



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

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

Hearing Date: August 6, 2020

To: Humboldt County Planning Commission

From: Cliff Johnson, Supervising Planner

Subject: **Maple Creek Investments, LLC**  
Record Number: PLN-2018-15197  
Assessor's Parcel Number (APN): 315-011-009,  
Butler Valley Road, Maple Creek area

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
<b>Maps</b>	
Topo Map	8
Zoning Map	9
Aerial Map	10
Site Plan	11
<b>Attachments</b>	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Required Findings for Approval	19
Attachment 3: CEQA Addendum	35
Attachment 4: Applicant's Evidence in Support of the Required Findings	38
A. Cultivation Operations Plan and Addendum	Separate
B. Water Resource Protection Plan (WRPP)	Separate
C. Lake Streambed Alteration Agreement (LSAA)	Separate
D. Wetland Delineation	Separate
Attachment 5: Referral Agency Comments and Recommendations	64
Attachment 6: Public Comments	69

Please contact Misael Ramos C., Planner, at (707) 445-7541, or by email at [mramos1@co.humboldt.ca.us](mailto:mramos1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 6, 2020	Special Permit	Misael Ramos C.

**Project Description:** An application for a Special Permit for 27,025 sf of New, Full Sun Outdoor commercial cannabis cultivation and a 2,000 sf on-site ancillary processing facility. The source of water for irrigation is from four proposed 50,000-gallon rainwater catchment tanks. Five 2,500-gallon tanks and one 1,500-gallon tank make for a total of 214,000-gallons of storage on-site. Annual water use is not to exceed 200,000-gallons. A groundwater well will be only be for domestic use. Processing including drying, curing, and manicuring will be done on-site in the proposed processing facility. Four (4) full-time and six (6) part-time seasonal employees are needed during peak operations. The proposed power source is PG&E with enrollment in renewable energy program.

**Project Location:** The project is located in Humboldt County, located in the Maple Creek area, on both sides of Butler Valley Road, approximately 540 feet northwest of the intersection of Maple Creek Road and Butler Valley Road, on the property know to be in the southwest quarter of the northeast quarter of Section 6 of Township 04 North, Range 03 East, Humboldt Base and Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA), Density: 40 acres per unit, Slope Stability: Low Instability (1).

**Present Zoning:** Forestry Recreation (FR-B-5).

**Record Number:** PLN-2018-15197

**Assessor Parcel Number:** 315-011-009

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
Maple Creek Investments, LLC Catherine Dunaway PO Box 1212 Eureka, CA 95502	Tauzer-Lewis Terry & Lewis J Richard 6136 Jacoby Creek Rd Bayside, CA 95524	Six Rivers Development, LLC Brian Shields PO Box 4215 Arcata, CA 95518

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

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

**Major Issues:** None.

**Recommended Planning Commission Action:**

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
2. Open the public hearing and receive public testimony; and
3. Close the public hearing and take the following action:

*Find that the Planning Commission has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on the evidence in the staff report, and adopt the Resolution approving the proposed Maple Creek Investments, LLC, project subject to the recommended conditions.*

**Executive Summary:** Maple Creek Investments, LLC has applied for a Special Permit for 27,025 square feet (sf) of new outdoor commercial cannabis cultivation and a proposed 2,000 sf on-site processing facility. The cannabis will be in full sun and will be planted in the ground. This commercial cannabis activity is authorized under Section 314-55.4.6.1 of the CCLUO with a Special Permit. The subject parcel contains minimal development with on-site structures including a travel trailer, a 500-sf wooden shed, a generator and propane and water storage tanks. The proposed cultivation project will occur within the identified prime agricultural soils. The proposed 2,000 sf on-site processing facility will occupy the location of the existing wooden shed, generator and propane tank, which along with the travel trailer, are to be removed. Four (4) full-time employees and six (6) part-time or seasonal employees are needed for cultivation and ancillary processing activities.

Maple Creek Investments, LLC (MCI) will source rooted clones with verified genetics from a licensed nursery. The clones will be transported to the cultivation site and transplanted into the cultivation areas where they will be grown to maturity. Processing will be carried out in the proposed 2,000 SF on-site ancillary processing facility. The facility will be built to commercial standards including ADA compliance and a wastewater treatment system to be installed. Energy will be provided by PG&E and the applicant intends to enroll in a renewable energy program and or purchase carbon offsets.

Water usage and conservation techniques will be implemented to utilize water efficiently. Water storage will be developed by way of a four 50,000-gallon hard tanks and utilize rain catchment for the cultivation area. In addition to rain catchment, MCI will utilize a groundwater well located offsite on a neighboring parcel (313-146-002) under the ownership of MCI to supply drinking water for on-site staff and personnel. All irrigation will be from rainwater catchment. The water utilized from the well will be transported from the well location to the cultivation site via truck with trailer with portable hard plastic water tanks. The distance from the well location to the cultivation site is roughly 1 mile on a County paved and maintained road. Commercial water meters will be installed in line with the drip irrigation system to accurately monitor usage for monitoring and recording purposes. Irrigation of the site will take place in the early morning or evening, as to provide maximum soil saturation and limit evaporation due to excessive heat caused by daytime temperatures. Projected water usage is estimated at 30,000 gallons a month and not to exceed a yearly usage of 200,000 gallons. MCI projects better moisture retention when planting in the native soils than in above ground methods, additionally dry farming of the cultivation area may be feasible.

All spent materials utilized for the construction and operations of the proposed project will be removed and transported to an authorized waste management facility within the County of Humboldt. The preferred location for disposal is Humboldt Waste Management in Eureka, CA. All materials used for fertigation or pest and disease control will be triple rinsed and drained into fertigation and pest or disease control equipment and used in the next application to the crop.

There is no domestic trash or waste on site as there is no domestic residence. Trash from daily operations and employee areas will be bagged onsite and removed weekly and transported to the above-mentioned waste management facility. Solid or human waste will be captured by utilizing portable facilities maintained by Six Rivers Portable Toilets in Blue Lake, CA. Operator will maintain service records and receipts for these facilities.

A Road Evaluation Report was carried out by Six Rivers Developments in September 2018. The Evaluation was carried out for Butler Valley Road from Maple Creek Road to Kneeland Road, for Maple Creek from Blue Lake Blvd to Butler Valley Road, and for Kneeland Road from Freshwater Road to Butler Valley Road. All road segments evaluated were found to be Category 4 equivalent. The short driveway to the project site is rocked and gated.

A Timber Conversion Investigation was carried out by Blair Forestry Consulting in June 2019. The Report found that the site had been a homestead since approximately 1953. The investigation found that no commercial tree species were cleared from the historic homestead site. Instead, fruit trees and other brush which had become overgrown were cleared to make use of the site.

A Jurisdictional Wetland Delineation Report was carried out in February 2019. The Report identifies 1.29 acres of wetlands on-site. The Report states that there were no signs of filling or altering of wetland areas. Wetlands on-site are attributed to the drainage conditions relating to Maple Creek Road. Currently, the Streamside Management Area (SMA) buffers are physically marked on-site so that the area can be fully circumvented by project activities. Recommendations include protocol level surveys be conducted prior to any site disturbances related to road or structure development and employment of erosion control materials to reduce impacts of disturbance to aquatic species.

A Noise Source Assessment was carried out by Six Rivers Development LLC in August 2019. Using a REED Instruments R8080 sound level meter, an average dBA of 37.5 was recorded based on three recordings in different parts of the parcel at different times of the day. The CCLUO requires that noise from the operation be no more than 3 decibels above ambient at the property lines. This will be an ongoing condition of approval.

A Preliminary Biological Assessment Report was carried out by TransTerra Consulting and Mother Earth Engineering in November of 2018. The Assessment methods included a search of the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) database. A habitat assessment was conducted in the project area. No Special Status species were observed during the assessment. The Report recommends the use of natural fibers for cultivation netting and to avoid sediment transport into jurisdictional waters to avoid impacts to aquatic life. Multiple Northern Spotted Owl activity centers have been recorded near the subject parcel. HUM0740 was recorded as an unidentified male and female nesting in 1994, 1995, 1997, 2000, 2002, 2003. A positive observation was recorded on the subject parcel for the activity center (not located on the parcel) in 2000. All subsequent surveys yielded negative results. The last survey date in the database for the activity center was 2006 and yielded negative results. The HUM0382 has been recorded as nesting pair intermittently from 1994 to 2012. From 2013-2014 an unidentified male was observed and in 2015 and 2016 the surveys yielded negative results. The HUM0386 activity center has been recorded as a nesting pair intermittently with other observations of non-nesting owls, from 1991 to 2016. The JM0387 activity center has been recorded as a nesting pair intermittently from 1991 to 2013. Survey yielded negative results in 2015-2016. The project will not produce noise above 50dB at 100' from noise sources or at the edge of habitat, whichever is nearest. The operation is outdoor cultivation and the source of power will be PG&E. Generators will be used for backup power only.

A Cultural Resources Investigation Report was carried out by Roscoe and Associates, Cultural Resource Consultants in November 2018. The Report identified previously conducted investigations which found artifacts in the project area. No known cultural resources fall in direct proximity to the project area with the nearest known artifact being 75 meters away. Field surveys did not identify



historic or pre-historic artifacts on the project site. The Report recommends that Inadvertent Archaeological Discovery protocols be included as ongoing conditions of approval. MCI's operations and management agent will implement procedures to properly secure the processing facility during and after hours of operation. Only management will be authorized in these locked areas to mitigate potential theft. All product at the end of the shift will be returned to these locked areas and remote monitoring via closed circuit video surveillance will be utilized for both operational and non-operation hours.

On July 15, 2020, the Humboldt Bay Municipal Water District submitted comments for the proposed MCI cultivation project. They stated that the project has the potential to adversely affect public trust resources, that the proposed groundwater well represented potential non-compliance with the California Sustainable Groundwater Management Act of 2014 (SGMA) and that the project was not exempt from CEQA review. It is the Planning Department's analysis that through compliance with the mitigation measures laid out in the January 2018 FEIR and the resulting CCLUO that the project should produce impacts that are less than significant. Projects under the CCLUO cannot use diversionary water sources for cultivation irrigation and all sites must adopt Best Management Practices to avoid and reduce the transport of sediments into surface waters. Further, the proposed use of the well does not represent a change in use and the well will remain in use for residential domestic use and to provide drinking and sanitation water to on-site personnel. Lastly, the project has undergone CEQA review through the Jan 2018 FEIR, which conserved the full potential buildout of commercial cannabis as permissible in all of Humboldt County. As such, the project has undergone CEQA review and is proposed for development in accordance with the prescribed mitigation measures.

A number of letters have been received from concerned neighbors who are opposed to the project. Concerns raised include the potential impacts on wildlife and drinking water, potential increase in crime, traffic, and the potential decrease in property values. Questions were also raised regarding the size of the processing facility and the source of water use. Many comments express concerns regarding the impact that a commercial cannabis operation will have to the character of the surrounding area. The County believes that the information contained in this staff report and in the applicant's technical documents adequately address most of these concerns. However, the Maple creek area is an extremely rural and secluded community with limited development, with large land holdings that have historically been managed primarily for cattle grazing and timber. If approved however this would not be the first commercial cannabis operation approved in the vicinity. The property immediately south of the project site was approved for 17,000 square feet of commercial cannabis cultivation by the Planning Commission on September 19, 2019. Other properties in the immediate vicinity have applications for commercial cannabis in progress, with at least four nearby properties having been engaged in commercial cannabis cultivation since at least 2015.

Staff recommends that the Planning Commission take public testimony, consider the relevant information in the staff report and then move to make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

**RESOLUTION OF THE Planning Commission  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record Number: PLN-2018-15197  
Assessor's Parcel Number: 315-011-009**

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

**WHEREAS**, Maple Creek Investments, LLC, submitted an application and evidence in support of approving a Special Permit for commercial cannabis cultivation activities involving full-sun outdoor cultivation and ancillary on-site processing. The applicant proposes to cultivate 27,025 sf of outdoor cannabis and, dry, trim and process it in the proposed 2,000-square-foot ancillary processing building. Hours of operation are Monday – Saturday from 8:00 a.m. to 5:30 p.m. Water is sourced from rainwater catchment tanks and a well on a separate parcel under common ownership. Power is provided by P. G. & E; and

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

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2018-15197); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on August 6, 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 Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report support approval of Record Number PLN-2018-15197 based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2018-15197 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on August 6, 2020.

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

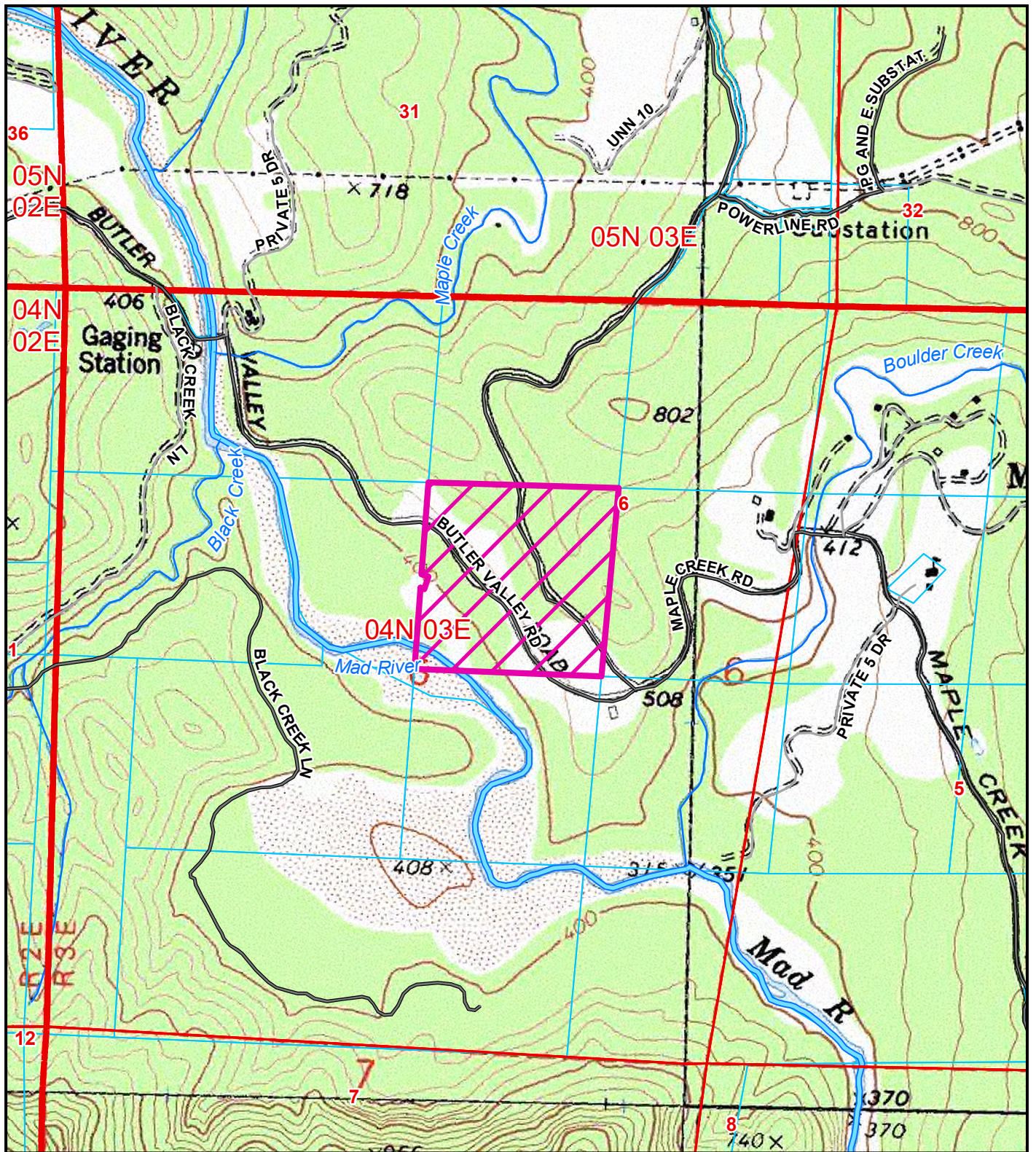
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

---

John Ford, Director

Planning and Building Department





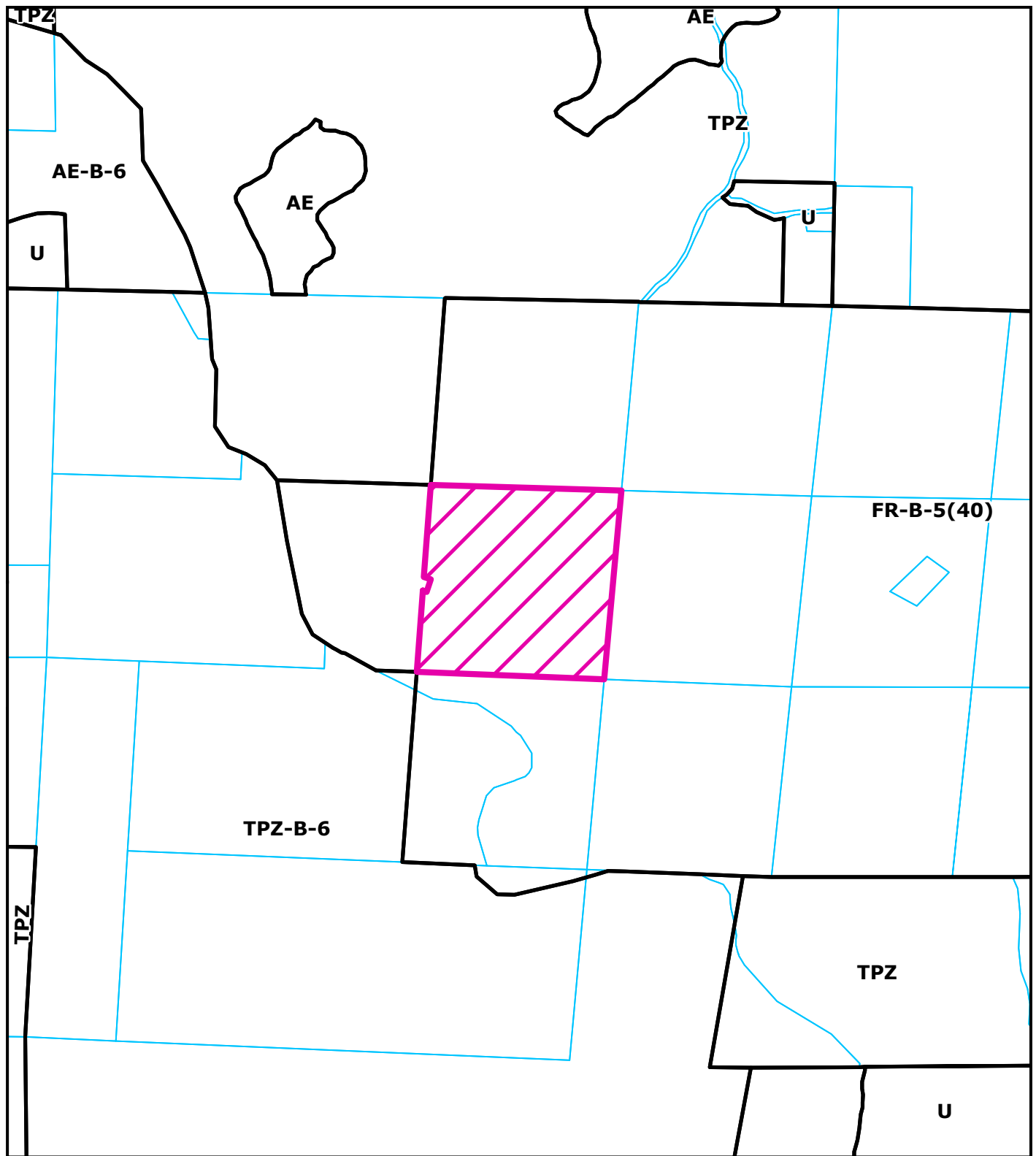
**TOPO MAP**  
**PROPOSED MAPLE CREEK INVESTMENTS**  
**Maple Creek AREA**  
**PLN--2018-15197**  
**APN: 315-011-009-000**  
**T04N R03E S6 HB&M (KORBEL)**

Project Area = 

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

0 1,000 2,000 Feet





**Project Area =**

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

**ZONING MAP**  
**PROPOSED MAPLE CREEK INVESTMENTS**  
**Maple Creek AREA**  
**PLN--2018-15197**  
**APN: 315-011-009-000**  
**T04N R03E S6 HB&M (KORBEL)**

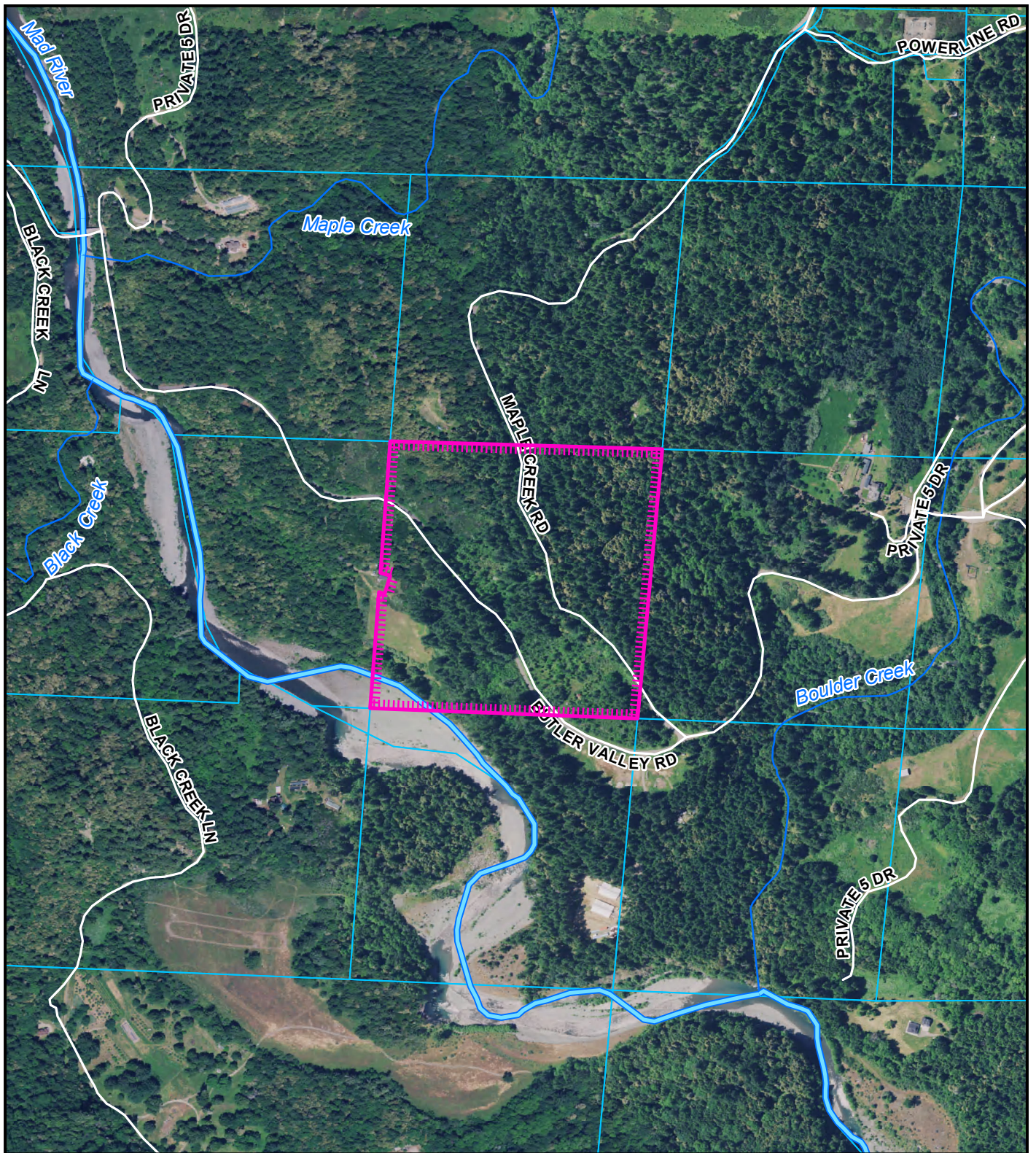
0

1,000

2,000

Feet





Project Area = 

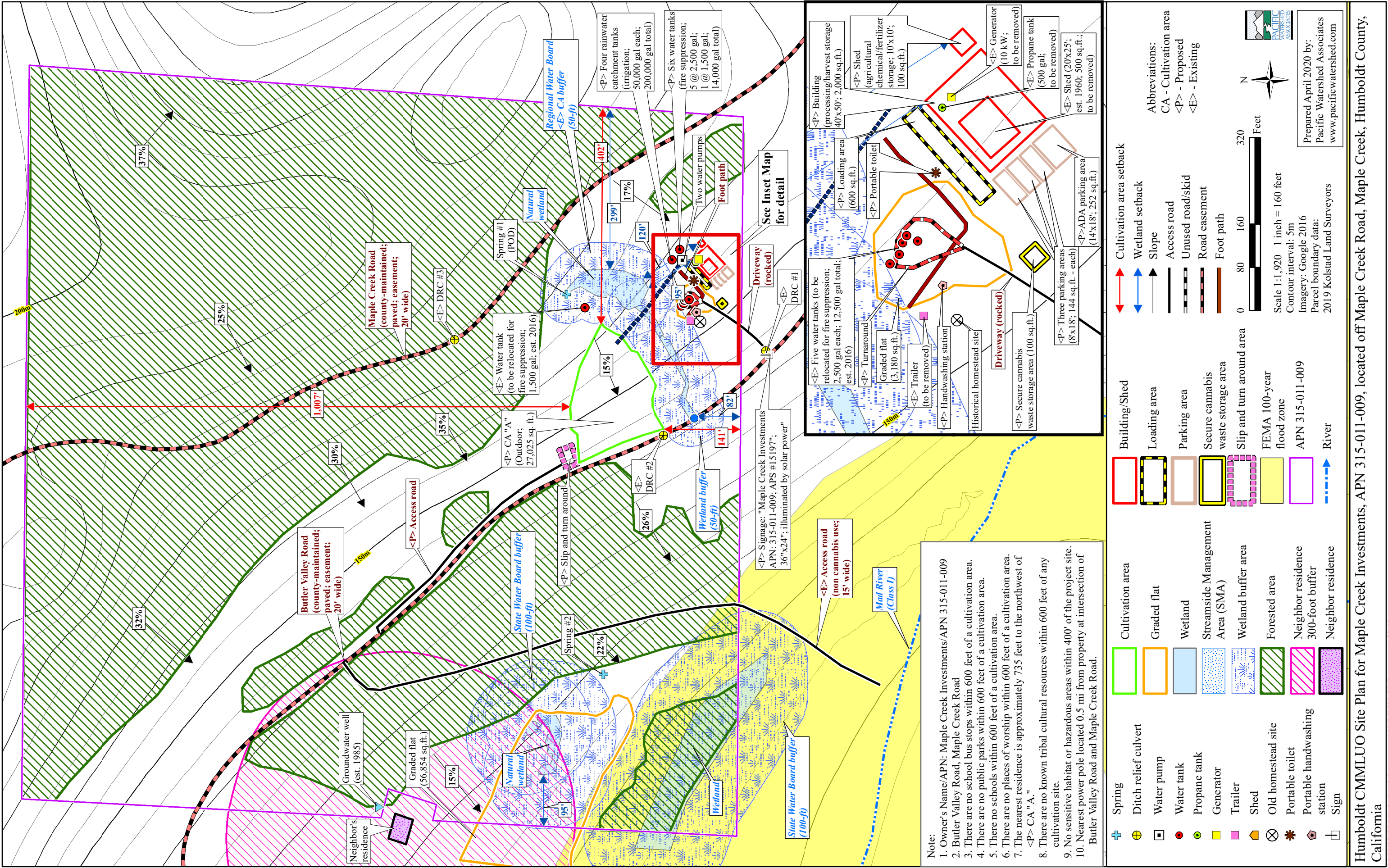
**AERIAL MAP  
PROPOSED MAPLE CREEK INVESTMENTS  
Maple Creek AREA  
PLN--2018-15197  
APN: 315-011-009-000  
T04N R03E S6 HB&M (KORBEL)**

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

0 875 1,750 Feet









## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT AND/OR INITIATION OF OPERATIONS.**

#### Section 1: Conditions of Approval

1. A Notice of Determination (NOD) will be prepared and filed 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.
2. The applicant shall contact the local fire service provider [Kneeland Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
3. 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. Approval from Public Works will satisfy this condition.
4. The applicant shall obtain an encroachment permit pave the driveway apron for a minimum of 18 feet wide and a length of 50 feet to achieve compliance with commercial driveway standards. The driveway and private road intersections onto County roads shall comply with the Sight Visibility Ordinance. Approval from Public Works will satisfy this condition.
5. The applicant shall obtain 100% renewable energy as the power source for the subject project. A letter or bill from P.G. & E. will satisfy this condition.
6. 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 operation. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
8. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A 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) shall be paid 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. 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.

9. 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.

## **Section 2: On-Going Requirements/Development Restrictions Which Must Continue 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 CCLUO and MAUCRSA, as applicable to the permit type.
3. The applicant's surface water diversion cannot be used at any time for the irrigation of cannabis.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.6.4.4.
8. Maintain enrollment in Tier 1, 2 or 3, certification with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ, if applicable, or any substantially equivalent

rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for all noise sources measured at the property lines shall be no more than 40.5 decibels as based on the baseline noise analysis submitted by Six Rivers Development for the project. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. The applicant must adhere to and implement the Recommendations detailed within the Wetland Delineation conducted for the project.
14. The applicant must adhere to and implement the Recommendations detailed within the Invasive Species Management Plan prepared for the project.
15. The applicant shall provide annual proof of participation in the RE Power+ Plan that is to supply 100% renewable energy to the project through the Redwood Coast Energy Authority.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. 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.
18. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
19. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
20. The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited.
21. 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.

22. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
23. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
24. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (Metrac).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. 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).
27. 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.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.

- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. 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.
30. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
- If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.
31. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #30, 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.

32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing permit; and
  - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

34. 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 55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no more than two (2) years after the date of issuance of a provisional clearance or permit, unless otherwise stipulated under the

terms of the individual agreement. The terms of the compliance agreement may be appealed to the Planning Commission, who shall then act as Hearing Officer.

2. This 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 building permits have been secured and/or the use initiated pursuant to the terms of the permit, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #30 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. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A 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) shall be paid within 12 months of the effective date of the permit, whichever occurs first. Payment shall be made 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.

## 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) specify the findings that are required to grant a 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; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development that is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, Open Space Plan, 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></p> <p>This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p>	<p>The applicant is proposing to develop outdoor cannabis cultivation and ancillary on-site processing. These activities fall under general agriculture and similar compatible uses. Therefore, the project conforms to this section.</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 directly off a paved County-maintained public road (Butler Valley Road). The Department of Public Works recommended conditional approval of this project. Conditions of approval require the applicant to adhere to County standards for fences, encroachments and the Sight Visibility Ordinance.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential</p>



	<p>the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within an Open Space Action Program because the project site has a very high fire hazard severity General Plan overlay. See Fire Hazard section below.</p> <p>The proposed cannabis cultivation, an agricultural product, 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Biological Resource maps of the County WebGIS identifies sensitive or critical habitat areas on and near the project site including Northern Spotted Owls activity centers within .51 miles of the project site.</p> <p>A Preliminary Biological Assessment Report was performed in November 2018 by TransTerra Consulting and Mother Earth Engineering. The Report identifies the site as hosting various habitat types including raptor nest sites and wetland conditions. Protocol level and Floristic surveys were not conducted. Instead, a habitat assessment was conducted for listed species and species of special concern. Previously conducted Northern Spotted Owl surveys have yielded mostly negative results. No sensitive species were identified on-site.</p> <p>Jurisdictional Wetland Delineation Report was carried out in February 2019. The Report identifies 1.29 acres of wetlands on-site. The Report states that there were not signs of filling or altering of wetland areas. Wetlands on-site are attributed to the drainage conditions relating to Maple Creek Road. Currently, the Streamside Management Area (SMA) buffers are physically marked on-site so that the area can be fully circumvented by project activities. Recommendations include</p>

		<p>protocol level surveys be conducted prior to any site disturbances related to road or structure development and employment of erosion control materials to reduce impacts of disturbance to aquatic species.</p> <p>The proposed project is agricultural in nature and is located in a land use designation where general agriculture is a principally permitted use. Cultivation will be carried out in native soils. Noise sources such as generators are not part of this project's normal operations and will exist for back-up purposes. All noise sources will be contained to 50dB at 100' or the edge of habitat, whichever is nearest. The proposed ancillary processing building is sited in the location of existing structures.</p> <p>The California Department of Fish and Wildlife was referred on January 16, 2020, and did not provide any comments.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The subject parcel was reviewed with respect to archaeological and cultural resources in a Cultural Resources Investigation in November 2018. The study discusses five previously conducted Cultural Resources Investigations, two of which identified artifacts. The investigation did not find that the development of the proposed project would adversely affect any known cultural resources. Correspondence from the Bear River Band and the Blue Lake Rancheria Tribal Historic preservation Officers indicated that Inadvertent Discovery Protocols would suffice.</p> <p>The Northwest Information Center was referred this project and recommended no further cultural study. An ongoing condition of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the</p>	<p>The proposed project is located within an agricultural land use designated parcel and will not result in any incompatible uses. Butler Valley Road is not considered a Scenic Highway. The proposed project does not include any additional lighting or signage at this time. Any future lighting and/or signs that may be proposed must conform to Humboldt County Code lighting or signage requirements.</p>

	County. (SR-G2) Related policies: SR-S4. Light and Glare.	
Water Resources Chapter 11  Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9) Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.	The proposed project occurs within an agricultural land use designation and is considered general agriculture. Pacific Watershed Associates prepared a Water Resources Protection Plan on November 2018. The report identifies where the site is deficient in storm water management and puts forth remediation measures to achieve compliance with the General Order.
Water Resources Chapter 11  Onsite Wastewater Systems	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) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.	The applicant will construct an On-site Wastewater Treatment System to the interior of the site from the location of the ancillary processing structure to serve the need of on-site staff. This is a condition of approval and is required prior to use of the ancillary processing facility.
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from	The subject parcel is not located in an area that requires special noise attenuation measures due to proximity of Northern Spotted Owl Activity Centers. The proposed project is for full sun outdoor cultivation and ancillary processing. Power to the existing structure is provided by PG&E. and does not require use electrical generators.

	Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. Geologic hazard maps of the General Plan show the slope instability of the property to be low, and the proposed project involves planting cannabis in native soils and building a 2,000 sf ancillary commercial processing structure on a currently developed site, so the proposed project is not likely to be subject to geologic 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 subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 19 miles distance from the coast, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourages 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-P 19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a very high fire hazard severity. The subject property is located within the Kneeland Fire Response Area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection and the Kneeland Volunteer Fire Department had no comment on the project. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>

		With respect to the Fire Safe Ordinance (Section 3111-1 et seq.), all existing and proposed improvements are setback at least 30 feet from all property lines. The applicant has a designated fire turn-around and pullout area for emergency vehicles and 14,000 gallons of water storage dedicated for domestic and fire suppression.
Community Infrastructure and Services Element, Chapter 5  Implementation Action Plan	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.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Kneeland Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services. 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.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G 1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S 1, Construction and Grading Dust Control, AQP7, Interagency Coordination.	The North Coast Unified Air Quality Management District (NCUAQMD) had no comment for this project. The project is not expected to increase particulate matter and is not expected to significantly increase greenhouse gas emissions.

**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 Supporting 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	The parcel of land known as APN 315-011-009 is Lot 9 of Tract 315 (Created by 1971 RS for Madrone Creek / Boulder Creek Subdivision 27RS24) Therefore, the subject

	applicable state and local subdivision regulations.	parcel was lawfully created in its current configuration and can be developed as proposed.
Minimum Lot Area:	1 Acre	42 Acres
Minimum Lot Width:	200 Feet	1,360 feet
Maximum Lot Depth:	None specified	N/A
Max. Lot Coverage:	None Specified	N/A
Min. Yard Setbacks (through the SRA requirements):	<p>MB Minimum Setbacks:</p> <p>Front: 20 feet</p> <p>Rear: 20 feet</p> <p>Side: 10 feet</p> <p>The parcel is within the mapped state Responsibility Area and 30-foot setbacks to all property lines are required.</p>	<p>Front: 69 feet</p> <p>Rear: 1,007 feet</p> <p>Side (east): 250 feet</p> <p>Side (west): 820 feet</p>
Max. Building Height:	35' feet	<35 feet
§314-109.1.3.4.1 Off-Street Parking Manufacturing	The higher of one parking space for each 1,500 square feet of gross floor area within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required.	4 spaces including an ADA space.
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are no mapped Streamside Management Areas (SMA) on the subject parcel. SMA's on-site include a 1.29-acre wetland. The jurisdictional wetland delineation completed for the site attributes the presence of a wetland to the orientation of Maple Creek Road above the site as well as the topography. All proposed development is outside of 50' SMA buffers.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)</b>		
§314-55.4.5.4  Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, the party who is the Maple Creek Investments, LLC, applicant, submitted two applications, including this application for cultivation and ancillary on-site processing. One application was withdrawn. If approved, the applicant will hold one permit.
§314-55.4.6.3.1  Eligibility Requirements –  Energy Source	Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.	Power to the subject parcel is provided by P G&E To meet the Performance Standard for Energy Use, CCLUO §314- 55.4.12.5, The applicant shall join one of PG&E's renewable energy programs ("Repower+" or "Solar Choice") to obtain 100% renewable energy which is included as a Condition of Approval. As conditioned, the proposed project meets this performance standard.
§ 314-55.4.6.3.2  Eligibility Requirements –  Water Source	Irrigation shall exclusively utilize Stored Water from Non-Diversionary Sources or water from a Public or Private Water Supplier.	Water is provided by four proposed 50,000-gallon rainwater catchment tanks. This capacity will be supplemented with an additional 14,000 gallons of hard tank storage to be used for domestic and fire suppression. In addition to rain catchment, MCI will utilize a groundwater well located offsite on a neighboring parcel (313-146-010) under the ownership of MCI to supply drinking and sanitation water for on-site personnel. The water utilized from the well will be transported from the well location to the cultivation site via truck with trailer with portable hard plastic water tanks. The distance from the well location to the cultivation site is roughly 1 mile on County paved and maintained road. No diversionary water will be used for irrigation of cannabis.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)</b>		
§314-55.4.6.4.4  Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan and staff analysis show that the cultivation area exceeds 30 feet from any property line, 300 feet from any residence on an adjacent parcel, and 270 feet from any undeveloped adjacent parcel. The proposed project also conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. No nearby Tribal Cultural Resources or Tribal Ceremonial Sites were identified by the Bear River Band THPO or the Blue Lake Tribe THPO. The project complies with these standards.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.12.1.8 Performance Standards–  Road System	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	Access to the site is directly off a paved County-maintained public road (Butler Valley Road). The Department of Public Works recommended conditional approval of this project. Conditions of approval require the applicant to adhere to County standards for fences and encroachments.



<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)</b>		
§314-55.4.12.1.10 Performance Standards–  Biological Resource Protection	Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.	<p>The Biological Resource maps of the County WebGIS identifies sensitive or critical habitat areas on and near the project site including Northern Spotted Owls activity centers within .51 miles of the project site.</p> <p>A Preliminary Biological Assessment Report was performed in November 2018 by TransTerra Consulting and Mother Earth Engineering. The Report identifies the site as hosting various habitat types including raptor nest sites and wetland conditions. Protocol level and Floristic surveys were not conducted. Instead, a habitat assessment was conducted for listed species and species of special concern. Previously conducted Northern Spotted Owl surveys have yielded mostly negative results. No sensitive species were identified on-site.</p> <p>Jurisdictional Wetland Delineation Report was carried out in February 2019. The Report identifies 1.29 acres of wetlands on-site. The Report states that there were not signs of filling or altering of wetland areas. Wetlands on-site are attributed to the drainage conditions relating to Maple Creek Road. Currently, the Streamside Management Area (SMA) buffers are physically marked on-site so that the area can be fully circumvented by project activities. Recommendations include protocol level surveys be conducted prior to any site disturbances related to road or structure development and employment of erosion control materials to reduce impacts of disturbance to aquatic species.</p> <p>The proposed project is agricultural in nature and is located in a land use designation where general agriculture is a principally permitted use. Cultivation will be carried out in native soils. Noise sources such as generators are not part of this project's normal operations and will exist for back-up purposes. All noise sources will be contained to 50dB at 100' or the edge of habitat, whichever is nearest. The proposed ancillary processing building is sited in the location of existing structures.</p> <p>The California Department of Fish and Wildlife was referred on January 16, 2020, and did not provide any comments.</p>

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)</b>		
<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The project includes 27,025 square feet of full sun outdoor commercial cannabis cultivation in native soils. No artificial lighting is used for cultivation activities.</p> <p>All exterior and security lighting is shielded to prevent backlight, up light and glare (BUG). All operations will comply with International Dark Sky Standards. The applicant is required to demonstrate compliance with this condition.</p>
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> <li>• Grid power supplied from 100% renewable source; and</li> <li>• On-site renewable energy system with twenty percent net non-renewable energy use</li> </ul> <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The proposed project is full sun outdoor cannabis cultivation with proposed ancillary on-site processing. Power is provided by P G&amp;E The applicant will join one of PG&amp;E's renewable energy programs ("Repower+" or "Solar Choice") to obtain 100% renewable energy which is included as a Condition of Approval. As conditioned, the proposed project meets this performance standard.</p>

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)</b>		
<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures due to proximity to Northern Spotted Owl (NSO) activity centers. The nearest NSO activity center is .50 miles to the north of the subject parcel. Potential impacts to habitat are minimized as power to the subject parcel is provided by PG&amp;E and the operation is outdoor cultivation. The applicant provided a Sound Evaluation Report stating that ambient noise levels on the parcel range between 36 and 40 decibels. On-going conditions of approval require noise from the operation not to exceed an increase of three decibels above ambient noise levels.</p>
<p>§314-55.4.12.7 Performance Standards –</p> <p>Cannabis Irrigation</p>	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>The applicant anticipates one outdoor harvest per year. The sole water source for irrigation is rainwater catchment. Water will be captured off of the tops of the four proposed rainwater catchment tanks. There are currently 6 hard tanks with a total capacity of 14,000 gallons on the parcel. With the four proposed 50,000-gallon rainwater catchment tanks, a total capacity of 214,000-gallons are proposed. Water will be delivered to the cannabis plants via a metered drip irrigation system with timers. The applicant's estimated annual water use is 200,000-gallons. Water use shall be metered, and monthly records kept on site as an ongoing operational condition of approval.</p>
<p>314-55.4.12.10 Performance Standards –</p> <p>Soils Management</p>	<p>A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.</p>	<p>Per the Soil Management plan provided by the applicant (See Cultivation and Operations Plan B.4.), the applicant will utilize native soils for cultivation as plants will be grown in the ground. Soils displaced as a result of grading and other project work will be evenly spread on the cultivation area. The Applicant will amend their soil for the initial cultivation cycle in order to condition the native soil to promote healthy crop growth. Further soil amendments will be applied on an as needed basis. Winterization includes planting cover crops and using straw wattles to control run-off. Should the soil ever be found no longer viable, it will be removed and disposed of at an approved waste management facility's green waste center. Should the Applicant utilize a green waste center, they will obtain a receipt and store it with their records.</p>

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis for Medical or Adult Use Inland Land Use Regulation (CCLUO)</b>		
<p>314-55.4.12.11 Performance Standards –</p> <p>Existing Site Reconfiguration</p>	<p>Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.</p>	<p>Reconfiguration is not proposed.</p>
<p>314-55.4.12.13 Performance Standards –</p> <p>Remediation Activities</p>	<p>All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.</p>	<p>Remediation is not required or proposed.</p>
<p>314-55.4.12.16 Performance Standards –</p> <p>Invasive Species Control</p>	<p>It is the responsibility of a certificate or permit holder to work to eradicate invasive species.</p>	<p>An Invasive Species Management Plan was prepared by TransTerra Consulting in May 2019 for the key subject parcel. Invasive species on site are categorized in accordance with the severity of the ecological impacts of their propagation. Several species were listed as having moderate to high potential for ecological disruptiveness including Scotch broom (<i>Cytisus scoparius</i>), Andean Pampas grass (<i>Cortaderia jubata</i>), French broom (<i>Genista monspessulana</i>), English Ivy (<i>Hedera helix</i>), and Himalayan blackberry (<i>Rubus armeniacus</i>). The Plan advises that eradication of established populations of invasive species is virtually impossible. Itj recommends employment of preventative measures to keep new populations at bay. The project has been conditioned to follow the recommendations of the Invasive Species Management Plan.</p>

**4. Public Health, Safety, and Welfare and 6. Environmental Impact:** the following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Special Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	All responding referral agencies have either provided no comment or recommended approval of the proposed use. The proposed agricultural use is consistent with the type of development in the area. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.

**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 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 proposed project involves operation of a cannabis cultivation and ancillary processing facility on lands designated "Residential Agriculture" (RA) and zoned Business Park (MB). The parcel was not inventoried as source of potential residential housing. Therefore, 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.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of 27,025 SF of new cultivation, a 2,000 SF ancillary processing building and 200,000 gallons of rainwater catchment tanks. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3  
CEQA Addendum

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

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

*APN 315-011-009, Butler Valley Road Maple Creek, CA County of Humboldt*

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

July 2020

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Special Permit for a total of 27,025 square feet (sf) of outdoor commercial cannabis cultivation and a 2,000-sf ancillary processing building. Irrigation water for cultivation is supplied by rainwater catchment and a domestic groundwater well. There is a total of 200,000 gallons of rainwater catchment storage proposed at full build-out. Cannabis will be processed on site. There will be 4 full-time and 6 part-time seasonal operators. Power will be provided by Pacific Gas and Electric (PG&E). The cultivation will be full sun, planted in the ground.

The project site contains riparian habitat associated with a wetland; however, all related proposed project elements are outside of the required setbacks. A biological report has been prepared which documents that there will be no impacts to sensitive biological resources from the project. A Jurisdictional Wetland Delineation performed in February of 2019 identified 1.29 acres of Jurisdictional Wetlands which are entirely circumvented by the project. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that will be impacted from the project.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. A noise source assessment was prepared which documents an average dBA on site of 34-37 dBA and under the CCLUO the noise level from operations may not exceed 3 decibels above the ambient, so may not exceed 40.5 decibels at the property lines. Mitigation measures include enclosing irrigation pumps. Compliance with these and other measures of the CCLUO ensure consistency with the FEIR.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that



project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project in full compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Biological Assessment Report prepared by TransTerra Consulting and Mother Earth Engineering., November 2018.
- Cultural Resources Investigation Report and subsequent addendum prepared by Roscoe & Associates., November 2018
- Water Resources Protection Plan prepared by Pacific Watershed Associates, November 2018.
- Noise Source Assessment and Mitigation Plan prepared by Six Rivers Development LLC., August 2019.
- Jurisdictional Wetland Delineation Report prepared by TransTerra Consulting., February 2019.
- Road System Assessment prepared by Six Rivers Development, LLC., September 2018.
- Site Operations Plan and Addendum for Maple Creek Investment, LLC.

#### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

#### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

## ATTACHMENT 4

### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – in Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (WRPP Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CALFIRE). 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 CALFIRE. (Timber Conversion Investigation Attached)

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 Six Rivers Development, LLC dated September 1, 2018. (Attached)
17. Jurisdictional Wetland Delineation Report prepared by TransTerra Consulting., February 2019. (Attached)
18. Noise Source Assessment and Mitigation Plan prepared by Six Rivers Development LLC., August 2019. (Attached)

June 9, 2019

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

Dear Humboldt County Planning Department:

At the request of the current owner, Blair Forestry LLC was asked to conduct a site visit on APN 315-011-009 due to an alleged claim that there had been illegal conversion of timberland for agricultural purposes. A site visit was conducted by representatives of Blair Forestry LLC on January 29, 2019. The site visit was focused on the premise that commercial tree species (timberland) had been cut to facilitate the commercial cultivation of cannabis. Analysis of consistency with the California Forest Practice Rules concerning the conversion of timberland to other uses was not the focus of this site visit (*14 CCR 914.1 Felling Practices, 14 CCR 914.2 Tractor Operations, 14 CCR 914.7 Timber Operations, Winter Period, 14CCR 1104.1(a)(2)(F) Watercourse and Water Resources, 14 CCR 1104.1 (2)(H) Biological Resources*).

**Timberland**, pursuant to PRC § 4526, means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

The site is within a portion of a Non-Industrial Timber Management Plan (1-01NTMP-011 HUM) located in Maple Creek. Humboldt County has zoned this parcel **Forestry Recreation (FR)** – The *Humboldt County Zoning Regulations Section 314 – 7.3* describes FR as “intended to be applied to forested areas of the County in which timber production and recreation are the desirable prominent uses and agriculture is the secondary use, and in which protection of timber and recreational lands is essential to the general welfare” (More specific information can be found in Chapter 4, Page 31 of the Humboldt County Zoning Regulations). The area that was cleared of vegetation is approximately 0.4 acres in size. Standing vegetation surrounding the site includes grasses, forbes, shrubs, fruit trees and small encroaching Douglas-fir and grand-fir.

The site visit, combined with orthographic imagery, indicates that this site was a historic homestead. Imagery from 1953 shows this area as open meadow with what appears to be a home site structure (see attached imagery). During the site visit it was apparent that this area was planted with fruit trees associated with the homestead as numerous fruit trees are still present. Over time, after the abandonment of the homestead, early successional vegetation encroached onto the site.

During the site visit only fruit tree species were observed to have been cut. This was evidenced by observation of piles of fruit tree logs remaining on the ground around the site and absence of conifer remnants as well as personal communication with the party responsible for cutting the trees. It was also

observed that the small conifer saplings were encroaching onto the site from a distance. Although non-naturally occurring fruit tree species and native and non-native shrubs were removed in an area that was *capable* of growing crop trees of commercial species used to produce lumber and other forest products, it was not discernable that commercial species were removed.

Sincerely,

Thomas Blair RPF#2607

A handwritten signature in dark ink, appearing to read 'Thomas Blair', with a long horizontal stroke extending to the right.

Enclosed: Orthographic Imagery Sequence Maps 1953, 2016, 2018; Photos

\*Orthographic Imagery Sequence Maps are for years 1953, 2016 and 2018 are intended to show the progression of harvesting activities and provide additional information on topics discussed in this letter. They do not represent the most current state converted timberland.

## 1953 Imagery





Page 43  
1/25/2019

PLN-2018-15197 Maple Creek Investments PC August 6, 2020  
<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>



















HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Maple Creek Investments APN: 315-011-009

Planning & Building Department Case/File No.: 14215

Road Name: Butler Valley Rd (complete a separate form for each road)

From Road (Cross street): Kneeland Rd

To Road (Cross street): Maple Creek Rd

Length of road segment: 8 miles Date Inspected: 9/1/18

Road is maintained by: ☒ County ☐ Other  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Signature

Date

Name Printed

Brian Shields

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Maple Creek Investments APN: 315-011-009

Planning & Building Department Case/File No.: 14215

Road Name: Kneeland Rd (complete a separate form for each road)

From Road (Cross street): Freshwater Rd

To Road (Cross street): Butler Valley Rd

Length of road segment: 10 miles Date Inspected: 9/1/18

Road is maintained by: ☒ County ☐ Other  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Brian Shields  
Signature

9/1/18  
Date

Brian Shields  
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works and Use Division at (707) 443-1111.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Maple Creek Investments APN: 315-011-009

Planning & Building Department Case/File No.: 14215

Road Name: Maple Creek Rd (complete a separate form for each road)

From Road (Cross street): Blue Lake Blvd

To Road (Cross street): Butler Valley Rd

Length of road segment: 16 miles Date Inspected: 9/1/18

Road is maintained by: ☒ County ☐ Other \_\_\_\_\_  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

Signature



Date

9/1/18

Name Printed

Brian Shields

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7285.

# NOISE SOURCE ASSESSMENT

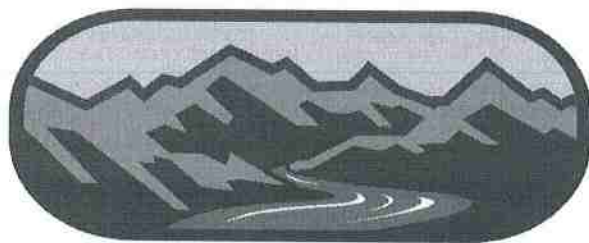
MAPLE CREEK INVESTMENTS LLC.

APPS# 15197

APN# 315-011-009

PERFORMED BY:

SIX RIVERS DEVELOPMENT LLC.



**Six Rivers Development LLC.**

AUGUST 2019



MAPLE CREEK INVESTMENTS LLC

NOISE SOURCE ASSESSMENT

AUGUST 2019

As a requirement for proposed new cannabis cultivation activities, and in accordance with the County of Humboldt, Commercial Medical Marijuana Land Use Ordinance 2.0, **(CMMLUO) Sec. 55.4.12.6**, Maple Creek Investments LLC (MCI) contracted with Six Rivers Development LLC, (SRD) in late July of 2019 to perform acoustical analysis in accordance with the requirements set forth in the aforementioned section of the CMMLUO, 2.0.

The analysis was performed between August 7<sup>th</sup>, 2019 through August 13<sup>th</sup>, 2019. To perform the required analysis on **APN 315-011-009, in Maple Creek, CA**. SRD utilized a professional grade sound level meter. The meter is capable of recording and storing data for up to fifty continuous hours and measures sound in **A-weighted decibels, (dBA)**. A-weighted decibels are an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency.

The sound level meter used to record the noise levels from the property boundary is a **REED Instruments R8080, sound level meter and data logger** “see attached”.

**Noise Analysis Data:**

In accordance with the requirements in Sec. 55.4.12.3, noise monitoring analysis was performed while cannabis related activities were not in operation from three property lines. The locations of the placement of the sound level meter are listed on the included site map as, **MCI NSA PT 1, MCI NSA PT 2, and MCI NSA PT 3**. Correlating data was collected from each of these locations and is included in the report and labeled as the following:

**Maple Creek Investments LLC NSA Unit A, PT 1, 8/6/19-8/7/19**

10:17:50PM – 10:19:50PM, Max dBA 74.0, Min dBA 32.6, Avg. dBA 34.1

**Maple Creek Investments LLC NSA Unit A, PT 2, 8/8/19-8/9/19**

7:08:04PM – 7:10:04PM, Max dBA 76.2, Min dBA 33.5, Avg. dBA 37.5

**Maple Creek Investments LLC NSA Unit A, PT 3, 8/12/19-8/13/19**

7:24:29AM – 7:26:29AM, Max dBA 74.4, Min dBA 34.2, Avg. dBA 37.3

In accordance with noise monitoring standards utilized throughout California, for calculating workplace safety and noise mitigation measures for highways and construction, the ambient noise level is

calculated at the highest end of the average between the points measured rounded to the nearest decibel. The highest measured average ambient noise level for this analysis is from **Maple Creek Investments LLC NSA Unit A, PT 2, 8/8/19-8/9/19, with an average dBA of 37.5, rounded to the nearest dBA equates to 38 dBA.**

#### **Noise Attenuation:**

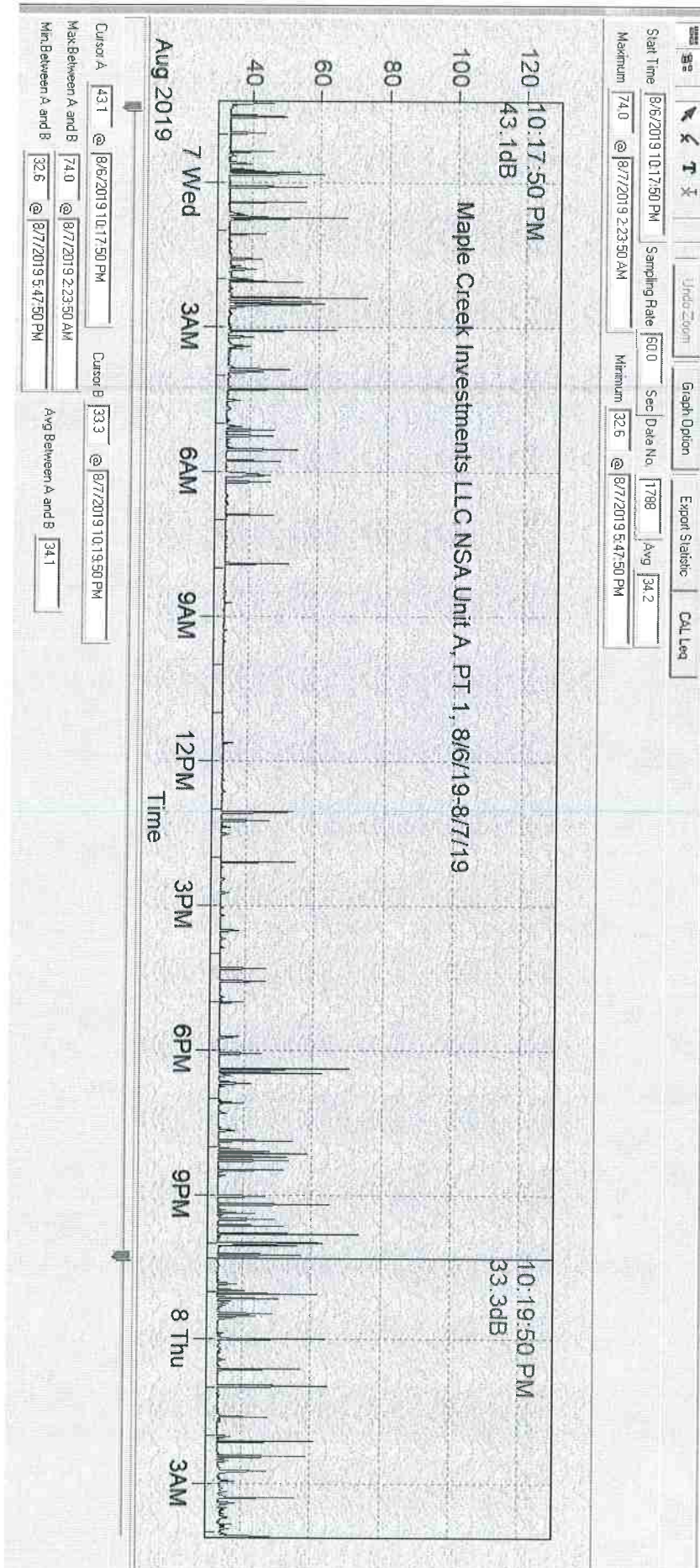
The project is proposing on-grid power for a 2,000 Sf processing facility. The facility will be utilized for minimally processing, drying, curing, and storage of cannabis. Internal equipment involved in this process will be fans, de-humidifiers, and trim machines. The building will be well insulated to control both temperature and sound levels.

External equipment for cultivation activities will include electrical irrigation pumps. Pumps will be enclosed in pump shed to attenuate sound. See attached ***"Pump Shed"***

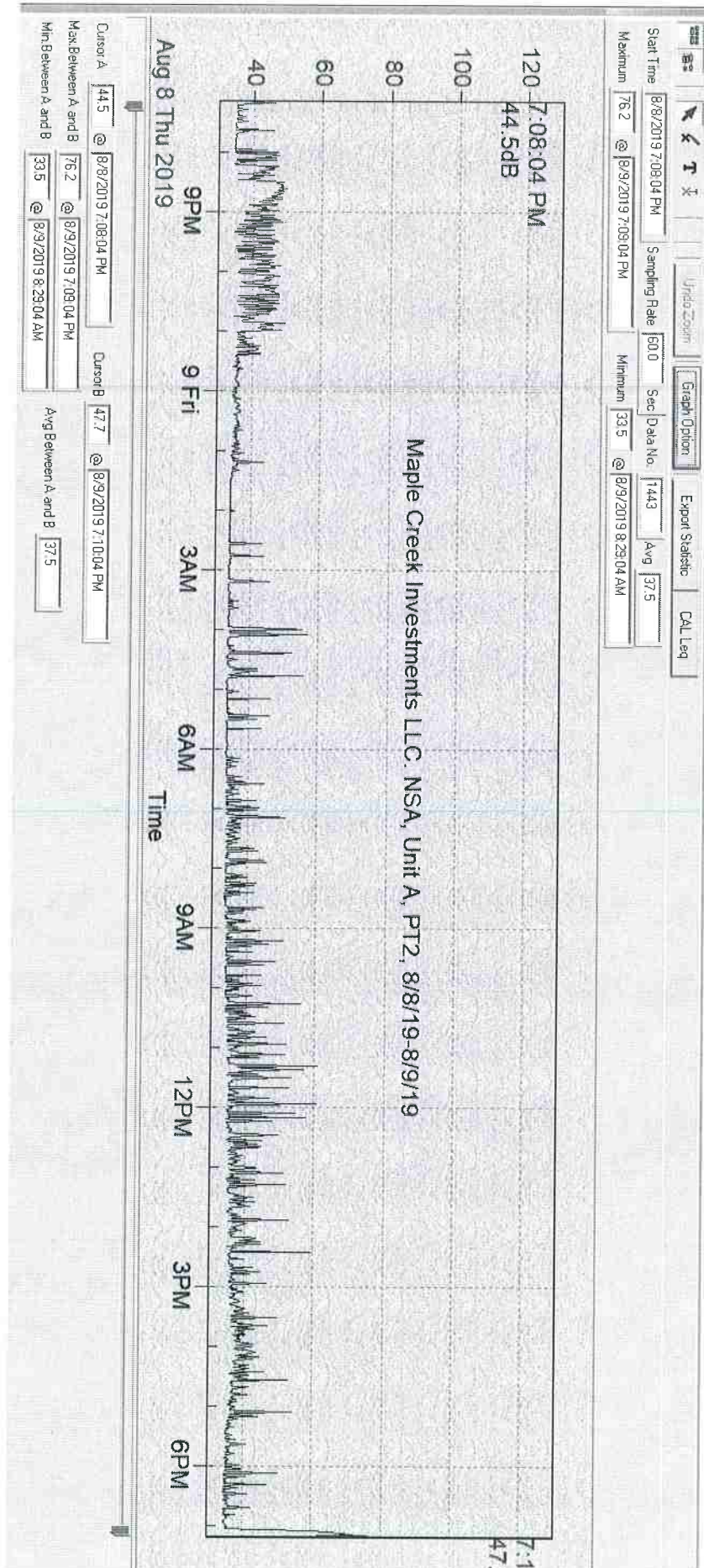
Additionally, naturally occurring features serve as attenuation for the project. The proposed project site is located in Maple Creek, CA. and is surrounded by dense forest stands. See attached ***"Project Location Map"***

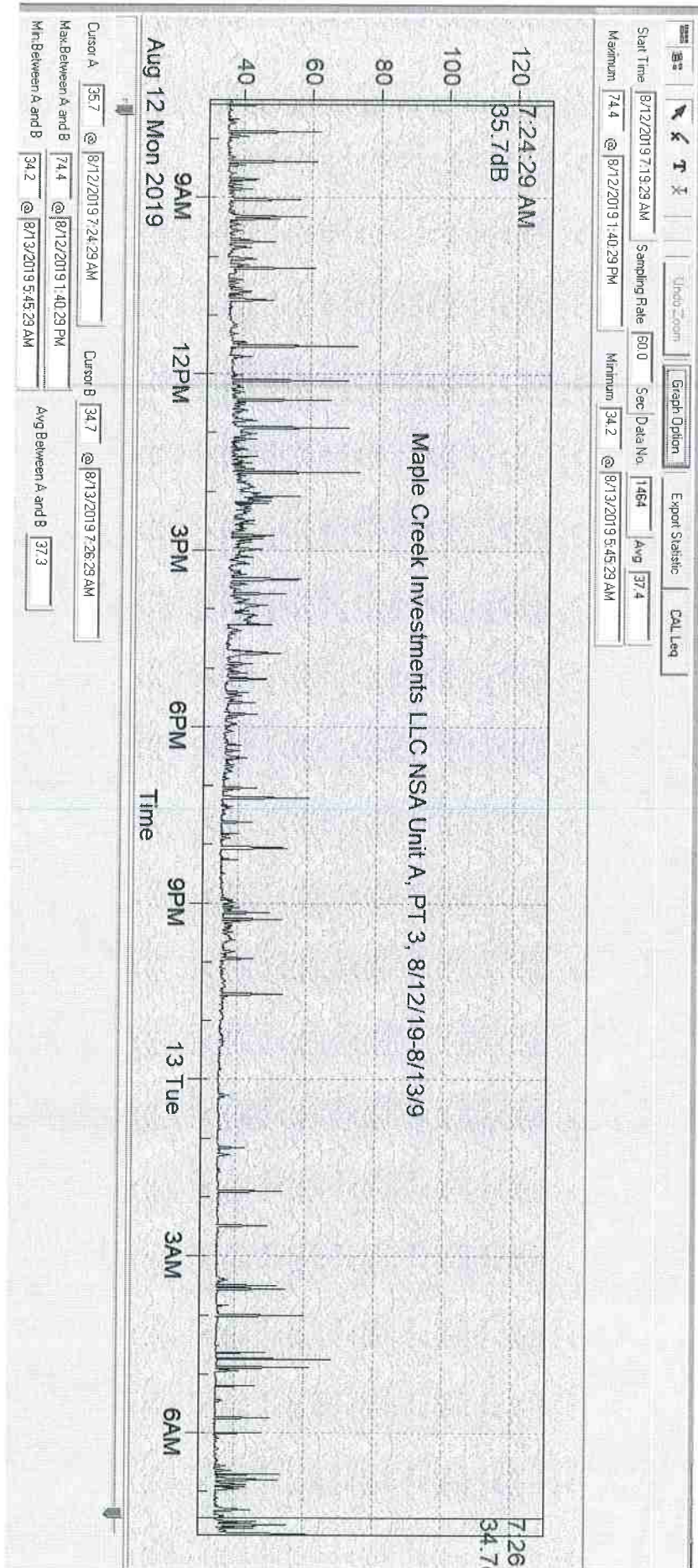
#### **Sensitive Areas:**

Sensitive areas are discussed in depth in the Biological Report. See ***"Preliminary Biological Assessment Report for Maple Creek Property 315-011-009"***

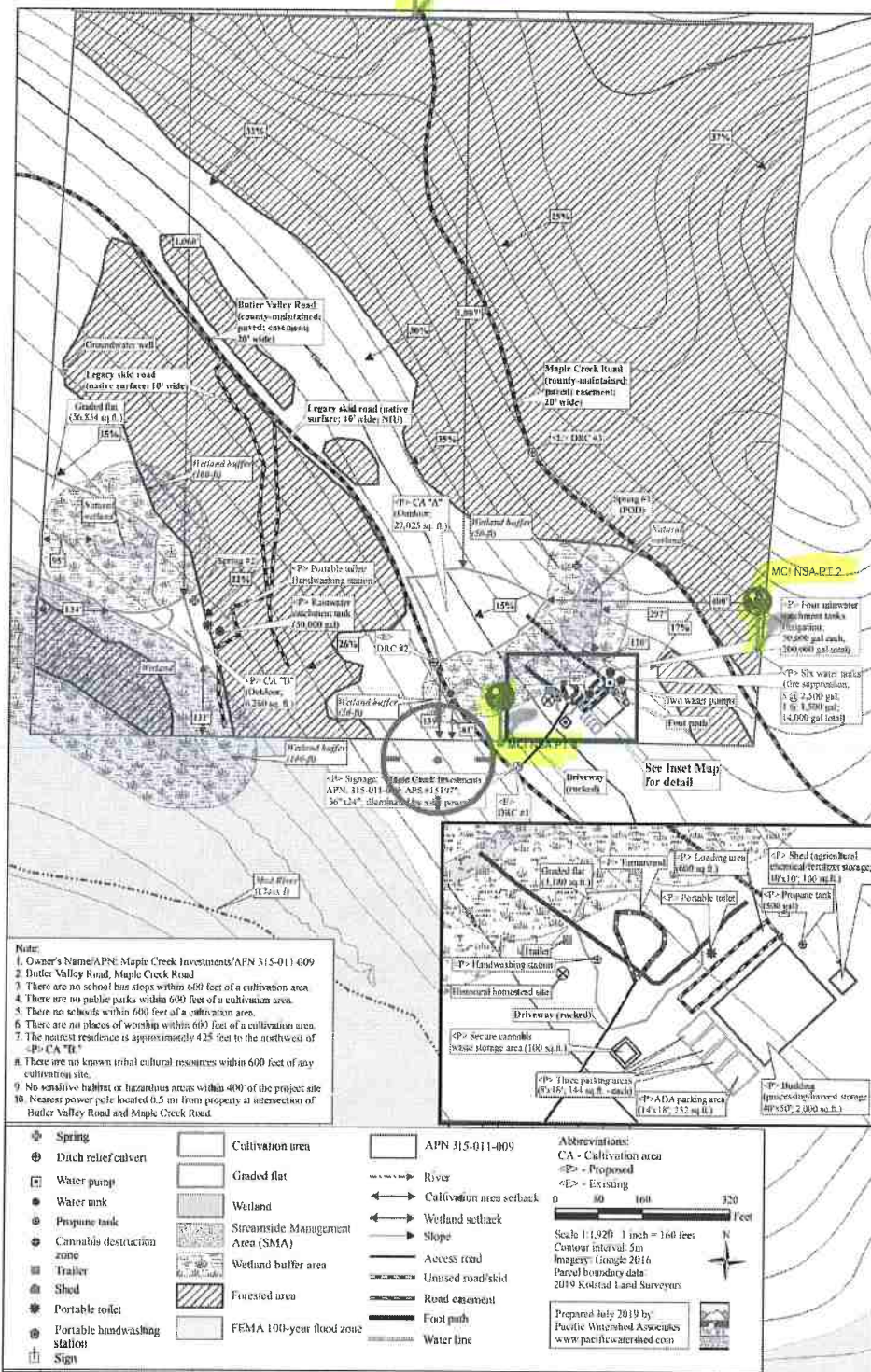












# REED

## Model R8080

Sound Level Meter/  
Data Logger

## Instruction Manual



1-877-849-2127 | [info@reedinstruments.com](mailto:info@reedinstruments.com)

## Features

- Meets IEC 61672-1 Class 2 requirements
- Records up to 64,000 datapoints (1MB)
- 60dB dynamic space in each range
- Real time clock and calender
- Fast/Slow time weighting
- "A & C" frequency weighting
- Min/Max function
- USB Interface
- Low level battery indicator
- Analog digital bargraph
- Backlit LCD display
- Tripod mount design for long-term monitoring
- Includes windscreen, USB cable, Windows software, batteries and hard carrying case

## Specifications

Standard Applied:	IEC61672-1 Class 2, ANSI S1.4 Type 2
Frequency Range:	20Hz to 8KHz
Measuring Level Range:	30 to 130dB
Frequency Weighting:	A / C
Microphone:	½ inch electret condenser microphone
Digital Display:	4 digits
Analog Display:	30 segment bargraph
Resolution:	Digital: 0.1dB Analog: 2dB
Sample Rate:	Digital: 0.5 sec. Analog: 50 mS
Time Weighting:	FAST and SLOW

MicroDAQ.com

www.MicroDAQ.com

(603) 746-5524

**1-877-849-2127 | info@reedinstruments.com**

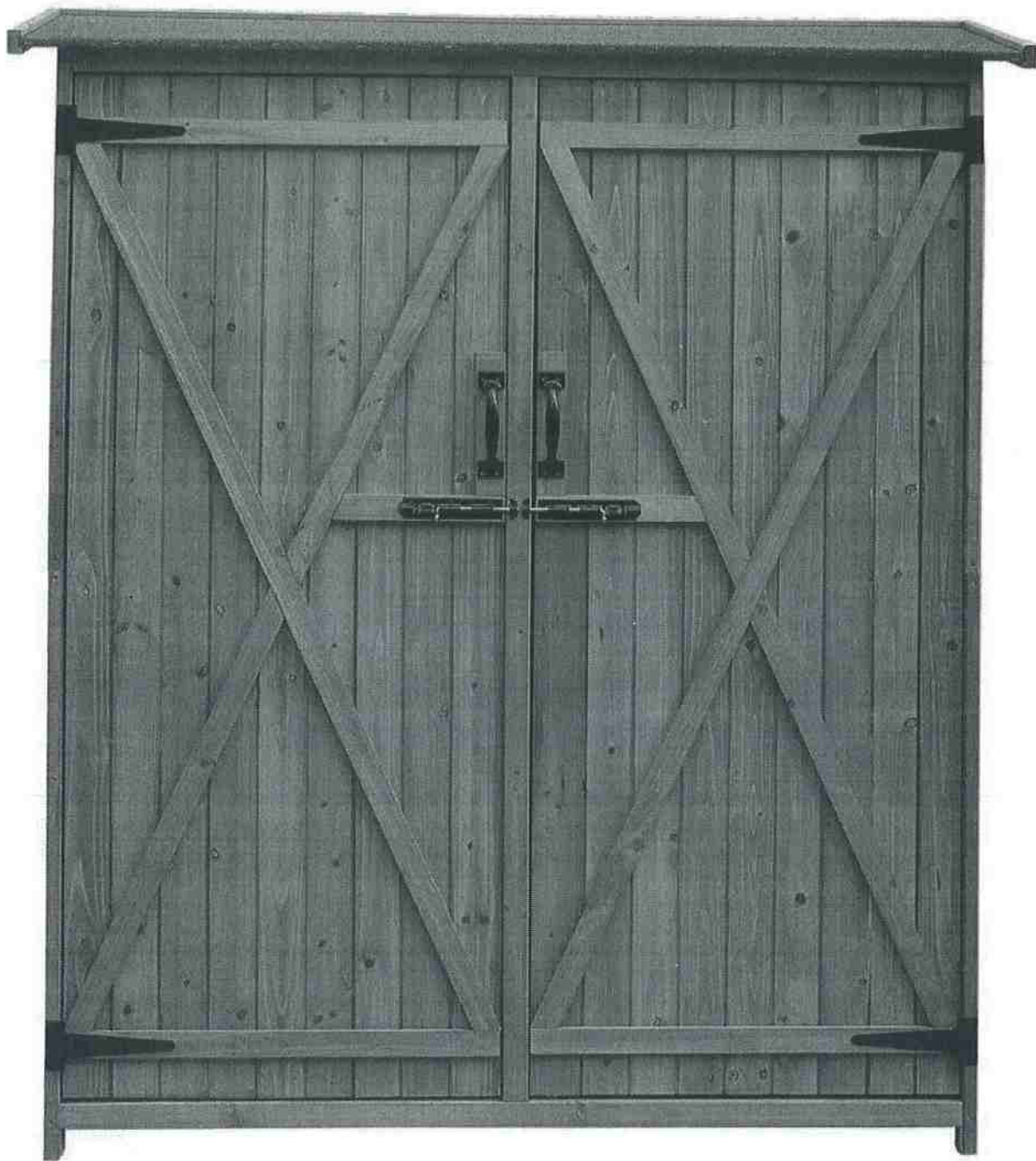


Level Ranges:	Lo: 30 to 90 dB Med: 50 to 110 dB Hi: 70 to 130 dB Auto: 30 to 130 dB
Accuracy:	±1.4dB (under reference conditions at 94dB, 1KHz)
Dynamic Range:	60 dB
Alarm Function:	OVER and UNDER range alarm functions
Data Logging:	64,000 records
AC Output:	1 Vrms at FS (full scale) FS: means the upper limit of each level range
DC Output:	10mV / dB
Power Supply:	4 x AAA, NEDA 24A, IEC LR03 Batteries
Battery Life:	Approx. 50hrs (alkaline battery)
Operating Temperature:	0 to 40°C (32 to 104°F)
Operating Humidity:	10 to 90%RH
Storage Temperature:	-10 to 60°C (14 to 140°F)
Storage Humidity:	10 to 75%RH
Dimensions:	264 × 63 × 29mm (10.4 × 2.5 × 1.1")
Weight:	Approx. 245g (8.8oz)
Optional Accessories:	R8090 Acoustic Calibrator SB-01 Windshield Ball BS-6 Tripod

For service on this or any other REED product or information on other REED products, contact REED Instruments at [info@reedinstruments.com](mailto:info@reedinstruments.com)  
MicroDAQ.com      [www.MicroDAQ.com](http://www.MicroDAQ.com)      (603) 746-5524

**1-877-849-2127 | [info@reedinstruments.com](mailto:info@reedinstruments.com)**

PUMP SHED





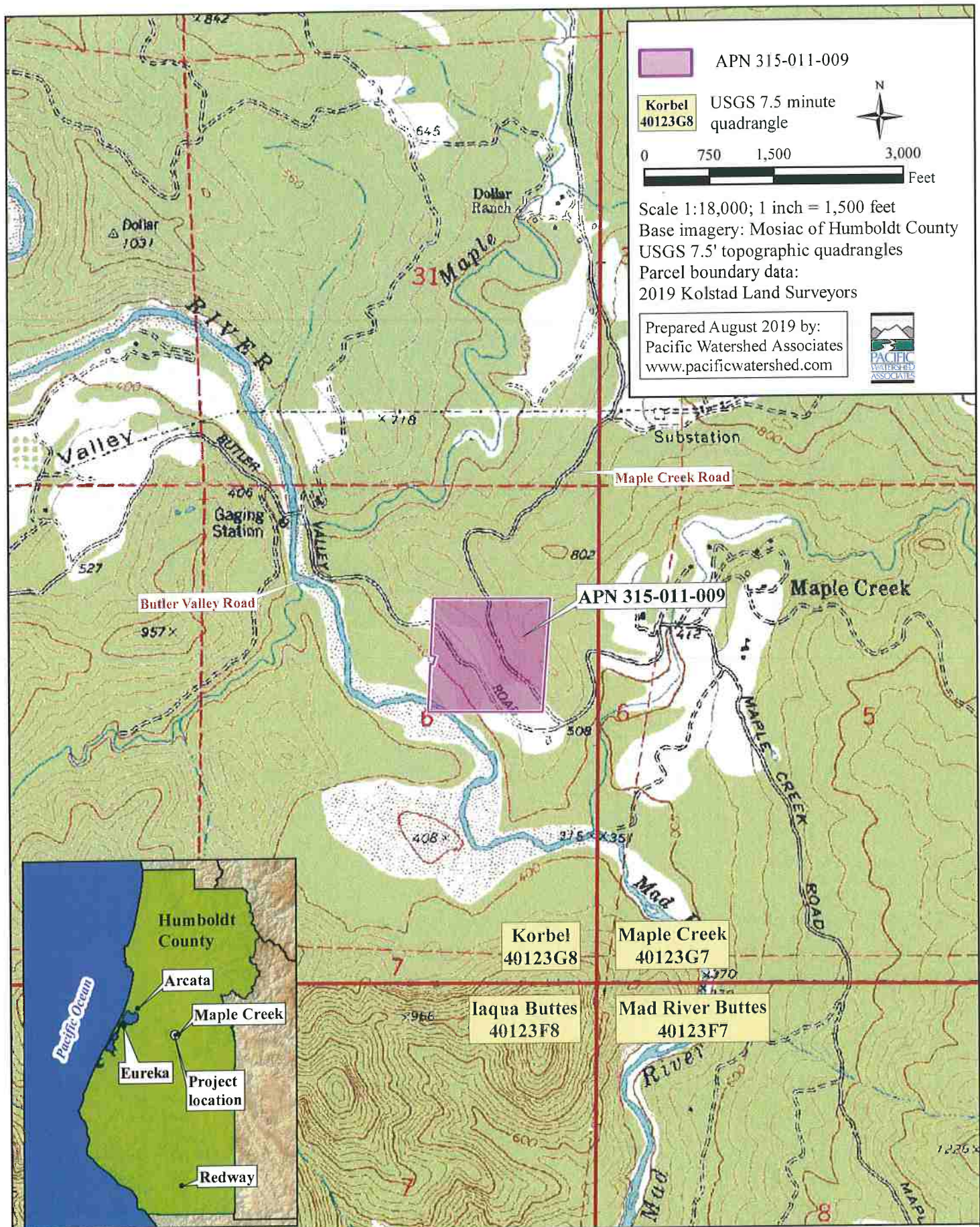


Figure 1. Location map for APN 315-011-009, located off Maple Creek Road, Maple Creek, Humboldt County, California.

## ATTACHMENT 5

### Referral Agency Comments and Recommendation

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
Division of Water Rights			
Department of Public Works - Land Use Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Approved	Attached
CAL FIRE	✓	No comment at this time	Attached
Department of Fish & Wildlife			
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval - Inadvertent Discovery Protocol	On file with Planning
Blue Lake Rancheria	✓	Conditional Approval - Inadvertent Discovery Protocol	On file with Planning
RWQCB			
NCUAQMD			
Humboldt County Sheriff	✓	Comments	On file with Planning
District Attorney			
Agricultural Commissioner			
Maple Creek School District			
Kneeland Volunteer Fire Department			





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

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

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409  
ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493  
NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 287-9540  
PARKS 445-7651  
ROADS 445-7421

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

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Misael Ramos, Planner, Planning & Building Department

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

DATE: 01/30/2020

RE:

Applicant Name	CATHERINE DUNAWAY
APN	315-011-009
APPS#	PLN-2018-15197

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 09/01/18 with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard. Roads are County maintained and are on the “Green List”.

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15197

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //



**PLN-2018-15197** 

Maple Creek Investments - ZCC & SP

An application for a Special Permit for 27,02...

**STATUS**

> Project Evaluation

06/15/2020 by Misael Ramos

**LOCATION**

> None Provided

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (9)

Payment

**Workflow History (50)**

Comments (2)

Documents (42)

Conditions of Approval (0)

Locks Holds (1)



A notice was added to this record on 2019-11-12.

Condition: Parcel Status : 313-102-008 LP 1:1 Severity: Notice  
Total conditions: 1 (Notice: 1)

[View notice](#)

[Cancel](#)

[Help](#)

Task	Due Date	Assigned Date
Environmental Health	03/06/2020	01/16/2020
Assigned to Department	Assigned to	Status
Environmental Health	Ben Dolf	Approved
Action by Department	Action By	Status Date
Environmental Health	Ben Dolf	02/25/2020
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Portable toilet appears acceptable. Approved, no conditions.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**

## **ATTACHMENT 6**

### **Public Comments**

Victoria Foersterling-Ziegler  
2120 Campton Road Suite C  
Eureka, CA 95503

Planning and Building Department Planning Division  
COUNTY OF HUMBOLDT  
3015 H Street  
Eureka CA 95501

July 9, 2020

ATTN: Humboldt County Zoning Administrator

RE: PUBLIC HEARING  
Record Number PLN-2018-15197  
Scheduled for July 16, 2020 10:00AM

Re: SUBMISSION OF PUBLIC COMMENT

To whom it may concern,

I, Victoria Foersterling-Ziegler, wish to submit comments during the public hearing referenced above to voice strong concerns regarding – and opposition to – the proposed cultivation operation under consideration (PLN-2018-15197). Due to grave misgivings pertaining to the potential hazardous environmental impacts to strained natural resources, negative effects on the surrounding community, and encroachment on neighboring property rights, I vehemently oppose the proposed operation and wish to submit my concerns at the public hearing. Please add my name to the agenda to address my comments directly to the regulatory body.

Respectfully,

Victoria Foersterling-Ziegler

Foersterling Thomas H & Elizabeth W  
8748 Butler Valley Road  
Korbel CA 95550

Planning and Building Department  
Planning Division  
COUNTY OF HUMBOLDT  
3015 H Street  
Eureka CA 95501

July 9, 2020

ATTN: Humboldt County Zoning Administrator

RE: PUBLIC HEARING  
Record Number PLN-2018-15197  
Scheduled for July 16, 2020 10:00AM  
Link: <https://zoom.us/j/94512144257> Password:421159

SUBMISSION OF PUBLIC COMMENT

Thomas Foersterling and Elizabeth Foersterling, owners in fee simple of Parcel 315-011-008, do hereby and always will, wholly and completely oppose, dispute, and/or contest PLN-2018-15197 in its entirety. We wish to publicly comment during the above-mentioned hearing on such matters as are deemed necessary to deny the applicants a permit for their proposed project. Please add us to the agenda. A more formal written rebuttal will follow.

Thank you,  
Sincerely,

Thomas and Elizabeth Foersterling

To: Humboldt County Planning Commission  
From: Francis and Carole Carrington (Butler Valley Ranch)  
Re: Record # PLN-2018-15197 (filed 12/14/2018) APN 315-011-009  
Date: July 10, 2020

Humboldt County Planning Commission:

As a long time property owner on Butler Valley Road, I strongly object to the Mable Creek Investments, LLC's Special Permit application for the building of a 27,025 sf commercial cannabis cultivation and a 2000 sf processing facility on a neighboring property.

This type of use would be detrimental to the pristine lands in the Butler Valley and Maple Creek areas. There are many families, an elementary school, and a youth camp all in very close proximity to where the proposed large outdoor growing area and processing facility would be located.

If this use is permitted, it would significantly affect the value of many properties in the Butler Valley and Maple Creek area and would have a negative impact to our daily lives.

I respectfully request that this Special Permit application be denied.

Sincerely,

  
Francis & Carole Carrington



**From:** [Planning Clerk](#)  
**To:** [McClenagan, Laura](#)  
**Subject:** FW: Maple Creek Investments Record Number PLN-2018-15197  
**Date:** Friday, July 10, 2020 9:51:29 AM

---

**From:** Weibel, Narayan <nweibel@nohum.k12.ca.us>  
**Sent:** Thursday, July 9, 2020 10:03 PM  
**To:** Planning Clerk <planningclerk@co.humboldt.ca.us>  
**Subject:** Maple Creek Investments Record Number PLN-2018-15197

July 9, 2020

Reference: Parcel Number 315-011--009  
Applicant: Maple Creek Investments, LLC  
Record Number: PLN-2018-15197

To Whom it May Concern:

As property owners and residents of the Maple Creek area, we object to the proposal to operate a year-round cannabis processing facility in an area predominantly zoned for Timber Production (TPZ) and we object to any requested exemption from the Environmental Impact Report and CEQA. This project lies outside the realm of appropriate land-use in this small, rural community.

The project is located in an environmentally sensitive area adjacent to the Mad River with rain flow going directly to the Mad River. The Mad River provides water for domestic and business uses to Humboldt County's largest population base and is an important salmonid stream, supporting coho and chinook salmon and a rare run of summer steelhead. Critical concerns related to this project include threats to anadromous fisheries habitat, human health and wildlife from chemical runoff and pollution from herbicides, pesticides, fungicides and rodenticides used in cannabis cultivation which have the potential to pollute the water and harm humans, fish and wildlife alike. These pollutants are not the only concern, as the fertilizers used to provide nutrients during the growing season have by-products including cyanotoxins which are neither regulated nor tested and the ultimate toxicity of these by-products is still unknown.

The proposal to construct a 2,000 square foot processing facility for drying, curing, trimming, and packaging cannabis raises numerous further concerns related to waste disposal, water use, increased traffic and road safety as well as noise pollution. It seems highly unlikely that four (4) full-time and six (6) part-time seasonal employees can manage cultivation activities for 27,025 square feet of outdoor cannabis cultivation. This large size of this processing facility/cultivation activity will likely be harvested three or four times per year requiring probably a continuous crew of employees: How many employees will actually work there? Will employees be allowed to live there or will they be driving back and forth daily? What will be the human waste disposal for an entire trimming/processing crew? How and where will that much cannabis waste be disposed of?

This project is on a Category 4 County-maintained road, which was designed for small homesteaders, not large-scale marijuana cultivation and processing facilities. The road has completely collapsed in places so that only one car can pass at a time, with numerous blind corners and a high rate of accidents relative to the road use. A further increase in traffic will lead to further road damage, accidents, and result in safety issues similar to what we have seen happen in other areas of Humboldt County such as Highway 36, Briceland Road, and Salmon Creek Road.

I am also concerned about my personal safety and the safety of my neighbors and those who recreate on

the river. As we all know, with large-scale cannabis cultivation come attack dogs, weapons, robberies, and an increase in crime. Volatile and dangerous situations have already occurred in this area due to cannabis cultivation. If someone is in danger in Maple Creek and calls the sheriff, there is no way for the sheriff to respond to this remote area in time to prevent harm.

The property owner states that 214,000 gallons of water will be needed for cannabis cultivation with additional water obviously needed for living. What will ensure that water will not be pumped directly from Maple Creek to support the cultivation and how will this be monitored? With global warming there has been a significant drying of the creeks and a decrease in rainfall, and it is unlikely that the proposed source of water for irrigation from four 50,000-gallon rainwater catchment tanks will be sufficient or even possible to collect.

Further, this project's proposed activities will have significant cumulative impacts in this location. The impacts of this project on the watershed, fish and wildlife, citizen safety, traffic, road maintenance, etc., are all compounded by the impacts of neighboring cannabis projects in this community. The approval of large-scale cannabis cultivation in this area will potentially turn this environmentally sensitive scenic recreational area into a polluted and dangerous location.

This steep, wooded, environmentally sensitive watershed is not an appropriate location for a large-scale cultivation and processing facility, and there should be absolutely NO consideration of exemptions or modifications to the Environmental Impact Report or CEQA, given the potential regional impact to human health and the Humboldt County water source and fisheries habitat in addition to the deleterious local impacts to the community who shares access to their homes via these roads and recreates in these waters. I hereby request that this application be pulled from the Zoning Administrator and referred to the Humboldt County Planning Commission.

Sincerely,

Narayan Weibel. 1600 Black Creek Ln. (Maple Creek) 707 668 5350

**From:** [Planning Clerk](#)  
**To:** [McClenagan, Laura](#)  
**Subject:** FW: Maple Creek Investments Record Number PLN-2018-15197  
**Date:** Friday, July 10, 2020 9:51:16 AM

---

**From:** Erik Weibel <tsientse@gmail.com>  
**Sent:** Thursday, July 9, 2020 9:07 PM  
**To:** Planning Clerk <planningclerk@co.humboldt.ca.us>  
**Subject:** Maple Creek Investments Record Number PLN-2018-15197

July 9, 2020

Reference: Parcel Number 315-011--009  
Applicant: Maple Creek Investments, LLC  
Record Number: PLN-2018-15197

To Whom it May Concern:

As property owners and residents of the Maple Creek area, we object to the proposal to operate a year-round cannabis processing facility in an area predominantly zoned for Timber Production (TPZ) and we object to any requested exemption from the Environmental Impact Report and CEQA. This project lies outside the realm of appropriate land-use in this small, rural community.

The project is located in an environmentally sensitive area adjacent to the Mad River with rain flow going directly to the Mad River. The Mad River provides water for domestic and business uses to Humboldt County's largest population base and is an important salmonid stream, supporting coho and chinook salmon and a rare run of summer steelhead. Critical concerns related to this project include threats to anadromous fisheries habitat, human health and wildlife from chemical runoff and pollution from herbicides, pesticides, fungicides and rodenticides used in cannabis cultivation which have the potential to pollute the water and harm humans, fish and wildlife alike. These pollutants are not the only concern, as the fertilizers used to provide nutrients during the growing season have by-products including cyanotoxins which are neither regulated nor tested and the ultimate toxicity of these by-products is still unknown.

The proposal to construct a 2,000 square foot processing facility for drying, curing, trimming, and packaging cannabis raises numerous further concerns related to waste disposal, water use, increased traffic and road safety as well as noise pollution. It seems highly unlikely that four (4) full-time and six (6) part-time seasonal employees can manage cultivation activities for 27,025 square feet of outdoor cannabis cultivation. This large size of this processing facility/cultivation activity will likely be harvested three or four times per year requiring probably a continuous crew of employees: How many employees will actually work there? Will employees be allowed to live there or will they be driving back and forth daily? What will be the human waste disposal for an entire trimming/processing crew? How and where will that much cannabis waste be disposed of?

This project is on a Category 4 County-maintained road, which was designed for small homesteaders, not large-scale marijuana cultivation and processing facilities. The road has completely collapsed in places so that only one car can pass at a time, with numerous blind corners and a high rate of accidents relative to the road use. A further increase in traffic will lead to further road damage, accidents, and result in safety issues similar to what we have seen happen in other areas of Humboldt County such as Highway 36, Briceland Road, and Salmon Creek Road.

I am also concerned about my personal safety and the safety of my neighbors and those who recreate on

the river. As we all know, with large-scale cannabis cultivation come attack dogs, weapons, robberies, and an increase in crime. Volatile and dangerous situations have already occurred in this area due to cannabis cultivation. If someone is in danger in Maple Creek and calls the sheriff, there is no way for the sheriff to respond to this remote area in time to prevent harm.

The property owner states that 214,000 gallons of water will be needed for cannabis cultivation with additional water obviously needed for living. What will ensure that water will not be pumped directly from Maple Creek to support the cultivation and how will this be monitored? With global warming there has been a significant drying of the creeks and a decrease in rainfall, and it is unlikely that the proposed source of water for irrigation from four 50,000-gallon rainwater catchment tanks will be sufficient or even possible to collect.

Further, this project's proposed activities will have significant cumulative impacts in this location. The impacts of this project on the watershed, fish and wildlife, citizen safety, traffic, road maintenance, etc., are all compounded by the impacts of neighboring cannabis projects in this community. The approval of large-scale cannabis cultivation in this area will potentially turn this environmentally sensitive scenic recreational area into a polluted and dangerous location.

This steep, wooded, environmentally sensitive watershed is not an appropriate location for a large-scale cultivation and processing facility, and there should be absolutely NO consideration of exemptions or modifications to the Environmental Impact Report or CEQA, given the potential regional impact to human health and the Humboldt County water source and fisheries habitat in addition to the deleterious local impacts to the community who shares access to their homes via these roads and recreates in these waters. I hereby request that this application be pulled from the Zoning Administrator and referred to the Humboldt County Planning Commission.

Sincerely,

Jorge Erik Weibel.  
1600 Black Creek Ln, Korbelt (Maple Creek)



Alec Ziegler  
1430 Sonoma Street  
Eureka, CA 95501

Planning and Building Department Planning Division  
COUNTY OF HUMBOLDT  
3015 H Street  
Eureka CA 95501

July 9, 2020

ATTN: Humboldt County Zoning Administrator

RE: PUBLIC HEARING  
Record Number PLN-2018-15197  
Scheduled for July 16, 2020 10:00AM

Re: SUBMISSION OF PUBLIC COMMENT

To whom it may concern,

I, Alec Ziegler, wish to submit comments during the public hearing referenced above to voice strong concerns regarding – and opposition to – the proposed cultivation operation under consideration (PLN-2018-15197). Due to grave misgivings pertaining to the potential hazardous environmental impacts to strained natural resources, negative effects on the surrounding community, and encroachment on neighboring property rights, I vehemently oppose the proposed operation and wish to submit my concerns at the public hearing. Please add my name to the agenda so that I may address my comments directly to the regulatory body.

Respectfully,

Alec Ziegler  
(707) 499-0240  
[ziegler.alec@gmail.com](mailto:ziegler.alec@gmail.com)

Erlene Coglati

15197-SP

We have concerns about water used from a well on a shared aquifer being used at all on a grow site. From looking at legal specifications on the original plan of legalizing the growing of M. in CA. - that was never going to be accepted. Underground water sources are actually harder to monitor than above ground water & it is a concern. The high use of water from the aquifer for growing could permanently damage the amount of water for drinking & fire fighting for all those who depend on that source. A concerned neighbor

1/14/20

elene Coglati

15197-SP 7/14/20

The aquifer for Dunnaway's well has been  
shown to be affected by precipitation.  
This came to our attention during an  
El Niño<sup>SP</sup> when excessive rainfall  
raised the aquifer level.

A concerned neighbor

## ATTACHMENT 2

### Public Comment

July 9, 2020

Reference: Parcel Number 315-011-009 Applicant: Maple Creek Investments, LLC Record Number: PLN-2018-15197

To Whom it May Concern:

This proposed project has enormous negative ramifications for our small rural community and is clearly bordering on industrial use, which is outside the scope of the Land Use element of the existing General Plan for this area. There are numerous questions that come to mind when reading the proposal, which was clearly contracted out to paid consultants with the goal of presenting a benign appearance in order to secure a special use permit from the County. Once such a permit is issued, the community has less opportunity to effectively raise concerns about unanticipated issues. It is what is not stated or what is guilefully glossed over in the reports that is of concern.

The notice indicates "The Humboldt County Zoning Administrator will consider an Addendum to a previously adopted Environmental Impact Report." What is specifica//y in this EIR Addendum? What decisions are being made? Interested and impacted individuals must be provided the EIR and need time to review and understand the addendum.

There are numerous other questions that deserve answers,

Why is such a huge facility needed for processing of the cannabis that is grown on-site? Is the underlying intent here to become a regiona/ processing facility and hand/e pot from other growers within Humboldt County? Under NO circumstances should any permits be issued that allow for off-site transport via a County road from or to other growers and this site. If any permit were to be issued it must clearly stipulate processing marijuana grown on-site only. But again, why is such a huge facility needed for this size of an operation? What is to prevent it from functioning as a regional processing facility once permits are issued?

The catchment tanks are very near the wetland. The catchment area is not identified. This is a large omission on the site plan and necessary in order to evaluate the impact to the adjacent sensitive wetland. We understand wetlands are defined as those areas that are saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Surface catchment of this magnitude means reduced surface runoff, which translates to possible adverse impact to adjacent wetlands. This must be carefully evaluated according to Army Corps of Engineer guidelines and on the site plan.



## Does the graded area need a survey and is a permit required for the grading?

The proposal indicates requirements to remove existing infrastructure. Are these items requiring removal due to the fact that previously they were unpermitted? Any structures identified as having been previously illegally unpermitted should be corrected and brought into compliance prior to consideration of issuance of any new permits.

Is the water budget reasonable? We would like to see an engineering and hydrologist assessment on the catchment area design, water calculations, and expected need and frequency to transport water and the nature of the off-site water to be used. The proposal indicates that additional water needs would be supplied by a neighbor's well. Where is that neighbor and what is that specific water source (depth, location, proximity to stream) and what are the associated environmental impacts of drawing from that water source? The proposal of trucking this water via trailer with water tanks impacts already stressed County roads and adds additional traffic.

MCI already intends to continue utilizing surface water diversion during the wet season for storage of water to follow water forbearance requirements and is seeking a Special Permit to continue this use. What are the details of this special permit?

These unique river flat areas of Humboldt have a long indigenous historical record. What artifacts were noted in any cultural survey reports? We would like an opportunity to review and engage an independent archaeologist's opinion of any surveys. No attachments were provided in the copy of the CMMLUO 2.0 Cultivation and Operations Plan v.4 prepared for Maple Creek Investments that we received.

How can you keep curious travelers out of the potentially high value cultivation area of easily transportable goods? Often seasonal trim workers come from areas outside of the County and have no vested interest in the community. How is this going to be guarded? Will guard dogs or firearms be maintained on-site? What does this mean for the security of the neighbors our family, or our friends? What does this mean for our community? The proposal indicates that "Only management will be authorized in these locked areas to mitigate potential theft. All product at the end of the shift will be returned to these locked areas and remote monitoring via closed circuit video surveillance." Knowing that this intense high level of security is a requirement of this business raises significant concern for all of the peaceful neighbors who have chosen to live in this remote and rural area for the beauty and pristine qualities that make Humboldt County special. We have not had to question our safety in the past and we rely on and trust our neighbors. This completely changes the small rural community culture. We do not want to see this pristine area become industrialized and unsafe.

Traffic resulting from seasonal and full-time workers is a significant issue for these rural roads, with unpaved, one-way segments. Road safety is already a significant concern which will only be exacerbated by more cars travelling to and from the site. Compliance with the Category 4 road standard needs to be independently verified.

As a long-time resident of Humboldt County I feel that the notification system regarding such high impact projects could be improved, as I find myself in a position where I have three days to digest and review an large and incomplete package. This is a pristine rural area and the population base of the adjacent neighbors who would receive notification of this hearing is small and therefore any concerns raised should be taken very seriously. There is a large interested population base that would never even receive County Notification of this proposal, and that is the people within the broader community who value the recreation opportunities.

and the beauty and pristine nature of this area. The Maple Creek loop which passes immediately past this site is a popular route for bikers and many County residents recreate immediately downstream. Many people choose to live in Humboldt County because they have opportunities to take short drives and bike rides through and to unspoiled and beautiful areas. Production facilities and grows and huge rain catchment infrastructure and video surveillance and on-site security can be located anywhere and do not need to be located all along the Class I Mad River that serves as the primary drinking water for the County. Do we really want the unique and pristine areas of Humboldt County to become industrialized and unsafe? The proposers clearly had months to prepare these documents and the short time window remaining for review is insufficient to answer these questions or for thorough understanding of what the potential ramifications this project could have on our Humboldt community.

Thank you for your careful consideration of these questions and concerns.

Respectfully,

Judy Wartella

## ATTACHMENT 3

### Public Comment

July 9, 2020

Reference: Parcel Number 315-011--009  
Applicant: Maple Creek Investments, LLC  
Record Number: PLN-2018-15197

To Whom it May Concern:

As the owner of an adjacent property to this proposed project in the Maple Creek area, I received notification of the public hearing with regards to this matter. I object to MCI's proposal for a Special Permit to operate a large-scale commercial cannabis farm and a year-round cannabis processing facility in an area predominantly zoned for Timber Production (TPZ). I object to any requested exemption from the Environmental Impact Report and CEQA. This project lies outside the realm of appropriate land-use, increases cumulative threats to the environment, contributes to the degradation of already compromised access roads, increases the potential for traffic accidents, disturbs the quiet of this rural community and increases the likelihood of crime and violence in an area where there is no police protection.

The project is located in an environmentally sensitive area adjacent to the Mad River with runoff going directly into the Mad River. According to the Mad River Alliance, the Mad River is the source of drinking water for approximately 65% of Humboldt County's population and supplies drinking water to 80,000 residents. A number of threatened species live in the river, including Chinook, Coho salmon, summer and winter-run Steelhead, Eulachon, and Longfin smelt. The Mad River is listed by the Environmental Protection Agency on California's Clean Water Action impaired water list due to elevated sedimentation/siltation and turbidity. This proposed project threatens the health and safety of residents, fish and other wildlife due to sedimentation and pollution from herbicides, pesticides, fungicides and rodenticides used in cannabis cultivation. These pollutants are not the only concern, as the fertilizers used to provide nutrients during the growing season have by-products including cyanotoxins which are neither regulated nor tested and the ultimate toxicity of these by-products is still unknown. The discussion in this proposed project of "minimizing" these environmental impacts must be considered in light of the already fragile ecosystem of this watershed and in conjunction with the negative impacts of the other cannabis farms in the Maple Creek area. The information on this project does not include any consideration or review of the cumulative environmental effects of multiple cannabis farms in Maple Creek.

The proposal to construct a 2,000 square foot processing facility for drying, curing, trimming, and packaging cannabis raises numerous concerns related to waste disposal, water use, increased traffic and road safety as well as noise pollution. It seems highly unlikely that four (4) full-time and six (6) part-time seasonal employees can manage cultivation activities for 27,025 square feet of outdoor cannabis cultivation. How many employees will actually work there? How will this be monitored? Will employees be allowed to live there or will they be driving back and forth daily? The proposal to compost such a high volume of cannabis waste on-site is not realistic. How and where will that much toxic cannabis waste be disposed of?

This project is on a Category 4 county-maintained road, which was designed for small homesteaders, not large-scale marijuana cultivation and processing facilities. This road designation was assigned a long time ago. Unfortunately, since then, Butler Valley Road continues to deteriorate every winter and is not being repaired. The road has completely collapsed in places so that only one car can pass at a time, has numerous blind corners and a high rate of accidents relative to the

amount of road usage. The increased traffic caused by this proposed project combined with the already increased traffic due to other cannabis farms and logging operations in the area would create an even more dangerous situation. This increase in traffic will result in safety issues similar to what we have seen happen in other areas of Humboldt County such as Highway 36, Briceland Road, and Salmon Creek Road. The information provided in this proposal does not include any review of the road designation and increased traffic volume.

I am also concerned about my personal safety and the safety of my neighbors and those who recreate on the river. As we all know, with large-scale cannabis cultivation come attack dogs, weapons, robberies, and an increase in crime. Volatile and dangerous situations have occurred in the Maple Creek area due to the already existing cannabis farms. If someone is in danger in Maple Creek and calls the sheriff, there is no way for the sheriff to respond to this remote area in time to prevent harm. Families and children who have been recreating at the Maple Creek swimming area for over 100 years will be at increased risk if this project is approved. What is being done, if anything, to address this? Please do not turn this quiet, rural community into an area where residents and visitors are frightened for their lives.

The property owner states that 214,000 gallons of water will be needed for cannabis cultivation with additional water obviously needed for living. What will ensure that water will not be pumped directly from Maple Creek to support the cultivation and who will monitor this? One only has to kayak the river to see people illegally pumping water directly from the river. As we all know, climate change has brought a decrease in rainfall to this area, and it is unlikely that the proposed source of water for irrigation from four 50,000-gallon rainwater catchment tanks will even be possible to collect. MCI's proposal talks about trucking well water from another of their properties to the proposed site. This trucking of water will further increase traffic, contribute to the degradation of the road and increase noise levels. It is clear that the proposed site is not able to supply the water needed for this large-scale grow.

This project's proposed activities will have significant negative cumulative impacts in this location. The impacts of this project on the watershed, fish and wildlife, citizen safety, traffic, road maintenance, etc., are all compounded by the impacts of neighboring cannabis projects in this community. The approval of this proposed project will contribute exponentially to the conversion of the Maple Creek area from a quiet, beautiful area into a polluted and dangerous location.

This environmentally sensitive watershed is not an appropriate location for large-scale cannabis cultivation and processing, and there should be absolutely NO consideration of exemptions or modifications to the Environmental Impact Report or CEQA, given the potential regional impact to human health and the Humboldt County water source and fisheries habitat, in addition to the deleterious local impacts to the community who shares access to their homes via these roads and recreates in these waters. I hereby request that this application for a Special Permit be denied and that further environmental, road, traffic, citizen safety, and noise impacts be investigated.

Sincerely,  
Beverly Fillip



## ATTACHMENT 4

### Public Comment

Reference: Parcel Number 315-011-009

Applicant: Maple Creek  
Investments, LLC Record  
Number: PLN-2018-15197 To  
Whom it May Concern:

As residents of the Maple Creek area, we object to the proposal to operate a year-round cannabis processing facility in an area predominantly zoned for Timber Production (TPZ) and we object to any requested exemption from the Environmental Impact Report and CEQA. This project lies outside the realm of appropriate land-use in this small, rural community.

The project is located in an environmentally sensitive area adjacent to the Mad River with rain flow going directly to the Mad River. The Mad River provides water for domestic and business uses to Humboldt County's largest population base and is an important salmonid stream, supporting coho and chinook salmon and a rare run of summer steelhead. Critical concerns related to this project include threats to anadromous fisheries habitat, human health and wildlife from chemical runoff and pollution from herbicides, pesticides, fungicides and rodenticides used in cannabis cultivation which have the potential to pollute the water and harm humans, fish and wildlife alike. These pollutants are not the only concern, as the fertilizers used to provide nutrients during the growing season have by-products including cyanotoxins which are neither regulated nor tested and the ultimate toxicity of these by-products is still unknown.

The proposal to construct a 2,000 square foot processing facility for drying, curing, trimming, and packaging cannabis raises numerous further concerns related to waste disposal, water use, increased traffic and road safety as well as noise pollution. It seems highly unlikely that four (4) fulltime and six (6) part-time seasonal employees can manage cultivation activities for 27,025 square feet of outdoor cannabis cultivation. This large size of this processing facility/cultivation activity will likely be harvested three or four times per year requiring probably a continuous crew of employees. How many employees will actually work there? Will employees be allowed to live there or will they be driving back and forth daily? What will be the human waste disposal for an entire trimming/ processing crew? How and where will that much cannabis waste be disposed of?

This project is on a Category 4 County-maintained road, which was designed for small homesteaders, not large-scale marijuana cultivation and processing facilities. The road has completely collapsed in places so that only one car can pass at a time, with numerous blind corners and a high rate of accidents relative to the road use. A further increase in traffic will lead to further road damage, accidents, and result in safety issues similar to what we have seen happen in other areas of Humboldt County such as Highway 36, Briceland Road, and Salmon Creek Road.

I am also concerned about my personal safety and the safety of my neighbors and those who recreate on the river. As we all know, with large-scale cannabis cultivation come attack dogs, weapons, robberies, and an increase in crime. Volatile and dangerous situations have already occurred in this area due to cannabis cultivation. If someone is in danger in Maple Creek and calls the sheriff, there is no way for the sheriff to respond to this remote area in time to prevent harm.

The property owner states that 214,000 gallons of water will be needed for cannabis cultivation with additional water obviously needed for living. What will ensure that water will not be pumped directly from Maple Creek to support the cultivation and how will this be monitored?

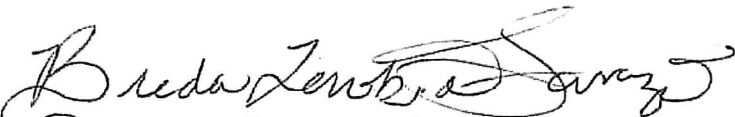
With global warming there has been a significant drying of the creeks and a decrease in rainfall, and it is unlikely that the proposed SOURCE of water for irrigation from four 50,000-gallon rainwater catchment tanks will be sufficient or even possible to collect.


Further, this project's proposed activities will have significant cumulative impacts in this location. The impacts of this project on the watershed, fish and wildlife, citizen safety, traffic, road maintenance, etc. are all compounded by the impacts of neighboring cannabis projects in this community. The approval of large-scale cannabis cultivation in this area will potentially turn this environmentally sensitive scenic recreational area into a polluted and dangerous location.

This steep, wooded, environmentally sensitive watershed is not an appropriate location for a largescale cultivation and processing facility, and there should be absolutely NO consideration of exemptions or modifications to the Environmental Impact Report or CEQA, given the potential regional impact to human health and the Humboldt County water source and fisheries habitat in addition to the deleterious local impacts to the community who shares access to their homes via these roads and recreates in these waters. I hereby request that this application be pulled from the Zoning Administrator and referred to the Humboldt County Planning Commission.

Sincerely,

/

 July 8 2020  
600 Black Creek Lane  
Korbel, CA 95550

  
1600 Black Cr LN July 8  
Korbel ca 95550  
507 468 1872

Foersterlings, Thomas and Elizabeth  
8748 Butler Valley Road  
Korbel, California 95550  
707 668 4369  
[liz.forsterling@gmail.com](mailto:liz.forsterling@gmail.com)



Humboldt Planning Department  
3015 H Street  
Eureka CA 95501  
707 445 7541  
[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)

Hearing Date: July 16, 2020

RE: Record Number PLN-2018-15197  
Subject: Special Permit Cannabis Cultivation Maple Creek Investments, LLC  
APN 315-011-009, APN 315-011-008 FR Zoning

To: Humboldt County Planning Department, Zoning Administrator, Supervising Planner, Planner I, et. al.

Thomas and Elizabeth Foersterling, land owners in fee simple of Federal Homestead<sup>1</sup> Parcel Number 315-011-008, adjacent to the 40-acre parcel 315-011-009 (09 parcel), wholly and completely oppose, dispute, and contest PLN-2018-15197 in its entirety. As residents of 8748 Butler Valley Road for the past 32 years, the Foersterlings have tolerated many changes to the area, but PLN-2018-15197 is beyond the scope of sustainable. It is inconsistent with Zoning Regulations for Forestry/Recreational Zone, and not a designated use for RA40<sup>2</sup>. PLN-2018-15197 is against the General Plan for unincorporated forested and wetland areas of Humboldt County, is against the California Environmental Protection Agency and Regional Water Quality Control Board of the North Coast Region, and is in violation of California Fish and Wildlife regulations, among many other wrongs. California Environmental Quality guidelines have not been met, and findings within the Environmental Impact Report reveal significant adverse effects which cannot be overcome. PLN-2018-15197 is not feasible. The adverse "cumulative conditions" and "significant unavoidable impacts" effecting the well-being of the people, place, and planet override and outweigh the economic benefits to Humboldt County.

There are already numerous large grow operations in the vicinity of Maple Creek, within close proximity to the proposed grow, and an additional large grow operation on the intersection of Butler Valley and Maple Creek Road would be a

---

<sup>1</sup> Recorded 1992-33188 Official Records Humboldt County, California

<sup>2</sup> i.e. "The slope toward the Mad River is considered Highly (4) unstable." Not considered "prime farm land."

detriment to not only surrounding neighbors, residents of the Butler Valley Maple Creek area, the Maple Creek School District, the Church Camp participants, the local Community as a whole, visitors, passersby, tourists, etc., but would also be devastating to the ecosystem, the environment, the wildlife, and the Mad River Watershed. The harmful ramifications cannot be ignored. Destruction of an historical landmark of antiquity to build a monstrous Cannabis processing facility is an affront to the greater Community of Butler Valley Maple Creek, and to erect an unsightly building on parcel 09 will obstruct the views in all directions; a road hazard, fire hazard, pollution hazard, electrical hazard, etc.

The proposed location for PLN-2018-15197 was previously a site of an unpermitted grow. For two years in a row, Brian Shields, and the Dunaways of Maple Creek Ranch, illegally grew pot in containers,<sup>3</sup> right alongside the road, for all to see and smell. They made a continuous commotion, and their movements were heard and felt by all, including "sensitive receptors." They trespassed onto neighboring parcels, harassing, bullying, and threatening as they did.<sup>4</sup> It is important for Humboldt County to make the right decision, help prevent further terrorizing, and stop creation of blighted areas. Enough is enough. The unpermitted grow created an unsightly neighborhood nuisance, and many complaints were heard. After damage was already done, the Humboldt County Planning Department assured the local residents a permit would never be granted for a grow in that location.

PLN 2018-15197 does not meet the requirements of a pre-existing grow, and cannot benefit in any way from that status (Ordinance No. 2599). If approved, it would fall into the category of an RRR site, "a Cannabis Cultivation operation occurring in an inappropriate, marginal, or environmentally sensitive site" (Ordinance No. 2599, §314-55.4.6.5.9). No new permits to these sites.

Maple Creek Ranch, Inc. extracted gross amounts of water from an already depleted water table. Not only were their actions illegal by the Planning Department's Regulations and the current Ordinance No. 2599, but were in violation of the California Department of Fish and Wildlife (CDFW), against the Regional Water Quality Control Board (RWQCB), an outrage to our local Water District, and extremely harmful to the neighboring property owners, the wildlife population, and the Mad River watershed.

Findings in the Water Resource Protection Plan (WRPP) for PLN-2018-15197 reveal necessary conditions are **not** met.<sup>5</sup> Conditions which have been given a "Yes" on the WRPP remain in question, and are arguable. For example, 4.5.b with regard to water conservation measures, rainwater catchment tanks are not only inadequate, they deplete the supply of the necessary surface water, water in the water table, water for the forested areas, water for the wetland, and water for the River itself.

The Dunaways activities during those two years of unpermitted grow diminished the Foersterlings' residential water supply causing "significant cumulative effects on the availability of water for municipal or residential water uses or the aquatic environment,"<sup>6</sup> and was a direct violation of performance standards. The Dunaways are *now* applying for a permit to do even greater damage and destruction to the land, water, air, fisheries, neighboring parcels and community as a whole. The Environmental Impact

---

<sup>3</sup> WRPP Appendix C, photo #5.

<sup>4</sup> SEE attached Letter.

<sup>5</sup> WRPP Standard Conditions (4.1.d, 4.3.a-d, 4.4.a-b, 4.5.a, 4.5.e, 4.7.b-c, 4.9.d, 4.10.a, 4.11.a), to name a few.

<sup>6</sup> Humboldt County Code §312-50 Required Findings Exhibit A.



Report (EIR) clearly states:

*"If the State Water Resources Control Board or Department of Fish and Wildlife finds, based on substantial evidence, that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, the CDFA (California Department of Food and Agriculture) shall not issue new licenses or increase the total number of plant identifiers within that watershed or area."*

Clearly, any large Commercial Cannabis Cultivation on parcel 09 cannot meet the Performance Standards for Commercial Cannabis Cultivation Activities (§55.4.12.2). Nor can it ever comply with General Standards (§55.4.12.2.1-.4) of the RWQCB, the State Water Resources Control Board (SWRCB), and the CDFW. The Lake or Streambed Alteration notification signed by Catherine Dunaway on December 14, 2018 is incomplete, incorrect, and untrue. The Lake and Streambed Alterations Agreement is sought for sediment removal and water diversion for the project, but the months between June 1<sup>st</sup> and August 31<sup>st</sup> of every year (Season of Diversion, Attachment C), are the most critical times of the year for water in the area. Cannabis cultivators are prohibited from diverting surface water during the dry season (SUIR). In reference to "Spring #1", on the Site Plan Map, the use of that well for Cannabis Cultivation already violated Section 55.4.12.9 of Humboldt County Ordinance No. 2599 stating, "If the testing demonstrates use of the well results in the drawdown of any adjacent well(s)...Use of the well for Cannabis-related Irrigation is prohibited."

Despite limited findings in the LSAA, "water does not appear to flow off the property," every property owner in rural unincorporated areas in Humboldt County knows differently. With the steep slope on the southern side of Butler Valley Road, and the trend for water to flow downhill taking the path of least resistance, contaminants from the grow cannot be contained adequately no matter what kind of precautions are taken. In WRPP 4.1.d, "Cultivation area #1 slopes to the southeast towards Butler Valley Road" in the direction of the Foersterlings' Water System.

The Dunaways stored diverted water in large storage tanks, and used harmful chemicals and pesticides; run-off seeped everywhere, and was detected in water along the road, in neighboring water supplies, as well as in the natural water rivulets which continue to feed the Mad River; polluting the water, air, and earth. The Jurisdictional Wetland Delineation document is filled with disturbing contradictions, and LSAA findings for POD are ambiguous at best... "well-drained soils," but "diversion of water will require annual excavation." TerraConsulting (JWD) trespassed on April 19, 2019 and took photos,<sup>7</sup> poked around the Foersterlings' Water System; the picture of Pit 3 clearly indicates exposure to contamination, and shows disturbance from above the steep slope, beneath the unpermitted grow. The "jurisdictional boundaries" found in the LSAA encroach on neighboring lands, effect the Mad River Watershed and subsequent subwatershed, and CDFW has the jurisdictional authority over wetland resources (Code §1602). It is federally illegal to grow in Wetland areas.

The EIR finds "All cultivations are required...to be setback and located outside of Streamside Management areas...." The 09 parcel cannot be considered "outside of Streamside Management areas" as it contains wetland, and run-off feeds the Mad River. It is requested by CDFW that the County "prohibit the establishment of new cannabis cultivation operations in subwatersheds....or within those areas, or strongholds for the restoration of fisheries for threatened or endangered salmonid species (§314-55.4.6.8

---

<sup>7</sup> JWD Appendix A, page 2 Redox features from Pit 1 and 3.

(Resolution No. 18-?).” “Setback” numbers projected on the site map do not accurately reflect the proximity of the grow to the adjacent parcels, and do not meet the current setbacks prescribed in Ordinance No. 2599.<sup>8</sup> The numbers do not take into consideration rain run-off<sup>9</sup> for the element of water. Furthermore, the Planning Ordinance “limits the number of Cultivation permits within each Planning watershed.”

It is obvious Humboldt County Planning Department is inundated with the permit process for the Cultivation of Cannabis, as the cap is presently set at an unsustainable total of 3,500 permits on 1,205 acres (Resolution adopted May 8, 2018); more specifically, an absurd amount of 334 permits on 115 acres in the Mad River Watershed. Needless to say, the Mad River (one of the Six Rivers protected) is Humboldt County’s *source of water*, and must be maintained in such a manner as to “ensure the public health, safety, and welfare of residents of the County of Humboldt, visitors to the County...neighboring property owners...etc.” (§55.4.2). The Mad River is the sustenance for a healthy ecosystem, without it all things will die. The desertification of Humboldt County is already happening, as is evident in all the critical watershed and subwatershed areas. The forested areas are struggling to survive, the wetlands are drying up,<sup>10</sup> and the salmon and steelhead spawning grounds cannot and “will not support new cannabis cultivation activities” (WR-P5). The environmental impacts are irreversible and cannot be “restored.”

The responsibility is great for the Planning Department of Humboldt County to not cave into the greed factor and lose sight of the true value of our region. Too often money gets in the way of what is right and just. Here again, we are at a crossroads with the Cannabis Industry. As prior promises were made, it behooves the Planning Department to assess the comprehensive issues involved with this particular grow proposal, and take to heart the importance of their role in the beautification of the County and preservation of its resources, and to abstain from the creation of conflict within neighborhoods, degradation of the environment, loss of habitat for wildlife, as well as damage to the integrity of the Cannabis Industry in Humboldt County; wreaking havoc everywhere. Choose quality over quantity.

It is paramount the Planning Department do the right thing and deny PLN-2018-15197 in its entirety. If the County approved PLN 2018-15197, with *full knowledge* of the problems, injuries, damages, grievances, liabilities, related to and in opposition of the proposed grow, it would be construed as negligent and the Release of Liability (§55.4.5.2) safeguarding the County of Humboldt would no longer be valid.

In addition, the GIS Web Map, used in the PLN-2018-15197, disclaimer states:

*“The Humboldt County Planning and Building Department makes no guarantee of the quality or completeness of this data. It has not been fully reviewed for accuracy and is intended to be used for planning purposes only. The department assumes no liability or responsibility in the use of this data. While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. In the event of any difference or error, the law will take precedence.*

*Please note the accuracy of GIS map data varies from location to location in the county. This GIS system is useful for planning purposes but should not be relied upon to determine property, zoning or general*

---

<sup>8</sup> 600’ from Sensitive Receptors, and/or 1000’ in a Community Planning Area.

<sup>9</sup> JWD “...upland hydrology.”

<sup>10</sup> JWD “No Wetland Hydrology present.”

*plan designation boundaries or be used in any way for project design. All GIS data should be verified before it is materially relied upon for property or project planning. In urban areas the GIS map data maybe inaccurate by as much as 50 feet in any direction. In rural areas the map data may be inaccurate by as much as 400 feet in any direction."*

It is plain for all to see that the boundary outlined on the site plan map, prepared by Six Rivers Development LLC, is not drawn to scale, is distorted, and does not accurately represent the layout of the land, the facts on the ground, or the assessment of property taxes<sup>11</sup> on the Foersterlings' meadow (labeled "Graded flat") and Water System (labeled Groundwater well (est. 1985)<sup>12</sup>). The boundary with parcel 315-011-012, the "existing Access road," etc., are all misrepresented by the GIS maps produced for, produced by, and presented to the Planning Department, including Kolstad's Survey<sup>13</sup> which unnecessarily used Proration and Double Proportion along with GIS technology to manipulate original corner monuments and change existing boundaries. The 09 parcel does not have river frontage.<sup>14</sup> The Foersterlings dispute, contest, and reject the Kolstad Survey<sup>15</sup> used in PLN-2018-15197, for the proposed site for Cannabis Cultivation. Parcel 315-011-008, purchased by the Foersterlings in 1988, has continuously been assessed for the Land and Structural Improvements found on the site plan map.<sup>16</sup>

The EIR is unable to lessen the significant negative impact of "long term operational emissions of criteria pollutants and precursors (*i.e.* unpaved road dust, fertilizers, continuous noise, etc.), exposure of people to objectionable odors (the relentless invasive smell), and provision of the sufficient water supply (depleted for non-human use) and infrastructure needs." The "setbacks" on the site map do not take into consideration the element of air and its quality (including wind factor, vibrational disturbances, etc.). It does not address the necessity and the right to breathe fresh air. The EIR finds that "new cultivation allowed...lead to generation of localized odors in such quantities as to be a detriment, nuisance, or annoyance to a substantial number of people." That finding cannot be beneficial for Humboldt County Office of Education and the Districts it serves, nor can it be beneficial to the Tourist Industry of Humboldt County, if fully disclosed. It does not "ensure the health and safety of the residents" (Humboldt County Board of Supervisors).

The suggested measures to bring PLN-2018-15197 into compliance do not remedy any of the wrongs, and do not address the important issue an increase of inoise on the roads directly above the Foersterlings' heads. PLN-2018-15197 is defective. Beginning with a boundary dispute (based on a faulty GIS Survey; the resultant Ruling based on false testimony) combined with non-compliance with the General Plan for the rural, unincorporated, Community Plan area of Humboldt County,<sup>17</sup> the applicant has

---

<sup>11</sup> JWD pg. 2, Property assessed to....

<sup>12</sup> This well was Established in 1989 by the Foersterlings, and is the main source of water for residential use, assessed as *Water System* Rural Property Appraisal Record.

<sup>13</sup> "Note: River and creek courses sketched hereon from aerial topography; not surveyed.

<sup>14</sup> Testimony from Kerry Purkett, Humboldt County Superior Court Case Number DR10009.

<sup>15</sup> Superior Court of Humboldt County Case No. DR10009; Court of Appeal State of California Case No. A141015;

<sup>16</sup> Rural Property Appraisal Record on May 4, 1988 Physical inspection was made of the property, "including the meadow." Assessor's Residential Property Statement Part III: includes the Water System.

<sup>17</sup> CCLUO is designed to protect the public health, safety, and welfare of residents, neighboring property owners, etc.



failed to provide evidence to support its actions.

Non-compliance with Forestry/Recreational and/or Residential Agriculture Zoning codes and regulations,<sup>18</sup> non-conformance with the Conditions of Approval, and no substantial supporting evidence for conformance to the applicable Goal, Policy, or Standard, including the above arguments against PLN-2018-15197 confirms it must not be approved. Commercial Cannabis Cultivation is not the intended use of the land located on the intersection of Butler Valley and Maple Creek Road. It is not only inconsistent with the "purposes of the existing Zone in which the site is located," "it is materially injurious to property and/or improvements in the vicinity." PLN-2018-15197, if approved in any form, will bring blight to the region, and will cause damages and hardship of great magnitude. It must be stopped in its tracks.

More regulation is needed in the Cannabis Industry in Humboldt County. The Foersterlings will seek to remedy all encroachments on their existing acreage, including up to the existing fence; and any subsequent negative environmental impact on their water system, septic system, meadow, air quality, and "enjoyment of their Homestead," in direct result from any Cannabis Cultivation within their surroundings, by all means available and necessary.

For every commercial grow, all residents of the entire County of Humboldt must be able to weigh in with their comments and concerns. The compliance process has been done in secret, behind the backs of the adjacent property owners; and the permitting process is flawed. The process is unacceptable, and is an infringement upon the rights of the surrounding property owners, as well as the residents of the County at large. It must be a transparent, equitable, and fair process.

The longterm impacts, for seven generations, are far reaching. The land is sacred, and the natural environment is more important than ever before. Sustainability means preservation not just a "reduction in negative impact." It is respectfully requested the Planning Department deny any and all permits for Commercial Cannabis Cultivation on parcel 09.

Respectfully submitted,  
Thomas Foersterling and Elizabeth Foersterling,  
Joint Tenants of the property bounded and described as follows:

*Thomas Foersterling Elizabeth Foersterling*  
That portion of the Southeast Quarter of the Northwest Quarter  
of Section 6, Township 4 North, Range 3 East, Humboldt Meridian,  
lying Northeasterly of the center line of the Mad River.<sup>19</sup>

---

<sup>18</sup> Land Use Designation (4.8). "Applied to remote, steep, and high hazard areas to ensure compatibility with adjacent resource production and open space uses."

<sup>19</sup> See attached GRAND DEED.



## RECORDING REQUESTED BY

FIDELITY NATIONAL TITLE INSURANCE

MAIL TAX STATEMENT TO  
 THOMAS HANS FOERSTERLING  
 ELIZABETH FOERSTERLING  
 6354 Fickle Hill Rd.  
 Arcata, CA 95521

## WHEN RECORDED MAIL TO

Name  
 Street  
 Address  
 City  
 State  
 Zip

THOMAS HANS FOERSTERLING  
 ELIZABETH FOERSTERLING  
 6354 Fickle Hill Rd.  
 Arcata, CA 95521

1938  
 RECORDED AT THE OFFICE OF  
 Western Title Insurance Co.  
 1563 1290

JAN 20 3 32 PM '88

HUMBOLDT COUNTY  
 CLERK  
 500

RECORDERS USE ONLY

ORDER NO.

ESCROW NO. 181465 MMP/gj

## GRANT DEED (JOINT TENANCY)

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 47.30

(x) Computed on full value of property conveyed, or

( ) Computed on full value less value of liens and encumbrances remaining at time of sale.

(x) Unincorporated area ( ) City of \_\_\_\_\_

Tax Parcel No. 315-011-08

JEFFREY SWEITZER, a married man and Deborah Sweitzer, husband  
 and wife,

FOR A VALUABLE CONSIDERATION, HEREBY GRANT TO THOMAS HANS FOERSTERLING and  
 ELIZABETH FOERSTERLING, husband and wife

, as JOINT TENANTS,

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

That portion of the Southeast Quarter of the Northwest Quarter of  
 Section 6, Township 4 North, Range 3 East, Humboldt Meridian, lying  
 Northeasterly of the center line of the Mad River, c

C.D.S.  
 FILED  
 NOT FILED

Dated: January 26, 1988

JEFFREY SWEITZER

(Individual Acknowledgment)

STATE OF CALIFORNIA

County of Humboldt

On this 26th day of January, in the year 1988, before me, the undersigned, a Notary Public in and for  
 said County and State, personally appeared JEFFREY SWEITZER and Deborah Sweitzer

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person JEFFREY SWEITZER whose name JEFFREY SWEITZER  
 subscribed to this instrument and acknowledged that they executed it.

RECORDING REQUESTED BY

1992-33188-2

RECORDED — OFFICIAL RECORDS  
HUMBOLDT COUNTY, CALIFORNIA  
CAROLYN CRNICH, RECORDER

AND WHEN RECORDED MAIL TO

Recorded by THOMAS FOERSTERLING

Rec Fee

8.00

Name

Street  
Address

City &  
State

THOMAS H. FOERSTERLING  
ELIZABETH FOERSTERLING  
8748 BUTLER VALLEY RD.  
KORBEL, CA. 95550

Clerk: VS

Total: 8.00

Nov 17, 1992 at 11:09

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## Declaration of Homestead (Husband and Wife)

Know All Men by These Presents: we, THOMAS HANS FOERSTERLING

AND ELIZABETH W. FOERSTERLING, do hereby declare:

That we are Husband and Wife and each own an interest in the dwelling described below and selected as our declared Homestead;

That we do now, at the date of recording this Declaration, reside on the Homestead hereinafter declared;

That the premises on which we declare as Homestead are that certain land situated in the  
UNINCORPORATED AREA, County of  
HUMBOLDT, State of California, and bounded and described as follows:

That portion of the Southeast Quarter  
of the Northwest Quarter of Section 6,  
Township 4 North, RANGE 3 EAST, Humboldt  
Meridian, lying Northeasterly of the center  
line of the Mad River. 315-011-08

together with the dwelling-house(s) and the outbuildings thereon;

That we do, by these presents, claim the premises above described, together with the dwelling-house(s), and the outbuildings thereon, as a Homestead; that all of said property is necessary to the use and enjoyment of said Homestead;

The Homestead herein declared is the principal dwelling of the declared Homestead owners;

That the facts stated in this Declaration of Homestead are known to be true as of our personal knowledge.

In Witness Whereof, we have hereunto set our hands this Seventeenth day  
of November, one thousand nine hundred and ninety-two

Thomas Hans Foersterling

Elizabeth W. Foersterling

Page 1

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction.

PLN 2018-15197, Maple Creek Investments HOMESTERO August 6, 2020 Wife (C.C.P. Secs. 704.920, 704.930) (Rev. 10/85) Page 94



State of California,  
County of Humboldt ss,



On this 19th day of November  
in the year one thousand nine hundred and 92  
before me, Susan A. Thrapp  
a Notary Public, State of California, duly commissioned and  
sworn, personally appeared

Thomas & Elizabeth Weisterling  
personally known to me (or proved on the basis of satisfactory  
evidence) to be the persons described in and whose name are  
subscribed to the within instrument, and acknowledged to me that  
they executed it.

In Witness Whereof I have hereunto set my hand and affixed my  
official seal in the State of California County  
of Humboldt on the day and year in this certificate  
first above written.

Susan A. Thrapp  
Notary Public, State of California

My commission expires May 5, 1995

**Declaration  
of Homestead  
(Husband and Wife)**

BY

Claimant

Claimant

Dated ....., 19...

State of California, ....., being duly sworn, deposes  
ss, and says:  
County of ..... That .....  
are the declarants named in and who make the within and  
annexed Declaration of Homestead, that they have read the same  
and know the contents thereof, and that the matters therein stated  
are true of their own knowledge.

Subscribed and sworn to before me this .....  
day of ....., 19.....

Notary Public, State of California

My commission expires .....

## **DUNAWAY BUSINESS LAW**

4350 E. Camelback Road  
Suite B200  
Phoenix, AZ 85018

**TEL (602) 468-5751**

**FAX (602) 468-1814**

e-mail: [dunawaylegal@gmail.com](mailto:dunawaylegal@gmail.com) [www.dunawaylawgroup.com](http://www.dunawaylawgroup.com)

**Robert W. Dunaway\***

\*Admitted in Arizona and California

October 13, 2015

### **CERTIFIED MAIL**

Thomas and Elizabeth Foersterling  
8748 Butler Valley Road  
Korbel, CA 95550-9603

Dear Thomas and Elizabeth,

Now that your final appeal has been rejected and the legal parcel line declared by the trial court finally set in stone, we are moving forward with a fence along the parcel line. Our current schedule is to have a survey crew mark the exact parcel line and place location markers. Those location indicators will eventually be replaced by a galvanized fence, barbed wire fence or other permanent structure to clearly mark the legal boundary line.

The survey crew will be on the parcel the morning of October 29, 2015. The Sheriff's Office has been notified and will be standing by in case there is any interference with the survey crew. Any interference with the crew will be prosecuted to the full extent of the law by both us and the Sheriff's Office. The operation and location markers will be documented with video to ensure that there is no future interference. Moving or interfering with the location markers constitutes trespassing among other violations.

The court's final ruling impacts your property in several ways. First, the legal boundary line will run from the north on a line that is approximately 12 feet into the middle of your house and then bend around the house by an approximate 30 feet setback before moving back to the line through your house and continuing on down to the river. You will need to remove any and all property or structures that you have placed on ground that is east of your house on our side of the boundary line or we will remove them for you.

Second, your water supply is on our property. If you have not done so already, you need to make immediate plans to obtain your water supply from another source on your side of the legal boundary line. We will be disconnecting your house and property from the water supply, absent compliance with the following.

We will offer you the following relief with respect to the water supply. If you agree to pay our family the court sanctions and the land cost for the encroached land that you already owe, as fixed and ordered by the court, and the fees and costs of the survey crew



as further ordered by the court, we will agree to supply your house with water from the existing water supply for a period of 1 year, which will be long enough for you to put a new water supply into operation on your side of the boundary line. You need to agree in writing to pay such fees and costs prior to the October 29, 2015 survey visit. If you cannot pay the entire amount of such fees and costs in one payment, we will accept payment over a 3 month period in 3 equal monthly payments.

If you do not agree to this offer, we will disconnect your property as stated above and seek to collect the money owed and/or lien your property for the dollar amounts of the sanctions, encroached land costs and survey fees and costs. The sanction fees were due well over a year ago and we will pursue their collection along with the court ordered encroached land costs and survey fees and costs. Please note that the court has ordered that you are responsible for paying all of the survey fees and costs. If you interfere with the survey or the Sheriff's Office has to intervene, the Sheriff's Office costs and any costs related to finishing the survey at a later time are your legal responsibility.

Third, since the legal boundary line is close to your house, you will need to avoid trespassing on our land. We will prosecute any trespassing to the full extent of the law. Stay on your side of the boundary line.

Fourth, it is likely that we will not sell the parcel immediately but instead will lease it or utilize it for cattle or other purposes. Again, any interference with our or a lessee's use of the parcel or our property will be prosecuted to the full extent of the law. We will be using surveillance equipment to ensure your compliance with the law in the future.

The fact that I have to write this notice is depressing. I am mindful that all of this could have been avoided had you not tried to steal 6 acres of land from our family. You paid for 28 acres of land, yet claimed ownership of 34 acres. In the real world, you don't get to take 6 acres of land for free from another person. It seemed like a simple situation and we offered to trade you less valuable acreage from your parcel for the more valuable acreage you claimed around your house and down to the river. You flatly rejected that offer. Now, you will have to live with the consequences of your decision.

Sincerely,



Rob Dunaway

cc: Larry Kluck, Esq.  
Suzy Rasmussen  
Catherine Dunaway  
Michael Dunaway  
Victoria Foersterling

**From:** [Viewing Stones](#)  
**To:** [Planning Clerk](#)  
**Subject:** Agenda Submission for Planning Commission Hearing 08/06/20  
**Date:** Wednesday, July 29, 2020 10:30:35 AM

---

Sent from [Mail](#) for Windows 10  
Foersterlings, Thomas and Elizabeth  
8748 Butler valley Road  
Korbel, California 95550  
707 668 4369  
[liz.forsterling@gmail.com](mailto:liz.forsterling@gmail.com)

Humboldt Planning Department  
Planning Commission  
3015 H Street  
Eureka CA 95501  
707 445 7541  
[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)

Hearing Date: August 6, 2020  
Time: 6:00PM  
Virtual Link: <https://zoom.us/j/97543247525> Password: 200525  
Phone: 1-346-248-7799 Meeting ID 975 4324 7525 Password:200525

RE: Record Number PLN-2018-15197  
Subject: Agenda Submission for Planning Commission Hearing

Dear Planning Clerk,

Please put us on the upcoming Hearing Agenda for August 6, 2020, to be heard by the Planning Commission.  
We, Thomas and Elizabeth Foersterling, adjacent property owners to the subject parcel, object to the proposed development in its entirety.

Please add the attached *Document of Opposition* (received by the Planning Department on July 15, 2020),  
submitted for the July 16 , 2020 Zoning Hearing which was referred to the Planning Commission  
because the address and/or phone number for the virtual meeting was incorrect on the website,

and many  
of the public wanted to comment, but could not access the meeting.

Thank you,  
Sincerely,

*Thomas and Elizabeth Foersterling*

Foersterlings, Thomas and Elizabeth  
8748 Butler Valley Road  
Korbel, California 95550  
707 668-4369  
[liz.forsterling@gmail.com](mailto:liz.forsterling@gmail.com)



Humboldt Planning Department  
3015 H Street  
Eureka CA 95501  
7070 445 7541  
[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)

Hearing Date: August 6, 2020  
Time: 6:00pm  
Virtual Link: <https://zoom.us/j/97543247525> Password: 200525  
Phone: 1-346-248-7799 Meeting ID 975 4324 7525 Password: 200525

RE: Record Number PLN-15197-SP  
Subject : Special Permit Cannabis Cultivation Maple Creek Investments LLC, a Nevada Limited Liability Company  
APN 315-011-009, APN 315-011-008 FR Zoning

**SUPPLEMENTAL to Document of Opposition<sup>1</sup>**

TO: Humboldt County of California Planning Department, Planning Commission, Zoning Administrator, Supervising Planner, et. al.

PLN-15197-SP is not feasible. The adverse effects of such a proposal are far greater than any need, or any want, to place an Industrial Chemical Commercial Cannabis Grow on the intersection of Butler Valley Road and Maple Creek Road. Poisonous pollution, of which the cumulative impacts have already been noted, cannot be remedied by "Mitigation Measures." To place an unnecessary eyesore, and create a neighborhood nuisance of such magnitude, in direct view of everyone who passes by, all

---

<sup>1</sup> See attached Document (Received July 15, 2020 by Humboldt County Building Division, (revised)).



the Community, and on top of, in front of, and in the face of the neighboring land owners is not only a violation of the Ordinance adopted to protect from such atrocities, but it does not comply with the California Environmental Quality Act, Humboldt County Department of Environmental Health, County of Humboldt's Certified Unified Program (CUPA), and the North Coast Air Quality Management District.<sup>2</sup> On July 21, 2020, a complaint was filed with the California Environmental Protection Agency (CalEPA # COMP-48402), regarding PLN-15197-SP.

The Staff Report findings for evidence supporting conformance of PLN-15197-SP to the General Plan are disturbing, lack foundation, and are speculative in nature. The findings are hearsay and ambiguous, filled with misrepresentation and misinterpretation of the project's proposal, its impact, and the necessary requirements of conformance. The wrongful application of the Goals, Policies, Standards, Measures, Regulations, and Laws which have been adopted to safeguard small rural communities from being overrun by the Commercial Cannabis Industry is a recipe for disaster. The proposed development is **not** in conformance. Contrary, the findings show overwhelming evidence supporting nonconformance. PLN-15197-SP must be denied. The Foersterlings object to the development of a Cannabis operation on parcel 315-011-009.

"Significant water drawdown from adjacent," neighboring residential properties is in direct violation of Ordinance No. 2599 (§55.4.12.9). The projected POD is North, and Northeast of adjacent residential wells, rivulets, waterfalls, and tributaries of the Mad River. The LSA Notification application specifies the "Season of Diversion" as between June 1<sup>st</sup> and August 31<sup>st</sup>, and has not been approved by CDFW. Cannabis Cultivators are prohibited from diverting this water during the dry season for irrigation use. The proposed plan also calls for water trucked into the site from a well one mile away; that well feeds the Maple Creek, a vital tributary of the Mad River. Clearly, there is not enough water available on the proposed site for the proposed plan. Particularly, if mediation measures require that the proposed road on the same site needs to be "watered twice a day" to keep the dust and top soil from eroding and clouds of dust from forming, then more precious water is wasted. *Wasteful* water usage is contrary to rural development.

The rustic cabin the plan proposes to demolish has been in that location since the late 1940's... early 1950's, and has become part of nature. It cannot be treated in the same way as a pre-existing building site, nor should it. There are some beautiful young fir growing near, and around the cabin, in the forested area. Disturbance of the cabin and its potential would be a loss, replacement of it with an industrial sized outbuilding would be degenerate, and is further proof the applicant does not have the necessary appreciation for the region and all it has to value.

It is the responsibility of conscientious land stewards to protect the habitat for wildlife, and to foster healthy and sustainable living practices for the land and its "land organisms."<sup>3</sup> It is more important, than ever before, to *prevent* irresponsible, negligent, and negative environmental impacts from occurring. Commercial cannabis cultivation has become to the Cannabis Industry, as clearcutting is to the Timber Industry, or as fracking is to the Oil Industry; it is not sustainable, and is detrimental to the Earth. "The

---

<sup>2</sup> The proposed plan is feet away from the County Road, on both sides.

<sup>3</sup> Leopold.

Green Rush” has scarred the land with so many large grows in the Emerald Triangle,<sup>4</sup> it is no longer adequate to standby and let permitting spin out of control. Without proper regulation of Cannabis Cultivation the future for Humboldt County is grim. The pervasive pot culture of Humboldt County must be brought into balance. No rest from the pot culture. No peace. It is the responsibility of the Planning Department and County Supervisors to safeguard the interdependent ecological system so vital for survival.

The following Table 1.0 outlines the evidence supporting the findings of **nonconformance** with the General Plan:

Plan Section	Summary of Applicable Law, Goal, Policy, Standard, Regulation, Guideline, Requirement, Term, Condition	Evidence which Supports the Findings of <b>Nonconformance</b> with the General Plan
Land Use (Chapter 4)  Land Use Designations Section 4.8.1 Purpose	<p>Residential Agriculture (RA40)</p> <p>Other uses may be restricted as detailed in the Zoning District implementing the land use designation.</p> <p>The designation applies to large lot residential uses that rely upon on-site water and waste-water systems. Varying densities are reflective of land capabilities and/or compatibility issues.</p> <p>RA40 is applied to remote, steep, and high hazard areas, or where appropriate to ensure compatibility with adjacent resources and open space uses.</p>	<p>(1). The proposed development of a Commercial Industrial Cannabis Cultivation of approximately 27,025 square feet of Marijuana Plants, and a 2,000 square foot on-site processing facility is <b>not</b> compatible with FR zoning and/or the applicable land use designations; Forested areas, Wetland, Mad River Watershed, subwatershed, steep and unstable slope, drawdown of adjacent well(s), location in Streamside Management area, channel of river and streams, flood and drought conditions, High Hazard Fire Zone, open spaces, scenic enjoyment, etc. “Cultivation and processing of cannabis shall not be allowed as a principal permitted use under the General Agriculture use type classification applicable within the County of Humboldt” (Humboldt County Code §314-43.2.6), The unsightly, and unconscionable storage and use of six water tanks holding 14,000 gallons of water, plus four 50,000 gallon tanks expected to hold 200,000 gallons of rainwater, plus more tanks of an undisclosed amount of water trucked in from a mile away, plus portable toilets transported 16 miles back and forth on Maple Creek Road to Blue Lake, is not appropriate for the intersection of Butler Valley Road and Maple Creek Road. It is incompatible with a rural residential designation for the land, and is incapable of sustaining the proposed activities. Therefore, PLN-15197-SP does <b>not</b> conform with this section.</p>
Circulation (Chapter 7)	<p>Goals and Policies require a balanced, safe, efficient, accessible, and convenient circulation system appropriate for each unincorporated community; coordinated planning design, development, operations, and maintenance between the County and others; access for transportation to safely move within, into and out of Humboldt</p>	<p>(2). The proposed development for Cannabis Cultivation and processing facility requires inroads with egress and ingress points along the rural Butler Valley Road, and the creation of a parking lot. This type of Commercial Industrial circulation is unsafe, inappropriate, and inefficient. Industrial Operations of such magnitude create an imbalance on the roadways. Conditions of Approval set forth by the Department of Public Works cannot be met. The disturbance to soils, forested lands, wetland areas; the creation of sediment run-off; and the need to prevent flood and mud</p>

<sup>4</sup> Shane Anderson’s “A River’s Last Chance” (2018).

	<p>County.</p> <p>Pavement Management Criteria (68<sup>th</sup> percentile).</p> <p>Sight Visibility Ordinance.</p> <p>Consideration of Land Uses in Transportation Decision Making.</p> <p>Consideration of Transportation Impacts in Land Use Decision Making.</p> <p>Community Design for Public Health.</p>	<p>conditions during the rainy season, the need to water the road and lot twice daily during the dry season to prevent erosion and dust storms, and the need to provide a safe and appropriate developmental design for the “type of unincorporated community” are not provided in PLN-15197-SP. The shoulder is not paved, and is not considered Parking. The County roads servicing the area are in disrepair and have not been paved since the ’50’s. The road conditions are classified as poor-very poor. The steep road and blind corner on one end, and the blind intersection on the other end prohibit the necessary visibility to safely enter and exit the Butler Valley Road, and will create a road hazard with the proposed increase of traffic from employees coming and going, product being transported, etc., etc., It does not comply with the Sight Visibility Ordinance. Therefore, PLN-15197-SP does <b>not</b> conform to this section.</p>
<p>Housing (Chapter 8)</p> <p>Housing Element Densities (Ordinance 2599, §312-17.1.5)</p>	<p>Goals, Policies, and Standards contained in the Housing Element Residential Land Inventory seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Development of Parcels in the Residential Land Inventory.</p>	<p>(3). The proposed development for Commercial Industrial Cannabis Cultivation, itself, <i>reduces the residential density for the parcel</i>. Furthermore, it will reduce the development of a residential Community plan to service the Maple Creek School District. The placement of Marijuana Plants in plain sight for all to see and smell is an insult to residential growth, prevents residential development, and attracts crime, theft, and transient behavior. The proposed action to demolish the rustic cabin and build a processing facility in its place is not an “improvement,” and is contrary to the policies of preservation. The goals, policies, and standards surrounding appropriate housing for the region are thwarted by the proposed project and/or any “future proposed development.” A “caretakers living quarters” is referenced, but there are no approved plans presented (E.8). Furthermore, a high security apparatus is proposed, which is of such an invasive and dominant feature of the plan, it is a deterrent for residential development and degrades rather than improves, destroys rather than preserves, and in the process intrudes upon the quietude of the region. Therefore, PLN-15197-SP does <b>not</b> conform to this section.</p>
<p>Conservation and Open Space (Chapter 10)</p> <p>Open Space Plan (Section 10.2)</p>	<p>The Open Space and Conservation Program is complimentary to other agencies’ plans and preserves the County’s unique open spaces.</p>	<p>(4). The proposed development is located within an Open Space area, and is in a severe high fire hazard zone and forested region; with its surrounding Wetland, located in the Mad River Watershed. The location is unique to Humboldt County and has been an intricate part of the scenic route for avid and professional cyclists, bird watchers, nature enthusiasts, etc., and encompasses critical habitat for local wildlife. The proposed development is against the California Department of Forestry and Fire Protection, is against the California Department of Fish and Wildlife, is against the California Environmental Protection Agency and Regional Water Quality Control Board of the North Coast Region, and against the Humboldt Bay</p>

		Municipal Water District, is not complimentary to “other agencies’ plans, and destroys “unique open spaces.” Therefore, PLN-15197-SP does <b>not</b> conform to this section.
Conservation and Open Space (Chapter 10)	Policies are applied to mapped sensitive habitat areas to protect fish and wildlife, to prevent species from becoming endangered, and to facilitate the recovery of endangered species already threatened.	(5). The proposed development is directly on and near sensitive critical habitat areas within the unique microclimate region of Humboldt. The Biological Assessment Report submitted by TransTerra Consulting is not comprehensive, nor is it accurate. Protocol levels and floristic surveys were not conducted. Many sensitive species in the region were not identified in the report, <i>i.e.</i> deer, bat, bear, salmon/steelhead, barn owl, squirrel, mountain lion, bobcat, eagle, osprey, elk, skunk, quail, river otter, “sucker fish,” duck, coyote, fox, raccoon, Tanager, barn swallow, heron, Red-tail hawk, raptors, sandpiper, lizard, snake, crickets, woodpecker, etc.
Biological Resources Protection (Section 10.3)	Concerns long-range preservation and conservation of Natural Resources.	The Jurisdictional Wetland Delineation Report submitted with the proposal fails to accurately assess the related issues to the project, <i>i.e.</i> drainage conditions, Streamside Management, and soil and water pollution. Disturbances to aquatic species, native soils, sensitive receptors, water quality, air quality related to road development and odor related to the “specialty crop,” structure development, and cultivation activities are not able to be mitigated. The staff report findings incorrectly stated “generators are not part of the project’s operations,” when, as a matter of fact, generators will be used. The destruction of the existing rustic cabin will include destruction of the natural habitat, including beautiful young fir trees and digging into wetland. Conservation efforts and plans for long-range preservation of the area have not been addressed. The California Department of Fish and Wildlife have not approved the Staff Report’s findings, and the proposed development is incompatible with the Departments’ goals and objectives. Therefore, PLN -PLN-15197-SP does <b>not</b> conform to this section.
Conservation and Open Space (Chapter 10)	Goals and Policies 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.	(6). The proposed development is east, southeast of a previously halted project on parcel 315-011-007, on which Native Ceremonial Grounds were disturbed by the same Corporation. “Inadvertent Discovery Protocols” were too late to save the land from being excavated, disturbed, and desecrated. American Indian Tribes in the Northwest region of California have banned the cultivation of Marijuana on Tribal lands due to the detrimental cause and effect. Furthermore, the development of a Commercial Industrial Cannabis Cultivation Operation on the proposed site would destroy the historic cabin made of old growth Redwood and completely annihilate significant cultural heritage that would benefit present and future generations.
Cultural Resources (Section 10.6)	Substandard lot for Industrial Commercial Development.	Establishment of an out-of-control Cannabis Industry in Maple Creek contradicts the type of protection implied by, and explicitly expressed in, the Goals and Policies



		of the General Plan. Therefore, PLN-15197-SP does <b>not</b> conform to this section.
Conservation and Open Space (Chapter 10)	Protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources and surroundings; providing a system of scenic highways and roadways that increase the enjoyment of, and opportunities for health, safety, education, culture, nature, physical fitness, and well being. Concerns traffic and traffic safety issues.	(7). The proposed development is incompatible with the natural surroundings, and is contrary to the intended use of the land; "creating traffic and traffic safety problems for existing residents." It intrudes upon the enjoyment of Humboldt County's beauty and abundant natural resources in a plethora of ways. Any Cannabis Cultivation would be seen (and smelled), as the projected site is alongside the road. Water storage tanks, and pot plants, and a monstrous processing facility are in stark opposition to this section of the General Plan. Butler Valley Road is not a Highway, but is valued for its scenery. Despite the terrible conditions of the existing connecting roadways, many cyclists, tourists, and residents put up with the decaying road solely <i>because of the nature</i> . The proposed plan takes enjoyment away from everyone, contributes to blight, and stinks up and trashes the neighborhood, causing a nuisance. High security surveillance cameras and Signs, posted at the entrance of the Industrial Facility, with warnings, etc. in rural Humboldt, are contrary to the General Plan. Therefore, PLN-15197-SP does <b>not</b> conform to this section.
Scenic Resources (Section 10.6)		
Water Resources (Chapter 11)  [P1-P46; S1-S13; IM1-IM32]	Goals and Policies are for Watershed Restoration, Management for Critical Watershed Areas, Water Supply, Quality, Beneficial Uses, Water Resource Habitat, Safe Storm Drainage, and Sustainable Management for rural water supplies privately provided or from on-site surface and groundwater sources. Some rural parcels have been created that cannot support residential usage based on on-site water availability, so availability must be determined on a case-by- case basis. Another concern is the cumulative effects of surface and groundwater withdrawals in rural areas where allowed land uses, if fully developed, would require more water than what is locally available during low-flow periods. Other requirements include illicit discharge detection and elimination; water quality monitoring; pollution prevention at County operations; public education and outreach; and program effectiveness evaluation.	(8). The proposed development is contrary to the General Plan. There are already numerous large permitted Cannabis operations in the area. The water supply is tapped out for such uses. Any further draw on the surface and ground water in the vicinity of the proposed site would be devastating. Two hundred thousand gallons of rainwater catchment for cultivation of Cannabis is not sustainable, and negatively impacts existing life, preventing necessary water from reaching its proper destination. Another fourteen thousand gallons of water sucked away from the surrounding Forest and Wetland contributes to the desertification of the region. Also, the drawdown from adjacent well(s) is <i>prohibited</i> by Ordinance No. 2599, under the General Plan. Trucked in water from another well one mile away from the grow site draws water away from the Maple Creek, a vital tributary for the Mad River and its aquatic life, and is also prohibited. Pollution of the earth, air and water, and the resultant harmful effects on humans, created from the use of fertilizers and pesticides cannot be "mitigated." "Reduction" is not an option, when it comes to health and well being. Therefore, PLN 2018-15197 does <b>not</b> conform to this section.
Noise (Chapter 13)	Noise: When sound is disagreeable or unwanted, it is	(9). The proposed development increases traffic noise, operational noise, and vibrational noise between 8am

	<p>considered noise. Excessive Noise: Noise levels are considered in the Land Use Element to avoid direct conflicts between neighboring uses and minimize the exposure of community residents to excessive noise. Purpose is to create a quiet and healthful environment with limited disagreeable noise.</p> <p>N-G2. Incompatible Land Uses. Land uses arranged to reduce annoyance and complaints and minimize the exposure of community residents to excessive noise. It also depends upon the character of the sound, number of noise events, familiarity and predictability, and the attitude of the listener.</p> <p>Policies N-P1. Minimize Noise from Stationary and Mobile Sources. Minimize stationary noise. Traffic noise.</p>	<p>and 5:30pm Monday-Saturday every week, specifically during the months between May and October. Every sound reverberates in the river valley. Every car and truck on the road can be heard, every voice echoes, and every motion has its impact. Considering that the Community residents prefer the quietude of nature; the sounds of the river, the hoot of the barn owl, the flap of the eagle's wing. The invasive quality of a Commercial Industrial Cannabis Operation in the residential neighborhood of Butler Valley Maple Creek is unwanted, and cannot be tolerated. The "character of the sound" is annoying, and unbearable. Forced exposure to pot growing, in such a blatant way, is against all sections of the Ordinance. It is offensive to "Sensitive Receptors," and complaints of an unhealthy atmosphere have already been heard. Therefore, PLN-15197-SP does <b>not</b> conform to this section.</p>
<p>Air Quality (Chapter 15)</p> <p>[AQ-P4, AQ-P5, AQ-P6]</p>	<p>Goals, Policies, and Standards are to improve air quality, control fugitive dust emission, negate air quality impacts from new development, and reduce emissions of air pollutants from new commercial and industrial development up for environmental review by requiring feasible mitigation measures to achieve the standards of the NCAQMD.</p> <p>Buffering Land Uses. Consider the use of buffers between new sources of emissions and adjacent land uses to minimize exposure to air pollution.</p>	<p>(10). The proposed development does not meet air quality standards. Exposure to dust emission from grading, and the resultant dirt roads; the coming and going of personnel on a daily basis creates unhealthy patterns. Exposure to the smell of Cannabis permeating the intersection of Butler Valley Road and Maple Creek cannot be prevented, nor can it be mitigated. "Sensitive Receptors" have no way to buffer the negative impact of the odor and its side effects. The EIR recognizes the inability to rid the odor, and cannot rationalize permitting a Commercial Industrial Cannabis Cultivation directly adjacent to an already well-established, discreet permitted grow. The detrimental impacts, from the proposed development, far outweigh any economic advantage, and will, in fact, reduce the economic benefit the County seeks from the Cannabis Industry. The human right to breathe fresh air exceeds any right to grow Cannabis (EPA, CEQA). Therefore, PLN-15197-SP does <b>not</b> conform to this section.</p>
<p>Safety (Chapter 14)</p>	<p>The purpose of the Safety Element is to reduce the risk of death, injuries, property damage, and economic and social dislocation resulting from earthquake, fire, flood, and other hazards. The components of this element include:</p> <ul style="list-style-type: none"> <li>• Geologic/Seismic Hazards</li> <li>• Flooding and Drainage</li> </ul>	<p>(11). The proposed development is subject to a number of hazards to life and property. PLN-15197-SP substantially increases the risks associated with Industrial Hazards; fire, flooding, drainage, pollution. Adjacent property owners and their respective dwellings, and the Community as a whole, are not safe from the hazardous conditions of this project. The erosion of soil to grade and maintain a parking lot and access road, alone, is cause for concern on Wetland and Forested areas, but to dig up soil to Cultivate thousands of square feet of Marijuana Plants, and dump pesticides</p>

Community Infrastructure and Services Element (Chapter 5)	<ul style="list-style-type: none"> <li>• Fire Hazards</li> <li>• Airport Safety</li> <li>• Industrial Hazards</li> <li>• Emergency Management</li> </ul> <p>This General Plan manages risk through the use of land use designations to limit exposure to hazardous areas and through policies tailored to specific hazardous conditions. The implementation measures of this Element are designed to proactively improve overall safety conditions within the County.</p> <ul style="list-style-type: none"> <li>○ Soils</li> <li>○ Slope Stability</li> <li>○ River Flooding</li> <li>○ Drainage Management</li> <li>○ Fire Hazard</li> <li>○ Community Wildfire Protection</li> </ul>	<p>and fertilizers into the disturbed soil and surrounding Wetland is an environmental disaster. The slope of the land referred to in the Staff Report page 25, “attributes the presence of wetland to the orientation of Maple Creek Road above the site as well as the topography,” must also include the slope of the land toward, and off of, Butler Valley Road. High slope instability and disturbance of soils, foliage, trees, extraction and retention of surface, ground, and well water, and the introduction of pesticides and fertilizers <i>creates</i> hazardous conditions, it does not limit them.</p> <p>To erect an Industrial Commercial processing facility, in a rural setting is negligent land use. To have P G&amp;E bring its power to an area “with a very high fire hazard severity” (specifically, right on the intersection of the only two roads for exit or entrance by emergency and service vehicles), is a violation of the Wildfires Protection Act. P G&amp;E is responsible for three of the most devastating fires in California’s recent history, causing death and destruction of such magnitude, the areas and people affected will never recover all of the losses. To approve placing 24/7 High Voltage electrical current in the neighborhood, in close proximity to forested areas prone to extremely dry and hot times of the year is not only negligent, it is criminal. Liability falls to the applicant and/or Planning Division, as California Department of Forestry and Fire Protection and the Kneeland Volunteer Fire Department have not signed off on the project. Therefore, PLN-15197-SP does <b>not</b> conform to this section.</p>
---	---	--

The following Table 2.0 outlines the evidence supporting the findings of nonconformance and noncompliance with necessary Zoning Regulations, Eligibility Requirements, and Performance Standards related to Ordinance No. 2599:

Section	Summary of Applicable Regulation, Requirement, and/or Performance Standard	Evidence Supporting the Findings of <b>Nonconformance</b>
§312-1.1.2	Development permits shall be issued for a lot that was created in compliance.	<p>(1). The 1971 Record of Survey Map of portions of Sections, including Section 6, commissioned by the Madrone Creek Development Company &amp; Boulder Creek Development Company, referenced in the Staff Report on page 24, indicates the Tract number for the 315-011-009 parcel is 448, not 315, and that “this map is based on record information.” Bearings and lengths for the parcel were derived from Book 11, Page 99, A. B. Bones’<sup>5</sup> Survey of Maple Creek Headquarters Ranch/Hammond Lumber Co. In 1946, A. B. Bones established the Corner Monument connecting parcels 08, 09, 07, 01. All subsequent surveys, and land transactions: buying, selling, dividing, etc., were done using this Corner Monument established in 1946.<sup>6</sup></p> <p>The proposed development for a Commercial Cannabis</p>

		<p>Cultivation Special Permit uses a different survey, monument, boundary, and map to encroach on neighboring parcels, water systems, land, structures, and improvements in the process. The Humboldt County Assessor's Map Book 315-01, Reversion to Acreage Guynups &amp; Arcata National Corporation, delineates 40 acre parcels, not 42, and clearly shows the 09 parcel has never had river frontage. The boundaries outlined in the proposed PLN-15197-SP do <b>not</b> conform to this section, and create conflict.</p> <p>Building height obstructs the viewshed and sight visibility of the intersection, infringes on the views enjoyed by adjacent land owners, and is an unsuitable use of the land. The proposed project does <b>not</b> conform to Zoning regulations.</p>
§314-61.1	Standards for Streamside Management Areas (SMAs)	<p>(2). To not recognize the subject parcel(s) as Streamside Management Areas is negligent. To allow for a "50' buffer," admit the "presence of jurisdictional wetland," and imply run-off from the "orientation of Maple Creek Road," but ignore the negative impact the proposed development will do to the orientation of Butler Valley Road, the orientation of the adjacent parcels, the orientation of the waterfalls and rivulets which feed the Mad River, and the orientation of the Mad River itself, is beyond reason. Culverts, etc. may channel water away from the site, but polluted run-off water still finds its way into neighboring parcels, water systems, soils, etc., and drains into the Mad River. PLN-15197-SP does <b>not</b> conform to the minimum performance standards in this section.</p>
§314-55.4.6.3.1 -2	<p>Eligibility Requirements:</p> <ul style="list-style-type: none"> <li>♦ Energy Source</li> <li>100% Renewable Energy</li> <li>♦ Water Source</li> <li>Non-diversionary</li> <li>Water Flow Data</li> <li>Watershed Planning</li> <li>Seasonal Drought Conditions</li> <li>Restrictions of Water Use</li> </ul>	<p>(3). The proposed development plans to utilize high voltage provided by P G&amp;E in a severe high fire hazard area<sup>7</sup>. P G&amp;E has been found responsible for three of the most destructive fires in California's recent history. The introduction of dangerous power lines to the site plan area is unsafe, and <i>increases</i> the fire danger risk.</p> <p>Fourteen thousand gallons of hard tank water storage for an Industrial Cannabis Operation is not considered domestic, and also, the ability to use the water for "fire suppression" is questionable. The water drawdown of adjacent well(s) is prohibited for Cannabis-related activities. The Staff Report claims "no diversionary water will be used for irrigation of cannabis," but the applicant filled out a Lake or Streambed Alteration Notification application for exactly that, and more (although incomplete, and incorrect). SUIR prevents diversion of water during the dry season. California Department of Fish and Wildlife has not signed-off on the project.</p> <p>Four 50,000 gallon tanks of "rain catchment," is not sustainable, and prevents necessary water flows during the rainy season to replenish the watershed. The fact that <i>more</i> water is needed for the proposed Cultivation clearly shows</p>

<sup>5</sup> Licensed Surveyor No. 2020.

<sup>6</sup> The Dunaways of Maple Creek Ranch, including their father, bought, sold, and acquired the affected parcels using the A.B. Bones' Original Corner Monument set in 1946.



		the site location is not the place for another large grow operation. In addition, the use of an off-site well for “trucking in water for cultivation and back-up water” is absurd, and a direct violation of Ordinance No. 2599. PLN-15197-SP does <b>not</b> conform and/or comply with the requirements in this section.
§314-55.4.11	Application Requirements	(4.) All required information has not been received. The applicant has not provided all the appropriate forms from all the agencies directly involved with the approval of the development. The Staff Report is deceptive by stating the opposite. Therefore PLN-15197-SP does <b>not</b> conform to this section.
§314-55.4.6.4.4	Setbacks	(5). The site map plan for the proposed project does not reflect true boundaries, does not accurately depict buffers for wetland and forested areas, does not correctly represent road conditions, potential hazards, traffic, proximity to, and impact on, the Mad River Watershed, adjacent parcels, neighbors, wildlife, resources, schools, other large grows, and fails to provide necessary “defensive space” areas. Proposed “setbacks” for the development of this Industrial-sized Commercial Cannabis Cultivation Operation on the roadside of the Butler Valley Maple Creek turn-off do not accurately address, and are not correctly applied, to the project. Therefore PLN-15197-SP does <b>not</b> conform to the requirements in this section.
§314-55.4.12.1, .4-.8, .10-.11, .13,	Performance Standards <ul style="list-style-type: none"> <li>• Road System</li> <li>• Biological Resource Protection</li> <li>• Light Pollution Control</li> <li>• Energy Use</li> <li>• Noise</li> <li>• Cannabis Irrigation</li> <li>• Soils management</li> <li>• Existing Site Configuration</li> </ul>	<p>(6). The County roads servicing the site do not meet Category 4 Standards set forth by the Department of Public Works. In many instances the roads are unpaved, less than the required footage, no centerline marked, and are in poor and/or very poor condition. To increase road traffic, punch in unpaved “access roads” with a 50’ turn around, and develop a parking lot off of the County Road for an Industrialized Cannabis operation, without addressing the categorically poor/very poor conditions of the existing County roads, is negligent. The road system is negatively impacted by any disturbance from both sides of the site, Butler Valley Road and Maple Creek Road. The Roadshed is unable to support new Cannabis activity. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p> <p>The Jurisdictional Wetland Delineation Report filed by the applicant for a Special Permit fails to accurately assess the sensitive and critical habitat areas, the Wetland, the Streamside Management areas, Mad River Watershed, etc. The Staff Report reinforces its ambiguity and reveals a reasonable doubt as to its application and recommendations. The proposed Cannabis Cultivation project is <b>not</b> allowed as a principal permitted use under the General Agriculture use type classification. Generators <b>are</b> proposed as part of the project. The proposed building site is <b>not</b> on what can be considered a pre-existing building site, the cabin is antique and has become part of nature. There <b>are</b> sensitive species on-site. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p>

<sup>7</sup> Considered Zone 10 by Insurance Companies.

		<p>Protocol levels and Floristic Surveys were not conducted, yet are included in recommendations for prior to any disturbances related to the proposed development on and to the land, native soils, aquatic life, listed species, and species of concern. To declare no SMA, but mark SMA buffers on-site, to declare “no signs of filling or altering of wetlands,” but admit “drainage conditions relating to Maple Creek Road” attribute to the on-site Wetlands, and to omit the analysis of the presence of harmful algae bloom found on the adjacent parcel directly related to the accumulation of fertilizer/pesticide run-off water from the previous two years of illegal unpermitted grow by the applicant, is both contradictory and negligent. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p> <p>The proposed development is in violation of the International Dark Sky Standards. The Milky Way and Seasonal Constellations can be observed in the night sky. Invasive light from Industrial Commercial Cannabis activities cannot be prevented from spilling outside the boundaries of the parcel or premises. The skies are artificially lit up by any light disturbances during the after sunset hours and before the twilight hours. The proposed development is in direct view of neighboring landowners and takes away enjoyment of the Astral Views. The proposed security system and associated lighting and surveillance apparatus is an affront to the Rural Neighborhood Watch Program. The Humboldt County Sheriff’s Department must be notified. Therefore, PLN-15197-SP doe <b>not</b> conform to the Performance Standards.</p> <p>PLN-15197-SP proposes to bring 24/7 High Voltage power to the intersection of Butler Valley Road and Maple Creek Road, putting up poles and electrical wiring, cutting trees and clearing a swath of 20’ to accommodate P G&amp;E. The proposal increases the risk of a catastrophic wildfire in the very high fire danger area. Close proximity to electrical power lines for rural residents is a severe health risk. Cap and trade is not 100% renewable. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p> <p>Sensitive Receptors located in the area of the proposed Cannabis Cultivation will be adversely affected by the commotion created by the scale of the Industrial Commercial activities. The noise of pot growers coming and going, an increase of automobile activity on the roads, and adjacent lands, are not only experienced as an increase in sound, but also an increase of vibration. The particular “character of the sound” is negative, as the applicant has shown aggressive and disrespectful behavior to members of the Community and the environment. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p>
--	--	--

		<p>The water usage for the proposed Commercial Cannabis Cultivation is unsustainable. Low and reduced stream flows during half of the year's cycle have now reached an all time high for the Mad River Watershed. The Mad River, as the <i>source of water</i> for Humboldt County must be preserved by all means necessary. The multiple water sources and diversionary tactics proposed undermine conservation and restoration activities now in place to protect and enhance the river flows. The use of such water for non-human use and/or Cannabis Cultivation is highly regulated, and the proposal itself is in violation of Performance Standards. No "monitoring" of the project can change the damage done to the ecosystem; water, aquatic life, land, vegetation, wildlife, and human. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p> <p>Disturbance to the native soils living in the proposed site area intrudes upon the root system of forested areas, the water flows of the Wetland, and contributes to erosion, pollution, and degradation of the soil content. The project proposes to displace soils, to dig, to grade, to excavate, and "amend the soil with fertilizers" and apply pesticides to the plants, with the intention of making the soil no longer viable and then to remove and dispose of the native soils. Removal of native soil and replacement with manufactured soil is prohibited; Native soil cannot be impaired or damaged (55.4.6.4.3). "Straw wattles" cannot control run-off during the rainy season. The proposed project is a disaster waiting to happen, and restoration efforts are untenable. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p> <p>Any configuration for Commercial Cannabis Cultivation on the intersection of Butler Valley Road and Maple Creek Road does <b>not</b> "result in an improvement in the environmental resources of the site." The site is <b>not</b> suitable for the proposed project. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p> <p>The proposed development is ineligible for permitting for all the above mentioned reasons. Because of its extreme negative impact and large public outcry, mitigation measures and monitoring plans are inadequate to prevent irreparable damages to people, place, and thing. Therefore, PLN-15197-SP does <b>not</b> conform to the Performance Standards.</p>
§312-17.1.4	Special Permit Requirements	<p>(7). The proposed development is detrimental to the public health, safety, and welfare of the entire Northcoast, and will be materially injurious to all properties and future improvements in the vicinity. No more large grow operations in Butler Valley Maple Creek. Approval, from all agencies involved with the permitting process for Cannabis</p>

		Cultivation, has not been given to PLN-15197-SP. Therefore, PLN-15197-SP does <b>not</b> conform to the requirements.
Environmental Impact Report [EIR]	<p>Establishes local land use regulations to allow for commercial cannabis operations in the unincorporated area of the County that ensure the health, and safety of the residents, employees, County visitors, neighboring property owners, etc.</p> <p>The EIR assures that no new significant environmental effects or a substantial increase in the severity of previously identified effects will be caused.</p>	<p>(8). There is substantial evidence, and enough information provided to know with reasonable assurance that the proposed PLN-15197-SP fails to comply with the Environmental Standards set forth in the EIR. "At the request of the Department of Fish and Wildlife, the County is prohibiting the expansion of existing baseline cannabis cultivation operations or the establishment of new cannabis cultivation operations in subwatersheds identified as impacted by the extent of pre-existing cannabis cultivation within those areas, or strongholds for the restoration of fisheries for threatened or endangered salmonid species (§314-55.4.6.8, Resolution No.18)." If the State Water Resources Control Board or CDFW finds cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, CDFA <i>shall not issue new licenses</i>, or increase the number of plant identifiers within that watershed or area. The proposed development is in the vicinity of the Mad River Watershed. All Cannabis activities negatively effecting soil stabilization, water run-off, rivulets, and tributaries in the Mad River Watershed are prohibited. Reparations are costly.</p> <p>In every instance of the EIR, the proposed project violates Environmental Law. The location of the proposed site "cannot support cannabis cultivation," in any form. There are already numerous Cannabis Cultivation operations in the vicinity, there is no more capacity. The evidence clearly shows the project adversely impacts the environment to such a degree as to create an unhealthy, unsafe, and intolerable conditions in the neighborhood. The proposed project is noncompliant with CEQA. Therefore, PLN-15197-SP does <b>not</b> comply with the EIR.</p>

The Cultivation and Operations Plan prepared by Six Rivers Development LLC, for Maple Creek Investments LLC, a Nevada Limited Liability Company, itself, is rife with proposed non-compliance actions, so it is impossible for the proposed Cultivation to be "conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA." The "Recommended Conditions of Approval" are not only inadequate to comply with the necessary environmental safeguards required by Ordinance No. 2599, but cannot be met by the applicant. It is the responsibility of the Planning Commission to do the right thing and deny the proposed project, deny the special permit, and deny the applicant any and all permits sought for Cannabis Cultivation and any and all related activities.

Further issues of concern:

- Criminal trespass.
- Invasion of privacy.
- Elder abuse with intent to do harm.
- Vandalism.



- Terrorism.
- Stalking.
- Harassment.
- Assault.

It is declared, under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated: July 30, 2020

Respectfully submitted,

Thomas Foersterling *and* Elizabeth Foersterling



## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL [OFFICE@HBMWD.COM](mailto:OFFICE@HBMWD.COM)

Website: [www.hbmwd.com](http://www.hbmwd.com)

### BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

DAVID LINDBERG, DIRECTOR

MICHELLE FULLER, DIRECTOR

### GENERAL MANAGER

JOHN FRIEDENBACH

July 15, 2020

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

### **RE: Case Number PLN 2018-15197, Key Parcel Number 315-011-009**

Dear Commissioners,

Humboldt Bay Municipal Water District (District) submits this letter in response to Special Permit Application PLN 2018-15197 submitted by Maple Creek Investments, LLC (Applicant). It would be inappropriate to find the project exempt from CEQA where 27,025sf is not an existing facility.

On May 8, 2018 the Humboldt County Board of Supervisors approved OR-17-02, Commercial Cannabis Land Use Ordinances establishing, amongst other ordinances, Humboldt County Ordinance 55.44.6 for "Accommodations for Pre-Existing Cultivation Sites" (ordinance). This allowed cannabis cultivation sites that meet all other eligibility and siting criteria and performance standards to be considered for a special use permit.

The Applicant seeks a special use permit for a new commercial cannabis operation (project) that includes 27,025 square feet of new, full-sun outdoor cultivation and a 2,000 square foot on site ancillary processing facility. The project would use up to 200,000 gallons of water per year from rainwater catchment tanks, on-site surface water diversion and as back up, a well on an adjacent parcel under common ownership.

Approval of this project would be inappropriate where it is specifically prohibited by the ordinance, may harm wildlife and fish, and may threaten the stressed Mad River Valley Basin.

### **I. The Project Would Harm Mad River and Maple Creek Water Flows and Fish**

Mad River and Maple Creek are waterways subject to the protections of the public trust doctrine which establishes a local government responsibility to maintain the flows of the waterway for public use. (*Cal. ex rel. State Lands Com v. Superior Court* (1995) 11 Cal.4th 50, 63 [the beds of navigable rivers are owned by the state in trust for the public.]), It is reasonable to assume that this well is drawing from surface water or at the least is primarily influenced by surface water. This diversion of surface water could consequentially influence the flow and volume of the Mad River, potentially interfering with water impounded by the District at Ruth Lake for delivery to the District's municipal customers. In addition, storm water runoff from the project could carry chemicals and debris into the Mad River, contaminating not only the drinking water source, but also fish and other species in the water bodies. It is the District's understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted (including the proposed expanded use of water) by the applicant prior to issuing a CUP.

## **II. The Project Would Jeopardize the SGMA-Subject Mad River Valley Basin.**

The California legislature passed the Sustainable Groundwater Management Act (SGMA) in 2014 in order to identify and provide long-term sustainable groundwater management across the State. Medium and high priority basins are required to form sustainability plans in order to prevent the basins from being depleted any further than they currently are. This means that increased protections and water management techniques are to be required in certain areas.

Although the Mad River Valley Basin is a low-priority basin where the groundwater resources in the area not identified as stressed and subject to SGMA controls, the project plans to draw groundwater from the Mad River Valley Basin. This project would further stress the limited groundwater resources in the area that are relied on by the nearby communities and other established commercial uses.

## **III. The Project is not exempt from CEQA**

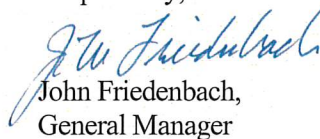
There are a number of cannabis operations occurring in the area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river. "All exemptions ...are inapplicable when the cumulative impact of successive projects of the same place, over time is significant." (CEQA Guidelines, § 15300.2, subd. (b).) Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant." (Aptos Council v. County of Santa Cruz (2017) 10 Cal.App.5th 226, 285.) Due to the cumulative impacts of the multiple operations in the area, a categorical exemption would not be appropriate. Thus, the District claims that this project is not fit for the CEQA exemption for existing facilities.

Further, an exception to the CEQA exemption is for unusual circumstances. This project proposes to establish a new commercial cultivation and production operation in a rural wooded area that had not previously undergone any CEQA environmental review. The District claims it would only be appropriate for the project to undergo such environmental review.

\* \* \*

For the above reasons, it would be appropriate for the Planning Commission to deny or condition with CEQA Environmental Review the Special Permit application PLN-2018-15197 where the project could harm wildlife and fish, and could jeopardize water quality/security.

Respectfully,

  
John Friedenbach,  
General Manager

Cc: Gordon Leppig, CDFW