



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: February 7, 2019

To: Humboldt County Planning Commission

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

Subject: **Pipe Creek Canyon, Inc. Conditional Use Permit**
Record Number: PLN-12966-CUP
Assessor's Parcel Number (APN): 218-121-005
838 Lauffer Road, Garberville area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Topo Map	7
Zoning Map	8
Aerial Map	9
Site Plans	10
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	20
Attachment 3: CEQA Addendum	36
Attachment 4: Applicant's Evidence in Support of the Required Findings	40
Attachment 5: Referral Agency Comments and Recommendations	70

Please contact Keenan Hilton, Planner, at 707-445-7541 or by email at khilton@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 7, 2019	Conditional Use Permit	Keenan Hilton

Project Description: A Conditional Use Permit for 15,000 square feet of outdoor, light deprivation cannabis cultivation. The applicant proposes to relocate cultivation from three sites to one consolidated site. Cultivation activities would occur from April to December. The applicant proposes two harvests annually. Approximately 250,000 gallons of water would be required annually to meet operational needs. Water for irrigation use would be sourced from an existing well. Currently, water storage totals 200,000 gallons in bladders. The applicant proposes to develop a water storage pond to replace the bladders. Bucking and drying would occur in a proposed structure on-site. Further processing would occur at a licensed third party facility. A maximum of 2 employees would be required during peak operations. Electricity would be provided by a generator.

Project Location: The project is located in Humboldt County, in the Palo Verde area, on the southwest and northeast side of Lauffer Road, approximately 3,600 feet from the intersection of Island Mountain Road and Lauffer Road, on the property known as 838 Lauffer Road, Garberville.

Present Plan Land Use Designation: Residential Agriculture, 40 acres per dwelling unit (RA40); Density: 160 to 20 acres per dwelling unit, Humboldt County General Plan 2017; High Slope Instability (3).

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

Record Number: PLN-12966-CUP

Assessor's Parcel Number: 218-121-005

Applicant	Owner	Agent
Pipe Creek Canyon, Inc. Attn: Thomas Richards 1271 Evergreen Road Redway, CA 95560	Jerry Hoke 318 Lauffer Road Garberville, CA 95542	N/A

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.

Pipe Creek Canyon, Inc.
Record Number: PLN-12966-CUP
Assessor's Parcel Number: 218-121-005

Recommended Planning 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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Pipe Creek Canyon, Inc. Conditional Use Permit subject to the recommended conditions.

Executive Summary: Pipe Creek Canyon (Applicant) seeks approval of a Conditional Use Permit for an existing outdoor commercial cannabis cultivation of 15,000 square feet and a proposed water storage pond located on Assessor's Parcel Number (APN) 218-121-005, which is approximately 40 acres in size. The site is currently developed with a primary single family residence, wood shed, cultivation sites, water bladders, three ponds totaling 286,000 gallons of capacity and water tanks and an outhouse. Cultivation activities extend from April to December. Plants would be grown in a combination of containers and beds. The applicant proposes two harvests annually. There would be an approximately 4,000 square foot appurtenant nursery structure. The applicant proposes an approximately 2,000 square foot drying facility. Further processing would occur at a licensed processing facility. The applicant indicated a maximum of two employees would be required to meet operational needs.

Pre-2016 cultivation consisted of three separate cultivation areas. The applicant proposes to relocate the cultivation areas to a centrally located outdoor cultivation area on a former air strip. The area is relatively flat, being graded prior to 2014. Reorganization of the cultivation areas remove any cultivation out of proximity to watercourses. Conditions of approval require the applicant to the applicant shall submit restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration prior to relocating the cultivation areas. The restoration plan shall include a discussion of the relocation site, including a survey for any California Rare Plant Ranked Species on the subject parcel to confirm that the relocation is environmentally superior to the historic location.

Water for irrigation uses is provided from an existing well. The existing ponds on the subject parcel are not used for irrigation needs. Approximately 250,000 gallons of water is required annually to meet operational needs. Currently, water storage totals 200,000 gallons in bladders. The applicant proposes to develop a water storage pond near the cultivation area on the former air strip to replace the bladders. The applicant is required to notify the California Department of Fish and Wildlife (CDFW) regarding the well and construction of the water storage pond. If irrigation water would be provided by surface water diversion the applicant is required to adhere to CDFW forbearance requirements to comply with the Commercial Medical Land Use Ordinance (CMMLUO) and obtain appropriative water rights for water storage. All irrigation usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

The project site is accessed from Lauffer Road and is located approximately 0.5 miles from the intersection of Lauffer Road and Island Mountain Road. Vehicle access to the property is through a locked gate and the applicant intends to install security cameras. Sufficient area on the subject exists for parking area(s) that would adequately serve the parking needs of the site. The applicant submitted a Road Evaluation Report stating that Lauffer Road is developed to the functional capacity of a road Category 4.

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

CalFire provided standard project review comments regarding Fire Safe Standards, Resource Management policies, and Cannabis as well as project specific recommendations regarding the need for emergency turnarounds, signing and building numbers, designated water storage for fire, and fuel modification standards. The Building Inspection Division recommends Approval without comment. The Division of Environmental Health recommends Approval without comment.

Based on the on-site inspection, 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.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

Staff recommends that the Planning Commission describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: The Planning Commission could elect not to approve the project, to require the applicant to submit further evidence, or modify the project. 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 the alternatives.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with a previously Mitigated Negative Declaration. 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-

Record Number: PLN-12966-CUP

Assessor's Parcel Number: 218-121-005

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Pipe Creek Canyon, Inc. Conditional Use Permit request.

WHEREAS, Pipe Creek Canyon, Inc., submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of existing 15,000 square feet of outdoor, light deprivation cannabis cultivation. The historic three cultivation areas would be consolidated into one cultivation area located on a former air strip; and

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

WHEREAS, 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 (Record Number: PLN-12966-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 7, 2019.

NOW, THEREFORE, be it resolved, determined, and ordered by the 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 findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-12966-CUP and support approval of the project based on the submitted substantial evidence; and
3. Conditional Use Permit (Record Number: PLN-12966-CUP) is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-12966-CUP.

Adopted after review and consideration of all the evidence on February 7, 2019.

Adopted after review and consideration of all the evidence on February 7, 2019.

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

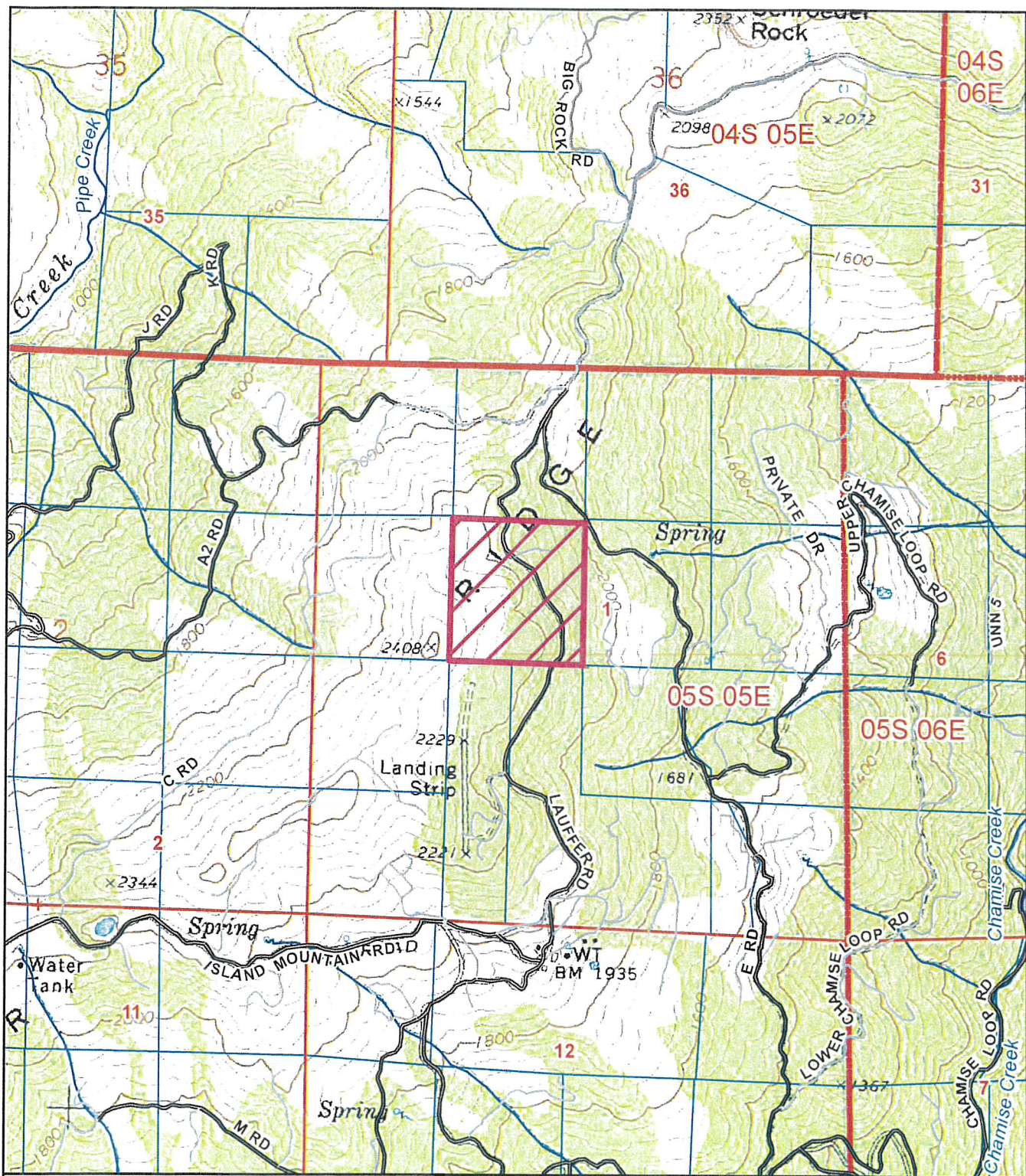
AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, 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 Planning Commission at a meeting held on the date noted above.

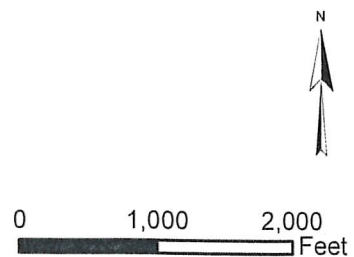
John Ford
Planning Commission
Planning and Building Department

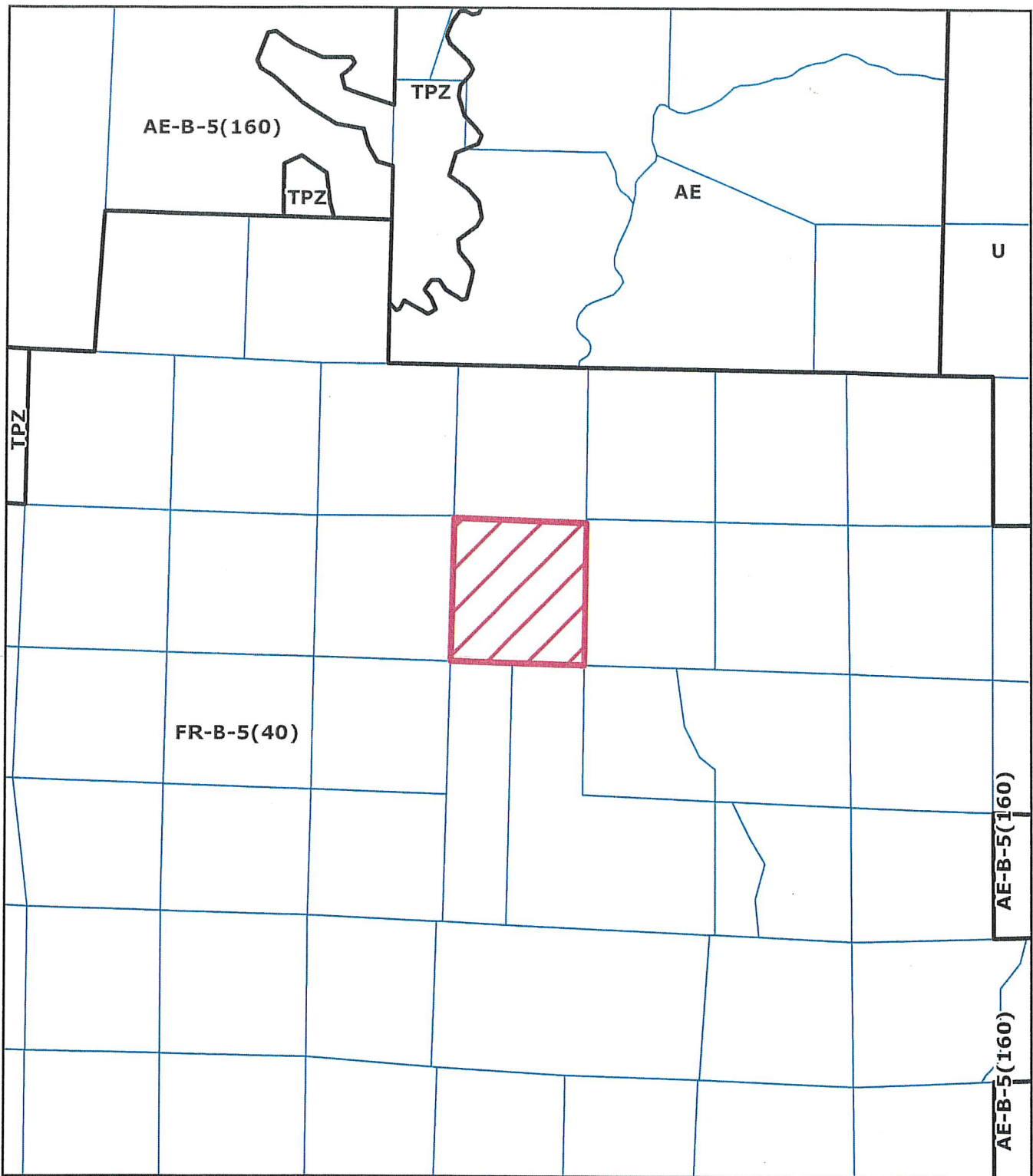



TOPO MAP
PROPOSED PIPE CREEK CANYON
PALO VERDE AREA
CUP-16-937
APN: 218-121-005
T05S R05E S1 HB&M (JEWETT ROCK)

Project Area = 

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





Project Area = 

**ZONING MAP
PROPOSED PIPE CREEK CANYON
PALO VERDE AREA
CUP-16-937
APN: 218-121-005
T05S R05E S1 HB&M (JEWETT ROCK)**

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.

0 1,000 2,000
Feet





Project Area =

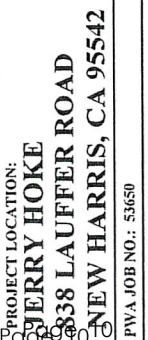


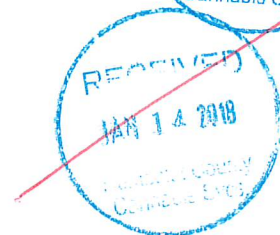
**AERIAL MAP
PROPOSED PIPE CREEK CANYON
PALO VERDE AREA
CUP-16-937
APN: 218-121-005
T05S R05E S1 HB&M (JEWETT ROCK)**

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.

0 1,000 2,000 Feet







ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND APPLICATION ASSISTANCE 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 and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3 through #17. 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 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.
3. At the time of filing the compliance agreement 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.
4. Within 60 days of the effective date, the applicant shall notify the California Department of Fish and Wildlife (CDFW) to determine if the construction of the water storage pond is jurisdictional. A Lake and Streambed Alteration Agreement shall be obtained from CDFW, and forbearance consistent with County Code Section 55.4.11(l) shall be implemented with adequate water storage provided.
5. Prior to cultivating in 2019 the applicant shall submit restoration plan prepared by a qualified professional that describes area(s) to be restored and methods of restoration.
6. If the well is found to be jurisdictional, the applicant shall obtain the appropriate surface water diversion rights from the California State Water Resources Control Board, the Division of Water Rights (see Ongoing Requirements/Development Restrictions Which Must be satisfied for the Life of the Project Condition #5). A copy of the water right registration or license or letter or similar communication from the State Water Resources Control Board verifying that this requirement has been met will satisfy this condition.
7. The Applicant shall use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The Applicant shall install additional water storage tanks, if needed.
8. The applicant shall secure permits for all 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.
9. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

10. The applicant shall obtain an encroachment permit from the Department of Public Works and construct the intersection improvements to the intersection of Lauffer Road and Island Mountain Road.
11. The applicant shall utilize portable toilet and handwashing facilities for cultivation employees only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees unless a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall demonstrate the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
13. The applicant shall obtain permits from the North Coast Regional Water Quality Control Board for repair or replacement of six water crossings. A letter or similar communication from the North Coast Regional Water Quality Control Board will satisfy this condition.
14. The applicant to contact the local fire service provider [Palo Verde Volunteer 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.
15. The applicant shall submit a copy of the final Water Resource Protection Plan (WRPP) for the site.
16. The applicant shall implement all corrective actions detailed within the WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, 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 Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
17. All noise generated from generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which requires the combined decibel level for all noise sources to be no more than 60 decibels at the property line.
18. If applicable, the applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
19. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning

fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
3. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
4. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
5. The applicant shall adhere to the standard CDFW Bullfrog Management Plan
6. The applicant shall annually inspect the on-site well to evaluate aquifer drawdown and present documentation to the Planning Department
7. No fish stocking shall be allowed without written permission from the CDFW pursuant to Section 6400 of the Fish and Game Code.
8. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
9. 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.
10. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
11. 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.
12. 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).

13. 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.
14. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
15. 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).
16. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
17. Pay all applicable application and annual inspection fees.
18. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring structures. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
19. 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.
20. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
21. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
22. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

23. 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."
24. 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).

25. Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - Employees must wash hands sufficiently when handling cannabis or use gloves.
26. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- 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:
 - Emergency action response planning as necessary;
 - Employee accident reporting and investigation policies;
 - Fire prevention;
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - Materials handling policies;
 - Job hazard analyses; and
 - Personal protective equipment policies, including respiratory protection.
 - Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - Operation manager contacts;
 - Emergency responder contacts;
 - Poison control contacts.
 - 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.
 - On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
27. All cultivators shall comply with the approved Processing Plan as to the following:
- Processing Practices.
 - Location where processing will occur.
 - Number of employees, if any.
 - Employee Safety Practices.
 - Toilet and handwashing facilities.
 - Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - Drinking water for employees.
 - Plan to minimize impact from increased road use resulting from processing.
 - On-site housing, if any.
28. 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 permittees and the permitted site have been found to comply with all conditions of approval.

29. 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 Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
30. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 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.
31. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- 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.
32. 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; and
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of 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.
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

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
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 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) 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; (2) the remaining sites identified in the Housing Element are adequate to accommodate the County's 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.

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

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems.</p> <p>Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses.</p> <p>Density range is 20 - 160 acres/unit.</p>	<p>The proposed project includes approximately 15,000 square feet of outdoor, light deprivation cultivation on a 40-acre parcel. General and intensive agriculture are allowable use types for this designation.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the project site is provided by Lauffer Road. According to the Road Evaluation Report completed by the Applicant, the project site located 0.5 miles from the intersection of Lauffer Road with Island Mountain Road. Island Mountain Road is developed to Road Category 4 standards. The Humboldt County Department of Public Works has recommended a condition of approval requiring improvements at the intersection of Lauffer Road and Island Mountain Road in compliance with County standards. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and construct the intersection improvements.</p>
Housing Chapter 8	<p>Goals and policies 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 policy: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project site is not part of the Housing Element's Residential Land Inventory. The project would not reduce the residential density for any parcel that is used by the Department of Housing and Community Development in determining compliance with housing element law.</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>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project site is not within or near a land use designation or zoning classification identified for the Local Open Space Plan (see Biological Resources Section 10.3 for additional discussion).</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project site consists of variable topography with slopes from less than 15% to 50%. The western portion of the parcel is grassland while the eastern portion of the parcel is forested. The CDFW resource map does not identify any threatened or endangered species on the subject parcel.</p> <p>According to the California Natural Diversity Database GIS data, there is no Northern Spotted Owl activity centers or observations in the vicinity of the project. There is land managed for habitat value for Marbled murrelet located 0.85 miles northwest of the project site. No artificial lighting would be used in operations. Noise generated from the generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which requires the combined decibel level for all noise sources to be no more than 60 decibels at the property line. These terms are included in the conditions of approval.</p> <p>Water for irrigation is an existing well. There are 200,000 gallons of water stored in bladders on the subject parcel. The applicant is proposing to develop a water storage pond near the proposed cultivation area to replace the bladders. The water storage pond cannot exceed the amount of water required to meet irrigation needs. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife regarding well used for irrigation and proposed pond construction. The applicant is required to adhere to the terms of conditions of the Final LSA Agreement,</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>upon issuance. If the well is found to be jurisdictional to CDFW, the applicant would be required to file documentation (<i>Initial Statement of Water Diversion and Use</i>) and obtain appropriate water rights for the water storage with the State Water Resources Control Board (SWRCB) regarding the volume of water diverted into the proposed pond.</p> <p>To address potential concerns to biological resources, conditions of approval require the applicant to submit a restoration plan prepared by a qualified person that describes area(s) to be restored and methods of restoration. The restoration plan shall also include a discussion of where the cultivation area(s) would be relocated on the subject parcel and why that location is environmentally superior to the current location, including a survey for rare plant species. To ensure waste is handled appropriately and reduces the impact on biological resources, the project is conditioned on all refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies 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>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center identified no previous investigations that included the project site and recommended a survey. The subject parcel is not located within the historic territory of a local tribe. The applicant hired Archaeological Research and Supply Company, who prepared A <i>Cultural Resources Investigation for Various Island Mountain Properties, Final Report</i>, dated May 2018. The report concluded there were no archaeological or cultural resources on the subject parcel. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</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>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves continued operation of an existing 15,000-square-foot outdoor cannabis cultivation operation. No artificial lighting would be used for this project.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. The applicant has been working with Pacific Watershed Associates (PWA) to comply with State and local regulations. In their letter dated November 14, 2017, PWA states there are five areas (including stream crossing maintenance) that require correction action to meet NCRWQCB standards (see letter in Attachment 3). Conditions of Approval required the Applicant to submit a copy of the final WRPP to the Planning Department and implement all corrective measures, which would require obtaining additional permitting from the California Department of Fish and Wildlife and NCRWQCB. The additional permitting is reflected in the conditions of approval.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The parcel is currently served by an Onsite Wastewater Treatment System (OWTS) that serves the primary residence. Temporary bathroom and handwashing facilities would be available on site for employees engaged in cultivation activities. Referral comments from the Department Environmental Health (DEH) require processing to be off-site until the applicant can provide a site suitability analysis showing the existing Onsite Wastewater Treatment System (OWTS) has the capacity to serve the additional persons on-site for cultivation and processing activities. The applicant is required to maintain invoice(s) or equivalent documentation to provide proof of continual use of the temporary facilities. Both requirements are included in the conditions of approval for the project.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies in this chapter discourage incompatible uses in 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 proposed project is continued operation of existing 15,000 square foot (SF) outdoor cultivation. The primary power sources for the subject parcel are generators for cultivation uses. Noise generated from the generator would comply with the standards set forth in Section 314-55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The County's GIS shows the site in an area designated as Highly Unstable (3). The majority of the site is mapped by USGS as having variable slopes from less than 15 – 50 percent. As a condition of approval, the graded areas and structures shall be reviewed by the County Building Division and would be reviewed for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located in an area designated as a high wildfire risk with a high fire hazard severity. The property is located within Palo Verde Volunteer Fire Protection District response area. The subject property is also located in the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. Cal Fire recommends compliance with the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>A maximum of 2 employees are required during peak operations. The site currently has several ponds that can be used for fire protection purposes. Conditions of approval require the applicant demonstrate the driveway, emergency vehicle turn around and water storage conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.</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 [Palo Verde Volunteer 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>
<p>Air Quality Element Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and/or building permits are referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 218-121-005 is comprised of one separate parcel as recorded in Book 1 of Parcel Maps Page 76. 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.
§314-7.3 Forestry Recreation §314-17.1 Special Building Site	<p>Forestry Recreation (FR): The FR District is intended to be applied to forested areas of the County in which timber production and recreation are desirable predominant uses and agriculture is the secondary use, and in which protection of timber and recreational lands is essential to the general welfare.</p> <p>Special Building Site (B-5): As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</p>	The applicant is seeking a Conditional Use Permit for an existing 15,000-square-foot outdoor cannabis cultivation operation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	1 acre	40 acres
Maximum Ground Coverage:	None specified	< 40 percent
Minimum Lot Width:	200 feet	1,284 feet
Minimum Lot Depth:	None specified	1,357 feet
Minimum Yard Setbacks: (Through the SRA requirements)	<p>Front: 20 feet Rear: 20 feet Side: 10 feet</p> <p>SRA: 30 feet, all sides</p>	<p>Front: >30 feet Rear: >30 feet Side: >30 feet</p>
Max. Building Height:	35 feet	< 35 feet

§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are several streams and ponds subject to the Streamside Management Area Ordinance. The relocation of cultivation removes cannabis related activity from the buffers of the streams.
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *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.	There is adequate space for 2 parking spaces.

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

§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. 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.	The parcel is zoned FR-B-5(40). The parcel contains both grassland and forestland. There are three cultivation areas that the applicant proposes to consolidate into one primary location in the south-western portion of the subject parcel in a location previously used as an airstrip. Prior to cultivating in 2019, conditions of approval require the applicant to obtain approval from the Planning Department for a restoration plan prepared by a qualified professional that describes area(s) to be restored and methods of restoration. The restoration plan shall also include a discussion of rare plants and general suitability of the site to confirm that the location is environmentally superior to the current location.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts U (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.	The proposed action is a Conditional Use Permit for 15,000 square feet of existing outdoor cultivation on APN 218-121-005, which is a 40-acre parcel zoned FR-B-5(40). Aerial imagery on TerraServer® indicate that existing cultivation operations on the property prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant would comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant (Pipe Creek Canyon) has no other pending cannabis activity permits and is entitled to four. This application is for one permit. If approved, the applicant would hold one cannabis activity permit.

§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.	The applicant is proposing to construct a building for processing activities appurtenant to on-site cultivation, which would require a modification to this permit. No cannabis cultivated under the control of others would be brought to this location. Based on comments received from the Department of Environmental Health, the project is conditioned on processing occurring off-site until the applicant can provide the Department of Environmental with a site suitability analysis showing the existing Onsite Wastewater Treatment System (OWTS) has the capacity to serve the additional persons on-site for cultivation and processing activities.
§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.	A Commercial Cannabis Registration Form for APN 218-121-005 was filed with the Planning Division on July 26, 2016, and within the specified time frame.
§314-55.4.10 Application Requirements	Identifies the information required for all applications.	Attachment 3 identifies the information submitted with the application and shows that 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 time frame of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Approximately 250,000 gallons of water is required annually to meet operational needs. Water for domestic and irrigation use is sourced from an existing well. Currently, water storage totals 200,000 gallons in bladders. Conditions of the approval require the applicant to replace the bladders with hard-sided tanks or a water storage pond. The applicant is required to notify the Department of Fish and Wildlife to determine if the well is jurisdictional. If found to be jurisdictional, the applicant is required to file water rights documentation (<i>Initial Statement of Water Diversion and Use</i>) and obtain appropriate water rights for water storage with the State Water Resources Control Board (SWRCB) regarding the volume of water diverted. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife regarding well used for irrigation and proposed pond construction. The applicant is required to adhere to the terms of conditions of the Final LSA Agreement, upon issuance. If the well is found to be jurisdictional to CDFW, the applicant would be required to file documentation (<i>Initial Statement of Water Diversion and Use</i>) and obtain appropriate water rights for the water storage with the State Water Resources Control Board (SWRCB) regarding the volume of water diverted into the proposed pond.</p>
<p>§314-55.4.11.d Performance Standards – Setbacks</p>	<p>The area of cannabis cultivation and on-site processing 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, public park, or tribal cultural resources.</p>	<p>The proposed cultivation areas are setback 30-feet from any property line, school, school bus stop, church or other place of religious worship, public park or tribal cultural resources.</p>

§314-55.4.11.o Performance Standards – Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible to 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 US Fish and Wildlife Service.	The primary power sources for the subject parcel are generators and solar systems for cultivation uses. Noise generated from the generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which requires the combined decibel level for all noise sources to be no more than 60 decibels at the property line. These terms are included in the conditions of approval.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 29, 2016.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§ 312-17.1.4 Required Findings	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 would not be detrimental to the public health, safety, and welfare since no reviewing referral agencies have recommended denial of the proposed project and the commercial cannabis operation would be conducted in accordance with the properties or performance standards set forth in the CMMLUO. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§ 312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with the housing element.	The project site is not located within a Housing Opportunity Zone, as defined by the 2014 Housing Element. Additionally, the project would not reduce the residential density for any parcel. No residences exist onsite and the property would continue to operate within the property's established density of one dwelling unit per 20 to 160 acres.

- 6. Environmental Impact:** The following is the evidence which supports finding that the proposed development is consistent with the California Environmental Quality Act and 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, 2015. 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, including relocating the cultivation areas to an environmentally superior location that would reduce the impacts of the proposed development. The environmental document on file includes 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***

APN 218-121-005, 838 Lauffer Road, Garberville, County of Humboldt

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

January 2019

Background

Modified Project Description and Project History - The project involves a Conditional Use Permit (CUP) an existing 15,000 square foot (SF) outdoor cannabis cultivation operation and a proposed water storage pond. Cultivation activities extend from April to December. Plants would be grown in a combination of containers and beds. The applicant proposes two harvests annually. An approximately 4,000 square foot appurtenant nursery structure is also proposed along with an approximately 2,000 square foot drying facility. Until constructed processing would occur at a licensed processing facility. A maximum of two employees would be required to meet operational needs.

Pre-2016 cultivation consisted of three separate cultivation areas. The applicant proposes to relocate the cultivation areas to a centrally located outdoor cultivation area on a former air strip. The area is relatively flat, being graded prior to 2014. Reorganization of the cultivation areas removes cultivation out of proximity to watercourses.

Water for irrigation uses is provided from an existing well. The existing ponds on the subject parcel are not used for irrigation needs. Approximately 250,000 gallons of water is required annually to meet operational needs. Currently, water storage totals 200,000 gallons in bladders. The applicant proposes to develop a water storage pond near the cultivation area on the former air strip to replace the bladders.

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."

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be

substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 15,000 square foot commercial cannabis operation and to construct 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.

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (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 California Department of Fish and Wildlife. (Condition of approval)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of

timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site 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. Road Evaluation Report. (Attached).
16. Status and schedule of ongoing and future activities on APN 218-121-005 as they pertain to the requirements of the landowner's Humboldt CMMLUO permit application, prepared by Pacific Watershed Associates, dated November 14, 2017. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana Permits/Clearances (CCM). (On file)
18. A Cultural Resources Investigation for Various Island Mountain Properties, Final Report, prepared by Archaeological Research and Supply Company, dated May 2018. (On file and confidential)
19. Well Completion Report. (Attached)
20. Relocation Proposal. (Attached)

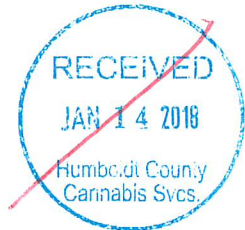
Airstrip Project

Operation Plan

parcel# 218-121-005

application# 12966

by: Thomas Richards



Water source/Storage/Irrigation Plan/Projected Usage

Water source

Source: 1) well

Water Storage

Storage: 4— 50,000 gallons bladder tanks for a total of 200,000 gallons of storage.

The plan is to build a pond as soon as permitting allows and to remove bladder tanks as soon as possible.

Irrigation plan

An extensive drip irrigation system is utilized. Each plant is watered by drip, insuring uniformed distribution. Water timers are utilized to insure proper watering schedule. In case of timer failure, back-up volume/ flow metered valves are inline.

Projected water usage

It is projected that we will use all 200,000 gallons of storage and 40,000 to 50,000 from well for a total of 250,000 gallons.

Site Drainage

In general, this property drains toward the northeast with several small ponds located throughout it.

Measure of Protection of Watershed and Habitat

Gardens are set back at least 200 feet from class 2 water course.
Gardens are set back at least 50 feet from class 3 water course.
Gardens are "put to bed" for the winter rainy season. All garden space are covered with straw.
Waddles are used for additional erosion control
Bulk soil is centralized, covered with tarps and surrounded by waddles
Soil in grow pots are covered and tarped
Main garden area is being relocated to insure setback from wetland
All fertilizers are stored in one secure location with in secondary containment
All fuels are stored in one secure location with in secondary containment
All fertilizers and pesticides meet organic standards.

Protocols for Fertilizers/ Pesticides/Fuels

All fertilizers and Pesticides are stored in one secure location
All fuels are stored in one secure location
Amendments and fertilizer are added at the beginning of grow season by mixing and tilling soil.
During the growth cycle, beneficial teas are made and foliar feed to plants.
During Growth cycle, several fertilized teas are given as a soil drench
During flowering, fertilizers are supplied through drip Irrigation as a root drench.

Pesticides ---

Protective gear is provided - respirator, tyvek suit ,gloves

The reading and following of directions of the material handling sheet are required for appliers

Pesticides are only used at dusk to insure beneficial insects are least affected

Pesticides are only applied in low wind conditions

All pesticides meet Omri organic standards

Pesticides used: Dr. Zymes, Grandevo,,Pest-Out, Plant Therapy

Cultivation Activities

Total cultivation is 15,000 sq. ft. Outdoor cultivation will be implemented. A combination of growing containers and raised beds will be used.

Processing

The general plan for this property is to build a drying/processing facility in proximity to the cultivation site. This was not possible this last season and it is the hope that this can happen this coming year. Drying and basic bucking will happen at this site. Harvested material will be sent to a third part manufacturing facility to be processed into oil or tincture.

Cultivation Cycles

The hope is to have two harvest per year. An April planting and a July planting. Harvests will happen late June and October.

Schedule of Activities

Jan.: off / fill bladders	
Feb.: start seeds starts/ fill bladders	
March: maintenance	Total generator hours:20
April: fill bladders/ plant first planting	T.G.H. 20
May: maintenance	T.G.H. 20
June: maintenance/ harvest and drying	T.G.H. 60
July: planting, maintenance, bucking of harvested material, send material to processor	T.G.H:60
Aug.:maintenance	T.G.H:20
Sept.: maintenance	T.G.H:15
Oct.: harvest, bucking of harvested material	T.G.H :150
Nov.: harvest, buck flowers ,send material to processor, winterizing begins	T.G.H:150
Dec. finish processing / cleanup and prepping for winter	T.G.H. 65

Security Plan

Cultivation site is behind a locked gate and is at the far end of the property. I The plan is to install security cameras. There is a phone tree system set up in our community in case of an incident and at sensitive times of year we expect to an active presence on the roads.

Energy usage/Generator Usage

As of now PGE power is not supplied to the site. Power lines are located about 600 ft. from the site. The plan is to utilize solar and wind to supply a small distribution system to meet current needs. A generator will we used sparingly during pesticide application for an estimated total of 4-5 hours per week during height of growing season. During harvests, generator usage will increase for drying purposes. During this peak time, generator usage could increase to 150 hours in a month. A Honda EU 2000 will be used. The EU2000i operates at 53 to 59 dBA which meets property line noise setbacks. Well power is from solar.

Personnel

1 employee will be needed for growing the full 15,000 sq. ft. At peak times (planting and harvest) there will be the need for one more additional employee, for a total of 2 persons.

Sanitation

Porta Potties will be supplied at garden site.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: THOMAS RICHARDS APN: ~~121~~-218-121-005-

Planning & Building Department Case/File No.: 12966

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

From Road (Cross street): ISLAND MOUNTAIN ROAD

To Road (Cross street): AIR STRIP DRIVEWAY TURN OFF

Length of road segment: 1/2 MILE miles Date Inspected: 5/10/18

Road is maintained by: ☒ County ☐ Other
(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.

Thomas Richards
Signature

5/18/18
Date

THOMAS RICHARDS
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.

From: 7072235376@mms.uscc.net
Subject:
Date: December 6, 2018 at 3:05 PM
To: thomas5011@icloud.com




Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.



From: 7072235376@mms.uscc.net
Subject:
Date: December 6, 2018 at 3:05 PM
To: thomas5011@icloud.com




Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.

From: 7072235376@mms.uscc.net 
Subject:
Date: December 6, 2018 at 3:04 PM
To: thomas5011@icloud.com




Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.

From: 7072235376@mms.uscc.net 
Subject:
Date: December 6, 2018 at 3:04 PM
To: thomas5011@icloud.com




Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.

From: 7072235376@mms.uscc.net 
Subject:
Date: December 6, 2018 at 3:04 PM
To: thomas5011@icloud.com



Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.

From: 7072235376@mms.uscc.net 
Subject:
Date: December 6, 2018 at 3:03 PM
To: thomas5011@icloud.com



Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.

apps#
129666



PACIFIC WATERSHED ASSOCIATES INC.

P.O. Box 4433 • Arcata, CA 95518-4433
Phone 707-839-5130 • Fax 707-839-8168
www.pacificwatershed.com



November 14, 2017

Humboldt County Building and Planning Department
3015 H Street
Eureka, California 95501

Re: Status and schedule of ongoing and future activities on APN# 218-121-005 as they pertain to the requirements of the landowner's Humboldt CMMLUO permit application

Introduction

This letter serves to provide you with a status report of the progress of current and planned activities related to the Humboldt County Planning Department Medical Marijuana Land Use Ordinance (CMMLUO) permit and land use application for commercial cannabis cultivation on APN #218-121-005. Pacific Watershed Associates (PWA) is working with Mr. Hoke, the owner of this property and is familiar with the existing and proposed future activities. The goal of PWA's services is to help the landowner bring the property into compliance with certain State and County land use and environmental regulations and to provide maximum environmental protection as required by the California Department of Fish and Wildlife (CDFW), the State Water Resources Control Board (Division of Water Rights)(SWRCB-DWR), the North Coast Regional Water Quality Control Board (NCRWQCB), Humboldt County and other regulatory agencies.

Below is a list of identified activities that are currently ongoing or are proposed, with landowner concurrence, for future planning, design and implementation on the property. The status of these measures and required actions are based on PWA's field site visits, review of the proposed operations plan for the property, work that has already been completed or is currently in progress, communications with Mr. Hoke and his agents, and conversations with pertinent regulatory agency personnel familiar with regulatory requirements.

A. North Coast Regional Water Quality Control Board

- (1) The property is currently enrolled in the NCRWQCB Waiver of Waste Discharge Program, Order No. 2015-0023¹. Included in the CMMLUO application and progress report are the Order's Notice of Intent (NOI) and the Monitoring and Self-Reporting Program forms (MRP, Appendix C) for 2015 and 2016 for this parcel. The WOWD for this property is 1B161453CHUM, which is located in the sub-watersheds of 180101050401 and 180101050405.
- (2) PWA staff conducted a site visit on this property and are in the process of a) developing an itemized list of issues that need to be corrected, b) suggesting methods of approaching corrective

¹ Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects ("Order").

measures and c) working with the Mr. Hoke to develop a timeline for corrective measures to be implemented and requirements met. Timelines are also included within Appendix C of the NCRWQCB Self-Monitoring and Reporting Program (MRP). See attached.

(3) A Water Resource Protection Plan (WRPP) associated with the NCRWQCB's Waste Discharge Waiver Program is currently being developed for this property. The WRPP contains an analysis of the property's, and the operation's compliance with the 12 Standard Conditions for water quality protection and restoration included in the Order.

(4) As noted within the MRP – this property is compliant with Standard Conditions

- a. 1) Site maintenance, erosion control and drainage features
- b. 4) Spoils Management
- c. 6) Irrigation Runoff
- d. 7) Fertilizers and soil amendments
- e. 8) Pesticides and herbicides and,
- f. 10) Cultivation-related wastes.

(5) Standard Conditions that need improvement are:

- a. **2) Stream crossing maintenance.** This property does not meet the Standard Condition because there are six (6) stream crossings with either miss-aligned or undersized culverts. Two crossings are located along County Road E which has been winterized to include water-bars and other road drainage features; maintenance of this road is reportedly the responsibility of the adjacent neighbor. Improvements to this standard condition is anticipated to happen concurrently with road projected maintenance work to be completed in the summer of 2019.
- b. **3) Riparian and wetland protection and management.** This property did not meet all of this standard condition due to cultivation areas and water storage facilities being too close to a creek or stream and, due to the presence of an on-stream pond. Planning for relocating the cultivation areas and the domestic water tank are underway for spring 2018 and waiting for CMMLUO permit issuance. The on-stream pond along with the associated in-diversion dam culverted crossing, are to be evaluated by a licensed engineer for decommissioning design plans. Permitting will be applied for this pond in conjunction with the other stream and riparian related work needed. It is anticipated that this standard condition will be met by late 2018 or 2019.
- c. **5) Water Storage and Use.** There is currently approximately 12,650 gallons of hard tank storage on the property with an approximate 286,000-gallons in three (3) ponds on the property and 150,000 storage in bladders, there was sufficient storage to practice forbearance this year. The bladders are for temporary storage. Mr. Hoke is seeking to construct a rainwater catchment pond and will be working with engineers for the design and permitting. Additionally, Mr. Hoke has been informed that the current well on the property cannot be not retroactively permitted, a permit application to drill a well near the existing well location; the permit is pending the CMMLUO permit issuance. In June 2017 Mr. Hoke, with the assistance of PWA submitted an Initial Statement of Water Diversion and Use (ISDU) application with the State Water Resources Control Board, Division of Water Rights (SWRCB-DWR) for the domestic water diversion. Mr. Hoke is currently awaiting a determination from the state Water Board and with PWA assistance, will be applying for Small Domestic Use (SDU) and Cannabis Cultivation Use permits. It is anticipated that this standard condition will be met by late 2019.

- d. **9) Petroleum products and other chemicals.** At the time of PWA's site visit there were various vehicles, heavy equipment and fuel storage, to include an above ground 500 gallon un-used tank, about the property. From this site visit the vehicles, heavy equipment and fuel storage have been consolidated in one location to include spill kits. The fuels are stored within a secondary containment, an EPA number (#CAC002922642) has been issued for disposal and Mr. Hoke is working with the local fire department for a community wide fuel disposal effort. The fire department is seeking grant funding for this community based effort to remove fuels by a licensed and certified specialist. While this meets with the NCRWQCB standard condition, PWA recommends and the County will require that a full inventory of hazardous materials be conducted. An anticipated completion date would be fall on 2018.
- e. **11) Refuse and human waste.** Upon PWA's site visit, this site appeared maintained with refuse being removed from the property at regular intervals and being stored in an enclosed area in the interim. The main living quarters on the property is served by an unpermitted septic system dating back to the late 1980's when the residence was constructed. Currently PWA intends on conducting wet weather percolation testing during the 2018 wet weather season and from these results make recommendations for either upgrading and/or design for relocating the septic system. It is anticipated that these finding will be complete and permits applied for the work as needed by summer 2018 with implementation to follow.

B. State Water Resources Control Board (Division of Water Rights)

Pacific Watershed Associates is working with the Mr. Hoke to address Water Procurement, Storage, and Rights. The following actions are included in the long term water infrastructure development plan and we are working with the landowner to move forward on the following plans and actions:

- (1) Conducting an engineered evaluation of the existing three (3) ponds with an estimated total volume of 286,000-gallons,
- (2) Design and installation of a rainwater harvesting catchment pond to supply all irrigation needs and fill water storage during the rainy season to ensure the ability to practice forbearance;
- (3) An Initial Statement of Diversion and Use (ISDU) was filed for the domestic water source, a creek diversion, with PWA's assistance in June 2017 for the 2016 water usage year. Currently PWA and Mr. Hoke are awaiting a registration number. Supplemental statements will be filed annual as required by the SWRCB-DWR;
- (4) An application for a Small Domestic Use (SDU) water appropriation for domestic water uses will be filed once the ISDU registration has been issued;
- (5) An application for a Small Irrigation Use – Cannabis Cultivation (SIU-CC) water registration/appropriation will be filed when it becomes available;

C. Humboldt County

PWA and Mr. Hoke recognize that several activities proposed for this property may require permitting and approval through Humboldt County. Upon the conditional and/or provisional approval of the CMMLUO land use permit application, PWA will advise the landowner of additional tasks that should be initiated and completed in a timely fashion.

- (1) Development of needed grading permits for an upper landing that was created prior to Mr. Hoke's ownership of the property and any soils analysis needed for the proposed project work (e.g., roads, pond development and pond decommissioning, parking areas, pads, etc.) and/or for retroactive permitting for work that was previously performed;
- (2) Submission of application for development or disturbance to a Streamside Management Area (SMA) or other wetland areas on the property as needed;

- (3) Design and installation of a new or upgraded onsite wastewater treatment system (OWTS) permitted through HCDEH, or investigations indicating that any existing system is adequate;
- (4) Upgrade of the existing road network, including grading permits and other environmental permitting when needed;
- (5) Road paving, road surfacing (gravel) and road drainage and culvert work where required for steep road reaches, stream crossings or roads near streams as needed;
- (6) Decommissioning of selected portions of the existing or legacy road network, including grading permits and other environmental permitting when appropriate.

D. Permitting and Other Regulatory Requirements and Approvals

PWA and Mr. Hoke understand that other actions may need to be implemented to protect natural resources on the property. These are generally managed by several overlapping regulatory agencies who have responsibility for their protection and restoration. PWA is working with and advising landowners to meet these requirements and implement the needed actions.

- (1) The domestic water diversion on this property, any culvert/stream crossing upgrades, and the existing ponds will require a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW).
- (2) These project may also require the preparation and submittal of applications for 401 Water Quality Certifications and Section 404 Clean Water Act permits for the discharge of pollutants or impacts to navigable waterways, streams and wetlands. These are submitted to the NCRWQCB and ACOE, respectively;
- (3) Where required, PWA can assist with obtaining wetland surveys and delineation, cultural resource surveys, and rare and endangered plant surveys to avoid or mitigate impacts to sensitive land areas and resources, as required by regulatory agencies;
- (4) If required, assist with obtaining compliance with CAL FIRE Fire Safe regulations and access requirements, as needed; and with CAL FIRE conversion rules and requirements, as needed and requested.

PWA hopes this letter provides you with sufficient information on the status of certain ongoing and planned activities for this property and which is needed for you to process the landowner's CMMLUO permit application. PWA is currently coordinating, involved in, and/or working with Mr. Hoke and his agents in various capacities, primarily to address land management, land stewardship, land use, environmental permitting, and/or other geologic, erosion control, water quality and engineering design work.

If you have any further questions, or would like additional detail on any of the services and project work we are providing to this landowner, please don't hesitate to contact me at 707-839-5130 or on my cell phone at 707-496-8604.

Sincerely,

PACIFIC WATERSHED ASSOCIATES INC.



Margo Moorhouse, PWA Staff Biologist

margom@pacificwatershed.com

cc.: [Mr. Hoke, landowner]

Relocation Proposal

218-121-005-000

Application# 12966

GENERAL PROJECT INFORMATION

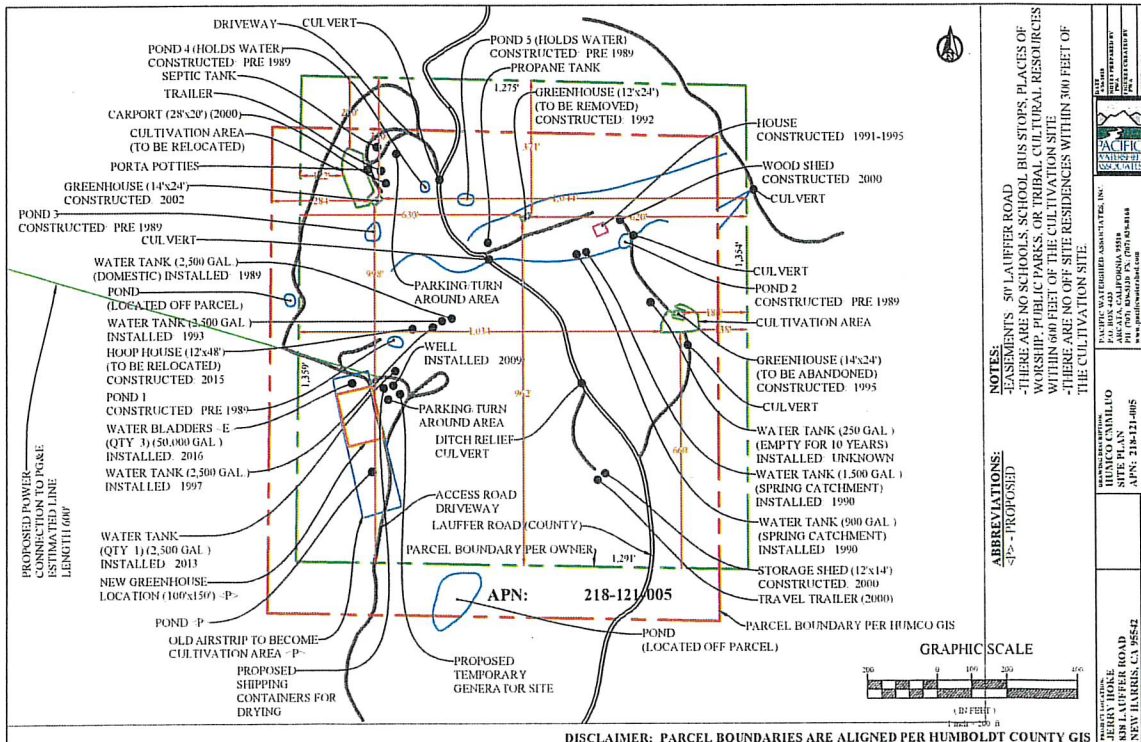
PROJECT TOTAL SQUARE FOOTAGE: 18,500

Existing garden space:

- 1) garden space 1 has 10,000 sq. ft.
- 2) garden space 2 has 5,000 sq. ft.
- 3) hoop house space has 3,500 sq. ft.

Detriments to existing space:

- 1) proximity to watercourse issues at both sites
- 2) slope over 15% contained in garden space 1
- 3) possible proximity to property line issues with garden space 1
- 4) insufficient access to garden space 2



Garden site 1



Relocation site:

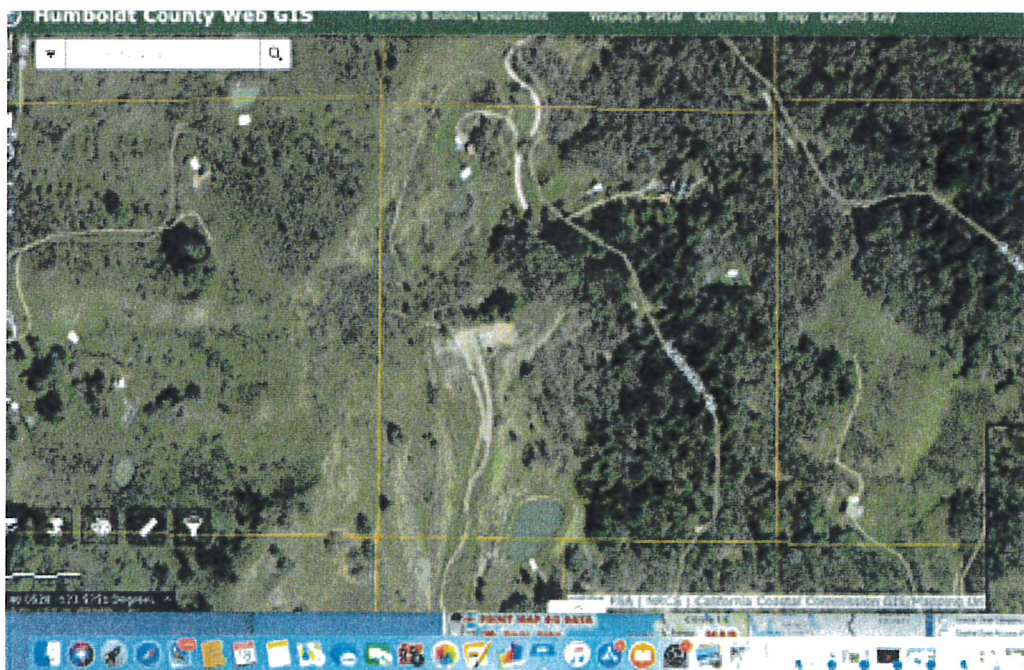
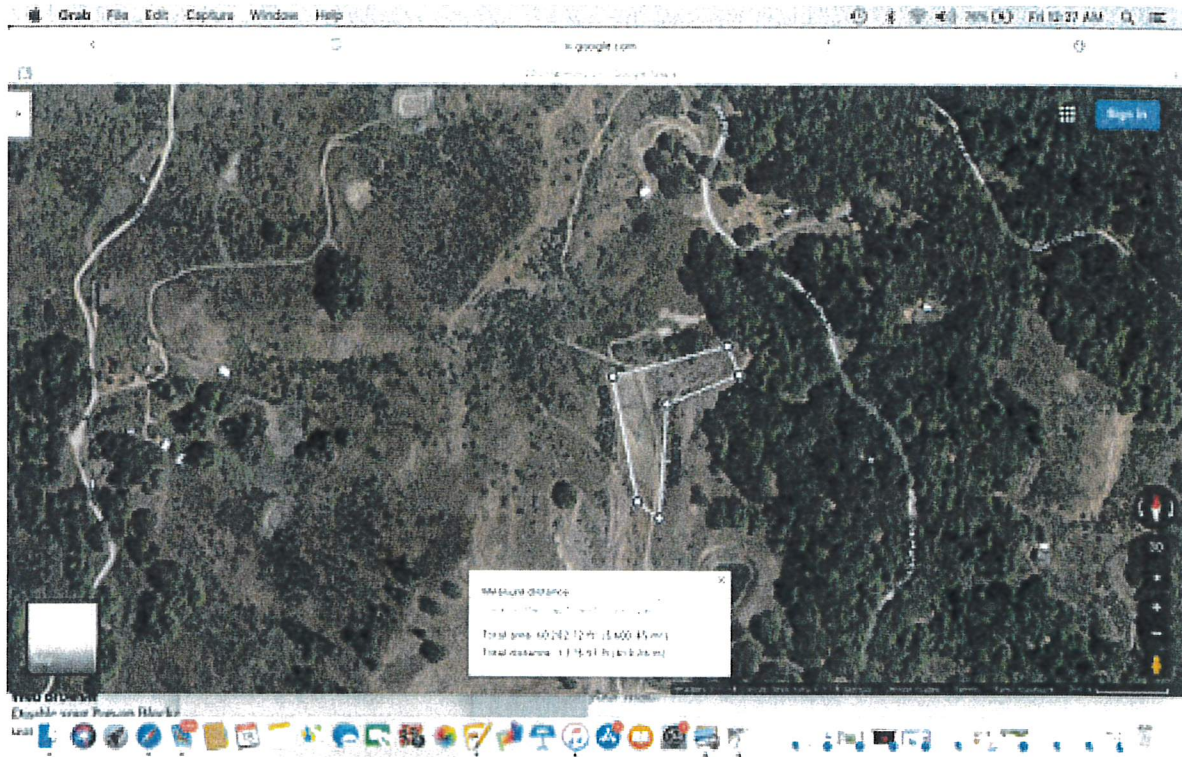
Over 1.5 acres of previous decommissioned airstrip



Benefits:

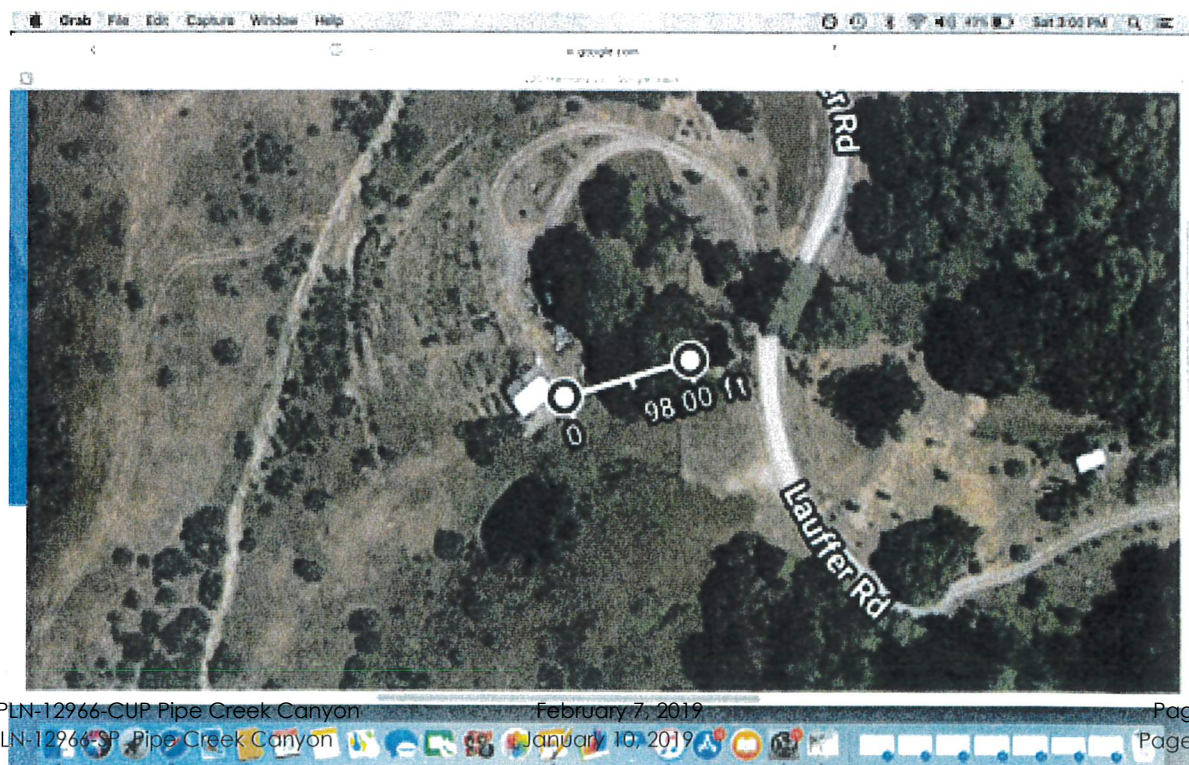
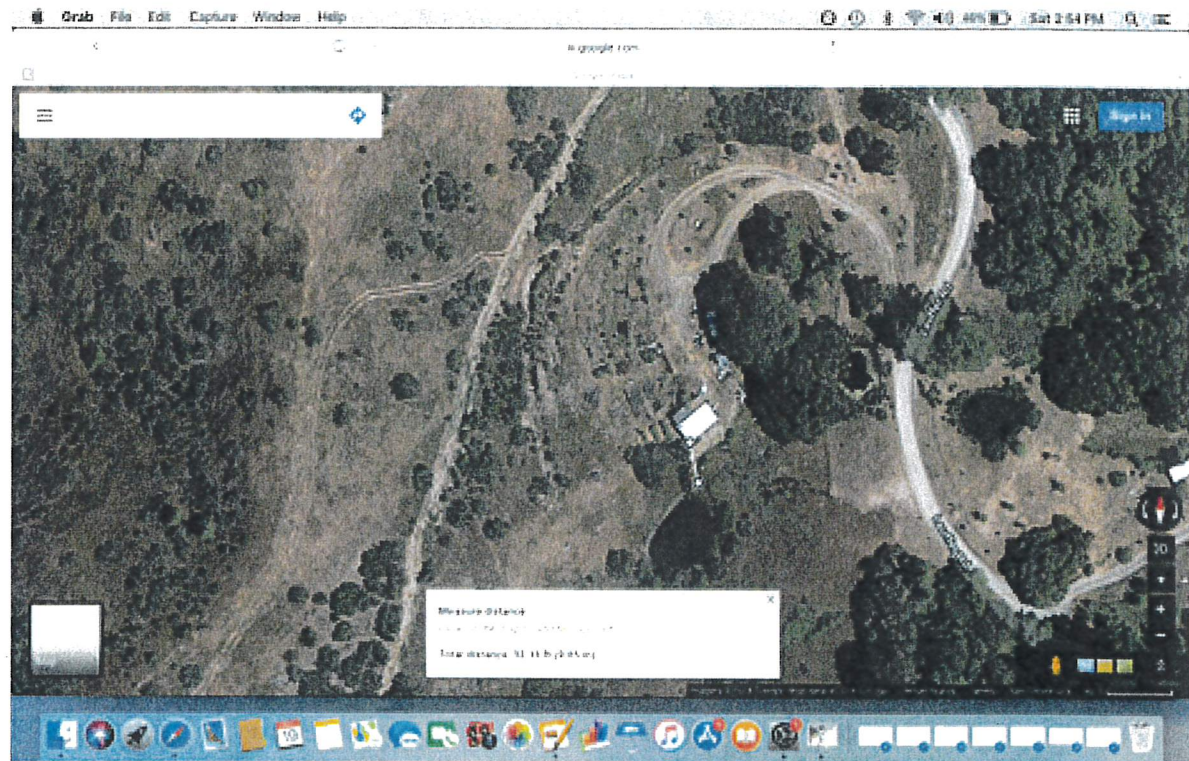
- 1) isolated from watercourses
- 2) flat pre disturbed ground
- 3) easy access
- 4) closer to ridge
- 5) ability to centralize and contain all cultivation to one environmentally appropriate area
- 6) more secure— farther from the county road
- 7) meets property line and proximity to households requirements

Parcel maps



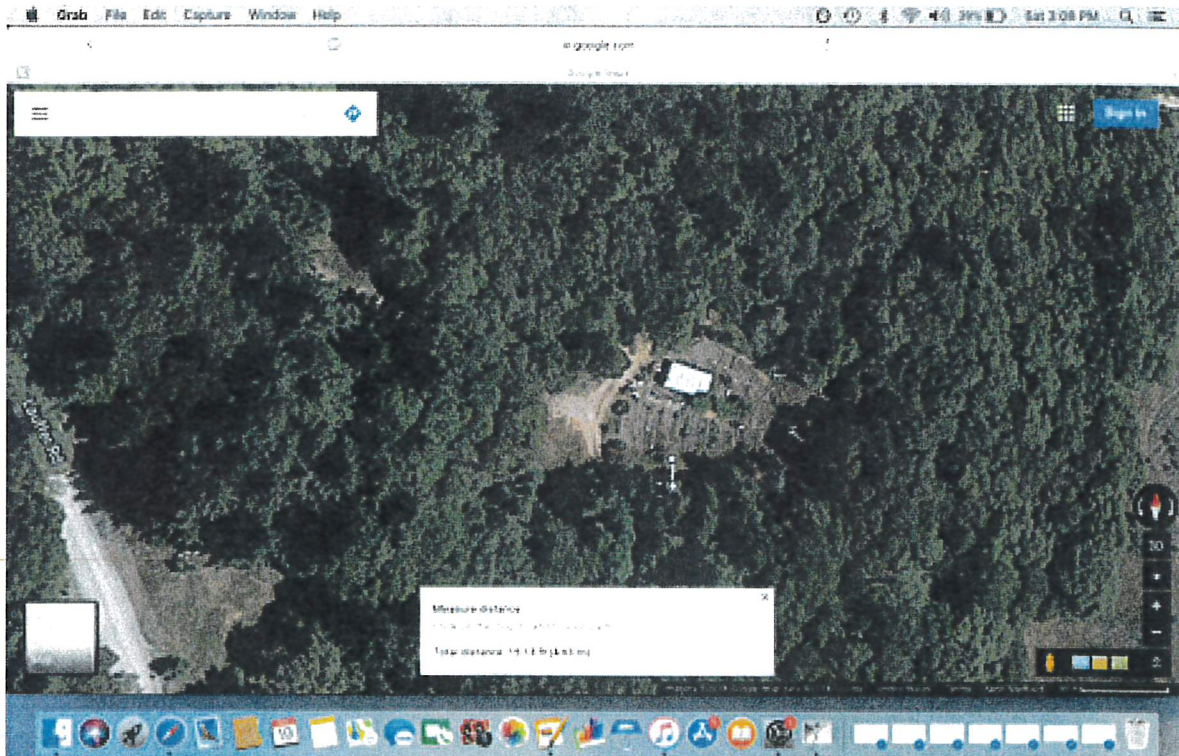
Garden space 1

Garden to water course: 32ft. and 98ft.



Garden Space 2

Garden to watercourse: 15 ft.




Documentation of proximity to stream @ Garden Site 2

From: 7072235376@mms.uscc.net
Subject:
Date: January 15, 2019 at 7:33 PM
To: thomas5011@icloud.com



Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.



From: 7072235376@mms.uscc.net 
Subject:
Date: January 15, 2019 at 7:32 PM
To: thomas5011@icloud.com



Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.



From: 7072235376@mms.uscc.net &
Subject:
Date: January 15, 2019 at 7:33 PM
To: thomas5011@icloud.com



Thank you for using Picture and Video Messaging by U.S. Cellular. See www.uscellular.com for info.



From: 7072235376@mms.uscc.net
Subject:
Date: January 15, 2019 at 7:33 PM
To: thomas5011@icloud.com



\$373.00

FIW, TRIBE

RECEIVED
JUN 30 2017
Environmental Health
Humboldt County
Planning Division

100 H Street, Suite 100, Eureka, CA 95501
phone: (707) 445-6215 fax: (707) 441-5699

16/17-1670

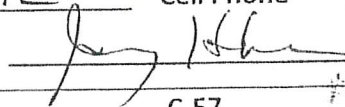
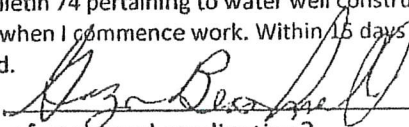
WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by
Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address	838 Lauffer Rd.	APN	218 121-005-000
City/State/Zip	Garberville, CA 95542	CA	
Directions to Site	1st 40 Aust Heartwood		
Applicant	Bushnell ENTERPRISES	Contact	George
Mailing Address	649 Bear Creek rd	Work Phone	(707) 923-2104
City/State/Zip	Garberville, CA. 95542	Cell Phone	(707) 498-3437
Property Owner	Jerry Holke	Home Phone	707-9234935
Mailing Address	318 Lauffer Rd.	Work Phone	
City/State/Zip	Garberville, CA. 95542	Cell Phone	
I hereby grant 'right-of-entry' for inspection purposes 			
Drilling Contractor	George Bushnell	C-57	
		License #	403708
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature:			
Would driller like a copy of approved application?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> U.S. Mail address:	649 Bear Creek rd Garb, CA. 95542		
<input type="checkbox"/> Email address:			
Type of Application:	Construction:	Intended Use:	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.)	<input type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.)	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.)	<input checked="" type="checkbox"/> Irrigation	
	Sealing Material	<input type="checkbox"/> Other	

Estimated Work Dates:

Start 10-28-16

Casing:

Diameter (in.) 5"

Type of Sewage System:

☐ Community Sewer

☐ OWTS (Septic)

Distance from well site
to OWTS None

Completion 10-29-16

Material PVC

Special Requirements/Comments:

PLOT PLAN

FOR OFFICE USE ONLY

Fee: \$373.00 CASH

Date: 4-28-17

Receipt: 214621

Project #: 16/17-1070

Site Approved by: _____

Site Finaled Date: _____

Sealed to Depth of: _____

Seal observed: ☐ Yes ☐ No

Final Approved Date: _____

paid for by Jerry Hoke

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.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Health and Human Services Environmental Health Division	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
Department of Fish & Wildlife		Comments	Attached
NWIC	✓	Further study	On file with Planning
Humboldt County Sheriff		No response	
North Coast Regional Water Quality Control Board		No response	
Southern Humboldt Joint Unified School District		No response	
District Attorney		No response	
Agriculture Commissioner		No response	



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



11/7



9/8/2017

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, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District School District, Humboldt County Sheriff

Applicant Name Pipe Creek Canyon **Key Parcel Number** 218-121-005-000

Application (APPS#) 12966 **Assigned Planner** () - **Case Number(s)** CUP16-937

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 9/23/2017

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

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

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

☒ Other Comments: SEE ATTACHED COMMENTS + PHOTOS IN FILE UNDER APP#

DATE: 11/27/17

PRINT NAME: MARC PHIPPEN

218-121-005



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.: 44947 / 12906
Parcel No.: 218-121-005
Case No.: CUP16-937

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing, electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: SEE PHOTOS ATTACHED TO CUP FILE
UNDER AP#

Name: MARC PHIPPEN

Date: 11/27/17

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.

RECEIVED
SEP 20 2017Humboldt County
Planning Division**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272Ref: 7100 Planning
Date: September 20, 2017John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501**Attention:** Cannabis Planner (CPOD)
Applicant: Pipe Creek Canyon, Inc.
APN: 218-121-005-000
Area: Palo Verde
Case Numbers: CUP16-937**Humboldt County Application #:** 12966
Type of Application: Conditional Use Permit
Date Received: 9/12/2017
Due Date: 9/23/2017

Project Description: Pipe Creek Canyon seeks a Conditional Use Permit for 15,000 square feet of existing outdoor cannabis cultivation. The water source comes from a well. Water storage included four (4) 50,000 gallon bladder tanks. Drying occurs on-site in two (2) shipping containers and processing occurs off-site in a property affiliated with Pipe Creek Canyon. No information of power source was given.

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 UnitFor **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.

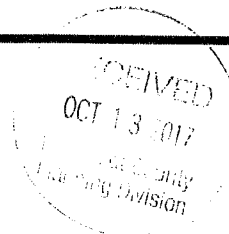
State Responsibility Areas:

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.

Zander, AnaCena

From: Lake, M. Isaac@CALFIRE <M.Lake@fire.ca.gov>
Sent: Sunday, October 08, 2017 3:27 PM
To: Planning Clerk; HUU CEQA@CALFIRE
Subject: APN: 218-121-005-000 Pipe Creek Canyon



12966

No additional comments from B-1211

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



California Department of Fish and Wildlife
CEQA Referral Checklist

Applicant: Pipe Creek Canyon		Date: 11/8/2018	
APPS No.: 12966	APN: 218-121-005	DFW CEQA No.: 2017-0742	Case No.: CUP16-937
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 15,000 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

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

- ☒ It appears that the cultivation site was relocated to a different area on the parcel, post January 1, 2016, and prior to permit approval. Given that the cultivation site prior to 2016 was located within the SMA, relocation to a more environmentally suitable location would have been requested. The current location of the cultivation appears to be located on a flat surface that was graded prior to 2014. Given the site-specific circumstances, the current site of cultivation may be environmentally superior to the pre-existing location. However, due to the relocation, prior to environmental analysis, the Department requests protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the cultivation site. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>. Following survey completion, submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).

c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.

- ☒ 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.
- ☒ Identify all energy sources for project.
 - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment. Generators and associated fuels should be located outside of the floodplain and a minimum of 200 feet from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
 - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro-hydropower systems located on the parcel.
- ☒ All or part of the Project is located within the CDFW recommended minimum setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers. CDFW requests confirmation of this setback prior to Project approval.
- ☒ Aerial imagery suggests that full-sun outdoor cultivation methods were utilized prior to January 1, 2016.

Please note the following information:

- ☒ Water for this Project is sourced from a groundwater well. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ 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.
- ☒ The referral materials state that there is a constructed pond(s) onsite. CDFW requests:
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
 - That the applicant submit a Notification of Lake or Streambed Alteration, pursuant to Fish and Game Code Section 1602.
- ☒ 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.

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

Please confirm that you have received this email.

Sincerely,

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

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0742-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of two total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of two total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.