



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

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

Hearing Date: March 5, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Gardens, LLC Special Permit**  
Record Number: PLN-2019-15707  
Assessor's Parcel Number: 107-233-010  
Honeydew 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
March 5, 2020	Special Permit	Stephen Luther

**Project Description:** A Special Permit for 9,400 square feet of existing outdoor cannabis cultivation. The applicant is anticipating one harvest annually. The irrigation water source is a groundwater well. Estimated annual water use is 91,125 gallons. Water storage totals 6,000 gallons in three (3) rigid tanks. Drying occurs onsite in an existing 520-square-foot shed. Processing occurs off-site at a licensed 3rd party facility. Power will be provided by a proposed solar array.

**Project Location:** The project is located in the Honeydew area, on the west side of Panther Gap Road, approximately 1 mile south as the crow flies from the intersection of Panther Gap Road and Mattole Road, on the property known to be in the southwest quarter of the northeast quarter of Section 27 of Township 02 South, Range 01 East, Humboldt Base & Meridian.

**Present Plan Land Use Designation:** Timberland (T), 2017 General Plan, Density: range is 40 to 160 acres per unit, Slope Stability: Moderate Instability (2).

**Present Zoning:** Timberland Production (TPZ)

**Record Number:** PLN-2019-15707

**Assessor's Parcel Number:** 107-233-010

**Applicant**

Humboldt Gardens, LLC  
Gueorgi Mandelov  
1928 Central Ave, #112  
McKinleyville, CA 95519

**Owner**

Gueorgui Pachaliev  
2092 Camel Lane #2  
Walnut Creek, CA 94596

**Agent**

Green Road Consulting  
Kaylie Saxon  
1650 Central Avenue, Suite C  
McKinleyville, CA 95519

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per § 15164 of the State 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.

## **Humboldt Gardens, LLC, Special Permit**

Record Number: PLN-2019-15707

Assessor's Parcel Number: 107-233-010

### **Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Humboldt Gardens, LLC, project subject to the recommended conditions.*

### **Executive Summary**

This is an application to allow 9,400 square feet of existing outdoor cannabis cultivation to occur in three (3) greenhouses. The greenhouses will be constructed in the same footprint as they historically existed prior to January 1, 2016. The parcel was served with an abatement notice, and the greenhouses were taken down as part of resolving the violation.

Humboldt Gardens, LLC, produces one harvest annually. Clones are purchased from a licensed supplier and brought to the site. The irrigation water source is a permitted groundwater well (DEH 17/18-1483). The well log indicates the depth to first water is 170 feet, and the geologic formation is shale. Evidence supports that the well draws from a confined aquifer and is not connected to surface water. Estimated annual water use is 91,125 gallons (9.7 gal/sf). Water storage totals 6,000 gallons in three (3) tanks. 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. A condition of approval is also included requiring the applicant to monitor the well for drawdown.

The site is developed with three (3) structures. A residence constructed pre-2012 does not have a nexus to the cannabis operation. The residence is served by a 6.5 kW Honda generator. The generator use for domestic purposes is not regulated by the CCLUO. However, no generator use is allowed on the TPZ zoning designation for the purpose of supplying energy for a cannabis operation. The well pump, fans and dehumidifiers used in the cultivation operation will be exclusively solar powered. Drying occurs onsite in an existing 520 sf shed. Processing occurs off-site at a licensed 3rd party facility. There will be two workers on site. The site is served by an unpermitted septic system. The project was referred to the Division of Environmental Health. The response stated the applicant must obtain a permit for the onsite wastewater treatment system serving the operation. Portable toilets and handwashing station will be available for use by cultivation staff.

The parcel is accessed by a private road called Green Gate Road that is currently serving as a County-maintained bypass for Panther Gap Road. The road passes directly through the subject parcel and cultivation premises. A Road Evaluation Report was provided by the applicant self-certifying the roadway is a Category 4 equivalent. The Department of Public Works commented on the project and recommended conditional approval. The applicant will demonstrate that the driveway intersection is maintained in accordance with the Sight Visibility Ordinance and that all fences and gates are outside the County right-of-way. The driveway apron used to access the

cultivation premises will be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects Green Gate Road.

A biological resource report was prepared for the project site by S. McAllister & Associates Wildlife Consultants. The cultivation site is a rocked, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.6 miles northwest of the project site. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat. The project was referred to the California Department of Fish and Wildlife (CDFW) on November 9<sup>th</sup>, and comments were requested on January 6 and on February 4, 2020. No comments have been received.

The project occurs on a forested parcel zoned for Timber Production. The site was cleared in 2010. No timber conversion occurred on the property after January 1, 2016. A Registered Professional Forester (RPF) evaluated the parcel conversion history and identified 0.7 acres of unauthorized timber conversion on the subject parcel (conversion site #1). Water runoff was concentrating on the site and erosion control measures were recommended. The project is conditioned on providing an annual monitoring report evaluating the erosion stabilization measures. The project was referred to CALFIRE and the response recommended denial due to past unpermitted timberland conversion activities. The RPF report was circulated to CALFIRE on 2/18/20. Staff emailed CALFIRE on 2/20/20 to confirm the report was received and request additional comments.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per § 15164 of the State CEQA Guidelines.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 20-**

**Record Number: PLN-2019-15707  
Assessor's Parcel Number: 107-233-010**

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

**WHEREAS**, Humboldt Gardens, LLC, submitted an application and evidence in support of approving the Special Permit for 9,400 square feet existing outdoor cannabis cultivation with propagation and processing off-site. Irrigation water is provided by a groundwater well. Power is provided by solar; 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 Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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-2019-15707) and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on March 5, 2020.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required 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-2019-15707 is approved as recommended and conditioned in Attachment 1.

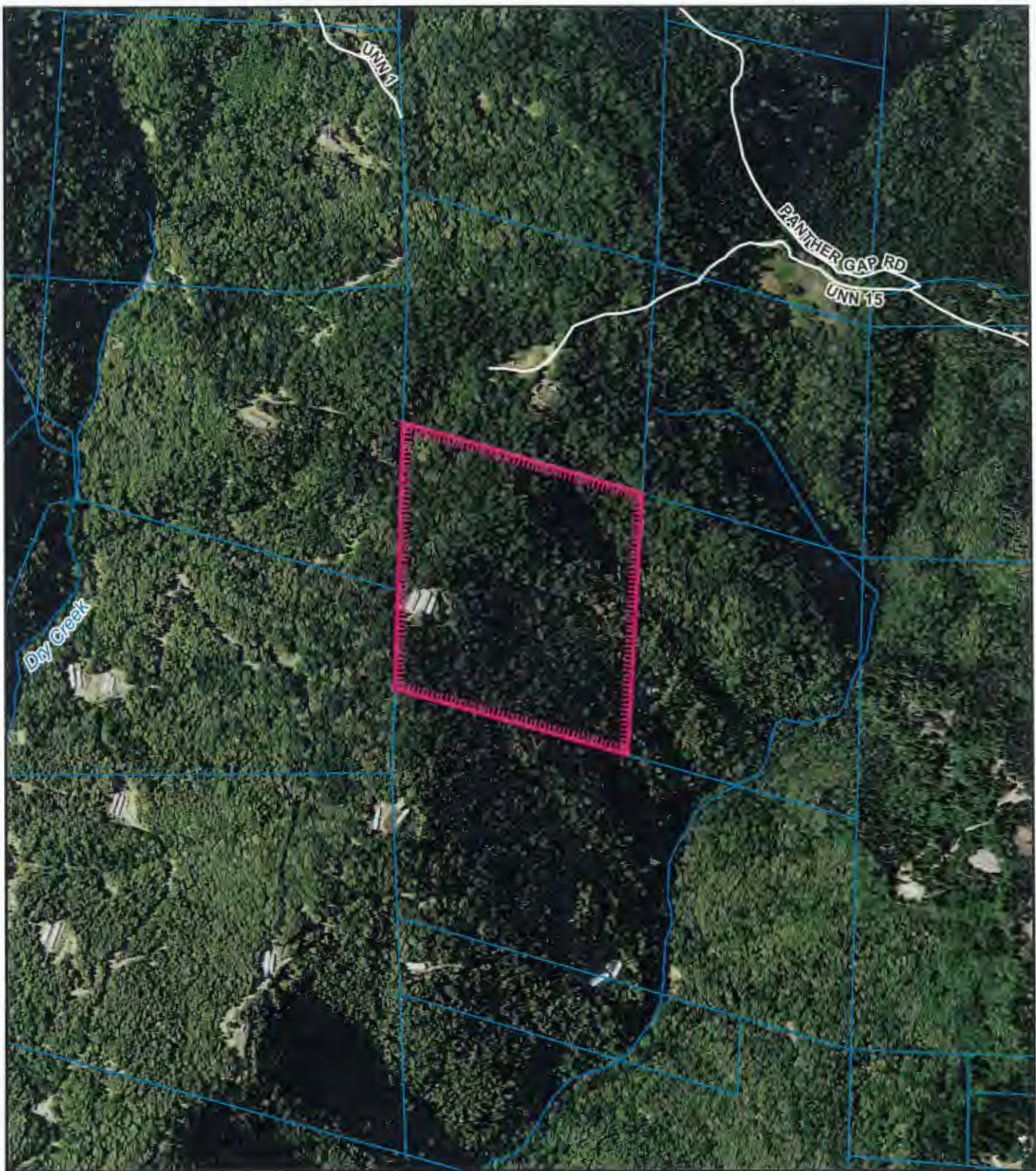
Adopted after review and consideration of all the evidence on March 5, 2020.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John Ford, Zoning Administrator  
Planning and Building Department  
County of Humboldt





Project Area = 

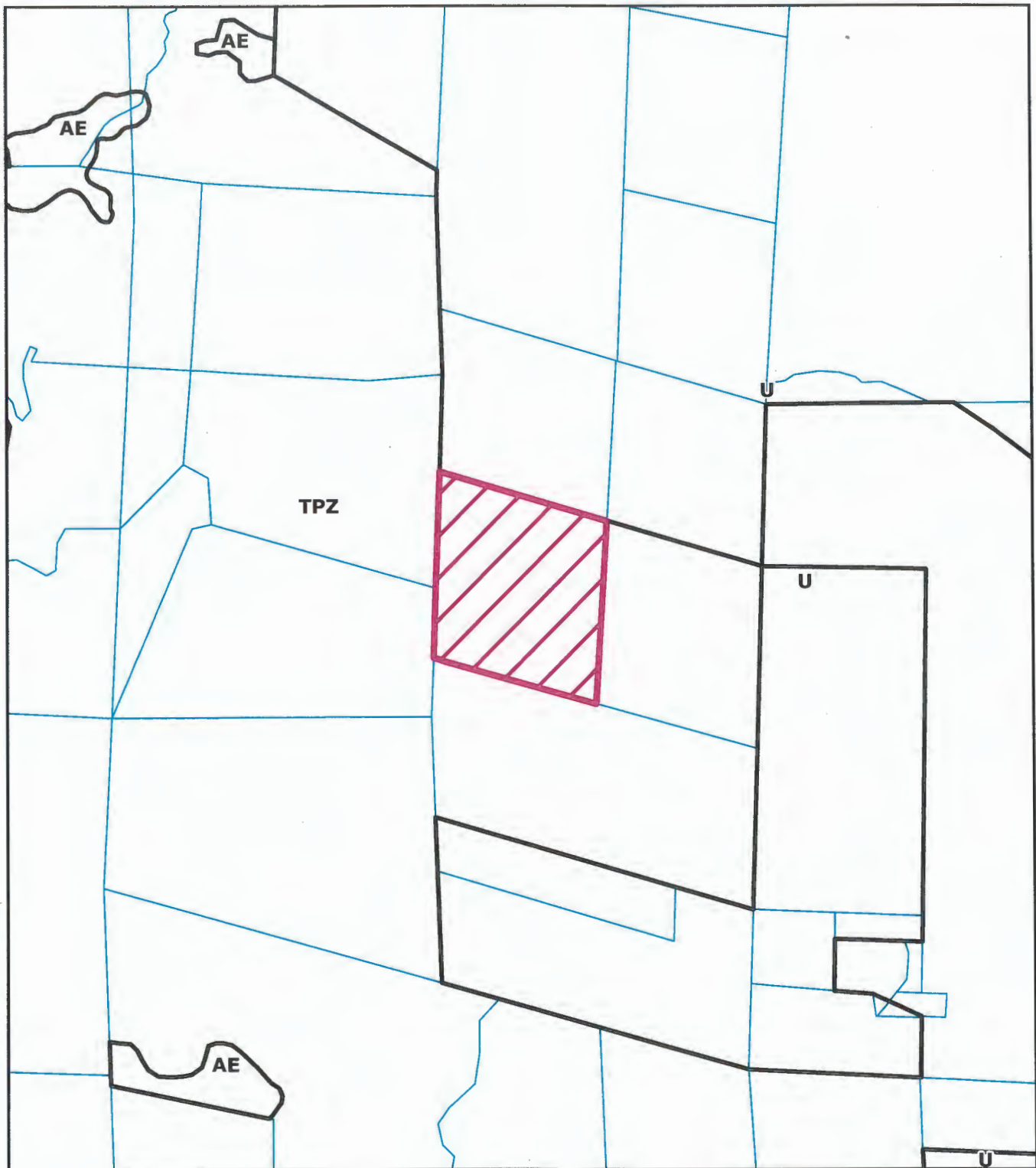
**AERIAL MAP  
PROPOSED HUMBOLDT GARDENS, LLC  
HONEYDEW AREA  
PLN-2019-15707  
APN: 107-233-010  
T02S R01E S27 HB&M (BULL CREEK)**



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.

0 950 1,900 Feet





Project Area = 

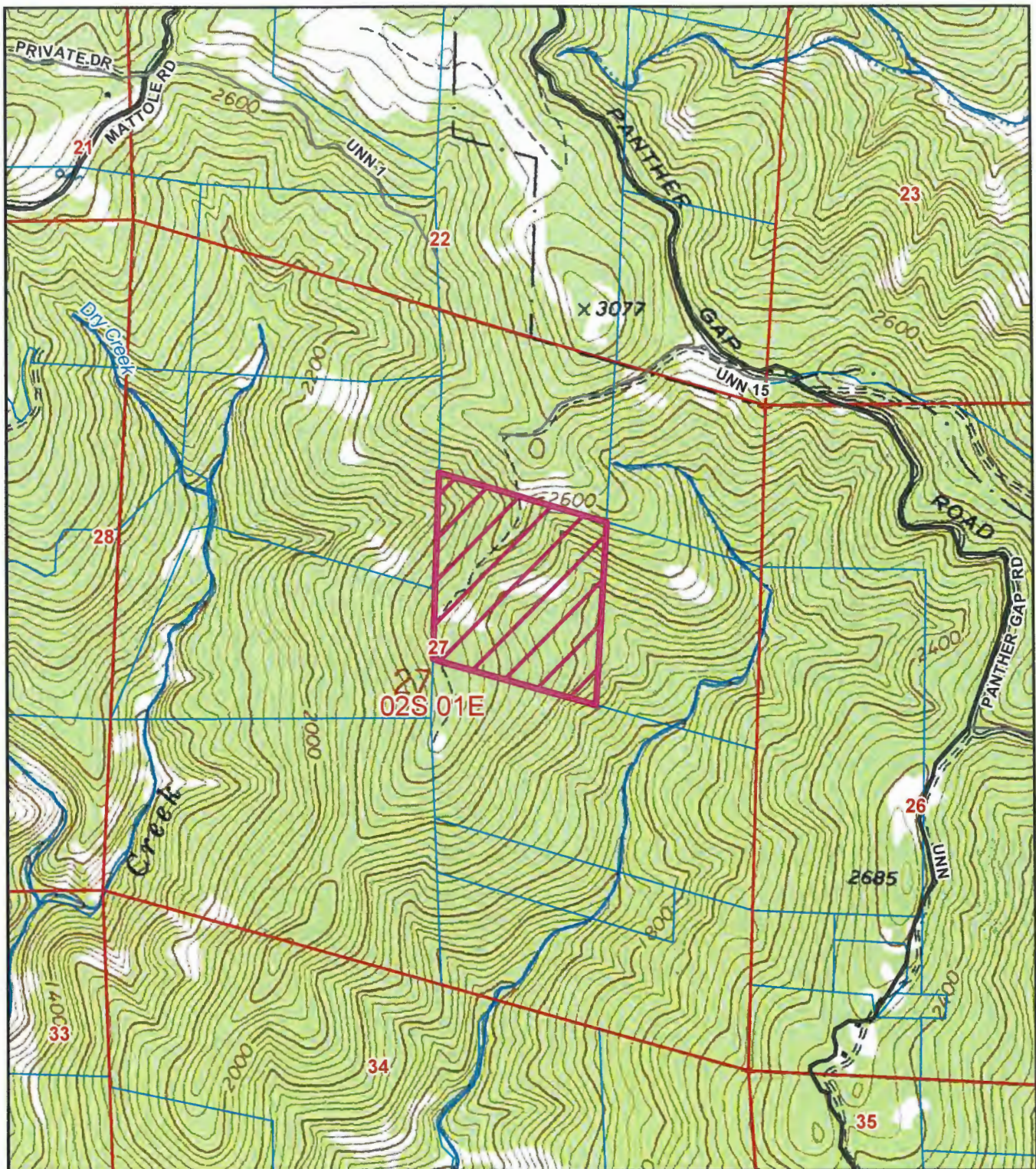
**ZONING MAP  
PROPOSED HUMBOLDT GARDENS, LLC  
HONEYDEW AREA  
PLN-2019-15707  
APN: 107-233-010  
T02S R01E S27 HB&M (BULL CREEK)**



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.







**TOPO MAP  
PROPOSED HUMBOLDT GARDENS, LLC  
HONEYDEW AREA  
PLN-2019-15707  
APN: 107-233-010  
T02S R01E S27 HB&M (BULL CREEK)**

**Project Area =** 

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

0 1,000 2,000 Feet





# HUMBOLDT GARDENS, LLC

APN: 107-233-010

RECEIVED  
FEB - 4 2020  
Humboldt County  
Cannabis Svcs.

## VICINITY MAP

NOT TO SCALE



IMAGE SOURCE: ESRI 2018

### PROJECT DIRECTIONS

FROM: EUREKA, CA

- HEAD SOUTH ON US-101 (41.6 MI)
- TAKE EXIT 633 FOR CA-254 TOWARD SOUTH FORK/HONEYDEW (0.2 MI)
- MERGE ONTO BULL CREEK FLATS RD (.04 MI)
- CONTINUE ONTO LOWER BULL CREEK FLATS RD (1.1 MI)
- CONTINUE ONTO MATTOLE RD (6.4 MI)
- MATTOLE RD TURN RIGHT AND BECOME CUNEO RD (0.4 MI)
- TURN LEFT ONTO HUMBOLDT REDWOODS STATE PARK (246 FT)
- MAKE A U-TURN (246 FT)
- TURN RIGHT AT THE 1ST CROSS STREET ONTO MATTOLE RD (6.3 MI)
- TURN LEFT ONTO PANTHER GAP RD (0.9 MI)
- TURN RIGHT, DESTINATION AHEAD (0.2 MI)

### TRAVEL TIME

APPROXIMATELY: 1H 28 MIN (59 MI)

### SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

### PROJECT INFORMATION

LAT/LONG: 40.2711, -124.0543

APN: 107-233-010

APPLICANT: HUMBOLDT GARDENS, LLC

PARCEL SIZE: 40± ACRES

ZONING: TPZ CURRENT GENERAL PLAN: T

APPLICATION TYPE:

COASTAL ZONE: N

100 YEAR FLOOD: N

### AGENT:

KAYLIE SAXON  
GREEN ROAD CONSULTING INC  
1650 CENTRAL AVE. SUITE C  
MCKINLEYVILLE, CA 95519  
707-630-5041

## AERIAL MAP

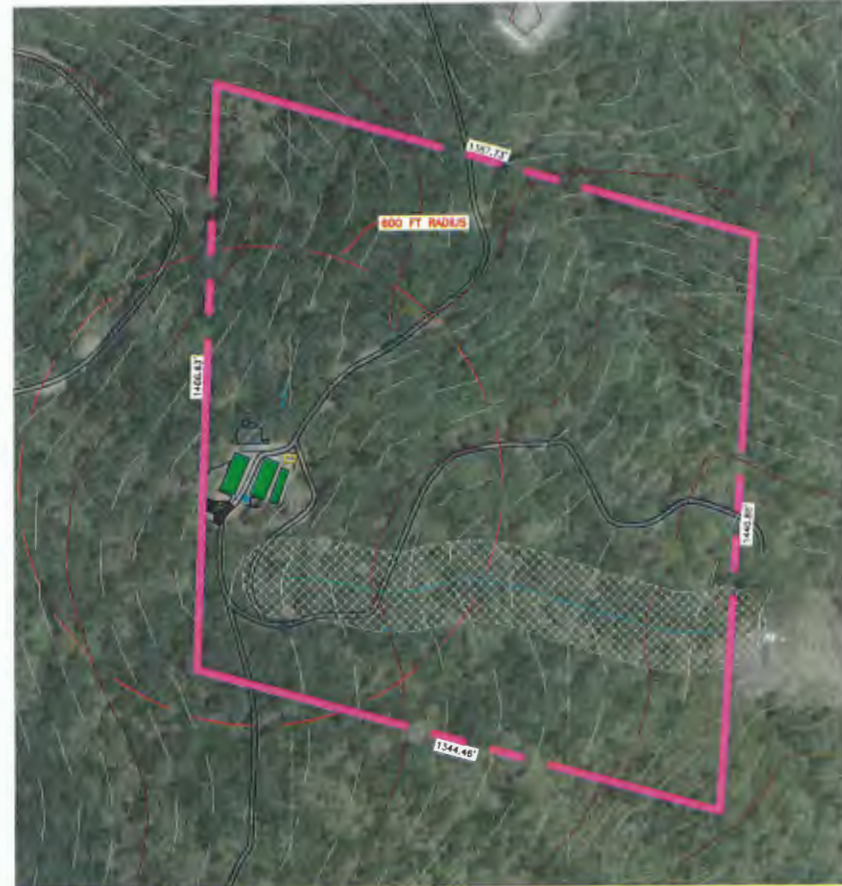


IMAGE SOURCE: ESRI 2018



150' 300' 600'



### PROJECT INFORMATION

PROPERTY OWNER  
GEORGUI PACHALIEV

ADDRESS  
APN: 107-233-010

SHEET INFO  
COVER PAGE

### REVISIONS

NO.	NOTES	DATE
1	NOTES	DATE
2	NOTES	DATE
3	NOTES	DATE
4	NOTES	DATE
5	NOTES	DATE
6	NOTES	DATE
7	NOTES	DATE
8	NOTES	DATE
9	NOTES	DATE
10	NOTES	DATE

DATE: 2/4/20  
DRAFTER: GCV  
SCALE: AS SHOWN

SHEET  
CP

APN: 107-233-010



<b>LIGHT DEPRIVATION (OUTDOOR) CULTIVATION AREA</b>				
<b>GH</b>	<b>LENGTH</b>		<b>WIDTH</b>	<b>SQ. FT</b>
1	100	X	38	3,800
2	100	X	38	3,800
3	90	X	20	1,800
<b>TOTAL LIGHT DEPRIVATION CULTIVATION AREA =</b>				<b>9,400 SQ FT</b>

<b>LIGHT DEPRIVATION (OUTDOOR) CULTIVATION AREA</b>				
<b>GH</b>	<b>LENGTH</b>		<b>WIDTH</b>	<b>SQ. FT</b>
1	100	X	38	3,800
2	100	X	38	3,800
3	90	X	20	1,800
<b>TOTAL LIGHT DEPRIVATION CULTIVATION AREA =</b>				<b>9,400 SQ FT</b>

<u>BUILDINGS</u>	<u>USE</u>	<u>SIZE</u>	<u>YEAR</u>
STORAGE CONTAINER	NUTRIENT STORAGE	10'x10'	2017
SHED	PROCESSING/STORAGE/DRYING	20'x26'	PRE 2012

<u>BUILDINGS</u>	<u>USE</u>	<u>SIZE</u>	<u>YEAR</u>
STORAGE CONTAINER	NUTRIENT STORAGE	10'x10'	2017
SHED	PROCESSING/STORAGE/DRYING	20'x26'	PRE 2012

<u>BUILDINGS</u>	<u>USE</u>	<u>SIZE</u>	<u>YEAR</u>
RESIDENCE	DOMESTIC DWELLING	24'x32'	PRE 2012

<u>BUILDINGS</u>	<u>USE</u>	<u>SIZE</u>	<u>YEAR</u>
RESIDENCE	DOMESTIC DWELLING	24'x32'	PRE 2012

<u>TYPE</u>	<u>LAT/LONG</u>	<u>QUANTITY</u>	<u>GALLONS</u>	<u>TOTAL GALLONS</u>
HDPE TANK	40.2715, -124.0560	2	2,500	5,000
HDPE TANK	40.2715, -124.0560	1	1,000	1,000
TOTAL AMOUNT OF WATER STORAGE=				6,000 GALLONS

<u>TYPE</u>	<u>LAT/LONG</u>	<u>QUANTITY</u>	<u>GALLONS</u>	<u>TOTAL GALLONS</u>
HDPE TANK	40.2715, -124.0560	2	2,500	5,000
HDPE TANK	40.2715, -124.0560	1	1,000	1,000
TOTAL AMOUNT OF WATER STORAGE=				6,000 GALLONS

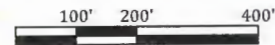
<u>TYPE</u>	<u>LAT/LONG</u>
WELL	40.2708, -124.0563

<u>TYPE</u>	<u>LAT/LONG</u>
WELL	40.2708, -124.0563

6.5 KW HONDA GENERATOR (DOMESTIC ONLY)  
8 KW DIESEL WELL GENERATOR (DOMESTIC ONLY)  
SOLAR ARRAY

UNNAMED CLASS II STREAM WITH REQUIRED 100 FT BUFFER

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



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

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-10. 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 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, the storage shed, and solar array. 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.
3. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) submitted annually to the Planning and Building Department shall satisfy this condition.
4. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
5. The applicant shall manage winter run-off as recommended in Table 2 of Timber Conversion Evaluation Report. An annual monitoring report evaluating the effectiveness of winterization and erosion stabilization methods provided to the Department for a period of two years shall satisfy this condition.
6. The applicant shall monitor the well for drawdown. This condition will be satisfied by the annual submittal of the results of a standard pump test during the dry season to evaluate well drawdown. In the event that the well does not produce enough water for irrigation needs, the applicant shall either reduce the cultivation area or develop an alternative water source.
7. The applicant shall provide a post-project sound evaluation study. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise, as documented in the pre-project Sound Evaluation Report prepared by Green Road Consulting received July 15, 2019.
8. The applicant shall contact the local fire service provider [Honeydew Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE



SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

9. The driveway shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects Mattole 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.
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 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.
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 CCLUO 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 State Water Resources Control Board Cannabis General Order.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Install and maintain a metering device on all discrete points of water withdrawal.
12. Maintain weekly records of all irrigation water use.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
14. Power is to be supplied by solar. The generator on-site may only be used for domestic purposes with no nexus to the cannabis operation. The use of a generator for cultivation purposes is strictly prohibited.
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 California 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. Security light shall be shielded to prevent light spillage onto neighboring properties and comply with International Dark Sky Association standards as set forth in the CCLUO.

#### Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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 CCLUO 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 CCLUO.
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 CCLUO 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 314-55.4.6.5.7 of the CCLUO, 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.

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.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.



## 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, the Open Space Plan, and the 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, and the Open Space Action Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4  Land Use Designations 4.8	<b>Timberland (T):</b> This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed.  Density range is 40-160 acres/unit.	The proposed project is for 9,400 square feet of outdoor cannabis cultivation on lands designated as Timberland. General agriculture is allowable use type for this designation.
Circulation Chapter 7	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 for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)  Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	The parcel is accessed by a private road called Green Gate Road that is currently serving as a County-maintained bypass for Panther Gap Road. A driveway turnout off the private road is used to access the premises. The applicant provided a Road Evaluation Report certifying the road meets Category 4 standards. The Department of Public Works commented on the project and recommended conditional approval. The applicant will demonstrate that the driveway intersection is maintained in accordance with the Sight Visibility Ordinance and that all fences and gates are outside the County right-of-way. The driveway apron used to access the cultivation premises will be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects Green Gate Road.
Housing Chapter 8	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	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

	<p>housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>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 Timberland and is zoned Timber Production. The project can be found consistent with the Open Space Plan because the proposed project is an agricultural use that 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 Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>An unnamed Class II stream runs west to east across the center of the parcel, and drains into Dry Creek which is tributary to the Mattole River, in the Middle Mattole River subwatershed. The cultivation area is setback more than 150 feet from the watercourse. No riparian habitat is associated with the watercourse. A biological resource report was prepared for the project site by S. McAllister &amp; Associates Wildlife Consultants. The cultivation site is a rocky, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.6 miles northwest of the project site. Mapped critical habitat for NSO is located 1.47 miles away. Critical habitat for the Marbled Murrelet is 0.43 miles from the parcel. A pre-</p>



		<p>project sound evaluation survey was conducted on the parcel and noise levels were measured at approximately 41 decibels. The project is conditioned on providing a second sound survey after project activities begin, and noise levels cannot increase by more than 3 decibels. No supplemental light is used in the operation, and any security lighting will be shielded to prevent glare. By adhering to the standards in the CCLUO, the operation will not impact biological resources. The project was referred to the California Department of Fish and Wildlife (CDFW) on November 9<sup>th</sup>, and comments were requested on January 6 and on February 4, 2020. No comments have been received. Standard operational conditions regarding the protection of wildlife and monitoring of well drawdown have been included.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p>	<p>The subject parcel is forested with a Timberland land use designation. The cultivation site is located 0.4 miles from the Humboldt Redwoods State Park. The cultivation area occupies a flat with a disturbed area of approximately 30,000 square feet according to Humboldt County WebGIS. The flat was historically used as a log landing. Timber conversion occurred between 2009 to 2010. The commercial activities are limited to a small clearing that does not change the scenic value of the timberland.</p>

	Related policies: SR-S4. Light and Glare	
Water Resources Chapter 11  Stormwater Drainage	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	The applicant is required to enroll in the State Cannabis Discharge program. 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.
Water Resources Chapter 11  Onsite Wastewater Systems	<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>	The site is developed with a single-family residence served by an unpermitted septic system. The project was referred to the County Division of Environmental Health which has recommended conditional approval of the project. As a condition of approval, the applicant must permit the onsite wastewater treatment system serves the operation, and continue to furnish receipts showing the continual use of portable bathroom facilities until the OWTs is permitted.
Noise Chapter 13	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)	Noise sources in the cultivation operation include solar-powered snap fans, the well pump, and dehumidifiers used in drying. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.6 miles northwest of the project site. Mapped critical habitat for NSO is located 1.47 miles away. Critical habitat for the Marbled

	<p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Murrelet is 0.43 miles from the parcel. A pre-project sound evaluation survey was conducted on the parcel and the highest ambient noise level measured at approximately 41 decibels. The project is conditioned on providing a second sound survey after project activities begin, and noise levels cannot increase by more than 3 decibels. The standard for noise from the operation to not exceed 50 dB as measured 100 feet from the source will therefore be met.</p>
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>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. Areas of the parcel are mapped with historic landslides. The flat where cultivation occurs is outside the area of mapped historic landslides. According to USGS data layer on Humboldt County WebGIS, the slopes where cultivation occur are variable from less than 15% to 30%. As a condition of approval, the applicant will obtain a grading permit for the flat and building permit for the existing shed used for drying and processing. The existing uses 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.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p>	<p>Goals and policies of this Chapter encourage development designed to</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The subject property is located within the</p>

Fire Hazards	<p>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>Honeydew 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 2,500 gallons of water storage dedicated for 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>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Honeydew Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
Air Quality Chapter 15	<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>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.</p>



	Related policies: AQ-P4, Construction and Grading 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 107-233-010 is an intact patent parcel described as the southwest quarter of the Northeast quarter of Section 27, Township 3 South, Range 1 East, Humboldt Meridian. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
314-7.4 Timberland Production Zone	<b>TPZ:</b> This zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The proposed project is a Special Permit for 9,400 square feet of existing cannabis cultivation on a parcel zoned TPZ. The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.
Min. Lot Size	160 acres  40 acres of the provisions of Government Code Section 51119.5 are met.	40 acres
Min. Lot Width	None specified	1,333 feet
Max. Ground Coverage	None specified	<40%
Minimum Yard Setbacks:  (Through the SRA requirements)	Front: 20 feet Rear: 30 feet Side: 30 feet  SRA: 30 feet, all sides	>30 feet all sides
Max. Building Height	None specified	<35 feet

§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	An unnamed Class II stream runs west to east across the center of the parcel, and drains into Dry Creek which is tributary to the Mattole River, in the Middle Mattole River subwatershed. The cultivation area is setback more than 150 feet from the watercourse. The Biological Report states there is no riparian habitat associated with the watercourse. No project activities are proposed in the SMA. The irrigation water source is a well. The project will not impact any SMAs and therefore no Special Permit is required.
Off-Street Parking §314-109.1	<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 standards for most comparable use.</i></p>	2 spaces
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)</b>		

§314-55.4.5.4  Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Humboldt Gardens, LLC submitted three applications proposing approximately one acre of existing cultivation area and is entitled to eight acres. This application is one Special Permit for a 9,400-square-foot cultivation area.
§314-55.4.6.0  Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS and Google Earth shows the cultivation area was initially cleared between 2005 and 2009, and enlarged to its present condition between 2009 and 2010. No timber conversion occurred on the property after January 1, 2016. A Registered Professional Forester (RPF) evaluated the parcel conversion history and identified 0.7 acres of unauthorized timber conversion on the subject parcel (conversion site #1). Water runoff was concentrating on the site and erosion control measures were recommended. The project is conditioned on providing an annual monitoring report evaluating the erosion stabilization measures. The project was referred to CALFIRE and the response recommended denial due to past unpermitted timberland conversion activities. The RPF report was circulated to CALFIRE on 2/18/20. Staff emailed CALFIRE on 2/20/20 to confirm the report was received and request additional comments. No additional comments were received as of 02/24/2020.
§314-55.4.6.4.4  Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. No nearby Tribal Cultural Resources or Tribal Ceremonial Sites have been identified. The cultivation area is setback 48 feet from the nearest property line.

§314-55.4.11 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.
§314-55.4.12 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.
§314-55.4.12.1.8 Performance Standards–  Road Systems	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	The parcel is accessed by a private road that is currently serving as a County- maintained bypass for Panther Gap Road. A driveway turnout off the private road is used to access the premises. The Department of Public Works commented on the project. The applicant will demonstrate that the driveway intersection is maintained in accordance with the Sight Visibility Ordinance and that all fences and gates are outside the County right-of-way. The driveway apron used to access the cultivation premises will be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the Panther Gap Bypass.



<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1i, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>A biological resource report was prepared for the project site by S. McAllister &amp; Associates Wildlife Consultants. The cultivation site is a rocky, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.6 miles northwest of the project site. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat. The project was referred to the California Department of Fish and Wildlife (CDFW) on November 9<sup>th</sup>, and comments were requested on January 6 and again on February 4, 2020. No comments have been received from CDFW to date.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.</p>

<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The proposed project is for 9,400 square feet of existing outdoor cannabis cultivation. Greenhouses will utilize light deprivation only. No mixed-light or ancillary propagation activities are authorized by this permit. Clones are sourced off site from a licensed nursery. Security lighting will comply with performance standards.</p>
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> <li>• Grid power supplied from 100% renewable source; and</li> <li>• On-site renewable energy system with twenty percent net non-renewable energy use</li> </ul> <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The power source for the project will be a solar array. Generators are used for domestic purposes only, as described in the attached Operations Plan (see Attachment 4).</p>
<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Power for the operation is provided by solar. The applicant provided a pre-project 24-hour baseline noise survey. A second noise survey will be provided following the commencement of cultivation activities. The operation cannot result in an increase of more than 3 decibels. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.</p>

§314-55.4.12.7 Performance Standards –  Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	The irrigation water source is a permitted groundwater well (DEH 17/18-1483). The well log indicates the depth to first water is 170 feet, and the geologic formation is shale. The evidence supports the conclusion the well is not hydrologically connected to surface water. Estimated annual water use is 91,125 gallons. Water storage totals 6,000 gallons in three (3) tanks. A condition of approval is included requiring the applicant provide the results of an annual pump test evaluating draw down.
314-55.4.12.10 Performance Standards –  Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The project has previously imported soil to be used in cultivation. All soil remains onsite and is reused. Soils piles are covered with secured traps and surround by straw waddles or equivalent when not in use. Spent soil will be disposed of at the Fortuna transfer station.
314-55.4.12.11 Performance Standards –  Existing Site Reconfiguration	Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.	The project involves a Special Permit for an existing 9,400 square foot (SF) mixed-light cannabis cultivation. The cultivation area was in existence prior to January 1, 2016 and the cultivation configuration has not changed.
314-55.4.12.13 Performance Standards –  Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	All proposed cultivation will occur on existing graded flats that were previously used for cannabis cultivation. The cultivation infrastructure was removed in 2018 due to an abatement order from the Code Enforcement Unit. A restoration plan was provided, and the work was completed in 2018 as part of resolving this violation. No remediation is proposed as part of the project.

314-55.4.12.16 Performance Standards –  Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	Should invasive species be encountered on the property, the applicant shall submit a plan for the removal of invasives to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
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**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 table documents the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land

Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of an existing cultivation operation with irrigation water provided by a groundwater well, on-site drying and off-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.



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

**ATTACHMENT 3**

**CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

*Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)  
(State Clearinghouse # 2017042022), January 2018*

***APN 107-233-010, SW1/4 OF NE1/4 SEC27 T2S R1E, Honeydew, County of Humboldt***

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

**February 2020**

## Background

**Project Description and Project History** – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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 EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project is for 9,400 square feet of cannabis cultivation proposed in three (3) greenhouses that were in existence prior to January 1, 2016. The greenhouses were considered as part of the CEQA baseline conditions. Humboldt Gardens, LLC is anticipating one harvest annually. Clones are purchased from a licensed supplier and brought to the site. The irrigation water source is a permitted groundwater well (DEH 17/18-1483). The well log indicates the depth to first water is 170 feet, and the geologic formation is shale. Evidence supports that the well draws from a confined aquifer and is not connected to surface water. Estimated annual water use is 91,125 gallons. Water storage totals 6,000 gallons in three (3) tanks.

The site is developed with three (3) buildings. A residence constructed pre-2012 does not have a nexus to the cannabis operation. The residence is served by a 6.5 kW Honda generator. The generator use for domestic purposes is not regulated by the CCLUO. However, no generator use is allowed on the TPZ zoning designation for the purpose of supplying energy for a cannabis operation. The well pump, fans and dehumidifiers used in the cultivation operation will be exclusively solar powered. Drying occurs onsite in an existing 520 sf shed. Processing occurs off-site at a licensed 3rd party facility. There will be two workers on site.

A biological resource report was prepared for the project site by S. McAllister & Associates Wildlife Consultants. The cultivation site is a rocky, dry, disturbed flat previously used for cultivation and lacks natural vegetation. The adjacent habitat is coniferous forest dominated by Douglas-fir and tanoak. No special-status species were observed during the site visit. The nearest Northern Spotted Owl (NSO) activity center is located approximately 2.6 miles northwest of the project site. The report concludes that project activities would have no significant impact on special status species because the proposed cultivation activity would not disturb suitable habitat.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing

cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a groundwater well, and electricity from a solar array, and utilizing a Category 4 equivalent road system.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 9,400 square feet of existing mixed-light cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan received February 4, 2020
- A Site Plan prepared by Green Road Consulting received February 4, 2020
- Biological Resources Report prepared by S. McAllister & Associates Wildlife Consultants received July 15, 2019
- Well Completion Report (Permit 17/18- 1483)
- Sound Evaluation Report prepared by Green Road Consulting received July 15, 2019

- Cultural Resource Survey prepared by Archaeological Research and Supply Company in November 2018
- Timberland Conversion Evaluation Report prepared by Blair Forestry received February 18, 2020
- Site Management Plan prepared by Green Road Consulting for SWRCB General Order

### **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 EIR was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.



## **ATTACHMENT 4**

### **APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Green Road Consulting received February 4, 2020- Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; water source; irrigation plan; projected water usage; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operation Plan prepared by Green Road Consulting received February 4, 2020 - Attached)
5. Road Evaluation Report prepared by Green Road Consulting received February 20, 2020 (Attached)
6. Sound Evaluation Report prepared by Green Road Consulting received July 15, 2019 (Attached)
7. Division of Environmental Health Worksheet. (On-File)
8. Biological Report prepared by S. McAllister & Associates Wildlife Consultants received July 15, 2019. (On file)
9. Well Completion Report (Permit 17/18- 1483) (Attached)
10. Site Management Plan prepared for State Water Resources Control Board General Order enrollment (prepared by Green Road Consulting for SWRCB General Order – Attached)

11. Timberland Conversion Evaluation Report prepared by Blair Forestry received February 18, 2020 (Attached)
12. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
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. Copy of Notification of Lake and Streambed Alteration for irrigation well and stream crossing received February 4, 2020 (On file).
15. 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 Senate Bill 18 (Burton) and Assembly Bill 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 (see Informational Note #3 for examples of resources). Examples of mitigation 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)



## Site Plan Overview and Cultivation and Operations Plan

### Applicant/Owner

Humboldt Gardens, LLC  
1928 Central Avenue, #112  
McKinleyville, CA 95519  
APN: 107-233-010  
Phone Number: 925-595-0704

### Agent

Kaylie Saxon  
Green Road Consulting  
1650 Central Avenue, Suite C  
McKinleyville, CA 95519

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## I. Site Plan Overview

### 1.0 Project Information

Humboldt Gardens, LLC ("Applicant") is submitting this application for a Zoning Clearance Certificate for 9,400-square feet of existing Outdoor, Open-Air commercial cannabis cultivation on a 40-acre parcel, located near Honeydew, CA ("Parcel"), Assessor's Parcel Number 107-233-010.

The Applicant sources water from a permitted, ground water well on the parcel. A well completion report is included with the project and will be included in the 1602 Stream and Lakebed Alteration Notification with the California Department of Fish and Wildlife.

There are three (3) HDPE water tanks onsite totaling to 6,000-gallons of water storage for the parcel. The Applicant estimates their annual water use to be 91,125-gallons.

There are three (3) buildings on site. The Residence is approximately 24'x32' and was built sometime before 2012. It does not have a nexus to cannabis activity. The Storage Container is a 10'x10' structure that was placed in 2017. It is used for Nutrient and Pesticide storage. The Shed is a 20'x26' building that was built sometime before 2012. It is used for drying, storing and processing harvested cannabis.

The Applicant will also utilize solar fans in the greenhouses. Generators are not used as a part of this operation. There are no compost or soil piles on site. Trash and refuse are stored in water tight containers within the Storage Container.

Following code enforcement action, all existing cultivation infrastructure has been removed. However, the Applicant intends to replace the three (3) greenhouses that were existing on site totaling to 9,400 ft<sup>2</sup> of cultivation area. The Applicant is anticipating one (1) harvest from the greenhouses, sometime in October. The Applicant will be utilizing an off-site, 3<sup>rd</sup> party processor.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Cannabis Land Use Ordinance ("CCLUO").

The Zoning Clearance Certificate would achieve the following results for the Applicant:

- a. Permit 9,400 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the State Water Resources control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

### 2.0 Project Location



The Applicant's Parcel is located in the inland zone of Humboldt County near Honeydew, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 107-233-010. There is no street address for the parcel.

## 2.1 Zoning Classification

The County's Zoning Classification of the Parcel is TPZ with a Current General Plan Framework of T. The CCLUO permits existing commercial cannabis cultivation on land zoned as TPZ with open air cultivation sites between 5,000 square feet and 10,000 square feet with a Zoning Clearance Certificate.

## 2.2 Site Topography

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

## 3.0 Easements

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

Exhibit A

### DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

#### PARCEL ONE:

The Southwest Quarter of Northeast Quarter of Section 27, Township 2 South, Range 1 East, Humboldt Meridian.

EXCEPTING there from, however, all the coal and other minerals in said land, together with the right to prospect for, mine and remove the same pursuant to the provision and limitations of the Act of December 20, 1916 (39 Stat. 862).

Being the same as excepted and reserved by The United States of America in its Patent to Arthur B. Clark, dated May 13, 1925, and recorded March 30, 1926 in Book 24 of Patents, Page 62.

#### PARCEL TWO:

A non-exclusive right of way, appurtenant only to the land described in Parcel One above, for ingress, egress and public utilities over existing *road in* the Northwest Quarter of Northeast Quarter of Section 27, Township 2 South, Range 1 East, Humboldt Meridian, and being the same right of way as reserved in Deed from Fred Buckovic, et al, to Robert Cantoni, recorded November 10, 1967 in Book 941 of Official Records at Page 5, Humboldt County Records . as conveyed to Isabel Travers by Deed recorded May 29, 1968 in Book 962 of Official Records at Page 489.

**PARCEL THREE:**

A non-exclusive *right of way*, appurtenant only to the land described in Parcel One above, for ingress, egress and public utilities over a strip of land having a width of 40 feet in the Northeast Quarter of Northeast Quarter of Section 27, Township 2 South, Range 1 East, Humboldt Meridian, and being the same right of way as reserved in Deed from Melburn Beuter, et al, to Robert Cantoni, recorded April 11, 1967 in Book 918 of Official Records at Page 265, Humboldt County Records .

**PARCEL FOUR:**

A non-exclusive right of way, appurtenant only to that land described in Parcel One above, for ingress, egress and public utility purposes, lying within the Southerly 400 feet of the Southeast Quarter of Southeast Quarter of Section 22, Township 2 South, Range 1 East, Humboldt Meridian, and being the same right of way as reserved in Deed from Melburn Beuter, et al, to George R. Buzzell, Jr., recorded August 19, 1966 in Book 894 of Official Records at Page 230, Humboldt County Records .

**4.0 Natural Waterways**

There is one (1) Class II Watercourse that runs through the parcel. The cultivation resides more than 100-feet away from the watercourse.

**5.0 Location and Area of Existing Cultivation****Outdoor, Open-Air Cultivation – 9,400 ft<sup>2</sup>**

\*The Applicant anticipates one harvest annually from each cultivation area.

**Greenhouse #1**

Greenhouse #1 is a 100'x38' greenhouse totaling 3,800 ft<sup>2</sup> of canopy area.

**Greenhouse #2**

Greenhouse #2 is a 100'x38' greenhouse totaling 3,800 ft<sup>2</sup> of canopy area.

**Greenhouse #3**

Greenhouse #3 is a 90'x20' greenhouse totaling 1,800 ft<sup>2</sup> of canopy area.

**6.0 Setbacks of Cultivation Area****Greenhouse #1**

Greenhouse #1 is setback from the closest parcel line by 151 feet. This is closer than 270 feet to an undeveloped parcel, however, the Applicant owns both parcels.

### Greenhouse #2

Greenhouse #2 is setback rom the closest parcel line by approximately 200 feet. This is closer than 270 feet to an undeveloped parcel, however, the Applicant owns both parcels.

### Greenhouse #3

Greenhouse #3 is setback rom the closest parcel line by approximately 200 feet. This is closer than 270 feet to an undeveloped parcel, however, the Applicant owns both parcels.

## **7.0 Access Roads**

The following details regarding the Access Roads, Stream Crossings and Legacy Waste Discharges are pulled from the Site Management Plan, which was created in accordance with SWRCB Order WQ 2017-0023-DWQ. Map points referenced are from the Site Management Plan.

### Access Roads

The site has 0-miles of permanent roads, 0.6-miles of seasonal access roads, and 0-miles of skid roads. Evaluation of the design, functionality, and performance conditions of all segments of private roadways will be conducted by a licensed professional. This shall include design measures to minimize impacts from point source and non-point source pollution, sediment delivery, runoff velocity. Drainage features shall be evaluated to ensure adequate design, functionality, and performance of culverts and other discrete drainage systems and develop conclusions regarding compliance and conformance with best management practices for the defined road system.

### Stream Crossings

There is one (1) stream crossing on the property that is the responsibility of the property owner. The stream crossing (STX1) is a 12" CMP on a class III watercourse. The culvert is not sized for the 100-yr storm event and will be upgraded. All stream crossings will be permitted through the appropriate agencies (e.g CDFW, NCRWQCB) before any work commences.

### Legacy Waste Discharges

The site was historically logged with main logging roads, skid roads, and log landings on the property. The site utilized the existing infrastructure from logging practices which required minimal grading and brush clearing.

## **8.0 Graded Flats**

There is one (1) graded flat on the parcel that was in existence prior to 2016. Per the Compliance Agreement, the Applicant will be obtaining a Grading Permit.

## **9.0 Existing Buildings**

### Domestic Buildings

#### Residence

The Residence is a 24'x32' home located on the parcel. It does not have a nexus to the cannabis cultivation activity.

## **Cultivation Related Buildings**

### **Shipping Container**

The Storage Container is a 10'x10' structure (100 ft<sup>2</sup> total) where the nutrients, pesticides and fuel is stored. It was placed in 2017.

### **Shed**

The Shed is a 20'x26' building (520 ft<sup>2</sup> total) where harvested cannabis is dried, stored and machine processed. The Shed was constructed sometime prior to 2012.

## **10.0 Water Source, Storage, Irrigation Plan and Projected Water Use**

### **10.1 Water Source**

Water used for cannabis irrigation is sourced from the on-site, groundwater well.

### **10.2 Water Storage**

The Applicant has three (3) HDPE tanks totaling to 6,000-gallons of water storage as outlined below.

- Two (2) 2,500-gallon HDPE tanks
- One (1) 1,000-gallon HDPE tanks

### **10.3 Irrigation Plan**

The Applicant hand waters cannabis plants at an agronomic rate. A Water Use Assessment including a water budget that outlines projected monthly irrigation demands broken out by each discrete cultivation site and the monthly water demands. The Water Use Assessment is included as Attachment, "B."

### **10.4 Projected Water Use**

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

### **10.5 On-Site Water Conservation Measures**

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. Water conservation such as water timing and drip irrigation will be implemented to ensure water is applied at agronomic rates. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years.

## 10.6 Water Use Record Keeping Practices

Per Sections 55.4.12.7.5 through 55.4.12.7.7, the applicant will adhere to the following metering and record keeping practices.

- A metering device shall be installed and maintained on all discrete points of diversion or other locations of water withdrawal (in this case, the Applicant's well). The meter shall be located at or near the point of diversion or withdrawal.
- A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation.
- Operators shall maintain a weekly record of water collected from Diversionary sources, as well as a record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately of differentiated from any record of water use for domestic, fire protection, or separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

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

The following details are pulled from the Site Management Plan, which was created in accordance with SWRCB Order WQ 2017-0023-DWQ. Map points referenced are from the Site Management Plan. The Applicant will be enrolled in the Order as a Tier 1, Low Risk Site.

### Erosion Prevention and Sediment Capture

The disturbed areas consisted of the cultivation areas, soils/amendment piles, unstable road segments, and a processing area as shown on the Disturbed Area Map. For details on erosion prevention and sediment capture, see the Site Erosion and Sediment Control Plan.

### Water Uses

Water for cannabis irrigation and domestic use will be sourced from the sites groundwater well. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. Since the site sources water from a confined aquifer there are no forbearance restrictions. The estimated annual water use is summarized below.

Table 1: Annual water use on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Well	Cannabis	Apr. 1	Nov. 1		90,450

Water meters will be installed to monitor use. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water conservation methods such as watering method and timing will be employed to ensure water is applied at agronomic rates.



Table 2: Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Hard Tank	2,500	2	5,000
Hard Tank	1,000	1	1,000
	<b>Total</b>		<b>6,000</b>

## Fertilizers, Pesticides and Herbicides

### Application, Storage and Disposal

All fertilizers, Pesticides, Herbicides and Rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, Pesticides, Herbicides and Rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in **separate** secondary containment. During the off season all chemicals will be stored in a locked building. **Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches.** Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below.

Table 2: Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Maxi Bloom	Fertilizer	5-15-14	120 gallons
Lion Heart	Fertilizer	12-0-0	120 gallons
Green Clean	Insecticide	Acephate	15 gallons

### Spill Prevention and Clean Up

A spill cleanup kit will be located in the chemical storage area at all times where it can be easily accessed. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

## Petroleum

### Use, Storage, and Disposal

The discharger is in the process of installing solar panels as the primary power source for the operation. Generators are not used as a part of this operation. While in use, the generators will

Table 3: Overview annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	TBD
Motor Oil	Petroleum	TBD

### Cultivation Waste, Trash/Refuse and Domestic Wastewater

#### Trash/Refuse Overview

All trash will be kept and stored in lidded trash bins and removed on a weekly basis to an authorized landfill. Trash bins shall be located in stable locations and outside of riparian setbacks. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

#### Domestic Wastewater BPTC Measures

The site has an unpermitted septic system which will require a back permit. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

### Winterization Measures

#### Summary

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning **November 1<sup>st</sup>** and concluding **April 1<sup>st</sup>**. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways.

One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and

ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers.

Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater.

### Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For Moderate and High-Risk sites all three monitoring reports need to be completed. See "Site Erosion and Sediment Control Plan" for details on the Site Maintenance and Storm Water Runoff Monitoring.

Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following:

Facility Status, Site Maintenance, and Storm Water Runoff Monitoring

Name and contact information for the person responsible for operation, maintenance, and monitoring.

Reporting documents can be emailed to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov) or mailed to **5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403.**

Table 4: Facility status monitoring requirements.

<b>Monitoring Requirement</b>	<b>Description</b>
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as lbs./canopy acre/time (month or year) as described in Nitrogen Management Plan.

## **12.0 Biological Assessment**

A full biological assessment was completed for the parcel by two qualified biologists, one who focused on a Wildlife Resource Report and one who focused on a Botanical Resource Assessment.

The Wildlife Resource Report came to the conclusion that the proposed action of cannabis cultivation will have no effect on any special status species, either because the project is outside

of their known range, suitable habitat is lacking or the proposed project will not result in adverse impacts to the species or their suitable habitat. Project activities are not expected to produce adverse cumulative effects to sensitive wildlife species due to the small size of the project and lack of significant habitat alteration.

The Botanical Resource Assessment found that while the parcel may have several special status plant species habitats, the project proposes no additional disturbance to natural vegetation, and should not have adverse impacts to special status plants assuming they are present on the property. The project is not expected to have indirect impacts such as significant shading or alteration of hydrology.

### **13.0 Stormwater Management Plan**

The Applicant's Compliance Agreement required a Remediation Plan, which was designed specifically to address erosion issues from stormwater and is included with the application. The Applicant has followed through with remediation measures, and along with their rainwater catchment system, anticipate little issues of erosion from stormwater.

### **14.0 Energy Use**

The Residence receives its power from a 6.5kW generator. The well pump is currently run by an 8kW generator; however, the Applicant intends to replace this generator with a solar array that will run the well pump. The greenhouses will utilize solar powered Snap Fans. The Applicant intends for all cultivation activities to be solar powered by the time activities begin.

### **15.0 Compliance Agreement Summary Status**

The Applicant has an executed compliance agreement and has completed all necessary documentation. All fees/fines have been paid. A copy of all items produced for the Compliance Agreement are included in this Application.

### **16.0 Timber Conversion Evaluation**

The Applicant has contracted with Blair Forestry Consultants to complete a Timber Conversion Evaluation.

### **17.0 Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship, or state parks within 600 feet of the cultivation site. There are also no Tribal Lands, areas of Traditional Tribal Cultural Affiliation within 1,000 feet of the cultivation site. The Applicant has completed a report with a licensed archaeologist.

## II. Cultivation and Operations Plan

### 1.0 Materials Storage

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

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

The Applicants Materials Management Plan is included with the Application further detailing their waste management practices.

### 1.1 On-Site Waste Treatment System Information

The Applicant has an unpermitted septic system on-site. They are contracted to have this system evaluated and permitted through the Humboldt County Department of Environmental Health.

The system currently only is used for domestic purposes, should employees be on site, the Applicant will first have portable toilets and handwashing stations delivered for use.

### 2.0 Cultivation Activities

The Applicants Cultivation Chart is included as Attachment "B."

#### Cultivation Standards

The Applicant will adhere to and uphold the following cultivation standards:

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- Where subject to state licensures, participate in local and state programs for "Track and Trace" once available.
- Maintain a current, valid business license at all times.
- 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).
- Pay all applicable application and annual inspection fees.
- Comply with any special conditions applicable to the permit or Premises which may be imposed.

### 3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Shed where it will be dried and cured. Harvested cannabis will be processed off-site by a licensed 3<sup>rd</sup> party processor.

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

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

While the Applicant is currently not anticipating the use of any employees, the following standards will be upheld if employees are hired.

- Applicant 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.)
- Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions which may include:
  - Emergency action response planning as necessary;
  - Employee accident reporting and investigation policies;
  - Fire prevention;
  - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - Materials handling policies;
  - Job hazard analyses; and
  - Personal protective equipment policies, including respiratory protection.
- Applicant will visibly post and maintain an emergency contact list which includes at a minimum:
  - Operation manager contacts;
  - Emergency responder contacts;
  - Poison control contacts.
- At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

The Applicant will ensure the following standards are upheld by the 3<sup>rd</sup> party processor.

- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.



- Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis
- Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- Employees must wash hands sufficiently when handling cannabis or use gloves.

**Parking and Public Accommodations**

The Applicant does not intend to have their facility open to the public. There is enough space for 6 vehicles to park at any given time. Should employees be added, an additional 2 spaces per employee and compliance with the Americans with Disabilities Act will be maintained

**4.0 Security Measures**

The access road to the parcel is gated and locked.



## **Materials Management Plan**

### **Applicant**

Humboldt Gardens, LLC  
1928 Central Avenue, #112  
McKinleyville, CA 95519  
APN: 107-233-010  
Phone Number: 925-595-0704

### **Agent**

Kaylie Saxon  
Green Road Consulting, Inc.  
1650 Central Avenue, Suite C  
McKinleyville, CA 95519

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## 1.0 Project Overview

Per Section 55.4.12.1.13 of the CCLUO, the Applicant must identify a plan for the disposal of project-related waste, including: solid waste such as plant material, greenhouse framing, plastics and tarpaulin use in greenhouse sheathing and coverings, household trash, product packaging and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, lighting, water bladders or tanks, pond liners, electrical lighting fixtures, wiring and related equipment and fencing. Other forms of waste include effluent and byproducts from commercial activities (e.g. water or wastewater rich in plant chlorophyll or salts, spent fuels or solvents, etc.)

This Waste Management Plan describes methods that will be used to make cannabis waste unusable and unrecognizable, and how it will be stored prior to disposal. In addition, the Plan describes if or how cannabis waste will be transported from the cultivation site to a solid waste facility or landfill.

The Plan also describes procedures that the Applicant will implement to reduce waste and to ensure compliance in the storage and disposal of non-cannabis hazardous and universal waste, among other items.

The Applicant has developed waste disposal processes and procedures that will ensure compliance with storage and disposal requirements for all waste types, prevent waste from becoming a hazard to the facility or environment, and detect and prevent diversion of cannabis plant waste.

All waste types, including cannabis waste, will be securely stored, handled, recorded, transported, and disposed of in accordance with applicable local, state, and federal laws and regulations. The Applicant is committed to an approach that prevents the diversion of THC-containing materials from the site, protects the health and welfare of the community, mitigates the risk of water or air pollution, prevents the spread of disease and conserves natural resources.

The Applicant will maintain accurate and comprehensive records that account for and reconcile all waste activity related to the disposal of cannabis and cannabis products. Any cannabis waste will be recorded into Track and Trace System, in accordance with state and local regulations.

## 2.0 Methods for Cannabis Waste

California Code of Regulations Title 3. Food and Agriculture Division 8 Cannabis Cultivation Chapter 1 Cannabis Cultivation Program requires cannabis plant waste to be rendered unusable and unrecognizable before disposal. Licensees are able to dispose of cannabis waste in three ways: (1) on-site composting, (2) permitted waste hauler, or (3) self-hauling to a licensed solid waste facility.

The most sustainable way to render cannabis waste unusable and unrecognizable is by grinding plant debris with paper or cardboard waste, growing media or soil. By grinding the materials, it increases the decomposition process of the cannabis waste.

After each harvest the Applicant will grind cannabis stalks, leaves, and any flower that is unusable for sale with growing media to render all cannabis waste unusable and unrecognizable.

After cannabis waste is unrecognizable and unusable all cannabis waste is self-hauled to Eel River Recology in Fortuna, CA.

Any non-cannabis waste generated from business operations will be kept in water tight trash receptacles next to the garage. It will be hauled to Humboldt Waste Management Authority in Eureka, CA.

All cannabis waste will be weighed and recorded into Track and Trace within three (3) business days of becoming waste.

### **3.0 Storage of Cannabis Waste**

The Applicant will store all cannabis waste within water tight receptacles in the Storage Container. The cultivation areas will be restricted to the Applicant, employees, and local agency.

A short training will be provided to all employees on the Applicant's cannabis waste system to ensure that recyclable material is not contaminated with other types of waste.

### **4.0 Disposal of Cannabis Waste**

Any transportation of cannabis waste to the nearest manned permitted facility will be completed in a safe and economic manner. Cannabis waste will be transported using a trailer located on the property specifically for use of transporting cannabis waste. The trailer will be tarped and the waste itself will be placed in garbage bags and tied shut.

The Applicant will obtain certified weight ticket or receipt documenting delivery prepared by a representative of the facility receiving the cannabis waste. Transportation of the cannabis waste will only be performed by the Applicant and employees. The Applicant will be keeping records of all cannabis waste.

The vehicle transporting the trailer will be only be driven by the Applicant or business members who are 21 and older. The Applicant will apply for the proper local and state permits needed to transport cannabis waste.

### **5.0 Soil Management**

The use of Native Soil versus Imported soil for a cannabis farm is a decision based on a variety of factors, from soil type, location, cultivation style and climate. The Applicant imports soil (potting soil) for use in their cultivation practices.

The below table outlines the location of each cultivation area, the amount of Native Soil used for Cultivation annually, the amount of Existing Imported Soil used for Cultivation annually. The annual numbers for amendments is outlined at Attachment "A" of this document (please note, the amendment numbers are for the entire cultivation, not broken down by greenhouse).

Location (GH or CA)	Native Soil for Cultivation (Volume)	Imported Soil for Cultivation	Annual Amendment Total
<b>Greenhouse #1</b>	n/a	14.85 yd <sup>3</sup> (150 – 20 gal pots)	See Attachment “A”
<b>Greenhouse #2</b>	n/a	14.85 yd <sup>3</sup> (150 – 20 gal pots)	See Attachment “A”
<b>Greenhouse #3</b>	n/a	7.43 yd <sup>3</sup> (75 – 20 gal pots)	See Attachment “A”
<i>Total Soil Volume for Parcel</i>	37.13 yd <sup>3</sup>		

The Applicant reamends their soil for each cultivation cycle in order to reduce the amount of imported soil the cultivation activities may take. Barring the use of salt-based fertilizers, soil may be re-amended for cultivation for years before it requires replacing, if ever.

Should the soil ever be found no longer viable for cultivation, it is removed and disposed of at an approved waste management facilities green waste center. Should the Applicant utilize a green waste center, they will obtain a receipt and store it within their records.

#### **6.0 Nutrients, Fertilizer and Pesticide Storage**

All labels are kept, and directions are followed when any pesticides are used. The Applicant will follow all precautionary statements on product labels for protecting human health and environmental health, storage and disposal, and directions for use. The Applicant will not be using pesticide products at a rate higher than the rates listed on the label. The Applicant will follow any agricultural use requirements including method of application, restricted entry interval, personal protective equipment, and pre-harvest interval.

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

The Applicant will apply the minimum amount to target pests. The Applicant will not apply when pollinators are present, and no drift will be attractive to pollinators. The Applicant will not spray directly to surface water and will only spray when wind is blowing away from surface water bodies to prevent offsite drift. The Applicant will not apply pesticides when they may reach surface or ground water.

#### **7.0 General Refuse and Recycling**

General refuse and recycling will include, but is not limited to: plant material, greenhouse framing, plastics and tarpaulin use in greenhouse sheathing and coverings, household trash, product packaging



and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, water bladders or tanks, pond liners and fencing.

The Applicant will have designated general refuse and recycling bins that will be disposed of weekly to Humboldt Waste Management Authority in Eureka, CA.

A short training will be provided to all employees and business members on the Applicant's cannabis waste system to ensure that recyclable material is not contaminated with other types of waste.

## **8.0 Disposal of Lightbulbs, Electrical Lighting Fixtures, Wiring and Related Equipment**

Lightbulbs, electrical lighting fixtures, wiring and related equipment will be disposed of per the recommendations of the Humboldt Waste Management Authority.

With fluorescent bulbs containing trace amounts of mercury, the applicant will dispose of any lightbulbs appropriately at the correct disposal sites located in Eureka, CA.

Wiring, electrical lighting fixtures and related equipment is considered "e-waste" by the Humboldt Waste Management Authority and may contain trace amounts of lead, mercury, cadmium, chromium or other heavy metals. The Applicant will dispose of these products on the appropriate disposal days and at the appropriate facilities located around the county. The sites that will accept the items referenced in this section are outlined below.

Eureka Recycling Center	Humboldt Sanitation	Recology Eel River
1059 W Hawthorne Street Eureka, CA 95501	2585 Central Avenue McKinlevyville, CA 95519	965 Riverwalk Drive Fortuna, CA 95519

## **9.0 Hazardous Waste on Cannabis Facilities**

Common hazardous materials at a cannabis facility include, but are not limited to: fertilizers, soil amendments, rodenticides, herbicides, fungicides, pesticides and insecticides, fuel stored onsite, and cleaners and sanitizers. Once these items become leftover or spent that require disposal they become hazardous waste.

For any herbicides, fungicides, pesticides or insecticides used on the property, the Applicant will inquire with their local waste facility on how to properly and safely dispose and keep separated from household and cultivation waste.

Any spent motor oil will be dropped off at a certified collection center nearest to the Applicant. If the Applicant has more than 5 gallons of spent motor oil, the Applicant will contact a registered California Hazardous Waste Transporter for the motor oil to be picked up. If the Applicant has any spent gasoline or cleaners/sanitizers that needs to be disposed, the Applicant will drop off materials to the Humboldt Waste Management Authority Household Hazardous Waste Facility in Eureka.

Should the project-related activities involve storage and use of hazardous materials at a reportable quantity, the Applicant will prepare a materials management plan which details: operating procedures and processes, associated equipment and cleaning procedures, chemical requirements and reactions, waste volumes, storage areas, chemical handling procedures, and emergency equipment. This will be

completed by reporting through the Humboldt County Department of Environmental Health and by utilizing and registering with the California Environmental Reporting System (CERS).

## **10.0 Waste Reduction**

Hazardous and universal wastes are present in most cannabis cultivation facilities. Reducing and managing these wastes can reduce risks to employees and the environment and is essential for maintaining compliance. Source reduction and substitution represent the best opportunities for reducing risk and saving money on hazardous waste management and disposal.

The best way to reduce the expense and risk associated with managing hazardous wastes is to reduce the amount of hazardous materials entering the facility. The Applicant will manage the amount of hazardous waste entering the facility by purchasing materials in smaller quantities and buy no more than a one-year supply of product to prevent excess material expiring or becoming obsolete as regulations change, and the Applicant will only prepare the amount needed for each pesticide application. If any lamps or ballasts are being used, the Applicant will purchase bulbs with the longest burn time possible to reduce the frequency of replacement, consider LED purchases, and recycle universal waste lamps, ballasts and batteries at a qualified facility.

## References

*Recycling/Disposal of Used Oil.* (2018, January 2). Retrieved from CalRecycle:  
<http://www.calrecycle.ca.gov/UsedOil/Recycle.htm>

*Types of Composting and Understanding the Process.* (2016, August 29). Retrieved from United States Environmental Protection Agency: <https://www.epa.gov/sustainable-management-food/types-composting-and-understanding-process>

*Humboldt Waste Management Authority re: Lightbulb and e-waste disposal.* Retrieved from:  
<http://www.hwma.net>



# Attachment “A”

## Annual Amendment List

\*This list covers amendments for the entire cultivation and is not delineated by cultivation area.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Maxi Bloom	Fertilizer	5-15-14	TBD
Lion Heart	Insecticide	Acephate	TBD
Green Clean	Fertilizer	12-0-0	TBD

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Humboldt Gardens LLC APN: 107-233-010

Planning & Building Department Case/File No.: APP 15707

Road Name: Green Gate Road (Panther Gap detour) (complete a separate form for each road)

From Road (Cross street): Mattole Road

To Road (Cross street): Subject parcel

Length of road segment: 2.3 miles Date Inspected: November 2019

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. A map showing the location and limits of the road being evaluated in PART A is attached.

Steve Breitenstein

Signature

2/20/2020

Date

Steve Breitenstein

Name Printed

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



## Sound Evaluation Report

Prepared For:

Humboldt Gardens, LLC

APN: 107-233-010

Signature of Civil Engineer

Date



Seal

## Introduction:

Green Road Consulting (GRC) performed a sound evaluation study to determine changes in ambient noise levels related to cannabis cultivation activities. Cannabis cultivation in Humboldt County is typically done in rural areas that require the use of off-grid power from diesel generators. The use of diesel generators in conjunction with cannabis cultivation activities has the potential to significantly alter natural sound levels and disturb native animals. However, parcels with zoning TPZ or U (with a General Plan Land Use Designation of “Timberland”) are prohibited from using generators.

## Background:

On May 6, 2018, the Humboldt County Board of Supervisors passed Ordinance No. 2599 defining the rules and regulations of commercial cultivation, processing, manufacturing, distribution, testing and sale of cannabis for medicinal or adult use outside the coastal zone. Section 55.4.12 of the ordinance describes the performance standards related to all commercial cannabis activities at cultivation sites that must be met for the applicant to be eligible for a commercial cannabis cultivation permit issued by Humboldt County. As defined in Section 55.4.12.6 regarding noise, “Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.”

Oxford Dictionary defines noise as “a sound, especially one that is loud or unpleasant or that causes disturbance” (Oxford Dictionary 2018). In terms of physics, sound is a mechanical disturbance from a state of equilibrium that propagates through an elastic material medium, such as water or air (Britannica 2018). Humans have evolved to be more receptive to sound frequencies between 500 Hz and 6 kHz (measured in decibels, dB), however, sounds can occur below or above the range of human hearing. To account for the full range of human hearing, the “A-weighted” scale was created to include a full range of frequencies, from 20 Hz up to 20 kHz and is measured in dBA (Britannica 2018). Several activities and their associated noise level for indoor and outdoor settings have been measured and are shown in Figure 1 for reference (West Los Angeles College ND).

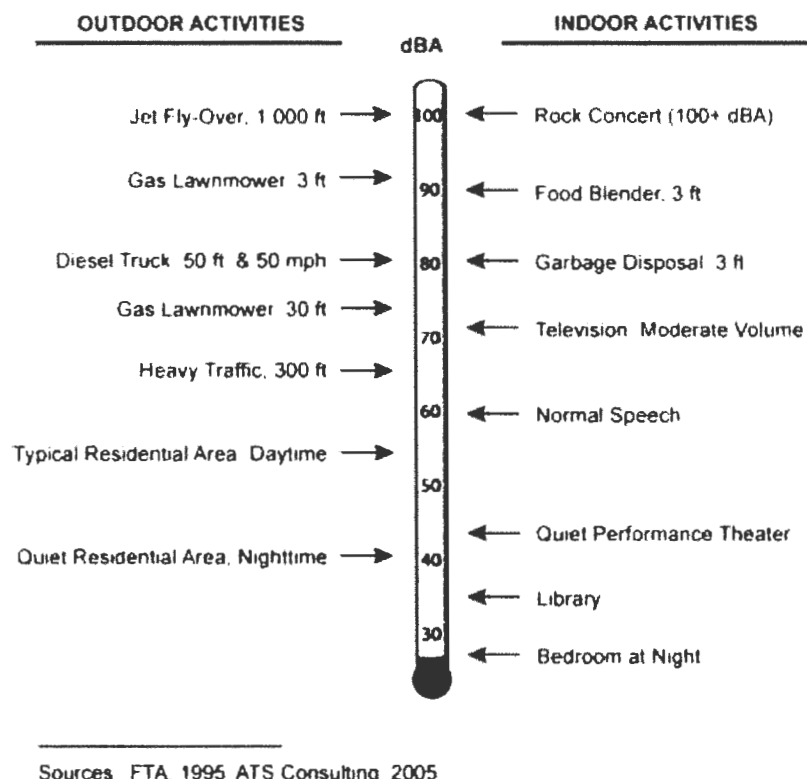


Figure 1: Examples of noise levels for indoor and outdoor settings.



**Site Summary:**

**APN:** 107-233-010

**Coordinates:** <40.2553, -124.0624>

**Acreage:** 40.0

**Zoning:** TPZ

**Methods:**

Two, 24-hour studies will be conducted by GRC on APN 107-233-010 using four CEM DT-8852 Industrial High Accuracy Digital Sound Noise Level Meter Data Loggers. These sound level data loggers feature a measurement range of 30-130 dB with an accuracy of  $\pm 1.4$  dB, and internal memory for standalone data recording. The first study was conducted before cannabis cultivation activities began on the parcel to establish a baseline ambient sound level to compare to future measurements. After cannabis cultivation activities begin, a second 24-hour study will be conducted to capture the increase, if any, of sound levels related to cannabis cultivation.

If the parcel is located within one mile of mapped critical habitat for Marbled Murrelet or Northern Spotted Owls, the maximum noise expose from background cultivation related noise cannot exceed 50 decibels at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. If pre-existing cultivation sites submitted for permitting prior to December 31, 2019 are located within 0.7 miles of a known Northern Spotted Owl activity center a qualified biologist shall conduct a disturbance and habitat modification assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species.

Two sound monitoring studies are required to determine how cannabis cultivation activities effect the ambient noise levels on the property. For the duration of each study, one (1) noise level data logger was placed as close to each property boundary line as possible (minimum of 3) to capture the noise level being emitted from within the parcel (Figure 2). Data was collected every 6 seconds for at least 24 hours. The first 24-hour study was conducted from 6/14/2018 through 6/15/2018, before cannabis cultivation activities occurred on the property. The data was uploaded to Microsoft Excel, where a moving average was performed on 2,000 data points to relax any extreme short-term fluctuations in the time-series data. The second 24-hour study will be conducted when commercial cannabis activities begin.

Critical habitats for Marbled Murrelet and Spotted Owls have been mapped by California Department of Fish and Wildlife (CDFW) and were viewed using a commercial license to the California Natural Diversity Database (CNDDB). The CNDDB uses the Biogeographic Information and Observation System (BIOS) to project observed critical habitat for Marbled Murrelet and Spotted Owls in an online mapping tool. This online mapping program has a distance measuring tool that was used to find the distance from this parcel to the nearest marked critical habitat.

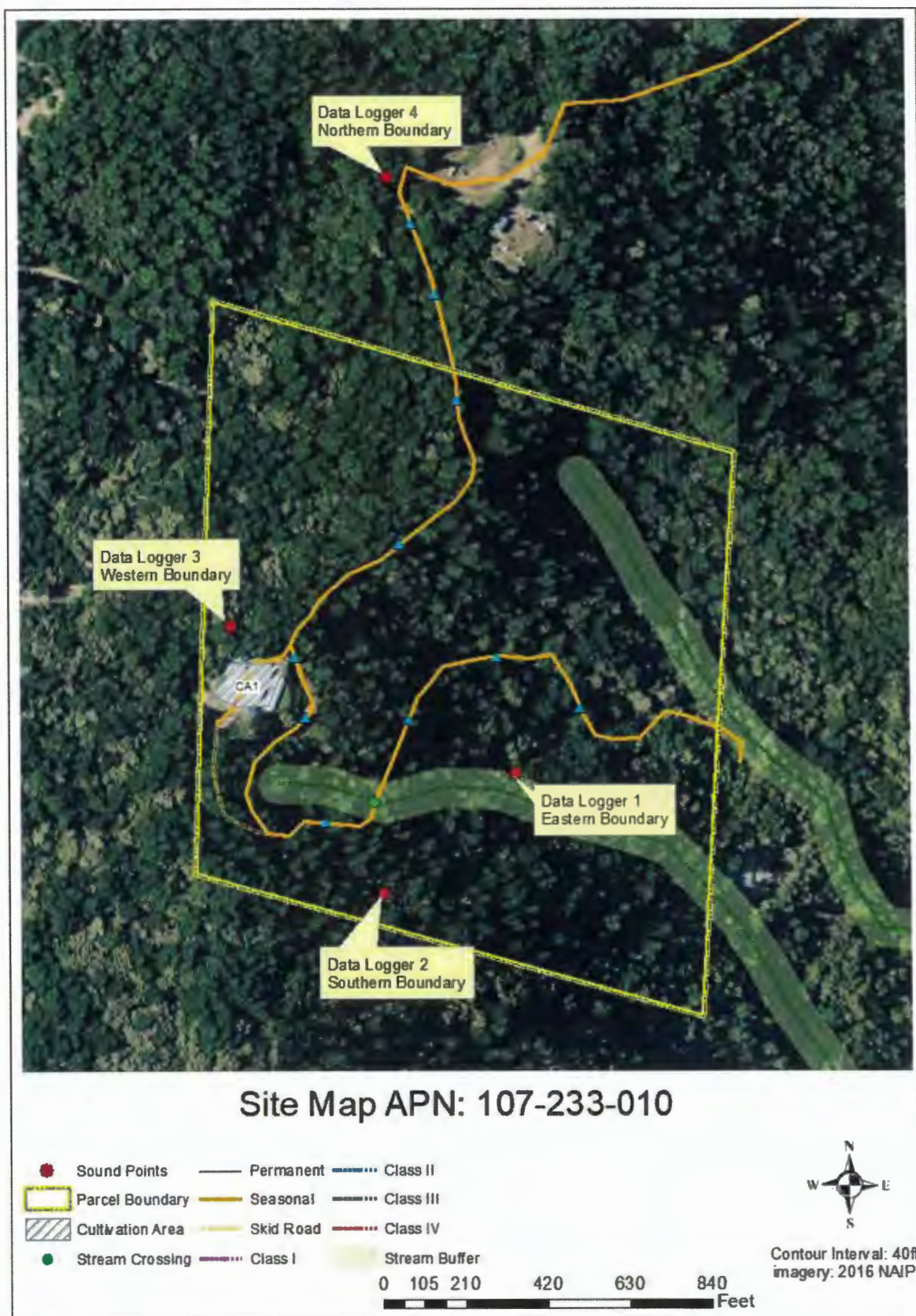


Figure 2: Map showing location of Data Loggers on APN 107-233-010.

## Results:

Data from the sound study conducted during the no cultivation period were imported into excel and plotted on a line chart to visualize the measurements over time. Rolling averages were applied to groups of 500, 1,000, and 2,000 data points, which were compared to the original data (Figures 3-6).

### Northern Boundary

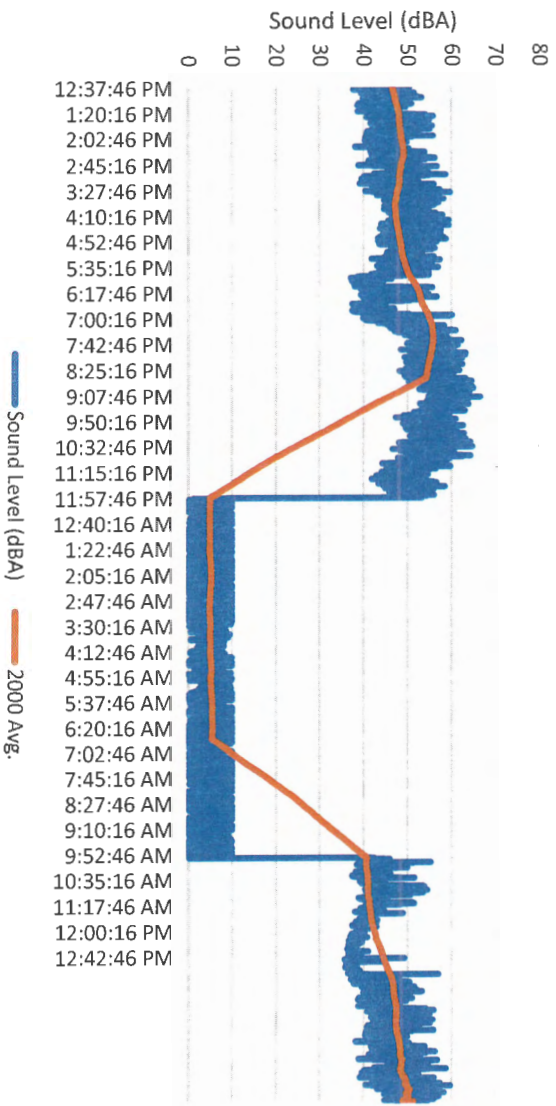


Figure 3: Results from 24 hours of sound data collected on 6/14/2018 near the Northern parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. Average dBA: 32.45

### Eastern Boundary

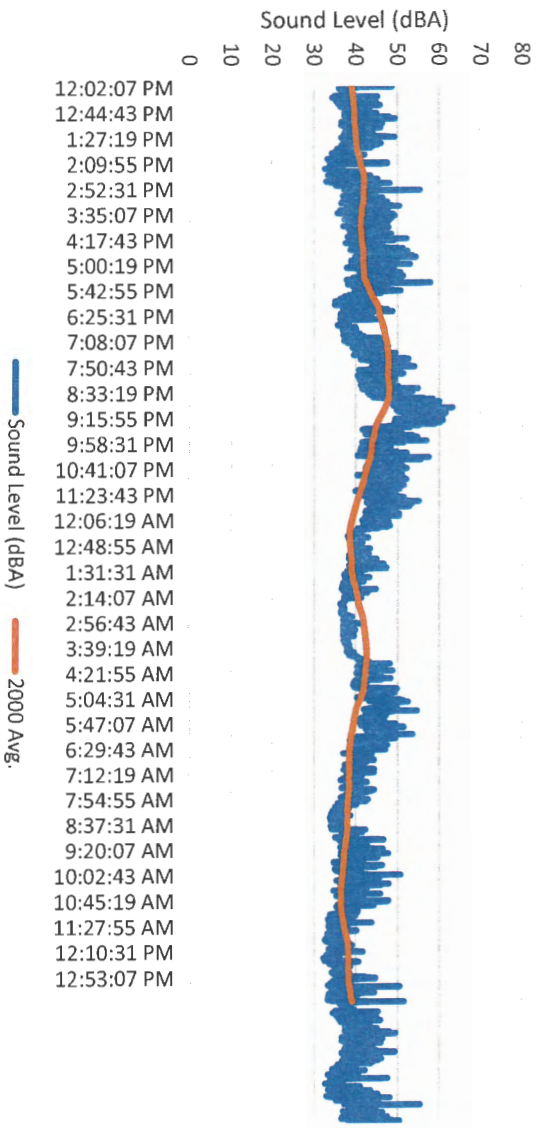


Figure 4: Results from 24 hours of sound data collected on 6/14/2018 near the Eastern parcel boundary. The 2,000 data point rolling average are overlaid on the original data. Average dBA: 40.73



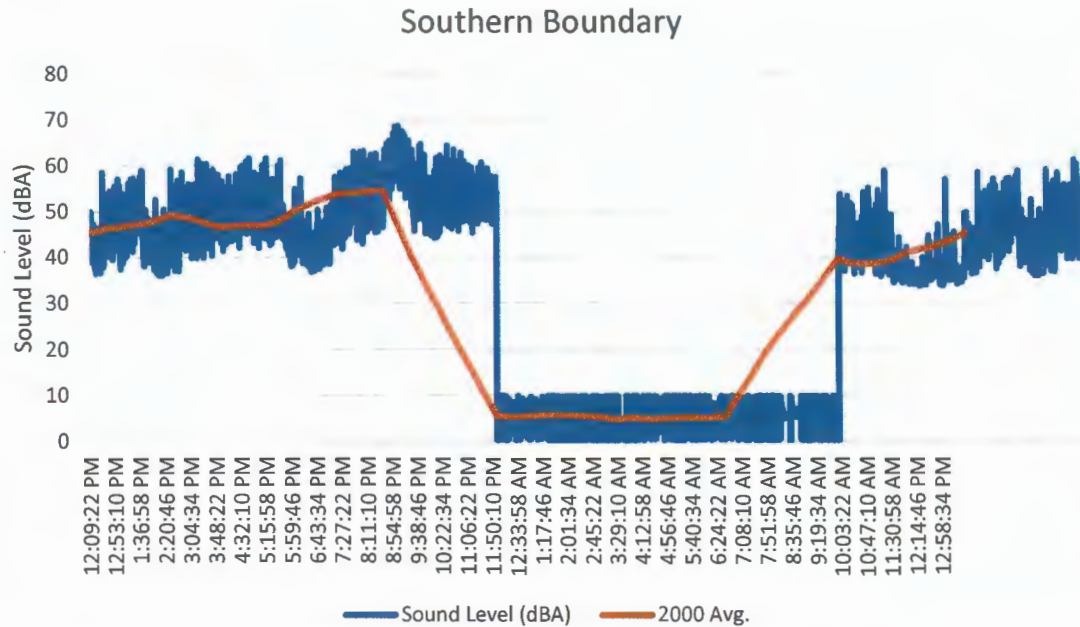


Figure 5: Results from 24 hours of sound data collected on 6/14/2018 near the Southern parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 32.17**

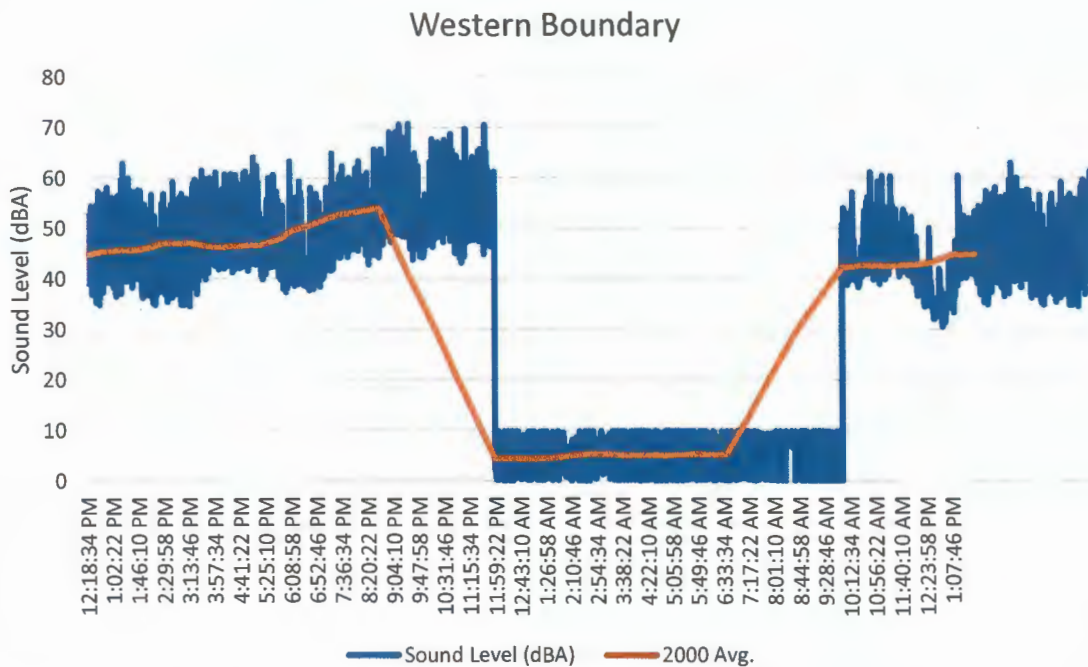


Figure 6: Results from 24 hours of sound data collected on 6/14/2018 near the Western parcel boundary. The 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 32.29**

The second sound study will be performed after Cannabis cultivation commences. That study will be used to identify if there is an increase of 3 decibels or more. If an increase of over 3 decibels is observed, changes will be made to reduce the sound levels.

## Critical Habitat:

Considerations of noise levels affecting the Marbled Murrelet and Northern Spotted Owl was determined using the California Department of Fish and Wildlife's Biogeographic Information and Observation System (BIOS). This system utilizes the California Natural Diversity Database (CNDDb) to visualize positive observations and critical habitat for rare and sensitive species.

Critical habitat areas for the Marbled Murrelet and Spotted Owl were viewed in the CNDDb BIOS Viewer. The property was located .434 miles from mapped critical habitat areas (Figure 11).



Figure 2: Snip of the CNDDb BIOS Viewer used to determine the extent of critical habitat of Marbled Murrelet (red square) relative to the parcel (bright pink circle). A distance of 0.434 miles was measured from the center of the parcel to the edge of the mapped critical area.

Critical habitat for the Spotted Owl was observed 1.5 miles to the North and South of APN 107-233-010 (Figure 12).

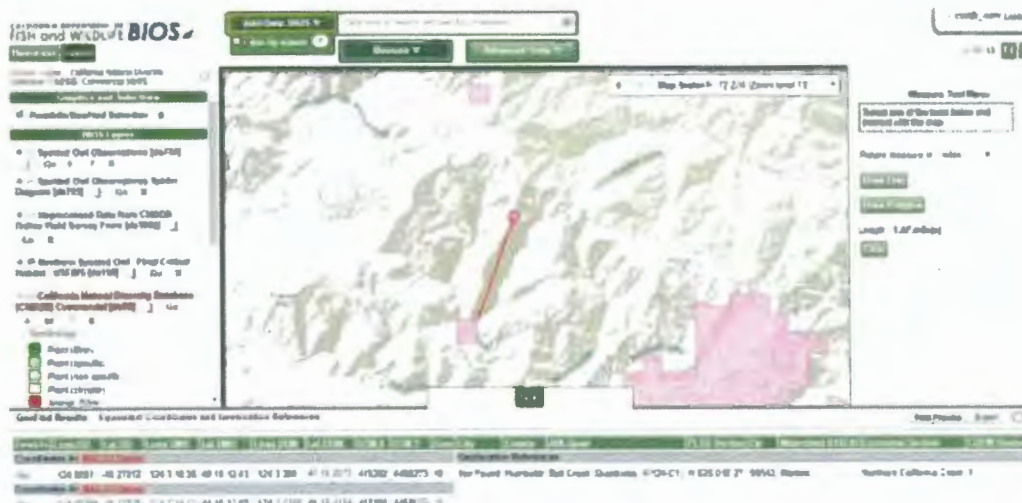


Figure 12: Snip of the CNDDb BIOS Viewer used to determine the extent of critical habitat of Spotted Owls (pink square) relative to the parcel (bright pink circle). A distance of 1.47 miles was measured from the center of the parcel to the edge of the mapped critical area South of the property.



Due to the proximity of this parcel to mapped critical habitat for the Marbled Murrelet (.434 miles, less than the required 1.0 mile), maximum noise expose from background cultivation related noise cannot exceed 50 decibels at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. This requirement ensures cultivation related activities do not disturb or endanger protected wildlife.

Activity centers for the Northern Spotted Owl have been observed in Panther Gap. Activity centers are historic nesting sites that have been observed by qualified professional and entered in the CNDDDB database. Two activity centers have been mapped near the parcel, one to the North and one to the South. The distance from the center of the parcel to the edge of the activity centers were measured using the embedded Measure Tool within the BIOS Viewer (Figure 13 and Figure 14).

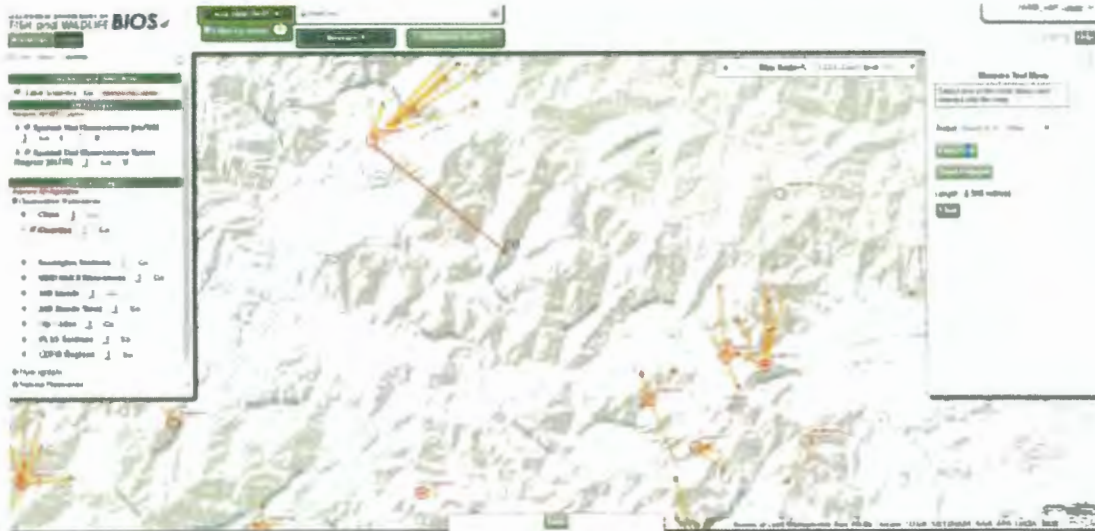


Figure 13: The Northern Spotted Owl activity center to the North of the property is located approximately 2.596 miles away from the property of interest.



Figure 3: The Northern Spotted Owl activity center to the West of the property is located approximately 3.107 miles away from the property of interest.

Both Northern Spotted Owl activity centers are more than the required minimum .7 miles from the site, and do not require any qualified biological assessment.

## Conclusion:

An initial sound study was conducted during a no-cultivation period on APN 107-233-010. During this study, the site was free of cultivation related activities, free of noise pollution, and produced no noise from any generators or fans. Only ambient noise from county roads and wildlife could be heard during this initial study. Data from this first study will be compared to a second sound study. The second study will take place once a cultivation permit has been issued by Humboldt County and cultivation begins in order to determine changes in ambient noise levels caused by cannabis cultivation activities. The Pre-cultivation and active cultivation studies will be compared for each Data Logger point (North, East, South, West) to assess if there is an average increase of 3 decibels or more from any pre-cultivation data logger average. If an increase of 3 decibels or more is observed after the second study, changes will be made to attenuate sound production at the site. See Appendix A for mitigation methods.

Three of the four sound data loggers recognized extremely low noise levels from 12AM to 10AM. This is likely due to a wind storm subsiding in the night. During this sound study, Panther Gap experienced gusts of up to 29 mph, which likely caused the higher ambient noise levels prior to 12 am and after 10 am. These gusts caused spikes in the data, but averages show relatively normal ambient noise levels. The North, East, South, and West Data Logger point measured average levels of 32.45 dBA, 40.73 dBA, 32.17 dBA, and 32.29 dBA, respectively. These measurements will serve as a baseline for ambient noise levels at the site. We would hope to find sound levels not exceeding 44 decibels in the following study due to the 3-decibel increase cap set forth by Humboldt County Ordinance 2.0 Performance Standards for Noise at Cultivation Sites.

The parcel is located 2.596 miles from a mapped Northern Spotted Owl activity center to the North and 3.107 miles from a mapped activity center to the South. Both activity centers are located outside of the 0.7-mile buffer set forth by California Department of Fish and Wildlife. Therefore, it is unlikely noise caused by cultivation operations on this parcel will negatively impact Northern Spotted Owl activity. A Biological Assessment Report prepared for this site by S.E. McAllister & Associates states, "Harassment associated with noise disturbance at the site is not expected. The project is proposed for permitting under Humboldt County Ordinance 2.0 and will, therefore, only be allowed to use generators for 20% of its power needs and will instead primarily use solar energy."

The parcel is located 1.47 miles from mapped critical habitat for the Northern Spotted Owl. Critical habitat for the Marbled Murrelet has been mapped .434 miles from the parcel. Because of this, maximum noise exposure from cultivation related noise may not exceed 50 decibels at a distance of 100 feet from the noise source or edge of habitat, whichever is closer, as required by Humboldt County Ordinance 2.0. This 50 decibel limit greatly exceeds the 3 decibel increase limit incurred on this site for critical habitat proximity, and will therefore not be an issue.



**References:**

Humboldt County Ordinance No. 2599.

"Noise." Def.1. OxfordDictionaries.com. Oxford Dictionaries, 2018. Web. 5/31/18.

Berg, R. 2018. "Sound", Encyclopaedia Britannica, Inc., Encyclopaedia Britannica. 6/1/2018

"Noise Basics". West Los Angeles College Noise Monitoring Program. ND. 6/26/2018

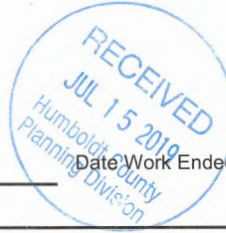


## Appendix A

### Methods for Reducing Cannabis Cultivation Related Noise

- Ensure ventilation fans do not contact greenhouse framework. This can reduce rattle and vibrations. Fans can be suspended from above to ensure limited structural vibrations.
- Air and water pumps and generators may be placed on one-inch rubber mats to reduce vibration.
- Use insulated ducting instead of bare metal.
- Outdoor generators may be placed in insulated sheds to reduce noise output.
- Place a muffler over greenhouse exhaust vents.
- Locate generators away from property lines, and place as centrally as possible.
- Use natural landscape features to block noise (Plant tall bushes or trees, locate generators behind natural soil berms, etc.)
- Consider the use of low noise fans and generators.

State of California  
**Well Completion Report**  
Form DWR 188 Complete 7/24/2018  
WCR2018-004371



Owner's Well Number Well #1 Date Work Began 05/21/2018 Date Work Ended 05/24/2018  
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
Secondary Permit Agency \_\_\_\_\_ Permit Number 17/18-1483 Permit Date 03/02/2018

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name	XXXXXXXXXXXXXXXXXXXX	Activity	New Well
Mailing Address	XXXXXXXXXXXXXXXXXXXX	Planned Use	Water Supply Irrigation - Agriculture
City	XXXXXXXXXXXXXXXXXXXX		
State	XX		
Zip	XXXXX		

Well Location			
Address <u>0 Panther Gap</u>		APN <u>107-233-010</u>	
City <u>Honeydew</u>	Zip <u>95545</u>	County <u>Humboldt</u>	Township <u>02 S</u>
Latitude _____ N	Longitude _____ W	Range <u>01 E</u>	Section <u>27</u>
Deg. _____ Min. _____ Sec. _____	Deg. _____ Min. _____ Sec. _____	Baseline Meridian <u>Humboldt</u>	
Dec. Lat. <u>40.2712000</u>	Dec. Long. <u>-124.0555000</u>	Ground Surface Elevation _____	
Vertical Datum _____	Horizontal Datum <u>WGS84</u>	Elevation Accuracy _____	
Location Accuracy _____	Location Determination Method _____	Elevation Determination Method _____	

Borehole Information		Water Level and Yield of Completed Well	
Orientation <u>Vertical</u>	Specify _____	Depth to first water <u>170</u>	(Feet below surface)
Drilling Method <u>Downhole Rotary Hammer</u>	Drilling Fluid <u>Air</u>	Depth to Static _____	
Total Depth of Boring <u>240</u>	Feet	Water Level <u>160</u>	(Feet) Date Measured <u>05/24/2018</u>
Total Depth of Completed Well <u>240</u>	Feet	Estimated Yield* <u>40</u>	(GPM) Test Type <u>Air Lift</u>
		Test Length <u>6</u>	(Hours) Total Drawdown _____ (feet)
		*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	3	Top Soil
3	25	Brown Clay
25	120	Brown Shale
120	240	Bluish Grey Shale

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			*
2	0	140	Blank	Low Carbon Steel	N/A	0.188	6.625			*
2	140	200	Other: Screen - Knife Cut	Low Carbon Steel	N/A	0.188	6.625		0.25	*
2	200	220	Blank	Low Carbon Steel	N/A	0.25	6.625			*
2	220	240	Other: Screen - Knife Cut	Low Carbon Steel	N/A	0.25	6.625		0.25	*

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 Hole Plug
20	240	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	20	13
20	240	7.44

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>WATSON WELL DRILLING, INC.</u>			
Person, Firm or Corporation			
<u>500 Summer Street</u>	<u>Eureka</u>	<u>CA</u>	<u>95501</u>
Address	City	State	Zip
Signed <u>electronic signature received</u>	<u>06/06/2018</u>	<u>1014048</u>	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			



# Site Management Plan

WDID: \_\_\_\_\_

*Prepared for:*

*State Water Resources Control Board (SWRCB)*

North Coast Regional Water Quality Control Board (NCRWQCB)

*Prepared by:*

Green Road Consulting

1650 Central Ave., Suite C, McKinleyville CA, 95519

(707) 630-5041

*Date of completion:*

12/17/2018

# General Site Information

**Discharger:** Gueorgui Mandelov

**Land Owner:** Gueorgui Pachaliev

**Site Address:** Panther Gap Rd, Honeydew, CA 95545

**Mailing Address:** 3398 The Alameda, Concord CA 94519

**Parcel Number:** 107-233-010

**General Plan Designation:** T

**Zone:** TPZ

**Parcel Size:** 40 acres

**HUC12 Watershed:** 180101070205

**Disturbed Area:** 41,00-ft<sup>2</sup>

**Cultivation Area:** 16,400-ft<sup>2</sup>

**Risk Level:** Moderate

**Tier Level:** 1

## Abbreviations

CA	Cultivation Area
CPP	Corrugated Plastic Pipe
CMP	Corrugated Metal Pipe
CDFW	California Department of Fish and Wildlife
DRC	Ditch Relief Culvert
GRC	Green Road Consulting
IBD	In-board Ditch
NCRWQCB	North Coast Regional Water Quality and Control Board
PWA	Pacific Watershed and Associates
SWRCB	State Water Resources and Control Board
STX	Stream Crossing

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## 1. Introduction

This document was prepared by Green Road Consulting (GRC) for Gueorgui Mandelov; parcel number 107-233-010, as required by the SWRCB Order WQ 2017-0023-DWQ<sup>1</sup>. The purpose of the order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the Site Management Plan is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

Green Road Consulting (GRC) has made an initial assessment of this parcel through a site visit to the property as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, watercourses, and areas requiring remediation. Maps were created using the software ESRI ArcMap 10.5.

## 2. Site Characteristics

### 2.1. General

The site is located in Southwestern Humboldt County, approximately 9-miles east of the city of Honeydew, CA and can be accessed from Panther Gap Road. The elevation of the site is approximately 2,400 feet above sea level. The parcel is located on a ridge with unnamed drainages that flow from west to east into Dry Creek, tributary to the Mattole River. The Mattole River is on the USEPA's Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Middle Mattole River Watershed is known to have Coho and Chinook Salmon as well as Steelhead trout which are designated as a Federally and State threatened species. Slopes on the site range from 10% to 35%. The hillslopes in the region are known to have moderate instability. The site geology is primarily composed of sandstone, shale, and conglomerate; mostly well consolidated. The region was historically logged with legacy logging roads and landings throughout the site.

### 2.2. Site Overview

The approximately 40-acre property has an application with the Humboldt County Department of Environmental Health for permitting a groundwater well. Accessory structures on the parcel include three (3) uncovered greenhouse structures located in one (1) area and three (3) permanent structures: one (1) residential, one (1) separate outhouse connected to a septic system, and one (1) large shed. Water for cultivation and domestic use was drawn from a class II watercourse in the past but use of the diversion has since ceased. The discharger plans on using water drawn from the well for both cultivation and domestic use.

The site currently has one location where cultivation takes place, grouped into three cultivation areas (CA). The total garden area across these sites totals 16,400-ft<sup>2</sup>. Vegetation removal and/or exposed

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<sup>1</sup> Order entitled "STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES"

earth were observed adjacent to some cultivation areas and were designated as disturbed area. The site had approximately 41,000-ft<sup>2</sup> disturbed area that was located outside of the watercourse buffers. Proper adherence to the erosion and sediment control measures specified in the “Erosion Prevention and Sediment Capture” section of this report will be necessary to ensure that these areas are sufficiently stabilized.

## 2.3. Access Roads

The site has 0-miles of permanent roads, 0.6-miles of seasonal access roads, and 0-miles of skid roads. Evaluation of the design, functionality, and performance conditions of all segments of private roadways will be conducted by a licensed professional. This shall include design measures to minimize impacts from point source and non-point source pollution, sediment delivery, runoff velocity. Drainage features shall be evaluated to ensure adequate design, functionality, and performance of culverts and other discrete drainage systems and develop conclusions regarding compliance and conformance with best management practices for the defined road system.

## 2.4. Stream Crossings

There is one (1) stream crossing on the property that is the responsibility of the property owner. The stream crossing (STX1) is a 12” CMP on a class III watercourse. The culvert is not sized for the 100-yr storm event and will be upgraded. All stream crossings will be permitted through the appropriate agencies (e.g CDFW, NCRWQCB) before any work commences.

*Table 1: Overview of stream crossing on the property.*

Label	Size (inch)	Type	Watercourse Class	Condition
STX1	12	Historic	Class II	Legacy STX

## 2.5. Legacy Waste Discharges

The site was historically logged with main logging roads, skid roads, and log landings on the property. The site utilized the existing infrastructure from logging practices which required minimal grading and brush clearing.

# 3. Erosion Prevention and Sediment Capture

The disturbed areas consisted of the cultivation areas, soils/amendment piles, unstable road segments, and a processing area as shown on the Disturbed Area Map. For details on erosion prevention and sediment capture, see the Site Erosion and Sediment Control Plan.

# 4. Water Uses

Water for cannabis irrigation and domestic use will be sourced from the sites groundwater well. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found.

Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. Since the site sources water from a confined aquifer there are no forbearance restrictions. The estimated annual water use is summarized below.

Table 2: Annual water use on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Well	Cannabis	Apr. 1	Nov. 1		157,950

Water meters will be installed to monitor use. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water conservation methods such as watering method and timing will be employed to ensure water is applied at agronomic rates.

Table 3: Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Hard Tank	2,500	2	5,000
Hard Tank	1,000	1	1,000
Total			6,000

## 5. Fertilizers, Pesticides and Herbicides

### 5.1. Application, Storage and Disposal

All fertilizers, Pesticides, Herbicides and Rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, Pesticides, Herbicides and Rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in **separate** secondary containment. During the off season all chemicals will be stored in a locked building. **Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches.** Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below.

Table 2: Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Maxi Bloom	Fertilizer	5-15-14	TBD

Lion Heart	Insecticide	Acephate	TBD
Green Clean	Fertilizer	12-0-0	TBD

## 5.2. Spill Prevention and Clean Up

A spill cleanup kit will be located in the chemical storage area at all times where it can be easily accessed. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

## 6. Petroleum

### 6.1. Use, Storage, and Disposal

The discharger is in the process of installing solar panels as the primary power source for the operation. Generators are only used as a backup system and are not the primary power source. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building.

Table 3: Overview annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	TBD
Motor Oil	Petroleum	TBD

## 7. Cultivation Waste, Trash/Refuse and Domestic Wastewater

### 7.1. Trash/Refuse Overview

All trash will be kept and stored in lidded trash bins and removed on a weekly basis to an authorized landfill. Trash bins shall be located in stable locations and outside of riparian setbacks. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

### 7.2. Domestic Wastewater BPTC Measures

The site has an unpermitted septic system which will require a back permit. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

## 8. Winterization Measures

### 8.1. Summary

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning **November 1<sup>st</sup>** and concluding **April 1<sup>st</sup>**. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways.

One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers.

Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater.

## 9. Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For Moderate and High-Risk sites all three monitoring reports need to be completed. See "Site Erosion and Sediment Control Plan" for details on the Site Maintenance and Storm Water Runoff Monitoring.

Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following:

Facility Status, Site Maintenance, and Storm Water Runoff Monitoring

Name and contact information for the person responsible for operation, maintenance, and monitoring.

Reporting documents can be emailed to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov) or mailed to **5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403**.



Table 4: Facility status monitoring requirements.

<b>Monitoring Requirement</b>	<b>Description</b>
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as lbs./canopy acre/time (month or year) as described in Nitrogen Management Plan.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Legally Responsible Person \_\_\_\_\_ Date \_\_\_\_\_

# Timberland Conversion Evaluation Report

July 29, 2019

As mandated by:

Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j)



"Alternately, for existing operations occupying HUMBOLDT COUNTY, CA - ORDINANCE NO. 2559 Page 12 of 35 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 CALFIRE, 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. . . ."

## Contact Information

1. Timberland Owners(s): **Humboldt Gardens LLC**  
Phone: **(925) 595-0704**
2. Timber Owner(s): **Same as above**
3. Registered Professional Forester (preparing report): **Thomas Blair**  
RPF Number: **2607**  
Address: **Blair Forestry LLC**  
**PO Box 2517**  
**McKinleyville, CA 95519**  
Phone: **(707) 834-2990**

## Location of Project

Address: **2000 Block of Panther Gap Rd.**  
**Honeydew, CA 95545**

Legal Description: **Sections 27 and 34; T2S; R1E; HB&M; Humboldt County**

Assessor's Parcel Numbers (APNs): **107-233-010, 107-233-013, 107-234-013**

Parcel Sizes (Assessed): **APN 107-233-010 – 40 acres, APN 107-233-013 - 155 acres, APN 107-234-013 – 88.5 acres; Total Acreage = 283.5 acres**

Acres Converted: **Approximately 4.0 acres**



## Project Description

### Property and Timberland Conversion History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel maps and may vary geographically. Assessor's Parcel data in the GIS mapping program differed slightly geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2.

This conversion evaluation report will focus on unauthorized conversion activities from the last 11 years (since 2008).

There is no publicly accessible Timber Harvest Plan on record from Cal Fire for the subject APNs or any of the 7 Timberland Conversion Sites discussed in this report (See Timberland Conversion Overview Map for location of Conversion Sites #1 - #7). The current landowner purchased the parcels between the years of 2007 and 2008 (pers. comm. with landowner). Aerial imagery indicates that timberland conversion activities for cultivation appear to have started sometime prior to June 2009 on all 3 subject parcels and at all 7 conversion sites. Conversion Sites 1 and 7 appear to have been expanded on between June and September of 2010. Overall, the combined converted areas totaling approximately 4 acres took place in 2 steps between 2009 and 2010. One (1) of the seven (7) Conversion Sites (Conversion Site 6) is no longer planned to be used for cultivation.

See Table 1 below for a summation of conversion history on this parcel and the focus of this Timberland Conversion Evaluation.

**Table 1. Summary of Conversion History**

<b>Conversion Site ID</b>	<b>Acreage(s)</b>	<b>Associated APN</b>	<b>Date(s) of Completion</b>
Site #1	0.7	107-233-010	Prior to June 2009 and expanded on prior to September 2010
Site #2	0.4	107-233-013	Prior to June 2009
Site #3	0.5	107-233-013	Prior to June 2009
Site #4	0.5	107-233-013	Prior to June 2009
Site #5	0.4	107-233-013	Prior to June 2009
Site #6	0.6	107-233-013	Prior to June 2009
Site #7	0.9	107-234-013	Prior to June 2009 and expanded on prior to September 2010
<b>TOTAL CONVERSION AREA</b>	<b>4.0 acres</b>		

### Timber Stand Description

The property around the conversion areas is dominated by 40 to 60-year-old Douglas-fir with understory comprised of younger Douglas-fir, tanoak, live oak and madrone. The general region consists of a mosaic of forest and open meadow which was historically maintained by punctuated fire regimes. In more recent decades, fire suppression has resulted in conifer encroachment into areas that were historically meadow habitat or oak woodland. The timber stands around the conversion areas appear healthy with adequate conifer stocking in most areas and sub-optimal stocking in others where historically poor forest management practices have favored tanoak dominance.

The property is located within Humboldt County, which is in the Zone of Infestation for Sudden Oak Death (SOD). No symptoms or signs of SOD were observed during evaluation.

### **Project Description**

Unauthorized timberland conversion totaling approximately 4 acres occurred on the parcel between the years of 2009 and 2010 (See Timberland Conversion Evaluation General Location Map). As part of the commercial cannabis cultivation permitting process with the Humboldt County Planning Department and State agencies, the current landowners seek a Registered Professional Forester's (RPF's) recommendations as to remedial actions necessary, if any, to bring the conversion area into compliance with provisions of the Forest Practices Act, specifically 14 CCR 1104.1.

This Timberland Conversion Evaluation focused primarily on unauthorized timberland conversion activities associated with current and retired cannabis cultivation sites and inconsistencies with the requirements of the California Forest Practice Rules (CFPRs). Timberland conversion sites 1, 4, 5, 6 and 7 are generally associated with a ridgeline whereas Conversion Sites 2 and 3 are located on a west facing hillslope. The combined acreage of the seven (7) Conversion Sites inspected during this evaluation is greater than the Less Than 3-acre maximum Conversion Exemption allowed under 14 CCR 1104.1. Conversion Site 6 is no longer used for cultivation and could be remediated (abandoned and re-stocked)

Humboldt County has zoned these parcels **Timber Production Zone (TPZ)** which is defined as – established under the Timberlands Preservation Act (California Government Code Section 51113), a zoning district to designate and set standards in areas designated for growth, harvesting, and production of timber, timber products, and other compatible uses.

A field inspection of the property and conversion area was conducted on January 30, 2019 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

## **Analysis of Consistency Between Unauthorized Conversion and Applicable California Forest Practice Rules (CFPRs)**

### **Conversion Site, Timber Harvesting and Operations Descriptions**

*14 CCR 914.1 Felling Practices*

*14 CCR 914.2 Tractor Operations*

*14 CCR 914.7 Timber Operations, Winter Period*

Although no records of timber harvesting are available for the conversion area, operations presumably involved hand felling with chainsaws, tractor skidding and piling.

The Conversion Sites total approximately 4 acres combined and are all located in areas where logging has historically occurred. Trees felled included Douglas-fir, black oak, white oak and madrone. Although there are no records of a winter operation plan for the Conversion Areas, the current property owner claims all conversion activities involving timber harvesting and operations occurred during the dry times of the year when the ground was not saturated. There was no indication that conversion activities at this

site were in violation - operations appear to be consistent with the CFPRs concerning 14CCR 914.1, 914.2 and 914.7.

No recommendations are suggested regarding Timber Harvesting and Operations.

## **Roads, Soil Stabilization and Erosion Control**

*14 CCR Article 12 Logging Roads, Landings, and Logging Road Watercourse Crossings*  
*14 CCR 914.6 Waterbreaks*

Historic logging operations are responsible for most of the current road system within the subject parcels and roads associated with access to the timberland Conversion Sites. Roads that access timberland Conversion Sites throughout the property were inspected for consistency with 14 CCR 923.5 regarding erosion control for logging roads. There are approximately 2 miles of seasonal roads (Roads A, B and C) associated with access to Conversion Sites between the 3 parcels which were in operating condition during the winter site visit but did exhibit poor drainage in multiple areas. Soils in the area can be rocky and road placement on the topography is generally above major drainages. The road accessing Conversion Site 3 (Road C) may have been constructed or re-constructed. The property owner, with Green Roads Consulting, is in the process of conducting a detailed road assessment for all 3 parcels addressing road conditions, drainage and functionality (pers. comm. with property owner and Green Roads Consulting). Proposed mitigation measures should adhere minimally to all erosion control requirements in 14 CCR Article 12 (923.5 specifically).

Historic logging operations are also responsible for landing areas that have been expanded on (likely at Conversion Sites 2 and 5). Graded cultivation flats on timberland Conversion Sites were inspected for consistency with CFPRs 14 CCR 923.5 regarding erosion control for landings. Erosion control measures such as wattles, sandbags, tarps covering exposed soil and seeding and mulching were evident on graded flats throughout the property. The following Observation Points outlined below in **Table 2** were observed during the site visit to not meet the standards of 14 CCR Article 12 – Logging Roads, Landings and Logging Road Watercourse Crossings. Observation Point locations can be found on the Timberland Conversion Evaluation Maps 1-3.

**Table 2. RPF Recommendations Concerning Roads, Soil Stabilization and Erosion Control**

<b>Conversion Sites and/or Access Roads</b>	<b>Observation Point/ I.D.</b>	<b>Description</b>	<b>Recommendation</b>
<b>Conversion Site 1</b>	<b>Observation Point 1(a)</b>	Erosion and minor downcutting observed on graded area fillslope	Site has already been somewhat winterized with wattles and mulched but run-off is still concentrating in this area. Re - seed and mulch fillslope and add additional wattles. Monitor winter run-off and add additional erosion control measures as necessary including rock.
<b>Conversion Site 2 – Road A</b>	<b>Observation Point 2(a)</b>	During wet season cutbank seep runs north on Road B surface to graded area at Conversion Site 2	Install waterbar/rolling dip on Road B just north of cutbank seep and rock armor outlet and road surface.
<b>Conversion Site 5</b>	<b>Observation Point 5(a)</b>	Old skid trail through-cut into hill slope going northeast up ridgeline from graded flat. Incised channeling observed only at the very base where it meets Conversion Site 5	Rock armor incised channel 10 feet up from landing. Monitor - Although channeling was observed at base of skid road through-cut, no additional erosion hazard was observable on landing or adjacent roads beyond that point. Through-cut skid trail is re-vegetating and growing conifers. If site changes - access old skid road from above at northeast end and waterbar skid trail to decrease water concentration and install erosion control at base as needed.

## Watercourses and Water Resources

*14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."*

The 3 parcels contain unnamed Class II and Class III watercourses that all drain to Dry Creek, a tributary to the Mattole River.

The Conversion Sites are located along a ridgeline and western facing slope. Areas downslope from the timberland Conversion Sites were surveyed for the presence of Class I through Class IV waters and domestic water sources. No timber operations were conducted within Watercourse and Lake Protection Zone (WLPZ) buffers required by Humboldt County, the State of California or the California Forest Practice Rules. No watercourses or Water Resources were affected by conversion activities.

The conversion area appears to comply with 14 CCR 1104.1(a)(2)(F). No recommendation is suggested regarding Watercourses and Water Resources.

## Hazard Reduction

*14 CCR 1104.1(a)(2)(D)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."*

The conversion sites and the surrounding timber stand were walked and assessed for debris resulting from timberland conversion activities. Three (3) Hazard Reduction Sites were observed on Conversion Sites 3, 4 and 7 where debris, presumably resulting from nearby conversion activities, was stacked or accumulated. Generally, timber logs and slash debris resulting from conversion activities were stacked and piled somewhere along the edge of the associated conversion areas indicating that no timber was hauled off of the property. The timber stand surrounding the Conversion Areas was otherwise clean and free of excessive debris.

Recommendations for hazard reduction associated with timberland conversion activities is outlined in **Table 3** below. Locations of the Observation Points can be found on the Timberland Conversion Evaluation Maps 1-3.

**Table 3. Recommendations Actions Concerning Hazard Reduction**

Conversion Site	Observation Point	Description	Recommendation
Conversion Site 3	3(a)	Slash pile and woody debris resulting from timberland conversion activities along edge of Conversion Site at mapped location	Cut sawlogs to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1). Obtain proper county burn permits and burn remaining slash during rainy period.
Conversion Site 4	4(a)	Slash pile and woody debris resulting from timberland conversion activities along edge of Conversion Site below fillslope at mapped location	Cut sawlogs to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1). Obtain proper county burn permits and burn remaining slash during rainy period.
Conversion Site 7	7(a)	Slash pile and woody debris resulting from timberland conversion activities below fillslope	None – debris not accessible by CAT without creating potential erosion hazard.

## Biological Resources

*14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895. 1"*

A query of the California Natural Diversity Database (CNDDB) on July 26, 2019 showed no observations of sensitive, rare, threatened, or endangered species (RTES) or species of special concern (SSC) within the general area or adjacent to any of the seven (7) Conversion Sites. This does not imply that RTES or SSC were not currently, or historically, present in this area or that conversion activities did not

negatively affect these species. Without survey data for the presence of these species prior to timberland conversion activities, or a biological assessment investigating the current likelihood of the presence of RTES and SSC, it is impossible to know if conversion activities - specifically tree removal - negatively affected them.

Less Than 3 Acre Conversion Exemptions under 14 CCR 1104.1 are generally exempt from biological surveys but require that disturbance to any known or discovered sensitive, rare, threatened, or endangered species (RTES) or species of special concern (SSC) be avoided. There were no observations of RTES or SSC within or adjacent to the Conversion Area.

The Conversion Sites do not appear to conflict with 14 CCR 1104.1 (2)(H). No recommendation is suggested regarding biological resources.

## Cultural Resources

*14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."*

This area is thought to have been settled by the native Athapaskan language speaking group known as the Lolankok Sinkyone near the interface with the Mattole tribal territory. Multiple Conversion Sites are located on a prevailing ridgeline that runs north through the parcels up from the Dry Creek drainage toward Panther Gap. It is likely that this ridgeline was used for travel into and out of the Mattole River Basin. Conversion Sites along the ridgeline were inspected for archaeological artifacts during the site visit. No artifacts were observed.

All relative Native American entities have been notified of the timberland conversion activities. No recommendation is suggested regarding cultural resources.

## Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized conversion activities did not entirely meet the standards set forth in the CFPRs and requires the following mitigation recommendations:

- 1. Roads, Soil Stabilization and Erosion Control**
  - Address items in **Table 2** above and shown on the Conversion Evaluation Maps at the end of this report.
- 2. Hazard Reduction**
  - Address items in **Table 3** above and shown on the Conversion Evaluation Map at the end of this report.

## Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks and general location of property boundary.

Conversion Evaluation Overview Map: Shows 3 subject parcels, timberland conversion sites and location of roads.

Timberland Conversion Evaluation Maps (1-3): Location of timber conversion operations, Boundary of the conversion area, location and classification of watercourses, Observation Sites and roads.

California Natural Diversity Database (CNDDB) Project Location Map: Location of timber conversion in relation to biological resources.

## **Resources**

California Forest Practice Rules 2019. Sacramento: CAL FIRE, 2019. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDB>. Version 5.77.14. Accessed July 26, 2019.

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 21 May 2019].

Forest Practice Watershed Mapper v2. CAL FIRE. Web. [http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/). Accessed July 8, 2019.

Handbook of North American Indians: volume 8 – California, Robert Heizer - 1978

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed January 15, 2019 and July 26, 2019.

Google Earth Pro



## PHOTOS



Photo 1. Observation Point 5(a). Downcutting at the base of historic through-cut skid trail where it meets cutbank at Conversion Site 5.



Photo 3. Observation Point 3(a) at Conversion Site 3 – Hazard Reduction.



Photo 2. Erosion control measures at Conversion Site 5.







Photo 4. Observation Point 3(a) at Conversion Site 3 – Hazard Reduction.



Photo 5. Conversion Site 3 – Erosion control structures surround site.



Photo 6. Observation Point 2(a) – looking south, cutbank seep on and water running north toward Conversion Site 2.



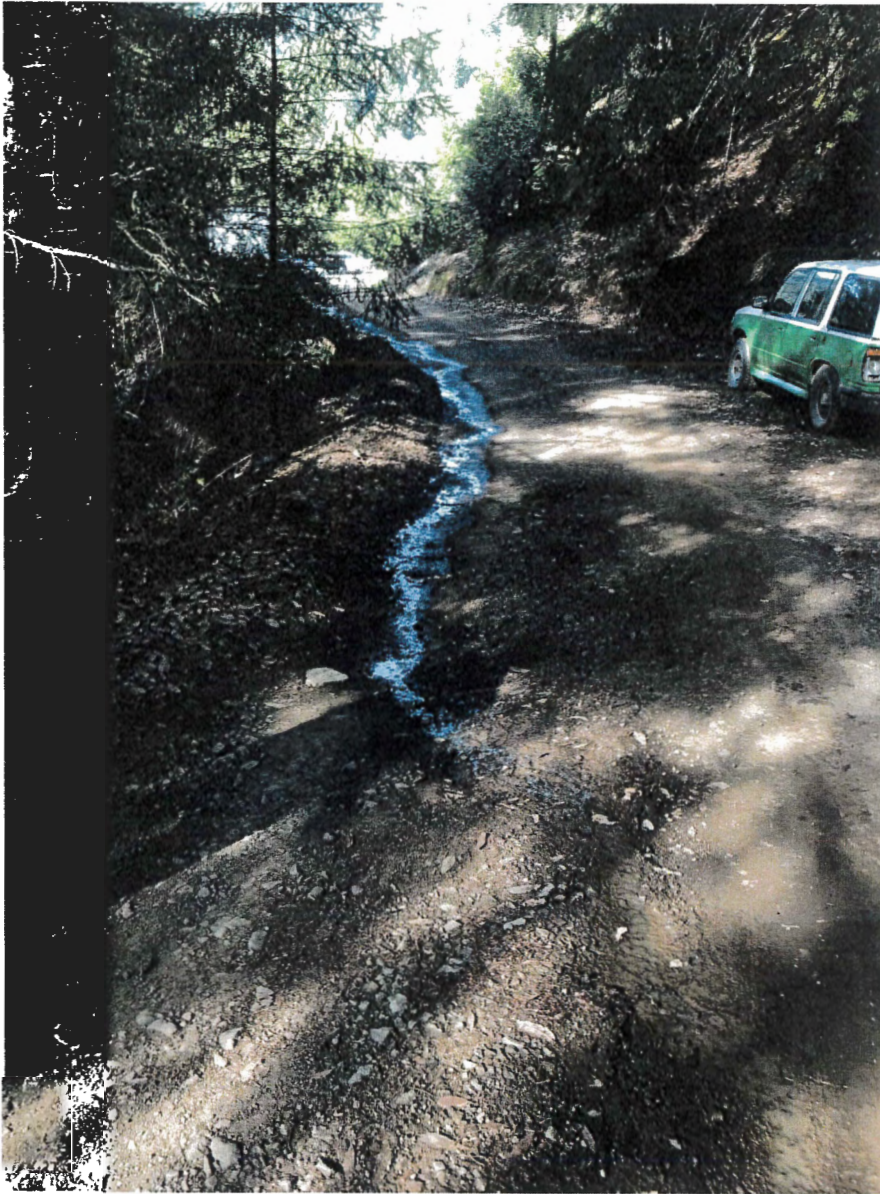


Photo 7. Observation Point 2(a) – looking north, water from cutbank seep running north toward Conversion Site 2.



Photo 9. Observation Point 4(a). Hazard reduction at Conversion Site 4.



Photo 8. Observation Point 7(a) – Hazard reduction at Conversion Site 7 difficult to reach without soil disturbance.



Photo 10. Observation Point 1(a) – Fillslope erosion point.





# Humboldt Gardens LLC

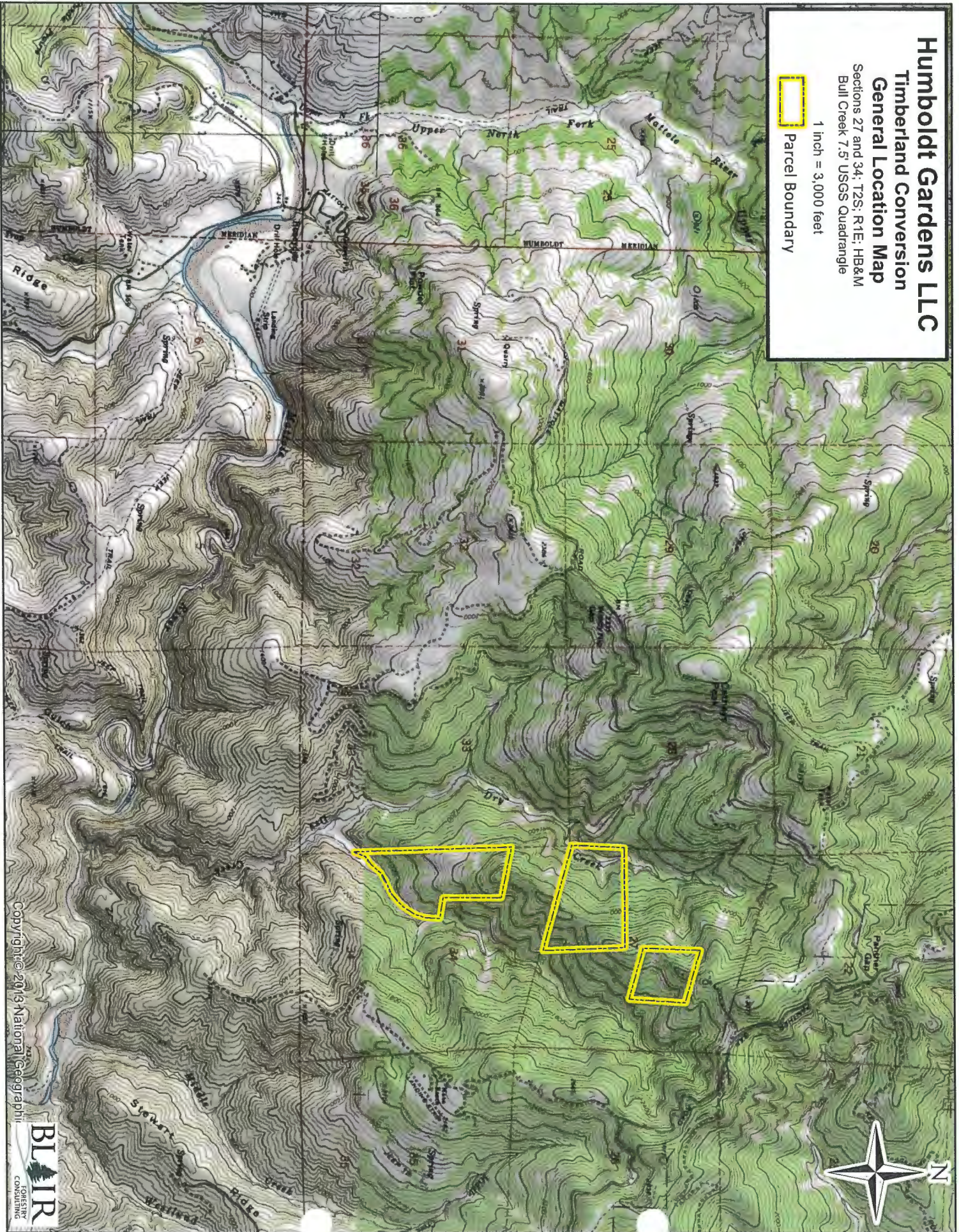
## Timberland Conversion General Location Map

Sections 27 and 34; T2S; R1E; HB&M  
Bull Creek 7.5' USGS Quadrangle

1 inch = 3,000 feet



Parcel Boundary



Copyright © 2013 National Geographic






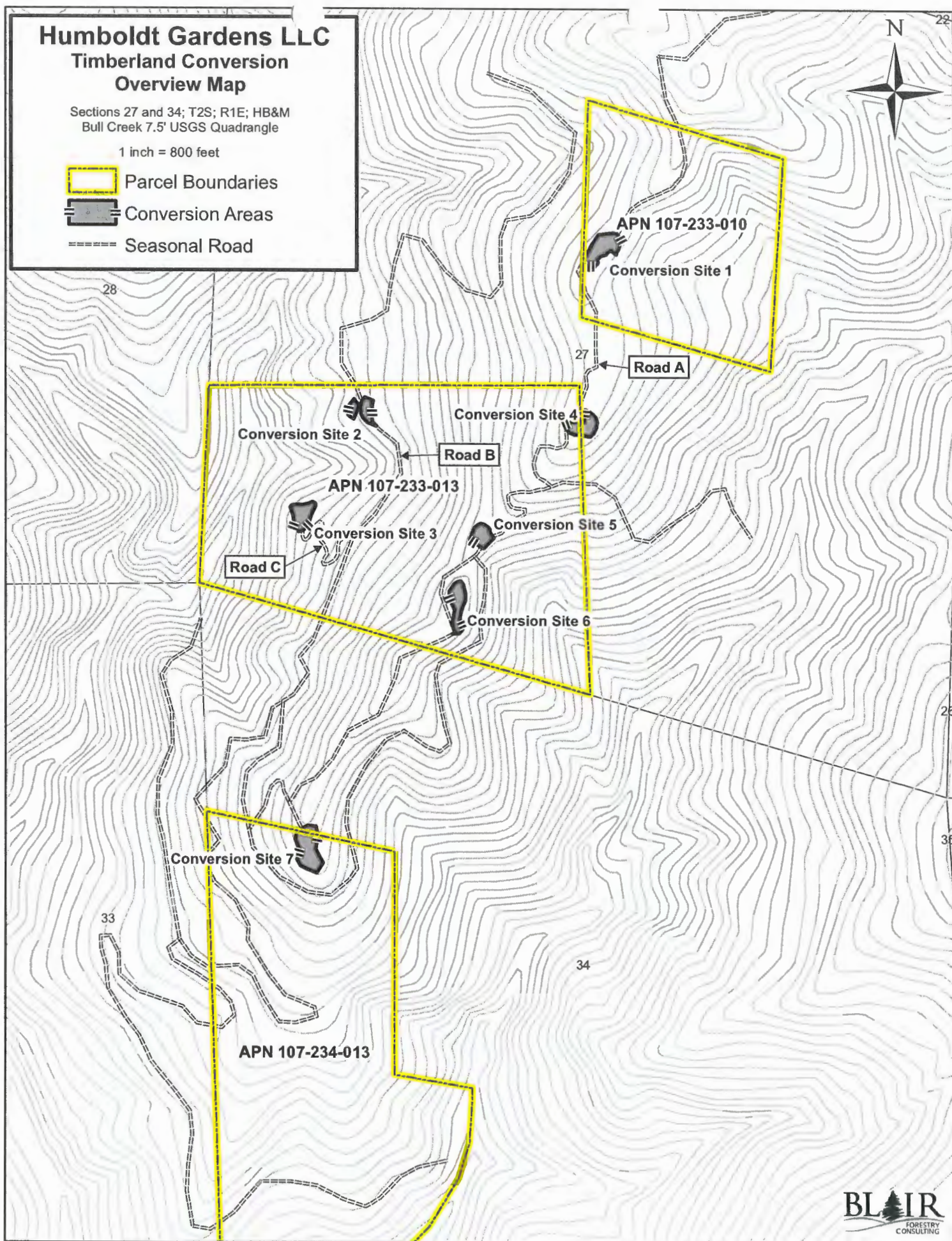


# Humboldt Gardens LLC Timberland Conversion Overview Map

Sections 27 and 34; T2S; R1E; HB&M  
Bull Creek 7.5' USGS Quadrangle

1 inch = 800 feet

-  Parcel Boundaries
-  Conversion Areas
-  Seasonal Road





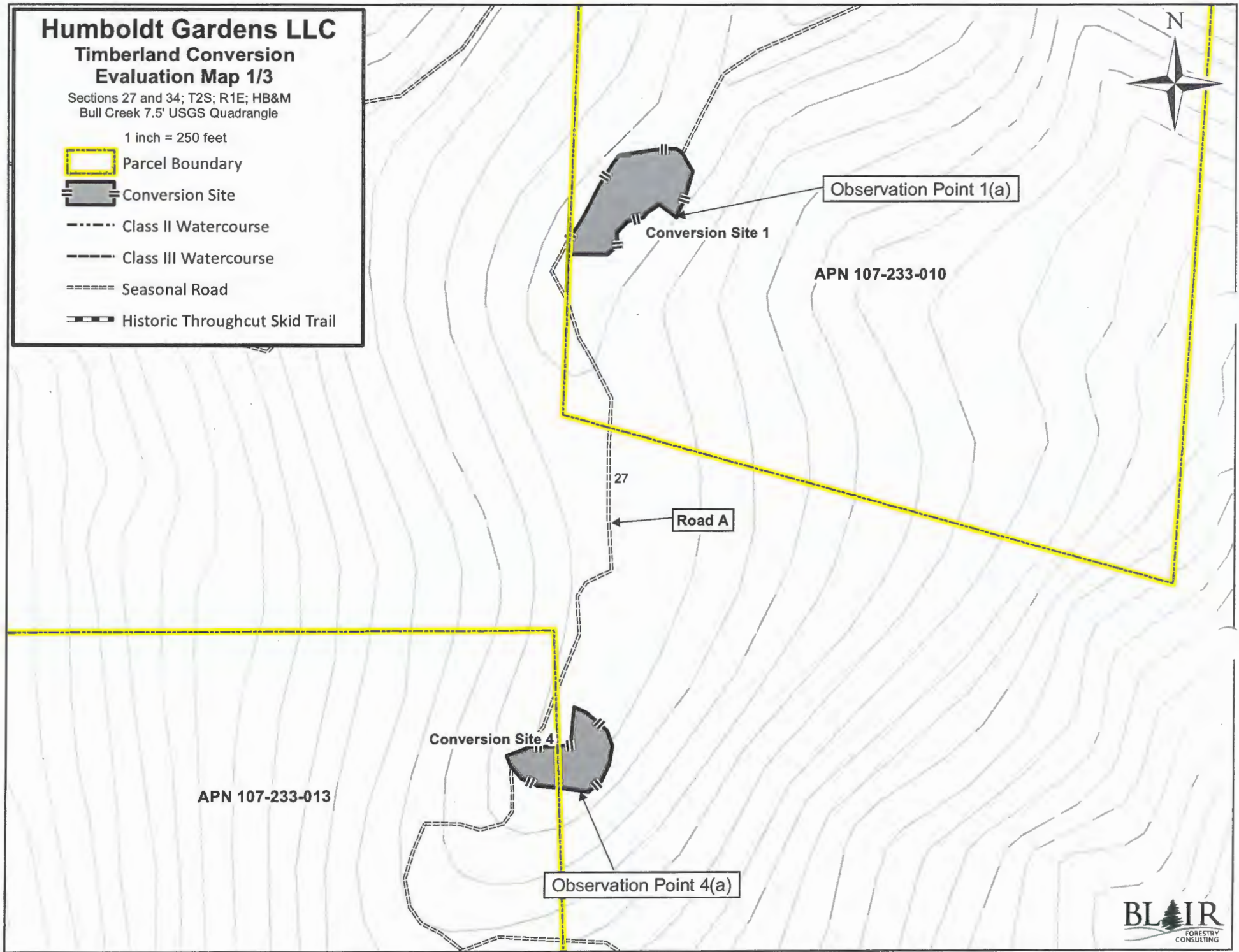
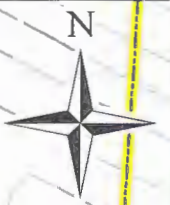


# Humboldt Gardens LLC Timberland Conversion Evaluation Map 1/3

Sections 27 and 34; T2S; R1E; HB&M  
Bull Creek 7.5' USGS Quadrangle

1 inch = 250 feet




-  Parcel Boundary
-  Conversion Site
-  Class II Watercourse
-  Class III Watercourse
-  Seasonal Road
-  Historic Throughcut Skid Trail

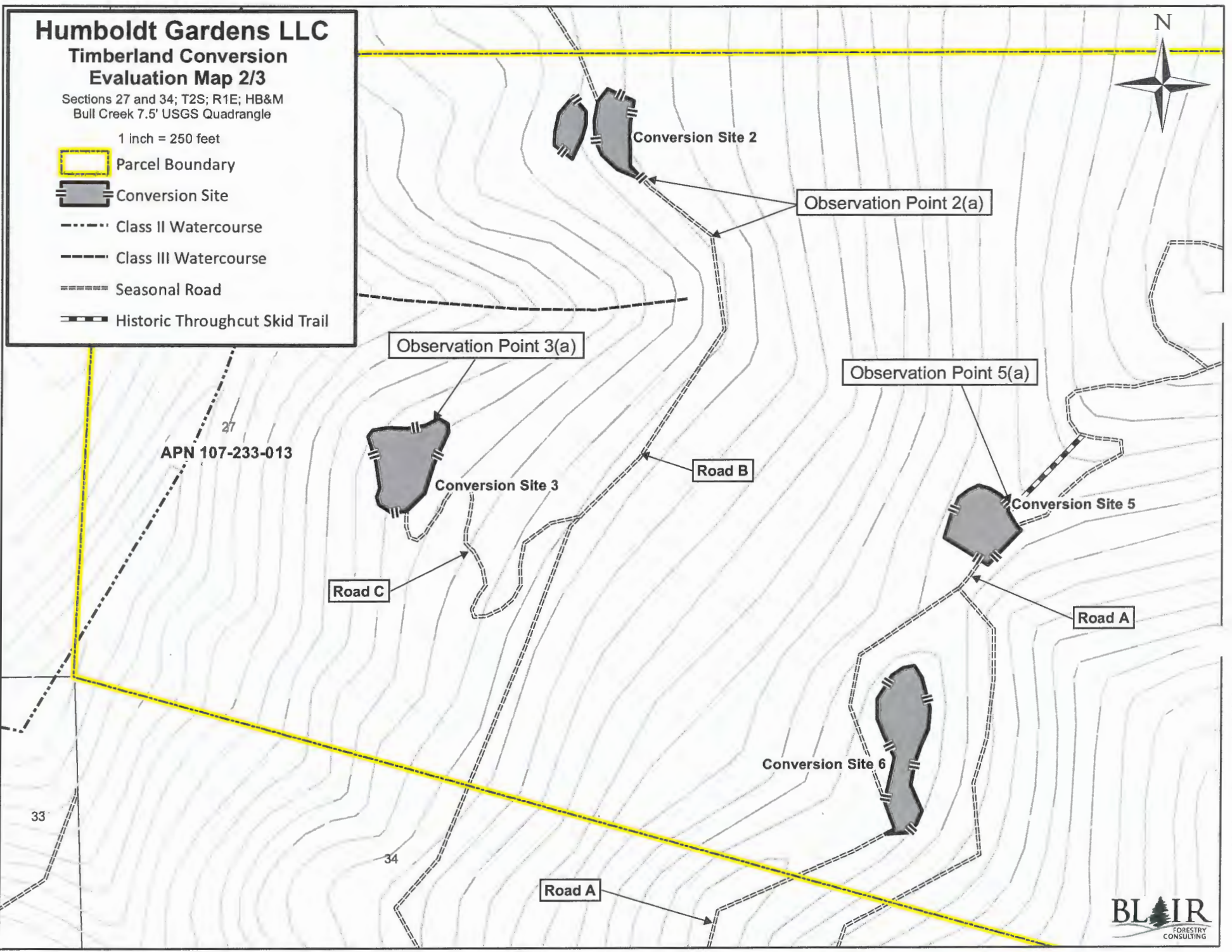
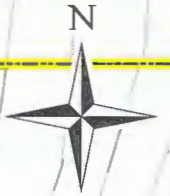


# Humboldt Gardens LLC Timberland Conversion Evaluation Map 2/3

Sections 27 and 34; T2S; R1E; HB&M  
Bull Creek 7.5' USGS Quadrangle

1 inch = 250 feet

-  Parcel Boundary
-  Conversion Site
-  Class II Watercourse
-  Class III Watercourse
-  Seasonal Road
-  Historic Throughcut Skid Trail





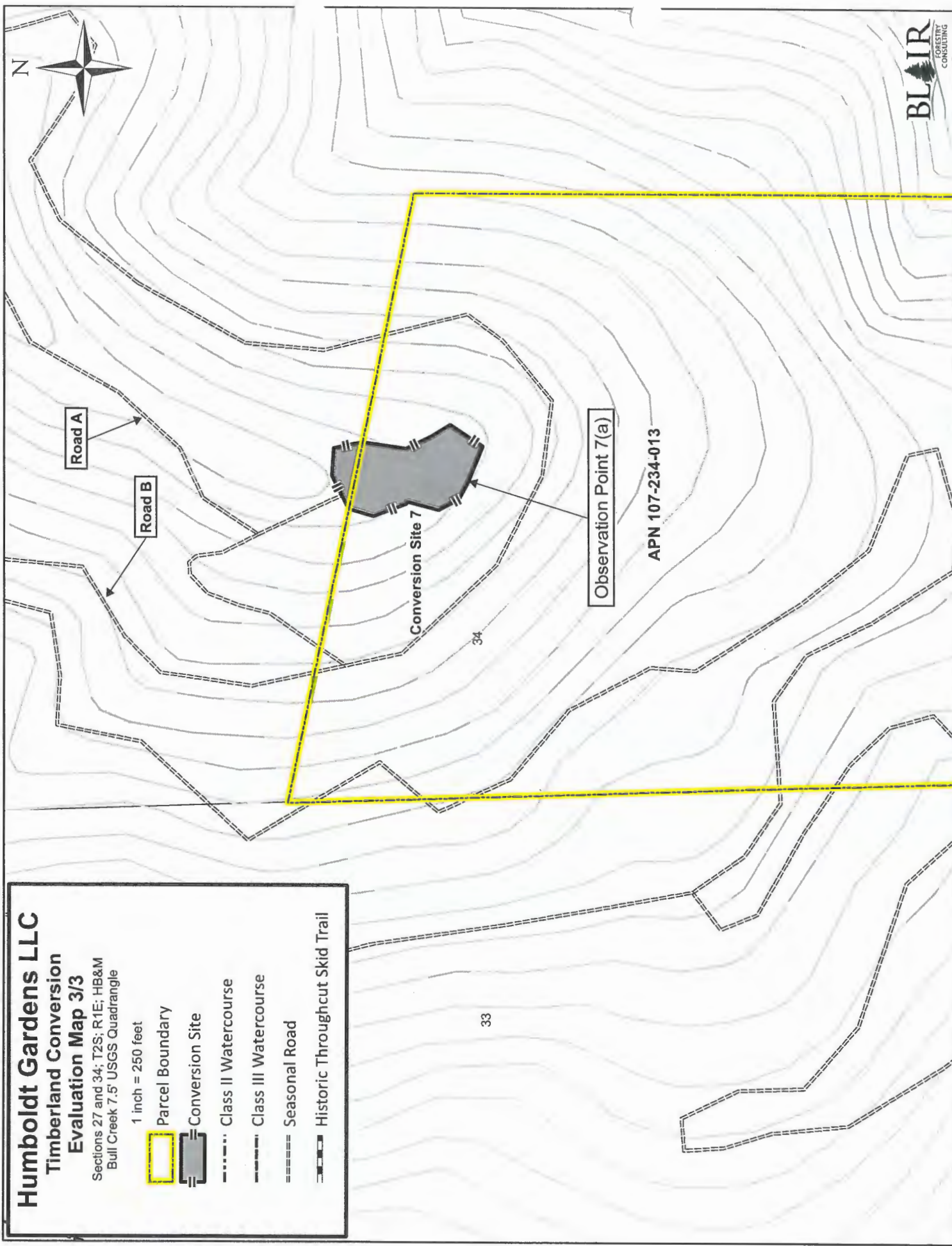
# Humboldt Gardens LLC

## Timberland Conversion Evaluation Map 3/3

Sections 27 and 34; T2S; R1E; HB&M  
Bull Creek 7.5' USGS Quadrangle

1 inch = 250 feet









-  Parcel Boundary
-  Conversion Site
-  Class II Watercourse
-  Class III Watercourse
-  Seasonal Road
-  Historic Throughcut Skid Trail

















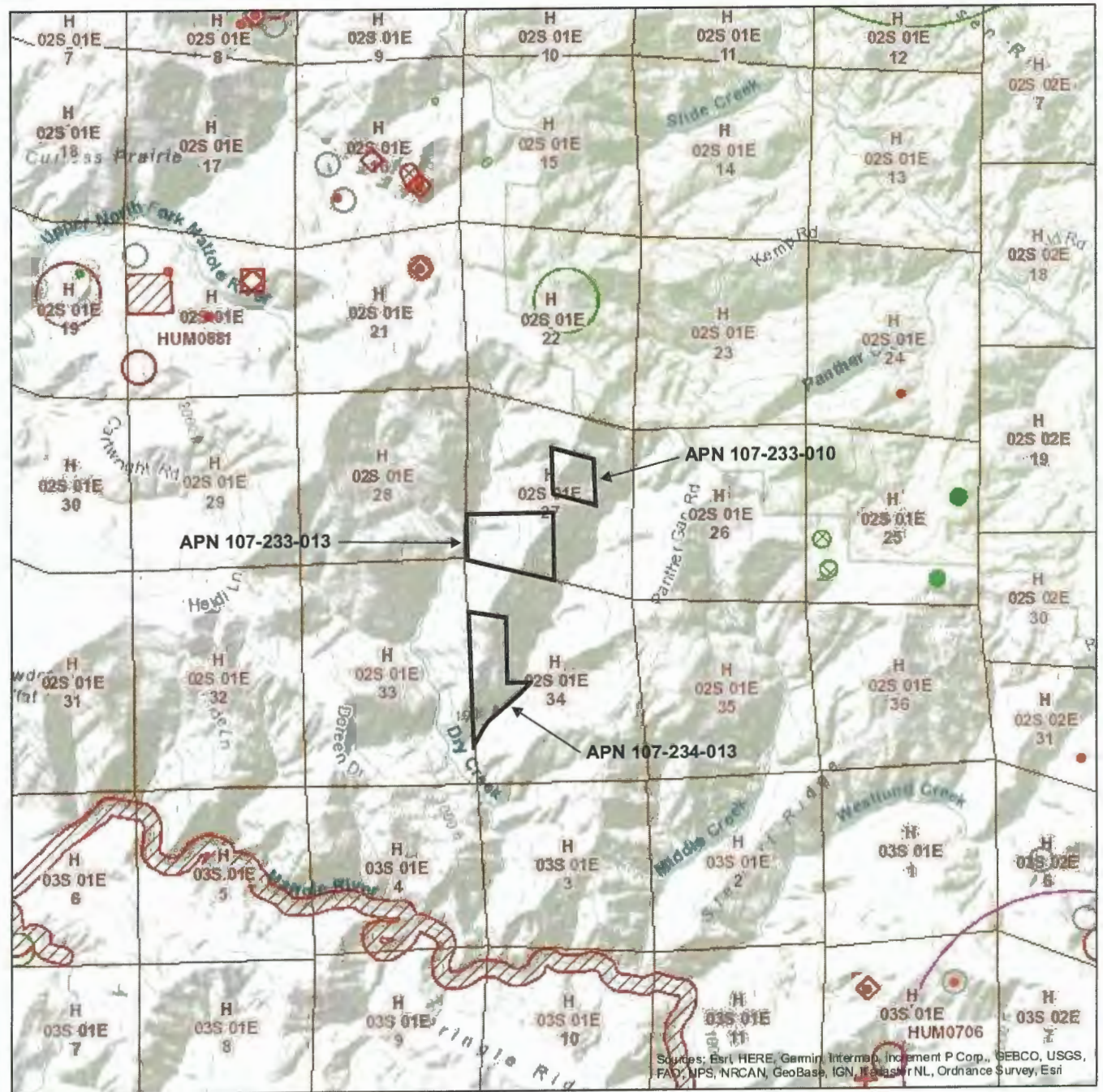


## Spotted Owl Observations [ds704]

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

**California Natural Diversity  
Database (CNDDB) Commercial  
[ds85]**

- 
-  Plant (80m)  
 Plant (specific)  
 Plant (non-specific)  
 Plant (circular)  
 Animal (80m)  
 Animal (specific)  
 Animal (non-specific)  
 Animal (circular)  
 Terrestrial Comm. (80m)  
 Terrestrial Comm. (specific)  
 Terrestrial Comm. (non-specific) 1:72,224  
 Terrestrial Comm. (circular)
- 0 0.5 1 2 mi  
 0 1 2 4 km  
 July 26, 2019



Author: guest  
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## 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
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Conditional Approval	Attached
California Department of Fish & Wildlife		No Response	
CAL FIRE	✓	RPF Report Recommended – Report sent on 02/18/2020. No additional comments received by 02/24/2020	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent discovery protocol	On file with Planning
CA State Parks	✓	No comments	Attached
Intertribal Sinkyone Wilderness Council		No Response	
Humboldt County Agricultural Commissioner		No Response	
State Water Resources Control Board- Department of Water Resources		No Response	
Honeydew Volunteer Fire Department		No Response	
Mattole Union Unified School District		No Response	
District Attorney		No Response	
Humboldt County Sheriff		No Response	



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

ON-LINE  
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
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ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493  
NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS 445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388  
LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Stephen Luther, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/13/2020

RE:

Applicant Name	HUMBOLDT GARDENS LLC
APN	107-233-010
APPS#	PLN-2019-15707

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"**

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 7/15/18. Since this time, the mentioned access road has been developed into a bypass road for Panther Gap Road and is being maintained by County.

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15706

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**

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

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

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

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

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

// END //

Task	Due Date	Assigned Date
Environmental Health	12/20/2019	12/05/2019
Assigned to Department	Assigned to	Status
Environmental Health	Ben Dolf	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Ben Dolf	12/10/2019
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Applicant must obtain a permit for the onsite wastewater treatment system serving the parcel, as stated in the Operations Plan
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	

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

- ☐ The Department has no comment at this time.
- ☐ Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of Items attached.
- ☒ Recommend denial.
- ☐ Other comments.

**Forester Comments:**      **Date:**       **Name:**

CAL FIRE RM can not support this project. It appears timberland conversion activities have occurred on this property with no permits. Please consult as RPF for a Timber Evaluation or contact CAL FIRE RM. APPS# 15707.

**Battalion Chief Comments:**      **Date:**       **Name:**

**Summary:**



## Luther, Stephen

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**From:** Luther, Stephen  
**Sent:** Thursday, February 20, 2020 10:41 AM  
**To:** Lucas.Titus@fire.ca.gov  
**Subject:** Referral Comments App 15707 APN 107-233-010  
**Attachments:** 15707\_ref\_CalFire.pdf; 15707 Timberland Conversion Evaluation Report 02.18.2020.pdf; 15707 Winterization Plan 07-16-19.pdf

Dear Lucas,

I'm following up on CALFIRE's referral comment on this project for 9,400 square feet of outdoor cultivation. The applicant provided the attached Timber Conversion Evaluation Report for the 0.7 acres of unauthorized conversion on the subject parcel. The only recommendation for this particular landing was to monitor winter run-off and install additional erosion control measures. The applicant has implemented the measures of the attached winterization plan. A condition of approval requires annual monitoring report documenting implementation of the erosion control measures. Please let me know if CALFIRE can support the project as conditioned, or if you have any other comments.

Thank you,



Stephen Luther  
Planner, Cannabis Division  
Planning and Building Department  
707.268.3737

## Luther, Stephen

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**From:** Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>  
**Sent:** Thursday, February 20, 2020 3:21 PM  
**To:** Luther, Stephen  
**Subject:** RE: Public Hearing Notice 3-5-20

Hello Stephen,

I had the opportunity to skim through and see that this one is not requesting a reduction in the 600-foot setback, so I suspect Parks won't have comments. However, I did send the staff report to our resource specialists and requested comments, if any, by early next week. I will send a follow up email next week when we have concluded review. Thanks for the opportunity to comment,

Shannon Dempsey  
North Coast Redwoods District  
CA State Parks  
707.445.5344 office  
707.498.8478 mobile

-----Original Message-----

**From:** Luther, Stephen <SLuther@co.humboldt.ca.us>  
**Sent:** Thursday, February 20, 2020 11:20 AM  
**To:** Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>  
**Subject:** RE: Public Hearing Notice 3-5-20

Hi Shannon,

Thank you for reaching out. Attached is the Staff Report for the project. The site meets all the performance standards for the Commercial Cannabis Land Use Ordinance. No lights or generators are used, and all power will be solar. The access road is the County-maintained Green Gate Road that is serving as a bypass for Panther Gap Road. The water source is a groundwater well and the site is setback more than 150 feet from the Class III watercourse on the property. A condition of approval requires a 2-year monitoring period to evaluate the effectiveness of runoff control measures.

Please let me know as soon as you are able to if CA State Parks has comments.

Thank you,

Stephen Luther  
Planner, Cannabis Division  
Planning and Building Department  
707.268.3737

-----Original Message-----

**From:** Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>  
**Sent:** Wednesday, February 19, 2020 4:04 PM  
**To:** Luther, Stephen <SLuther@co.humboldt.ca.us>  
**Cc:** Yandell, Rodney <RYandell@co.humboldt.ca.us>

Subject: FW: Public Hearing Notice 3-5-20

Good Afternoon, Stephen.

State Parks received a referral notice for this project via Accela on 2/4/2020, and has not had the opportunity to review or respond. Typically, we have been given the opportunity to review the staff report and provide any comments or conditions prior to the permit going to public hearing. This one may have slipped through the cracks, but I was only able to forward the project information out to our resources staff just this afternoon before seeing this notice. State Parks would like to request additional time to review, and a copy of the staff report when available.

Thank you,

Shannon Dempsey  
North Coast Redwoods District  
CA State Parks  
707.445.5344 office  
707.498.8478 mobile

-----Original Message-----

From: helpdesk@parks.ca.gov <helpdesk@parks.ca.gov>

Sent: Wednesday, February 19, 2020 8:27 AM

To: Harris, Jay@Parks <Jay.Harris@parks.ca.gov>; Transou, Amber@Parks <Amber.Transou@parks.ca.gov>; Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>

Subject: Public Hearing Notice 3-5-20

Reply to: SHARP MX-6070V <helpdesk@parks.ca.gov> Device Name: E3665 Device Model: MX-6070V

Location: E3665

File Format: PDF MH(G3)

Resolution: 400dpi x 400dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

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