to fill the beds and pots. The soil is reamended for each cultivation cycle. Once the dirt is no longer viable for cultivation, it is removed and disposed of at Wes Green in Arcata.

All cultivation related waste is stored in water tight trash containers in the Trailer near the well and disposed of weekly to Fortuna. The applicant does not have any compost piles.

2.0 Cultivation Activities

Cultivation activities typically begin sometime during May when cannabis plants are brought to the Parcel for planting.

The Applicant will have blackout tarps over the mixed light greenhouses during sunset hours in order to abide by the International Dark Sky Associations Standards. The Applicant uses 600-Watt Gavitas and 400-Watt T-5 lights in their mixed light greenhouses. Greenhouse #1 is run off the Applicant's grid power source, PG&E. Remaining Greenhouses are powered between the generators on the parcel.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation, sometime in July and October. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis. The full term outdoor cultivation will be harvested in October.

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3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Shipping Containers where it will be dried and cured. All processing will be performed by collective members under the Carports using a trim machine.

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

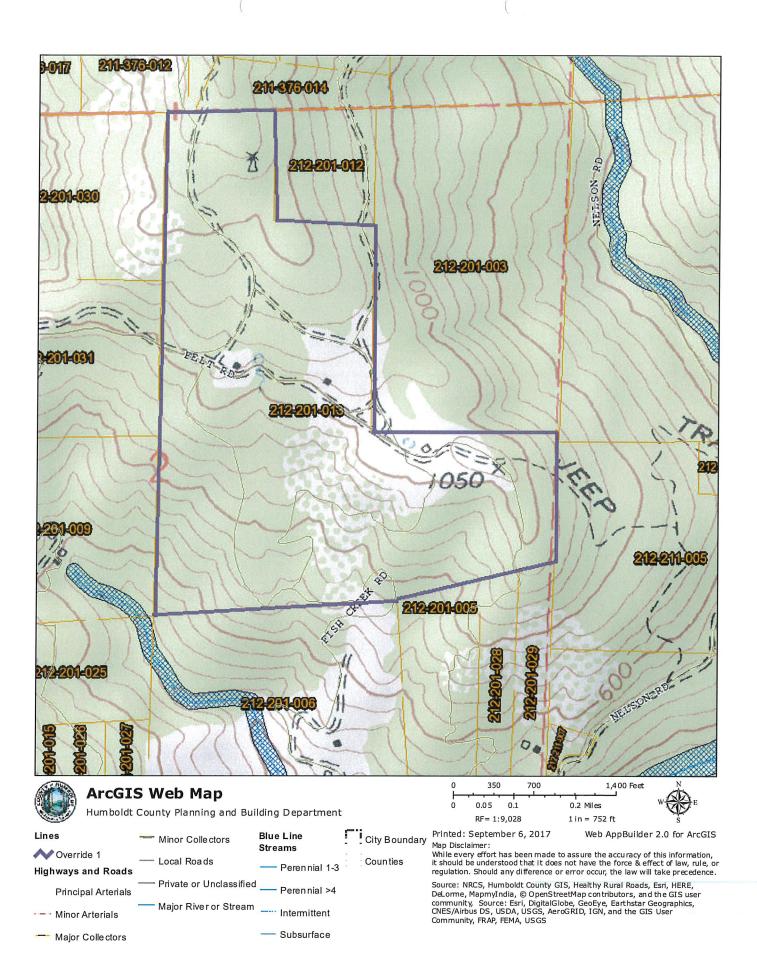
The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.



Attachment "A"





Attachment "B"

Month	Stag	Stage of Cultivation	ion	Cultivation Space per Stage	Water Usage	
	Vegging	Flowering	Harvesting	(Square Footage) *	(gallons/month)	
EXAMPLE	χ		0	1,200 sq. ftVegging	5,000 gal/month	
				1,500 sq. ft. – Flowering		
January						
February						(
March	×			5,736 sq. ft Vegging	3,573 gal/month	
April	×			25,736 sq. ft Vegging	16,470 gal/month	
May	×	×		20,000 sq. ft Vegging 5,736 sq. ft Flowering	17, 242 gal/month	
June	×	×	×	20,000 sq. ft Vegging 5,736 sq. ft Flowering 5,736 sq. ft Harvesting	24,191 gal/month	
July	×	×		5,736 sq. ft Vegging 20,000 sq. ft Flowering	33,198 gal/month	
August		×		25,736 sq. ft Flowering	45,809 gal/month	Ć
September		×		25,736 sq. ft Flowering	44,007 gal/month	•
October		×	×	20,000 sq. ft Vegging 25,736 sq. ft Harvesting	30,510 gal/month	
November						
December						
*with a plant density of 0.85						



Attachment "C"

Light Use
nd Artificial Lig
Generator and

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Applicant: Cannaboldt Parcel: 212-201-013

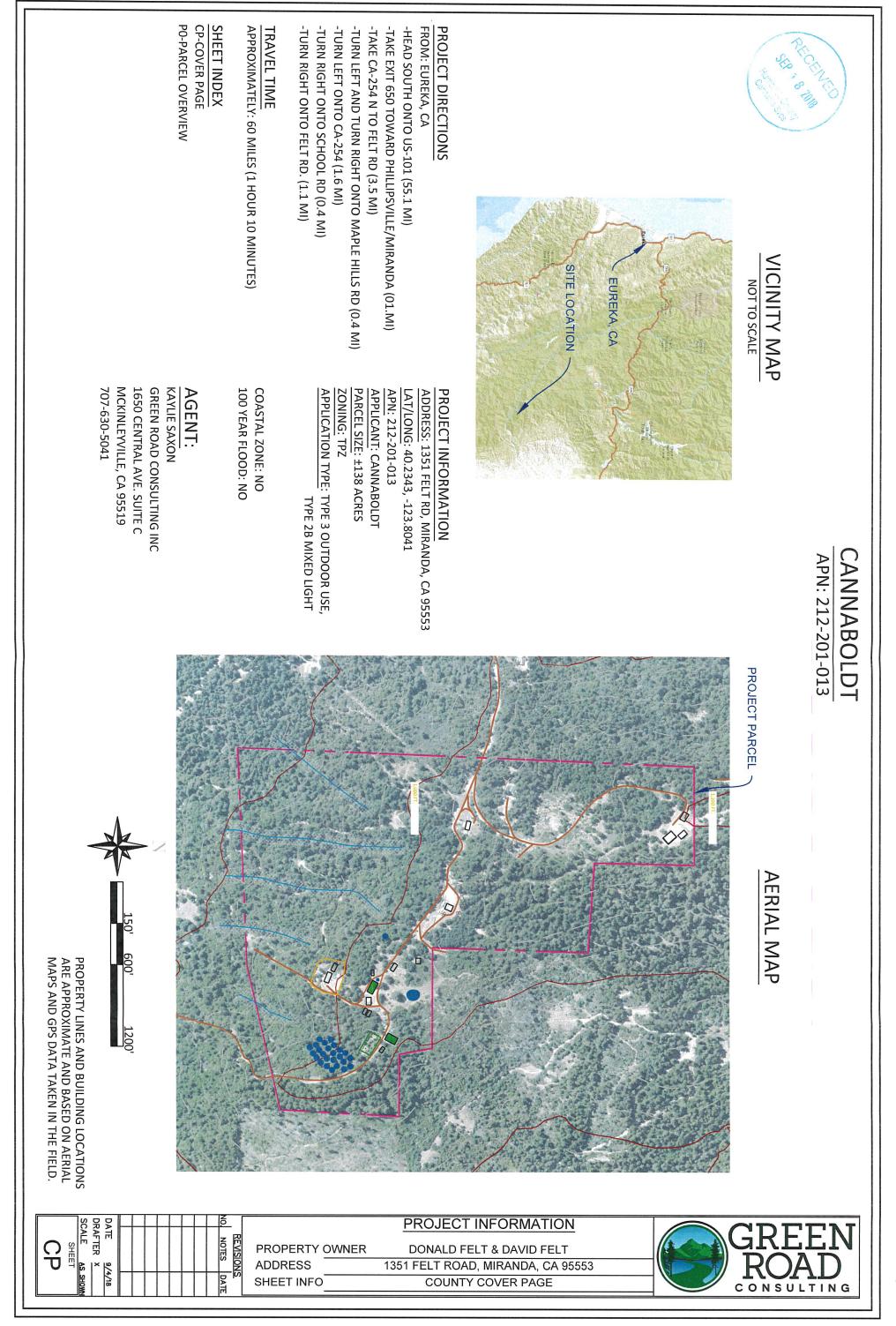
Cultivation and Operations Plan

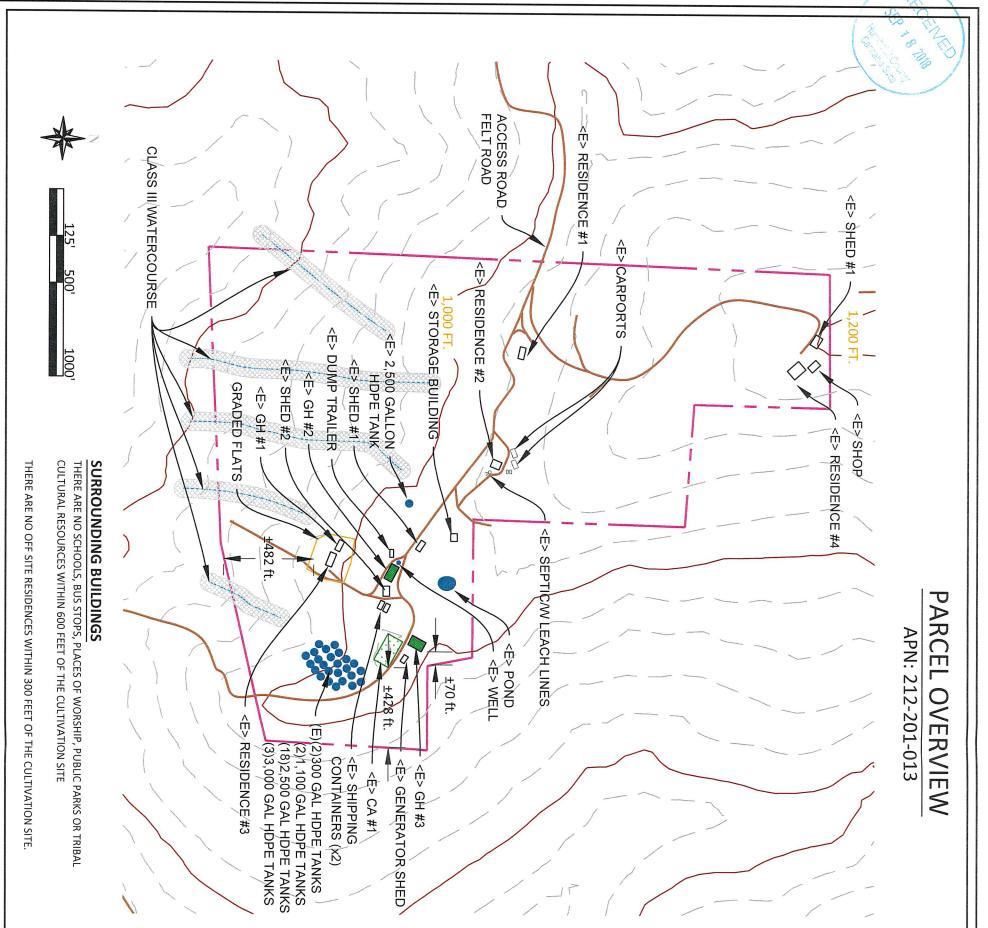
Site Plan Overview and Cultivation and Operations Plan



ATTACHMENT 4

SITE PLAN





TOTAL AMOUN	TYPE POND HDPE HDPE HDPE HDPE	WATER ST	BUILDING SHED #1 SHED #2 GENERATOR SHED RESIDENCE #1 RESIDENCE #2 RESIDENCE #3 RESIDENCE #4 SHOP STORAGE BUILDING	DOMESTIC	BUILDING U SHIPPING CONTAINERS (x2) NUTRIENT STORAGE/C STORAGE/C CARPORTS(X2) ADDITION	CULTIVATION	TOTAL OUTDOOR CULTIVATION AREA TOTAL EXISTING MIXED LIGHT CULTIV.	EXISTING MIXED GH #1 = 1,800 ft ² GH #3 = 1,440 ft ²	EXISTING OUTDOOR CULTIVAT CA #1 = 9,790 ft ²
AMOUNT OF WATER STORAGE	DATE 2011 2014 2014 2014 2014 2014	STORAGE &		BUILDING	ITAINERS (x2)		OOR CULTIVA	<u>IIXED LIGHT</u> ft² ft²	UTDOOR C
STORAGE	Z	USE	USE STORAGE PERSONAL STOR GENERATOR/FU TEMPORARY LI PERSONAL STO PERSONAL STO PERSONAL STO	G AND) NUTRIENT STORAGE/C ADDITION	BUILDINGS A	TION AREA HT CULTIV,	T CULTIV GH	CULTIVAT

CULTIVATION INFORMATION

IVATION AREA

GH #2 = 1,152 ft²

AREA =9,790 ft² .ULTIVATION AREA = 4,392 ft²

AND USE

USE NT+FERTILIZER	SIZE 8'X40'	YEAR 2015
NT+FERTILIZER	8'X40'	2015
/DRYING+CURING		
ONAL DRY SPACE	10'X20'	2017

AND USE

	SIZE	<u>YEAR</u> 1987
DRAGE	248 ft ² 2'Y1 7'	1980'S
UEL STORAGE 8'X12'	8'X12'	1970'S
LIVING	1,770 ft²	1950'S
VING	3,070 ft ²	1950'S
ORAGE	1,900 ft²	1950's
LIVING	3,390 ft ²	1950's
FORAGE	2,065 ft ²	1950's
ORAGE	700 ft ²	1950's

DRAGE = 239,300 GALLONS	ω	2	2	19	NUMBER 1
	3,000 GALLONS	1,100 GALLONS	300 GALLONS	2,500 GALLONS	SIZE 180,000 GALLONS

WELL

WATERSOURCE

UNNAMED CLASS III DRAINAGES WITH REQUIRED 50 FT BUFFER.

PG&E

2KW GENERATOR (3) POWERSOURCE

3KW GENERATOR

DATE DRAF SCAL			<u>No</u>		PROJECT INFORMATION		CDEEN
			NOTES	PROPERTY OWNER	DONALD FELT & DAVID FELT 1351 FELT ROAD, MIRANDA, CA 95553		ROAD
SHOMN			DATE	SHEET INFO	PARCEL OVERVIEW		CONSULTING