



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

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Hearing Date: October 17, 2019

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: **Rolling Fog, LLC Special Permit**  
Record Number: PLN-12876-SP  
Assessor's Parcel Number: 095-181-008  
180 Madrone Drive, Weott area

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Please contact Stephen Luther Planner, at 707-268-3737, or by email at [sluther@co.humboldt.ca.us](mailto:sluther@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 17, 2019	Special Permit	Stephen Luther

**Project Description:** A Special Permit (SP) for a total of 7,575 square feet of existing cannabis cultivation, of which 4,215 square feet (sf) is outdoor and 3,360 sf is mixed-light. Two (2) existing cultivation areas are proposed to be decommissioned and relocated on-site to an environmentally superior area. Irrigation water is provided by the Weott Community Services District. An estimated 50,000 gallons of water is used per year (6.5 gal/sf). Water storage totals 2,500 gallons and is dedicated to fire suppression. No employees are used in the operation. Processing is done on-site by the resident-operator. Power for the operation is provided by P. G. & E.

**Project Location:** The project is located in Humboldt County, in the Weott area, on the south side of Madrone Drive, approximately 0.25 miles east from the intersection of Sewell Drive and Madrone Drive, on the property known as 180 Madrone Drive.

**Present Plan Land Use Designation:** Residential Agriculture (RA5-20)- Minimum parcel size 5 acres, Residential Estates 1-5. Density: 1-5 units per acre, Slope Stability: Moderate Instability (2). Avenue of the Giants Community Plan (AVES).

**Present Zoning:** Agriculture General (AG)- Special Building Combining Zone (B-5); Residential Agriculture- Minimum parcel size 1 acre (RA-1).

**Record Number:** PLN-12876-SP

**Assessor's Parcel Number:** 095-181-008

**Applicant**

Rolling Fog, LLC  
PO Box 208  
Weott, CA 95571

**Owner**

Joseph Emery  
PO Box 208  
Weott, CA 95571

**Agent**

Same as Applicant

**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.

**Rolling Fog, LLC Special Permit**  
Record Number: PLN-12876-SP  
Assessor's Parcel Number: 095-181-008

**Recommended Planning Commission Action:**

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

*Find that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Rolling Fog, LLC Special Permit subject to the recommended conditions.*

**Executive Summary**

The proposed Special Permit would authorize the continued operation of 7,575 square feet (sf) existing commercial cannabis cultivation, of which 3,360 square feet is mixed-light and 4,215 square feet is outdoor. The subject parcel is currently developed with a single-family residence, four (4) propagation and drying rooms, and five (5) greenhouses. No new structures are proposed.

Cultivation historically occurred on the parcel in four (4) locations. The applicant has proposed to relocate two (2) cultivation areas to a single environmentally superior area. Rolling Fog, LLC, provided a relocation report prepared by Natural Resources Management (NRM) Corporation (see Attachment 4). The northernmost cultivation area consists of two flats; one with a 960 sf mixed-light greenhouse and the other with four (4) 600 sf mixed-light hoop houses, totaling 3,360 sf. The area east of the residence was measured by the County to have a cultivation area of 1,815 sf. Due to the steepness of the terraced slopes in excess of 35%, NRM has recommended this area be relocated. The third cultivation area totals 2,400 sf according to the County cultivation area verification and is located on a flat that has a spring-fed wetland. This area is not suitable for cultivation and will be relocated. The fourth cultivation area is a grassy opening with slopes of 3% to 12% and is proposed as the relocation site for the cultivation from the decommissioned areas.

Seeds and clones are purchased from licensed off-site providers. Propagation occurs on-site in an existing 384 sf building, a 288 sf building, and two (2) 160 sf rooms. The greenhouses utilize supplemental lighting to extend daylight hours and achieve up to two harvest cycles per year. Greenhouses shall be covered such that little to no light escapes, and all lighting will comply with International Dark Sky Standards. Power for the operation is provided by a grid connection to PG&E. Two generators are on-site for backup power in case of an emergency. The noise level of the generators will not exceed 50 decibels measured at 100 feet.

Drying and curing occur in the 640 sf permitted garage. The owner-operator will use a trimming machine to process as much product as feasible on-site. According to the Cultivation and Operations Plan (see Attachment 4), overflow product will be transported to a licensed third-party facility for additional processing. No employees will be used in the operation. The site is connected to the Weott Community Services District wastewater treatment system.

The nearest Northern Spotted Owl (NSO) activity center is 1.17 miles to the northeast of the project site. Marbled murrelet range is 0.2 miles to the north of the northernmost cultivation area. Due to the proximity of the cultivation area to Marbled murrelet and NSO habitat, a proposed condition

of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. The use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and so staff does not recommend the prohibition of supplemental lighting during the breeding season but is recommending a condition of approval be added to this permit that would prohibit mixed-light until the applicant can demonstrate compliance with these noise standards. This application is the only commercial cannabis application within 1 mile of the NSO activity center, and there is therefore no likelihood of cumulative impacts on this activity center from permitted commercial cannabis cultivation sites in the vicinity.

A Conversion Mitigation Report was prepared by Natural Resources Management for 1.06 acre of conversion that occurred between 2009 and 2012. The report was sent to CALFIRE, and no additional comments were received. A condition of approval requires that all RPF recommendations be implemented, such as treating slash piles and woody debris.

The projected water usage is 50,000 gallons per year. This amount (6.6 gallons per sf) is fairly low for 7,575 square feet and the applicant states that this will be accomplished through the use of hand watering at night and early morning and transitioning to the use of drip emitters. The water source for irrigation is a connection to the Weott Community Services District. The applicant provided a will-serve letter from the District approving the continued use of water for irrigation. The Weott Community Services District has indicated 50,000 gallons is well within their approvable water distribution and that the proposed water use is consistent with the historical use of water on the site. Water storage totals 2,500 gallons and is dedicated to fire suppression. Water meters will be used to quantify irrigation water use. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) was prepared for the project site by Natural Resource Management Corporation on May 28, 2018. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

The site is accessed from Madrone Road via 0.1 miles of Madrone Road, a paved County-maintained road, and 0.2 miles of an unnamed private road that serves as access to the project site. A Road Evaluation Report has been prepared by the applicant self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard. The project is conditioned on maintaining the intersection of Madrone Road and the private drive in accordance with commercial road standards.

Humboldt Redwoods State Park land is located to the south and southeast of the subject parcel on APN's 095-141-002 and 095-161-008. The cultivation site proposed for on-site relocation is setback 640 feet and the northern cultivation area is setback 740 feet from the public lands boundary. The cultivation is therefore consistent with the applicable setbacks from public lands and a setback reduction is therefore not required.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical



Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

The Humboldt County Code (Section 312-9.2.4) provides that the authorized hearing officer and decision maker for all Special Permit applications is to be the Director, and that a public hearing may be waived when no written requests for hearing have been received by the Department prior to the hearing officer's administrative action. Under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Special Permits are required for small to medium sized commercial cannabis cultivation sites (5,000-10,000 square feet) which are often less significant and have less potential environmental impacts than larger cultivation applications that require a Conditional Use Permit. Nonetheless, because of the often contentious nature of cannabis cultivation permits and the desire for increased public participation in the decision-making process, the Planning and Building Department has established a Department Policy where cannabis Special Permits are only decided at a noticed public hearing by the Director in his role as the Zoning Administrator.

In accordance with the Department's policy of hearing Special Permits at a Zoning Administrator public hearing, this application was duly noticed and scheduled for a public hearing at the September 19, 2019 Zoning Administrator hearing. At that meeting but before the public hearing for this application was opened, Robert Sutherland, representing the Humboldt Marijuana Advocacy Project (HUMAP) addressed the Zoning Administrator and stated that he did not have any particular concern with this project but that all of the Special Permits on the agenda for commercial cannabis cultivation should be decided by the Planning Commission because he believed very strongly that the Zoning Administrator hearing was not a public process and was bypassing the intent of the zoning ordinance, that it provided inadequate public opportunity, and because the Zoning Administrator should not be "rubber-stamping" the Department's work. While this opinion is clearly an inaccurate representation of the Humboldt County Code requirements for Special Permits and planning staff strongly disagrees with this assessment of "rubber-stamping" cannabis applications, the Zoning Administrator felt that it would be inappropriate for the Zoning Administrator to render a decision on accusations of malfeasance by the Zoning Administrator. Accordingly, this project was continued and re-noticed for a public hearing in front of the Planning Commission. As part of the review of this application, Planning staff is asking the Planning Commission to consider the concerns and accusations brought forth by HUMAP and to adopt a resolution approving this project and re-affirming that the Zoning Administrator is the appropriate forum for non-controversial Special Permit applications for commercial cannabis cultivation.

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

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

The Commission could also decide that the project may have environmental impacts that would

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

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**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 19-**

**Record Number: PLN-12876-SP**

**Assessor's Parcel Number: 095-181-008**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rolling Fog, LLC, Special Permit request.**

**WHEREAS**, Rolling Fog, LLC, submitted an application and evidence in support of approving the Special Permit for 3,360 square feet of mixed-light cultivation and 4,215 square feet existing outdoor cannabis cultivation. Irrigation water is provided by the Weott Community Services District. No employees are used. Power is provided by PGE; 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 (Record Number PLN-12876-SP) and

**WHEREAS**, Humboldt County Code Section 312-9.2.4 provides that the authorized hearing officer and decision maker for all Special Permit applications is to be the Director, and that a public hearing may be waived when no written requests for hearing have been received by the Department prior to the hearing officer's administrative action; and

**WHEREAS**, The County Planning Division has adopted a policy of requiring public hearings by the Planning Director in his role as the Zoning Administrator for all Special Permits for commercial cannabis cultivation operations in order to allow for public participation that exceeds the requirements of the Humboldt County Code; and

**WHEREAS**, This application was properly noticed for a public hearing at the September 19, 2019 Zoning Administrator meeting; and

**WHEREAS**, Robert Sutherland, representing the Humboldt Marijuana Advocacy Project (HUMAP) attended this public meeting and expressed objections to all commercial cannabis cultivation applications that were scheduled to be heard by the Zoning Administrator based on assertions of inadequate public process and environmental review that were not specifically related to this application; and

**WHEREAS**, the decision of the proposed project was deferred to the Planning Commission from the Zoning Administrator due to these stated process concerns; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 17, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning

Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-12876-SP is approved as recommended and conditioned in Attachment 1; and
4. The Planning Commission further finds that Section 312-9.2.4 of the Humboldt County Code designates the Planning Director as the authorized hearing authority for Special Permits; and
5. The Planning Commission finds that there is nothing unusual or controversial about this proposed Special Permit application; and
6. The Planning Commission finds that the Zoning Administrator is the appropriate forum for the review of non-controversial Special Permit applications when the Planning Director determines that applications may benefit from the opportunity for increased public participation.

Adopted after review and consideration of all the evidence on October 17, 2019.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

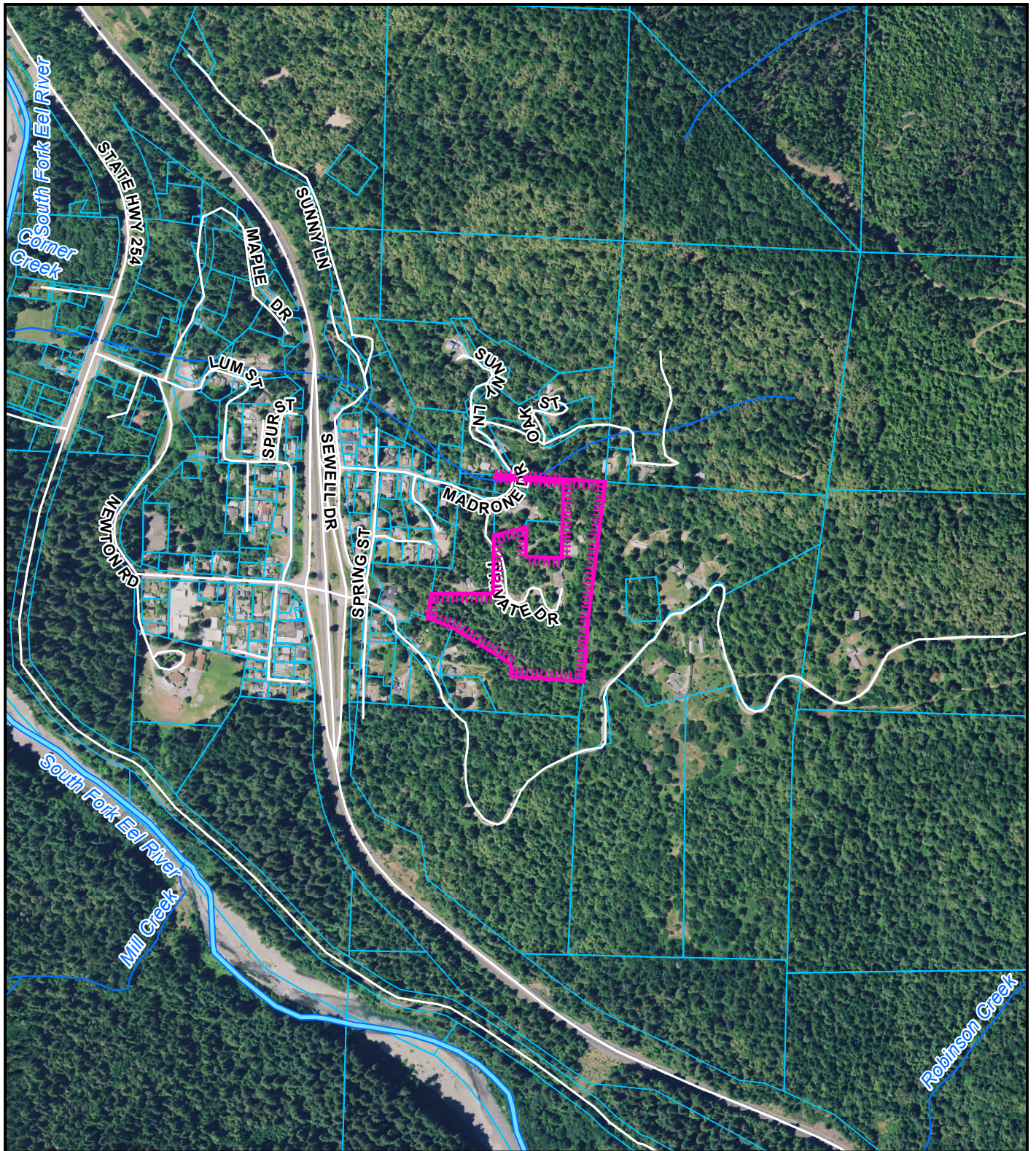
AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

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

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John Ford  
Director, Planning and Building Department





Project Area = 

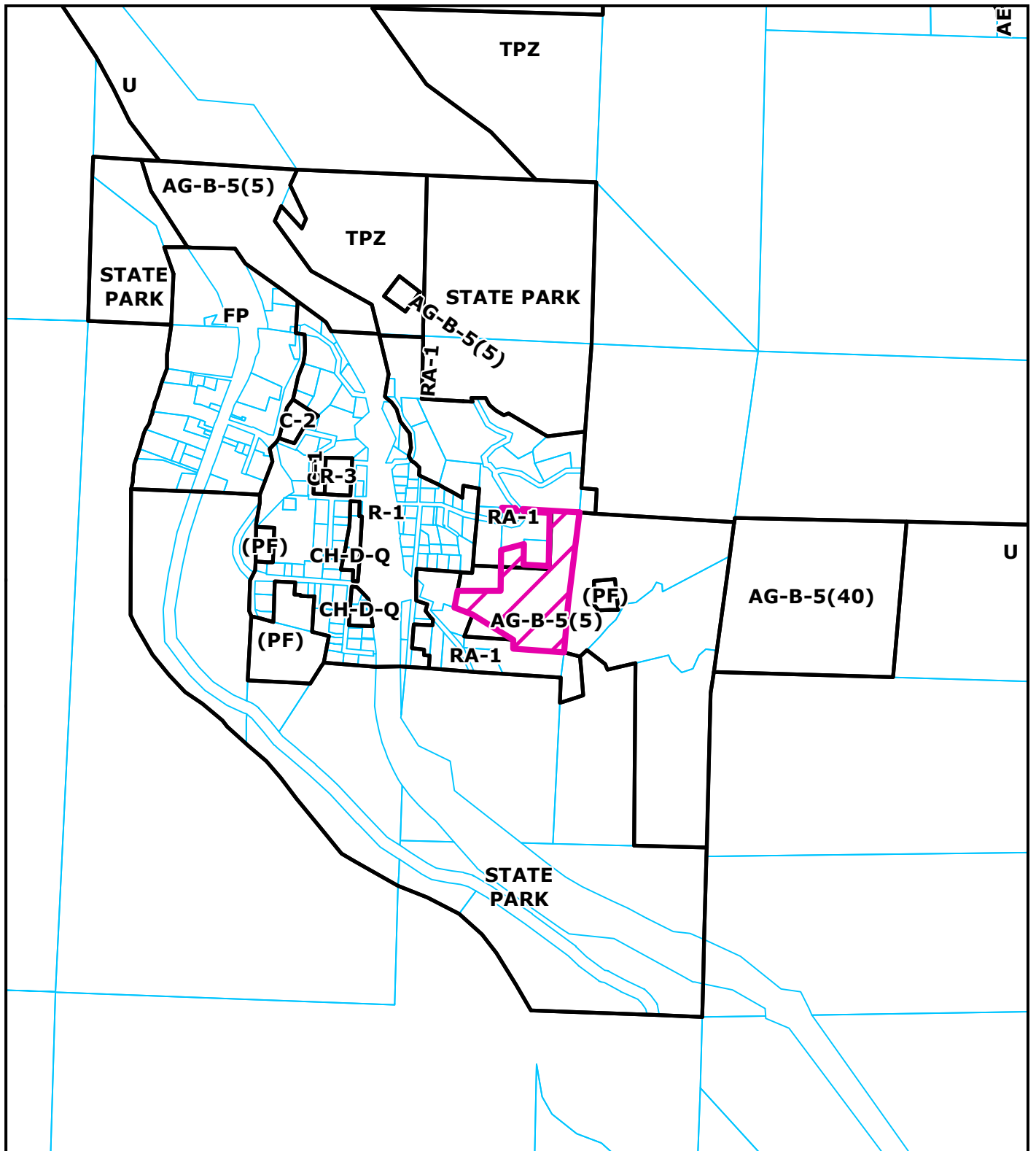
**AERIAL MAP  
PROPOSED ROLLING FOG, LLC  
WEOTT AREA  
CUP-16-897, SP-16-680, ZCC-16-610  
APN: 095-181-008  
T02S R02E S2 HB&M (WEOTT)**

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

0 1,000 2,000 Feet



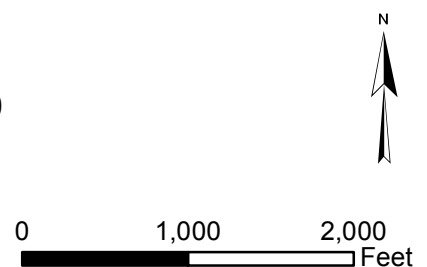




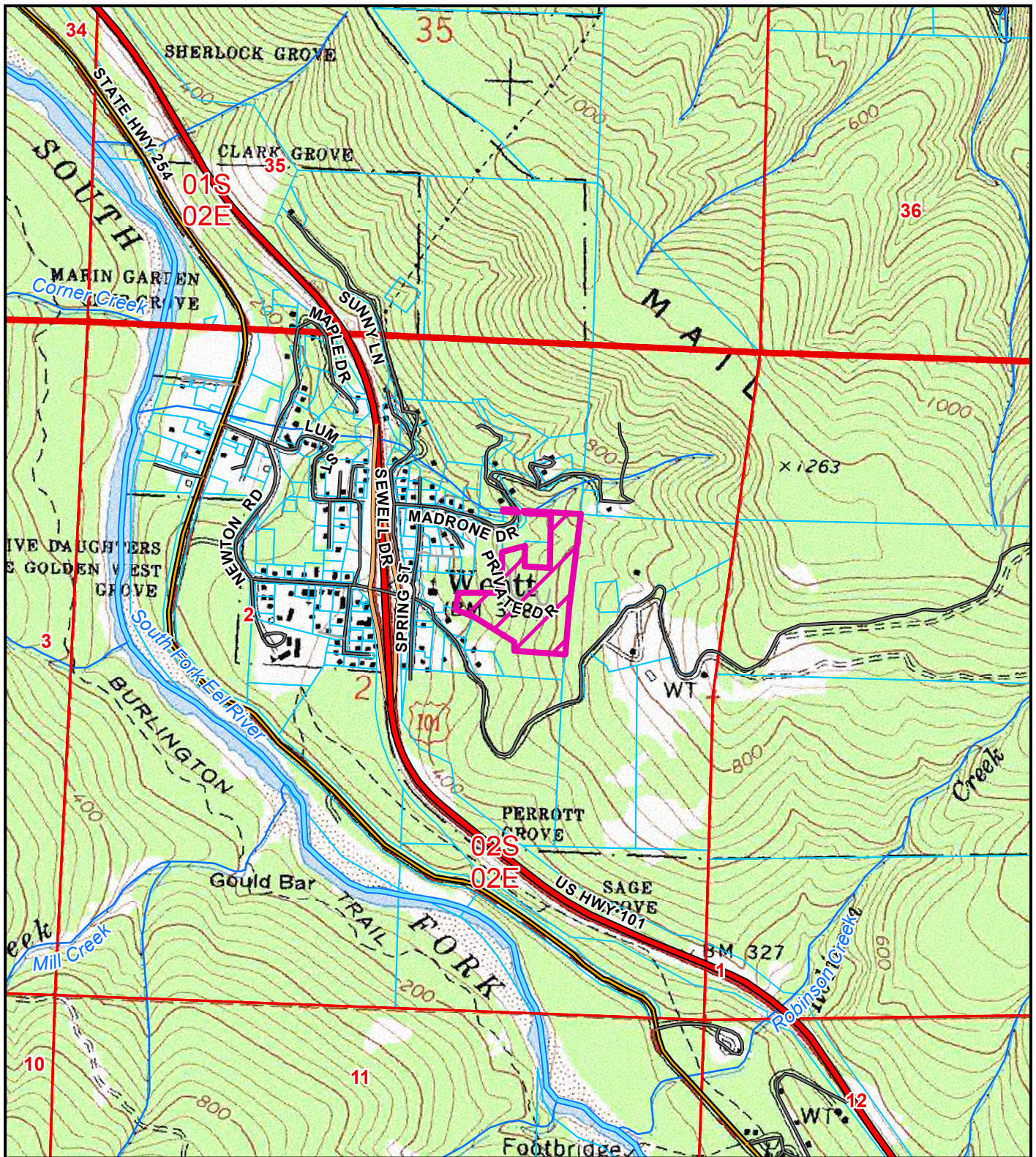
Project Area = 

**ZONING MAP**  
**PROPOSED ROLLING FOG, LLC**  
**WEOTT AREA**  
**CUP-16-897, SP-16-680, ZCC-16-610**  
**APN: 095-181-008**  
**T02S R02E S2 HB&M (WEOTT)**

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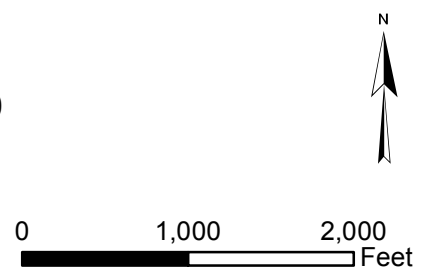




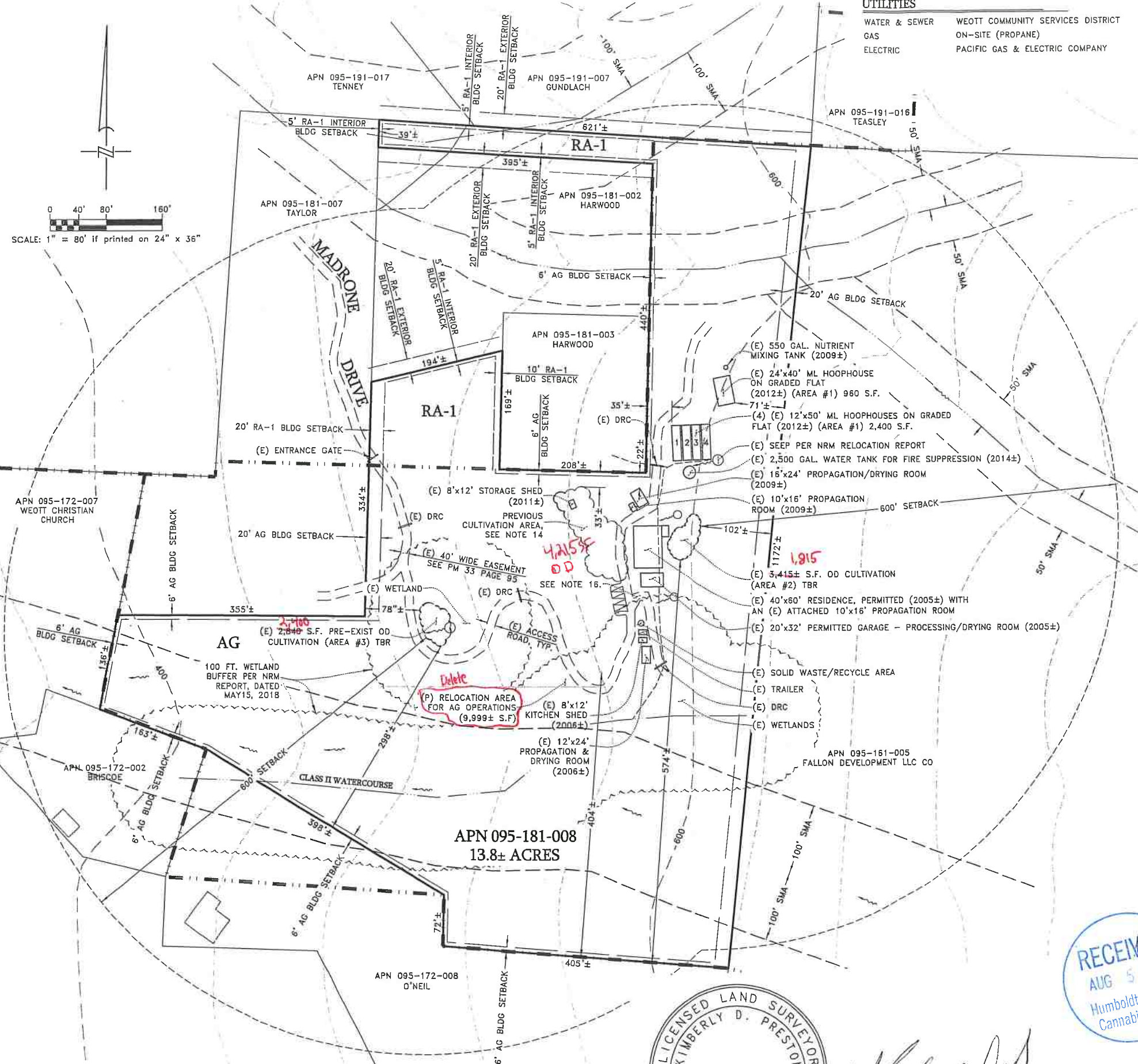
Project Area = 

**TOPO MAP**  
**PROPOSED ROLLING FOG, LLC**  
**WEOTT AREA**  
**CUP-16-897, SP-16-680, ZCC-16-610**  
**APN: 095-181-008**  
**T02S R02E S2 HB&M (WEOTT)**

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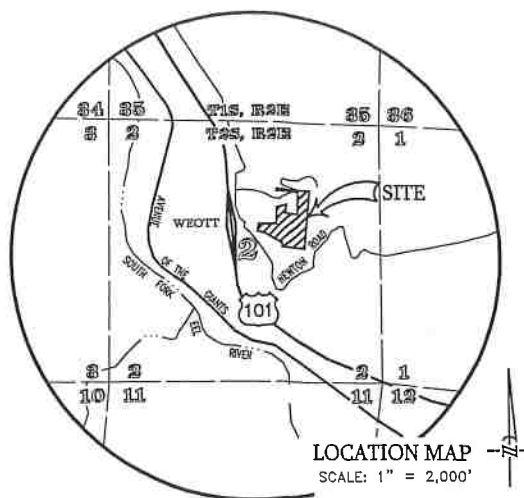






UTILITIES	
WATER & SEWER	WEOTT COMMUNITY SERVICES DISTRICT
GAS	ON-SITE (PROPANE)
ELECTRIC	PACIFIC GAS & ELECTRIC COMPANY

LEGEND	
SYMBOL	INDICATES
	PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
	EXISTING SPRING/SEEP
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
SMA	STREAM MANAGEMENT AREA
SRA	STATE RESPONSIBILITY AREA
DRC	DITCH RELIEF CULVERT
TBR	TO BE RELOCATED
(M-L)	MIXED-LIGHT CULTIVATION
OD	OUTDOOR CULTIVATION
(YEAR)	YEAR CONSTRUCTED/INSTALLED
H.C.R.	HUMBOLDT COUNTY RECORDS
NRM	NATURAL RESOURCES MANAGEMENT CORPORATION
	PROPOSED RELOCATION AREA FOR AG OPERATIONS
	EXISTING WETLAND AREA
	CONTOURS AT 40 FOOT INTERVALS
	ZONING BOUNDARY
	STREAM/WATERCOURSE



Staff Alternative  
prepared by Stephen Luther  
8/15/19

- NOTES**
1. THIS PLOT PLAN, FOR APN 095-181-008, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
  2. THE PROPERTY HAS SPLIT GENERAL PLAN DESIGNATIONS OF AGRICULTURAL RURAL (AR(5-20)) AND RESIDENTIAL LOW DENSITY (RL(1-5)), AND IS CURRENTLY SPLIT-ZONED AG-8-5(5) AND RA-1.
  3. THIS PLAT MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
  4. THE PROPERTY IS CURRENTLY DEVELOPED WITH ONE (1) RESIDENCE; TWO (2) OUTDOOR CULTIVATION AREAS; FOUR (4) PROPAGATION & DRYING ROOMS; FOUR (4) MIXED-LIGHT HOOP HOUSES; ONE (1) GREENHOUSE; ONE (1) 2,500 GALLON WATER STORAGE TANK FOR FIRE SUPPRESSION; ONE (1) 500 GALLON WATER TANK AND ONE (1) STORAGE STRUCTURE.
  5. THE PROPERTY IS HILLY. CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
  6. THE APPROXIMATE LOCATION OF THE ON-SITE CREEK, TOGETHER WITH ITS 50-FOOT "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON.
  7. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
  8. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
  9. WATER FOR THE PARCELS IS FROM WEOTT COMMUNITY SERVICES DISTRICT.
  10. ACCESS TO THE SITE IS VIA MADRONE ROAD, A PRIVATE ROAD, FROM US HIGHWAY 101.
  11. THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO. SRA SETBACK IS 30'.
  12. THERE ARE NO EMPLOYEES; CULTIVATION AND PROCESSING IS CONDUCTED BY OWNER.
  13. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
  14. PREVIOUS CULTIVATION AREA TO SERVE AS OUTDOOR RELOCATION SITE FOR AREAS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 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**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. **Within 60 days of the effective date of project approval**, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4– 12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No mixed-light is authorized by this permit until the applicant can be demonstrated to comply with this standard.
3. 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. No mixed-light is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
4. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
5. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
6. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the

North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the Applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program as described by Condition of Approval #7.

7. The applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. 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 SWRCB.
8. The applicant shall implement all corrective actions detailed in the Timber Conversion Mitigation Report. A monitoring report shall satisfy this condition.
9. The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Madrone Road. 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. 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.
10. All 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.
11. 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.
12. The applicant shall install and utilize a water meter for tracking all irrigation use. Logs of monthly water usage shall be kept and made available at the annual inspection or any other inspection the County deems necessary.
13. 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, review for conformance with conditions and annual inspection fees.
13. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 50 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. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. Artificial light used in cultivation and clone/start propagation operations will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.

#### Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MCRSA, 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."
23. 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).

24. 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.
25. 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.
26. 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.

27. 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.

28. 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 for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (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 State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), 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 State of California MAUCRSA.

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

- (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 Commercial Cannabis.

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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #27 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not

received within this time period, the Department will file the NOD and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.



## ATTACHMENT 2

### Required Findings for Approval

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

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) 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.** 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, the Open Space Plan, the Open Space Action Program and the Avenue of the Giants Community Plan (AVES).

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p><b>Residential Agriculture (RA):</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems.</p> <p>Density range is 5-20 acres/unit.</p> <p><b>Residential Estates (RE):</b> This designation is for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use.</p> <p>Density range is 1-5 acres/unit.</p> <p><b>Avenue of the Giants Community Plan Area (AVES):</b> This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The proposed project includes approximately 4,215 square feet of outdoor and 3,360 square feet of mixed-light cannabis cultivation on lands designated as Residential Agriculture. The Residential Estates portion of the parcel is forested and not part of the project activities. General agriculture is allowable use type for this designation.</p> <p>The proposed project is within the Weott community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan. The proposed project will consist of production of an agricultural crop within an area designated for agricultural use. The project meets the economic development goals of the AVES plan by providing an agricultural income source for the resident-operators. The project improves environmental conditions on the site by relocating and restoring cultivation that was on steep slopes and wetland areas. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. The proposed project is consistent with both the General Plan and AVES CPA.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access</p>	<p>The subject parcel is accessed via 0.1 miles of Madrone Road, a paved County-maintained road, and 0.2 miles of an unnamed private road that serves as access to the project site. A Road Evaluation Report has been prepared by the applicant self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard. Public Works has commented and requested conditions of approval. The private road intersect at Madrone Road shall be maintained in accordance with the County Site Visibility Ordinance and</p>

	<p>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>have a paved encroachment 20 feet wide and 50 feet long. All fences and gates shall be relocated out of the County right of way. These have been included as Conditions of Approval for the project.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Residential Agriculture and is zoned Agriculture General. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical</p>	<p>There are two Class III and one Class II watercourses that run west across the parcel. According to a report prepared by Natural Resources Management (NRM), the westernmost cultivation area was located within a 3-parameter wetland that is classified as a water of the state. The NRM wetland botanist dug soil pits and identified wetland hydrology, soils and vegetation using the Army Corps of</p>

	<p>Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>Engineers methodology. The westernmost cultivation area is proposed for relocation due to proximity to the wetland. The second area proposed for relocation is located on slopes of 35% that are unsuitable for cultivation. All cultivation materials will be removed and the area allowed to naturally revegetate. All other cultivation areas and cultivation infrastructure are located outside the stream buffers.</p> <p>According to the California Natural Diversity Database (CNDDB), there are no sensitive or threatened species mapped on the parcel. The distance to the nearest Northern Spotted Owl (NSO) activity center is 1.17 miles to the northeast of the project site. Marbled Murrelet range is 0.2 miles to the north of the northernmost cultivation area. The project was referred to California Department of Fish and Wildlife (CDFW) and comments were received (see Attachment 5). Conditions of approval require construction of noise containment structures for all generators on the parcel. Noise released from each generator containment structure will be no more than 50 decibels measured from 100ft or the edge of habitat, whichever is closer. Conditions of approval also require the project complies 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. Ongoing conditions of approval require that all mixed light be shielded, refuse be properly contained, and no synthetic netting used.</p>
Conservation and Open Space Chapter 10	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic,	The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural

Cultural Resources Section 10.6	scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	Resource Survey may be needed. The Bear River Band responded indicating an archaeological survey is not required at this time. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10  Scenic Resources Section 10.7	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)  Related policies: SR-S4. Light and Glare	Mixed light cannabis cultivation and the ancillary nursery will utilize artificial lighting. 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-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The project complies with International Dark Skies Association standards by covering greenhouses with lightproof covers during hours when supplemental lighting is applied. The applicant has provided a Lighting Diagram showing the lumen output of bulbs and plans to shield the light (see Attachment 4). Ongoing conditions of approval are incorporated regarding light pollution.
Water Resources Chapter 11  Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and	The applicant is enrolled as a Tier 2 discharger (WDID 1B170066CHUM) under the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order). A Water Resources Protection Plan (WRPP) was prepared for the project site by Natural Resource Management Corporation in August 2017. The WRPP identified six necessary improvements including maintenance of roads and drainage ditches. No irrigation runoff was observed. The remedial actions recommended in the WRPP will be implemented. Improvements to the site include proper storage of fertilizers and soil spoils. Conditions of approval required the

	<p>the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>Applicant to adhere to the WRPP and implement the corrective measures.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. 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 SWRCB.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The site is developed with a single-family residence connected to the Weott Community Services District for wastewater disposal services. No employees are necessary for the operation, and all work is completed by the resident operators. The project was referred to the County Division of Environmental Health which has recommended approval of the project provided the site maintain the connection to the community services disposal system.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4,</p>	<p>Generators are used for emergency backup power only. A Honda Eu2000i and a Honda Eu3000i are stored in secondary containment. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. The distance to the nearest Northern Spotted Owl (NSO) activity center is 1.17 miles to the northeast of the project site. Marbled Murrelet range is 0.2 miles to the north of</p>

	Protection from Excessive Noise.	the northernmost cultivation area. The source of power is PG&E. Conditions of approval require construction of noise containment structures for all emergency generators on the parcel. Noise released from each generator containment structure will be no more than 50 decibels measured from 100ft or the edge of habitat, whichever is closer, as recommended by the California Department of Fish and Wildlife.
Safety Element Chapter 14  Geologic & Seismic	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)  Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	The parcel is mapped as having moderate geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped historic landslides on the parcel. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation occur are variable from 15% to 30%. An existing cultivation area to the east of the residence is proposed to be decommissioned and relocated on-site. According to the Cannabis Relocation report prepared by NRM, the existing cultivation area is on a slope of 35%. Cultivation took place in pots set on top of the ground. No recontouring is proposed, as the site will naturally revegetate. As a condition of approval, the applicant will obtain all grading and building permits from the Building Inspection Division (BID). The existing uses, which are proposed to continue, are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.
Safety Element Chapter 14  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)  Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains;	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.

	S-P15, Construction Within Special Flood Hazard Areas.	
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The subject property is located within the Weott Volunteer Fire Department response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>With respect to the Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turn-around and pullout area for emergency vehicles and a 2,500 gallon water storage tank dedicated to fire suppression.</p>
<p>Community Infrastructure and Services Element Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located within the Weott Community Services District boundary.</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-G3)</p> <p>Related policies: AQ-P4, Construction and Grading</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards. Per the 2009 Housing Element H-IM3 to reduce and avoid air quality impacts from naturally occurring asbestos the County shall refer all building permits on parcels which appear to be underlain by ultramafic rock to the NCUAQMD for appropriate standards and recommendations.</p>



	Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	
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**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 Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 095-181-008 is described as Parcel Map 2237, Book 19 of Parcel Maps, page 134. 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.
§314-6.6 Rural Residential Agriculture  §314-7.2 Agriculture General  §314-17.1 Minimum Building Site Area	<p><b>Residential Agriculture (RA-1):</b> Principally permitted uses include general agriculture, including accessory agricultural uses and structures.</p> <p><b>Agriculture General (AG):</b> Intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.</p> <p><b>B Combining Zone:</b> The Special Building Site Combining Zone or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirement should be modified.</p>	The proposed project is a Special Permit with a total of 4,215 square feet of outdoor and 3,360 square feet of mixed-light of mixed light cannabis cultivation on a 13.78-acre parcel zoned U. The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55 of the Humboldt County Code.
Min. Lot Size	RA: 1 acre AG: 2.5 acres	13.78 acres
Min. Lot Width	RA: 150 feet AG: 60 feet	2,650 feet
Max. Ground Coverage	AG: Thirty five percent (35%)	<35%
Minimum Yard Setbacks  (Through the SRA Requirements)	Front: 20 feet Side: 6 feet Rear: 20 feet  SRA: 30 feet, all sides	>30 feet all sides

Max. Building Height	35 feet	<35 feet
<p>§314-61.1</p> <p>Streamside Management Area (SMA)</p>	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>There are two Class III and one Class II watercourses that run west across the parcel. Based on the Cannabis Relocation report prepared by Natural Resources Management on May 15, 2018 (see Attachment 4) there is a 3-parameter wetland that is classified as a water of the state. The westernmost cultivation area is proposed for relocation due to proximity to the wetland. The pre-existing cultivation took place in pots set on top of the ground. Restoration activities therefore require only the removal of pots. The NRM Cannabis Relocation report finds the decommissioned areas have revegetated with grasses. No further grading work or work within a wet area is proposed. A Special Permit is therefore not required. A condition of approval is included requiring the applicant to provide a monitoring report within one (1) year to demonstrate the successful re-seeding of the decommissioned areas. The relocation site is environmentally superior due to its distance from watercourses and gentle slope. All cultivation areas and cultivation infrastructure are located outside streamside management areas. Irrigation water is sourced from the Weott Community Services District.</p>
<p>§314-109.1</p> <p>Off-Street Parking</p>	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>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</i></p>	<p>2 spaces</p>

	<i>standards for 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  Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	Aerial imagery indicates three of the cultivation sites were cleared between 2009 and 2012. The applicant retained Merritt Lindgren, Registered Professional Forester, to perform a timberland conversion evaluation and evaluate site conditions and conversion history for the property. The Emery Conversion Mitigation Report prepared by Natural Resources Management on May 30, 2019, found unauthorized timberland conversions totaling 1.06 acres (see Attachment 4). The RPF recommended remedial actions, such as treating and/or burning slash piles and maintaining ditch relief culverts and French drains. The report meets the conditions of the Humboldt County Ordinance section 55.4.10. A condition of approval is included requiring the applicant to implement the recommended remedial measures described in the report, including the treatment of slash and maintenance of ditch relief culverts.
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit (SP) or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district... TPZ (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	Aerial imagery submitted by the applicant and verified by Department staff shows existing cultivation on the parcel prior to January 1, 2016. Satellite imagery from TerraServer® September 18, 2015, shows approximately 3,360 sf mixed light and 4,215 sf outdoor cultivation. A portion of the existing cultivation was relocated to comply with setbacks from wet areas (see Attachment 4). The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.

	mixed-light cultivation. No expansion of the existing cultivation area shall be permitted.	
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Rolling Fog, LLC has one other application for a cannabis permit, and is entitled to four. This application is for a single permit for cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Cannabis will be dried on site. Owner-operator will process as much as feasible on site and all remaining processing to occur off site a licensed processing facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received. Contents of the application are on file.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The irrigation water source is municipal water provided by the Weott Community Services District. A letter of permission has been provided (see Attachment 4). Should the water service be discontinued or otherwise limited due to drought, ongoing conditions require the applicant reduce the cultivation area or modify the permit with an alternative water source.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. Per comments provided by the Bear River Band THPO, there are no TCRs present on the site. The site plan shows the project complies with property line setbacks.

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	Generators are used for emergency backup power only. A Honda Eu2000i and a Honda Eu3000i are stored in secondary containment. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. The distance to the nearest Northern Spotted Owl (NSO) activity center is 1.17 miles to the northeast of the project site. Marbled Murrelet range is 0.2 miles to the north of the northernmost cultivation area. Conditions of approval require construction of noise containment structures for all generators on the parcel. Noise released from each generator containment structure will be no more than 50 decibels measured from 100ft or the edge of habitat, whichever is closer, as recommended by the California Department of Fish and Wildlife.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Special Permit Application on December 29, 2016.

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

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

**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 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

**6. Environmental Impact:** The following 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 operation. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3**  
**CEQA Addendum**



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 095-181-008, 180 Madrone Drive, Weott, 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 original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The 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 specified that new cultivation would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment. The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance.

The modified project involves a Special Permit for existing 3,360 square feet of mixed-light and 4,215 square feet outdoor cultivation. Two pre-existing cultivation areas are proposed for relocation to an environmentally superior area on-site. The existing westernmost cultivation area was determined to be within the buffer of a 3-parameter wetland. Qualified biologists working for the Natural Resources Management Corporation observed the wetland characteristics based on field observations made in the course of preparing the Cannabis Relocation report dated May 15, 2018. In consultation with the State Water Resources Board, the applicant decommissioned the cultivation area. A second existing cultivation area located east of the residence occurred on terraced slopes with an approximately 35% slope. The NRM relocation report recommended this cultivation area be decommissioned and relocated to an open meadow with a less than 5% to 12% slope. Cultivation in both decommissioned areas took place in pots set above ground. All cannabis material will be removed, and the areas will be allowed to naturally revegetate. As a condition of approval, a monitoring report shall be provided to document the successful regrowth of native grasses in decommissioned cultivation areas.

The water source is the Weott Community Services District. An estimated 50,000 gallons of water is used per year (6.5 gal/sf). Water storage totals 2,500 gallons and is dedicated to fire suppression. No employees are used in the operation. Processing will be done on site by the resident-operator in an existing drying building. Power is provided through PGE with a generator for backup.

The project site contains riparian habitat associated with two unnamed Class III and one Class II watercourses that run west across the parcel, which are both tributaries to the South Fork Eel River; however, all related project elements are well outside of the required setbacks. The distance to the nearest Northern Spotted Owl (NSO) activity center is 1.17 miles to the northeast of the project site. Marbled Murrelet range is 0.2 miles to the north of the northernmost cultivation area. The primary power source is PG &E with backup generators for emergency purposes. The noise impacts on NSO from the project will be well below the thresholds that could cause disturbance of the species. Artificial lighting is used for the 3,360 sf of mixed-light and for brief periods in the appurtenant nursery. Lighting impacts are minimized by the conditions of approval requiring the

applicant to adhere to Dark Sky Lighting Standards. The applicant has enrolled with the North Coast Regional Water Quality Control Board Wastewater Discharge Program as a Tier 2 discharger. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation.

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

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize existing 3,360 square feet of mixed-light and 4,215 square feet outdoor 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.

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

- Water Resource Protection Plan (WRPP) prepared by Natural Resources Management (NRM) Corporation May 29, 2018.
- Cannabis Relocation Report prepared by NRM May 29, 2018.
- Final Lake or Streambed Alteration Agreement (1600-2018-0052-R1) with the California Department of Fish and Wildlife.
- Registered Professional Forester Timber Conversion Mitigation Report prepared by NRM May 30, 2019.
- Operations Plan for Rolling Fog, LLC.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

1. The proposed project will permit 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 acknowledgment. (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. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (mixed light, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached- in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)

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. Road Evaluation Report dated May 29, 2018. (Attached)
16. Water Resource Protection Plan (WRPP) prepared by Natural Resources Management May 29, 2018. (Attached)
17. Cannabis Relocation Report prepared by Natural Resources Management May 29, 2018. (Attached)
18. Will-serve letter provided by Weott Community Services District. (Attached)
19. Registered Professional Forester's Report prepared by Natural Resources Management May 30, 2019.

# CULTIVATION, OPERATIONS, AND SECURITY PLAN (APN 095-181-008 / APPS. #12876)



## PROJECT DESCRIPTION

Applicant proposes to continue cultivation of an existing 3,360 square feet of mixed-light cultivation and 4,215 square feet of outdoor cultivation on a parcel located in the Weott area of Humboldt County.

## OPERATIONS PLAN

### 1. Water Source, Storage, Irrigation Plan & Projected Water Usage

**WATER SOURCE & STORAGE:** The primary source of irrigation water is the Weott Community Services District. A letter of permission to use the water for irrigation has been received from the Services District. Natural Resources Management developed a Water Resources Protection Plan (“WRPP”) for the Applicant per the North Coast Regional Water Quality Control Board’s Order No. R1-2015-0023.

Presently, Applicant has 2,500 gallons of water storage on-site for fire suppression and other emergency services.

**IRRIGATION PLAN:** Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier will be used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments to aid in soil moisture retention as part of irrigation plan.

**PROJECTED WATER USAGE:** Applicant will be cultivating approximately 4,215 sq. ft. of outdoor cannabis and 3,360 sq. ft. of mixed-light cannabis pursuant to a Conditional Use Permit, Zoning Clearance Certificate, and Special Permit. The applicant estimates that 45,000 to 50,000 gallons of water are used per season.

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

## **2. Site Drainage, Runoff & Erosion Control Measures**

**SITE DRAINAGE:** The site drains to the West. There is one waterway on the site, and drainage is not a significant issue with this project at this time. Some wet areas exist on the parcel, and all cultivation will occur outside any required setbacks to water features. All road and graded surfaces will have maintained spillways in good working order, so as to avoid any sediment transport to surface waters.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resource Management Corporation to improve site drainage on an as needed basis.

**EROSION CONTROL MEASURES:** Applicant has performed minimal grading work on-site, and has not had any issues with sediment discharge into surface waters. The site does not have runoff issues, and is well vegetated with forest and perennial grasses.

The roads on the property have been rocked to reduce damage from storm events. Applicant will consult with, and implement recommendations from Omsberg & Preston and Natural Resources Management Corporation to improve erosion control measures on an as needed basis.

**RUNOFF CONTROL MEASURES:** There is no current runoff from any cultivation activities. Applicant will use drip irrigation and raised beds, will water at agronomic rates, and use timers to avoid overwatering. In addition, Applicant will maintain vegetation around cultivation and riparian areas to minimize runoff and sediment transport to receiving waters. Applicant will cultivate outdoors and provide appropriate runoff and sediment mitigation measures to deal with any concentrated storm water runoff from any cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resources Management Corporation to improve runoff control measures on an as needed basis.

## **3. Measures Taken to Ensure Protection of Watershed & Nearby Habitat**

**PROTECTION OF WATERSHED & HABITAT:** The site has been developed for cultivation, and will continue to be utilized during the 2018 season. All cultivation areas shall be located outside of all SMA's on the property and native vegetation buffers shall be maintained between cultivation sites and riparian areas. Applicant's WMP will address water storage and water conservation and develop a plan that meets irrigation needs while observing forbearance periods and bypass flow requirements to promote and maintain in stream flows.

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**Cultivation, Operations & Security Plan – Page 2**



**CULTIVATION RELATED WASTE PROTOCOLS:** Applicant will implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in raised beds, and using bio-amendments (cover crops) to re-amend soils, resulting in minimal soil waste on site. All waste soils will be placed in a refuse pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. All other associated waste will be placed in garbage cans with lids to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse on an as needed basis.

**REFUSE DISPOSAL:** The site generates little human refuse, only associated with the residence on-site which is currently occupied. Applicant will take site refuse to the local dump on an as-needed basis.

**HUMAN WASTE:** Weott Community Services District provides sewer services to the site's residence, and will handle all human waste generated on-site.

#### **4. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products**

**PESTICIDES:** Pesticides shall be stored in an on-site shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant shall maintain and keep personal protective equipment required by the pesticide label in good working order. All proper pesticide application protocols will be followed.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

**FERTILIZERS & SOIL AMENDMENTS:** Fertilizers and other amendments will be stored in the on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols used for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

**PETROLEUM PRODUCTS & STORAGE:** All petroleum products stored on-site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape. Secondary containment, as required by law, will be utilized on-site.

## **5. Cultivation Activities (e.g. outdoor and mixed light)**

**CULTIVATION ACTIVITIES:** Applicant is proposing to permit an existing cannabis operation with an outdoor cultivation area of 4,215 square feet and a mixed-light cultivation area of 3,360 square feet. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. There will be no employees associated with the site's commercial cultivation activities.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

## **6. Tentative Schedule of Activities During Each Month of the Growing & Harvesting Season**

January, February, March

- Purchase or propagate seeds and clones of desired strains
- Clean greenhouses and make necessary repairs
- Prepare beds for planting
- Any cover crops from prior year are established and more are planted
- Apply mulch
- Pot clones and starts at end of March
- Continue manicuring
- Till cover crops and amend soils

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**Cultivation, Operations & Security Plan – Page 4**

#### April

- First run plants are re-potted in bigger pots
- Irrigation begins
- Apply nutrient feed as required
- Construct trellis system for plants
- Attach tarps for light deprivation first run

#### May

- Apply nutrient feed or water as required
- Applicant continues to re-pot starts and clones
- Nursery activities
- Plant first run in ground
- Begin pulling tarps
- Mulch soil

#### June

- Top dress first run
- De-leaf plants
- Irrigation continues
- Continue pulling tarps
- Apply nutrient feed or water as required
- Re-pot second run of plants in bigger pots
- General landscape and bed maintenance

#### July

- Irrigation continues
- Apply nutrient feed or water as required
- Harvest and dry first run of plants
- Buck dried plants into bins
- Trim and manicure harvested plants
- General landscape and bed maintenance
- Rotate in second run of plants into beds
- Continue pulling tarps

#### August

- Irrigation continues
- Apply nutrient feed or water as required
- Continue pulling tarps
- De-leaf plants

#### September

- Irrigation continues

- Apply nutrient feed with every third watering
- Continue pulling tarps

#### October

- Begin harvesting and drying full-term plants
- Harvest and dry second cycle of plants
- Buck dried plants into bins

#### November, December

- Trim and manicure harvested plants
- End of year reporting
- Cleanup/Winterize cultivation site

### PROCESSING PLAN & ACTIVITIES

**PLAN:** Owner/Operator/Applicant plans to process as much as practical on-site. Over capacity will be sent off-site to an appropriately licensed processing facility. Applicant will identify permitted off-site processing facility, if required, once permits for such facilities have been issued by the County.

### SECURITY FEATURES

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. T-post and fencing will be established around some cultivation. The parcel has a locking gate. A neighboring parcel shares access through the locked gate. All doors and windows on all buildings and cultivation facilities shall remain locked when the parcel is not occupied. Security cameras shall be utilized to monitor the cannabis cultivation areas. All finished product shall be stored under lock and key and away from processing activities. A prominent "No Trespassing" sign shall be displayed at the parcel's entrance. To ensure the non-diversion of product, Applicant has enrolled in the Humboldt County Track and Trace program. Applicant will enroll in the State track and trace program upon the implementation of the program by the state. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

## SOIL AMENDMENTS AND FERTILIZER

### PRODUCT USED

### AMOUNT STORED ON-SITE

#### Soil amendments and top dressing:

Dr Earth All Purpose Organic (4-4-4)	50lb bag
Vermicrop Organics Vermiblend (1-0.5-0.5)	35lb bag
Stutzman Composte chicken manure	25lb bag

#### Nutrients:

General Hydroponics FloraNova Grow (7-4-10)	2.5 gal
Age Old Bloom (5-10-5)	6.0 gal

#### Pesticides, fungicides and herbicides:

Plant Therapy	32 oz
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**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2018-0052-R1  
Unnamed Tributary to the South Fork Eel River and the Pacific Ocean

Joseph Emery  
Emery Stream Crossing Project  
1 Encroachment

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Joseph Emery (Permittee).

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on January 11, 2018, revised on September 20, 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 South Fork Eel River watershed, within the town of Weott, County of Humboldt, State of California. The project is located in Section 2, Township 2S, Range 2E, Humboldt Base and Meridian; in the Weott U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 095-181-008; latitude 40.3213 N and longitude -123.9162 W at the encroachment.

## **PROJECT DESCRIPTION**

The project is limited to one (1) encroachment (Table 1) for a 18" diameter culvert draining wetlands into an intermittent stream. Work for this encroachment will include stabilization of the banks, placement of rock slope protection and maintenance of the culvert to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Encroachment-1	40.3213, -123.9162	Maintain existing 18" diameter culvert draining wetlands into intermittent stream: stabilization of the banks, placement of rock slope protection to minimize erosion.

## 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 (*Entosphenus tridentata*), 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:

water quality degradation; and  
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 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.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 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.
- 1.6 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 bypass flows, diversion rates or other measures 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.
- 1.7 CDFW Notification of Work Completion. The Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.8 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Permittee or Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

## 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 Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on January 11, 2018, revised on September 20, 2018.
- 2.2 **Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).

### **Project Timing**

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 15** 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.** The proposed work shall be completed by no later than **October 15, 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 15, 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 15.

### **Vegetation Management**

- 2.6 **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.
- 2.7 **Vegetation Maintenance.** 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.

## **General Stream Protection Measures**

- 2.8 Fish and Aquatic Amphibians.** If possible, work shall be conducted when the affected stream channel is void of surface water. If surface water is present during construction, the Permittee shall: a) have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles three days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, or another CDFW representative.
- 2.9 Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 Clean-up.** Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

## **2.15 Erosion Control Measures**

**2.15.1 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.

**2.15.2 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, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

**2.15.3 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

**2.15.4 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.

**2.16 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.

## **Stream Crossings**

- 2.17 Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.18 Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse 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.
- 2.19 Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.20** Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e.  $\geq 1.0$  times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.
- 2.21 Crossing Maintenance.** The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.21.1** The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow
- 2.21.2** No heavy equipment shall enter the wetted stream channel.
- 2.21.3** No fill material, other than clean rock, shall be placed in the stream channel.
- 2.21.4** Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.21.5** 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 materials and the outfall area.

2.21.6 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.

### **3. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 3.1 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2020**. Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 within seven (7) days of project completion.

### **CONTACT INFORMATION**

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

#### **To Permittee:**

Joseph Emery  
PO Box 208  
Weott, California 95571  
(408) 568-1575  
joerides1@yahoo.com

#### **To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2018-0052-R1

### **LIABILITY**

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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and

subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 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 Fish and Game Code section 1605, subdivision (b), 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, 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 Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (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 as Fish and Game Code section 1605, subdivision (a)(2) requires.

## **AUTHORITY**

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

## **AUTHORIZATION**

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



## CONCURRENCE


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

**FOR Joseph Emery**

  
\_\_\_\_\_  
Joseph Emery

11/6/18  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Cheri Sanville  
Senior Environmental Scientist Supervisor

11/8/18  
\_\_\_\_\_  
Date

Prepared by: Andrew Orahoske, Environmental Scientist, September 28, 2018

**Cannabis Relocation  
for Joseph Emery  
APN 095-181-008  
WDID# 1B170067CHUM  
Humboldt County**



*Prepared by:  
Natural Resources Management Corporation  
1434 3<sup>rd</sup> Street  
Eureka, CA 95501*

*May 15, 2018*



## Summary

One of the pre-existing *Cannabis* cultivation areas is within wetland setbacks and could have direct contact with surface water during wet months. A second pre-existing cultivation area is located on a slope of 35%. This area also has a cutback seep that daylight in the middle of the cultivation area. We are proposing to consolidate these two areas to an environmentally superior area outside of watercourse setbacks. The proposed relocation area is located on a gently sloping (less than 12%) already open area. Overall, relocating the sites to the proposed area will reduce the threat to water quality.

## Preexisting Cultivation Sites (see figure 2 and 3)

Area 1: There are four preexisting cultivation areas on the parcel. The northernmost area consists of two flats. One has a 24ft by 40ft hoop house, and the other has four 12ft by 50ft hoop houses for a total of 3,360 square feet of cultivation space. This cultivation area will remain in its current location.

Area 2: Due south of the hoop houses is a terraced slope behind the house containing 3,415 square feet of outdoor cultivation. There is a cut bank seep daylighting on a middle terrace. There area is steep with a 35% slope. Due to the steepness of the site, it is not ideal for cultivation.

Area 3: The furthest west preexisting cultivation area is located on a flat that has a spring-fed 3-parameter wetland. This outdoor cultivation area contains 2,840 square feet of cultivation. This entire cultivation area is completely within the setback of the wetland (figure 4). The area is not suitable for cultivation.

Area 4: The middle cultivation area is a preexisting outdoor area. It is a grassy opening with approximately 12% slope. In 2016 there was 3,645 square feet of outdoor cultivation on it. Although it is a pre-existing cultivation area, it was not in use the year the calculations for the Counties pre-existing cultivation was done. Therefore it is not counted as "pre-existing square footage" under the county permit. This area will serve as the relocation site.

## Watercourses and Setbacks (figure 2-4)

There are two class 3 and one class 2 watercourse on the parcel. There are three seeps on this property. The northern most seep is day lighted in the south east. There is a class 4 manmade channel that drains the house behind the house that drains the house to the road in a ditch relief culvert and then flow on the March of 2018, and concurred with our assessment of 4 water ways. There is a 3-parameter wetland area

The State Water Board Order requires: 50ft setback on class 2 streams. The setback on a class 4 watercourse is 100ft. Under these setbacks cultivation area 1 to be relocated outside the wetland setback. Cultivation area 2 is steep and has a daylighted cut bank seep, it is out of the setback. Area 3 has a daylighted cut bank seep, it is out of the setback. Area 4 is a grassy opening, it is out of the setback. We will relocate this cultivation area.

## Relocation Areas

Areas 2 and 3 will be relocated to area 4. This site is a grassy opening that has been used for cultivation in the past. The western portion is a flat bench with less than 5% slope to the northwest, and to the east is a 12% slope up to the house. A total of 6,255 square feet of outdoor cultivation will be relocated to here. No trees will need to be removed and no grading will be done. The land owner may limb up, top, or trim some trees adjacent to the site to allow for better sun exposure. The area is outside of any watercourse setbacks.

Area 2 + 3 =

1015 + 2400 =

3415

3,415 to be relocated

(Area 4)

3,415 in Area 1

Total

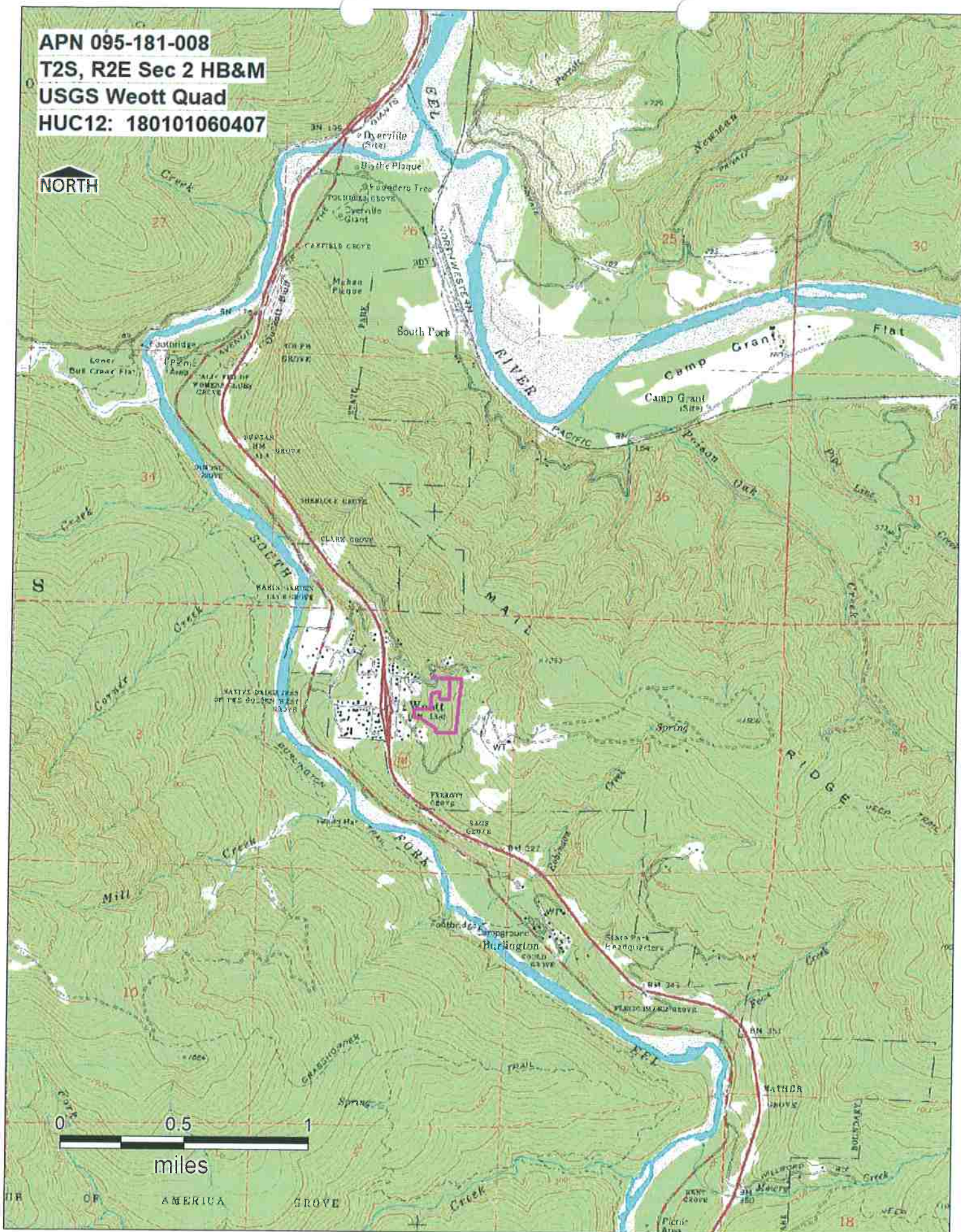
setbacks. Cultivation will take place in pots or “707” soil bags. Work with hand tools may be done to level each pot/ bag spot. See photos of relocation site below.

Area 4 is environmentally superior to areas 2 and 3 as it is gently sloped and outside of the water course buffers. Relocating areas 2 and 3 to area 4 will consolidate all cultivation into areas 1 and 4 on the property. There will be a total of 9,615 square feet of cultivation on the property, 3,360 square feet in area 1 and 6,255 square feet in area 4.

### **Restoration**

All cultivation materials will be removed from areas 2 and 3. Cultivation methods in these areas consisted of pots set on the ground. As can be seen in the photos below the areas between the pots are vegetated with grasses. We believe that following the removal of the pots and soil the foot print of the pots will naturally revegetate. The area should be checked by October 15<sup>th</sup> the year the pots are removed, if there is still bare dirt the bare areas should be seeded with native grass seed and covered with 2 inches of weed free straw.





PLN-12876-SP  
Figure 1. Property location



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: JOSEPH EMERY APN: 095-181-008  
Planning & Building Department Case/File No.: 12876/CUP16-897/SP16-680/  
2CC16-610  
Road Name: UNNAMED ROAD (complete a separate form for each road)  
From Road (Cross street): MADRONA ROAD  
To Road (Cross street): RESIDENCE AT 183 MADRONA ROAD  
Length of road segment: 0.2 miles Date Inspected: 5/2/18  
Road is maintained by: ☐ County ☒ Other PRIVATE  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

- Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

- Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Joe J

Date

5/11/18

Name Printed

JOSEPH EMERY

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT**

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

Applicant Name: JOSEPH EMERY APN: 095-181-008  
 Planning & Building Department Case/File No.: 12876/CUP16-897/SP16-680 <sup>ZCC16-610</sup>  
 Road Name: Madrone Road (complete a separate form for each road)  
 From Road (Cross street): Sewell Drive  
 To Road (Cross street): Unnamed Road  
 Length of road segment: 0.1 miles Date Inspected: 5/2/18  
 Road is maintained by: ☒ County ☐ Other  
 (State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

- Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

- Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

*Joseph Emery*

5/11/18  
Date

Name Printed

JOSEPH EMERY

**Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.**





1434 Third Street • Eureka, CA • 95501-0682  
707 442-1735 • fax: 707 442-8823  
Email: nrm@nrmcorp.com  
Web: www.nrmcorp.com

Joe Emery  
180 Madrone Road / P.O. Box 208  
Weott, Ca, 95571

May 30, 2019



**Emery Conversion Mitigation Report  
for Humboldt APN #095-181-008  
NE ¼, Section 2, T2S, R2E HB&M**

Joe Emery has applied for a Humboldt County cannabis cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act. On January 17, 2018, Merritt Lindgren, RPF #2522, of Natural Resources Management visited the property with Joe Emery and inspected the areas that were converted and any inconsistencies with the Forest Practice Rules.

**1. Contact Information**

**a. Timberland/Timber Owner of Record:**

Joe Emery  
P.O. Box 208  
Weott, Ca, 95571

**b. Registered Professional Forester Preparing Report:**

Merritt Lindgren RPF # 2522  
1434 Third Street  
Eureka, CA 95501  
(707) 442-1735

**2. Location of Project**

- a. Site Address: 180 Madrone Road
- b. Community Area: Weott, CA
- c. Assessor's Parcel No(s): 095-181-008
- d. Parcel Size(s): ~14 acres

### 3. Project Description

#### a. Timber stand characteristics including species composition and age class.

The property is within a matrix of redwood-Douglas-fir/oak forest and grassland. The surrounding forest composition consists primarily of uneven aged second growth redwood, Douglas-fir and oak with a minor amount of other hardwood species. Combined basal areas for all species is between 60 to 220 square feet per acre with 40% to 100% closed canopy. The property is zoned TPZ. The earlier harvest of the property retained only a few mature scattered conifers and hardwoods. Today there is an overstory of those trees and a mid-canopy layer of young conifers and hardwoods.

#### b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

There are no class I watercourses on the parcel. One class II watercourse runs through the northern portion of the parcel but it is more than 300 feet from the nearest converted area. No operations occurred within a WLPZ.

There are also four class III watercourses, two class IV watercourses, a wet area and a cut bank seep on the property. The wet area in E was cleared more 20 years ago. The area was cultivated but the garden has been removed and is required to be allowed to revegetate naturally. Clearing operations occurred within 20 feet of two of the class III watercourses but not in the channel. No cultivation activities will occur within the class III protection zones. No slash, debris or soil was observed in the watercourses. The class IV watercourse were caused by bank cutting to level the land to build a house and garden. When the water flows in the class IV watercourse adjacent to the southern boundary of clearing C, it is captured in a French Drain and flows through a ditch relief culvert and off the property. The other class IV flows between the cut bank and the residence. It flows down the inside ditch to the same ditch relief culvert.

#### c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

The area where the conversions occurred is shaded in green on the Weott 7'5 Quadrangle indicating that it was forested in 1969. Nearly all the conifer forest in the vicinity was harvested in the late 60's and early 70's with the large diameter trees mostly tractor yarded. Prior to 1998 the Emery parcel was illegally logged with a harvest that removed almost all of the trees on the property. Please see the attached Google Maps 1998 photo with the current Humboldt Co. Parcel Map beside it. The clearing efforts that occurred prior to and during the current ownership are considered conversion of timberland without a proper permit from CalFire. Shown on the attached maps and photos, most of the conversion areas were cleared before 1998 and have mostly returned to timberland. Only a few trees have been cut since then.

#### d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

Five discreet areas remained cleared and are labeled A through E from north to south. It appears that only a few trees were recently cut in units B & C, while some brush and saplings were removed from A. The following is the acreage for each of the units:

<u>Unit</u>	<u>Acre</u>	<u>Current Use</u>
A	0.05	Agricultural Garden
B	0.06	Agricultural Garden
C	0.12	Agricultural Garden
D	0.62	House Site and Yards
E	<u>0.21</u>	Discontinued Agricultural Garden
Total	1.06	

### 4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

a. Harvest Practices and Erosion Control (CFPR Section 914)

Almost all of the trees on the property were illegally harvested prior to 1998. Since then most of the property has reforested. In 2004 medium to larger hardwoods were only present in area C. Between June, 2009 and June 2010 areas A and B were cleared and expanded. Between September 2009 and August 2012, the trees on area C were cut and the area was cleared without a permit.

There were no drainage issues in the converted areas or along the roads.

b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

It appears that the initial harvest of the property skidded all of the logs to a landing at area E. The Madrone Road is a public road that runs through the parcel and accesses other properties. The driveway to area E from Madrone Road would have been appurtenant for the conversion operations that previously occurred. Minor amount of work was needed to remediate road erosion issues. During the cannabis permitting process two recommendations were made to clear the ditch relief culverts and that was confirmed to have been done in 2017.

c. Watercourse and Lake Protection Zones (CFPR Section 916)

The conversion sites are not located near class I or II watercourses so no WLPZ would have been needed.

d. Hazard Reduction (CFPR Section 917 and 1104.1(a) (2)(D) 4.

A small amount of slash and woody debris, that were created by the recent clearing operations to the north of the residential area, may be present within 200 feet of permanently located structures maintained for human habitation.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened or Endangered Plants or Animals were observed.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological sites were observed.

5. Summary and Recommendations

#1) Maintain and keep clear the ditch relief culverts.

#2) Maintain the French drain along the southern boundary of area B

#3) Treat all of the slash created clearing operations within 200 feet of the residential structure.

Fuel treatments as follows:

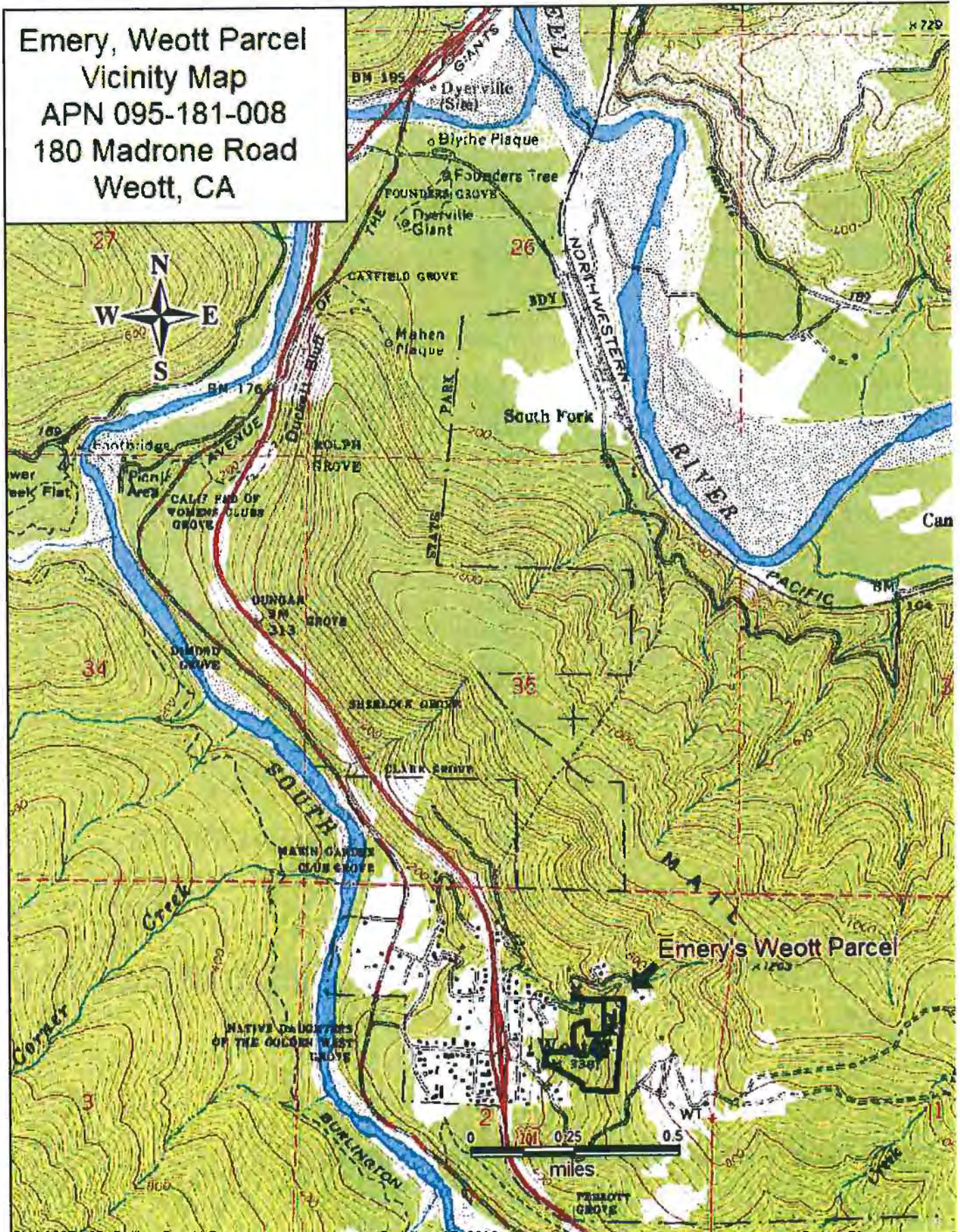
(A) Slash within the Harvest Area shall be treated to achieve a maximum post-harvest depth of thirty (30) inches above the ground. All Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated, within one (1) year from the date of the Director receiving this notice.

(B) Slash shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground on at least 80% of the Harvest Area. All Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated.

6. Photos, Figures, Map

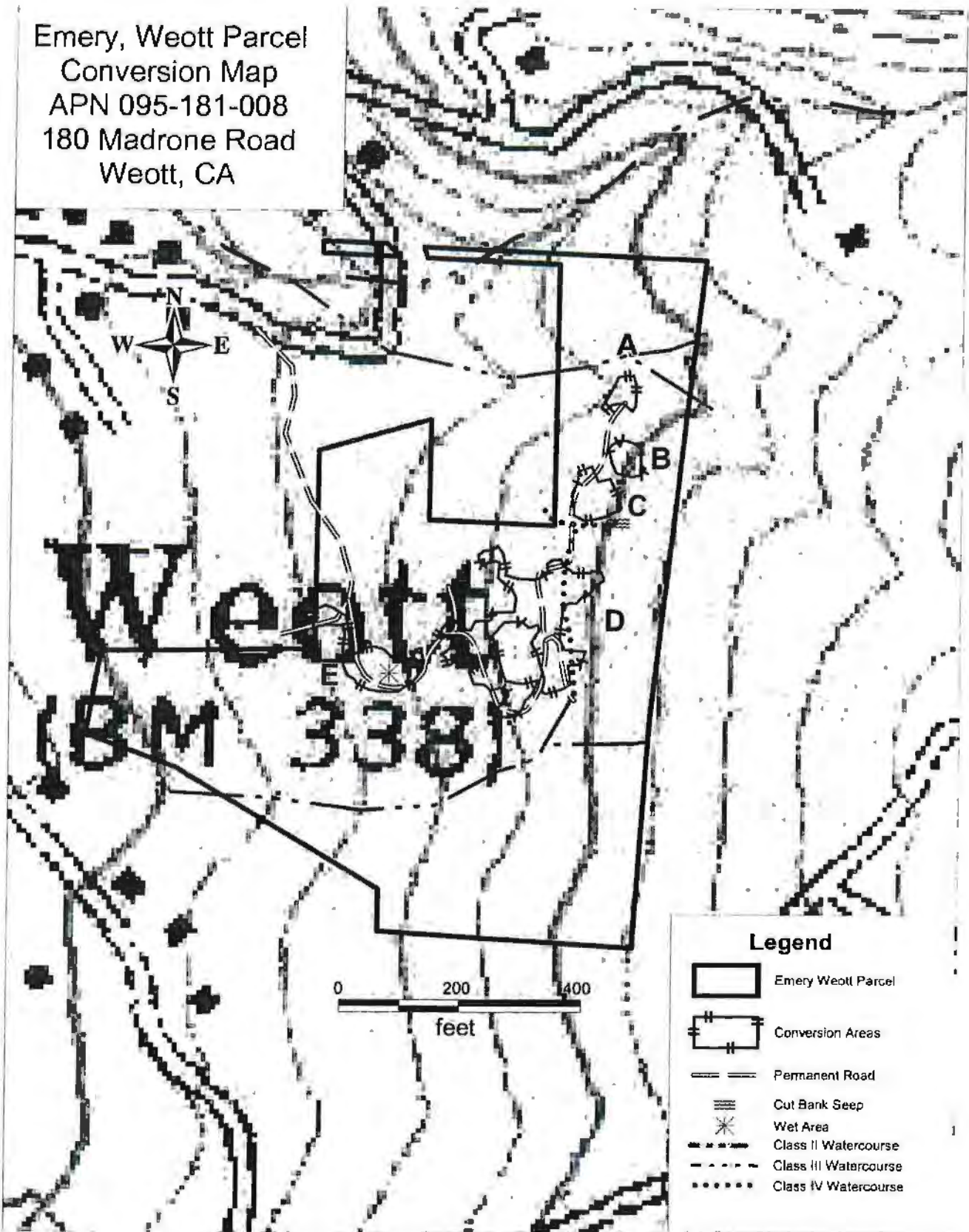


Emery, Weott Parcel  
Vicinity Map  
APN 095-181-008  
180 Madrone Road  
Weott, CA



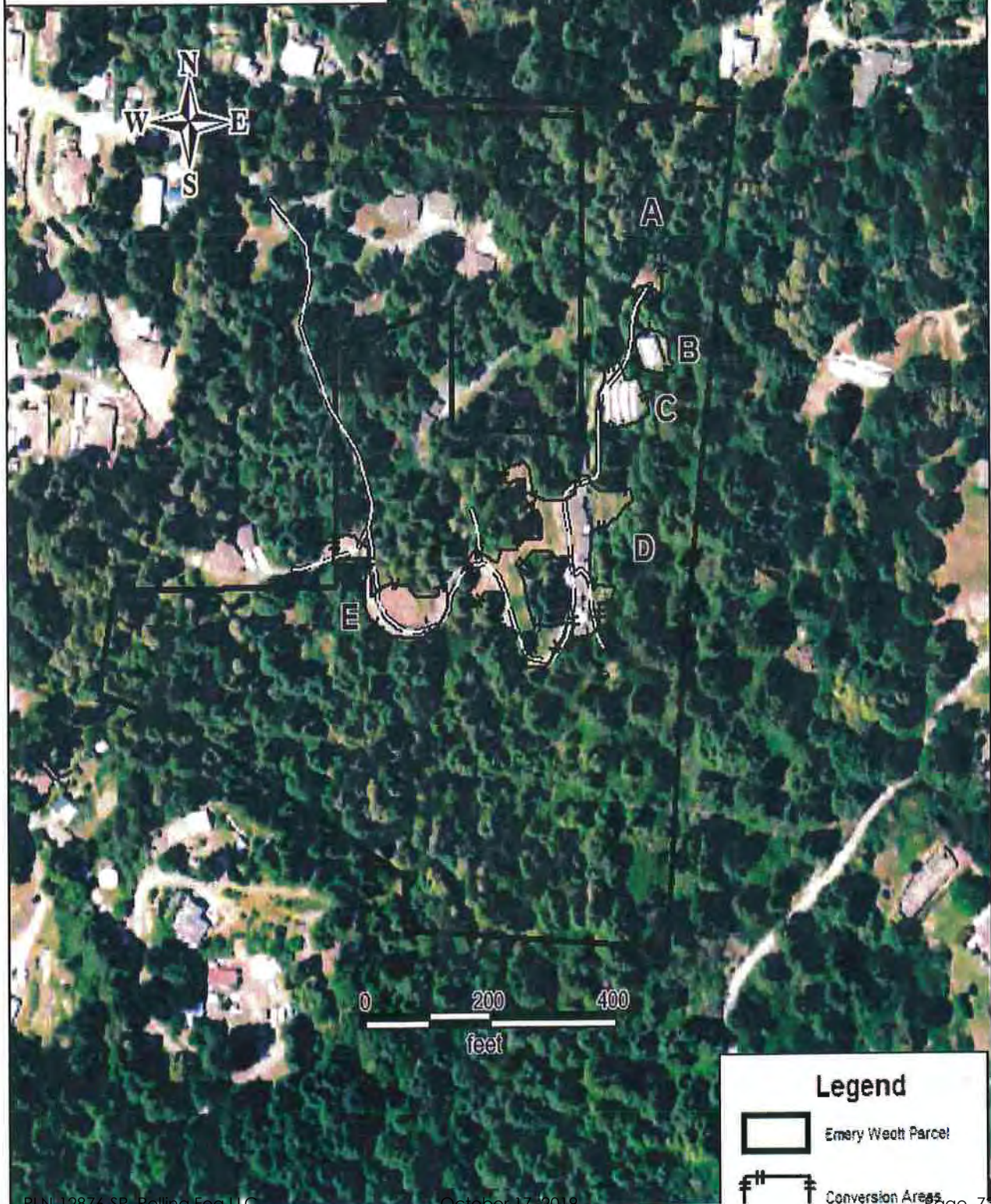


Emery, Weott Parcel  
 Conversion Map  
 APN 095-181-008  
 180 Madrone Road  
 Weott, CA



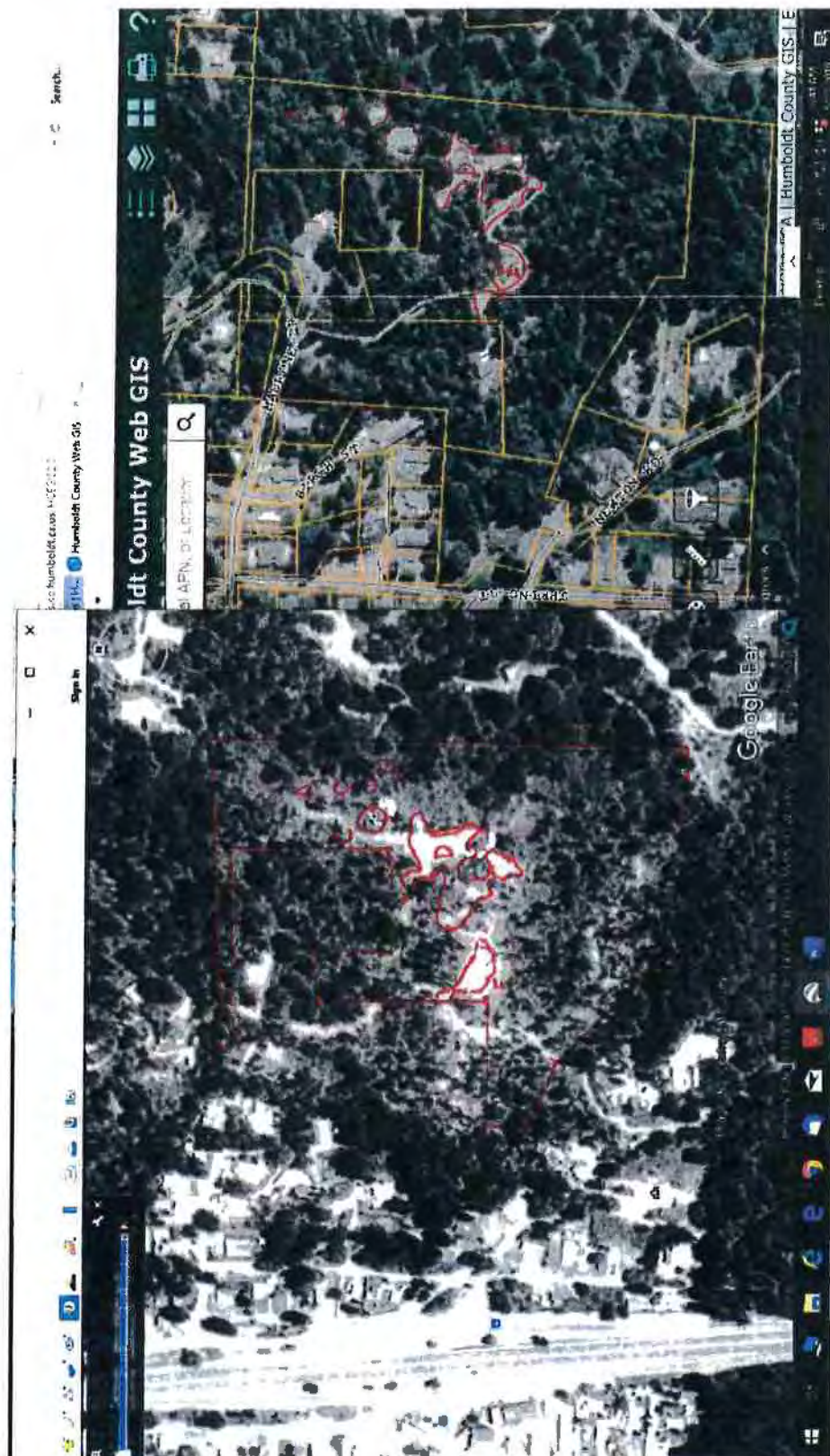


Emery Weott Conversion Map  
2016 NAIP Ortho Photo  
APN 095-181-008  
180 Madrone Road





# Emery Weot Parcel, 1998





## 7. References and Conditions


1. California Forest Practice rules, 2018; Title 14, California Code of Regulations  
Google Earth Imagery crs=EPSG:3857&format&type=xyz&url=https://mtl.google.com/
2. Current Humboldt County Parcel Map
3. NAIP Ortho Photos

### STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and or the local county planning department.
2. Natural Resources Management Corporation does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Natural Resources Management Corporation did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Natural Resources Management Corporation at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Natural Resources Management Corporation shall not be responsible for the supervision of mitigation operations following approval of this conversion plan.

#### Signature Page

Landowner of Record: Joe Emery

Signature:  Date: 6/13/19

Registered Professional Forester: Merritt Lindgren # 2522

Signature:  Date: 5/30/2019

**Water Resource Protection Plan  
for APN 095-181-008  
WDID# 1B170066CHUM  
Humboldt County**



*Submitted to:*

*California Regional Water Quality Control Board -  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California 95403*

*Prepared by:*

*Natural Resources Management Corporation  
1434 3<sup>rd</sup> Street  
Eureka, CA 95501*

*August 15, 2017*





## Site Maps for Parcel



**Figure 1.** Vicinity map for parcel 095-181-008

1

Water Resource Protection Plan  
WDID 18170066CHUM  
APN 095-181-008

Natural Resources Management Corporation  
August 15, 2017



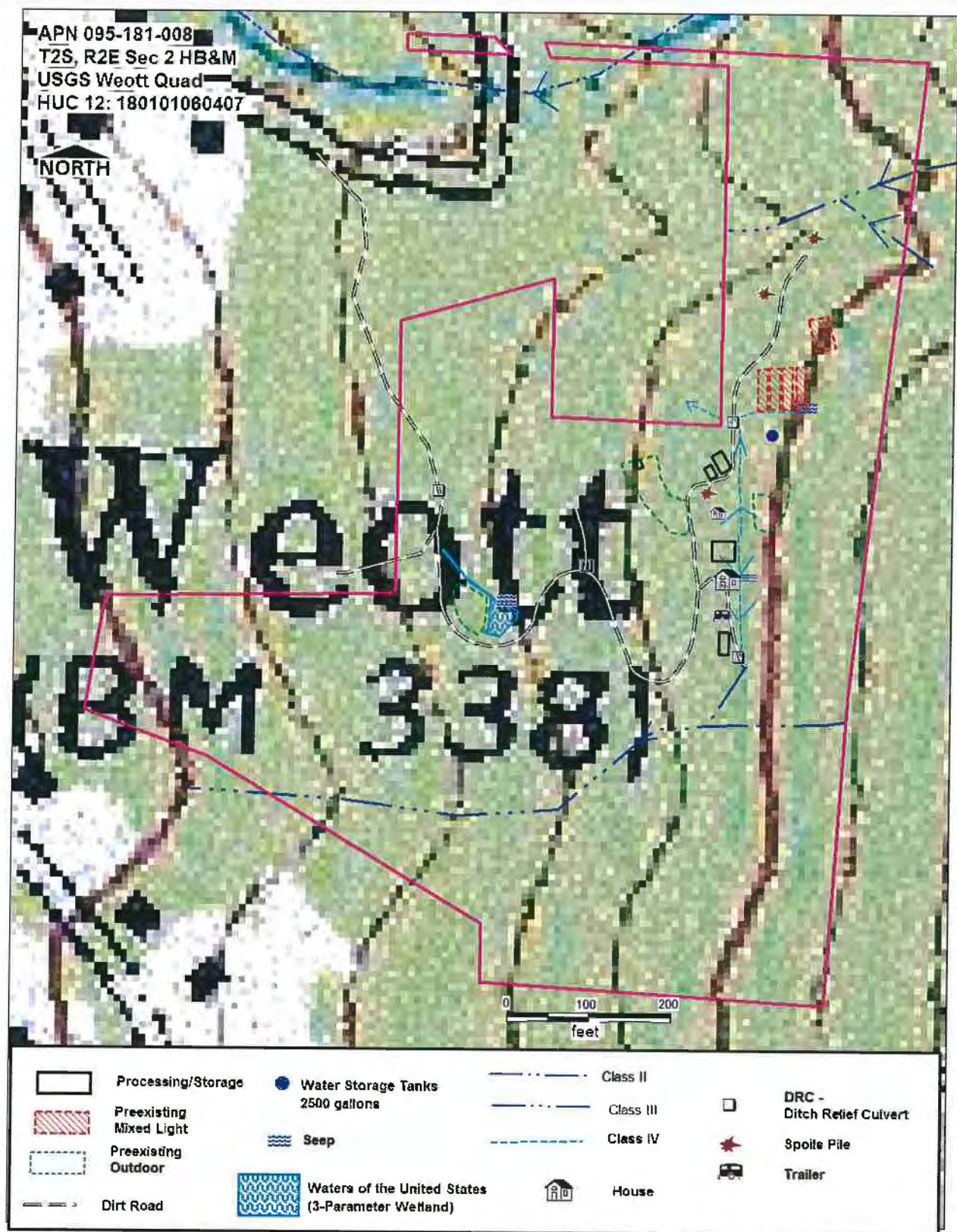


Figure 2. Property map for parcel 095-181-008



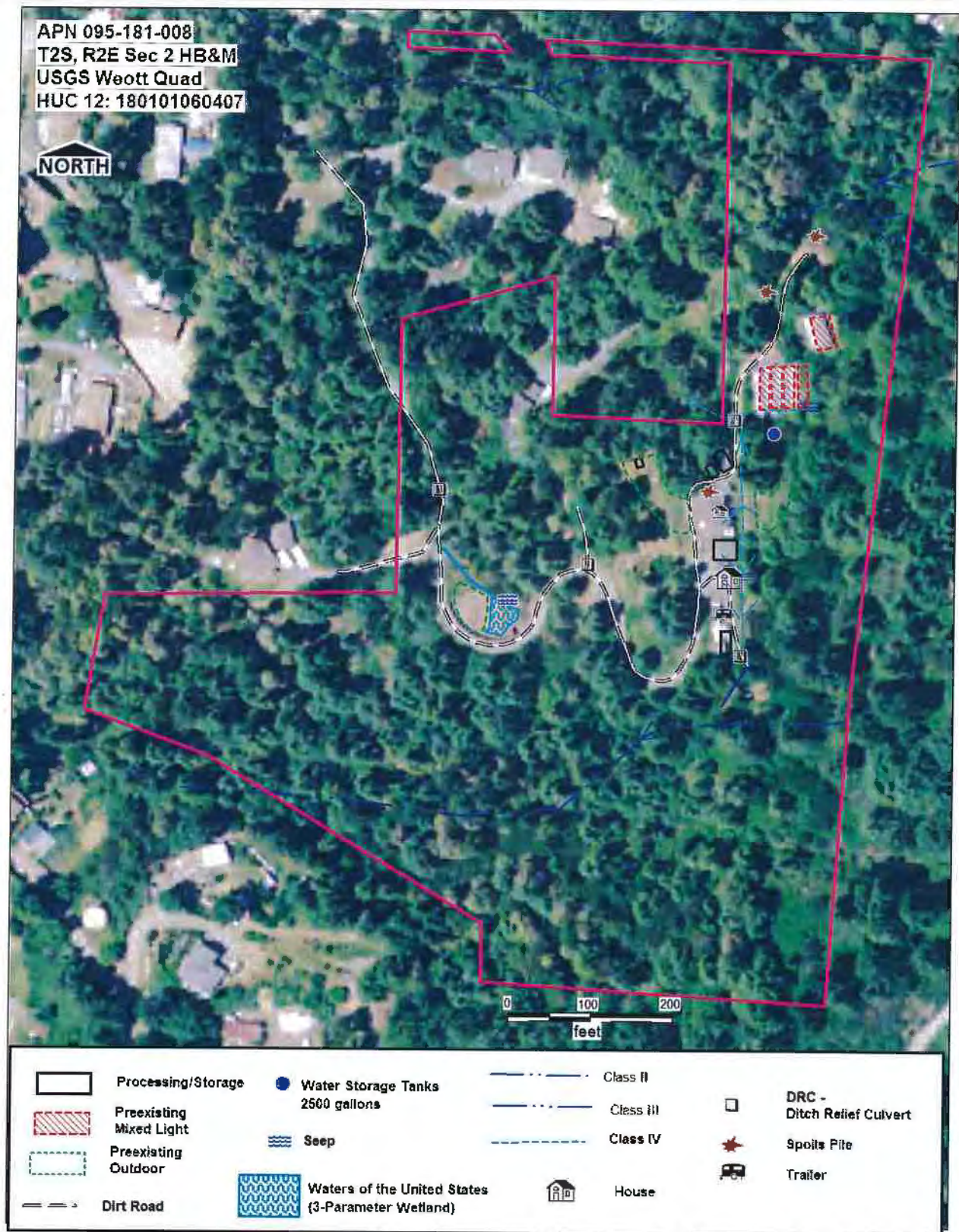


Figure 3. Property map for parcel 095-181-008



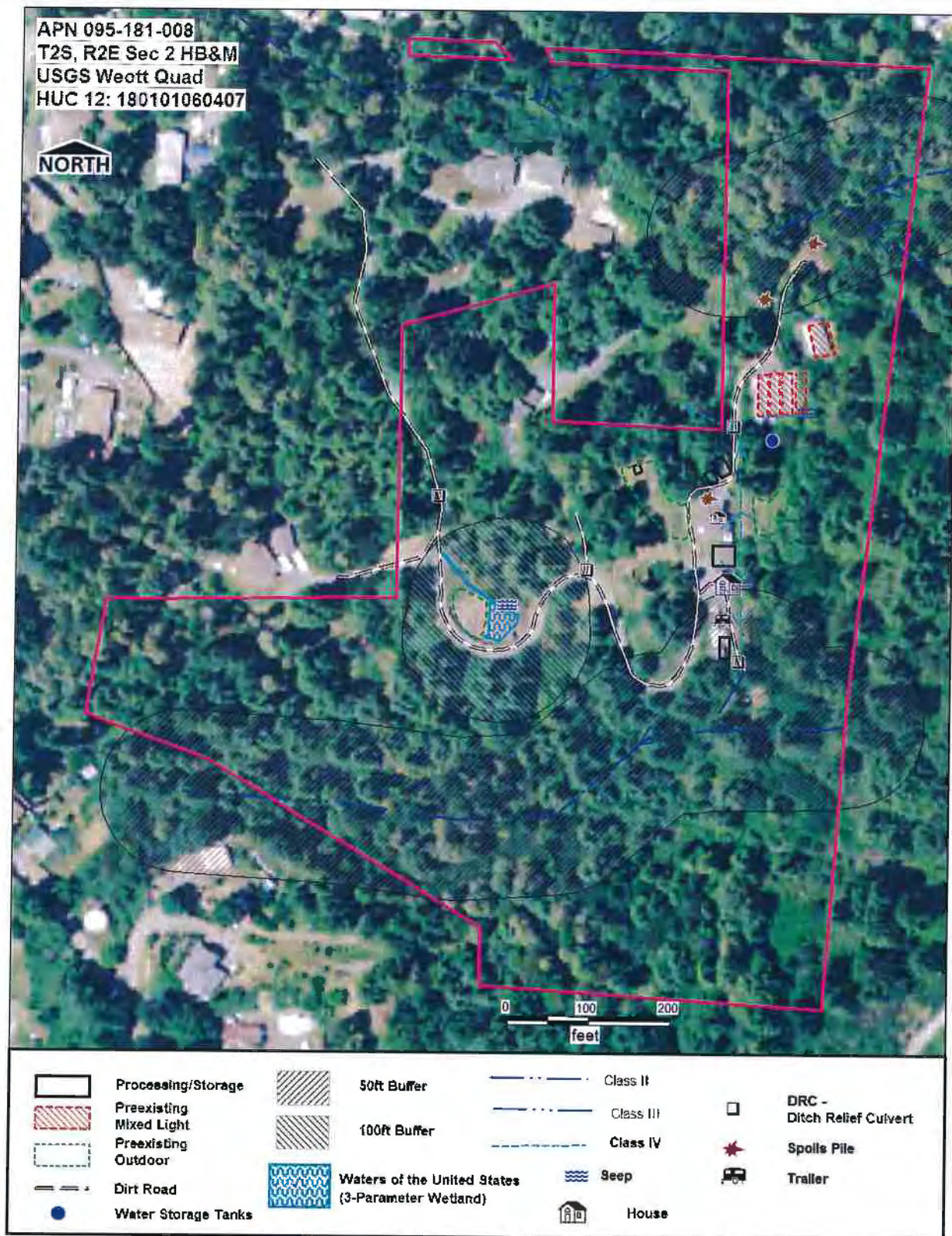


Figure 4. Property map for parcel 095-181-008 showing watercourse buffers

## **Water Resource Protection Plan**

This document serves as the water resource protection plan (WRPP) for site APN 095-181-008 pursuant to Order No. R1-2015-0023. On August 13, 2015, the North Coast Regional Water Quality Control Board (NCRWQCB; Regional Water Board) 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 Order No. R1-2015-0023 is to prepare a Water Resource Protection Plan (WRPP) for all sites that are enrolled under Tier 2 of the order.

### **Summary**

This 13.77-acre parcel has an average elevation of 600 feet and drains to the South Fork Eel River. The property is located in the town of Weott and meets the Tier 2 standard conditions of the North Coast Regional Water Quality Control Board (RWQCB) Order.

There is prior to January 1, 2016 during the largest year of cultivation there was 6,255 square feet of outdoor and 3,360 square feet of mixed light for a total of 9,615 square feet of cannabis cultivation on this property. In 2016 there was 13,260 square feet of cultivation. Going forward, 2017 and on into the future, there will be 9,615 square feet of cultivation on the property. The water source is municipal water and it is estimated that 48,500 gallons were used for the 2016 cultivation season. There are three watercourses and one wetland on this property, but no watercourse crossings. All road is dirt and only requires minimal maintenance.

### **Current Conditions**

#### **Watercourses**

There are two class 3 and one class 2 watercourses; all three watercourses run west across the parcel. There are three seeps on this property, two of which are located in cultivation areas. The northern most seep is day lighted in the south east corner of the southern greenhouse terrace. There is a class 4 manmade channel that drains the cultivation flat. This channel connects with the class 4 channel behind the house that drains the house flat. These two manmade channels come together, cross the road in a ditch relief culvert and then flow off property. Water Board staff visited the property in March of 2018, and concurred with our assessment that these manmade drainages for the flats were class 4 water ways. There is a 3-parameter wetland adjacent to the western most cultivation flat.

#### **Roads**

There is 1,540 feet of dirt road on this parcel. Most of this distance is the road that winds up through the property, but there are two small off-shoots: one goes past the house and the other provides access to a neighbor's property. Roads are in decent shape overall. Some road rock will be beneficial at the switchback between the lower outdoor cultivation areas (Picture 10). The ditch needs improvement in all locations, especially in the switchbacks and near the ditch relief culverts (DRC).



### **Watercourse Crossings** - See Figure 4

There are no watercourse crossings, but there are four DRCs. All DRCs are functioning properly, but two need to have their inlet/outlets cleaned to a greater degree than just regular maintenance.

### **Cultivation Areas** - See Figure 2 - 4

In 2016 there were three full-sun cultivation areas and two greenhouse terraces.

#### ***Greenhouse***

The uppermost terrace is occupied by a 24' x 40' (960 sq ft) greenhouse with raised beds. The greenhouse is entirely contained with no run-off or stream buffer issues. This cultivation area is 130 feet away from the nearest watercourse and has an average slope of 2%.

The second terrace just downslope (southwest), has four 12' x 50' greenhouses (total of 2400 sq ft) (Picture 1) that are completely contained with no run-off potential. Of special note for this terrace is the daylighted seep in the southeast corner (Picture 3). This seep was flowing at the time of our visit and it appears to run seasonally. There is drainage control that directs the water along the southern cutbank and off the terrace near the southwest corner. Here the flow goes overland to a road ditch and then into a ditch relief culvert. The inception point of the seep is within 2 feet of the corner of one of the greenhouses, but the drainage is keeping the flow from interacting with the cultivation. Moreover, we inspected the interior of the greenhouse (Picture 2) and found no evidence of interior interacting with exterior. While there is some flow below the DRC, we could not verify connection of this flow to any stream. This cultivation area is 170 feet from the nearest waterway and has an average slope of 1%.

#### ***Full Sun***

The eastern most outdoor cultivation area includes approximately 40 plants (3,415 sq ft) in smart pots on narrow terraces (Picture 4). The natural slope is roughly 35%. This flat has a daylighted seep in the middle of one of the terrace cuts that flows through the garden (Picture 5) and then into the road ditch that feeds the same DRC as the seep flowing from the "4 Greenhouse Terrace" described previously.

The outdoor cultivation area just downslope of the house includes approximately 50 plants (3,645 sq ft) on an average slope of 12% (Picture 6). This area has no run-off, or sediment delivery issues, and is 290 feet from the nearest watercourse.

The western most outdoor cultivation area includes approximately 25 plants (2840 sq ft) (Picture 8). This site has ponded water and wetland vegetation such as *Juncus* and sedges (Picture 9). The road is contributing some water to this flat as evidenced by rilling, but not enough to account for the ponded water and vegetation types. A wetland delineation was done on September 22, 2017. The area was determined to be a 3 parameter wetland. As a result this cultivation site is within the wetland buffer and will have to be removed/relocated (figure 4).

### **General Property Conditions**

Overall, we found few problems on this property. All trash (domestic and cultivation-related) is disposed of properly. However, there are three spoils piles that need to be contained or disposed of. (Picture 14).

### **List of Chemicals Stored Onsite & Information About Use**

Fertilizers used are: FloraNova Grow (7-4-10), Age Old Grow (12-6-6), Age Old Bloom (5-10-5), bat/chicken guano, and earthworm castings. Green Clean is applied as needed for insects and molds.

For future compliance, all nutrients, pesticides, herbicides, and fungicides used will be recorded. Product name, the amount used and method of application will be recorded each time a product is used. A copy of these records will be kept onsite. Annual quantities used will be reported to the NCRWQCB by March 31<sup>st</sup> of the following year with the MRP (Appendix C, Monitoring and Reporting Program).

### **Water Use**

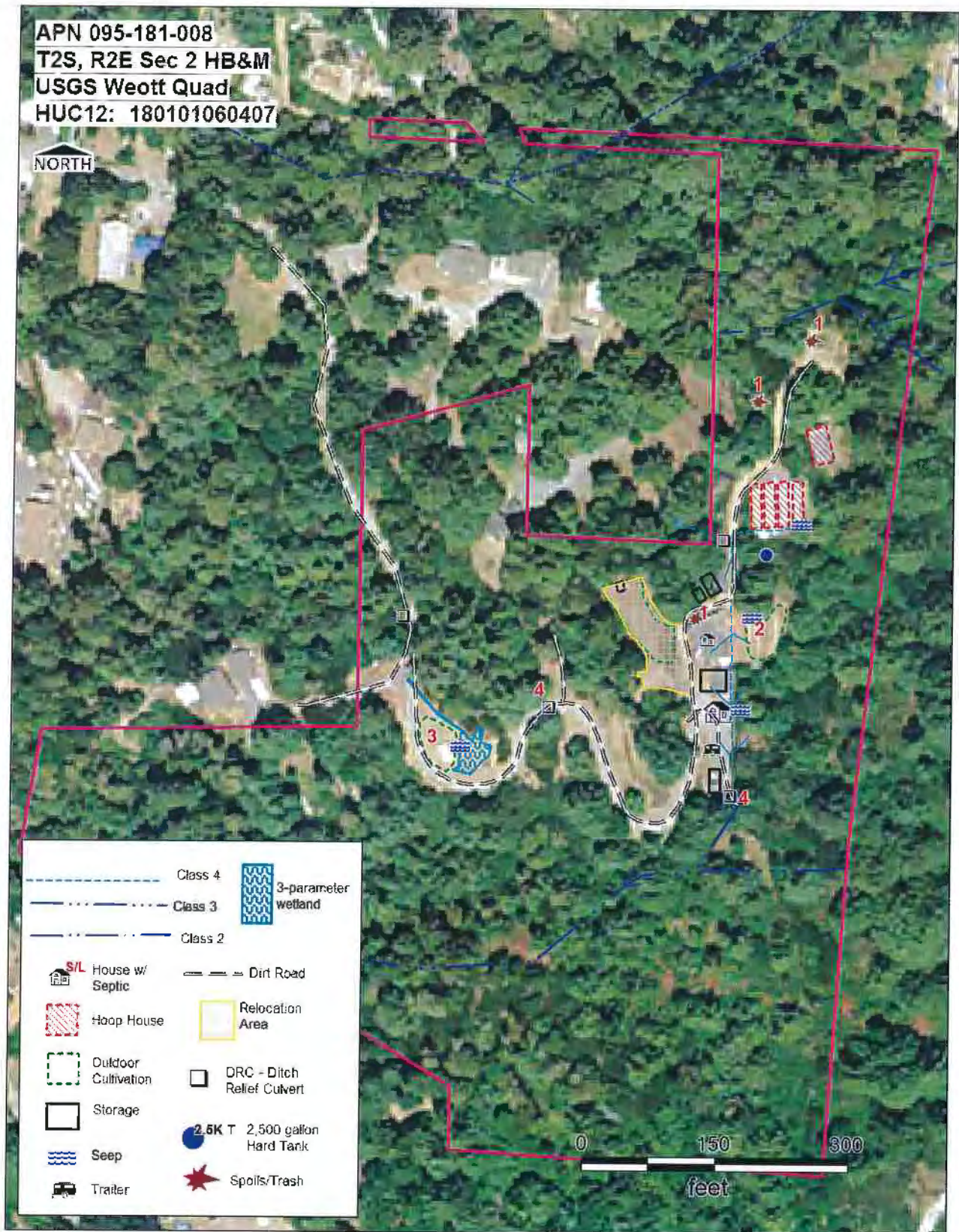
There is a total of 13,260 square feet of cannabis cultivation on this property in 2016. The water source is municipal water and it is estimated that 48,500 gallons were used for the 2016 cultivation season. Domestic use is 150 gallons/day, year-round.

**Table 1.** Estimated amount of water used for irrigation monthly in gallons

Source	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Municipal	0	0	0	500	2K	7K	15K	15K	7K	2K	0	0

For future compliance, **water meters will be used** to quantify water for irrigation and storage. A photo of the meter reading will be taken monthly to document water use.





**Figure 5.** Corrective actions map for parcel 095-181-008





Figure 6. Corrective actions for Class 4, from Water Boards March 2018 site visit

## **Corrective Actions** Please refer to Figure 4, Corrective Actions map

**Table 2.** Features that need improvement. See Appendix B for Associated Standard Conditions (A.S.C.)

Unique Map Points	Map Point Descriptions	A.S.C	Temporary BMP	Permanent BMP (Best Management Practices)	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
1	Spoils	4a, b	Tarp piles	Move to permanent containment area or dispose	2	Sept 30 <sup>th</sup> , 2018	
2	Grow Removal	3a, d	N/A	Remove all cultivation infrastructure	3	May 30 <sup>th</sup> , 2018	
3	Grow Removal	3a, d	N/A	Remove all cultivation infrastructure	3	May 30 <sup>th</sup> , 2018	
4	DRC Cleaning	1c	N/A	Clean inlet & outlet of DRC	2	Sept 30 <sup>th</sup> , 2017	Fall 2017
5	Rock Road & Improve Ditch	1a	N/A	Apply rock to western road switchbacks and improve ditch	3	May 30 <sup>th</sup> , 2018	Fall 2017
6	Improve French Drain	1d	NA	Improve French Drain etc	3	September 15 <sup>th</sup> 2018	

Priority time frames: 1 is high priority with treatment being planned to occur immediately; 2 is a high priority for treatment to occur prior to the start of the non-diversion period; 3 is a moderate priority for treatment to occur within a year, or prior to the winter of the second season of operations; 4 is a lower priority with treatment being planned within the shortest time possible, but no later than the expiration of this Order (five years).

- 1) There are three spoils piles on this property. Currently, none of the piles have any kind of containment. The permanent BMP is to store all loose soil in a containment area that provides the proper secondary containment required by the order, but until then, the spoils piles will be tarped to reduce any run-off of soil or perlite.
- 2) The eastern most outdoor cultivation site is steep over 35% slope. This entire cultivation site will be discontinued and all infrastructure will be removed. Cultivation will be relocated to the middle outdoor cultivation area.
- 3) The western most Outdoor cultivation site is within the buffer of a 3-parameter wetland. To comply with the 50-foot buffer, this entire cultivation site will be discontinued and all infrastructure will be removed. Cultivation will be relocated to the middle outdoor cultivation area.
- 4) All four DRCs on the property need to have their inlets and outlets cleared, but the two marked on Figure 4 are priority. The eastern pipe has plant debris stuck in the inlet (Picture 11) and the western pipe's outlet is entirely blocked (Picture 13).
- 5) Some road rock will be beneficial at the switchback between the lower outdoor cultivation areas (Picture 10). The ditch needs improvement in all locations, especially in the switchbacks and near the ditch relief culverts (DRC).
- 6) The class 4 French drain on the hoop house flat will be improved. The cut bank on this flat will also be stabilized. Five feet of the hoop house closest to the seep will be removed. A pond liner will be placed under the raised beds in this hoop house (figure 6)



## **Winter Site Preparation**

Prior to winter rains at the end of the growing season, the following steps will be taken to prepare the site for winter.

- Soil used for cultivation will remain in beds and be planted with a cover crop
- Any bare soil on the fill slopes on the landing will be covered with straw 2 to 3 inches thick and secured with a tackifier
- Cannabis stems and root balls will be burned
- All nutrients, fuels, and other chemicals will be placed in a secure storage shed
- All cultivation trash and debris will be properly disposed of at a waste disposal facility. Receipts for disposal will be kept.
- Any vegetation or debris obstructing the inlet or outlet of the ditch relief culverts will be removed and disposed of where they cannot enter any streams and at least 200 feet from any streams.
- Roads will be checked to maintain condition of ditch.

## **Monitoring**

### **Corrective Action Monitoring**

All corrective actions 1 and 6 should be completed by September 30<sup>th</sup>, 2018. Natural Resources Management will conduct a monitoring site visit in October 2018 to check these items. All corrective actions 2, 3, and 5 should be completed by May 30<sup>th</sup>, 2018 and NRM will conduct a site visit in June 2018 to check on these items. The client will provide photos to NRM as soon as each action is complete.

### **Annual Monitoring**

#### ***Fall / Winter Monitoring***

Annual monitoring for this site will follow the revised Appendix C from the Order No. 2015-0023. Each year, monitoring will occur on a minimum of three occasions: prior to October 15<sup>th</sup>; by December 15<sup>th</sup>; and immediately following a precipitation event with 3 inches of accumulation in a 24hr period.

During each monitoring event, the following items will be inspected:

1. Pumps, nutrients, fertilizers, and any petroleum products are stored in a dry, enclosed location.
2. Soil and any spoils are properly contained and covered to prevent nutrient leaching.
3. DRC inlets and outlets

Monitoring may be done by the landowner/registrant. Photos will be taken at each monitoring point. Monitoring photos and notes will be kept on-site. The landowner/registrant will submit monitoring forms and photos to NRM or the NCRWQCB.

### ***Growing Season Monitoring***

During the growing season, the landowner will monitor the following items at least monthly:

- Tanks, bladders, and water lines to ensure there are no leaks
- Cultivation area during or immediately after watering to ensure irrigation water is infiltrating (not running off)
- Cultivation area ensuring all fertilizers are properly contained in the storage shed and that all trash and debris is properly contained and secured.

The landowner/registrant will keep a record of monitoring completion dates and any necessary corrective actions. A copy of this record will also be submitted to NRM.

During the growing season, all fertilizer and irrigation water use will be tracked. The type and amount of fertilizers used and the monthly total of water used for irrigation will be reported to NRM by December 31<sup>st</sup> of each year.

An annual monitoring report will be submitted to the Regional Water Board by March 31st of each year. The report will include the Appendix C reporting form the NCRWQCB Order No. R1-2015-0023.

### **Water Resource Protection Plan**

Name of Legally Responsible Person (LRP) \_\_\_\_\_

Title for LRP (owner, lease, operator, etc.) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

WRPP prepared by: **Natural Resources Management Corp. (NRM)**

Date: \_\_\_\_\_

NRM Signature: \_\_\_\_\_



**Appendix A. Photo Documentation** (all pictures taken 2/14/2017)



Picture 1. Second terrace, four 12' x 50' hoop houses



Picture 2. Second terrace, interior of hoop house





Picture 3. Seep daylighted in the southeast corner of second terrace





Picture 4. Outdoor cultivation eastern area



Picture 5. Water from seep leaving eastern grow





Picture 6. Outdoor cultivation middle area



Picture 7. Historic cultivation area, no infrastructure or impacts.





Picture 8. Western outdoor cultivation



Picture 9. Western cultivation area, standing water and wetland indicator plants





Picture 10. Road section that needs to be rocked



Picture 11. DRC inlet that needs cleaning





Picture 12. DRC inlet that needs cleaning



Picture 13. DRC outlet that needs cleaning





Picture 14. Spoils to be cleaned up

## Appendix B. Associated Standard Conditions

I. As described in the Order, dischargers will fall within one of three tiers.

Discharger shall be in the tier that covers the most impactful part of the operations (i.e., different sections of a property cannot be divided among the tiers). **All dischargers**, regardless of Tier are subject to the standard conditions in section I.A, MRP section I.D., and General Terms, Provisions and Prohibitions. **Tier 2 Dischargers** are also subject to section I.B. (a **Water Resources Protection Plan**), and Tier 3 Dischargers are subject to sections I.A., I.B. (if cultivating cannabis), and I.C.

### A. Standard Conditions, Applicable to All Dischargers

#### 1. Site maintenance, erosion control and drainage features

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.
- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.
- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams. Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel ([http://www.forestsandfish.com/documents/Road\\_Mgmt\\_Survey.pdf](http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)).
- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.
- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

#### 2. Stream Crossing Maintenance

- a. Culverts and stream crossings shall be sized to pass the expected 100- year peak streamflow.



- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible. At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible. If infeasible to install a critical dip, an alternative solution may be chosen.

### **3. Riparian and Wetland Protection and Management**

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection. Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.
- b. Buffers shall be maintained at natural slope with native vegetation.
- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

### **4. Spoils Management**

- a. Spoils shall not be stored or placed in or where they can enter any surface water. Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

## **5. Water Storage and Use**

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.
- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.
- d. Water is applied using no more than agronomic rates. "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.
- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

## **6. Irrigation Runoff**

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water.

In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing offstream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

## **7. Fertilizers and Soil Amendments**

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates (see footnote on previous page).
- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

## **8. Pesticides/Herbicides**

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

## **9. Petroleum products and other chemicals**

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.



## **10. Cultivation-related wastes**

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters. Plant waste may also be composted, subject to the same restrictions cited for cultivation-related waste storage.

## **11. Refuse and human waste**

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

## **12. Remediation/Cleanup/Restoration**

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rockering native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly.



## **Weott Community Services District**

**P.O. Box 218, Weott CA 95571**

**Phone/Fax (707) 946-2367**

**04/13/2018**

**To: California Department of Fish and Wildlife  
Re: Emery Water Diversion LSA 1600-2018-0052**

**The Weott Community Services District Board of Directors voted on and approved the Cannabis Cultivation permit for Joseph Emery. The projected water usage submitted by Mr. Emery is well within our District's distribution standards, through our Diversion permit. The District had no prior issues with providing Mr. Emery water for his agricultural use in the years prior. Mr. Emery's estimated usage will remain the same as those prior years.**

**Our District also has Water Emergency and Drought Emergency Ordinances firmly in place. In the event of a drought or water emergency all agricultural and outdoor watering is strictly limited in the Stage 1 and Stage 2 procedure of the Ordinance. Stage 3 *completely prohibits* any agricultural/outdoor watering. The District believes with these Ordinances firmly in place and strictly enforced there will be adequate water for all of the District's customers.**

**Respectfully, Christine Conn  
General Manager, Weott Community Services District**

## ATTACHMENT 5

### Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Conditional Approval	Attached
Army Corps of Engineers	✓	Additional Information requested	Attached
Department of Fish & Wildlife	✓	Conditional Approval	Attached
CALFIRE	✓	Conditional Approval	Attached
Weott Community Services District	✓	Approval	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Conditional Approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
Humboldt County Agricultural Commissioner		No Response	
RWQCB		No Response	
Southern Humboldt Joint Unified School District		No Response	
District Attorney		No Response	
Humboldt County Sheriff		No Response	





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

**1/4/2018**

**PROJECT REFERRAL TO: Army Corps of Engineers**

**Project Referred To The Following Agencies:**

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

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**Applicant Name** Joseph Emery **Key Parcel Number** 095-181-008-000

**Application (APPS#)** 12876 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-897  
SP16-680  
ZCC16-610

---

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 1/19/2018** 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

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**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: \_\_\_\_\_

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DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

June 8, 2018

Regulatory Division

SUBJECT: File Number 2018-00162N

Joseph Emery  
PO Box 208  
Weott, CA 95571

Dear Mr. Emery:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated January 4, 2018 concerning a proposal by Joseph Emery, to seek out a conditional use permit for 10,000 square feet of existing outdoor, 5,000 square feet of existing mixed light, and 5,000 square feet of indoor medical cannabis cultivation. The project is located in the in the Weott area, on the South side of Madrone Drive, approximately 0.25 miles East from the intersection of Sewell Drive and Madrone Drive, on the property known as 180 Madrone Drive (APN: 095-181-008) in Humboldt County, California. The applicant proposed activities include processing, which will be done on site in an existing drying building. Irrigation water is provided by Weott Community Service District. No water storage exists on site for cultivation purposes. The applicant states that the annual projected water usage is 180,000 gallons. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S.; the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including South Fork Eel River and its tributary and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random intermediate points. All delineations of wetlands must be conducted in accordance with the 1987

Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at [Cameron.R.Purchio@usace.army.mil](mailto:Cameron.R.Purchio@usace.army.mil) or [L.K.Sirkin@usace.army.mil](mailto:L.K.Sirkin@usace.army.mil). All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,



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Holly Costa  
Regulatory North Branch Chief





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

8/18/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

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

**Applicant Name** Joseph Emery **Key Parcel Number** 095-181-008-000

**Application (APPS#)** 12876 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-897  
SP16-680  
ZCC16-61

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

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

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

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

**Return Response No Later Than 9/2/2017** 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: \_\_\_\_\_

095-181-008



**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.: 45566/12876  
Parcel No.: 095-181-008  
Case No.: CUP16-897/SP16-680/ZCC16-610

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: Revise plot plan to show processing garage as  
drying garage, CA behind residence as to be relocated, growing room  
north of residence as drying room, the spring on SE side of GH 4,  
all grading, all CA to be decommissioned as to be decommissioned, and  
all CA to be relocated as to be relocated.

Name: Rudy Marengi

Date: 3/20/18

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

**DEPARTMENT OF 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 21, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Emery, Joseph

**Humboldt County Application #:** 12876

**Type of Application:** Conditional Use Permit, Special Permit, Zoning Clearance Certificate

**APN:** 095-181-008-000

**Date Received:** 8/21/2017

**Area:** Weott

**Due Date:** 9/2/2017

**Case Numbers:** CUP16-897,  
SP16-680, ZCC16-610

**Project Description:** An application for a Conditional Use Permit for 10,000 square feet of existing outdoor, 5,000 square feet of existing mixed-light, and 5,000 square feet of indoor medical cannabis cultivation. Irrigation water is provided by Weott Community Services District. No water storage exists on-site for cultivation purposes. The Applicant states that the annual projected water usage is 180,000 gallons. Processing will be done on-site in an existing drying building. Power is provided through Pacific Gas & Electric.

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.



Applicant: Joseph Emery		Date: 2-28-19	
APPS No.: 12876	APN: 095-181-008	DFW CEQA No.: 2017-0511	Case No.: CUP16-897, SP16-680
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 5,000	<input checked="" type="checkbox"/> Outdoor (SF): 5,000

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

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

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

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

- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.

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

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0052-R1) has been issued to the applicant.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.



- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

DEH received  
8-18-17

Project Referred To The Following Agencies:

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

Applicant Name Joseph Emery Key Parcel Number 095-181-008-000

Application (APPS#) 12876 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-897  
SP16-680  
ZCC16-610

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. The Ops Plan identifies a permitted septic system. DEH has no record of septic system permits for this parcel. Therefore, within the 2-year compliance period, the applicant must provide evidence of DEH permit approval for the existing septic system, or connect to Weott Community Services District for wastewater disposal services.

**DISTRIBUTED**

Response Date: 3/14/2018 Recommendation By: Benjamin Dolf  
PLN-12876-SP Rolling Fog LLC October 17, 2019



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



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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 *KMF*

DATE: 1-25-18

RE:

Applicant Name	JOSEPH EMERY
APN	095-181-008
APPS#	12876

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 "D"

### Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

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

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Benbow Drive	6B180	Oakcrest Dr to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Fickle Hill Road	C5J040	Arcata city limits at PM [redacted] to PM [redacted] [end of centerline stripe]
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Murray Road	C3M020	All
Old Three Creeks	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [End of County maintained]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All



**Exhibit "D"****Road Evaluation Reports**

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Benbow Drive	6B180	Oakcrest Dr to end
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
McCann Road	6D090	PM.1.0 to P.M.2.6 [End of County maintained]
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Sprowel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //



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



8/18/2017

**PROJECT REFERRAL TO: Weott Community Services District  
Community Services District**

**Project Referred To The Following Agencies:**

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

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**Applicant Name** Joseph Emery **Key Parcel Number** 095-181-008-000

**Application (APPS#)** 12876 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-897  
SP16-680  
ZCC16-610

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

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

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

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

**Return Response No Later Than 9/2/2017** 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

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**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: \_\_\_\_\_

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DATE: 10-6-17 PLN-12876-SP Rolling Fog LLC

PRINT NAME: Christine Conn October 17, 2019 Page 120