



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

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Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: June 18, 2020

To: Humboldt County Planning Commission

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

Subject: **Amarok Ventures, LLC, Conditional Use Permit and Special Permits**  
Record Number: PLN-11021-CUP  
Assessor's Parcel Numbers: 221-021-023 and 221-021-037  
Section 4 of Township 03 South, Range 02 East, Humboldt Base & Meridian,  
Salmon Creek area

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 18, 2020	Conditional Use Permit and Special Permits	Meghan Ryan

**Project Description:** A Conditional Use Permit to allow for the continuation of 18,600 square feet of existing cultivation, consisting of an 10,320-square-foot outdoor and an 8,280-square-foot mixed light cultivation areas. There will be one 1,860-square-foot greenhouse for propagation. The applicant relocated of 4,860 square feet of outdoor cultivation to a more environmentally suitable location. The outdoor cultivation would have one cultivation cycle annually. The mixed-light cultivation would have 4 cultivation cycles annually. Annual water usage is 423,606 gallons. Water for irrigation is provided from a 700,000-gallon on-stream pond located on the subject parcel. The total capacity of water storage is approximately 722,950 gallons, including the on-stream pond and 22,950 gallons in hard-sided tanks. The project also includes processing within 7 structures, including an existing cabin, processing facility and 5 shipping containers. Three employees are required during peak operations. Power would be supplied by three generators. The project includes a Special Permit to allow the relaxation of the required setback from Public Lands and for restoration of a historic cultivation located within a Streamside Management Area.

**Project Location:** The project is located in Humboldt County, in the Salmon Creek area, on the east side of Thomas Road, approximately 1.59 miles north of the intersection of Dickson Butte and Thomas Road and approximately 0.14 miles east of the intersection of Thomas Road and a Private Driveway, on the property know to be in Section 4 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

**Present Plan Land Use Designation:** Residential Agriculture (RA40), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3).

**Present Zoning:** Unclassified (U).

**Case Number:** PLN-11021-CUP

**Application Number:** 11021

**Assessor's Parcel Numbers:** 221-021-023 and 221-021-027

**Applicant**

Amarok Ventures, LLC  
Attn.: Mike Osborn  
1106 2<sup>nd</sup> Street  
Encinitas, CA 92024

**Owner**

Same as Applicant

**Agent**

Same as Applicant

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

**Major Issue:** None.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

**Amarok Ventures, LLC**  
Record Number: PLN-11021-CUP  
Assessor's Parcel Numbers (APN): 221-021-023 and 221-021-027

**Recommended Planning Commission Action:**

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

*Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and approve the proposed Amarok Ventures, LLC, project subject to the recommended conditions.*

**Executive Summary:** Amarok Ventures, LLC, seeks approval of a Conditional Use Permit for an existing outdoor and mixed light commercial medical cannabis cultivation operation located on Assessor's Parcel Numbers (APN) 221-021-023 and 221-021-027, which is approximately 44 acres in size total. All cultivation occurs on APN 221-021-023. The project consists of 10,320 square feet of outdoor and 8,280 square feet of existing mixed light cannabis cultivation. Review of TerraServer aerial imagery from 2015 confirms the prior existence of cannabis cultivation areas and their respective sizes. The subject parcel is currently developed with a cabin, shop, cargo containers and greenhouses. Domestic water is provided by a diversion and power is provided by generators. All petroleum is stored in a 300-gallon containment tank. Gas is stored in five (5) 5-gallon gasoline cans in the existing processing building. One (1) 200-gallon propane tank currently services the existing cabin. The applicant is proposing to add two (2) 1,000-gallon diesel fuel storage tanks near the existing processing facility. The applicant is proposing to build a fuel depot in the southwestern portion of the site, adjacent to the access road to house all fuel storage for the project.

Historically, outdoor cultivation occurred in four (4) cultivation areas (shown on site plan as CA#1-4). The following table describes each cultivation area:

Cultivation Area	Size (in SF)	Cultivation Technique	Greenhouses	Number of Harvests
CA 1	1,296	Light deprivation	(1) – 1,296 sf	1 (September or October)
CA 2	4,164	Full-sun outdoor		1 (September or October)
CA 3	4,860	Full-sun outdoor to be relocated from CA 3 near CA 1 and CA 2		1 (September or October)
CA4	8,280	Mixed Light	(3) – 2,160 sf (1) – 1,800 sf	4 (May, August, November, February)

The applicant is proposing two phases for cultivation to allow for development of the site to occur in stages. Phase 1 includes the following: 11,103 sf of outdoor cultivation, which is more than the outdoor amount in the IP, however, it appears there is a reduction in mixed light cultivation area; Mixed light cultivation area will be 5,421 sf, noting that the IP is for 8,280 sf, therefore, this is a reduction of 2,859 sf, of which 783 sf will be converted to outdoor during Phase 1); and there will be propagation of 1,182 sf in greenhouse/hoophouse. Phase 2 includes the following: 10,320 sf in three distinct areas consisting of: 2 full sun areas and one 1,296 sf greenhouse; the Mixed light cultivation area will be 8,280 sf in four greenhouses; and 578 sf of propagation in a proposed structure. One additional greenhouse for mixed light cultivation is proposed. Phase 2 will consist of reorganization of full sun and mixed light cultivation areas within previously disturbed areas in the central location of the parcel. The phases are shown on the site maps attached to staff report.

The applicant relocated 4,860 SF of outdoor cultivation area that was within a Streamside Management Area (SMA in the northwestern portion of the property) to a more environmentally suitable location outside of the SMA setback. The applicant would remove the cultivation and all cultivation related structures from the SMA and reseed the area with native grass species to help restore the site as described by a letter regarding relocation prepared by Timberland Resource Consultants dated November 19, 2019 (see Attachment 4). The applicant would remove the cultivation and all cultivation related structures from the SMA and reseed the area with native grass species to help restore the site.

The project also includes on-site processing within three proposed structures and five existing storage containers as shown on the site plan. Planning staff is not supportive of construction of three new structures for propagation and processing within the 600-foot setback in order to limit the activity in this area to only the existing conditions (see further discussion below). Staff recommends trimming and other processing be conducted off-site to limit new activities in the BLM setbacks. Phase 2 will consist of reorganization of full sun and mixed light cultivation areas within previously disturbed areas in the central location of the parcel. During the peak harvest and processing season, there will be a total of three employees onsite. Portable toilets will be provided onsite for the use of the employees. The Humboldt County Division of Environmental Health (DEH) requires as a condition of approval that an invoice, or equivalent documentation be provided to confirm the continual use of the portable toilets to serve the needs of the cultivation staff prior to reissuance of the annual permit. Additionally, DEH requires the applicant to provide an acceptable site suitability report that can establish potential for an Onsite Wastewater Treatment System (OWTS), and the installation of a OWTS to serve the onsite processing facility proposed for construction beyond the two-year compliance period. There is an unpermitted OWTS serving the residence.

Water for irrigation is sourced from an on-stream pond with an approximate capacity of 700,000 gallons. The pond was developed prior to 2005. There is an additional 22,950 gallons of storage onsite within eleven hard-sided tanks. The annual water need for irrigation is 550,000 gallons (approximately 12.66 gallons/sf/cycle). The applicant has received a *Right to Divert and Use Water* from the State Water Resources Control Board (SWRCB), which allows 1.30 acre-feet (or 423,606 gallons) of water to be diverted from the on-stream pond annually. The balance of the water required for irrigation is rain that is caught in pond (126,394 gallons). Conditions of approval require the applicant to meter the water diverted into the pond and meter water withdrawn from the pond to demonstrate the applicant is not exceeding the water than can be diverted pursuant to the *Right to Use and Divert Water*. As a condition of approval, the applicant would also be required to apply for and obtain a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) to divert water from the on-stream reservoir and any improvements that may be required, such as design and installation of a pond outflow and bullfrog management plan.



According to the California Natural Diversity Database (CNDDDB), there are no mapped Special Status species on the subject parcel. The nearest Northern Spotted Owl (NSO) sighting is located approximately 1.27 miles to the southwest of the project site while the nearest NSO activity center is located 1.41 miles to the west. The nearest mapped Marbled murrelet habitat is located approximately 0.6 miles to the west of the project site. The proposed project would utilize gasoline and diesel generators for the artificial lighting used in the mixed-light greenhouses. The applicant proposed to contain the generators in one of the five cargo containers on-site. The containment of the generators within structure would muffle the generated sound to less than 50 decibels from the generator. Staff incorporated conditions that requires supplemental lighting used for cultivation or in the appurtenant nursery must be Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used.

The applicant submitted an *Evaluation of Potential Timberland Conversion* prepared by Timberland Resource Consultants dated December 11, 2019 (see Attachment 4). This evaluation found that a total of 0.15 acres of unauthorized timberland conversion occurred on-site. This total does not exceed the three-acre conversion exemption maximum, and complies with the standards set forth on the California Forest Practice Act and California Forest Practice Rules. The Registered Professional Forester (RPF) had no recommendations as there are no violations to rectify on-site. The project was referred to CAL FIRE on August 17, 2017. Comments received from CAL FIRE indicate a timber conversion had occurred and CAL FIRE did not support this project. Staff sent CAL FIRE a referral on April 13, 2020, with a copy of the *Evaluation of Potential Timberland Conversion* prepared by Timberland Resource Consultants dated December 11, 2019. No response was received.

On July 12, 2018, CDFW staff conducted a site visit at the subject parcel. CDFW staff noted in their memo that several oak trees were removed from the site and provided photographic evidence. As recommended by CDFW, conditions of approval require the applicant to submit an oak mitigation plan prepared by a Registered Professional Forester (RPF) that describes the number of oak trees that were removed and includes a mitigation plan for replanting oak trees that accounts for temporal loss in addition to the number of trees that were cut, at minimum of 7:1 replacement. The oak mitigation plan shall also include a map showing where the oaks were removed and where they will be replanted and shall include a monitoring and reporting plan. As an additional condition of approval related to continued maintenance of the 700,000-gallon pond, a bullfrog management plan will be prepared and submitted to the CDFW. The applicant has an approved Streambed Alteration Agreement from CDFW for use of the pond for irrigation and replacement or repair of seven stream crossings (see Attachment 5).

The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the west of the project site. The westernmost greenhouse is located approximately 365 feet east of the BLM parcel. The adjacent public lands fall within an area of "Essential Habitat Connectivity" and there is close proximity to Northern Spotted Owl (NSO) habitat. The corridors connect blocks of relatively undisturbed lands and are designed to improve ecological processes and reduce wildlife threats. BLM staff provided comments on May 7, 2020 (see Attachment 5). Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise). Staff indicated that conditions of approval for an adjacent project were also included with the proposed project, including prohibition of use of rodenticides. Planning staff made BLM staff aware that during a phone

conversation regarding the access with the applicant on April 23, 2020, we discussed the necessity to cross federal lands and was made aware of the concerns/possible issues that may arise.

Originally, the applicant was proposing a 1,800-square-foot propagation greenhouse in the northwest portion of the parcel approximately 88 feet from the BLM parcel, however, staff notified the applicant the Planning Department did not support the construction of the greenhouse and the applicant revised the project. The applicant then revised the project to remove the 1,800-square-foot greenhouse, however, there are four proposed structures within the 600-foot setback from the BLM parcel, including the following: three processing structures and one additional mixed light greenhouse. Planning staff is not supportive of construction of three new structures for propagation and processing within the 600-foot setback to limit the activity in this area to only the existing conditions. Phase 2 will consist of reorganization of full sun and mixed light cultivation areas within previously disturbed areas in the central location of the parcel. The phases are shown on the site maps attached to staff report. The construction of the new greenhouse will be located further away from the BLM setback than the existing greenhouses, therefore, staff supports the reorganization of the full sun and mixed light cultivation areas. Planning staff replied to the BLM staff with a response to their comments and inquired if there were any additional comments. No additional comments were received. Staff believes that the project will not adversely impact connectivity of habitat as approximately one-half acre (1.25%) of the 40-acre parcel is developed and conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise. Any violations of these conditions would result in potential revocation of the permit.

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

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

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Special Permit.

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

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record Number: PLN-11021-CUP  
Assessor's Parcel Numbers: 221-021-023 and 221-021-037**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Amarok Ventures, LLC, Conditional Use Permit and Special Permits request.**

**WHEREAS**, Amarok Ventures, LLC, submitted an application and evidence in support of approving a Conditional Use Permit to allow for the continuation of 18,600 square feet of existing cultivation, consisting of an 10,320-square-foot outdoor and an 8,280-square-foot mixed light cultivation areas. Annual water usage is 423,606 gallons. Water for irrigation is provided from a 700,000-gallon on-stream pond located on the subject parcel. The total capacity of water storage is approximately 722,950 gallons, including the on-stream pond and 22,950 gallons in hard-sided tanks. The project also includes processing within 5 conex structures for drying and storage and construction of one 900-square-foot mixed light greenhouse. Other processing, including trimming, will occur off-site. Three employees are required during peak operations. Power would be supplied by three generators. The project includes a Special Permit to allow the relaxation of the required setback from Public Lands to allow for existing cultivation area, water tanks, and greenhouses to remain and for restoration of a historic cultivation located within a Streamside Management Area; 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 CEQA lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration, and no new information of substantial importance that was not known and could not be known at the time was presented as described by Section 15162 (c) of the State CEQA Guideline; 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 Conditional Use Permit and Special Permits (Record Number: PLN-11021-CUP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 18, 2020.

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

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Record Number PLN-11021-CUP as recommended by Planning staff based on the submitted substantial evidence; and
3. The proposed new drying and processing buildings are not approved; and
4. The Conditional Use Permit and Special Permits Record Number PLN-11021-CUP are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 18, 2020.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

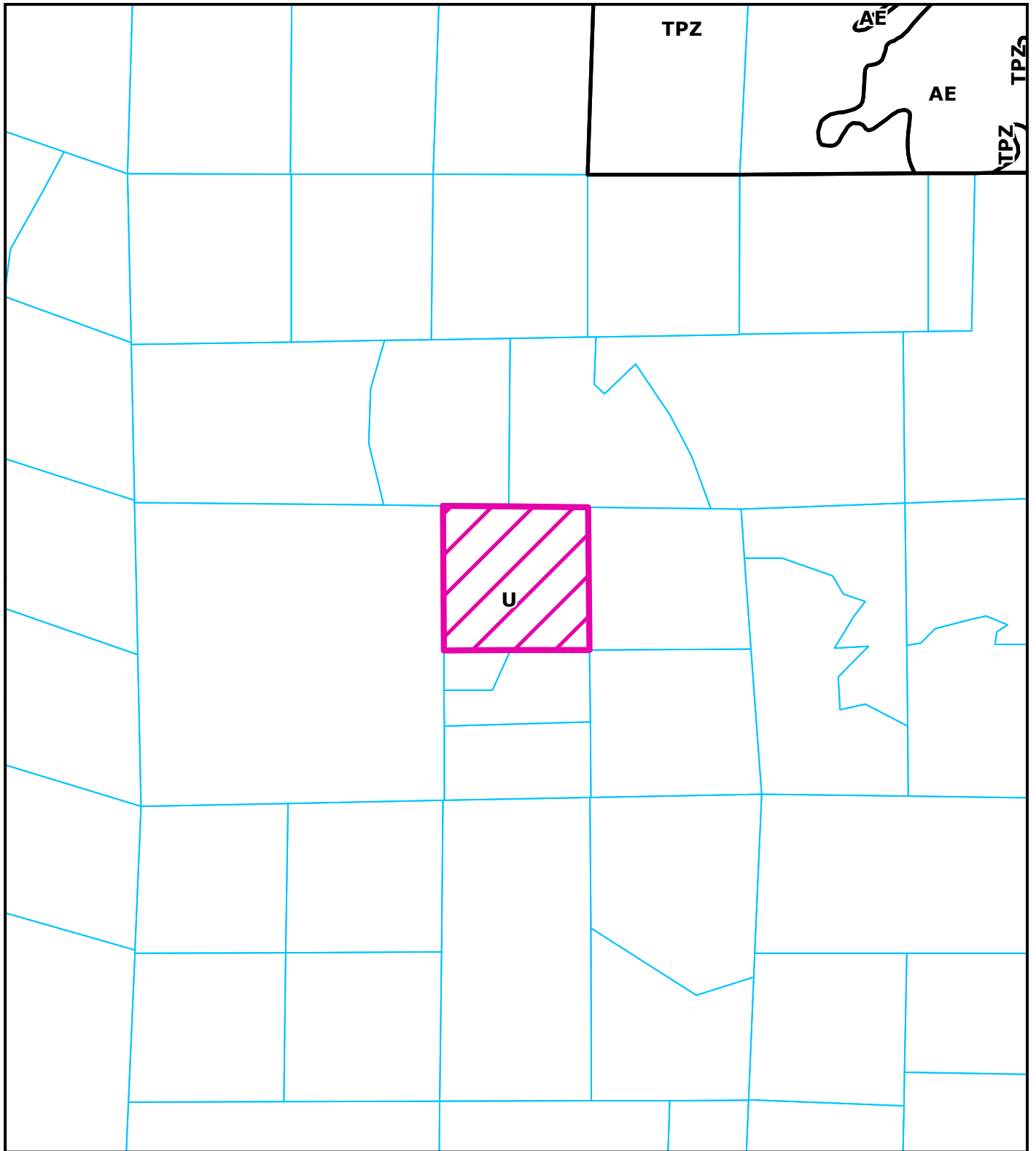
ABSENT: Commissioners:

DECISION:

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

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John Ford, Director  
Planning and Building Department



Project Area = 

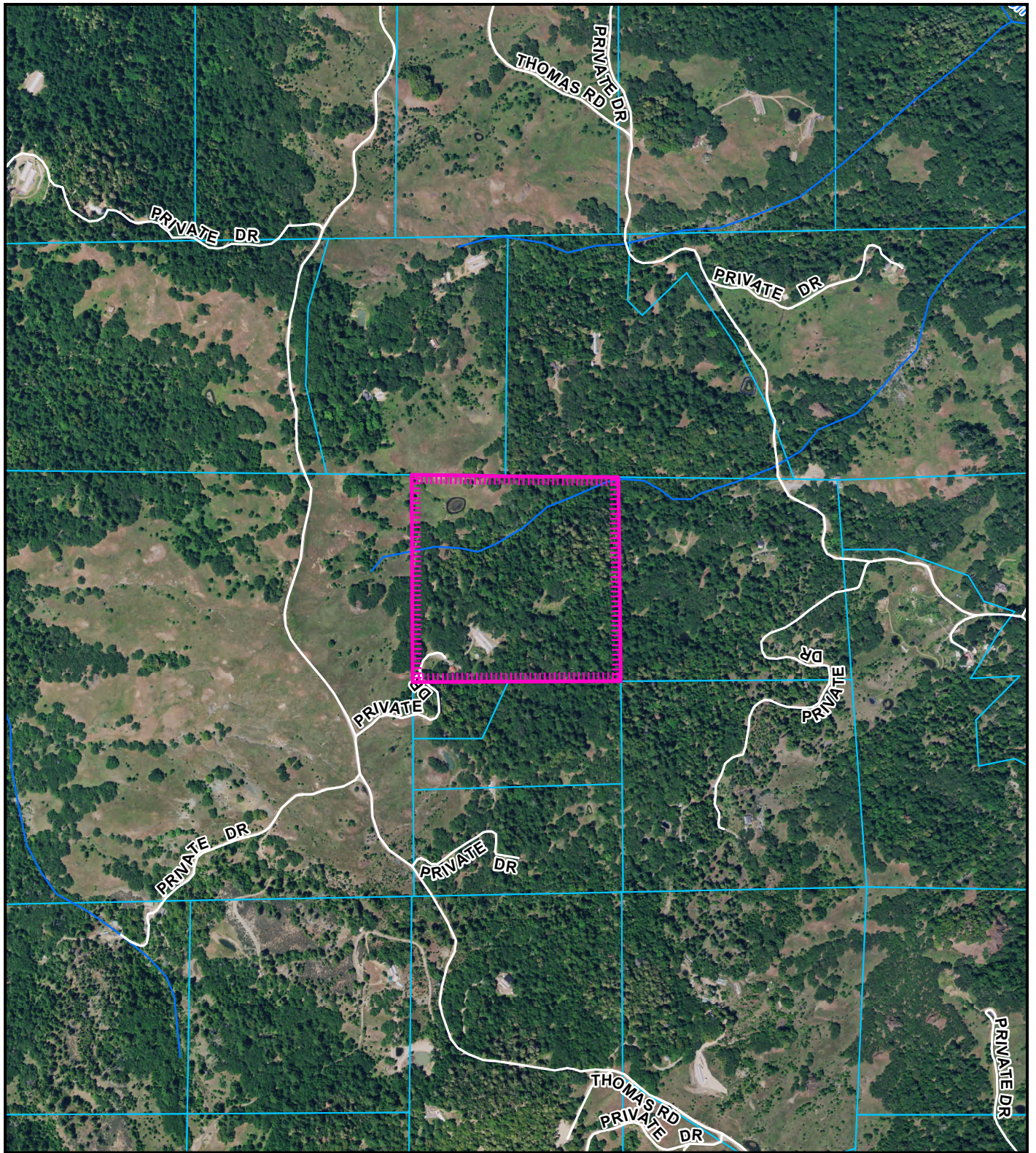
**ZONING MAP**  
**PROPOSED RWATS, LLC**  
**ETTERSBURG AREA**  
**CUP-16-603**  
**APN: 221-021-023**  
**T03S R02E S4 HB&M (ETTERSBURG)**



0                      1,000                      2,000  
 Feet

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





Project Area = 

**AERIAL MAP  
PROPOSED RWATS, LLC  
ETTERSBURG AREA  
CUP-16-603  
APN: 221-021-023  
T03S R02E S4 HB&M (ETTERSBURG)**

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

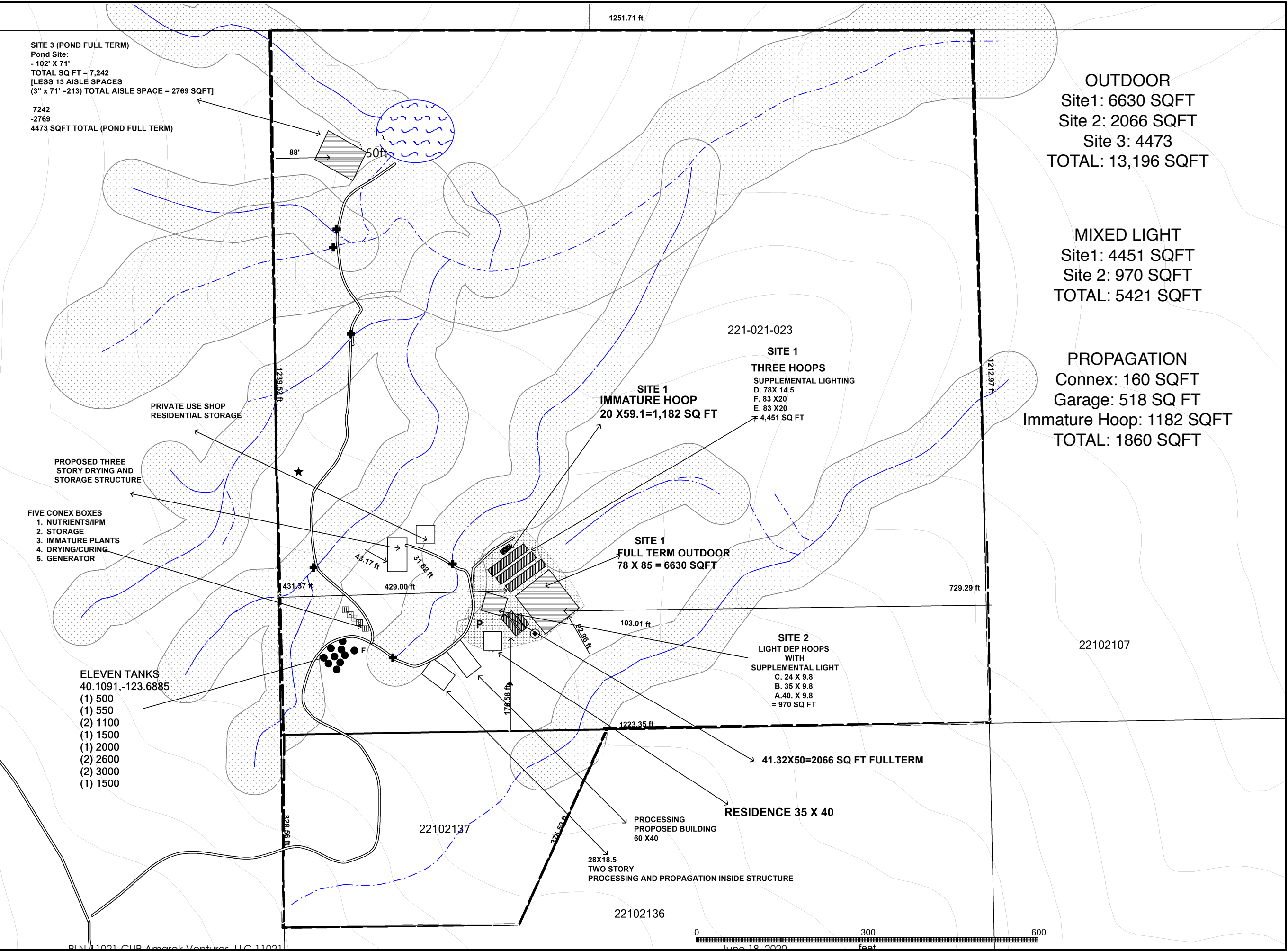
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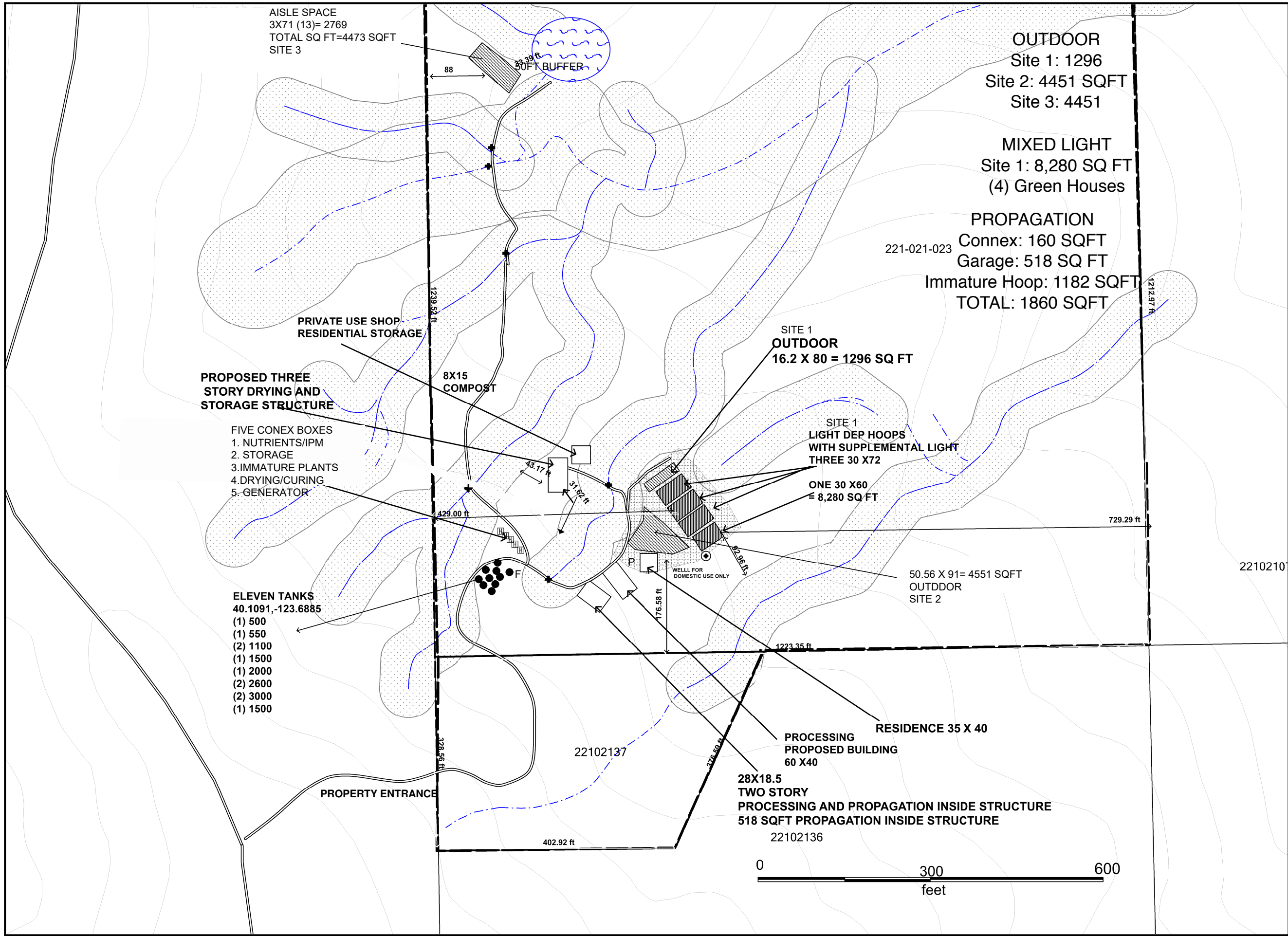


- IMMATURE
- FULLTERM OUTDOOR
- MIXED LIGHT / SUPPLEMENTAL
- WELL
- POND
- WATER TANKS
- COMPOST
- ACCESS ROAD
- STRUCTURE
- CONEX STORAGE BOX
- FLATTENED AREA
- PROPERTY BOUNDARY
- WATER COURSE
- SMA
- WATER COURSE CROSSING
- F FUEL DEPOT
- P ADA PARKING

APPLICANT : SUN BORN ORGANIC  
PHASE 1 PLANNING  
APN: 221-021-023

BLM IS LOCATED TO THE WEST OF  
THIS PARCEL AND IS WITHIN 300 FT  
BUFFER

THERE ARE NO TRIBAL CULTURAL  
RESOURCE, PLACES OF WORSHIP  
OR COMMUNITY PARKS WITHIN 600  
FT. THERE ARE NO RESIDENCES  
WITHIN 300 FT OF THE CULTIVATION  
AREAS.



- FULL TERM OUTDOOR
- LIGHT DEP WITH LIGHTS
- POND
- WATER COURSE CROSSING
- WELL
- CONEX CONTAINER
- WATER STORAGE TANK
- ACCESS ROAD
- STRUCTURE
- PROPERTY BOUNDARY
- FLATTENED AREA
- WATER COURSE
- SMA
- F FUEL BANK
- P PARKING ADA

Applicant: **SUNBORN ORGANIC**  
APN: **216-133-013**  
Cultivation Area : **18,600 SQFT**

No Offsite Residences within 300'  
No Schools, or Places of Worship within 600'BLM IS WITHIN 300 '  
Map Date: 04/21/2020  
Created By A.CANTER  
Harris, CA 7.5" Quad



## ATTACHMENT 1

### Recommended Conditions of Approval

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 –14. 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. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
3. The applicant shall demonstrate there are adequate noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
4. No rodenticides are authorized for use for cannabis cultivation activities on the subject parcel for the life of the project.
5. Within 30 days of the effective date, a revised site plan shall be submitted to the Planning and Building Department showing:
  - a) Compliance with emergency vehicle access requirements;
  - b) Location of proposed relocation area; and
  - c) Location of existing and proposed septic and or other waste facilities.
  - d) Removal of the proposed drying, storage and processing buildings.
6. The applicant shall submit an oak mitigation plan prepared by a Registered Professional Forester (RPF) that describes the number of oak trees that were removed and includes a mitigation plan for replanting oak trees that accounts for temporal loss in addition to the number of trees that were cut, at minimum of 7:1 replacement. The oak mitigation plan shall also include a map showing where the oaks were removed and where they will be replanted and shall include a monitoring and reporting plan. The monitoring and reporting plan must

include a minimum of 3 years of monitoring and a success rate of 85%. Prior to implementation, the plan shall be reviewed and approved by the Planning Department.

7. The applicant shall secure permits for all existing and proposed grading (including, but not limited to flats and pond) and structures (including, but not limited to: the cabin, shop and 5 cargo containers) related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.
8. No processing can be approved until an acceptable site suitability report can establish potential for an Onsite Waste Treatment System (OWTS) meeting Tier 0 standards, and this OWTS is installed and permitted to the satisfaction of the DEH. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. As required by the Humboldt County Department of Public Works, for all county road-private road intersections, if the county road has a paved surface at the location of the access road, the access road will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the County road.
10. As required by the Humboldt County Department of Public Works, the applicant shall work either independently or with other permitted cultivators utilizing Thomas Road to complete the improvement recommendations of the civil engineer regarding Segment 3 of Thomas Road: replace the culvert at Mile 0.35 in order to widen the road at this pinch point, and armor the inboard ditch to eliminate erosion of the road.
11. If applicable, the applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required would satisfy this condition.
12. The applicant shall adhere to the Relocation Narrative letter prepared by Timberland Resource Consultants dated November 14, 2019. The applicant shall provide a monitoring report to the Planning Department regarding the status of the remediation at the time of the annual inspection. Additional monitoring reports may be required until the Planning Departments finds the area remediated as described by the letter.
13. 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. 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.
14. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW that includes, but is not limited to, replacement of five culverts recommended by the

Site Management Plan, and submit a Bullfrog Management Plan for review and approval by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

15. Applicant shall implement the following for the on-site pond/reservoir:
  - a) Install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
  - b) Install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood)
  - c) Applicant shall comply with the CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
16. The applicant shall contact the local fire service provider [Salmon Creek 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.
17. 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.
18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on the diversion during the forbearance period as specified by the State Water Resources Control Board and CDFW. The water use for cultivation is limited to the amount of water allowed for diversion as specified by the Right to Divert and Use Water issued by the State Water Resources Control Board (Certificate #H100164). Water metering records shall be provided annually prior to or during the annual inspection.
19. The applicant shall not use any erosion control and/cultivation materials that contain synthetic (e.g. plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
20. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed off-site at an authorized waste management facility.
21. The applicant shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.



22. The applicant is required to pay for permit processing on a time-and-materials 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. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.
5. 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.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.

9. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.
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 (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.

21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
  - (a) Emergency action response planning as necessary;
  - (b) Employee accident reporting and investigation policies;
  - (c) Fire prevention;
  - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - (e) Materials handling policies;
  - (f) Job hazard analyses; and
  - (g) 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:
  - (a) Operation manager contacts;
  - (b) Emergency responder contacts;
  - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

22. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

24. 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 SP 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.

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

26. 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.

27. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
- III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

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

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur; and
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

29. Inspections. The permit holder and subject property owner are to permit the County or

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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project

for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:
  - 1) the reduction is consistent with the adopted general plan including the housing element; and
  - 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and
  - 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA40):</b> Large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses. Allowable uses include single family residential, second residential unit, guest house, and residential accessory uses.</p> <p>Density range is 5 to 160 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 10,320 SF outdoor and 8,280 SF mixed light cultivation on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is from a private driveway, via Thomas Road, via Salmon Creek Road. The Division of Public Works (DPW) requested the preparation of Road Evaluations for roads accessing the parcel. The self-submitted Road Evaluation for the private driveway stated that the road is developed to the equivalent of a road category 4 standard. The other road segments had previous reports submitted by a civil engineer from Stillwater Sciences. The civil engineer has certified that while these individual road segments are not equivalent to Category 4 standard, all of these roadways can accommodate the cumulative increased traffic from all known cannabis projects. DPW has requested that for all county road-private road intersections, if the county road has a paved surface at the location of the access road, the access road will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the county road to meet commercial driveway standards. This has been incorporated as a condition of project</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		approval. DPW has also requested, that the civil engineer's recommendations for improvement of Segment 3 of the evaluated roadways be implemented. These improvements have also been made a condition of project approval.
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 housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10  Open Space Section 10.2	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)  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.	The proposed project is located within an Open Space Action Program because the project site is zoned Unclassified. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the Unclassified zoning district. The proposed cannabis cultivation, an agricultural operation, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
Conservation and Open Space Chapter 10  Biological Resources Section 10.3	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)  Related policies: BR-P1. Compatible Land Uses, BR-P5.	According to the California Natural Diversity Database (CNDDB), there are no mapped Special Status species on the subject parcel. The nearest Northern Spotted Owl (NSO) sighting is located approximately 1.27 miles to the southwest of the project site while the nearest NSO activity center is located 1.41 miles to the west. The nearest mapped Marbled murrelet habitat is located approximately 0.6 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Streamside Management Areas.	<p>noise and light and from the use of rodenticides. The California Department of Fish and Wildlife (CDFW) has expressed concern that noise above 50 decibels can negatively impact NSO and that light from unsheilded greenhouses can negatively effect the health of NSO and Marbled murrelet. The project incorporates conditions of approval that prohibit the use of rodenticides on-site. Conditions also require supplemental lighting used for cultivation or in the appurtenant nursery must be Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB or less at 100 feet or edge of NSO habitat, whichever is closer when the generator is used. Further, conditions of approval also include additional measures recommended by CDFW for the protection of wildlife, such a prohibition on synthetic netting, wildlife-proof trash containers and leaving wildlife unharmed. With the adoption of these conditions, impacts to NSO and Marbled murrelet are expected to be non-significant.</p> <p>There are Streamside Management Areas (SMAs) located on the property consisting of Class II and Class III watercourses that are tributaries to Salmon Creek then the South Fork of the Eel River. and project activities, including cultivation and processing, are located outside the SMAs. The onsite pond, currently being used for irrigation is jurisdictional according to both CDFW and the SWRCB. There is sufficient water storage between the 700,000-gallon pond and proposed tanks to meet the forbearance requirements. The applicant has secured a Final Streambed Alteration Agreement with CDFW for use of the pond for irrigation and replacement and maintenance of seven stream crossings (see Attachment 4). A bullfrog management plan is also a condition of project approval related to the pond that will ensure protection of sensitive fish and wildlife species.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		See Section 314-61.1 <i>Streamside Management Area</i> for additional information.
Conservation and Open Space Chapter 10  Cultural Resources Section 10.6	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)  Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC requested an archeological survey of the subject parcel. The Bear River Band of the Rohnerville Rancheria reviewed the application and recommended that the standard inadvertent discovery conditions of approval be applied to the proposed project. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10  Scenic Resources Section 10.7	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)  Related policies: SR-S4. Light and Glare.	The project involves 8,280 square feet of mixed light cultivation and an 1,800-square-foot greenhouse used for propagation that will use artificial lighting. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. As conditioned, the project is consistent with the scenic resources requirements of the General Plan.
Water Resources Chapter 11  Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and	The applicant was required to enroll in the State Cannabis Discharge program by July 2019. The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants dated May 1, 2019. The SMP evaluated 32 unique points that required evaluation per the Stat Cannabis Discharge



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>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); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>program. Of the 32 points, 27 points required repair or maintenance activities road improvements (installation of water bars and rolling dips), relocation of water tanks outside of the Streamside Management Area and replacement of 5 culverts, to ensure the project is consistent with State Board policies. 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. 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. The project is consistent with the Water Resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>There is an existing cabin on the subject parcel that was developed with an unpermitted Onsite Wastewater Treatment System (OWTS). The project was referred to the County Department of Environmental Health (DEH). DEH responded to the referral by stating that no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support staffing. Until the on-site system is permitted the applicant will be required to submit an invoice or equivalent documentation to confirm the continual use of portable toilets that will be used for cultivation staff. Processing, most importantly, trimming, is required to occur at an off-site, licensed processing facility until a processing facility and a DEH-approved OWTS is developed. These requirements have been added as conditions of approval for the proposed</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		project.
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Artificial lighting is proposed for use within the mixed light and propagation greenhouses. Greenhouses are also equipped with fans and power is provided by generators. The nearest mapped Marbled murrelet habitat is location 2.06 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.94 miles to the southeast and the nearest NSO Activity Center is located 1.50 miles to the south of the project site. The nearest Northern Spotted Owl (NSO) sighting is located approximately 1.27 miles to the southwest of the project site while the nearest NSO activity center is located 1.41 miles to the west. The nearest mapped Marbled murrelet habitat is located approximately 0.6 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. The applicant is required to show compliance with these conditions prior to use of artificial lighting or noise-generating equipment.</p>
Safety Element	Goals and policies contained	The project site is not located in a mapped

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>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>Alquist-Priolo fault zone nor is subject to liquefaction. Also, it is not in an area where historic landslides have taken place. The cultivation operations take place on slopes that range from less than 15% to 50%, and on ground that is seismically classified as high instability. According to the <i>Site Management Plan</i> (SMP) prepared by Timberland Resource Consultants dated May 1, 2019, there is a slump located in a cut slope above Cultivation Area A (see Attachment 4). The SMP recommends a rock basket stair step terrace with a grass surface be developed to stabilize the hillside. Conditions of approval require the applicant to adhere to the recommendations contained within the SMP, including providing copies of annual monitoring reports submitted to the State Water Resources Control Board. This development is proposed for areas of the property with more moderate slopes and are subject to building permit requirements as a condition of project approval. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 10 miles distance from the coast and over 1,700 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high hazard severity. The parcel is located within the Salmon Creek Volunteer Fire Company's response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>According to the operations plan, a maximum of three employees will be on-site during peak operations. Total water storage totals 722,950 gallons stored in the 700,000-gallon on-stream pond and hard-sided tanks that can be used for fire protection is needed. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The project is consistent with the fire protection policies of the Safety Element.</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 [Salmon Creek 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>
<p>Air Quality</p>	<p>Goals and policies contained in</p>	<p>If grading is required for any of the projects</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Chapter 15	<p>this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with State and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	described in this document, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. This requirement is included in as a condition of project approval.

**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 APNs 221-021-023 and 221-021-037 are one legal parcel as described by Lot Line Adjustment (LLA15-89) and recorded by the <i>Notice of Lot Line Adjustment and Certificate of Subdivision Compliance</i> , Recording #1989-24427. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1  Unclassified (U)	<b>Unclassified (U):</b> All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking a Conditional Use Permit and Special Permits for an existing 10,320 SF outdoor and 8,280 SF of mixed light cultivation operation on property zoned U. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.

Min. Lot Area:	6,000 square feet	40 acres
Maximum Ground Coverage:	40%	<5%
Minimum Lot Width:	50 feet	1,200 feet
Minimum Lot Depth:	100 feet	1,227 feet
Minimum Yard Setbacks:  (Through the SRA setbacks)	Front: 20 feet Rear: 10 feet Side: 5 feet  SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
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 to implement the County's Open Space Element of the General Plan.	According to the Site Management Plan prepared by Timberland Resource Consultants dated May 1, 2019, there are several Class II and III watercourses watercourse run east to west through the project site (see Attachment 4). There are seven stream crossings on the subject parcel, two of which require replacement and five require maintenance. There is a 700,000-gallon on-stream pond located in the northwestern portion of the subject parcel. A review of aerial imagery on the Humboldt County WebGIS shows the pond was developed prior to 2005. The onstream pond, currently being used for irrigation is jurisdictional according to both CDFW and the SWRCB. The applicant has secured a Final Streambed Alteration Agreement with CDFW for use of the pond for irrigation and replacement and maintenance of seven stream crossings (Final Streambed Alteration Agreement, Notification No. 1600-2017-0727-R1; see Attachment 4). A bullfrog management plan is also a condition of project approval related to the pond that will ensure protection of sensitive fish and wildlife species. Conditions of approval require the applicant to adhere to and implement the CDFW Final Streambed Alteration Agreement. The applicant obtained a Right to Use and Divert Water from the State Water Resources Control

		<p>Board that allows the water to be used for irrigation (see Attachment 4). See Section 314-55.4.11.c <i>Performance Standards – Water</i> for additional information. Staff determined adhering to the CDFW and SWRCB permits ensures that the use of the pond for irrigation minimizes impacts to the SMA and supports the issuance of a Special Permit for the development of the pond.</p> <p>The applicant proposes to relocate 4,860 SF of outdoor cultivation area that lies within a Streamside Management Area (SMA in the northwestern portion of the property) to a more environmentally suitable location in the central area of the parcel where the other cultivation areas are located. The applicant would remove the cultivation and all cultivation related structures from the SMA and reseed the area with native grass species to help restore the site as described by a letter regarding relocation prepared by Timberland Resource Consultants dated November 19, 2019 (see Attachment 4). The applicant would remove the cultivation and all cultivation related structures from the SMA and reseed the area with native grass species to help restore the site. Conditions of approval require the applicant to adhere to the recommendation of Timberland Resource Consultants and provide monitoring reports to the Planning Department during the annual inspection. All cannabis related operations proposed for this project are located outside of the SMA buffers (50 feet for Class III streams, 100 feet for Class II Streams). As conditioned, the project complies with this section.</p>
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**314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

<p>§314-55.4.8.2</p> <p>Timber Conversion</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The project site is a partially forested site zoned U. The applicant submitted an <i>Evaluation of Potential Timberland Conversion</i> prepared by Timberland Resource Consultants dated December 11, 2019 (see Attachment 4). This evaluation found that a total of 0.15 acres of unauthorized timberland conversion occurred on-site. This total does not exceed the three-acre conversion exemption maximum, and complies with the standards set forth on the California Forest Practice Act and California Forest Practice Rules. The Registered Professional Forester (RPF) had no recommendations as there are no violations to rectify on-site. The project was referred to CAL FIRE on August 17, 2017. Comments received from CAL FIRE indicate a timber conversion had occurred and CAL FIRE did not support this project. Staff sent CAL FIRE a referral on April 13, 2020, with a copy of the <i>Evaluation of Potential Timberland Conversion</i> prepared by Timberland Resource Consultants dated December 11, 2019. No response was received.</p> <p>On July 12, 2018, CDFW staff conducted a site visit at the subject parcel. CDFW staff noted in their memo that several oak trees were removed from the site and provided photographic evidence. As recommended by CDFW, conditions of approval require the applicant to submit an oak mitigation plan prepared by a Registered Professional Forester (RPF) that describes the number of oak trees that were removed and includes a mitigation plan for replanting oak trees that accounts for temporal loss in addition to the number of trees that were cut, at minimum of 7:1 replacement. The oak mitigation plan shall also include a map showing where the oaks were removed and where they will be replanted and shall include a monitoring and reporting plan.</p>
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§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.	The proposed action is the issuance of a Conditional Use Permit for an existing 10,320 SF outdoor and existing 8,370 SF mixed light cannabis cultivation operation on a 40-acre parcel zoned U. Aerial imagery on Terra Server indicates that existing cultivation operations on the property began sometime before 2015. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and is entitled to four. This application is to permit 10,320 SF of outdoor cultivation and 8,370 SF of mixed light cultivation. If approved, the applicant will hold one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	On-site processing within three proposed structures and five existing storage containers as shown on the site plan. Planning staff is not supportive of construction of three new structures for propagation and processing within the 600-foot setback to limit the activity in this area to only the existing conditions. Staff recommends trimming and other processing be conducted off-site to limit new activities in the BLM setbacks. One storage container would be dedicated to immature plant propagation, and two would be dedicated to drying and curing. During the peak harvest and processing season, there will be a total of three employees onsite. Portable toilets will be provided onsite for the use of the cultivation employees. Processing (trimming) is required to be conducted off-site.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file. All outstanding items are included as conditions of approval.

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Annual water use is 423,606 gallons approximately 10.25 gallons/sf/cycle. The pond was developed prior to 2005. There is an additional 22,950 gallons of storage onsite within eleven hard-sided tanks. The applicant has received a <i>Right to Divert and Use Water</i> from the State Water Resources Control Board (SWRCB), which allows 1.30 acre-feet (or 423,606 gallons) of water to be diverted from the on-stream pond annually. Conditions of approval require the applicant to meter the water diverted into the pond and meter water withdrawn from the pond to demonstrate the applicant is not exceeding the water than can be diverted pursuant to the <i>Right to Use and Divert Water</i> . Should the water metering not be able to show the amount of rainwater used to support the balance of the water need, the applicant shall install additional water storage facilities to capture rain or other non-diversionary water source. The applicant has secured a Final Streambed Alteration Agreement with CDFW for use of the pond for irrigation and replacement and maintenance of seven stream crossings (Final Streambed Alteration Agreement, Notification No. 1600-2017-0727-R1; see Attachment 4). A bullfrog management plan is also a condition of project approval related to the pond that will ensure protection of sensitive fish and wildlife species. Conditions of approval require the applicant to adhere to and implement the CDFW Final Streambed Alteration Agreement. The applicant obtained a Right to Use and Divert Water from the State Water Resources Control Board that allows the water to be used for irrigation (see Attachment 4). Staff determined adhering to the CDFW and SWRCB permits ensures that the use of the pond for irrigation minimizes impacts to the SMA and supports the issuance of a Special Permit for the development of the pond.

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The site plan submitted by the applicant, which was verified by staff, shows that all cultivation facilities are set back more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs).</p> <p>The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the west of the project site. The northernmost greenhouse is located approximately 367 feet east of the BLM parcel. The adjacent public lands falls within an area of "Essential Habitat Connectivity" and there is close proximity to Northern Spotted Owl (NSO) habitat. The corridors connect blocks of relatively undisturbed lands and have project designed to improve ecological processes and reduce wildlife threats. Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise) and indicated a condition that was applied to a nearby project was also included that restricts the use of rodenticides for the life of the project. The BLM was made aware that access to the subject parcel crosses through the BLM parcel. Project comments were received from BLM on May 7, 2020 (see Attachment 5). The applicant was provided the comments from BLM and was made aware that parcel access requires traversing federal lands as noted by the BLM comments. Planning staff replied to the BLM staff and no additional comments were received. Staff thinks that the project will not adversely impact connectivity of habitat as approximately one-half acre (1.25%) of the 40-acre parcel is developed. Conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise.</p>
<p>§314-55.4.11.o Performance</p>	<p>The noise produced by a generator used for cannabis</p>	<p>Artificial lighting is proposed for use within the mixed light and propagation</p>

Standards- Generator Noise	<p>cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat.</p> <p>Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>greenhouses. Greenhouses are also equipped with fans and power is provided by generators. The nearest mapped Marbled murrelet habitat is location 2.06 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.94 miles to the southeast and the nearest NSO Activity Center is located 1.50 miles to the south of the project site. The nearest Northern Spotted Owl (NSO) sighting is located approximately 1.27 miles to the southwest of the project site while the nearest NSO activity center is located 1.41 miles to the west. The nearest mapped Marbled murrelet habitat is located approximately 0.6 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. The applicant is required to show compliance with these conditions prior to use of artificial lighting or noise-generating equipment.</p>
§314-55.4.17 Sunset Date	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The application for the project site was filed on August 24, 2016.</p>

**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 would not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

**6. Environmental Impact:** As the CEQA lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by

the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing (drying), development within a Streamside Management Area and setback reduction from adjacent public lands. The environmental document on file includes detailed discussions of all the relevant environmental issues.

**314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

<p>§314-55.4.8.2</p> <p>Timber Conversion</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The project site is a partially forested site zoned U. The applicant submitted an <i>Evaluation of Potential Timberland Conversion</i> prepared by Timberland Resource Consultants dated December 11, 2019 (see Attachment 4). This evaluation found that a total of 0.15 acres of unauthorized timberland conversion occurred on-site. This total does not exceed the three-acre conversion exemption maximum, and complies with the standards set forth on the California Forest Practice Act and California Forest Practice Rules. The Registered Professional Forester (RPF) had no recommendations as there are no violations to rectify on-site. The project was referred to CAL FIRE on August 17, 2017. Comments received from CAL FIRE indicate a timber conversion had occurred and CAL FIRE did not support this project. Staff sent CAL FIRE a referral on April 13, 2020, with a copy of the <i>Evaluation of Potential Timberland Conversion</i> prepared by Timberland Resource Consultants dated December 11, 2019. No response was received.</p> <p>On July 12, 2018, CDFW staff conducted a site visit at the subject parcel. CDFW staff noted in their memo that several oak trees were removed from the site and provided photographic evidence. As recommended by CDFW, conditions of approval require the applicant to submit an oak mitigation plan prepared by a Registered Professional Forester (RPF) that describes the number of oak trees that were removed and includes a mitigation plan for replanting oak trees that accounts for temporal loss in addition to the number of trees that were cut, at minimum of 7:1 replacement. The oak mitigation plan shall also include a map showing where the oaks were removed and where they will be replanted and shall include a monitoring and reporting plan.</p>
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§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.	The proposed action is the issuance of a Conditional Use Permit for an existing 10,320 SF outdoor and existing 8,370 SF mixed light cannabis cultivation operation on a 40-acre parcel zoned U. Aerial imagery on Terra Server indicates that existing cultivation operations on the property began sometime before 2015. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and is entitled to four. This application is to permit 10,320 SF of outdoor cultivation and 8,370 SF of mixed light cultivation. If approved, the applicant will hold one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	On-site processing within three proposed structures and five existing storage containers as shown on the site plan. Planning staff is not supportive of construction of three new structures for propagation and processing within the 600-foot setback to limit the activity in this area to only the existing conditions. Staff recommends trimming and other processing be conducted off-site to limit new activities in the BLM setbacks. One storage container would be dedicated to immature plant propagation, and two would be dedicated to drying and curing. During the peak harvest and processing season, there will be a total of three employees onsite. Portable toilets will be provided onsite for the use of the cultivation employees. Processing (trimming) is required to be conducted off-site.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file. All outstanding items are included as conditions of approval.



§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Annual water use is 423,606 gallons approximately 10.25 gallons/sf/cycle. The pond was developed prior to 2005. There is an additional 22,950 gallons of storage onsite within eleven hard-sided tanks. The applicant has received a <i>Right to Divert and Use Water</i> from the State Water Resources Control Board (SWRCB), which allows 1.30 acre-feet (or 423,606 gallons) of water to be diverted from the on-stream pond annually. Conditions of approval require the applicant to meter the water diverted into the pond and meter water withdrawn from the pond to demonstrate the applicant is not exceeding the water than can be diverted pursuant to the <i>Right to Use and Divert Water</i> . Should the water metering not be able to show the amount of rainwater used to support the balance of the water need, the applicant shall install additional water storage facilities to capture rain or other non-diversionary water source. The applicant has secured a Final Streambed Alteration Agreement with CDFW for use of the pond for irrigation and replacement and maintenance of seven stream crossings (Final Streambed Alteration Agreement, Notification No. 1600-2017-0727-R1; see Attachment 4). A bullfrog management plan is also a condition of project approval related to the pond that will ensure protection of sensitive fish and wildlife species. Conditions of approval require the applicant to adhere to and implement the CDFW Final Streambed Alteration Agreement. The applicant obtained a Right to Use and Divert Water from the State Water Resources Control Board that allows the water to be used for irrigation (see Attachment 4). Staff determined adhering to the CDFW and SWRCB permits ensures that the use of the pond for irrigation minimizes impacts to the SMA and supports the issuance of a Special Permit for the development of the pond.

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The site plan submitted by the applicant, which was verified by staff, shows that all cultivation facilities are set back more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs).</p> <p>The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the west of the project site. The northernmost greenhouse is located approximately 367 feet east of the BLM parcel. The adjacent public lands falls within an area of "Essential Habitat Connectivity" and there is close proximity to Northern Spotted Owl (NSO) habitat. The corridors connect blocks of relatively undisturbed lands and have project designed to improve ecological processes and reduce wildlife threats. Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise) and indicated a condition that was applied to a nearby project was also included that restricts the use of rodenticides for the life of the project. The BLM was made aware that access to the subject parcel crosses through the BLM parcel. Project comments were received from BLM on May 7, 2020 (see Attachment 5). The applicant was provided the comments from BLM and was made aware that parcel access requires traversing federal lands as noted by the BLM comments. Planning staff replied to the BLM staff and no additional comments were received. Staff thinks that the project will not adversely impact connectivity of habitat as approximately one-half acre (1.25%) of the 40-acre parcel is developed. Conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise.</p>
<p>§314-55.4.11.o Performance</p>	<p>The noise produced by a generator used for cannabis</p>	<p>Artificial lighting is proposed for use within the mixed light and propagation</p>

Standards- Generator Noise	<p>cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat.</p> <p>Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>greenhouses. Greenhouses are also equipped with fans and power is provided by generators. The nearest mapped Marbled murrelet habitat is location 2.06 miles to the west of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.94 miles to the southeast and the nearest NSO Activity Center is located 1.50 miles to the south of the project site. The nearest Northern Spotted Owl (NSO) sighting is located approximately 1.27 miles to the southwest of the project site while the nearest NSO activity center is located 1.41 miles to the west. The nearest mapped Marbled murrelet habitat is located approximately 0.6 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. The applicant is required to show compliance with these conditions prior to use of artificial lighting or noise-generating equipment.</p>
§314-55.4.17 Sunset Date	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The application for the project site was filed on August 24, 2016.</p>

**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 would not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

**6. Environmental Impact:** As the CEQA lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by

the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing (drying), development within a Streamside Management Area and setback reduction from adjacent public lands. The environmental document on file includes detailed discussions of all the relevant environmental issues.

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

CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE

*Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)*  
*(State Clearinghouse # 2015102005), January 2016*

APNs 221-021-023 and 221-021-037, Approximately .014 miles east from the intersection of Thomas Road and a Private Driveway, on the property known to be in Section 4 of Township 03 South, Range 02 East, Humboldt Base & Meridian, Salmon Creek area, County of Humboldt

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

May 2020

## Background

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

The modified project involves a Conditional Use Permit to allow for the continuation of 18,600 square feet of existing cultivation, consisting of an 10,320-square-foot outdoor and an 8,280-square-foot mixed light cultivation areas. The applicant is proposing to relocate of 4,860 square feet of outdoor cultivation to a more environmentally suitable location. The outdoor cultivation would have one cultivation cycle annually. The mixed-light cultivation would have 4 cultivation cycles annually. Annual water usage is 423,606 gallons. Water for irrigation is provided from a 700,000-gallon on-stream pond located on the subject parcel. The total capacity of water storage is approximately 722,950 gallons, including the on-stream pond and 22,950 gallons in hard-sided tanks. The project also includes drying and storage within 5 shipping containers. Three employees are required during peak operations. Power would be supplied by three generators. The project includes a Special Permit to allow the relaxation of the required setback from Public Lands and for restoration of a historic cultivation located within a Streamside Management Area.

All product grown on-site would be processed in an existing 1,575-square-foot shop centrally located on the subject parcel, which is zoned U. Both cultivation and processing activities will be performed by a maximum of three employees and the applicant will be required to provide portable toilets to serve the needs of staff engaged in cultivation-related activities. Processing (e.g. trimming) is not authorized by the permit as the proposed facilities are located within the 600-foot setback to adjacent Public lands and staff determined it is necessary to minimize activity within the setback. This requirement has been added as a condition of approval for the proposed project. There are no schools, school bus stops, places of worship, or Tribal Cultural Resources within 600 feet of the cultivation or processing areas. The project site utilizes generators for power.

The modified project includes relocation 4,860 SF of outdoor cultivation area that lies within a Streamside Management Area (SMA in the northwestern portion of the property) to a more environmentally suitable location in the central area of the parcel where the other cultivation areas are located. The applicant would remove the cultivation and all cultivation related structures from the SMA and reseed the area with native grass species to help restore the site as described by a letter regarding relocation prepared by Timberland Resource Consultants dated November 19, 2019 (see Attachment 4). The applicant would remove the cultivation and all cultivation related structures from the SMA and reseed the area with native grass species to help restore the site.

The project site consists of variable topography with slopes from less than 15% to 50%. Cultivation areas are located on graded flats that have a less than 15% slope. The majority of the parcel is forested. There are no mapped rare or species of special concern on the subject parcel based on a review of the California Natural Diversity Database. The nearest Northern Spotted Owl (NSO) sighting is located approximately 1.27 miles to the southwest of the project site while the nearest NSO activity center is located 1.41 miles to the west. The nearest mapped Marbled murrelet



habitat is located approximately 0.6 miles to the west of the project site. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat.

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

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

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

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

No new significant impacts have been identified and no changes are proposed to the original MND recommended mitigations in conjunction with proposal to authorize an existing 10,320 square foot (SF) outdoor and 8,280 SF of mixed light cannabis cultivation operation. The project as

conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Operations Plan prepared by 1 Degree Consulting updated January 2020;
- Site Plan prepared by 1 Degree Consulting prepared January 2020;
- Site Management Plan prepared by Timberland Resource Consultants dated May 1, 2019;
- Road Evaluation Report prepared by Stillwater Sciences dated October 12, 2017; and
- Environmental Superiority Letter prepared by Timberland Resource Consultants dated November 14, 2019. (Attached)

### **Other CEQA Considerations**

Staff suggests no changes to the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the 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. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (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. (On-file and attached separately - see attachment 4.A)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Attached – Right to Use and Divert Water (Attached – Right to Use and Divert Water (Certificate H100164))
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. ((Attached – Notice of Applicability) and (Site Management Plan prepared by Timberland Resource Consultants dated May 1, 2019 On-file and attached separately - see attachment 4.B))
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a

copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On-file and attached separately - see attachment 4.C – Final Streambed Alteration Agreement dated April 22, 2020)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (On-file and attached separately - see attachment 4.D - Evaluation of Potential Timber Removal prepared by Timberland Resource Consultants dated November 6, 2019)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet. (On file)
16. Road Evaluation Report prepared by Stillwater Sciences dated October 12, 2017. (On-file and attached separately - see attachment 4.E)
17. Environmental Superiority Letter prepared by Timberland Resource Consultants dated November 14, 2019. (Attached)



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H501066

CERTIFICATE H100164

Right Holder: *Justin Staley*  
*3263 South Logan Street*  
*Englewood, CO 80113*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 04/26/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Pond POD	Unnamed Stream	Salmon Creek	South Fork Eel River	40.2295	-123.9587	Humboldt	221-021-023

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	221-021-023	18780

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 07/19/2018. The place of use is shown on the map filed on 07/19/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1.30 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.31 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd)** or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.



16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 07/19/2018 17:14:50

© 2018 - State Water Resources Control Board

## North Coast Regional Water Quality Control Board

August 30, 2018



WDID:1\_12CC401961

AMAROK VENTURES LLC  
ATTN: JUSTIN STALEY  
3263 SOUTH LOGAN STREET  
ENGLEWOOD, CO 80113

Subject: Notice of Applicability - Waste Discharge Requirements Water  
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

  
On Behalf Of  
  
Water Boards

2018.08.30 11:57:21 PDT

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

180821\_1M\_1\_12CC401961\_1B161336CHUM\_Amarok Ventures LLC\_NOA\_TW



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, JUSTIN STALEY, HUMBOLDT COUNTY APN(s) 221-021-023**

Amarok Ventures LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on July 19, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC401961**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161336CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard

provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by October 16, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Site Erosion and Sediment Control Plan consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5. The Site Erosion and Sediment Control Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. Attachment D of the General Order provides guidance on the contents of the Site Erosion and Sediment Control Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

#### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

#### **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Moderate Risk with the current annual fee assessed at \$1,800. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a *Site Closure Report* at least 90 days prior to termination of activities and include a final MRP report.

#### **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov  
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov  
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us







165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com



November 14, 2019

Cannabis Services Division  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Dear Planner,

Re: APN 221-021-023  
Application #11021

This letter is in response to Department Policy Statement No. 16-002, which states, *"If a workable alternative cultivation site exists on a parcel and its relocation will bring the cultivation into compliance with performance standards of the CMMLUO, this approach could meet the objectives of the CMMLUO provided it is the environmentally superior option."*

As a Third-Party representative to the Water Board, Timberland Resource Consultants prepared the Applicant's WRPP, SMP, and CDFW 1600 Notification. Site C as identified in the Humboldt County CAV document dated 11/17/17, is proposed to be relocated to a new cultivation site. The donor site is planned to be restored to natural conditions per specifications stated in the WRPP and CDFW 1600 Notification. During the interim permit process the applicant preliminarily relocated all cultivation from Site C to Site B and D. Site D is not environmentally superior to the new proposed location. The project applicant is now proposing a new configuration that will allow the total allotted square footage to be cultivated in locations environmentally superior to pre-existing sites. The applicant proposes relocating all square footage at Site D to the new proposed site which is environmentally superior to both Site C and D. Additionally, the applicant proposes consolidating approximately 2,973 square feet of flowering cultivation space from Site A in order to allow for nursery space at this location. 736 square feet will be consolidated onto the flat at Site B while the additional 2,237 square feet will be consolidated at the new proposed site. See the below breakdown which explains how cultivation area has changed over the years:

Cultivation Site	Pre-existing (2015)	Interim (2017-19)	Proposed
A	4,393 sq. ft.	4,363 sq. ft.	1,390 sq. ft.
B	8,373 sq. ft.	10,640 sq. ft.	11,376 sq. ft.
C	5,836 sq. ft.	0	0
D	0	3,600 sq. ft.	0
New	0	0	5,836 sq. ft.
Total	18,602 sq. ft.	18,603 sq. ft.	18,602 sq. ft.

### Environmental Superiority

There are environmental benefits associated with relocating cultivation space from both Site C and D. Based upon the Applicant's WRPP, SMP, and 1600 Notification, Site C and D do not comply with State-wide Order WQ 2019-0001-DWQ, General Requirement and Prohibition Number 37, which states:

"*Cannabis cultivators shall comply with the minimum riparian setbacks for all land disturbance, cannabis cultivation activities, and facilities*", which in this case is a minimum 100 feet for Class II watercourses and wetlands, and 50 feet for Class III watercourses. The WRPP and 1600 Notification both identified cultivation site C as the being present within a Class III riparian buffer/stream management area (SMA). Additionally, the SMP identified cultivation site D as being located between two Class II riparian buffers/SMAs. Pending a wetland delineation, the new cultivation site can house approximately 7,000 square feet of cannabis cultivation without encroaching on riparian buffers/SMAs. There are potential wetland indicators along the Class III watercourse north of the new proposed site. A wetland delineation should occur prior to relocation to assure the site complies with wetland setbacks per WQ Order No. 2019-0001-DWQ. The new site is located in a dense grassland dominated by Yorkshire fog (*holcus lanatus*) and sweet vernal grass (*anthoxanthum odoratum*). Dense grasslands provide the most robust filter capabilities of all vegetation communities, further benefitting water quality (Zuazo and Pleguezuelo 2009).

#### **Cultivation Site C Restoration:**

The cultivator shall remove all cannabis cultivation related infrastructure and material from the site. Trash, refuse, and solid waste shall be disposed of at an appropriate waste disposal location. The site has no fill prisms or cut banks and therefore no excavation and grading back to pre-existing contours is proposed or necessary. The imported soil may be tilled into the native soil to an approximate depth of 4-8 inches. The steep access road shall be abandoned and either decommissioned or waterbarred at a spacing consistent with a "high" Erosion Hazard Rating per 14CCR 914.6 of the Forest Practice Rules. Because the site was previously a forest opening no restocking is necessary. Native grass species shall be seeded and mulched.

#### **Cultivation Site D Restoration:**

The cultivator shall remove all cannabis cultivation related materials from the site. Trash, refuse, and solid waste shall be disposed of at an appropriate waste disposal location. Imported soils are contained within potting containers and shall be removed with the cultivation materials. The site has no fill prisms or cut banks and therefore no excavation and grading back to pre-existing contours is proposed or necessary. No vegetation was removed from the site. Two Oregon white oaks were pruned to allow light to the site, they have already begun to sprout new vegetation. No planting of additional vegetation is necessary to restore the site.

Sincerely,

Jack Henry  
Wildlife Biologist  
Timberland Resource Consultants

## ATTACHMENT 5

### Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Bureau of Land Management	✓	Comments	Attached
CAL FIRE	✓	Comments	Attached
Department of Fish & Wildlife	✓	Comments	Attached
Northwest Information Center	✓	Request for an Archaeological Study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
District Attorney		No response	
Agriculture Commissioner		No response	
Sheriff		No response	
CA Division of Water Resources		No response	
Southern Humboldt Joint Unified School District		No response	



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

*Th.*



**8/10/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

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

**Applicant Name** RWATS, LLC **Key Parcel Number** 221-021-023-000

**Application (APPS#)** 11021 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-603

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

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

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

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

**Return Response No Later Than 8/25/2017**

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

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

☐ Recommend Approval. The Department has no comment at this time.

☒ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: see attached Referral comments

DATE: 8-29-17 PRINT NAME: Petade mj





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

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

## Building Division's Referral Comments for Cannabis Operations:

Application No.: 44366  
Parcel No.: 221-021-023-000  
Case No.: \_\_\_\_\_

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

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

Name: \_\_\_\_\_

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

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



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



**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

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

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**Applicant Name** RWATS, LLC **Key Parcel Number** 221-021-023-000

**Application (APPS#)** 11021 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-603

---

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

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

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

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

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

---

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

**Response Date:** 12/28/2017 **Recommendation By:** Adam Molofsky

PLN-11021-CUP Amarok Ventures, LLC 11021

June 18, 2020



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



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

839-5401

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

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

445-7481  
445-7852  
445-7377  
445-7493

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE:

1-18-2018

RE:

Applicant Name	RWATS, LLC
APN	221-021-023
APPS#	11021

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item # 4 on Exhibit "C"

Roads evaluation for the portion of Thomas Road not maintained by the county.

SITE PLAN DOES NOT INDICATE HOW PARCEL IS ACCESSED.

// END //



## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

## Exhibit "C"

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

APPS # 11021

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Exhibit "C"

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

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

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

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

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

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

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

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

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

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

If YES, include the following requirement:

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

// END //

## Exhibit "D"

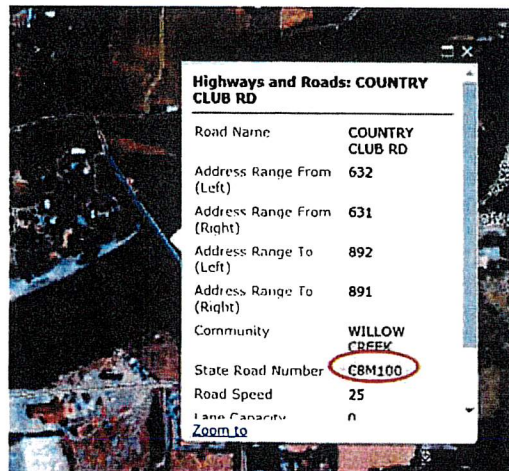
### Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3M020 Murray Road  
F6B165 Alderpoint Road  
6C040 Thomas Road



## Exhibit "D"

### Road Evaluation Reports

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

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

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

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



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

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

// END //



**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521-4573  
[www.blm.gov/california](http://www.blm.gov/california)



5/7/2020

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

Dear Sir or Madam:

In response to Application APP(S) # PLN-11021-CUP APN: 221-021-023-000

This project is adjacent to critical habitat for Northern Spotted Owl (NSO) and near critical habitat for Marbled Murrelet, designated by U.S. Fish and Wildlife Service. The project site is potentially used for foraging and dispersal habitat for northern spotted owls. It is unlikely that northern spotted owls nest near the project site to the lack of suitable habitat based on aerial photos. It is unlikely marbled murrelets are in the area.

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

The report citation is:

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

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife

habitat purposes. The BLM is concerned about a reduced setback because of the potential impacts to wildlife habitat.

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

Sincerely,

A handwritten signature in black ink that reads "Molly Brown". The signature is written in a cursive, flowing style.

Molly Brown  
Field Manager

**From:** Ryan, Meghan mryan2@co.humboldt.ca.us  
**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County  
**Date:** May 12, 2020 at 11:56 AM  
**To:** Fritze, Paul H pfritze@blm.gov  
**Cc:** Brown, Molly M mmbrown@blm.gov

---

Hi Paul – Thank you again for your comments. I will include them with the staff report for the project. As I indicated previously, the following conditions are added to the project to minimize impacts to wildlife:

1. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
2. The applicant shall demonstrate there are adequate noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
3. No rodenticides are authorized for use for cannabis cultivation activities on the subject parcel for the life of the project.

The applicant has revised the project to move the 1,800 sf propagation greenhouse outside of the 600-foot setback area. Please let me know if you would like a copy of the proposed site plan.

Cultivation Area #3 that is closest to the setback area is full- sun outdoor. There will be no structures or power in that cultivation area.

I had a phone conversation regarding the access with the applicant on April 23, 2020, regarding the parcel access where we discuss the necessity to cross federal lands. I also provided a copy of the BLM response letter to the applicant on May 12, 2020. The applicant is aware of the possible issues that may arise.

Please let me know if you have any questions or additional comments. I appreciate your attention to this project.

Best,  
Meghan

---

**From:** "Fritze, Paul H" <pfritze@blm.gov>

**Date:** Tuesday, May 12, 2020 at 8:51 AM  
**To:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>  
**Cc:** "Brown, Molly M" <mmbrown@blm.gov>  
**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

Hi Meghan,

I uploaded the BLM response on Thursday last week. Hopefully you don't have an issue locating it. If you need me to send it to you directly, let me know.

Hope you are doing well too,

Paul

---

**From:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Sent:** Tuesday, May 12, 2020 8:37 AM  
**To:** Fritze, Paul H <pfritze@blm.gov>  
**Cc:** Brown, Molly M <mmbrown@blm.gov>  
**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

Good morning, Paul – I hope you're doing well! I wanted to check in with you to see when you anticipate the comments for this project will be received. Please let me know if you have any additional information.

Thanks,  
Meghan

---

**From:** "Fritze, Paul H" <pfritze@blm.gov>  
**Date:** Thursday, April 23, 2020 at 3:11 PM  
**To:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>  
**Cc:** "Brown, Molly M" <mmbrown@blm.gov>  
**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

This is very helpful information and I'll pass it along to the specialists.

Thank you,

Paul

---

**From:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Sent:** Thursday, April 23, 2020 3:08 PM  
**To:** Fritze, Paul H <pfritze@blm.gov>  
**Cc:** Brown, Molly M <mmbrown@blm.gov>  
**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

Hi Paul - I forgot to mention – I also told the applicant today we would not support the 1,800 sf greenhouse for propagation near the property line and that they should propose to place it move than 600 feet from the parcel boundary. Thanks again, Meghan

---

**From:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>

**Date:** Thursday, April 23, 2020 at 2:58 PM

**To:** "Fritze, Paul H" <pfritze@blm.gov>

**Cc:** "Brown, Molly M" <mmbrown@blm.gov>

**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

Hi Paul - Thanks for getting back to me so quickly. I'm happy to hear you are reviewing the project. The nearest cultivation area to the parcel line is in the northwestern portion of the parcel and is within approximately 90 feet of the parcel line. I need to revise the project description to state that. The garden is full sun outdoor with no structure or lighting required. The centrally located cultivation area has greenhouses and full sun outdoor plants around the greenhouses. The nearest greenhouse is situated approximately 350 feet from the parcel line. I asked them to revise the site plan to show all the distances.

I spoke to the applicant today and it does seem that the only ingress and egress is through the BLM parcel.

I added the following conditions of approval to the project based on other comments we've received on adjacent parcels:

1. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
2. The applicant shall demonstrate there are adequate noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
3. No rodenticides are authorized for use for cannabis cultivation activities on the subject parcel for the life of the project.

Please let me know if you have any additional questions or need any further information. I look forward to your comments.

Best,  
Meghan

---

**From:** "Fritze, Paul H" <pfritze@blm.gov>  
**Date:** Thursday, April 23, 2020 at 2:27 PM  
**To:** "Ryan, Meghan" <mryan2@co.humboldt.ca.us>  
**Cc:** "Brown, Molly M" <mmbrown@blm.gov>  
**Subject:** Re: [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

Hi Meghan,

I hope you are doing well, too. That's interesting you ask as I am currently working on it now. It will most likely be similar to the other responses in that area of Gilham Butte/Salmon Creek. It looks like the only ingress and egress is through BLM which could be an issue. This needs to be run through the specialists and then a formal response will be written and submitted.

Yes I am interested in the conditions and how others comments to this and other project referrals. That would be helpful and appreciated.

Thank you,

Paul

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**From:** Ryan, Meghan <mryan2@co.humboldt.ca.us>  
**Sent:** Thursday, April 23, 2020 2:12 PM  
**To:** Fritze, Paul H <pfritze@blm.gov>  
**Subject:** [EXTERNAL] Project Referral - APPS #11021, APN 221-021-023, Humboldt County

Good afternoon, Paul – I hope this email finds you well during these uncertain times. I am reaching out to see if the BLM received a project referral that was sent on 04/13/2020 for the Amarok Ventures, LLC, project near Salmon Creek, Humboldt County. The project requires a reduction of the 600-foot setback to adjacent public lands to the west of the subject parcel owned by the BLM (APN 221-021-016).

Please let me know if the BLM has any comments or concerns regarding this application. I am tentatively scheduling this project for a June hearing with the Planning Commission, but wanted to make sure to coordinate the best I could before we move forward. I'm happy to provide any additional information you may find helpful. There are a set of conditions I am including that are similar to comments we've received for other projects in the vicinity. I can send those along.

I look forward to hearing from you.

Best,  
Meghan



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
Date: August 15, 2017

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

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** RWATS, LLC  
**APN:** 221-021-023-000  
**Area:** Salmon Creek  
**Case Numbers:** CUP16-603

**Humboldt County Application #:** 11021  
**Type of Application:** Conditional Use Permit  
**Date Received:** 8/14/2017  
**Due Date:** 8/25/2017

**Project Description:** A Conditional Use Permit for 21,732 square feet (SF) of existing outdoor and 5,280 SF of existing mixed-light medical cannabis cultivation. Water is sourced from a proposed well and an existing rainwater catchment pond, and is stored in the pond and tanks for a total of 705,000 gallons. Processing occurs on-site within an existing 1,000 SF structure, and a new 2,400 SF processing facility is proposed. Processing is comprised of drying, curing, trimming and packaging. Three (3) employees are required for the operations. Power is provided by a generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## **RESOURCE MANAGEMENT**

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

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

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

## **Cannabis**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

## Zander, AnaCena

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**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Sent:** Monday, September 04, 2017 5:49 PM  
**To:** Planning Clerk  
**Subject:** FW: APN 221-021-023-000 RWATS, LLC

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**From:** Janssen, David@CALFIRE  
**Sent:** Tuesday, August 22, 2017 8:51 AM  
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Cc:** Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>  
**Subject:** APN 221-021-023-000 RWATS, LLC

It appears an illegal conversion has occurred on this property. CAL FIRE Resource Management cannot support this CEQA project.

Please seek consultation from a Registered Professional Forester (RPF) or contact your nearest CAL FIRE Resource Management office for guidance.

File passed to B1212 on 8-22-2017

David C. Janssen  
Forestry Assistant II  
Forest Practice Inspector  
CAL FIRE  
Humboldt-Del Norte Unit  
(707) 726-1255

The California Department of Fish and Wildlife (CDFW) conducted a site visit on July 12, 2018 for the following project: Humboldt County App#11021; CUP16-603; RWATS LLC. The project pertains to CDFW referral review CEQA# 2017-0452; and Lake and Streambed Alteration Notification # 1600-2017-0727-R1. CDFW offers these comments as an addendum to comments provided on June 26, 2018.

In light of the recent site visit, CDFW recommends that:

- Streamside Management Area (SMA) Ordinance setbacks be mapped according the 2017 Humboldt County General Plan standards with an overlay of existing and proposed project components. SMA encroachments may exist. Examples are presented in photos #1 and 2.
- Several white oak trees adjacent to cultivation areas were recently cut (photo #3). This vegetation removal constitutes impacts to a sensitive natural community and was not disclosed in the project referral. An oak mitigation plan is recommended.
- A recent slope failure has occurred (photo #4). Stabilization measures are recommended.



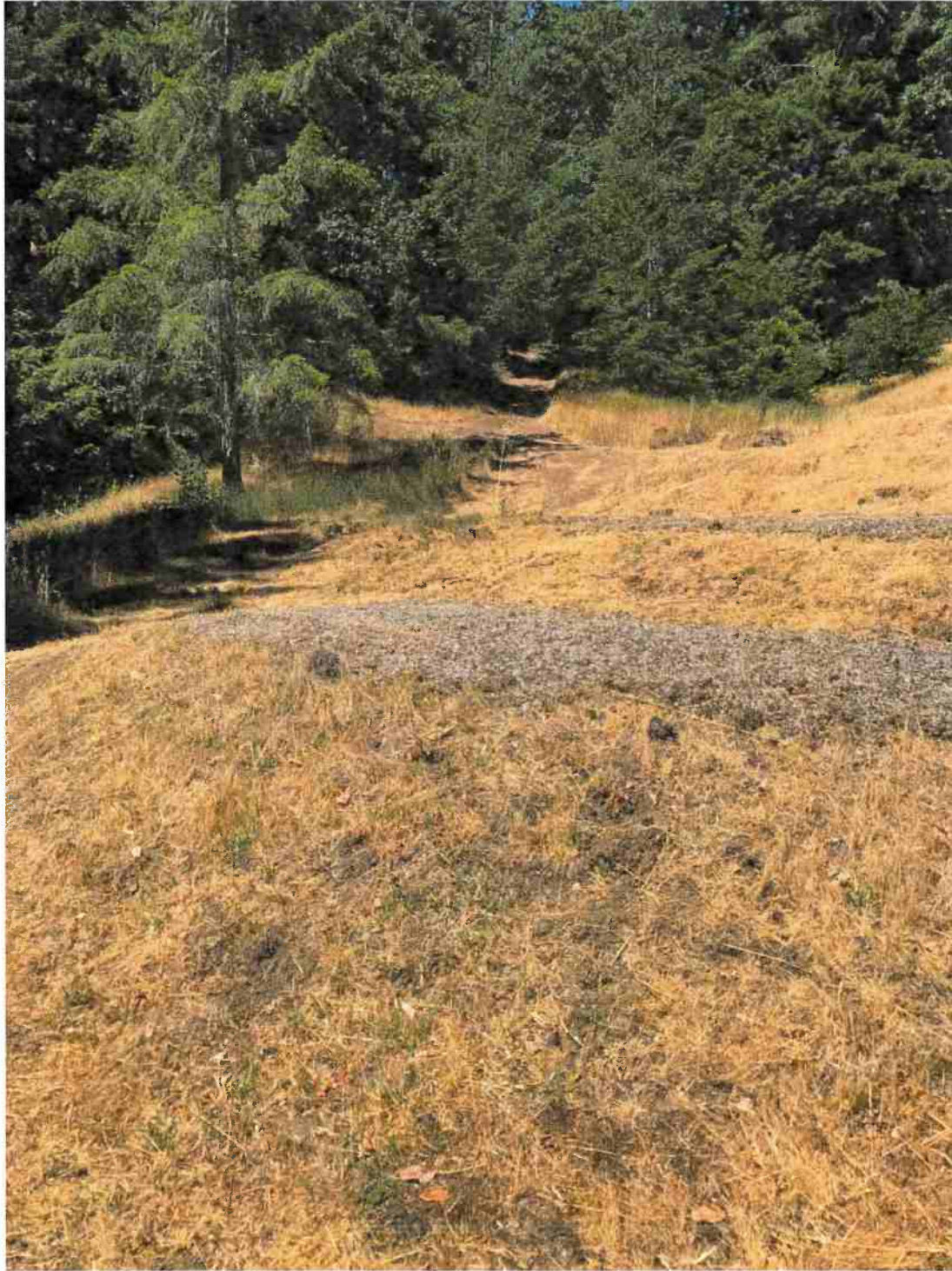


Photo #1. Former cultivation site immediately adjacent to a class III watercourse. Photo taken July 12, 2018 at lat/long 40.2280, -123.9566.



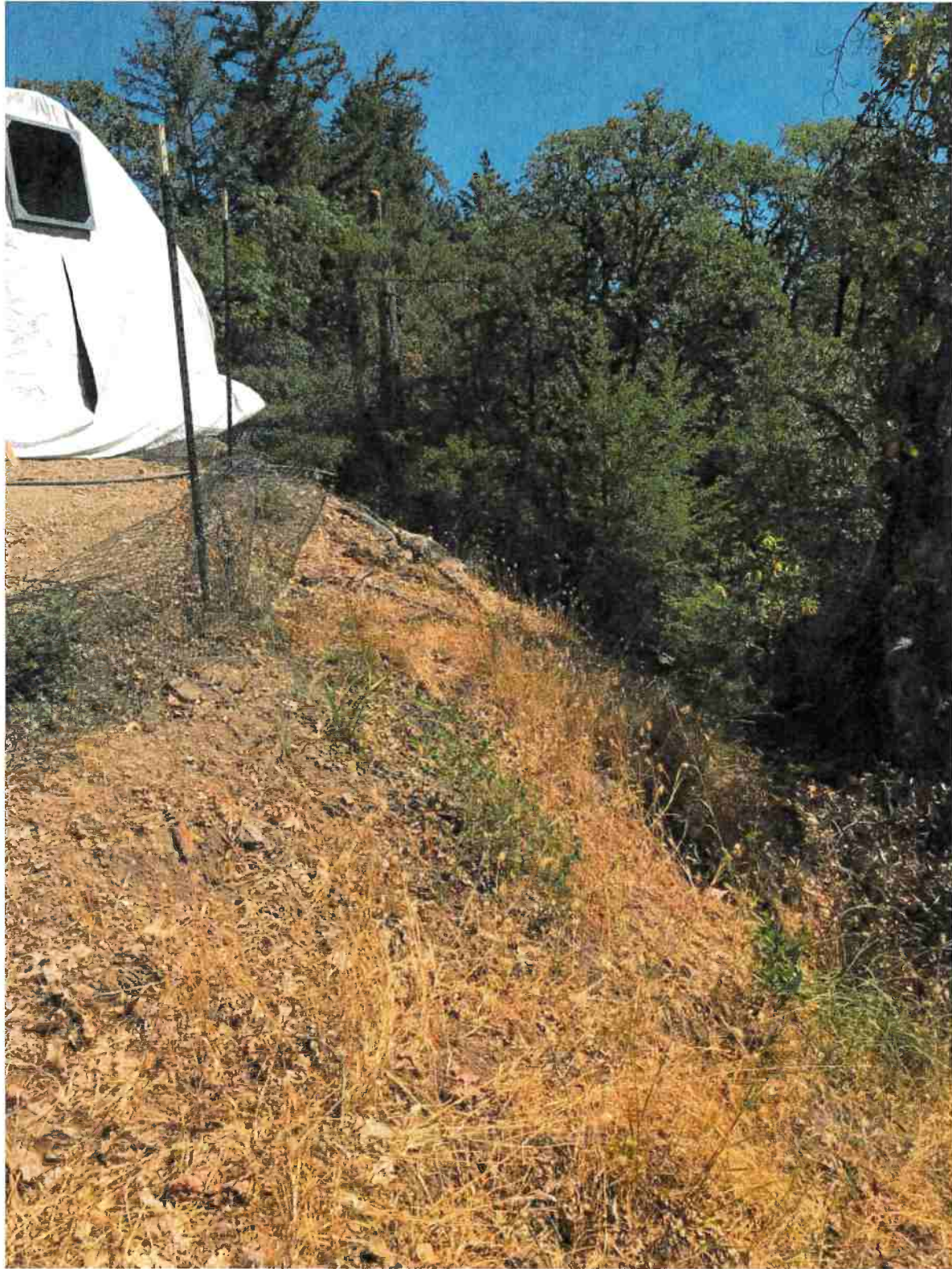


Photo #2. Cultivation area at the top of slope on a class II watercourse. Photo taken July 12, 2018 at lat/long 40.2273, -123.9580.



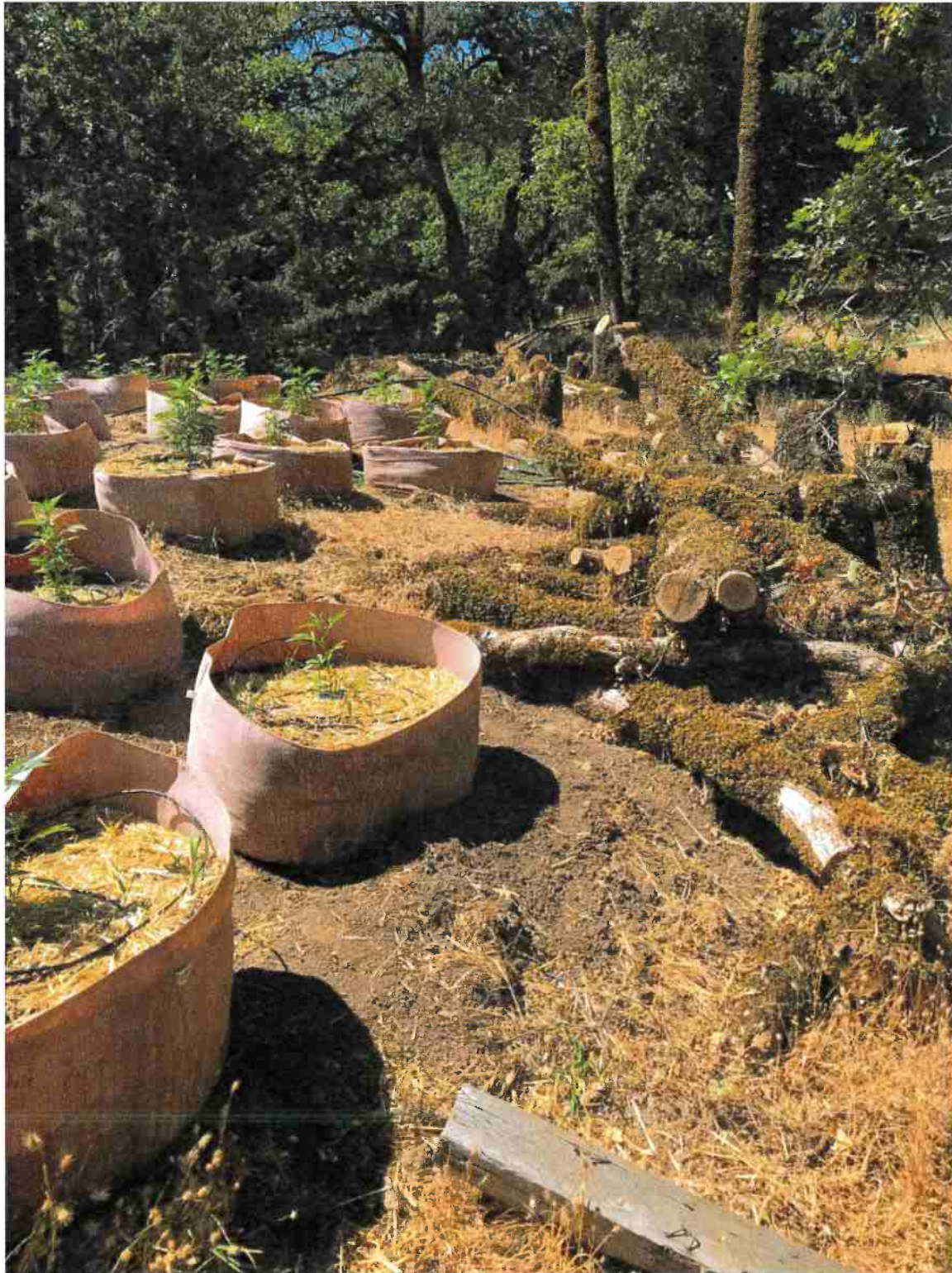


Photo #3. White oak removal adjacent to cultivation area. Photo taken July 12, 2018 at lat/long 40.2289, -123.9592.



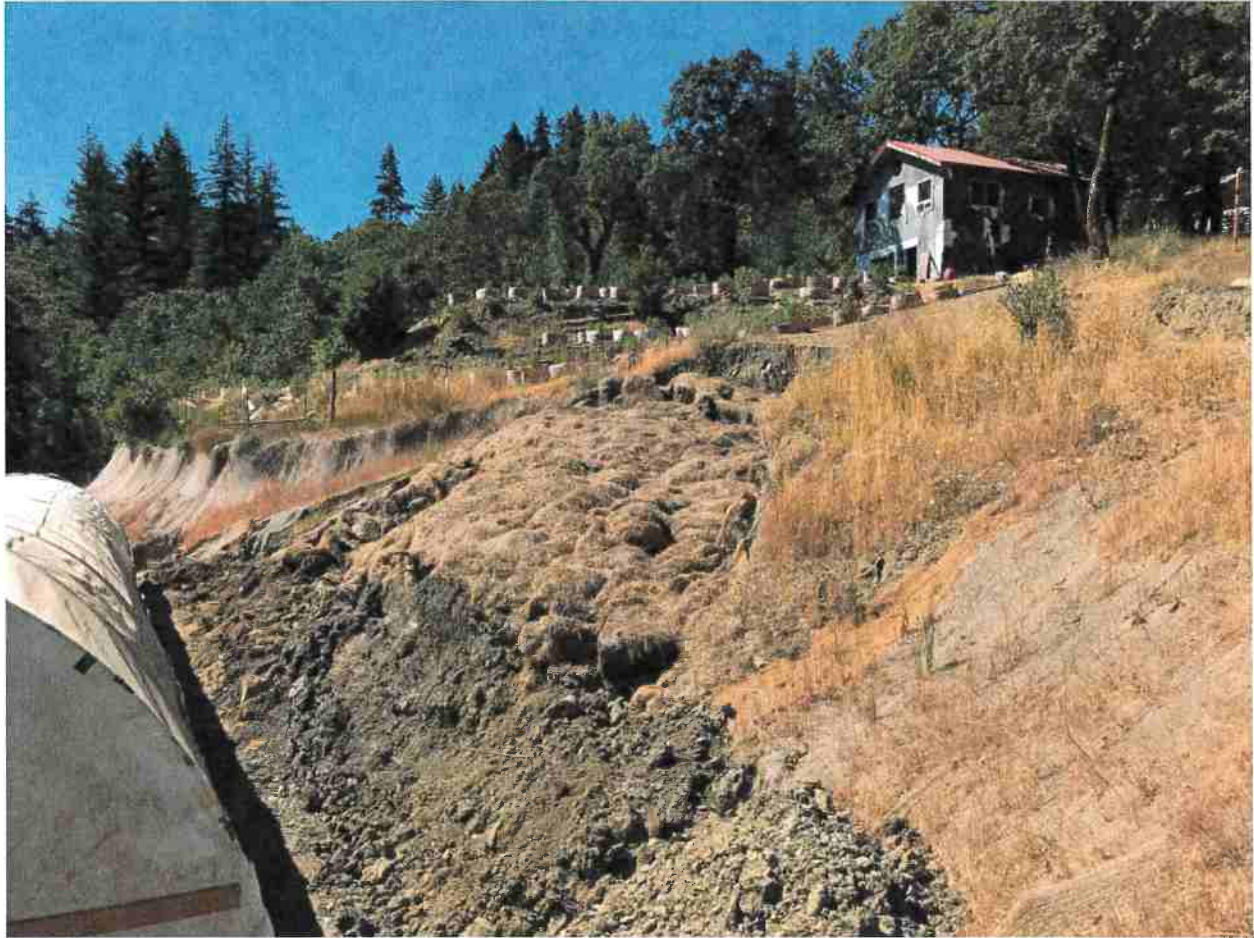


Photo #4. Slope failure adjacent to cultivation area. Photo taken July 12, 2018 at lat/long 40.2271, -123.9584.



**California Department of Fish and Wildlife  
CEQA Referral Checklist**

Applicant: RWATS LLC		Date: 6/26/2018	
APPS No.: 11021	APN: 221-021-023	CDFW CEQA: 2017-0452	Case No.: CUP16-603
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 5,280	<input type="checkbox"/> Outdoor (SF): 21,732 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

The applicant has submitted an LSA for use of the onstream pond and replacement of four culverts. CDFW has not been able to visit the site yet due to issues with scheduling on the part of the applicant. It appears expansion has occurred after the CEQA baseline of January 1, 2016. CDFW requests evidence for the mixed light cultivation prior to the baseline.

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

**Please note the following information:**

- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2017-0727). As of 6/26/2018, the LSA Agreement is in process and has not been deemed Final.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately <10,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control

measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ The referral materials state that there is a pond onsite. CDFW requests:
  - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
  - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood).
  - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Townsend Big-eared Bat (*Corynorhinus townsendi*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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