



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

---

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

Hearing Date: September 19, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Domeside Gardens, LLC**  
Record Number: PLN-11414-SP  
Assessor's Parcel Number: 221-061-016  
3780 Thomas Road, Myers Flat area

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Please contact Meghan Ryan, Senior Planner, at (707) 445-7541 or by email at [mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

| Hearing Date       | Subject         | Contact     |
|--------------------|-----------------|-------------|
| September 19, 2019 | Special Permits | Meghan Ryan |

**Project Description:** A Special Permit for an existing 9,700-square-foot commercial cannabis operation, consisting of 8,100 square feet (sf) of outdoor cultivation and 1,600 sf of mixed light cultivation. The applicant is proposing to re-organize outdoor and mixed light cultivation in the pre-existing cultivation footprint. The estimated annual water use for irrigation is 100,009 gallons. There is a total of 80,000 gallons of water storage in an existing rainwater catchment pond. The applicant proposes to increase storage by 30,000 gallons in hard-sided tanks. Processing will occur on-site in existing structures and off-site at a licensed processing facility. The project includes development of a processing facility for drying and trimming. A maximum of five employees are required for operational needs. Power will be provided by generators. The proposed project also includes a Special Permit for development with a Streamside Management Area. The applicant proposes restoration of an existing 60,000-gallon pond located in the northwestern corner of the subject parcel. The applicant proposes to install a point of diversion in an unnamed spring in the Salmon Creek watershed to provide additional water supply for irrigation. The proposed project also includes a Special Permit to reduce the 600-foot setback from adjacent public lands owned by the Bureau of Land Management.

**Project Location:** The project is located in Humboldt County, in the Myers Flat area, on the west side of Thomas Road, approximately 2.97 miles west from the intersection of Thomas Road and Salmon Creek Road, and approximately 660 feet north from the intersection of Thomas Road and a private driveway, on the property known as 3780 Thomas Road.

**Present Plan Land Use Designations:** Residential Agriculture (RA-40) (Humboldt County General Plan, 2017), Density: 5 to 160 acres per dwelling unit, Slope Stability: High Instability (3)

**Present Zoning:** (U) Unclassified

**Record Number:** PLN-11414-SP

**Assessor Parcel Number:** 221-061-016

**Applicant**

Domeside Gardens, LLC  
PO BOX 1383  
Redway, CA 95560

**Owner**

Sharon Amirault  
PO Box 1383  
Redway, CA 95560

**Agent**

Steve Luu  
SL Consulting Services  
973 Dowler Drive  
Eureka, CA 95501

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

**Major Issue:** None.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.



**Domeside Gardens, LLC**  
Record Number: PLN-11414-SP  
Assessor's Parcel Number (APN): 221-061-016

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the 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 Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Domeside Gardens, LLC, project subject to the recommended conditions.*

**Executive Summary**

The proposed Special Permit (SP) would allow existing mixed light cannabis cultivation of 1,600 square feet (sf) and outdoor cannabis cultivation of 8,100 sf, with accessory cannabis processing, on a legal parcel zoned Unclassified (U) of approximately 39 acres. In compliance with the CMMLUO. Review of TerraServer aerial imagery from 2015 and Google Earth Imagery from 2014 confirms the prior existence of cannabis cultivation areas and their respective sizes. Based on a review of the site plan and aerial imagery dating back to 2004, the footprint of the developed area that hosts cannabis operations aligns with a non-timberland open area.

The applicant is proposing to re-organize the mixed light and outdoor cultivation areas in the footprint of existing cultivation; there would be no expansion and no relocation of cultivation areas outside of the established, existing footprint of cannabis cultivation. The Existing Site Plan shows that current cultivation facilities consist of four mixed light greenhouses totaling approximately 1600 sf (three 288 sf greenhouses located 400 feet to the northwest of the residence and one 800 sf greenhouse located near the residence) and 8,100 sf of open-air outdoor cultivation (one 2,900 sf field located in the northwest corner of the parcel near the 60,000-gallon pond proposed for rehabilitation, one 1,500 sf field located near the residence, and one 3,700 sf outdoor field also located near the residence). The applicant proposes to convert the three 288 sf greenhouses to 860 sf of outdoor cultivation in this same footprint, and to construct two 800 sf mixed light greenhouses near the residence, in the footprint of the 3,700 sf outdoor area that is proposed to be reduced in size to 2,100 sf. Additionally, the 800 sf mixed light greenhouse will be converted to an outdoor cultivation greenhouse. The outdoor fields may be converted to light deprivation greenhouses in the future, but the footprint and square footage will not change. The applicant is also proposing to construct a 1,500 sf on-site non-commercial nursery just south of the residence for starts and getting plants to size. As a condition of approval, all necessary permits for grading and construction will be acquired for these projects. Prior to construction of the new nursery building, the site will be surveyed by a qualified biologist as a condition of project approval. All greenhouses will have permeable floors. The mixed light greenhouses will typically have two cultivation cycles per year, while the outdoor greenhouse will have one cultivation cycle per year. Any greenhouse proposed or existing that uses supplemental light will be subject to a comprehensive Light Pollution Prevention Plan, which is included as a condition of approval.

The estimated annual water use for this project is 100,009 gallons. Irrigation of plants uses top-feed hand watering methods in mixed light greenhouses and drip emitters in outdoor. The applicant has provided a monthly irrigation schedule, which is on file within Appendix B of the Cultivation/Operations Plan. Water for cultivation is currently being supplied by two ponds on the

parcel: an 80,000-gallon pond and a 60,000-gallon pond. The 60,000-gallon pond located in the northwest corner of the parcel will be rehabilitated, per request of the CDFW and as a condition of this project's approval. Part of this pond's water storage capacity is proposed to be replaced by six 5,000-gallon hard-sided water tanks for a total 30,000 gallons of storage. The applicant also proposes that the rehabilitated pond water source be replaced by a new water diversion. Rehabilitation of the pond and the installation of a new diversion is incorporated into this Special Permit's provision for development within a Streamside Management Area. As a condition of project approval, the applicant must obtain a Lake and Streambed Alteration Agreement for the new proposed diversion and comply with forbearance requirements for this diversion. There is sufficient water storage between the 80,000-gallon pond and proposed tanks to meet the forbearance requirements. The applicant is also required, as a condition of project approval, to file an Initial Statement of Water Diversion and Use and a Small Irrigation Use Registration with the State Water Resources Control Board for the proposed new diversion.

Notification of Lake and Streambed Alteration was submitted to the California Department of Fish and Wildlife (CDFW) on December 19, 2017, for other proposed and existing encroachments on the property, including both ponds, a point of diversion from a spring for domestic use, a ditch relief culvert, and maintenance, replacement, installation, or removal of five road stream-crossings. If the 80,000-gallon pond is determined to be jurisdictional, a Lake or Streambed Alteration Agreement (LSAA) will be drafted, and forbearance consistent with Section 55.4.11 (I) shall be implemented, with adequate additional water source and storage provided as a condition of project approval. In the case of a jurisdictional waters determination, the applicant would also be required, as a condition of project approval, to file an Initial Statement of Water Diversion and a Small Irrigation Use Registration with the Division of Water Rights of the State Water Resources Control Board. As an additional condition of approval related to continued maintenance of the 80,000-gallon pond, a bullfrog management plan will be prepared and submitted to the CDFW.

The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the north of the project site. The northernmost greenhouse is located approximately 425 feet south of the BLM parcel. The adjacent public lands falls within an area of "Essential Habitat Connectivity" and there is close proximity to Northern Spotted Owl (NSO) habitat. The corridors connect blocks of relatively undisturbed lands and have project designed to improve ecological processes and reduce wildlife threats. Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise). In their response dated August 2, 2019, BLM staff indicated the conditions were appreciated and additional concerns include rodenticide use and access. Based on the Road Evaluation Report submitted by the applicant, access to the subject parcel does not cross lands owned by the BLM. According to the applicant, no rodenticides are used during operations. The project is conditioned prohibiting the use of rodenticides for the light of the project. Planning staff replied to the BLM staff with additional information. No additional comments were received. Staff thinks that the project will not adversely impact connectivity of habitat as approximately one-half acre (1.25%) of the 40-acre parcel is developed. Conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise.

The first mixed light cultivation cycle will begin in May, along with the outdoor cultivation cycle. The second mixed light cultivation cycle will begin in July. Harvesting activities will begin in July for the mixed light cultivation, and in September for outdoor cultivation. Harvested plants are currently dried onsite in a 209-square-foot dry shed for 7-10 days with fans. A 1,965-square-foot residence will be used for processing an estimated 2,500-3,000 sf of the cannabis canopy for a

provisional two-year compliance period. The remaining canopy will be trimmed offsite at a licensed processing facility or sold as bulk bio-mass during the two-year provisional period. As a condition of project approval, all processing will either be moved off-site or into a commercial building proposed for construction on the property by the end of the two-year compliance period. The applicant is proposing to construct a new 1,500-square-foot commercial shop building for processing all cannabis grown onsite. As a condition of approval, all necessary permits for grading and construction will be acquired for the processing facility, and the site will also be surveyed by a qualified biologist, with avoidance and mitigation measures developed as appropriate.

During the peak harvest and processing season, there will be an estimated total of five employees onsite. As indicated on the site plan, there is adequate off-street parking available on-site, including five spaces in close proximity to where the majority of the cultivation and processing will take place. Portable toilets will be provided onsite for the use of the employees. The Humboldt County Division of Environmental Health (DEH) requires as a condition of approval that an invoice, or equivalent documentation be provided to confirm the continual use of the portable toilets to serve the needs of the cultivation staff prior to reissuance of the annual permit. Additionally, DEH requires the applicant to provide an acceptable site suitability report that can establish potential for an onsite waste treatment system (OWTS), and the installation of a OWTS to serve the onsite processing facility proposed for construction beyond the two-year compliance period. There is a permitted OWTS (DEH #17/18-0174) serving the residence.

Access to the site is from a private driveway, via Thomas Road, via Salmon Creek Road. The Division of Public Works (DPW) requested the preparation of Road Evaluation reports for roads used to access the parcel. The self-submitted Road Evaluation for the private driveway stated that the road is developed to the equivalent of a road Category 4 standard. The other road segments had previous reports submitted by a civil engineer from Stillwater Sciences. In a Technical Memorandum, dated 10/03/2017, Stillwater Sciences provided an analysis of three separate road segments, beginning with Salmon Creek Road at Maple Hills Road and extending to the entrance to the private driveway of this project. The civil engineer has certified that while these individual road segments are not equivalent to Category 4 standard, all of these roadways can accommodate the cumulative increased traffic from this project and all known cannabis projects. DPW has requested, as a condition of project approval, that for the County road-private road intersection on Thomas Road, the intersection will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the County road to meet commercial driveway standards. DPW has also requested, as a condition of project approval, that the civil engineer's recommendations for improvement of Segment 3 of the evaluated roadways be included as a condition of project approval.

Electricity for cultivation operations will be provided by a 14 kW Kohler propane generator. Domestic electricity and electricity used for processing activities, will be provided by a 8.5 kW Kohler propane generator. All current generators are enclosed in the back of the dry shed, approximately 100 feet from the east border of the parcel and approximately 23 feet from the nearest tree line. The applicant has provided information in the Cultivation/Operations Plan which demonstrates that noise at the property line will be less than 60dB. The nearest mapped Marbled murrelet habitat is located approximately 0.49 miles to the south of the project site. Staff incorporated conditions that requires supplemental lighting used for cultivation or in the appurtenant nursery must be Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used.

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no

one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Case Number: PLN-11414-SP  
Assessor's Parcel Number: 221-061-016**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Domeside Gardens, LLC, Special Permits request.**

**WHEREAS**, Domeside Gardens, LLC, submitted an application and evidence in support of approving the Special Permit to permit an existing 9,700 square feet of cultivation consisting of 8,160 square feet outdoor and 1,600 square feet mixed light cultivation areas with accessory processing; and to allow for development (rehabilitation of a previously installed pond and installation and use of a new agricultural diversion, subject to forbearance requirements) in a Streamside Management Area and reduce the 600-setback from public lands; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and supporting substantial 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 substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number PLN-11414-SP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 19, 2019.

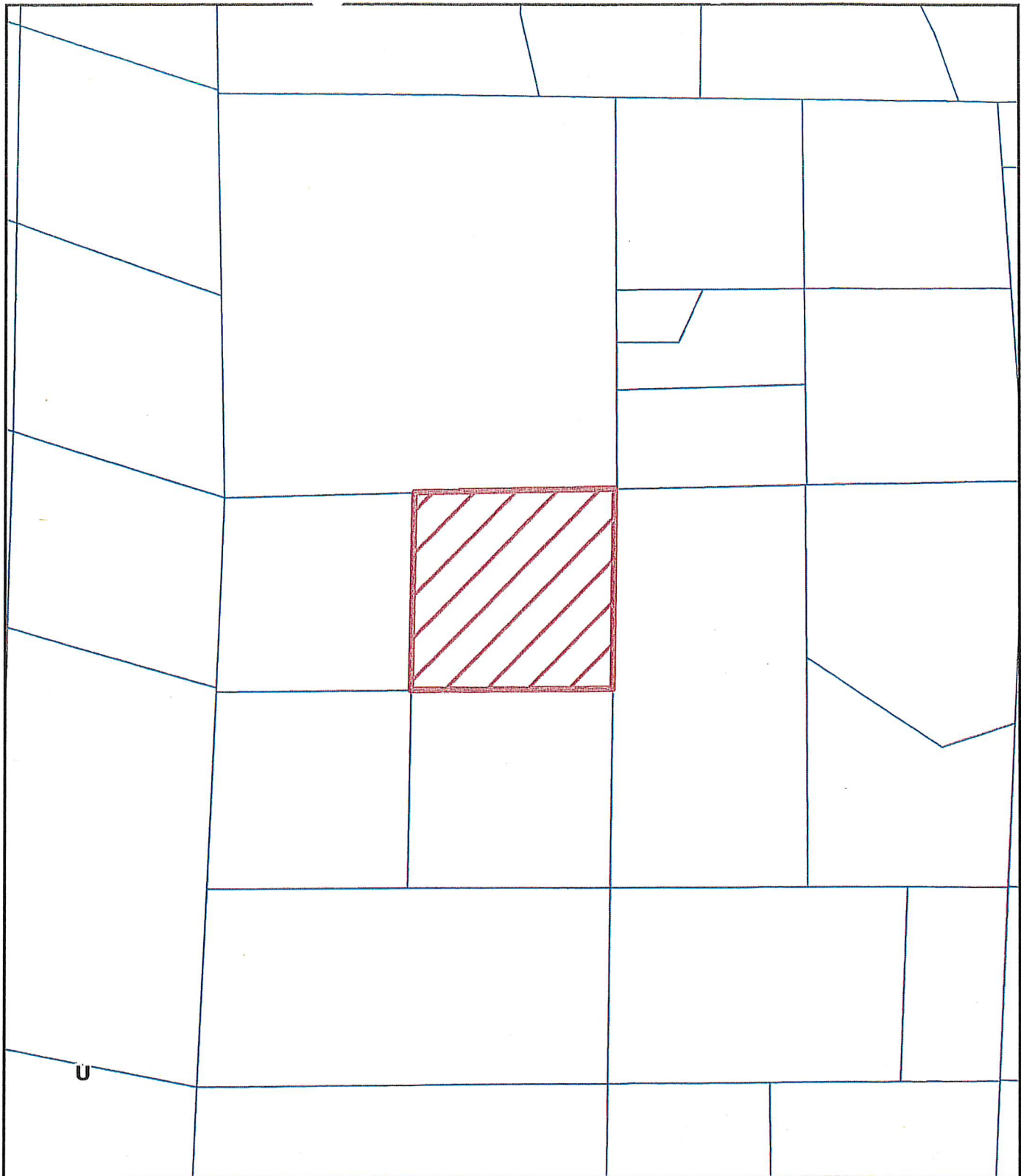
**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Case Number PLN-11414-SP based on the submitted substantial evidence; and
3. Special Permit Case Number PLN-11414-SP is approved as recommended and conditioned in Attachment 1,

Adopted after review and consideration of all the evidence on September 19, 2019.

---

John Ford  
Zoning Administrator  
Planning and Building Department



Project Area =



**ZONING MAP  
PROPOSED DOMESIDE GARDENS LLC  
SALMON CREEK AREA  
SP-16-220  
APN: 221-061-016-000  
T03S R02E S9 HB&M (ETTERSBURG)**



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.

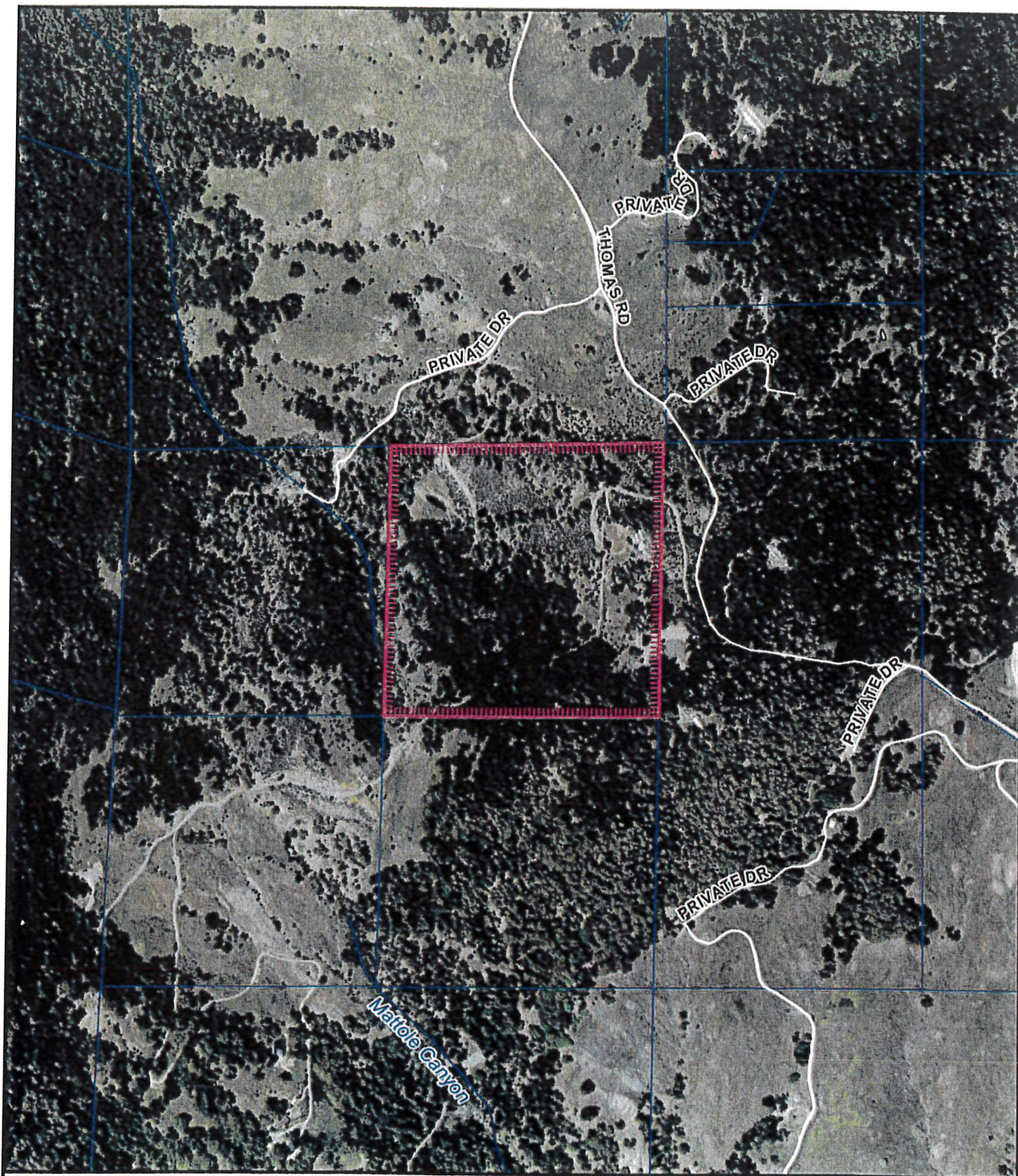
PLN-11414-SP Domeside Gardens, LLC

September 19, 2019

0 1,000 2,000 Feet

- Page 8





# **AERIAL MAP**

Project Area = 

**PROPOSED DOMESIDE GARDENS LLC  
MYERS FLAT AREA  
SP-16-220**

**APN: 221-061-016**

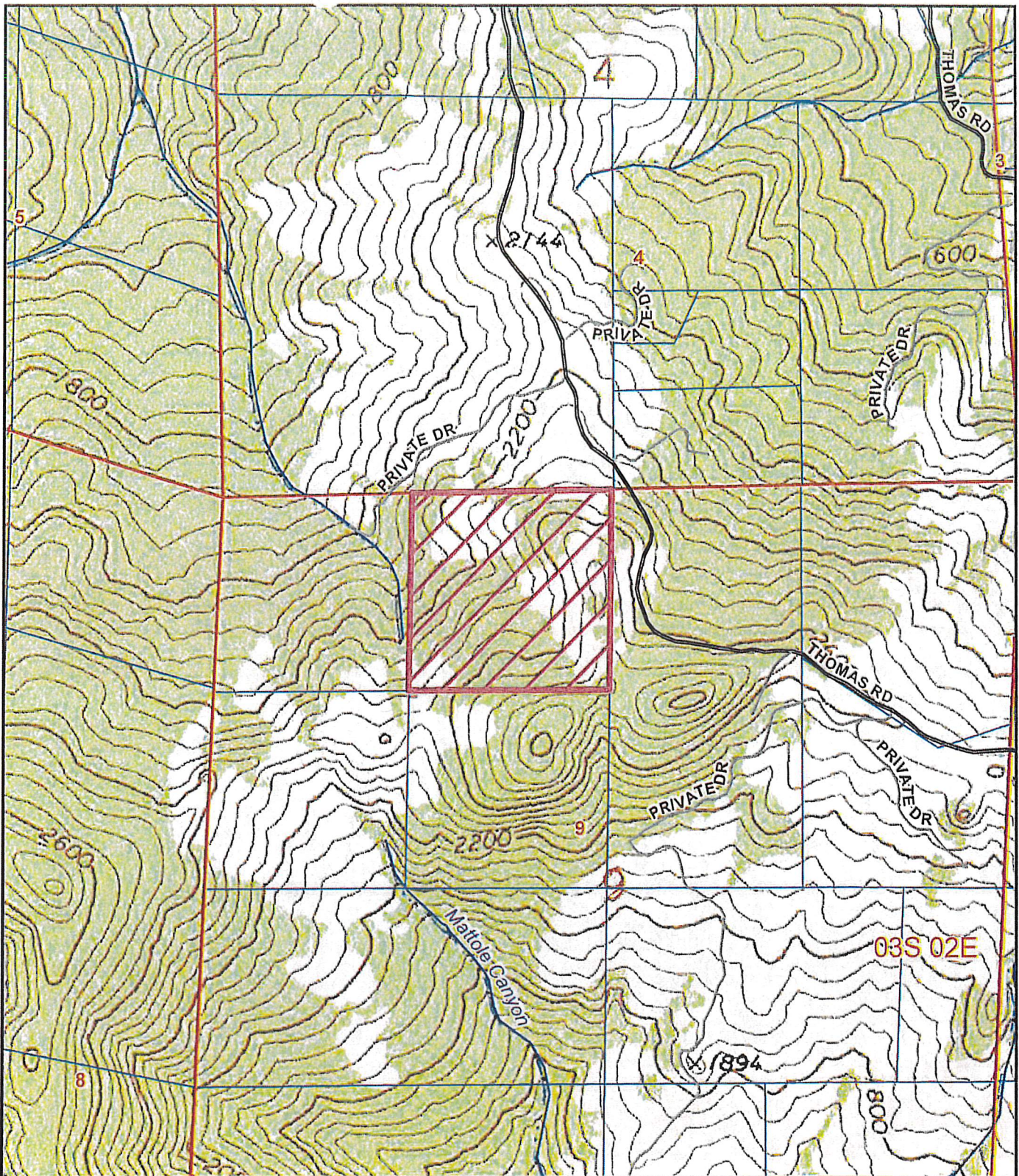
**T03S R02E S9 HB&M (ETTERSBURG)**

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.



0 250 500  
Feet



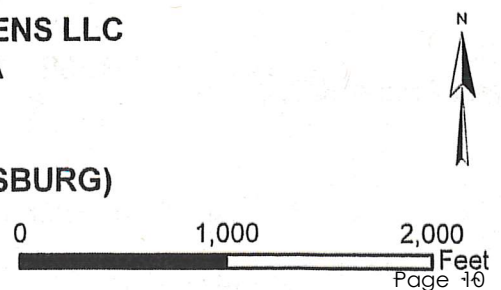


Project Area = 

**TOPO MAP**  
**PROPOSED DOMESIDE GARDENS LLC**  
**SALMON CREEK AREA**  
**SP-16-220**  
**APN: 221-061-016-000**  
**T03S R02E S9 HB&M (ETTERSBURG)**

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.  
 PLN-11414-SP Domeside Gardens, LLC

September 19, 2019





RECEIVED

By mjasper at 1:16 pm, Nov 20, 2018



VICINITY MAP  
NOT TO SCALE

**DIRECTIONS TO SITE:**  
FROM EUREKA, CA  
-HEAD SOUTHBOUND ON US-101  
(APPROX. 52.5 MILES)  
-TAKE EXIT 653 FOR SALMON CREEK RD  
-TURN RIGHT ONTO SALMON CREEK RD  
AND STAY ON SALMON CREEK RD  
(APPROX. 2.8 MILES)  
-TURN LEFT ONTO THOMAS RD  
(APPROX. 4.6 MILES)  
-THOMAS RD BECOMES UPPER THOMAS RD  
(APPROX. .6 MILES)  
-UPPER THOMAS RD BECOMES THOMAS RD,  
STAY ON THOMAS RD  
(APPROX. 3.2 MILES)  
-PROJECT SITE DRIVEWAY ON LEFT

# DOMESIDE GARDENS, LLC. MIXED LIGHT AND OUTDOOR CULTIVATION SPECIAL PERMIT

APN: 221-061-016

## PROJECT INFORMATION:

**APPLICANT:**  
DOMESIDE GARDENS, LLC.  
P.O. BOX 1383  
REDWAY, CA 95560

**PROPERTY OWNER:**  
SHARON AMIRALTA  
P.O. BOX 1383  
REDWAY, CA 95560

**OWNERS AGENT:**  
STEVEN LUU  
SL CONSULTING SERVICES, INC  
973 DOWLER DR  
EUREKA, CA 95501

**SITE ADDRESS:**  
APN: 221-061-016  
3780 THOMAS RD  
WHITETHORN, CA 95589

TREES TO BE REMOVED = NONE

OUTDOOR CULTIVATION AREA = 8,160 SQ. FT.  
MIXED LIGHT CULTIVATION AREA = 1,600 SQ. FT.

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE  
SEWER = PRIVATE

PARCEL SIZE = ±38.98 ACRES

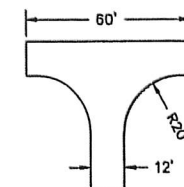
ZONING: = U (UNCLASSIFIED)  
GENERAL PLAN DESIGNATION = AL40 (FRWK)

## BUILDING SETBACKS:

|       | U   | SRA |
|-------|-----|-----|
| FRONT | 20' | 30' |
| SIDE  | 5'  | 30' |
| REAR  | 10' | 30' |

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES  
IN COASTAL ZONE: = NO  
IN 100 YR FLOOD ZONE: = NO



SRA HAMMERHEAD  
TURN AROUND DETAIL

## SHEET INDEX:

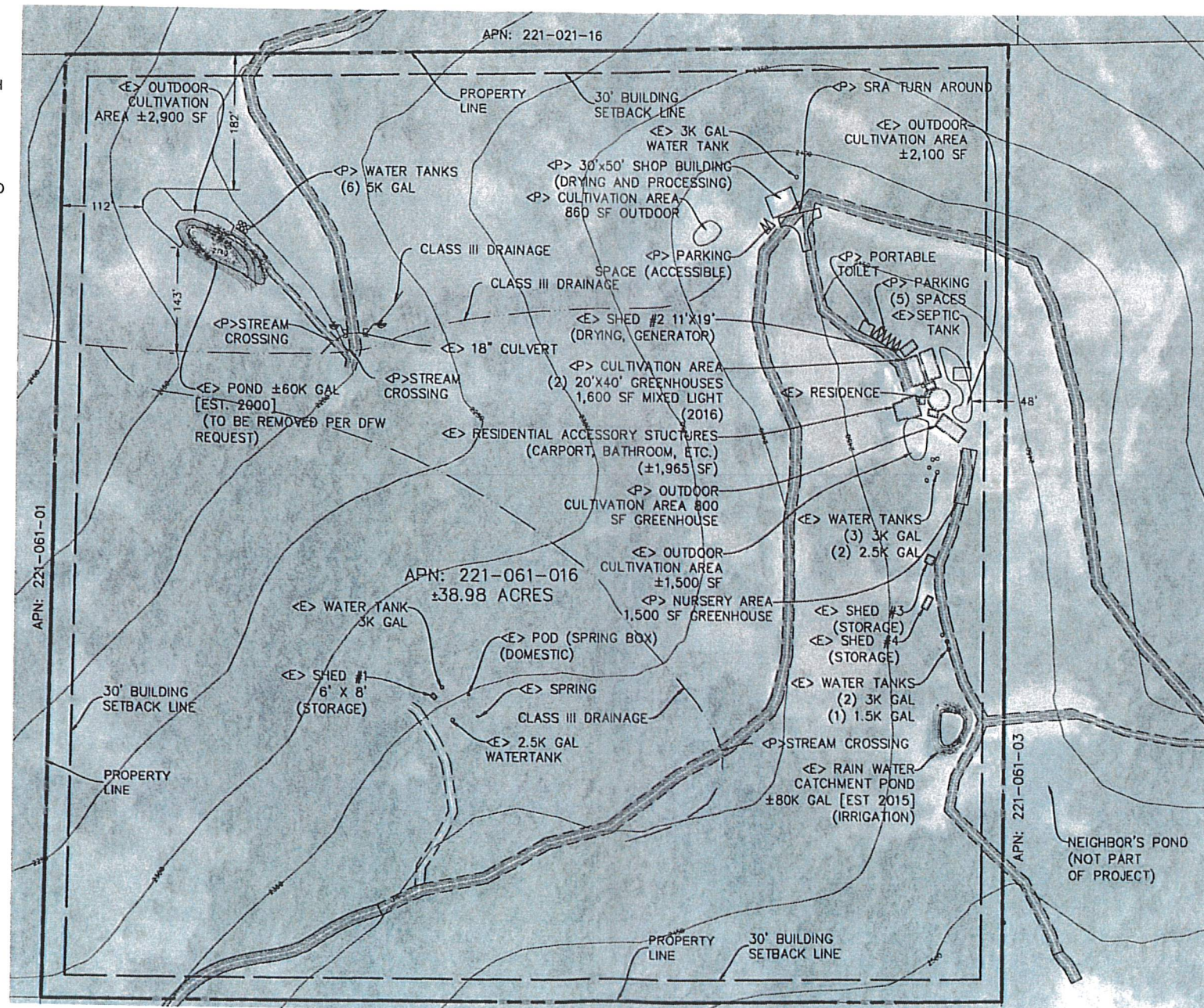
C0 - ZCC PLOT PLAN, VICINITY MAP, &  
PROJECT NOTES  
C1 - EXISTING AND PROPOSED PLOT PLAN

## PROJECT DESCRIPTION:

DOMESIDE GARDENS, LLC. IS PROPOSING TO PERMIT EXISTING MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES 9,760 SF OF MEDICAL CANNABIS CULTIVATION, WHICH INCLUDES APPROXIMATELY 8,160 SF OF OUTDOOR CULTIVATION AND 1,600 SF OF MIXED LIGHT CULTIVATION. THE APPLICANT IS PROPOSING TO CONSTRUCT A 1,500 SF ON-SITE NON-COMMERCIAL NURSERY THAT IS INTENDED FOR STARTS AND GETTING PLANTS TO SIZE. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, 1 FACILITY FOR DRYING, CURING, AND GRADING OF MEDICAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

## GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.



## PLOT PLAN

22x34 SHEET: 1"=100'  
11x17 SHEET: 1"=200'

0 50 100 200



NORTH

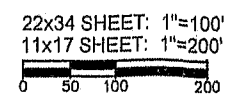
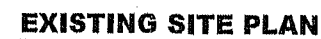
September 19, 2019

DOMESIDE GARDENS, LLC. (APN: 221-061-016)  
3780 THOMAS RD, WHITETHORN, CA 95589  
ZONING PLOT PLAN COVER

PROJ. NO.: PDW  
PROJ. ASSOC.: SL  
DRAWN BY: KRB  
DATE: 08-27-17  
SCALE: AS SHOWN  
SHEET  
C0  
DCL-WTCA01  
© 2018 ALL RIGHTS RESERVED



APN: 221-061-016

[illegible]

**DOMESIDE GARDENS, LLC**  
**WHITETHORN, CA**  
**EXISTING AND PROPOSED SITE PLAN**

PROJ. NO.: POW  
 PROJ. ASSOC.: KRB  
 DRAWN BY: KRB  
 DATE: 6-27-17  
 SCALE: AS SHOWN

SHEET

**C1**

DGL. WTCAD1

**ATTACHMENT 1**  
**Recommended Conditions of Approval**

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 – 20. 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. No processing can be approved until an acceptable site suitability report can establish potential for an Onsite Waste Treatment System (OWTS) meeting Tier 0 standards, and this OWTS is installed and permitted to the satisfaction of the DEH. Any conditions of the DEH shall be completed or secured to the satisfaction of that department. A letter or similar communication from the DEH verifying that all their requirements have been met will satisfy this condition.
3. The applicant must identify the name and location of the licensed off-site processing facility that will be used to process the approximately 6,260-6,760 square feet of cannabis canopy cultivated on this parcel and not processed onsite during the two-year compliance period.
4. The applicant shall drain the pond in the northwest corner of the parcel as requested by the California Department of Fish and Wildlife (CDFW). The area will be remediated to conditions satisfactory to the CDFW, and according to a remediation plan developed by a qualified biologist. A letter from that agency indicating such removal and remediation has been completed will satisfy this condition.
5. The applicant will complete a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife for the proposed new diversion in the northwest corner of the property, and this diversion will be subject to the forbearance requirements established in the LSAA. The applicant shall use water meters to verify that the established water diversion thresholds are not exceeded and to follow best management practices (BMP) for water conservation and management. A copy of the completed LSAA for this proposed diversion shall satisfy this condition.
6. For the proposed new diversion, the applicant shall file an Initial Statement of Water Diversion and Use with the State Water Resources Control Board, Division of Water Rights, and secure any other required approvals or authorizations including the Small Irrigation Use Registration from the State Water Resources Control Board, Division of Water Rights. The applicant will be subject to any forbearance requirements established by the State Water Resources Control Board for the proposed diversion. A letter or other written confirmation from the State Water Resources Control Board certifying that these approvals have been secured shall satisfy this condition.
7. The applicant shall provide a letter or other written communication from CDFW confirming that the 80,000-gallon pond is non-jurisdictional and not subject to forbearance. If the pond is determined by CDFW to be hydrologically connected to surface waters, the applicant shall secure a Lake or Streambed Alteration Agreement (LSAA) from the CDFW for continued use

of the pond, and shall agree to and implement forbearance in accordance with the LSAA and Humboldt County Code Section 314-55.4.11(l).

8. If the pond is determined to be hydrologically connected to surface waters, the applicant shall also file an Initial Statement of Water Diversion and Use with the State Water Resources Control Board, Division of Water Rights, and secure any other required approvals or authorizations including the Small Irrigation Use Registration from the State Water Resources Control Board, Division of Water Rights.
9. The applicant shall provide the CDFW with a bullfrog management plan for the onsite pond used for cannabis irrigation. A letter or similar communication from the CDFW verifying that this requirement has been met will satisfy this condition.
10. The applicant shall secure permits for all existing and proposed grading and structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.
11. Prior to renewal of permit, the applicant shall submit to Humboldt County Department of Environmental Health (DEH) invoices for service or copy of contract confirming sufficient use of portable toilet(s) to serve cultivation and processing operations for duration of first year. At least one of the portable toilets shall be handicap accessible.
12. As required by the Humboldt County Department of Public Works, for all county road-private road intersections, if the county road has a paved surface at the location of the access road, the access road will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the county road.
13. As required by the Humboldt County Department of Public Works, the applicant shall work either independently or with other permitted cultivators utilizing Thomas Road to complete the improvement recommendations of the civil engineer regarding Segment 3 of Thomas Road: replace the culvert at Mile 0.35 in order to widen the road at this pinch point, and armor the inboard ditch to eliminate erosion of the road.
14. The applicant shall contact the local fire service provider [Salmon Creek 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. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
15. The applicant shall secure permits from the North Coast Unified Air Quality Management District for all proposed grading and construction activity associated with the project. 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.
16. The applicant is authorized to process (trim) no more than 3000 square feet of cannabis

canopy onsite for a compliance period of no more than two years from the date of this approval. Before the end of the compliance period, the applicant must either complete the proposed onsite processing facility, built to commercial standards, or else must shift all processing to a licensed off-site processing facility.

17. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
18. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code.
19. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) 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 NCRWQCB. A letter or similar communication from the NCRWQCB 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.].
20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
21. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
22. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort 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.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. 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.
7. 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 County Code Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the 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.
9. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used for cannabis trimming and operations in the processing barn shall not be audible by humans from neighboring residences. 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 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
14. 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.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. 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

18. 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."
19. 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).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
22. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.
23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after 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.

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 Special Permit 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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #24 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.
25. 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:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and
  - (2) 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 California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - (3) 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 California Medical Marijuana Regulation and Safety Act.
26. 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:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
27. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application,

violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years 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 #24 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 Exemption (NOE) 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

### Required Findings for Approval

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

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
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.

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

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Land Use<br/>Chapter 4</p> <p>Land Use Designations<br/>Section 4.8</p> | <p><b>Residential Agriculture (RA-40):</b><br/>This designation applies to large lot residential uses (that include agricultural use as principally permitted) and typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 20+ to 40 acres/unit.</p> | <p>The proposed project includes approximately 9,700 square feet of cannabis cultivation consisting of 8,100 sf of outdoor and 1,600 sf of mixed light cultivation on a 38-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<br>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 site is from a private driveway, via Thomas Road, via Salmon Creek Road. The Division of Public Works (DPW) requested the preparation of Road Evaluations for roads accessing the parcel. The self-submitted Road Evaluation for the private driveway stated that the road is developed to the equivalent of a road category 4 standard. The other road segments had previous reports submitted by a civil engineer from Stillwater Sciences. The civil engineer has certified that while these individual road segments are not equivalent to Category 4 standard, all of these roadways can accommodate the cumulative increased traffic from all known cannabis projects. DPW has requested that for all county road-private road intersections, if the county road has a paved surface at the location of the access road, the access road will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the county road to meet commercial driveway standards. This has been incorporated as a condition of project approval. DPW has also requested, that the civil engineer's recommendations for improvement of Segment 3 of the evaluated roadways be implemented. These improvements have also been made a condition of project approval.</p> |
| Housing<br>Chapter 8     | <p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>   | <p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>  |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Conservation and Open Space<br/>Chapter 10</p> <p>Open Space<br/>Section 10.2</p> | <p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p> | <p>The proposed project is not located within the Open Space Land Plan because the project site is planned Residential Agriculture, and it is zoned Unclassified. However, the project is consistent with the Open Space Plan and its Open Space Action Program for parcels that may be adjacent and included in the Open Space Plan. The existing cannabis cultivation - an agricultural product - is within land generally planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources.</p> |

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| <p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Biological Resources</p> <p>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>According to the California Natural Diversity Database (CNDDDB), there are no mapped Special Status species on the subject parcel. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.67 miles to the southwest of the project site while the nearest NSO activity center is located 1.30 miles to the northwest. The nearest mapped Marbled murrelet habitat is located approximately 0.49 miles to the south of the project site. Staff incorporated conditions that requires supplemental lighting used for cultivation or in the appurtenant nursery must be Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used. Conditions of approval also include additional measures recommended by CDFW for the protection of wildlife, such a prohibition on synthetic netting, wildlife-proof trash containers and leaving wildlife unharmed.</p> <p>There are Streamside Management Areas (SMAs) located on the property, and project activities, including cultivation and processing, are located outside the SMAs. A new agricultural diversion is proposed, and CDFW's requested remediation of the 60,000 gallon pond is a condition of project approval; both of these actions represent development within an SMA, and both are subject to Special Permit requirements under the Streamside Management Area Ordinance. Appropriate conditions regulating the development in an SMA, including evaluation and a remediation plan produced by a qualified biologist, as well as forbearance requirements for the diversion, are incorporated in this Special Permit.</p> <p>A condition relating to water use requires the applicant to ascertain and confirm, with verification from the California Department of Fish and Wildlife (CDFW), that the onsite pond, currently being used for rainwater storage, is not jurisdictional. If the pond is found to be jurisdictional, the applicant will be required to attain a Lake</p> |
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| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|--|---|
|  |  | and Streambed Alteration Agreement (LSAA) for continued use of the pond and will be subject to forbearance requirements to protect water resources for fish and wildlife. There is sufficient water storage between the 80,000-gallon pond and proposed tanks to meet the forbearance requirements. A bullfrog management plan is also a condition of project approval related to the pond that will ensure protection of sensitive fish and wildlife species.  |
| <p>Conservation and Open Space<br/>Chapter 10</p> <p>Cultural Resources<br/>Section 10.6</p> | <p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p> | <p>The project was referred to the Northwest Information Center (NWIC) and the local Native American tribes. NWIC indicated that they have no record of a cultural resource study for the project area. The Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria indicated that the parcel does not appear to be particularly sensitive for cultural resources and does not require an archaeological survey at this time. A condition of project approval has been incorporated regarding inadvertent discovery protocol to ensure protection of cultural resources.</p>  |
| <p>Conservation and Open Space<br/>Chapter 10</p> <p>Scenic Resources<br/>Section 10.6</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 mixed-light cultivation in two (2) greenhouses as well as a proposed nursery greenhouse. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Conditions of approval require the applicant to comply with Dark Sky standards.</p> |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Water Resources<br/>Chapter 11</p> <p>Stormwater<br/>Drainage</p>           | <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G10 and WR-G11).</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p> | <p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Our Evolution Energy and Engineering for the preparation of a WRPP. The WRPP, prepared in June 2018, describes and addresses the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP outlined areas where the standard conditions were not being met and recommended appropriate remediation treatments as well as a schedule for accomplishing these treatments. Conditions of Approval required the Applicant to adhere to the WRPP and implement the corrective measures. The applicant shall enroll in the State Cannabis Discharge program by July 2019.</p> |
| <p>Water Resources<br/>Chapter 11</p> <p>Onsite<br/>Wastewater<br/>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, and WR-G11)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>  | <p>There is an existing Onsite Wastewater Treatment System (OWTS) on the subject parcel near the residence. Portable toilets will be provided onsite for the use of the employees. The Humboldt County Department of Environmental Health (DEH) requires as a condition of approval that an invoice, or equivalent documentation be provided to confirm the continual use of the portable toilets to serve the needs of the cultivation staff prior to reissuance of the annual permit. Additionally, they require that no processing can be approved until an acceptable site suitability report can establish potential for an Onsite Waste Treatment System (OWTS) meeting Tier 0 standards, and this OWTS is installed and permitted to the satisfaction of the DEH.</p>  |

| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|--|--|
| <p>Noise<br/>Chapter 13</p>  | <p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>  | <p>Electricity for cultivation operations will be provided by a 14 kW Kohler propane generator. Domestic electricity, including electricity for processing, will be provided by an 8.5 kW Kohler propane generator. All current generators are enclosed in the back of the dry shed (approximately 100 feet from the east border of the parcel and 23 feet from the nearest tree line). The applicant has demonstrated in their Operations Plan that the decibel level will not exceed 60 decibels at any property line. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.67 miles to the southwest of the project site while the nearest NSO activity center is located 1.30 miles to the northwest. The nearest mapped Marbled murrelet habitat is located approximately 0.49 miles to the south of the project site. Staff incorporated conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used.</p> |
| <p>Safety Element<br/>Chapter 14</p> <p>Geologic &amp; Seismic</p> | <p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P6. Structural Hazards.</p> | <p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. Also, it is not in an area where historic landslides have taken place. The cultivation operations take place on slopes that range from &lt;15% to 50%, and on ground that is seismically classified as high instability. New construction proposed on the parcel includes the construction of a 1,500-square-foot nursery and the construction of a 1,500-square-foot commercial processing facility. These developments are proposed for areas of the property with more moderate slopes and are subject to building permit requirements as a condition of project approval. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>  |

| Plan Section                                     | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| Safety Element<br>Chapter 14<br><br>Flooding     | 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)<br><br>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas. | 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 located well above and outside the areas subject to tsunami run-up.  |
| Safety Element<br>Chapter 14<br><br>Fire Hazards | 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<br><br>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.  | The subject property is located within the Salmon Creek Volunteer Fire Department Response Area and State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. California Department of Forestry and Fire Protection (CAL-FIRE) comments recommended compliance with the requirements of 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 designated areas.<br><br>The project as proposed meets the 30-foot Fire-Safe setback requirement, and the applicant has developed adequate emergency turnaround areas and included their locations as part of the site plan. There is an 80,000-gallon rainwater catchment pond on site which can provide fire suppression protection in addition to meeting cultivation needs. |

| Plan Section  | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|---|---|---|
| <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 [Salmon Creek 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 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>If grading is required for any of the projects described in this document, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. This requirement is included in as a condition of project approval.</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 Which Supports Make the Zoning Finding   |
|---|--|---|
| §312-1.1.2<br><br>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 221-061-016 is one legal as determined by Determination of Status (DS18-16) effective June 14, 2019. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.            |
| §314-8.1<br>Unclassified (U)                              | The principal permitted uses in the Unclassified zoning designation are one-family dwelling, general agriculture, rooming and boarding of not more than two people, and manufactured home. | The applicant is seeking a Special Permit for an existing 9,700 square feet of cultivation consisting of 8,100 square feet of outdoor and 1,600 square feet of mixed light cannabis cultivation operation on a property zoned U. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO. |
| Minimum Lot Area:   | 6,000 square feet  | 38.99 acres   |
| Minimum Lot Width:  | 50 feet  | Approximately 1324 feet wide  |
| Maximum Lot Depth:  | Three (3) times the width  | Approximately 1270 feet wide  |
| Max. Lot Coverage:  | 40%  | <1%   |
| Min. Yard Setbacks<br><br>(through the SRA requirements): | Front: 30 feet<br>Rear: 30 feet<br>Side: 30 feet<br><br>SRA: 30 feet, all sides  | Front: 182 feet<br>Rear: 570 feet<br><br>Side: 48 feet to east property line; 112 feet to west property line  |
| Max. Building Height:                                     | None specified   | <35 feet  |

| Zoning Section                                | Summary of Applicable Requirement   | Evidence Which Supports Make the Zoning Finding  |
|---|---|--|
| §314-61.1<br>Streamside Management Area (SMA) | <p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> | <p>There are Streamside Management Areas (SMAs) located on the property, and project activities, including cultivation and processing, are located outside the SMAs. A new agricultural diversion is proposed, and CDFW's requested remediation of the 60,000 gallon pond is a condition of project approval; both of these actions represent development within an SMA, and both are subject to Special Permit requirements under the Streamside Management Area Ordinance. Appropriate conditions regulating the development within an SMA, including evaluation and a remediation plan produced by a qualified biologist, as well as forbearance requirements for the diversion, are incorporated in this Special Permit.</p> <p>The applicant has submitted an LSA notification for the rainwater catchment pond onsite and believes it to be disconnected from surface waters. A condition of approval has been included requiring the applicant to provide a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for use of the pond or to provide a letter from CDFW stating that the pond is hydrologically disconnected from surface waters and non-jurisdictional. The pond is not anticipated to be subject to forbearance or SMA requirements, although there are conditions of approval that will protect the water resource and associated SMA if it is deemed jurisdictional.</p> |
| §314-109.1<br>Off-Street Parking              | <p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*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</i></p>  | 5 spaces   |

| Zoning Section   | Summary of Applicable Requirement   | Evidence Which Supports Make the Zoning Finding  |
|--|---|--|
|  | <i>most comparable use.</i>   |  |
| <b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b> |   |  |
| §314-55.4.8.2<br>Timber Conversion   | Commercial cannabis cultivation is allowed on parcels zoned AE, with no parcel size limitation. 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.  | Based on a review of the site plan and aerial imagery dating to 2004, the footprint of the developed area that hosts cannabis operations aligns with a non-timberland open area.   |
| §314-55.4.8.2.2<br>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... U districts (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. | <p>The applicant has provided date stamped aerial imagery and maps showing cultivated areas in existence prior to January 1, 2016, and the existence of this cultivation area and its size has been confirmed by independent analysis of aerial imagery. The project involves re-organization of cultivation areas within this pre-existing footprint, without any expansion or relocation.</p> <p>The proposed project includes permitting up to 1,600 square feet of existing mixed-light cannabis cultivation and up to 8,100 square feet of existing outdoor cannabis cultivation in a U zoning district on a 38.99-acre parcel. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p> |
| §314-55.4.8.10<br>Permit Limit   | No more than four commercial cannabis activity permits may be issued to a single person.  | According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for 9,700 square feet of cultivation.   |



| Zoning Section                           | Summary of Applicable Requirement   | Evidence Which Supports Make the Zoning Finding   |
|--|---|---|
| §314-55.4.9.1<br>Accessory Processing    | Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application. | The existing 209-square foot dry shed and 1,965 square foot residence on the site will be used for processing during a two-year compliance period. The applicant will dry all the cannabis in the dry shed, and trim between 2,500 and 3,000 square feet of canopy in the residence. The remaining canopy will be trimmed offsite at a licensed processing facility or sold as bulk bio-mass. As a condition of project approval, by the end of the two-year compliance period, the applicant must complete construction and permitting of an onsite processing building meeting commercial standards, or else move all processing off-site to a licensed processing facility. As conditions of approval, the applicant is responsible for obtaining all required permits to the satisfaction of BID and DEH. |
| §314-55.4.10<br>Application Requirements | Identifies the Information Required for All Applications  | Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.  |
| §314-55.4.11<br>Performance Standards    | Identifies the Performance Standards for Cannabis Cultivation Activities  | All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.  |

| Zoning Section                                | Summary of Applicable Requirement   | Evidence Which Supports Make the Zoning Finding  |
|---|---|--|
| §314-55.4.11.c<br>Performance Standards-Water | Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration. | <p>Annual water use for irrigation is estimated at 100,009 gallons. Some of this irrigation water is provided by an on-site rainwater catchment pond of 80,000 gallons. A condition of permit approval has been included in Attachment 1 requiring the applicant to provide a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for use of the pond or to provide a letter from CDFW stating that the pond is hydrologically disconnected from surface waters and non-jurisdictional. If the pond is determined jurisdictional and subject to a forbearance period, additional water storage will be required and noticing and registration with the California State Water Resources Control Board, Division of Water Rights. Both of these requirements are conditions of project approval.</p> <p>The other onsite pond will be drained as required by the CDFW and be replaced by six 5000-gallon hard-sided water tanks on site for additional storage, with a new diversion proposed as the water source replacing the rehabilitated pond. There are conditions of approval requiring the applicant to secure a LSAA with CDFW for the diversion, as well as register for an Initial Statement of Diversion and Use and a Small Irrigation Registration with the State Water Resources Control Board for the proposed diversion. This diversion will also be subject to all applicable forbearance requirements. There is sufficient water storage between the 80,000-gallon pond and proposed tanks to meet the forbearance requirements.</p> |

|   |   |  |
|---|---|--|
| <p>§314-55.4.11.d<br/>Performance<br/>Standards-<br/>Setbacks</p> | <p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p> | <p>The applicant's site plan and a review of aerial imagery shows that the cultivation area conforms to the 30-foot setback requirements from property boundaries, 600-foot setback from schools, school bus stop, churches, other places of religious worship, and Tribal cultural resources.</p> <p>The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the north of the project site. The northernmost greenhouse is located approximately 425 feet south of the BLM parcel. The adjacent public lands falls within an area of "Essential Habitat Connectivity" and there is close proximity to Northern Spotted Owl (NSO) habitat. The corridors connect blocks of relatively undisturbed lands and have project designed to improve ecological processes and reduce wildlife threats. Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise). In their response dated August 2, 2019, BLM staff indicated the conditions were appreciated and additional concerns include rodenticide use and access. Based on the Road Evaluation Report submitted by the applicant, access to the subject parcel does not cross lands owned by the BLM. According to the applicant, no rodenticides are used during operations. The project is conditioned prohibiting the use of rodenticides for the light of the project. Planning staff replied to the BLM staff with additional information. No additional comments were received. Staff thinks that the project will not adversely impact connectivity of habitat as approximately one-half acre (1.25%) of the 40-acre parcel is developed. Conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise.</p> |
|---|---|--|

| <b>Zoning Section</b>                                       | <b>Summary of Applicable Requirement</b>   | <b>Evidence Which Supports Make the Zoning Finding</b>  |
|---|--|---|
| §314-55.4.11.o<br>Performance Standards-<br>Generator Noise | The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. | Electricity for cultivation operations will be provided by a 14 kW Kohler propane generator. Domestic electricity, including electricity for processing, will be provided by an 8.5 kW Kohler propane generator. All current generators are enclosed in the back of the dry shed (approximately 100 feet from the east border of the parcel and 23 feet from the nearest tree line). The applicant has demonstrated in their Operations Plan that the decibel level will not exceed 60 decibels at any property line. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.67 miles to the southwest of the project site while the nearest NSO activity center is located 1.30 miles to the northwest. The nearest mapped Marbled murrelet habitat is located approximately 0.49 miles to the south of the project site. Staff incorporated conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used. |
| §314-55.4.17<br>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 November 7, 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.

| <b>Code Section</b> | <b>Summary of Applicable Requirements</b>  | <b>Evidence that Supports the Required Finding</b>  |
|---------------------|--|---|
| §312-17.1.4         | The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity. | The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning 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 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<br>Housing Element<br>Densities | The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. | This permit will not preclude further residential development and therefore does not reduce the residential density. |

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 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 and processing, authorization of a point of diversion that supplies water to irrigate cannabis crops and restoration of a 60,000-gallon water storage pond in the northwestern portion of the parcel with a Streamside Management Area and a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. 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 221-061-016, 3780 Thomas Road, Myers Flat, County of Humboldt***

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

**September 2019**

## Background

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

The modified project involves a Special Permit for an existing 9,700-square-foot commercial cannabis operation, consisting of 8,100 square feet (sf) of outdoor cultivation and 1,600 sf of mixed light cultivation. The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The applicant is proposing to re-organize outdoor and mixed light cultivation in the pre-existing cultivation footprint. The estimated annual water use for irrigation is 100,009 gallons. There is a total of 80,000 gallons of water storage in an existing rainwater catchment pond. The applicant proposes to increase storage by 30,000 gallons in hard-sided tanks.

Processing will occur on-site in existing structures and off-site at a licensed processing facility. The project includes development of a processing facility for drying and trimming. A maximum of five employees are required for operational needs. Power will be provided by generators. The proposed project also includes a Special Permit for development with a Streamside Management Area. The applicant proposes restoration of an existing 60,000-gallon pond located in the northwestern corner of the subject parcel. The applicant proposes to install a point of diversion in an unnamed spring in the Salmon Creek watershed to provide additional water supply for irrigation.

The cultivation areas will be reorganized in the same footprint, however, no expansion will occur. The project site has sensitive riparian habitat, and the project is designed to ensure the largest possible riparian buffer zones are incorporated into the project. Per recommendations of the California Department of Fish and Wildlife, a 60,000-gallon pond in the northwestern portion of the subject parcel will be removed and remediated. The proposed project includes development and use of a new point of diversion that will be placed with the stream where the pond is remediated.

The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the north of the project site. The northernmost greenhouse is located approximately 425 feet south of the BLM parcel. The adjacent public lands falls within an area of "Essential Habitat Connectivity" and there is close proximity to Northern Spotted Owl (NSO) habitat. The corridors connect blocks of relatively undisturbed lands and have project designed to improve ecological processes and reduce wildlife threats. Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise). In their response dated August 2, 2019, BLM staff indicated the conditions were appreciated and



additional concerns include rodenticide use and access. Based on the Road Evaluation Report submitted by the applicant, access to the subject parcel does not cross lands owned by the BLM. According to the applicant, no rodenticides are used during operations. The project is conditioned prohibiting the use of rodenticides for the light of the project. Planning staff replied to the BLM staff with additional information. No additional comments were received. Staff thinks that the project will not adversely impact connectivity of habitat as approximately one-half acre (1.25%) of the 40-acre parcel is developed. Conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts associated with newly developed cultivation sites. These include development away from sensitive riparian areas, use of municipal water, implementation of habitat restoration, and proper storage of fertilizers and soil amendments. Noise and light used for mixed light cultivation and in greenhouses will be regulated to keep noise at 50 db at 100 feet from the source and not allow artificial lighting to escape greenhouses between sunset and sunrise, thus resulting in an improvement from baseline conditions.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 9,700 square feet of cultivation consisting of 8,100 square feet of outdoor and 1,600 square feet of mixed light cannabis cultivation commercial cannabis operation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 of the Staff Report for a complete listing of information and studies):

- Cultivation and Operations Plan dated May 2018.
- Water Resources Protection Plan, prepared by Our Evolution, dated June 14, 2018.
- Road Evaluation Report prepared by Stillwater Sciences dated November 13, 2017.
- CDFW Final Streambed Alteration Agreement (Notification No. 1600-2018-0080-R1 dated November 19, 2018).

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

## **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings,

mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

## **ATTACHMENT 4**

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

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (On file – see Revised Site Plan dated 11/20/18)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached; Notification No. 1600-2018-0080-R1 dated November 19, 2018)

9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not Applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Water Resources Protection Plan (WRPP) prepared by Our Evolution dated June 14, 2018. (Attached).
16. Road Evaluation Report prepared by Stillwater Sciences dated November 13, 2017. (On file)

**DOMESIDE GARDENS, LLC**  
**CULTIVATION AND OPERATIONS MANUAL**  
**HUMBOLDT COUNTY, CA**

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**PROPOSED MEDICAL CANNABIS**  
**CULTIVATION FACILITIES**

PREPARED FOR:



May 2018

**Cultivation and Operations Manual  
For  
DOMESIDE GARDENS, LLC  
APN 221-061-016**

**Proposed Medical Cannabis Cultivation Facilities**

Lead Agency:

***Humboldt County Planning Department***  
3015 H Street  
Eureka, CA 95501

Prepared By:

***SL Consulting Services, Inc***  
973 Dowler Dr  
Eureka, California 95501

In Consultation with:

**DOMESIDE GARDENS, LLC**  
3780 Thomas Road  
Whitethorn, CA 95589

May 2018

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## **APPENDICES**

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Appendix B: Cultivation Activities Schedule

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## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

DOMESIDE GARDENS, LLC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). DOMESIDE GARDENS, LLC will require a Special Permit (SP) for approximately 1,600 square feet (sf) of existing mixed light cultivation and approximately 8,160 square feet (sf) of existing outdoor cultivation, for approximately 9,760 square feet (sf) of total cultivation. The applicant is proposing to construct an approximate 1,500 square foot on-site non-commercial nursery that is intended for starts and getting plants to size. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including an outdoor and mixed lighting cultivation buildings, greenhouses, and a cultivation facility for drying, and curing of medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

The applicant proposes to relocate approximately 2,500 square feet of the existing cultivation which is within 50 feet of an existing pond and on an isolated road system closer to its core operations. Grading of new flats will be required to facilitate this relocation.

### 1.2. SITE DESCRIPTION

The Project is located at 3780 Thomas Road, Whitethorn, CA 95589, (APN 221-061-016) just south of the community of Bull Creek. The subject parcel is approximately 38.99 acres in size (per the County of Humboldt's WebGIS), and is largely forested with slopes ranging from 5% to 55%. The northeastern area of the property is mainly cultivation and residential along with roadways and ponds.

### 1.3. LAND USE

The subject property has a General Plan designation of AL40 (FRWK) as identified by the Humboldt County General Plan and is zoned Unclassified (U). Land uses surrounding the parcel are comprised of residential, timber and agriculture. The surrounding parcels are zoned Unclassified (U).

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

DOMESIDE GARDENS, LLC will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for domestic uses is provided by a spring. An initial statement of diversion and use has been filed. Water for irrigation uses is provided by a rainwater catchment pond.

#### 1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

DOMESIDE GARDENS, LLC will enroll with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. (TBD) *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (A WDID Number is TBD).

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Water for domestic uses is provided by a spring. An Initial statement of diversion and use has been filed. Water for irrigation uses is provided by a rainwater catchment pond and a in-stream point of diversion. An Initial statement of diversion and small irrigation use registration will be provided for the in-stream point of diversion

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#### **1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT**

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Special Permit.

#### **1.4.5. CAL FIRE**

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

#### **1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) will be obtained for existing ponds located on property, and spring box diversion

#### **1.4.7. CULTURAL RESOURCES**

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

## **2. CULTIVATION AND PROCESSING**

### **2.4. PROPAGATION AND INITIAL TRANSPLANT**

The applicant is proposing to construct an approximate 1,500 square foot on-site non-commercial nursery for starts and getting plants to size. No flowering is intended to occur in the proposed nursery. Juvenile plants are obtained from either an off-site nursery or the on-site nursery. Juvenile plants are typically obtained from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Cuttings are sampled from the mother plants and are rooted into a growing medium, to produce 'clones.' Once fully rooted they are transplanted directly into one gallon containers at which point they are brought to the site. The juvenile plants are irrigated using hand watering methods. After 3 weeks the clones are then transplanted into pots/raised beds and moved into either a mixed light or outdoor greenhouse where they continue their 'vegetative' cycle. In addition, the potting soil used is tested, amended with Dr. Earth or other amendments recommended by the testing lab, turned over and re-used.

### **2.5. MIXED LIGHT/OUTDOOR CULTIVATION PLAN AND SCHEDULE**

The mixed light cultivation will occur in two (2) 20'x40' greenhouses (1,600 SF) and outdoor cultivation will occur in one (1) 800 sf greenhouse, one 2,900 square foot field, one 860 sf field and in 3,600 sf field around the residence for a combined existing and proposed cultivation area of approximately 9,760 square feet. The outdoor fields may be upgraded to light deprivation greenhouses in the future. Greenhouses will have permeable floors. The mixed light greenhouses

typically have two (2) cycles per year while the outdoor greenhouses have one (1) cycle per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities.

## **2.6. SUPPLEMENTAL LIGHTING**

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

## **2.7. IRRIGATION PLAN AND SCHEDULE**

Irrigation and fertigation of plants occurs using top-feed hand watering methods in mixed light greenhouses and drip emitters in outdoor. DOMESIDE GARDENS, LLC maintains that irrigation and fertigation is more efficiently managed via both hand watering and by drip emitters, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

## **2.8. HARVESTING, DRYING, AND TRIMMING**

Plants that are ready for harvest have their flowering branches removed and suspended in the drying facility which is equipped with ventilation fans. The drying process takes approximately one week.

The plants will be dried in a dry shed located onsite by hanging the plants for 7-10 days with fans.

Approximately 2,500 – 3,000 sf canopy will be trimmed onsite by the agent in charge who is the principal and owner of Domeside Gardens, LLC within the residence with the assistance of a Trimmer trim machine. The remainder will be trimmed offsite at a licensed processing facility or sold as bulk bio-mass.

## **2.9. PROCESSING FACILITY**

All on-site cannabis processing will occur within the residence by resident operators within the existing residence until a commercial processing facility is built (pending approval and building permits.. The remainder will be sold as bulk cannabis to a manufacturer or processed at a licensed off-site processing facility. See processing plan addendum document.

## **2.10. EMPLOYEE PLAN**

DOMESIDE GARDENS, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### **2.10.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY**

- *Agent in Charge:* Responsible for business oversight and management of the DOMESIDE GARDENS, LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a full-time, year-round position.
- *Seasonal Laborer:* Provides cultivation and harvesting support. This is a full-time, seasonal position.



#### **2.10.2. STAFFING REQUIREMENTS**

In addition to the *Agent*, *there will be* up to four (4) full-time seasonal labor positions are employed. During the peak harvest and processing season, there are an estimated total of five (5) employees onsite.

#### **2.10.3. EMPLOYEE TRAINING AND SAFETY**

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers; trim machine used only by the Agent in Charge. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted onsite. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

#### **2.10.4. EMPLOYEE PARKING**

As indicated on the site plan, employees will have parking near the portable toilet. The portable toilet is located on the north eastern portion of the property near the residence.

#### **2.10.5. TOILET AND HANDWASHING FACILITIES**

There will be portable bathrooms for employees to use near cultivating areas. Anti-bacterial Liquid Soap and paper hand towels will be made available. The portable toilets will be dumped at a licensed facility as needed or serviced by a local firm.

#### **2.10.6. ON SITE HOUSING**

The existing single-family residence located on site is occupied by the property owner/Agent in Charge and their family. All other full-time and seasonal employees live off site and commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

### **2.11. SECURITY PLAN AND HOURS OF OPERATION**

#### **2.11.1. FACILITY SECURITY**

The cultivation facilities, including greenhouses, processing building, residence, and outdoor cultivation building are enclosed in a secure privacy fence. An entry gate is located by the northern entrance off Thomas Road along with a gate by the southern entrance of the property. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. There are also motion sensor lights around the cultivation areas and processing buildings.

#### **2.11.2. HOURS OF OPERATION**

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8 AM and extend no later than 8 PM.



### 3. ENVIRONMENT

#### 3.4. WATER SOURCE AND PROJECTED WATER USE

An existing pond that served the cultivation on the northwest part of the site will be replaced with water tanks due to a request from the Department of Fish and Wildlife. A new in stream diversion located where the pond was will be developed to fill water tanks during the rainy season. Water for domestic uses are provided by a spring. Water for irrigation uses on the remainder of the property are provided by an 80,000 gallon rainwater catchment pond.

DOMESIDE GARDENS, LLC utilizes water management strategies such as handwatering/drip emitters to conserve water use.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

| Table 3.1: Estimated Annual Irrigation Water Usage (Gallons) |     |     |        |        |        |        |        |        |        |     |     |
|--|-----|-----|--------|--------|--------|--------|--------|--------|--------|-----|-----|
| Jan  | Feb | Mar | April  | May    | June   | July   | Aug    | Sept   | Oct    | Nov | Dec |
| 0  | 0   | 0   | 11,315 | 12,729 | 14,646 | 16,972 | 16,972 | 14,646 | 12,729 | 0   | 0   |

#### 3.5. WATER STORAGE

Water storage for domestic use is provided in the form of water storage tanks. A total of 15,500 gallons of water domestic storage exists on the site. Water storage for irrigation use on the 2,900 square foot garden is currently provided by a pond. The pond will be replaced with six 5,000 gallon water tanks.

Water storage for the remainder of the site is provided in one existing rainwater catchment ponds. The capacity of the rain catchment pond is  $\pm$  80,000 gallons. A total of 110,000 gallons of irrigation water storage is proposed.

#### 3.6. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

DOMESIDE GARDENS, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

##### 3.6.1. SITE DRAINAGE AND RUNOFF

The site is mostly hilly with surface flow in the wet season generally draining from the northeast to the southwest. Cultivation facilities will meet all required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

##### 3.6.2. EROSION CONTROL

DOMESIDE GARDENS, LLC will utilize best management practices including but not limited to:

1. Maintenance of roads, including rocking and armoring.
2. Proper management of solid, liquid and cultivation waste (see section 3.8)
3. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
4. Irrigation and application of fertilizers will be applied at argonomic rates.
5. Regulated products will be safely stored with secondary containment (see section 3.7)

5. Regulated products will be safely stored with secondary containment (see section 3.7)

### **3.7. WATERSHED AND HABITAT PROTECTION**

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

### **3.8. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

### **3.9. ENERGY AND GENERATOR USE**

Domestic electricity is provided by solar energy and back up electricity is used by an 8.5 kW Kohler propane generator. The model number for this generator is 8.5 RES. Kohler Power indicates, in their online generator spec sheet, that the average sound level for this model is 65 db(A). Cultivation electricity will be sourced from a 14 kW Kohler propane generator. Kohler Power indicates, in their online generator spec sheet, that the average sound level for this model is 63 db(A) at a distance of 7 meters with no load. The model number for this generator is 14RESA. All current generators are located in the back of the dry shed. Use of the on-site follows all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel fuel is located within a secondary containment trough.

Generators are used for the cultivation operation approximately 4 to 5 hours each day April, May June and September, October, November. Generators are enclosed in a shed which shall reduce noise levels to below 50 db within 23' (nearest treeline).

### **3.10. USE AND STORAGE OF REGULATED PRODUCTS**

#### **3.10.1. BEST MANAGEMENT PRACTICES**

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

#### **3.10.2. FERTILIZERS**

Nutrients and biological inoculants used for cultivation include:

- Amendment - Dr. Earth Dry Bloom – 1,160 lbs total (all season – 1 delivery)
- Tappin Roots All Purpose – ±5 Gallons (50 Gallons/year)
- Fox Farm Organic Bloom – ±5 Gallons (50 Gallons/year)

See Appendix B - *Regulated Products Resource List* for product details.

#### **3.10.3. PESTICIDES AND FUNGICIDES**

Pesticides and fungicides used for cultivation include:

- Sulfur Prills – 1 Quart Sulfur (1<sup>st</sup> week 6 hrs.) (1/week 7-9 weeks 3 hrs.)

See Appendix B - *Regulated Products Resource List* for product details.

#### **3.10.4. FUELS AND OILS**

Fuels and oils stored on site include:

- Gasoline – (4) five-gallon cans in totes

### **3.11. WASTE MANAGEMENT PLAN**

#### **3.11.1. SOLID WASTE MANAGEMENT**

Trash and recycling containers are located near the shed. The trash and recycling containers are 33 gallon trash cans and are enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling is self-hauled off-site to the Redway or Fortuna transfer station at least once per week.

#### **3.11.2. CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls are stockpiled and composted at a designated soil/compost pile while stalks and branches are chipped and burned. Any trim waste onsite is sold and spent soil is tarped and stockpiled.

### 3.11.3. WASTEWATER MANAGEMENT

Dripline/Hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are gravel/dirt and will absorb any excess runoff for the exiting nursery.

The existing residence has a restroom served by a septic system developed in the 1960's which will serve as the toilet facility. The

In the future, DOMESIDE GARDENS, LLC may install a portable toilet adjacent to the cultivation area which will be serviced as needed.

## 4. PRODUCT MANAGEMENT

### 4.4. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the DOMESIDE GARDENS, LLC logo, and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

### 4.5. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

### 4.6. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

## Processing Plan Addendum - Domeside Gardens LLC

1. See section 2.10 of the operations plan for the required agricultural employer statement.
2. The applicant will 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).
3. Applicant will comply with the following Processing Practices:
  - a. Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function. iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
4. When the processing building is constructed, the applicant will hire employees to engage in commercial cannabis cultivation and processing will comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations will implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - i. 1) Emergency action response planning as necessary; **See emergency procedures.**
    - ii. 2) Employee accident reporting and investigation policies; **See emergency procedures.**
    - iii. 3) Fire prevention; **See emergency procedures.**
    - iv. 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS); **See operations plan section 2.10.3**
    - v. 5) Materials handling policies; **See operations plan section 2.10.3**
    - vi. 6) Job hazard analyses; and **Hazards include exposure to pesticides and nutrients (mitigated by use of personal protective equipment). Risk of injury and emergencies mitigated by the proposed emergency response procedures.**
    - vii. 7) Personal protective equipment policies, including respiratory protection. **See operations plan section 2.10.3**
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum. **See appended emergency contact list.**
    - i. 1) Operation manager contacts
    - ii. 2) Emergency responder contacts;
    - iii. 3) Polson control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment. **The proposed processing facility will be constructed with ADA compliant toilet facilities plumbed into a permitted septic system.**



- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations. HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559 Page 16 of 35. **A retroactive building permit will be obtained for the existing residence on-site.**
- 5. All cultivators shall, at the time of the application for a cultivation permit, include a Processing Plan with all of the following:
  - a. Summary of Processing Practices. See section 2.8 for a summary of processing practices until a processing facility can be constructed. Once a processing facility is permitted and built, processing will occur inside that facility. Processing will include grading of flower, machine trimming and hand trimming with employees. Trim is stored in totes and bags for sale to manufacturers and distributors. Flower is stored in totes or bags for sale to distributors in bulk or packaged by employees in the processing building depending on orders.
  - b. Description of location where processing will occur. See operations plan section 2.9
  - c. Estimated number of employees, if any. See employee plan.
  - d. Summary of Employee Safety Practices. See appended employee safety plan.
  - e. Description of toilet and handwashing facilities. See Section 4c above and operations plan section 2.10.5
  - f. Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage. See section 4c above and section 2.10.5.
  - g. Description of source of drinking water for employees. **Domestic water source for the on-site residence for resident operators is an existing spring. The processing facility will provide processing staff with cups and access to a free standing water cooler stocked with bottled water.**
  - h. Description of increased road use resulting from processing and a plan to minimize that impact.
  - i. Description of on-site housing, if any. **An existing residence will be utilized by resident operators. The remaining staff will commute to the site.**

## Emergency Procedures Instructions

*The first priority in the event of an emergency is for the safety of all people present. Move quickly out of area danger. Meet at assigned meeting place to get a headcount. Enact Emergency Procedures.*

### Emergency Phone Numbers

**Dial 911 for Fire/Police/Ambulance:**

- 1. Tell the operator which emergency service you want**
- 2. Wait until the service answers**
- 3. Give the following address:**

**3780 Thomas Road**

**Whitethorn, CA 95589**

**Humboldt County AP #223-171-006**

- 4. Do not hang up until told to do so by the 911 Operator**

**Other Emergency Contacts**

**Humboldt County Sheriff: 707-445-7251**

**Miranda Volunteer Fire Department: 707-943-3023**

**CAL-FIRE: 707-725-4413**

**Humboldt County HazMat: 707-445-6215**

**Humboldt County Ag Dept.: 707-441-5260**

## Fire and Emergency Procedures Checklist

*You must know and understand what to do if a fire occurs. Your first concern is the immediate safety of visitors and staff; secondly, the need to call emergency services and then to contain the fire but only if it is safe to do so. If help is available, allocate responsibilities to others to create a competent firefighting team.*

- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

## Spill Procedures Checklist

*You must know and understand what to do if a spill occurs. Your first consideration is the immediate safety of visitors and staff; secondly, the need to call emergency services and then contain the spill if it is safe to do so. If help is available allocate responsibilities to others to create a competent team to deal with the spill.*

- If the spill is from the hose or tap, shut the isolation valve
- Warn people in area of the spill – evacuate if necessary
- Remove sources of ignition if flammable substance present
- Evaluate the spill – only respond if you believe it is safe to do so
- Refer to the safety data sheet or call on an approved handler or other specialists for advice
- If necessary, call emergency services and advise local authority
- Put on safety equipment (e.g. overalls, boots, gloves, eye protection, etc.)
- Contain the spill if it is safe to do so – utilize a drip tray or oversize container or spill kit to soak up the substance

- Dispose of waste safely as set out in the material safety data sheet

## **Incident Reporting**

*Every accident resulting in injury or damage to the property must be reported to your manager immediately.*

**Respond to the accident promptly and positively**

**Collect relevant information about the accident**

**Develop and take remedial actions**

**Complete insurance claims and reports required**

### ***First Aid***

- A first aid kit must be kept on the premises and maintained
- All staff must know basic first aid procedures

### ***Minor Injury Accidents***

- Minor cuts and abrasions must be attended to immediately
- If in doubt, contact a physician or call 911

### ***Serious Injury Accidents***

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize Victim



- Advise your manager

### ***Property Damage***

- All damage to farm property must be reported to your manager

## **Emergency First Aid-Procedures**

### ***Control of Bleeding***

1. Direct pressure – use your hand(s).
2. Elevate (raise) the limb
3. Apply a pad and firm bandage.
4. If necessary use clean rags or clothing.

### ***Remember!!***

- *Always check circulation below the bandage!*
- *If there is tingling, numbness or blueness  
loosen the bandage.*

### ***Management of Burns***

1. Cool the burnt area with cool water for 10-15 minutes
2. If necessary, cover the burn with a clean dressing or plastic wrap before removing person to medical aid.

***Remember!!***

- ***Do not burst blisters.***
- ***Do not remove clothing that is stuck.***
- ***Do not apply creams***

## **Management of Eye Injuries**

### **Foreign bodies in the eye(s)**

1. **Wash the eye(s) with eyewash or clean water.**
2. **If the foreign body is stuck to the eye DO NOT attempt remove.**
3. **Place covering over the eye and obtain medical attention.**

### **Management of Chemicals in Eye(s)**

1. **Wash the eye(s) with clean cool water for at least 15 minutes.**
2. **Wash from near the nose outward.**
3. **Always wash under the upper eyelid.**
4. **Obtain medical attention**

### **Breathing**

If a person is breathing but unconscious turn them on their side to prevent tongue swelling or vomit from obstructing airway.

If person *is not breathing*

- *Check airway for blockage and clear*
- *Call 911*
- *Administer CPR*

#### Location of Firefighting Equipment, Spill and First Aid Kits

A **fire extinguisher** is located in the following places:

- *Residence*
- *Agent in charge vehicle*

A **first aid kit** is located in the following places:

- *Residence*
- *Agent in charge vehicle*

A **spill kit** is located in the following places:

- *Sheds #2 and #3*

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501

RECEIVED

NOV 13 2018

CDFW-NR  
EUREKA LICENSE



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2018-0080-R1

Unnamed Tributary to Salmon Creek, Tributary to the Eel River and the Pacific Ocean

Sharon Amirault  
Amirault Water Diversion, Stream Crossings and Pond Project  
8 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Sharon Amirault (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 5, 2018, and revised on June 14, 2018, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

**PROJECT LOCATION**

The project to be completed is located within the Eel River watershed, approximately 7.5 miles west of the town of Miranda, County of Humboldt, State of California. The project is located in Section 9, T3S, R2E Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-061-016; latitude 40.2207 N and longitude -123.9622 W at the first point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to 8 encroachments (Table 1). One encroachment is for water diversion from an unnamed spring in the Salmon Creek watershed. Water is diverted from a spring box to storage for domestic household use only. The diversion infrastructure will be refitted as described in the revised Notification. A second

encroachment is for a new diversion from a stream. Water will be gravity fed through a 2 inch poly-pipe to storage for cannabis cultivation use. A third encroachment is to decommission an existing pond that is located adjacent to a stream. A fourth encroachment is to replace an existing 18-inch culvert with a minimum 30-inch culvert. A fifth encroachment is to replace an existing 18 inch culvert with a minimum 30 inch culvert. A sixth encroachment is to install a minimum 24-inch culvert to carry a stream under an existing road. A seventh encroachment is to replace an 18 inch culvert with a minimum 30 inch culvert. An eighth encroachment is to replace an 18 inch culvert with a minimum 30 inch culvert. The Permittee has disclosed a functioning and appropriately sized ditch relief culvert and a rain catchment reservoir. Work for the water diversions and crossings will include use and maintenance of the infrastructure.

Table 1. Project Encroachments with Description

| ID                   | Latitude/Longitude | Description   |
|----------------------|--------------------|---|
| POD-1                | 40.2207/-123.9622  | Water diversion from an unnamed spring to storage for domestic household use only |
| POD-2                | 40.2220/-123.9629  | Diversion from an unnamed stream for cannabis cultivation use                     |
| Pond Decommissioning | 40.2223/-123.9634  | Decommissioning of an existing lined pond located adjacent to a Class III stream  |
| Crossing-1           | 40.2205/-123.9608  | Replace an existing 18" culvert with a minimum 30" culvert                        |
| Crossing-2           | 40.2220/-123.9628  | Replace an existing 18" culvert with a minimum 30" culvert                        |
| Crossing-3           | 40.2220/-123.9628  | Install a minimum 24" culvert   |
| Crossing-4           | 40.2218/-123.9628  | Replace an existing 18" culvert with a minimum 30" culvert                        |
| Crossing-5           | 40.2220/-123.9629  | Replace an existing 18" culvert with a minimum 30" culvert                        |

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Eutrochilus tridentatus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

### Impacts to water quality:

- increased water temperature
- reduced instream flow
- temporary increase in fine sediment transport

**Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:**

- loss or decline of riparian habitat
- direct impacts on benthic organisms

**Impacts to natural flow and effects on habitat structure and process:**

- cumulative effect when other diversions on the same stream are considered
- diversion of flow from activity site
- direct and/or incidental take
- indirect impacts
- Impediment of up- or down-stream migration
- water quality degradation
- damage to aquatic habitat and function

**MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

**1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1. Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2. Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3. Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4. Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.



- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

## **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on February 5, 2018, with revisions received on June 14, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

### **Project Timing**

- 2.3 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 Work Completion. Except for water diversion and revegetation, the proposed work shall be completed by no later than **October 1, 2020**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

- 2.5 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.6 Avoidance of Nesting Birds. Permittee shall not disturb nesting birds or occupied nests with any activities associated with this Agreement.

### **Vegetation Management**

- 2.7 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.8 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

### **Water Diversion**

- 2.9 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake for POD-1 and POD-2 shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.10 Bypass Flow. The Permittee shall pass 80% of the flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.11 Seasonal Diversion Minimization. POD-1 is used for direct domestic use and diversion to domestic storage for the months in which there is not sufficient flow to meet conditions 2.9 and 2.10. No more than 300 gallons shall be diverted in any one day from POD-1. POD-2 is used for irrigation. No water shall be diverted from POD-2 between April 1 and October 31 of any year. Water shall be diverted from any POD only if the Permittee can adhere to conditions 2.9 and 2.10 of this Agreement.
- 2.12 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

- 2.12.1 A log including the date, time and quantity of water diverted from the POD.
- 2.12.2 Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.13 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

#### **Water Diversion Infrastructure**

- 2.14 Intake Structure. No polluting materials (e.g., particleboard, plastic sheeting, and bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.15 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.16 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.17 Exclusionary Devices. Permittee shall keep the diversion structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.18 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.19 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

## **Storage**

- 2.20 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.21 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.

## **Stream Crossings**

- 2.22 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.23 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.24 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.25 Dewatering for Crossing Construction or Maintenance.
- 2.25.1 Stream Diversion. Only when construction/maintenance work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations.

Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

- 2.25.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.25.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.
- 2.25.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired immediately.
- 2.25.5 Equipment Limit. No heavy equipment shall enter the wetted stream channel.
- 2.25.6 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.
- 2.25.7 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.
- 2.25.8 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

**2.26 Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a stream. To minimize the potential for material to enter the stream during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

**2.27 Culvert Installation.**

2.27.1 If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe (CMP).

2.27.2 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.27.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.27.4 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.27.5 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.27.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow, including debris, culvert embedding, and sediment loads, without failing.

2.27.7 No fill material, other than clean rock, shall be placed in the stream channel.



2.27.8 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.28 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site. Road approaches shall be armored with durable rock, pavement, or chip-seal for a minimum of 50 feet in both directions or to the hydrological disconnect.

2.29 Project Inspection. The Project shall be inspected a California licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### **Erosion Control and Pollution**

2.30 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.31 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.32 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

2.33 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials 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 welded weaves.

- 2.34 Waste Containment and Disposal. Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use. Photo documentation of newly installed storage containers shall be included in the Work Completion Report.
- 2.35 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.36 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

#### **Reservoir Decommissioning**

- 2.37 Revegetation Plan. The Permittee shall submit a revegetation plan with to CDFW for review and approval prior to implementation of riparian habitat restoration activities. The Revegetation Plan shall, at a minimum, include the following:
- 2.37.1 The identification of the area and vegetation types that will be restored.
- 2.37.2 A planting design and palette appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.
- 2.37.3 Use regionally appropriate native plants for a riparian vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal areas of Humboldt County within 30 miles of the coast. All native seed material shall be from the North Coast ecoregion (Humboldt, Mendocino, Sonoma or Del Norte Counties), if practical. If quantities are not able to be satisfied from these collection sites, propagules may be obtained from other counties in Northern California with pending approval from a restoration ecologist or botanist.
- 2.37.4 Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity, and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings

planted to depth of 75 percent of their length with buds pointing up and bottom of cutting in moist soil or water.

2.37.5 Planting conducted after the first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.

2.37.6 No application of fertilizer on plants or chemical controls on weeds.

### 3. Reporting Measures

- 3.1 Work Completion. The proposed work shall be completed by no later than **October 1, 2020**. A notice of completed work, with supplemental photos, shall be submitted to CDFW within **seven (7) days** of project completion.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW at 619 Second Street, Eureka CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.3 Water Management Plan. The Permittee shall submit a **Water Management Plan** within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka CA 95501.
- 3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka CA 95501.
- 3.5 Revegetation Plan. The permittee submit a **Revegetation Plan** to CDFW by **May 15, 2019**, for review and approval prior to implementation of riparian habitat restoration activities. The Revegetation Plan shall be submitted to CDFW at 619 Second Street, Eureka CA 95501.

### CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

#### To Permittee:

Sharon Amirault  
PO Box 1383  
Redway, CA 95560

#### To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street

Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2018-0080-R1

## **LIABILITY**

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be

required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

#### **AMENDMENT**

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

#### **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

#### **EXTENSIONS**

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed

CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

### **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at [http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

### **TERM**

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

### **AUTHORITY**

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

### **AUTHORIZATION**

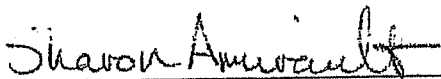
This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.



**CONCURRENCE**

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Sharron Amirault.**



Sharon Amirault

Nov 8, 2018

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**



Cheri Sanville

Senior Environmental Scientist Supervisor

11/19/18

Date

Prepared by: T.O. Smith, August 2, 2018, revised by Cheri Sanville 10/10/18

# Water Resources Protection Plan (WRPP)

## Domeside Gardens, LLC APN 221-106-116

### Background & Purpose

On August 13, 2015, the North Coast Regional Water Quality Control Board (NCRWQCB) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. One of the requirements of the order is to prepare a water resource protection plan (WRPP) for all sites that are enrolled under Tier 2 of the order. Domeside Gardens, LLC enrolled for coverage under the NCRWQCB as a tier II discharger under the Order.

Domeside Gardens, LLC owned by Sharon Amirault has received an interim permit from Humboldt County pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance for a Zoning Clearance Certificate for an Interim Permit for existing cannabis cultivation and ancillary activities on. Cultivation consists of 7,159 square feet of existing outdoor cultivation and 1,108 square feet of existing mixed light cultivation. (See Appendix A: Site Plan)

The subject parcel has also notified California Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (Notification No. 1600-2018-0080-R1). A field agent has visited the site and documentation has been produced to support both the encroachments and the approach for avoiding impacts to water quality. These documents include the narrative (Appendix C: LSA Notification Packet) and the Water Management Plan (Appendix B: Water Management Plan). Some proposed corrective actions made in the Water Management Plan supplant those in the narrative from the LSA Notification.



## Mapping

For detailed mapping, see the attached site plan as submitted to Humboldt County (Appendix A), and the LSAA Map submitted in the LSA Notification Packet (Appendix C).



June 14<sup>th</sup>, 2018

**Water Resources Protection Plan – Sharon Amirault / Domeside Gardens, LLC / APN: 221-106-116**

| Map Feature | Description  | Standard Condition | Corrective Action   | Priority (1 Highest – 4 Lowest) & Anticipated Completion Date |
|-------------|--|--------------------|---|---|
| Water Bar 1 | Main Driveway to Residence requires water bar outlet.                        | I.A.1.b            | Install Rolling dip at map location according to Handbook for Forest, ranch and rural roads, Chapter 5:Construction, Section K, pg. 194-196 | 4, Winter 2019  |
| Water Bar 2 | Road to lower cultivation site requires rolling dip                          | I.A.1.b            | Install Rolling dip at map location according to Handbook for Forest, ranch and rural roads, Chapter 5:Construction, Section K, pg. 194-196 | 4, Winter 2019  |
| Water Bar 3 | Road to lower cultivation site requires rolling dip                          | I.A.1.b            | Install Rolling dip at map location according to Handbook for Forest, ranch and rural roads, Chapter 5:Construction, Section K, pg. 194-196 | 4, Winter 2019  |
| STX-1       | Culvert Replacement (See Appendix C: LSA Notification Narrative Section 3.1) | I.A.2.a            | Replace Culvert (See Appendix C: LSA Notification Narrative Section 3.1)  | 4, Winter 2021  |
| STX-2       | Existing Culvert (See Appendix C: LSA Notification Narrative Section 3.2)    | I.A.2.a,d          | Maintain Culvert (See Appendix C: LSA Notification Narrative Section 3.2)   | 4, Completed  |
| STX-3       | Proposed Culvert (See Appendix C: LSA Notification Narrative Section 3.3)    | I.A.2.a-f          | Install culvert at existing ford (See Appendix C: LSA Notification Narrative Section 3.3)   | 2, Winter 2019  |
| STX-4       | Culvert Removal (See Appendix C: LSA Notification Narrative Section 3.4)     | I.A.2.a-f          | Remove culvert & lay back channel banks (See Appendix C: LSA Notification Narrative Section 3.4)  | 1, Winter 2019  |
| STX-5       | Proposed Culvert   | I.A.2.a-f          | Install culvert   | 3 Winter 2020   |



June 14<sup>th</sup>, 2018

**Water Resources Protection Plan – Sharon Amirault / Domeside Gardens, LLC / APN: 221-106-116**

|                              |   |                        |   |                |
|------------------------------|---|------------------------|---|----------------|
|                              | (See Appendix C: LSA Notification Narrative Section 3.5)  |                        | (See Appendix C: LSA Notification Narrative Section 3.5)  |                |
| POD-Spring                   | Domestic Diversion<br>(See Appendix C: LSA Notification Narrative Section 2.1)<br>(See Appendix B: Water Management Plan)   | I.A.5.a-f              | (See Appendix C: LSA Notification Narrative Section 2.1)<br>(See Appendix B: Water Management Plan)                             | 4, Winter 2022 |
| POD-Surface                  | Proposed Point of Diversion at STX-5 for Cannabis Irrigation & Storage<br>(See Appendix C: LSA Notification Narrative)<br>(See Appendix B: Water Management Plan) | I.A.5.a-f              | Install new Diversion & Hard Storage<br>(See Appendix C: LSA Notification Narrative)<br>(See Appendix B: Water Management Plan) | 1, Winter 2018 |
| Pond – Rainwater Catchment   | (See Appendix C: LSA Notification Narrative, Section 2.3)<br>(See Appendix B: Water Management Plan)  | I.A.5.a-f              | Maintain, follow Water Management Plan<br>(See Appendix B: Water Management Plan)   | 4, Completed   |
| Lower Surface Intercept Pond | Pond Removal<br>(See Appendix C: LSA Notification Narrative, Section 2.2)<br>(See Appendix B: Water Management Plan)  | I.A.5.a-f<br>I.A.3.a-d | (See Appendix B: Water Management Plan, Section 3.3)  | 3, Winter 2021 |
| Culvert DRC 1                | Ditch Relief Culvert<br>(See Appendix C: LSA Notification Narrative, Section 3.6)   | I.A.1.e                | Maintain<br>(See Appendix C: LSA Notification Narrative, Section 3.6)   | 4, Completed   |

June 14<sup>th</sup>, 2018

**Water Resources Protection Plan – Sharon Amirault / Domeside Gardens, LLC / APN: 221-106-116**

|              |   |          |  |  |
|--------------|---|----------|--|--|
| Trash Pile 1 | Trash Pile located near a riparian area | I.A.11.b | Remove refuse and dispose of at an appropriate facility. Collect future refuse in a designated area near the residence with regular disposal | 1, Winter 2018<br>(Stage away from riparian area)<br><br>2 Winter 2019<br>(Remove from property) |
|--------------|---|----------|--|--|

## Standard Conditions on Site

Site maintenance, erosion control, and drainage features:

Existing road infrastructure on the site is generally in compliance with the Standard Conditions and the *Handbook for Forest, Ranch and Rural Roads* with the exception of the final stretch of driveway which is excessively steep, and the section of road leading from the edge of the property boundary to the lower cultivation area. Installation of rolling dips where indicated on the map and described in the table above should help to hydrologically disconnect the road system where possible. The road leading to the lower cultivation area is poorly located due to access issues. It is however composed of very rocky material which reduces the negative contribution of sediment to hydrologically connected portions of the road. Implementation of corrective measures to stream crossings STX-2, STX-3, STX-4, and STX-5 will dramatically improve or eliminate negative impacts on water quality and road drainage.

### Stream crossing maintenance

Existing stream crossings on the site suffer from numerous water quality issues. These will be addressed after implementation of measures covered in Appendix C: LSA Notification Narrative Section 3, attached.

### Riparian and wetland protection and management

Currently the lower pond described in Appendix C: LSA Notification Narrative Section 2.2 creates a hydrologic connection to nearby riparian areas. This pond will be decommissioned as described in Appendix B: Water Management Plan subject to the conditions of the pending LSA agreement. After implementation of these measures, all required setbacks to riparian and wetland areas will be met.

### Spoils management

There are no existing issues related to spoils management. Work performed on corrective measures will be done following the appropriate construction Best Management Practices necessary to prevent adverse impacts to the watershed.

### Water storage and use

The existing operation is in compliance with the Standard Conditions, and will remain in compliance after implementation of the measures described in Appendix B: Water Management Plan.

### Irrigation runoff

Drip irrigation and other management strategies currently employed are effective in controlling irrigation runoff. Additional protection will be gained by getting a further setback of cultivation to



**Water Resources Protection Plan – Sharon Amirault / Domeside Gardens, LLC / APN: 221-106-116**  
riparian areas after Implementation of the pond decommissioning described in Appendix B: Water Management Plan, Section 3.3.

#### Fertilizers and soil amendments

Fertilizers and soil amendments, such as Grow and Bloom amendments by Dr. Earth and Foxfarm, are being mixed in a pile of used soil before going back into garden pots for the grow season. All products have secondary containment and are stored in a manner that prevent them from entering waters of the state. Cultivation areas shall be fertilized and amended at agronomic rates and be maintained in such a way so as to rein in any excess nutrients. All packaging from soil amendments and fertilizers is being collected and disposed at an appropriate facility.

#### Pesticides and herbicides

The use of pesticide and herbicide products shall be consistent with the California Code of Regulations, title 3, section 6147 and applied according to product labeling. For agricultural purposes, the enrollee is using powdered sulfur as the only pesticide. When not in use, all products shall be stored in secondary containment and in a manner that ensures that they do not enter into surface or ground waters.

#### Petroleum products and other chemicals

All petroleum products and liquid chemicals shall be stored in secondary containers that are sufficiently impervious and compatible with the substance being stored in order to prevent discharge or seepage to receiving waters. The enrollee is storing petroleum products in a small shed, but a secondary container is needed for the seven 5-gallon gas cans. The generator also needs a drip pan. Fueling of the generator and other machines shall be conducted in a designated area that prohibits discharge to waters of the state. The enrollee shall implement spill prevention countermeasures and have a spill kit with an ample supply of absorbent pads near storage and work areas.

#### Cultivation Related Waste

Vegetation matter such as root balls and large branches are being appropriately stored and burned in a designated area where the residues will not migrate into surface waters. Spent soil is being reused and amended in garden pots. Any excess soil shall be properly stored as needed.

#### Refuse and human waste

There is a legacy trash pile left by a previous owner as indicated on the map (Trash Pile 1) near the stream crossings near the lower cultivation area. At minimum this must be temporarily staged further away from the riparian areas by winter 2018. After implementation of this measure described in the table above, the site will be in compliance with refuse management. The house has a septic system for disposal of human waste.

## Appendix A: Site Plan

# DOMESIDE GARDENS, LLC. MIXED LIGHT AND OUTDOOR CULTIVATION SPECIAL PERMIT

APN: 221-061-016

**DIRECTIONS TO SITE:**  
FROM EUREKA, CA  
- APPROX. 5 MILES  
- TAKE RIGHT ON US-101  
- TAKE EXIT 553 FOR SALMON CREEK RD  
- TURN RIGHT ONTO SALMON CREEK RD  
- AND STAY ON SALMON CREEK RD  
- (APPROX. 2.8 MILES)  
- TURN LEFT ONTO THOMAS RD  
- (APPROX. 4.6 MILES)  
- THOMAS RD BECOMES UPPER THOMAS RD  
- (APPROX. .5 MILES)  
- UPPER THOMAS RD BECOMES THOMAS RD,  
STAY ON THOMAS RD  
- (APPROX. 3.2 MILES)  
- PROJECT SITE DRIVEWAY ON LEFT

PROJECT SITE

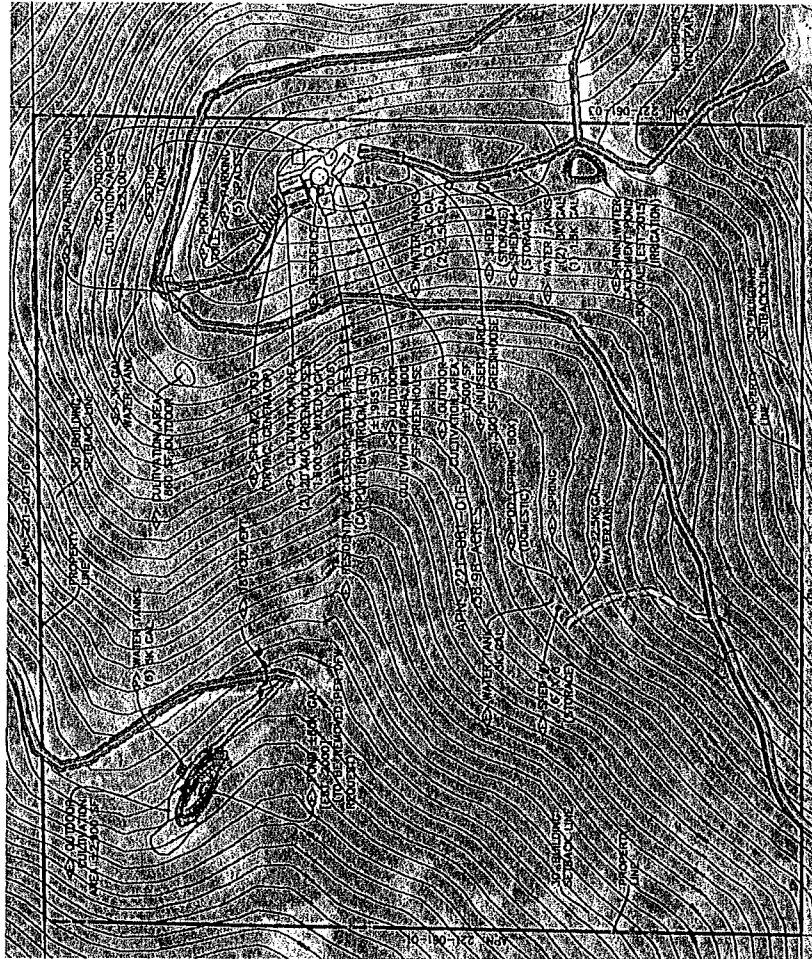
**VICINITY MAP**  
NOT TO SCALE

## PROJECT DESCRIPTION:

DOMESIDE GARDENS, LLC. IS PROPOSING TO PERMIT EXISTING MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH HUMBOLDT COUNTY COMMERCIAL MEDICAL CANNABIS CULTIVATION ACT (HMCCLA) 2015. THE EXISTING OPERATION INCLUDES 9,760 SF OF MEDICAL CANNABIS CULTIVATION, WHICH INCLUDES APPROXIMATELY 8,160 SF OF OUTDOOR CULTIVATION AND 1,600 SF OF MIXED LIGHT CULTIVATION. THE PROPOSED OPERATION WILL BE A 1,600 SF ON-SITE NON-COMMERCIAL NURSERY THAT IS INTENDED FOR STARTS AND GETTING PLANTS TO SIZE. THE PROJECT IS LOCATED ON A 1.60 ACRES PARCEL, WHICH IS CURRENTLY APPURTENANT TO THE CULTIVATION INCLUDING MEDICAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

## GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION IS BASED ON THE 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THE PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOLS BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREA.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF THE SPECIAL PERMIT SHALL BE REMOVED BY HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.



**PLOT PLAN**  
22x34 SHEET: 1"=100'  
11x17 SHEET: 1"=200'  
0 50 100 200  
NORTH

## PROJECT INFORMATION:

APPLICANT:  
DOMESIDE GARDENS, LLC.  
P.O. BOX 1393  
REDWATER, CA 95560

PROPERTY OWNER:  
SHARON AMBAGULT  
1000 THOMAS RD  
REDWATER, CA 95560

OWNER AGENT:  
STEVEN L. JONES  
SL CONSULTING SERVICES, INC.  
973 DOWNER DR  
EUREKA, CA 95501

SITE ADDRESS:  
APN: 221-061-016  
4780 THOMAS RD  
WHITETOWN, CA 95569

TREES TO BE REMOVED = NONE

OUTDOOR CULTIVATION AREA = 8,160 SQ. FT.  
MIXED LIGHT CULTIVATION AREA = 1,600 SQ. FT.

EARTHWORK QUANTITIES = TBD

WATER  
SEWER  
= PRIVATE  
= PRIVATE

PARCEL SIZE  
= ±36.88 ACRES

ZONING  
GENERAL PLAN DESIGNATION = AL-40 (FRM)

BUILDING SETBACKS:

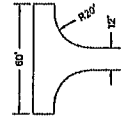
|       | U   | SRA |
|-------|-----|-----|
| FRONT | 20' | 30' |
| SIDE  | 5'  | 30' |
| REAR  | 10' | 30' |

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA = YES

IN COASTAL ZONE = NO

IN 100-YR FLOOD ZONE = NO



SRA HAMMERHEAD  
TURN AROUND DETAIL

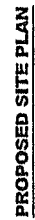
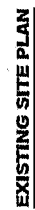
## SHEET INDEX:

- CD - 200' PLOT PLAN, VICINITY MAP, &
- CI - EXISTING AND PROPOSED PLOT PLAN

DOMESIDE GARDENS, LLC/APN:221-061-016  
3700 THOMAS RD, WHITETOWN, CA 95569  
ZONING PLOT PLAN COVER

30

APN: 221-061-016



2234 SHEET: 1"=100'  
11x17 SHEET: 1"=200'

[illegible]

DOMESIDE GARDENS, LLC  
WHITTHORN, CA  
EXISTING AND PROPOSED SITE PLAN

5

## Appendix B: Water Management Plan

## 1 Background & Purpose

Domeside Gardens, LLC has an Interim permit from Humboldt County for Commercial Cannabis Cultivation. The permit is for 7,159 square feet of existing outdoor cultivation and 1,108 square feet of existing mixed light cultivation on a parcel located at 3780 Thomas Road, APN 221-061-016. Sharon Amirault, owner of Domeside Gardens has filed a Lake and Streambed Alteration (LSA) Notification (Notification No. 1600-2018-0080-R1) with California Department of Fish and Wildlife (CDFW). Per request from the CDFW field agent reviewing the notification, this water management plan has been developed outlining the diversion infrastructure existing & proposed, water diversion & use projections, and water storage plan to meet forbearance requirements. Corrective actions covered in this document (where different) are intended to supersede that described in the LSA Narrative submitted to CDFW, dated December 19<sup>th</sup>, 2017.

## 2 Executive Summary

Domeside Gardens, LLC will decommission their lower pond, address any associated water quality issues, and secure at minimum, an additional 23,000 gallons of hard plastic water tanks to meet the State Water Resources Control Board (SWRCB) diversion forbearance period (April 1<sup>st</sup> – October 31<sup>st</sup>) for cannabis use. Water for cannabis use will be obtained from the non-jurisdictional rainwater catchment upper pond and a proposed surface diversion near the existing lower pond. Water for domestic use will come from a spring located on the property with existing diversion works with a diversion rate of 160 gallons per day during the months when the spring flows. An estimated additional domestic water storage capacity of 34,400 gallons would be required to meet the SWRCB forbearance period for domestic uses which is currently not planned. Water quality issues, primarily relating to run-off and poorly constructed stream crossings will be addressed through proposed work documented in the Lake and Streambed Alteration Notification Packet attached (Appendix A).

## 3 Water Collection, Storage & Diversion Infrastructure

Water is presently sourced via three independent collection systems on the site. The first is a diversion from a Spring located on the property serving domestic uses, the second is a rainwater catchment pond which does not receive surface flows serving cannabis use, and the last is an off-stream pond which does receive surface run-off from a road and the surrounding hillslope used for cannabis cultivation. The applicant intends to maintain the first two collection systems and decommission the pond receiving surface flows and replace it with hard plastic water tanks to store water from a new planned point of diversion in the class III stream which receives the pond overflow. This diversion will consist of a small flexible polyethylene pipe in stream with a PVC inlet screened to 3/32" to exclude wildlife.

### 3.1 Spring Diversion

See section 2.1 of the attached LSA Narrative (Appendix A) for a description of existing infrastructure.

#### **Changes & Additions to LSA Notification Narrative:**



There is a second spring-box dug into the channel below the spring inlet which appears to be piped directly to the pump. This box will be removed and the channel will remain to provide bypass flows which are anticipated to infiltrate into the ground without directly forming or entering a channel. There is an unused legacy tank above this box which was described in the narrative. This legacy tank and any attached pipes will be removed. The diversion will remain only as a domestic supply. The anticipated domestic demand is 160 gallons per day, which will trickle into the storage tank at a rate of 1-3 gallons per minute. The tank will be pumped approximately once every day or two up to storage near the house. The spring dries up from approximately mid-August to mid-October so storage for longer than 30 days will be required and a Small Domestic Use Registration will be filed with the SWRCB. A water meter will be installed at the pump location to measure water diverted for domestic use and water which flows through the bypass system on the tank will not be counted as diverted.

### 3.2 Rainwater Catchment Pond "Upper Pond"

See section 2.3 of the attached LSA Narrative (Appendix A) for a description of existing infrastructure.

#### **Changes & Additions to LSA Notification Narrative:**

A water meter will be installed between the pond and the point of use, to be monitored and recorded weekly during use.

### 3.3 Surface Flow Intercept Pond

See section 2.2 of the attached LSA Narrative (Appendix A) for a description of the existing pond.

#### **Changes & Additions to LSA Notification Narrative:**

The original notification narrative called for maintenance of the pond consisting of inspection of the dam wall & spillway as well as bull-frog management activities. This pond is now proposed to be decommissioned. Decommissioning will proceed according to the following guidelines:

- Work will proceed only in the dry season (April 16<sup>th</sup> – October 14<sup>th</sup>) when the pond is empty of water and no rain events are anticipated.
- Work, including excavation of the pond dam wall is to occur only after upgrading stream crossings STX-3 and STX-5 as described in sections 3.3 and 3.5 respectively of the LSA Narrative (Appendix A) to ensure that unnecessary flows into the pond collection area have been eliminated.
- The center of the dam wall will be excavated with volume of excavated material not to exceed 50 cubic yards. This should allow a 7 to 9 foot section of the center of the dam wall (measured along the length of the dam wall at the bottom) to be excavated from the bottom of the pond to daylight in the hillslope below, with excavated side-walls to be laid back at 2:1.
- Excavated materials will be balanced on site, spread into the pond basin and compacted with a minimum 5% slope to be oriented downslope through the excavated area in the pond dam wall.
- Erosion control measures will be implemented consisting of spreading native grass seed on all exposed earth of cut and fill areas, keeping the area moist until grass has sprouted and installing

straw wattles staked down along contours of exposed earth areas every 15 feet using the manufacturer recommended staking method.

- Inspection should be performed during several rain events to ensure that no channelization is occurring in the excavated area.

Staying within these guidelines should minimize any impacts to fish & wildlife, ensure that the project will be exempt from a grading permit per *Humboldt County Building Department Regulations Section 331-12(D)(2)*, and ensure appropriate erosion control efforts will have been put in place to protect water quality.

### 3.4 Proposed Surface Water Diversion

Water for cannabis use will be supplied by a proposed surface water diversion in a class III stream. This diversion is to be located at approximate latitude 40.2220°, longitude -123.9629° and will consist of a flexibly polyethylene pipe no greater than 2" in diameter to be located in or near the proposed culvert described as "STX-3" in Section 3.3 of the attached LSA Narrative (Appendix A). It shall have a PVC inlet with metal screening passing objects no larger than 3/32". Water will gravity flow to a collecting tank where, if necessary, it will be pumped to the rest of the storage tanks. The tank and pump (if required) will be located outside of the riparian area, with the pump being covered and placed in secondary containment. The diversion will be utilized only during the overlap between the surface water diversion season set by SWRCB and the allowable diversion season per CDFW. Outside of this diversion, the inlet and pipe will be removed from the stream. No excavation nor disturbance of the streambanks or channel bottom will be necessary. A water meter will be installed between the diversion inlet and the first storage tank, with weekly monitoring and recording during use.

#### Changes & Additions to LSA Notification Narrative:

This diversion was not proposed in the original LSA Notification, it has therefore been added as a project costing <\$1,000, and the additional fees for this project have been attached. It is not anticipated to contribute meaningfully to the total disturbed area and should involve no disruption to riparian vegetation.

### 3.5 Water Tanks

Domeside Gardens, LLC currently has 21,500 gallons of hard plastic water tanks located at various locations on the property. Approximately 23,000 additional gallons of storage is required to replace the loss of storage capacity from the proposed pond decommissioning. This proposed storage will consist of additional hard plastic water tanks, to be acquired prior to decommissioning the pond. All tanks will have a capacity at or below 5,000 gallons. Tanks will not have an engineered foundation but will be placed on stable flat ground with 0-5% slopes and 20 foot setback to slopes greater than 20%. A water meter will be placed between the final tank outlet and the point of use, with weekly monitoring and recording during use.

## 4 Projected Water Diversion, Use & Storage Demands

A water model was developed to estimate projected water usage on the site and ensure that water demands can still be met in relatively dry conditions when accounting for forbearance. The authorized diversion period was assumed to be November 1<sup>st</sup> through March 31<sup>st</sup> as set in the State Water Resources Control Board's (SWRCB) adopted Cannabis Cultivation Policy. Outside of this diversion period, water will be utilized from storage.

### 4.1 Diversion

The rainwater catchment pond has an approximate collection area of 3,500 square feet. To reliably estimate the quantity of water the pond is capable of supplying, a statistical analysis of precipitation data<sup>1</sup> was performed and monthly average precipitation was scaled uniformly to ensure total annual precipitation was at a level with 95% probability of exceedance. Mean pan evaporation data<sup>2</sup> was obtained from a station in Red Bluff and assumed to be approximately representative for the site. The effect of pond geometry on evaporation rates was incorporated into the model as well as precipitation overflow. Survey data was utilized to estimate pond capacity and geometry including stage/volume relationship and stage/surface area relationship.

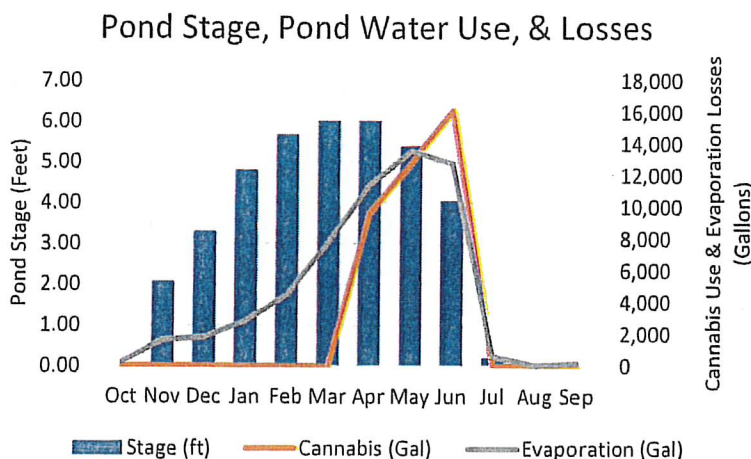
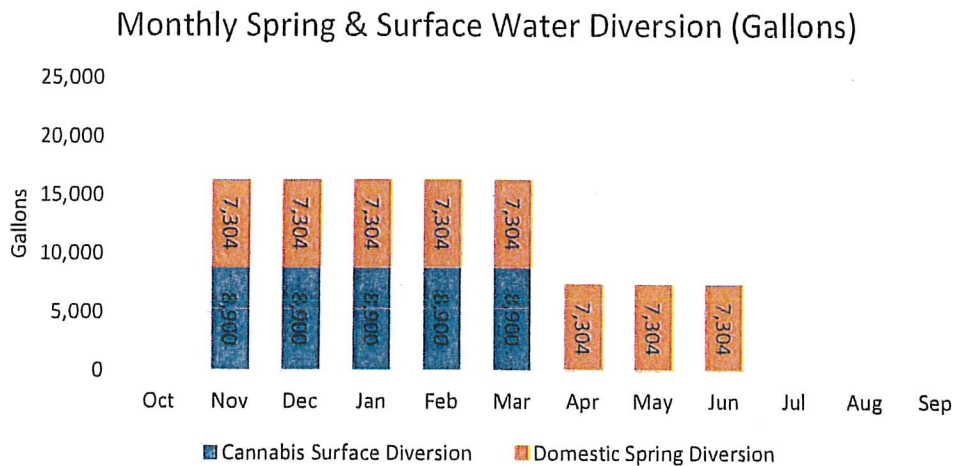


Figure 1: Modeled pond stage incorporating evaporative losses and cannabis use assuming an empty pond at the beginning of the water year and annual rainfall at the 95% exceedance level

<sup>1</sup> 30-year monthly normals 1981-2010 from PRISM PRISM Climate Group, Oregon State University, <http://prism.oregonstate.edu>, accessed May 2018

<sup>2</sup> NOAA Technical Report NWS 34 Mean Monthly, Seasonal, and Annual Pan Evaporation for the United States, 1982

Diversion from the Spring was assumed to occur evenly throughout the year, excepting those months July-October where the spring would be dry in a drought year, and assuming sufficient storage to forbear during. Monthly diversion rates reflect monthly demand and accumulation of storage for the dry months. The required diversion rate to do this on a continuous basis is less than 0.5 gallons per minute. The 2,500 gallon tank and pump system at the diversion site is sufficient to accommodate a once daily duty cycle for the pump at this diversion rate. (See Figure 2). Also shown (Figure 2) is the monthly diversion rate from the proposed cannabis surface water diversion in the class III stream with forbearance during the SWRCB forbearance period.



*Figure 2: Monthly Diversion from the spring assuming domestic diversion during a modified forbearance period July 1<sup>st</sup>-October 31<sup>st</sup> and cannabis diversion during the SWRCB surface water diversion forbearance period April 1<sup>st</sup> – October 31<sup>st</sup>.*

## 4.2 Storage & Use

Estimates for cannabis use are based on a total annual requirement of 10 gallons per square foot of cultivation. Evapotranspiration rates were estimated using a seasonal multiplier during the growing season determined by professional judgement. Domeside Gardens, LLC primarily utilizes drip irrigation to water plants. Watering strategy consists of application rates based on cultivator judgement with water being sourced first from the rainwater catchment pond, then by tanks later in the season when the pond water supply has been exhausted. Domestic use is consistent with two people living at the residence year-round, with an estimated demand of 80 gallons per day per person and no seasonal variation.

Water use and storage requirements for domestic and irrigation uses were modeled as independent storage systems. While additional storage requirements are required regardless, the projected storage requirement differs depending on whether domestic uses must meet the same forbearance requirement, or an alternative one with a longer diversion season. The existing hard tank storage capacity is 21,500 gallons. The total projected requirement of hard tank storage for cannabis is 44,500 gallons requiring an

additional 23,000 gallons of capacity in water tanks to implement. For domestic uses, the total requirement allowing Domeside Gardens to meet the proposed modified 4-month forbearance period July 1<sup>st</sup> – October 31<sup>st</sup> for domestic use would be 19,500 gallons. If domestic forbearance is not necessary, fewer tanks could be utilized with approximately 4,800 gallons per month-of-forbearance sufficient to meet the demand.

### End of Month Storage Levels

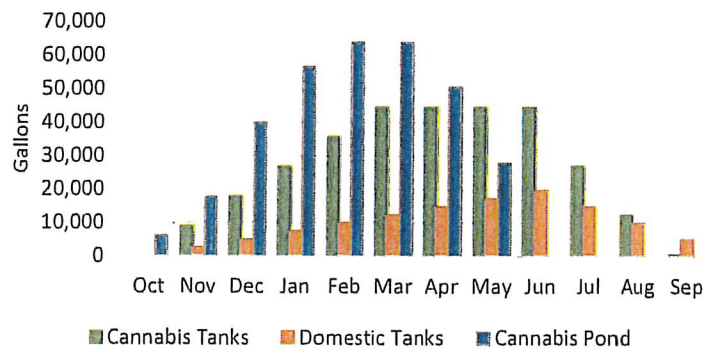
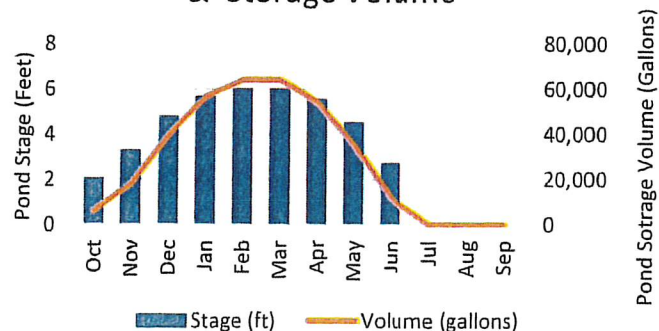


Figure 3: Projected End of month pond volume & stage throughout the water year assuming an empty pond at the beginning of the wet season, and annual rainfall with a 95% exceedance probability. End of month values for tank storage assuming empty tanks at the beginning of the water year and full cannabis forbearance.

### End of Month Pond Stage & Storage Volume



*Figure 4: Projected pond volume and stage throughout the water year assuming an empty pond at the beginning of the wet season, and annual rainfall with a 95% exceedance probability.*

## Appendix A: LSA Notification Packet Delivered to CDFW



## Appendix C: LSA Notification Narrative



LSA Notification Narrative  
Domeside Gardens, LLC  
PO Box 1383  
Redway, CA 95560

APN 221-061-016  
3780 Thomas Road  
Whitethorn, CA 95589  
December 19th, 2017

Civil Engineering  
Surveying  
Water Resources Management  
Water & Wastewater Engineering  
Supply Chain Logistics  
Construction Management  
Environmental Sciences  
Landscape Architecture  
Land Planning

## 1 Project Description

The applicant is proposing to permit several jurisdictional encroachments related to domestic use and existing medical cannabis cultivation activities in accordance with the County of Humboldt's Commercial Medical Marijuana Land Use Ordinance. Proposed and existing improvements to the site involve jurisdictional encroachments into a lake or streambed and will require approval from California Department of Fish and Wildlife. These projects include maintenance, replacement, installation, or removal of five road stream-crossings, maintenance and use of a pond intercepting surface waters, and a point of diversion for domestic use. In addition, there are two projects believed to be non-jurisdictional: one rainwater catchment pond and a ditch relief culvert.

The Project is located at 3780 Thomas Road, Whitethorn, CA 95589, (APN 221-061-016) just south of the community of Bull Creek. The subject parcel is approximately 38.99 acres in size (per the County of Humboldt's WebGIS), and is largely forested with slopes ranging from 5% to 55%. Existing site conditions are described below along with the proposed improvements to be implemented unless otherwise indicated by California Department of Fish & Wildlife (CDFW) staff.

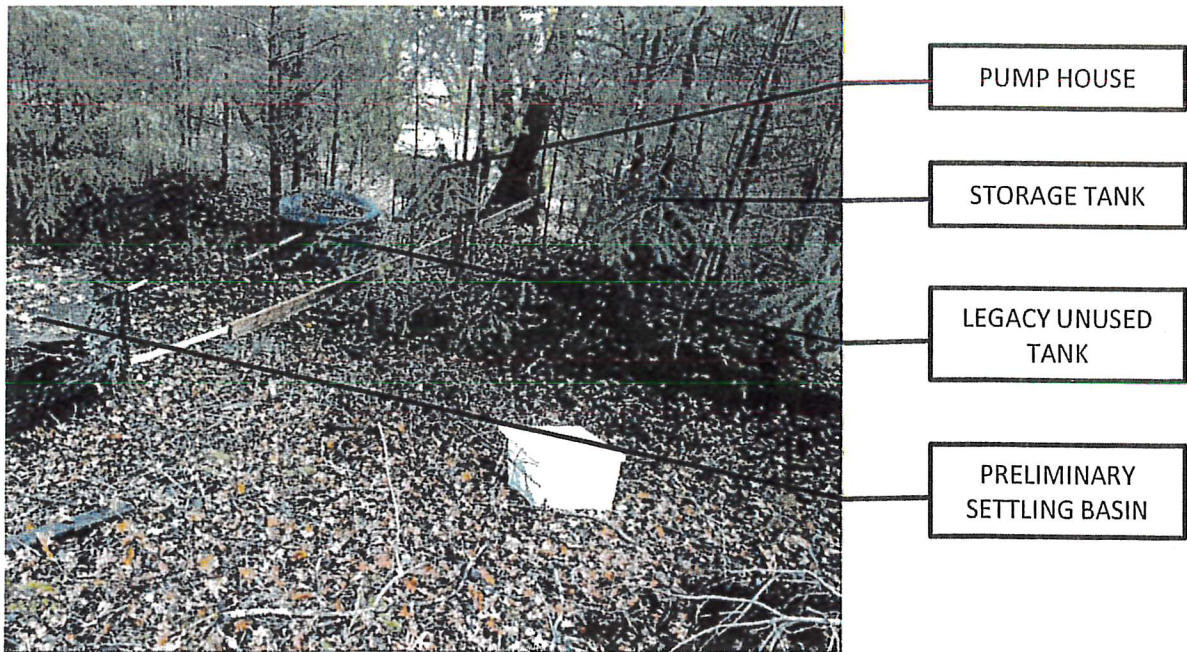
## 2 Water Diversion

### 2.1 Spring Box Point of Diversion #1



Figure 1: Infiltrating Spring (Left) and Inlet (Right)





There is a spring diversion located at approximate latitude 40.2207°, longitude -123.9622°. The spring itself appears to be a non-flowing spring which infiltrates back into the ground after daylighting at the spring source although the diversion works has been in place in one form or another for at least 40-50 years so it is unclear whether bypass flows would be present without the influence of the diversion works. There is no obvious channelization below the spring. The inlet consists of a 4" PVC Pipe with ¼" holes drilled through it partially buried perpendicular to the gradient at the spring source. This 4" PVC pipe trickles into a settling tank to reduce sediment before gravity feeding to a 2,500 gallon storage tank, pictured below.

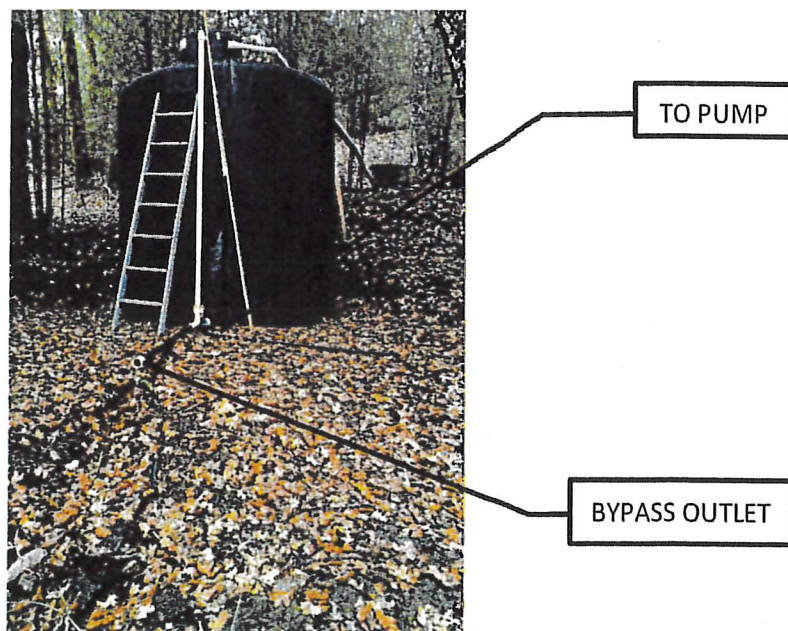


Figure 2: Spring diversion storage tank and bypass/overflow infrastructure

The storage tank has an overflow pipe at the top which runs down the tank and outlets onto the ground below. When the tank is full, flow bypasses the diversion via this overflow. There is minor erosion within the first 1-3 FT of the outlet before bypass flows are dispersed and/or infiltrate into the ground. This section will be armored with rock to prevent further scour and aid in energy dissipation and flow dispersal. There does not appear to be any significant downstream channel.

Water is pumped when needed to the house storage tanks using small gasoline powered pump located on a secondary containment pad in the pump house shown in Figure 2. Per the applicant, it takes 3-4 hours to fill a 2,500 gallon tank for an estimated pumping rate of 10-14 GPM. An initial statement of diversion and use has been filed for this point of diversion see state water resources control board ID number S026471 "Amirault's Spring".

**Corrective Action:**

A 3/32" or smaller mesh screen will be installed around the Inlet to exclude wildlife from the diversion works. The outlet of the bypass pipe will have approximately 3 cubic FT of 6" D50 or equivalent rock to aid in dispersal of bypass and prevent erosion and scour. The total approximate disturbance area is 4 SQ FT.

**2.2 Pond #1**



Figure 3: Pond and nearby outdoor cultivation  
(Cultivation to be relocated on property pending County approval)

This existing unlined pond is located at approximate latitude 40.2223°, longitude -123.9634° and was constructed in approximately 2005. The pond intercepts the flow of surface runoff from the

hillslope and road above the pond. (At present, there is a partial diversion of a class III stream at a road stream crossing leading down into the pond, but work to fix this crossing will eliminate this contribution. See STX-5 below.) It is uncertain to what extent the pond may receive contributions from daylighted subsurface water but historical imagery from 2004 does not appear to show evidence of channelization or riparian vegetation leading from the present location of the pond. (See Figure 4, below.)

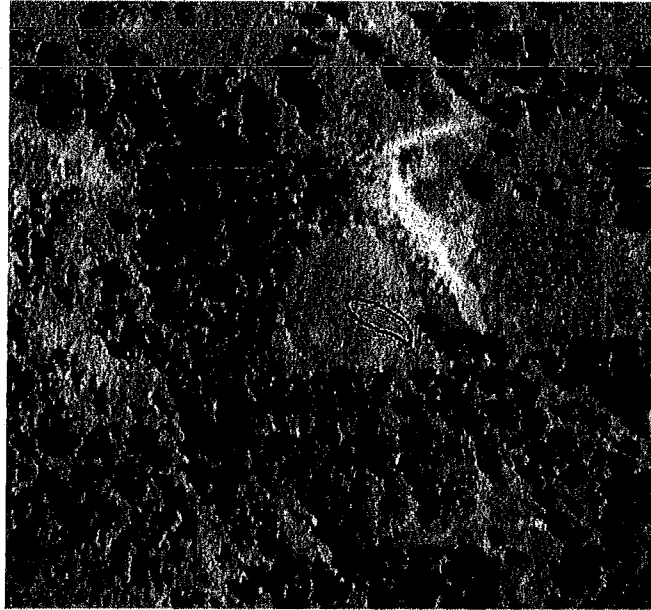


Figure 4: Outline of present pond overlaid on 2004 aerial imagery

The pond was constructed by excavation into the hillslope with an earthen dam wall on the downslope side of the pond. The dam wall varies along the length but the governing geometry occurs near the center consisting of approximately 1.7:1 H:V interior and exterior slopes with an approximately 4 FT crest width. The depth of the pond in this section is approximately 5 FT with approximately 2 FT of freeboard at the pond-full depth.

There is an overflow on the Southeast side of the pond which consists of a trapezoidal channel, approximately 5% slope, 3 FT channel bottom and 3 FT high walls at approximately 1:1 (H:V) with rock armoring on the top of the downslope side. The pond-full depth was defined as the pond depth when discharge through the spillway is equivalent to the 100-year storm flow of 4.1 CFS for the 2.6 acre drainage area. At this conveyance, there is approximately 1.5 to 2 FT of freeboard in the pond and 2.5 FT of freeboard in the overflow channel.

During the dry season, all surface flows nearby cease (including outflow from the pond) and the applicant utilizes the water from the pond for cultivation irrigation. Approximate storage capacity of this pond is 80,000 gallons. The pond is drained and/or evaporates annually. This will aid in discouraging the development of bullfrogs.

**Corrective Action:** Annual inspection of pond, dam wall, and spillway. Applicant will ensure pond is drained or evaporates annually. Applicant will follow DFW approved bullfrog management plan (See Exhibit A attached).



### 2.3 Pond #2 – (Rainwater Catchment)



Figure 5: Rainwater Catchment Pond

This existing rainwater catchment pond is located at approximate latitude 40.2207°, longitude -123.9598° and was constructed in approximately 2016. The pond is lined and isolated from surface water run-off. Rainwater is collected and utilized for cannabis irrigation. There is an overflow channel which leaves approximately 2 FT of freeboard around the pond which disperses at the outlet onto the hillslope below. The pond and overflow appear non-jurisdictional. The pond is approximately oval-shaped with length  $\pm 65$  FT and width  $\pm 50$  FT. No evidence of instability was found in the dam wall and the pond appears stable. The description of the construction given by the applicant suggests that the dam wall was appropriately keyed in and compacted in lifts. Water is stored in the pond and utilized for cannabis irrigation, with approximate capacity of the pond of 80,000 gallons. The pond is drained and/or evaporates annually. This will aid in discouraging the development of bullfrogs.

The overall catchment area is approximately 3,180 SQ FT which should be sufficient to fill the pond in most years given the 30-year average annual rainfall of 110 inches. (PRISM Climate Group, Oregon State University, <http://prism.oregonstate.edu>, created 4 Dec 2017). The overflow, pictured below in Figure 6 should be capable of conveying the estimated 100-year flow of 0.4 CFS at approximately 4" channel depth.

**Corrective Action:** Annual inspection of pond, dam wall, and spillway. The applicant will ensure that the pond is drained or evaporates annually. Applicant will follow DFW approved bullfrog management plan (See Exhibit A attached).





Figure 6: Rainwater Catchment Pond Overflow

### 3 Stream Crossings & Culverts

#### 3.1 STX-1 Culvert Stream Crossing



Figure 7: STX-1 18" Culvert Inlet (left) and outlet (right)

This stream crossing is located at approximate latitude 40.2205°, longitude -123.9608°. It consists of an 18" diameter corrugated metal pipe, approximately 25'-30' in length. The culvert receives water from the upslope side of a through-fill road drainage ditch coming from both directions and outlets into the headwater of an unnamed class III stream channel tributary to Salmon Creek. The culvert theoretically receives runoff from a 9.0 acre drainage area, but low gradient along the road

may allow for additional infiltration than assumed in the sizing calculations. Based on these calculations, the culvert is undersized for the estimated 100-year storm flow of 11.8 CFS.

The flow path from both directions along the road takes a 90 degree bend at the culvert inlet, however no signs of significant eddying or erosion appear to be present at the inlet. The culvert was used as a conduit to pass two flexible polyethylene pipes across the road prism. One of these pipes is disconnected and unused, and the other conveys domestic water from the spring up to storage by the residence.

The culvert appears to have been set at the bottom of the road fill, but disturbance to the downstream channel has created some adverse conditions. The culvert has scoured at the outlet and flow plunges subsurface and appears to be piping through the soil at a depth of 2-3 FT below grade for approximately 8-10 FT before daylighting again, pictured in the figure below.



Figure 8: Daylighting of subsurface flow near the culvert outlet

Vegetative wastes and slash have ended up in the channel downstream of the outlet seen along the left channel banks in Figure 9, below, potentially contributing to erosion on the opposite bank as water velocity increases on the bend opposite the obstruction.





Figure 9: Slash placed in the downstream channel.

#### Corrective Action

The irrigation pipes will be removed from the culvert and passed through the road prism in a separate location TBD either buried or passed through a dedicated conduit. The culvert will be replaced with a 30-inch ADS n-12 or CMP culvert set on grade capable of passing the 100-year flood flow of 11.8 CFS at an estimated headwater to diameter ratio (HW/D) of 0.68. The vegetative wastes and slash will be removed from the downstream channel, leaving large woody debris present. The subsurface section will be excavated and exposed and the channel banks pulled back to stable 2:1 slopes aligned with the downstream channel. The inlet and outlet will be armored with minimum 6" D50. Impacts include temporary disturbance to approximately 15 lineal FT of stream channel, with an approximate area of 120 SQ FT. Work will be performed in the dry season when the channel is dry, and all standard erosion control and BMP's will be followed as appropriate.

#### 3.2 STX-2 Culvert Stream Crossing



Figure 10: STX-2 18" HDPE Culvert inlet (left) and outlet (right)

This culvert is located at approximate latitude 40.2220°, longitude -123.9628° and receives runoff from an approximately 0.2 acre drainage area as well as relatively low flow from a seeping spring during the wet season. The existing culvert consists of an 18" diameter double-walled smooth interior HDPE pipe aligned with the channel. The culvert is set short and high in the fill of the road prism, but water outlets into what is effectively a rock-lined basin set in the inside of the road elbow as the road turns nearly 180 degrees in direction descending down to the lower pond and

cultivation area. There does not appear to be significant erosion potential, nor is there a significant stretch of riparian habitat within the basin.

The culvert inlet is slightly obscured and requires removal of pine-needles and debris. The culvert is appropriately sized for the estimated 100-year flow of 0.4 CFS with a headwater to depth ratio of approximately 0.20.

#### **Corrective Action**

The culvert inlet will be cleaned out as part of routine maintenance, otherwise no additional action is proposed.

### **3.3 STX-3 Proposed Culvert Stream Crossing**

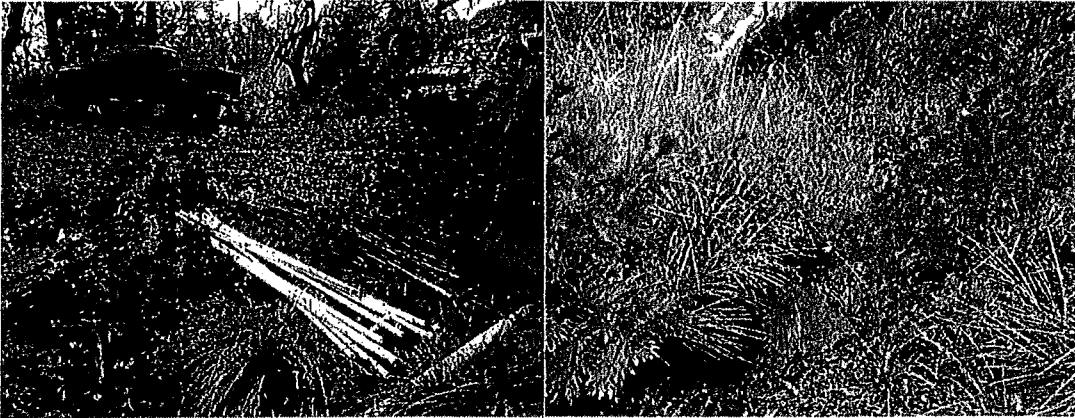


Figure 11: Proposed stream crossing STX-3, currently running across the road & turnaround area (left) and outlet into small basin in road elbow (right)

This proposed culverted road stream crossing is located at approximate latitude 40.2220°, longitude -123.9628° and receives flow from a seasonal unnamed stream with an estimated 1.1 acre drainage area. There is no existing culvert and flow currently runs across the road and into the same small rock-armored basin in the elbow of the road that STX-2 outlets into. The outlet near the entrance to the basin is not protected and the channel has incised a small distance back into the road prism. The estimated 100-year flood flow is 1.5 CFS which will be easily passed by the proposed 30-inch culvert running for an approximate length of 55 FT below the road and turnaround area.

There are also several debris piles located around the channel banks which threaten to obstruct the stream flow, pictured below in the upstream view of the channel.





Figure 12: Upstream view of the stream subject to the proposed crossing, STX-3. Note debris piled up near the banks of the stream.

#### Corrective Action

To preserve the use of the road and turnaround, the stream will be culverted for an approximately 55 FT length consisting of either corrugated metal or ADS-n12 HDPE 24 inch diameter pipe. The culvert will be set on grade through the road prism with outlet directed into the same basin as the outlet to STX-2. The inlet and outlet will be armored with 6" plus angular rock. The approximate excavation/fill volume of the project is 14 cu yds. Refuse will be pulled back away from the stream banks until it can be collected, removed from the site, and properly disposed of. Total lineal FT of disturbed channel will be approximately 60 FT and disturbed area approximately 195 SQ FT.

#### 3.4 STX-4 Culvert Stream Crossing



Figure 12: STX-4 Culvert inlet (left) and outlet (right)

This existing culverted stream crossing is located at approximate latitude 40.2218°, longitude -123.9628°. It consists of an 18" diameter, approximately 25 FT long corrugated metal pipe culvert which conveys flow from a seasonal watercourse. The culvert is not adequately sized for the 100-year storm flow which is estimated at 22.3 CFS for the approximately 16.9 acre drainage area.

The inlet suffers from adverse geometry relating to a widening of the channel in the vicinity of the inlet from previous maintenance and clearing. The culvert is set high in the fill and the outlet is perched approximately 3 FT above the grade of the stream channel. The crossing is located on a short road which dead ends to a graded flat which is no longer used and is not needed.

#### **Corrective Action**

The culvert will be removed during the dry season and the stream channel banks laid back to a stable 2:1 slope, with approximate channel dimensions of 3 FT bottom width and 2 FT in depth. Assuming 5% slope, the proposed channel will adequately convey the 100-year flow at a maximum depth of 1.0 FT allowing 1.0 FT of freeboard in the channel. Riprap channel lining, if required by DFW, should be minimum 6" D50 angular rock placed 12" thick for a total volume of approximately 10 cubic yards. Grading spoils, approximately 19 cubic yards for a riprap lined channel, will be removed from the site or stabilized and stored onsite in a suitable area absent of significant slopes or nearby watercourses. The existing graded flat appears stable and has revegetated with grasses and shrubs and will be abandoned. Total disturbed lineal FT of channel for the proposed work is 25 FT and total disturbed area 275 SQ FT.

### **3.5 STX-5 Proposed Culvert Stream Crossing**



**Figure 13: Proposed Stream Crossing STX-5**

This proposed crossing is located at approximate latitude 40.2220°, longitude -123.9629°. It conveys outgoing flow from the basin described for the outlet of STX-2 and STX-3. The receiving channel is an unnamed seasonal watercourse tributary to Salmon Creek. Currently, flow splits with approximately 50% running down the road and into Pond #1 and 50% flowing across the road and into the natural channel below. The estimated 100-year flow is 1.9 CFS which would be adequately conveyed by a 30-inch culvert at a headwater to diameter ratio of approximately 0.24.



#### Corrective Action

An approximately 25 FT long, 24-inch CMP or ADS N-12 HDPE culvert will be installed aligned with the existing channel and set on grade. While the crossing has diversion potential, sediment would be captured and settled by pond #1 in the event the culvert became plugged so no critical dip is proposed. The culvert inlet and outlet will be armored with minimum 6" D50 rip rap. The approximate grading excavation and fill volume is 7 cubic yards. The total disturbed length of proposed work to the channel is 25 FT with a disturbed area of 75 SQ FT.

### 3.6 DRC-1 Ditch Relief Culvert



Figure 14: Ditch relief culvert inlet (left) and outlet (right)

This culvert is located at approximate latitude 40.2218°, longitude -123.9606°. It consists of an 18" HDPE pipe. The culvert conveys flow from an inboard road ditch which receives flow from an approximately 0.75 acre drainage area. It is sized appropriately to accommodate the anticipated 100-year flow of approximately 1.0 CFS. The culvert outlet is located in a patch of vegetation which appears sufficient to disperse runoff onto the hillslope below. This does not appear to be a jurisdictional item per CDFW guidelines and no work is proposed.





PLN-221-061-016  
OMESIDE GARDENS LLC  
HARRON AMIRALTY  
SAVING NATURE ITEMS

PLN-11414-SP Domeside Gardens, LLC

September 19, 2019

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## ATTACHMENT 5

### Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

| Referral Agency                                 | Response | Recommendation  | Location              |
|---|----------|---|-----------------------|
| Building Inspection Division                    | ✓        | Conditional approval                                  | Attached              |
| Land Use Division                               | ✓        | Conditional Approval                                  | Attached              |
| Division Environmental Health                   | ✓        | Approval  | Attached              |
| Calfire   | ✓        | Comments  | Attached              |
| Department of Fish & Wildlife                   | ✓        | Comments  | Attached              |
| Bureau of Land Management                       | ✓        | Comments  | Attached              |
| NWIC  | ✓        | Further Study   | On file with Planning |
| Bear River Band of the Rohnerville Rancheria    | ✓        | Conditional Approval - Inadvertent Discovery Protocol | On file with Planning |
| Intertribal Sinkyone Wilderness Council         |          | No response   |                       |
| RWQCB   |          | No response   |                       |
| Humboldt County Sheriff                         |          | No response   |                       |
| District Attorney                               |          | No response   |                       |
| Agricultural Commissioner                       |          | No response   |                       |
| Southern Humboldt Joint Unified School District |          | No response   |                       |





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

th.



7/28/2017

**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, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, Southern Humboldt Joint Unified School District School District

**Applicant Name** Domeside Gardens LLC **Key Parcel Number** 221-061-016-000

**Application (APPS#)** 11414 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-220

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

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

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

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

**Return Response No Later Than 8/12/2017**

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 comments

DATE: 8-3-17

PRINT NAME: Patrick Metzger





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44237

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

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

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

Name: Patrick McTigue

Date: 8-3-17

Note: Remember to take photographs and then save them to the Planning's application number.



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3595

AVIATION 839-5401

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

|                      |          |                               |          |
|----------------------|----------|-------------------------------|----------|
| ADMINISTRATION       | 445-7491 | NATURAL RESOURCES             | 445-7741 |
| BUSINESS             | 445-7652 | NATURAL RESOURCES PLANNING    | 267-9540 |
| ENGINEERING          | 445-7377 | PARKS                         | 445-7651 |
| FACILITY MAINTENANCE | 445-7493 | ROADS & EQUIPMENT MAINTENANCE | 445-7421 |

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 12-8-2017

RE:

|                |                      |
|----------------|----------------------|
| Applicant Name | DOMESIDE GARDENS LLC |
| APN            | 221-061-016          |
| APPS#          | 11414                |

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #4 on Exhibit "C"

// END //



## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11414

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

## Exhibit "C"

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

APPS # 11414

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

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

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

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

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

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

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

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

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

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

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

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

If YES, include the following requirement:

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



**Exhibit "C"**

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

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

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

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

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

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

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

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

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

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

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

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

// END //



## Exhibit "D"

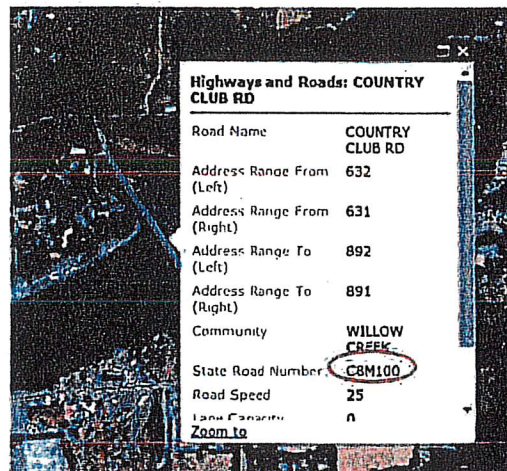
### Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road

## Road Evaluation Reports

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

[illegible]

D-2





DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3595

839-5401

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

445-7491  
445-7652  
445-7377  
445-7493

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

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

445-7741  
267-9540  
445-7651  
445-7421

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 10-01-2018

RE:

|                |                      |
|----------------|----------------------|
| Applicant Name | DOMESIDE GARDENS LLC |
| APN            | 221-061-016          |
| APPS#          | 11414                |
| CASE#          | SP16-220             |

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Building Division on January 8, 2018, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations in Segment 3 to be completed.

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11414

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

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This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //





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



DEH received  
7-28-17

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, Southern Humboldt Joint Unified School District School District

17/18-0174

Applicant Name Domeside Gardens LLC Key Parcel Number 221-061-016-000

Application (APPS#) 11414 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) SP16-220

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

DISTRIBUTED

3-2-18

Page 128

2776



**Response Date:** 3/1/2018 **Recommendation By:** Adam Molofsky

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt — Del Norte Unit

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



Ref: 7100 Planning  
Date: August 1, 2017

John Ford, Director  
Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Domeside Gardens, LLC  
**APN:** 221-061-016-000  
**Area:** Myers Flat  
**Case Numbers:** SP16-220

**Humboldt County Application #:** 11414  
**Type of Application:** Special Permit  
**Date Received:** 7/31/2017  
**Due Date:** 8/12/2017

**Project Description:** A Special Permit for an existing 1,000 square foot mixed-light and 7,500 square foot outdoor medical cannabis cultivation operation. Irrigation water will be provided by an existing on-site rainwater catchment ponds (2 total) and water storage tanks. The Applicant estimates 99,003 gallons of water for irrigation is required annually. There is 160,000 gallons of total water storage in both of the existing ponds and 15,500 gallons of water storage in the storage tanks. Processing activities include drying, curing, grading, and trimming of medical cannabis, and will occur on-site in an existing processing facility. There are up to four (4) full-time seasonal labor positions, and during peak harvest and processing season, five (5) employees are needed to meet operational needs. Electricity is provided by a 14 KW Kohler propane generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt — Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## FIRE SAFE

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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



## Cannabis

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders

2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing marijuana and the extracting of oils

Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**From:** [Bocast, Kalyn@Wildlife](mailto:Bocast,Kalyn@Wildlife)  
**To:** [Mark Jasper](#)  
**Cc:** [Planning Clerk](#)  
**Subject:** RE: Inquiring about status of CDFW referral response for Humboldt County Cannabis permit App #11414 Domeside Gardens LLC  
**Date:** Tuesday, December 12, 2017 11:59:29 AM  
**Attachments:** [CEOA Referral APPS-11414 CEOA-2017-0355.pdf](#)  
[Exhibit A Bullfrog Management Plan-CEOA 2017 0355 HumCo-APPS-11414.pdf](#)

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Hello Mark,

I have included the Humboldt County Planning Clerk in this email for reference.

Please see the attached comments for the subject application.

Thank you for the opportunity to comment on this Project. For additional information, please email inquiries to [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast  
Environmental Scientist  
Watershed Enforcement Team  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 441-2077

---

**From:** Mark Jasper [mailto:[mjasper@transcon.com](mailto:mjasper@transcon.com)]  
**Sent:** Tuesday, December 12, 2017 9:40 AM  
**To:** Bocast, Kalyn@Wildlife <[Kalyn.Bocast@Wildlife.ca.gov](mailto:Kalyn.Bocast@Wildlife.ca.gov)>  
**Subject:** Inquiring about status of CDFW referral response for Humboldt County Cannabis permit App #11414 Domeside Gardens LLC

Dear Kalyn,

I have taken over processing of this application from my colleague, Levin Nason. We still haven't received a referral response from CDFW on this one. Do you have an idea of when CDFW will have a chance to comment? The application is close to being complete, so we are hoping to receive CDFW's comments, soon, if there are any. Let me know when you can. Thank you.

**Mark Jasper**  
*Biology Group Lead, Pacific Region*

Transcon Environmental  
1942 University Avenue, Suite 206  
Berkeley, California 94704  
Berkeley Office: (510) 280-5217 ext. 112  
Mobile: (510) 847-7972  
[www.transcon.com](http://www.transcon.com)



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California Department of Fish and Wildlife  
CEQA Referral Checklist

|   |  |   |  |
|---|--|---|--|
| Applicant: Domeside Gardens LLC         |  |   |  |
| Co APPS: 11414                          | APN: 221-061-016   | CDFW CEQA: 2017-0355                            | <input type="checkbox"/> ZCC <input checked="" type="checkbox"/> SP <input type="checkbox"/> CUP         |
| <input type="checkbox"/> New Size (SF): | <input checked="" type="checkbox"/> Existing Size (SF): 10,000 | <input checked="" type="checkbox"/> Mixed-light | <input checked="" type="checkbox"/> Outdoor <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.

**Please note and/or provide the following information:**

- ☒ The Project Transmittal includes errors in the cultivation size as well as cultivation method. The Project, as described by the applicant, includes 10,000SF of existing cultivation that consists of 8,400SF of outdoor and 1,600SF of Mixed-light.
- ☒ 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 recommends 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.
- ☒ The referral materials state that there are two constructed rain catchment ponds onsite. CDFW has observed three ponds onsite, two of which appear to have been created between 2014 and 2015. CDFW requests, a copy of the grading permit associated with these projects. The pond located in the northwestern corner of the parcel appears to connect to surface waters. As a condition of project approval, CDFW requests a Notification of Streambed Alteration for this project. In addition, CDFW requests, as a condition of Project approval, 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 beginning in 2018.
- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) critical habitat, as identified by the US Fish and Wildlife Service. Due to the limited biological information provided, it is difficult to determine whether this project will have significant impacts on wildlife, specifically Northern Spotted Owl (NSO). Human induced noise and light pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, interference to predation, 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. CDFW requests, as a condition of project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and modify the project to avoid disturbance of habitat. To avoid disturbance, CDFW requests the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), Steelhead Trout (*Oncorhynchus mykiss*), Green Sturgeon (*Acipenser medirostris*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [kalyn.bocast@wildlife.ca.gov](mailto: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-2017-0355-R1

#### GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and 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 be 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 five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort 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 five 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 successfully implemented 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.

## **MANAGEMENT METHODS**

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. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at [kalyn.bocast@wildlife.ca.gov](mailto: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**

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting

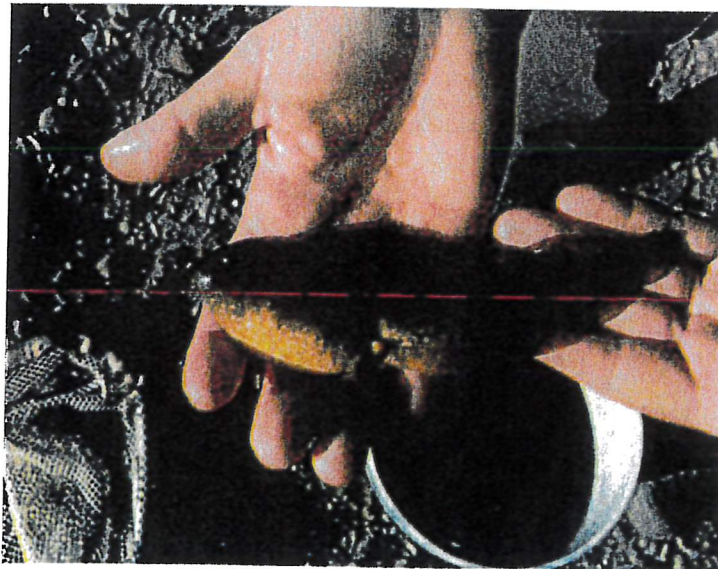
stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, 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.

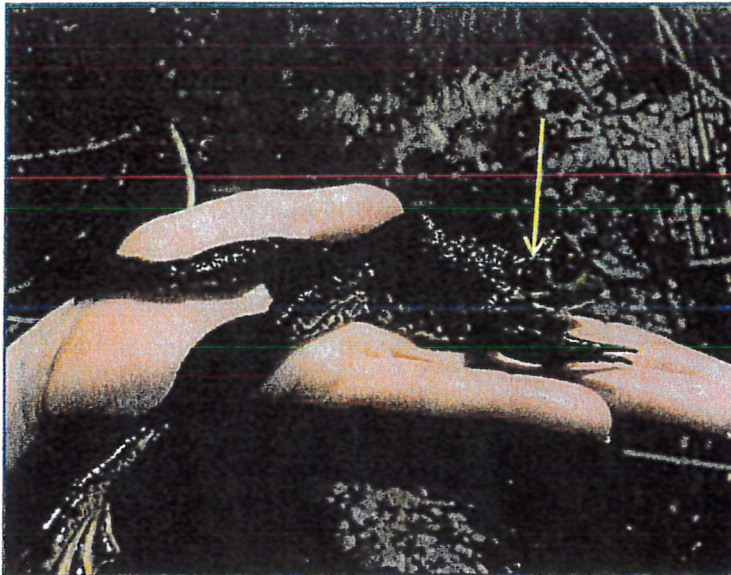
## REPORTING

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.

## Ryan, Meghan

---

**From:** Ryan, Meghan  
**Sent:** Wednesday, June 05, 2019 12:18 PM  
**To:** Bocast, Kalyn@Wildlife  
**Cc:** Manthorne, David@Wildlife  
**Subject:** APPS #11414, Domeside Gardens, LLC

Good afternoon, Kalyn – I hope you're doing well! Below are responses to CDFW comments for the Domeside Gardens, LLC, project:

1. The proposed project is to permit an existing 9,700 square feet of cultivation, consisting of 8,100 sf outdoor and 1,600 mixed light. This is consistent with the interim permit amount.
2. Water will be provided by an existing pond and new point of diversion. Another pond on the subject parcel will be remediated.
3. The applicant has a Final Streambed Alteration Agreement (No. 1600-2018-0080-R1).
4. Noise and light attenuation will be conditioned for this project. Noise will be limited to 50 decibels when measured from 100 feet and applicant will be required to meet Dark Sky standards.

Please let me know if you have any further questions or comments.

Best,  
Meghan



**MEGHAN RYAN**

Senior Planner  
Planning and Building Department  
County of Humboldt  
3015 H Street  
Eureka, CA 95501  
707.445.7541





**United States Department of the Interior**  
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1695 Heindon Road  
Arcata, CA 95521-4573  
[www.blm.gov/california](http://www.blm.gov/california)



6/26/2019

Planning Commission Clerk  
County of Humboldt County  
Planning and Building Department  
3015 H Street, Eureka, CA 95501

Dear Sir or Madam:

In response to Application APP(S) # PLN-11414-SP APN: 221-061-016-000

The old growth portion of Gilham Butte is suitable nesting habitat for Northern Spotted Owl (NSO) and is designated critical habitat by U.S. Fish and Wildlife Service. There appears to be at least 1,200' between the project site and old growth. The area between the old growth and the project site is likely not suitable for nesting/roosting, and is probably used as foraging and dispersal habitat.

The NSO continues to suffer population loss across its range due, in part, to habitat loss and human encroachment. The BLM is concerned about the close proximity of this cannabis operation to NSO critical habitat and a historic NSO activity center.

The parcel falls within an area of "Essential Habitat Connectivity." Completed in 2010, this large, multi-stakeholder effort identified areas across California that provided critical corridors connecting blocks of relatively undisturbed wildlands. Over sixty federal, state, local, tribal and non-governmental organizations collaborated in delineation of these important landscape features. Since then, this corridor has been the site of several projects designed to address wildland fire threats, improve ecological processes, enhance grassland habitats, and restore depleted fish populations. Locally, this area is known as the "Redwoods to the Sea Corridor" connecting the coastal blocks encompassing the King Range through Gilham Butte to the Redwood parks along the South Fork Eel River. The report and supporting materials is available online at: <https://www.wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC>


The report citation is:

Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. 313 pp.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. The BLM is concerned about a reduced setback because of the potential impacts to wildlife habitat.

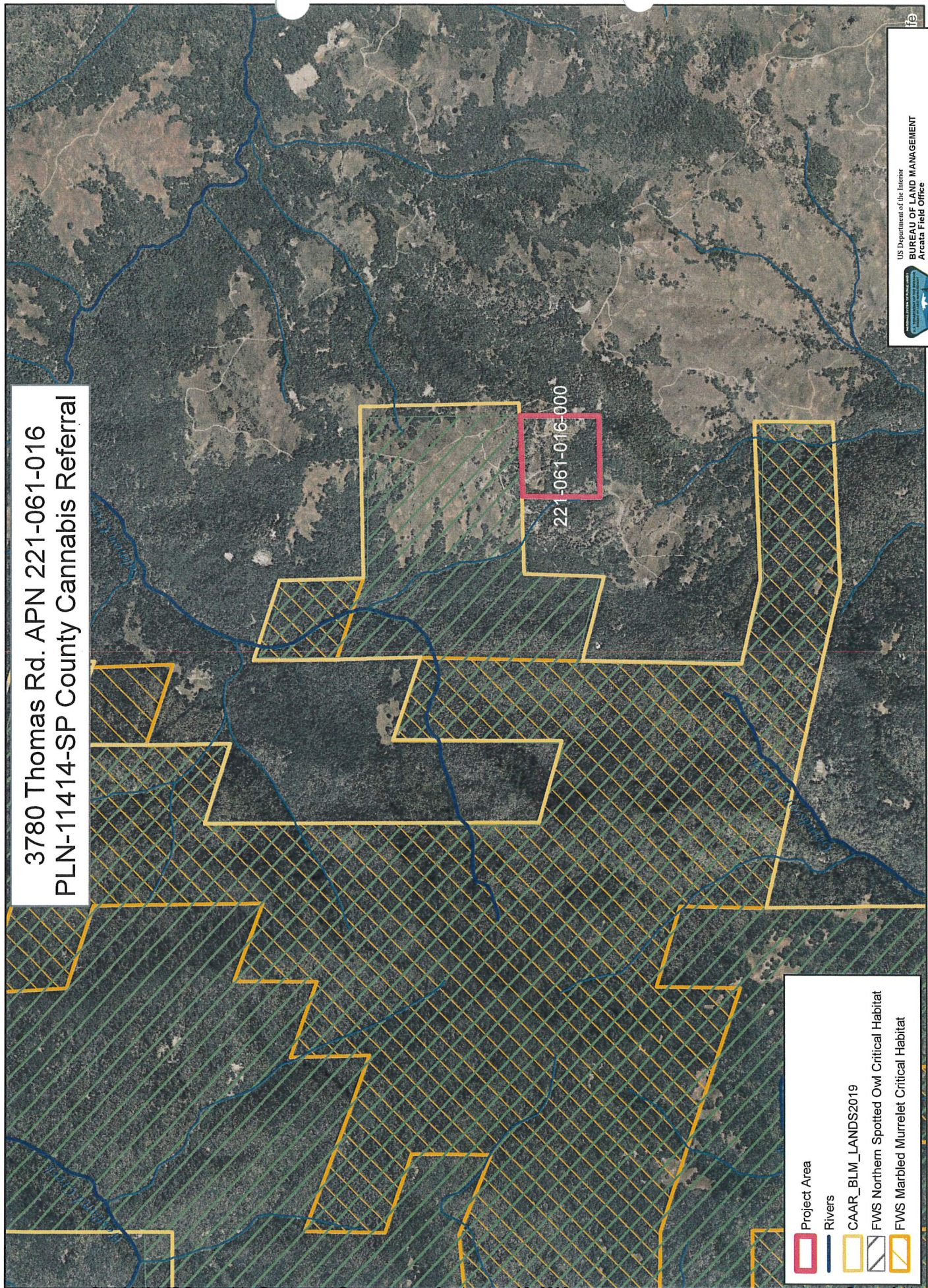
Any activity or resource damage related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

  
Molly Brown  
Field Manager



3780 Thomas Rd. APN 221-061-016  
 PLN-11414-SP County Cannabis Referral



- Project Area
- Rivers
- CAAR\_BLM\_LANDS2019
- FWS Northern Spotted Owl Critical Habitat
- FWS Marbled Murrelet Critical Habitat



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[www.blm.gov/california](http://www.blm.gov/california)  
 Date Prepared: 6/17/2019  
 Project: 11414\_3780\_Thomas\_Rd\_Gilham\_Butte672019.mxd



**Ryan, Meghan**

---

**From:** Ryan, Meghan  
**Sent:** Thursday, August 08, 2019 8:32 AM  
**To:** Brown, Molly  
**Subject:** RE: Domeside Gardens APPS#11414

Good morning, Molly – I appreciate your response. I reached out to the agent for the project who confirmed no rodenticides are used. The following condition of approval will be added to the project to ensure no rodenticides will be used. Please send any suggested revisions or additions:

1. No rodenticides shall be used for the duration of the project.

Ongoing conditions of approval require the applicant to:

Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, that administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). Any uses of pesticide products shall be in compliance with State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation.

The parcel is accessed via Thomas Road. Based on the road evaluation report prepared by Stillwater Sciences, the applicant uses Thomas Road to the south and east and does not access the parcel from the section of Thomas Road that traverses APN 221-021-016-000, the BLM property directly north of the project location.

Please let me know if you have any additional questions or concerns regarding this project.

Best,  
Meghan

**From:** Brown, Molly <mmbrown@blm.gov>  
**Sent:** Friday, August 02, 2019 4:10 PM  
**To:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Subject:** Domeside Gardens APPS#11414

Hello Meghan, thank you for the email you sent on this application. We include what you outlined below.

In the letter dated June 26, 2019, it is states the BLM is concerned about the close proximity of this cannabis operation to NSO critical habitat and a historic NSO activity center. Is the BLM concerned with the project or is the agency recommending denial of the project?

To mitigate the potential impacts due to close proximity of the NSO habitat, the following conditions of approval are included with the project:

- a) All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association

standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.

b) Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code.

Do the recommended conditions of approval help alleviate any concerns?

**BLM does appreciate how you have addressed the noise and light issues. However, we are still concerned about rodenticide exposure to Northern Spotted Owls (NSO) and other predator species. Research has shown that a substantial portion of NSO have been exposed to second generation rodenticides throughout northwestern California. Numerous papers have shown that exposure lowers NSO health and reproductive success. As you are aware NSO populations in the region have continued to decline. State and Federal agencies are compelled by law to take all measures to recover listed species. It sounds like there are limited access roads to this location, and if you could confirm that they will not use a route across BLM that would be our other outstanding concern.**

--

Molly Brown  
Field Manager, Arcata BLM  
(707) 825-2309 (office)  
(707) 498-3377 (cell)



**ATTACHMENT 6**  
**Public Comment**

**Ryan, Meghan**

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**From:** Fritze, Paul <pfritze@blm.gov>  
**Sent:** Wednesday, June 26, 2019 4:24 PM  
**To:** Ryan, Meghan  
**Subject:** Record PLN-11414-SP: Public Notice Response BLM  
**Attachments:** 11414\_Domeside\_Gardens\_LLC\_BLM\_Response.pdf

Hi Meghan,

Attached is the response to the public notice Humboldt County Zoning Administrator Notice of Public Hearing for PLN-11414-SP. I tried to up load it through the accelera citizens access, but was not given the option to upload an attachment. So, I figured it would be best email it to you.

Thanks,

Attachments a

--

Paul Fritze  
BLM Arcata Field Office  
1695 Heindon Rd.  
Arcata, Ca 95521  
707-825-2367