



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

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

Hearing Date: February 18, 2021

To: Humboldt County Planning Commission

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

Subject: **Peach Tree Farms, LLC Conditional Use Permit**  
Application Number 12357  
Case Numbers CUP 16-357  
Assessor's Parcel Number (APN) 210-191-008  
40102 State Highway 36, Dinsmore, CA 95526

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Please contact David J. R. Mack, AICP, Project Manager/Senior Planner (Harris & Associates) at 831-320-0413 or by email at [david.mack@weareharris.com](mailto:david.mack@weareharris.com) , if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18, 2021	Conditional Use Permit	David Mack, AICP

**Project Description:** : Peach Tree Farms, LLC seeks approval for a Conditional Use Permit for 13,050 square feet (SF) of existing cannabis cultivation, comprised of 7,500 square feet (SF) of mixed light cannabis cultivation and 5,550 SF of outdoor cannabis cultivation.

Irrigation water is sourced from an onsite groundwater well (Permit No. 18/19-0237). Existing water storage includes five (5) high density polyethylene (HDPE) tanks that include: one (1) 1,500-gallon tank, four (4) 2,500-gallon tanks, and two (2) 20,000-gallon water bladders, for a total onsite storage of 31,500 gallons. Annual water use is estimated at 231,000 gallons (17.7 gal/SF).

Post-cultivation processing occurs onsite in a 150-SF processing building and a 3,000-SF propagation and drying shed. There would be an average of four (4) employees during peak harvest. Power is provided by an onsite diesel generator (250 kW).

**Project Location:** The project is located at 40102 State Highway 36, on the property of Section 8 of Township 01N (APN: 210-191-008), in the unincorporated community of Dinsmore, located in eastern Humboldt County.

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

**Present Zoning:** Forestry Recreation (FR) and Special Building Site B-5(20).

**Record Number:** PLN-12357-CUP

**Case Numbers:** CUP-16-357

**Assessor's Parcel Number:** 210-191-008

**Applicant**

Denis Gromov  
117 Stryker St  
Brooklyn, NY 11223

**Owner**

Denis Gromov  
117 Stryker St  
Brooklyn, NY 11223

**Agents**

Green Road Consulting  
Kaylie Saxon,  
McKinleyville, CA, 95519

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

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

**Major Issues:** No major issues/concerns were identified for this project.

**Peach Tree Farms, LLC**  
Record Number: PLN-12357-CUP  
Assessor's Parcel Number: 210-191-008

**Recommended Commission Action**

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

*Adopt the Resolution to:*

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines*
3. *Approve the Peach Tree Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions*

**Executive Summary:** Peach Tree Farms, LLC seeks approval for 13,050 square feet (SF) of existing cannabis cultivation, comprised of 5,550 SF of outdoor cannabis cultivation and 7,500 SF of mixed light cannabis cultivation, that occurs within three greenhouses (Greenhouse 1 - 4,200 SF; Greenhouse 2 - 3,300 SF; and Greenhouse 3 - 5,500 SF). The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The parcel, APN 210-191-008, measures approximately 25 acres in size, with hilly terrain and slopes of less than 5% at all cultivation sites. The site is zoned Forestry Recreation (FR) and Special Building Site B-5(20), as defined in the Humboldt County 2017 General Plan Update. Post-cultivation processing occurs onsite in a 150-SF processing building and a 3,000-SF propagation and drying shed. There would be an average of four (4) employees during peak harvest. Power is provided primarily by an onsite diesel generator (250 kW), as well as a backup generator (150 kW), located within a 260 SF shed.

**Water Resources**

Irrigation water is sourced from an onsite groundwater well (Permit No. 18/19-0237), which is 50 feet below surface and has an estimated yield of 6 gallons per minute. Existing water storage includes five (5) HDPE tanks: one (1) 1,500-gallon tank, four (4) 2,500-gallon tanks, and two (2) 20,000-gallon water bladders, for a total onsite storage of 31,500 gallons. Two rainwater catchment ponds are currently being designed by Baird Engineering, in order to create additional water storage for irrigation needs. Annual water use is estimated at 231,000 gallons (17.7 gal/SF), with peak demand occurring from April through October, as shown in the table below.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
<b>Mixed Light</b>	0	0	0	19,600	22,050	24,500	24,500	24,500	24,500	22,050	0	0
<b>Outdoor</b>	0	0	0	8400	9450	10,500	10,500	10,500	10,500	9450	0	0
<b>TOTAL USAGE</b>	0	0	0	28,000	31,500	35,000	35,000	35,000	35,000	31,500	0	0

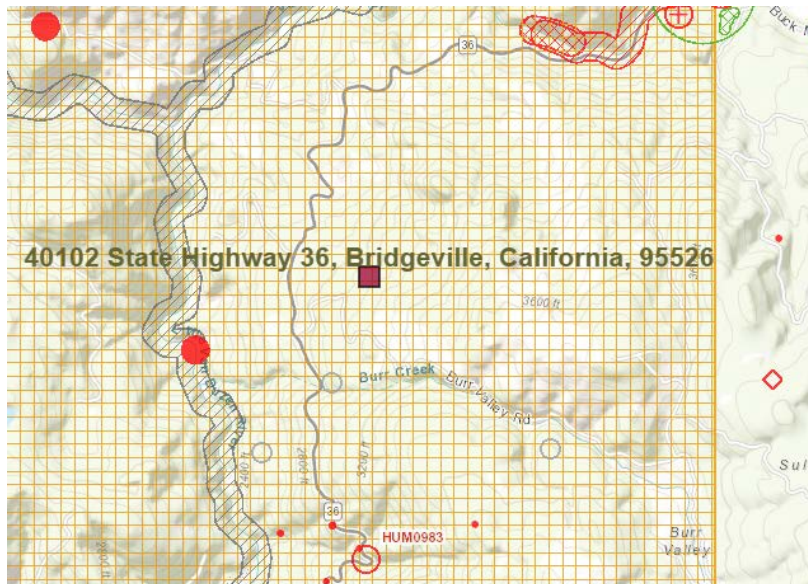
## Projected Water Use for Cultivation Activities

A Water Resources Protection Plan (WRPP) was created to protect the water resources of the project area. The WRPP includes annual site inspection, monitoring, and reporting of Tier 2 discharges that will be submitted annually to the North Coast Regional Water Quality Control Board (NCRWQC). Waterways within the project area include four unnamed Class I and Class II creeks that flow throughout the parcel and ultimately into the Van Duzen River. All cultivation related activities and equipment are located outside the Stream Management Area setback buffers, as shown in the Site Plan (2019). Any bare soil near cultivation areas will be re-seeded annually with native vegetation to aid in erosion control.

The Peach Tree Farms property is enrolled with the Regional Water Quality Control Board (WDID No. 1B161106CHUM) for a Water Quality Certification through a Notice of Applicability (NOA) coverage. The NOA letter certifies instream work proposed for the project area, defined as projects 2 and 3 in the WRPP. The applicant also applied for a Lake and Streambed Alteration Agreement (LSAA) for encroachment into waterways to implement projects 2 and 3. Project 2 is remediation of a 24" plastic culvert that was not properly installed on the eastern edge of the parcel. Project 3 is implementation of erosion control measures for a fill/ford crossing due to its present location at a topographic low, which could lead to future erosion. All instream work is required to adhere to the mitigation measures set forth in the NOA, with pre-project and post-project monitoring by the landowner to be submitted annually to the Regional Water Quality Control Board by January 31<sup>st</sup>, as well as all conditions set forth in the LSAA (**Condition 13**).

### Biological Resources

A list of special status species with potential to occur in the project area was generated in January 2021, using the California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: Northern California Summer Steelhead habitat (0.93 km), foothill yellow-legged frog habitat (1.1 km), a Northern Spotted Owl (NSO) Activity Center HUM0983 (1.6 km), and western pond turtle habitat (1.6 km). Additionally, the project area is located within a large, laterally extensive habitat area for the American peregrine falcon, a special status species (see yellow grid shown in the map below). Although the American falcon and the NSO are special status species, there is little potential for disturbance because they are well outside of the project area, and there is no listed information about recent sightings or activity of the NSO Center. None of the other species listed are special status. Project activities are not expected to produce any adverse or cumulative effects to any special species or habitat, due to the small size of the project area and type of proposed activities. Therefore, potential impacts to biological resources are considered low and unlikely.



Map of CNDDDB Database Search for 40102 State Highway 36

### **Tribal Cultural Resource Coordination**

A Northwest Information Center (NWIC) records search for cultural resources was conducted, and no results were returned; therefore, a cultural resources report was not required for this project. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is any accidental discovery of historical artifacts or human remains, which is standard practice for all archaeological resources encountered (**Condition 17**).

### **Access**

The site is located off of 40102 State Highway 36, in the unincorporated community of Dinsmore, located in eastern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and determined that the entire road segment is developed to the equivalent of a road category 4 standard; and because it is a private road, it is adequate for the proposed use without further review.

### **Electrical Power**

The current source of power is an onsite diesel generator (250 kW). The primary use of generator power is not allowed to occur beyond December 31, 2025. To ensure that generator use is not extended beyond this date, the project has been conditioned to provide permanent power to the site prior to December 31, 2025 (**Condition 18**).

### **California Environmental Quality Act (CEQA)**

Environmental review for this project was conducted in January 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted by the County for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission (**Attachment 2**).

**RECOMMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

**ALTERNATIVES:** The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence, or 3) modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated

that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Planning and Building Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In which case, the Commission should continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.

RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-x  
Record Number: PLN-12357-CUP  
Assessor's Parcel Number: 210-191-008

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Peach Tree Farms, LLC, Conditional Use Permit.**

**WHEREAS, Peach Tree, LLC,** submitted an application and evidence in support of approving Conditional Use Permits CUP-16-357 for the continued operation of an existing 13,050 square foot (SF) cannabis cultivation operation, comprised of 7,500 SF of mixed light cannabis cultivation and 5,550 SF of outdoor cannabis cultivation;

**WHEREAS,** the County, prepared an Addendum to the Final Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous MND. 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,** the Humboldt County Planning Commission held a duly-noticed public hearing on **February 18, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permits and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

- 1. FINDING:**                   **Project Description:** The application is for a Conditional Use Permit (CUP-12357) for the continued operation of an existing 13,050 square foot (SF) cannabis cultivation operation, comprised of 7,500 SF of mixed light cannabis cultivation and 5,550 SF of outdoor cannabis cultivation, with appurtenant propagation and drying activities. Power is provided by an onsite diesel generator (250 kW). Irrigation water is sourced from a permitted onsite well.

**EVIDENCE:**                   Project File: PLN-12357-CUP

- 2. FINDING:**                   **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to and the

Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum to the MND prepared for the proposed project in compliance with CEQA.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. 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.
  - c) A list of potential special status species was generated in January 2021, using the California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources, which are not for special status species, occur within the general vicinity of the project area: Northern California Summer Steelhead habitat, foothill yellow-legged frog habitat, and western pond turtle habitat. The following biological resources, which are for special status species, occur within the general vicinity of the project area: Northern Spotted Owl Activity Center and American peregrine falcon habitat. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.
  - d) A Water Resources Protection Plan (WRPP) was prepared by NRM (November 2018) to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and protect the water quality of waterways within the project area.
  - e) A Northwest Information Center (NWIC) records search for cultural resources was conducted, and no results were returned; therefore, a Cultural Resource Investigation was not performed for this project. The Bear River Band was contacted and responded that, in order to protect unknown cultural resources, the Inadvertent Discoveries Protocol should be implemented, which has been set forth into the Conditions of Approval (**Condition 17**).



## **FINDINGS FOR CONDITIONAL USE PERMIT**

### **3. FINDING**

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

#### **EVIDENCE**

- a) General agriculture is a use type permitted in the Agricultural Grazing (AG) land use designation. 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. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with mitigating features, including: 1) Cultivation is sited to avoid activity within the stream channel; and 2) All cultivation areas will not be located on slopes. All cultivation activities are outside of established SMA setback limits and are consistent with Policy BR-P6 and Standards BR-S8 and BR-S9.

### **4. FINDING**

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Building Site (B-5(20)) designations in which the site is located.

#### **EVIDENCE**

- a) Forestry Recreation (FR) areas are intended to be applied to areas of the County in which forestry recreation is the desirable predominant use. Special Building Site (B-5(20)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.
- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 13,050 SF cultivation area, comprised of 7,500 SF of mixed light cannabis cultivation and 5,550 SF of

outdoor cannabis cultivation on a 25-acre parcel, is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

**5. FINDING**

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) and Special Building Sites (B-5(20)), (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by a deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a permitted well (Permit No. 18/19-0237). The well is permitted with the California Department of Water Resources, as part of the State Licensing process.
- d) The slope of the land where cannabis will be cultivated is less than 5%.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 13,050 SF of cannabis and the conditions under which it may be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is accessed by a road that has been assessed by the consulting firm, Natural Resources Management (NMR), and is described in the WRPP. All roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are hydrologically disconnected to receiving waters. All access roads within the project area have been cleared by the Department of Public Works to be developed to the equivalent of a road Category 4 standard, and no further action is required.

- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis cultivation will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites, which have been approved or are in the application process, will not change the character of the area due to the large parcel sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Irrigation water will come from an onsite groundwater well. The depth to first water is 50 feet below surface; therefore, the well is not likely connected to surface water.
- e) Estimated annual water use is 231,000 gallons. The overall water usage is calculated to be approximately 17.7 gallons/SF.
- f) Existing available water storage is 31,500 gallons. Two rainwater catchment ponds are currently being designed by Baird Engineering, in order to create additional water storage for irrigation needs.
- g) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection monitoring and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB). As detailed in the WRPP (NRM November 2018), at a minimum, the site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.
- h) There are two proposed projects (projects 2 and 3), identified in the WWRP to improve water quality, that will encroach into streams within the project area. Both projects have been cleared by the Regional Water Quality Control Board through a Notice of Applicability (NOA) coverage, and by the California

Department of Fish and Wildlife through a Lake and Streambed Alteration Agreement (LSAA). Project 2 is remediation of a 24" plastic culvert that was not properly installed on the eastern edge of the parcel. Project 3 is implementation of erosion control measures for a fill/ford crossing due to its highly erodible location. All instream work is required to adhere to the mitigation measures set forth in the NOA, with pre-project and post-project monitoring by the landowner to be submitted annually to the Regional Water Quality Control Board by January 31st, as well as all conditions set forth in the LSAA (**Condition 13**).

**7. FINDING**

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.

**EVIDENCE**

The parcel currently contains no existing residential units. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permits (PLN-12357-CUP) for Peach Tree Farms, LLC, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

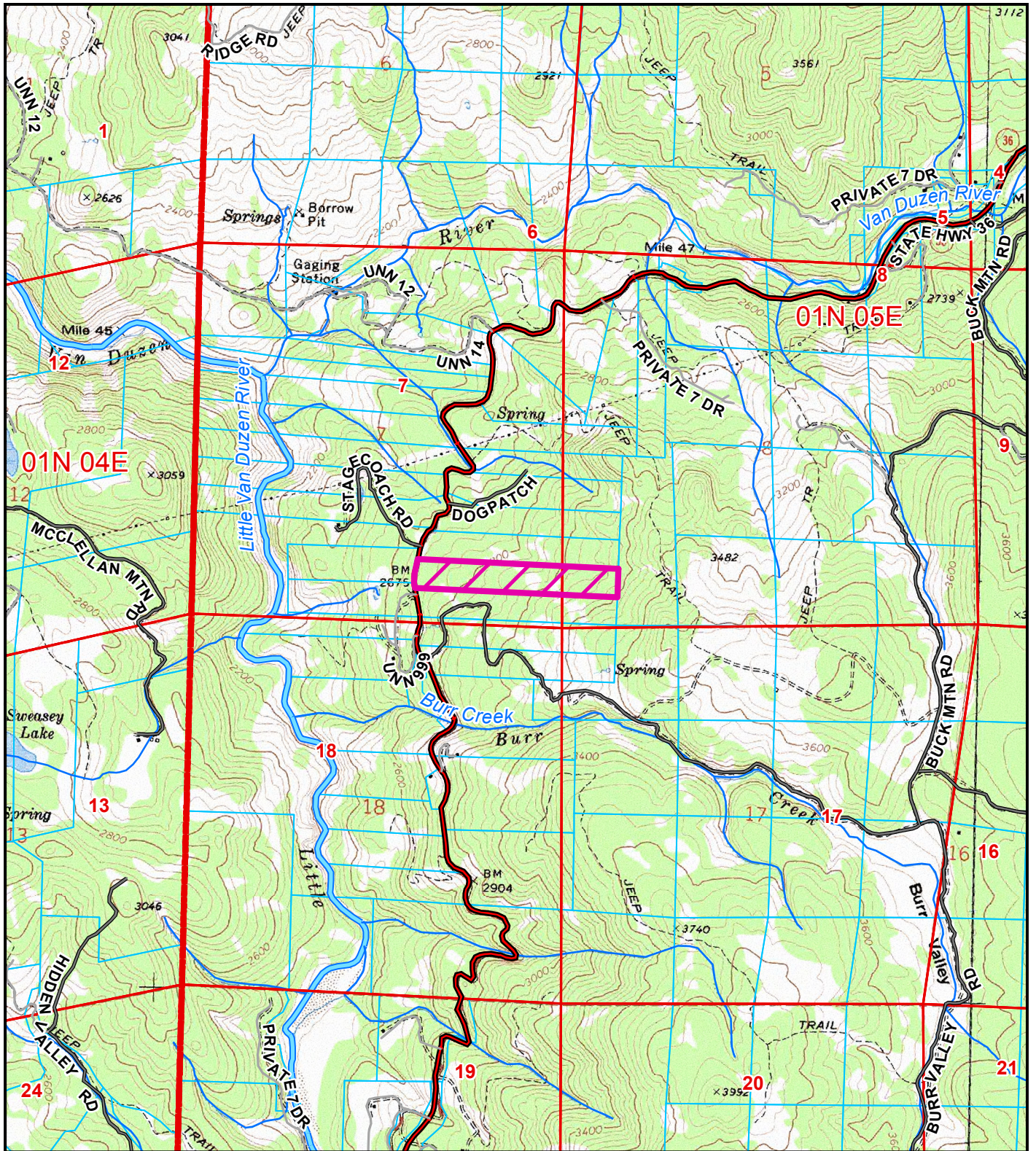
ABSTAIN: COMMISSIONERS:

DECISION:

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

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department





**TOPO MAP**  
**PROPOSED PEACH TREE, LLC**  
**DINSMORE AREA**  
**CUP-16-646**

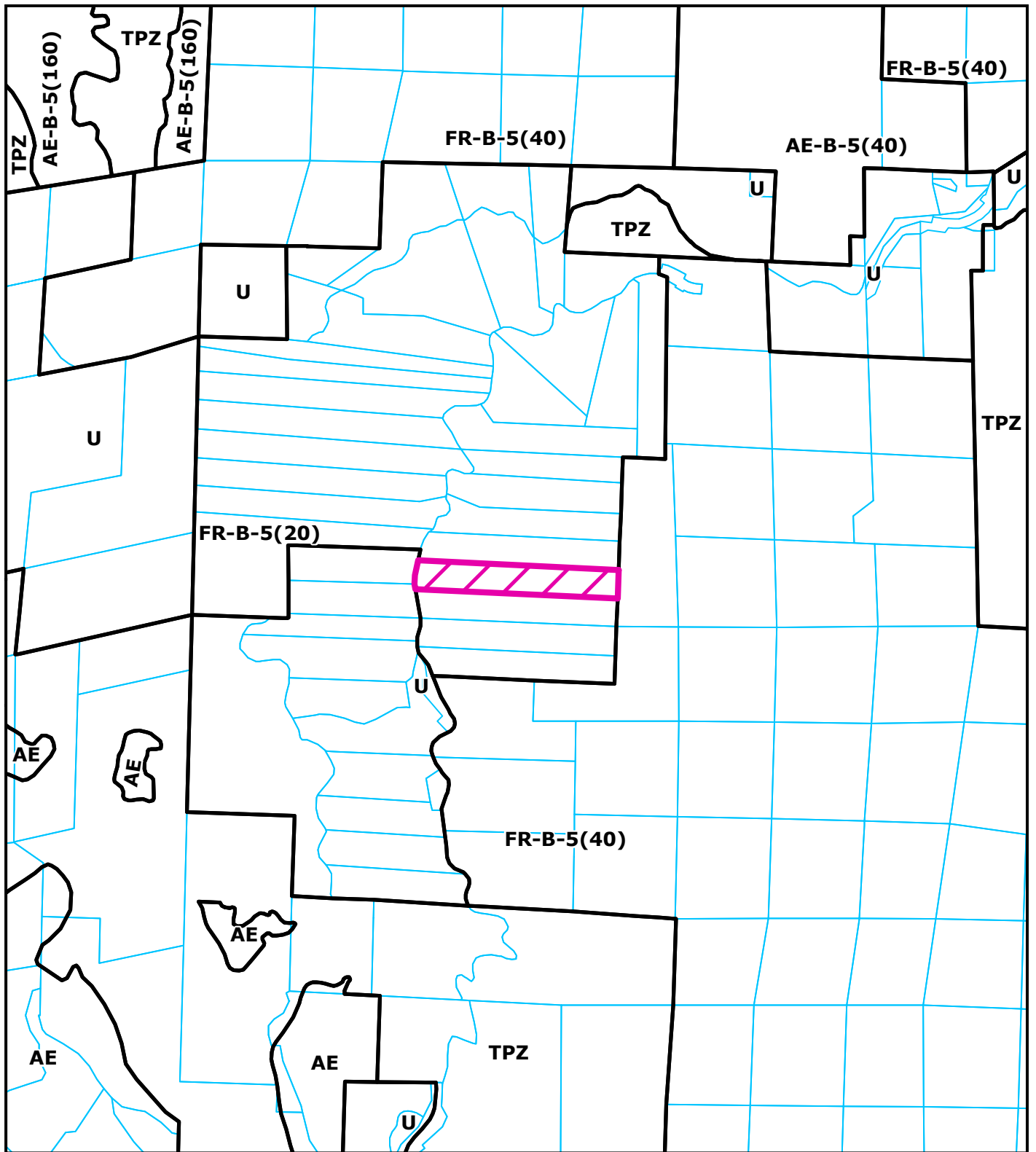
Project Area = 

**APN: 210-191-008-000**  
**T01N R05E S7; S8 HB&M (LARABEE VALLEY)**

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 4,000 Feet





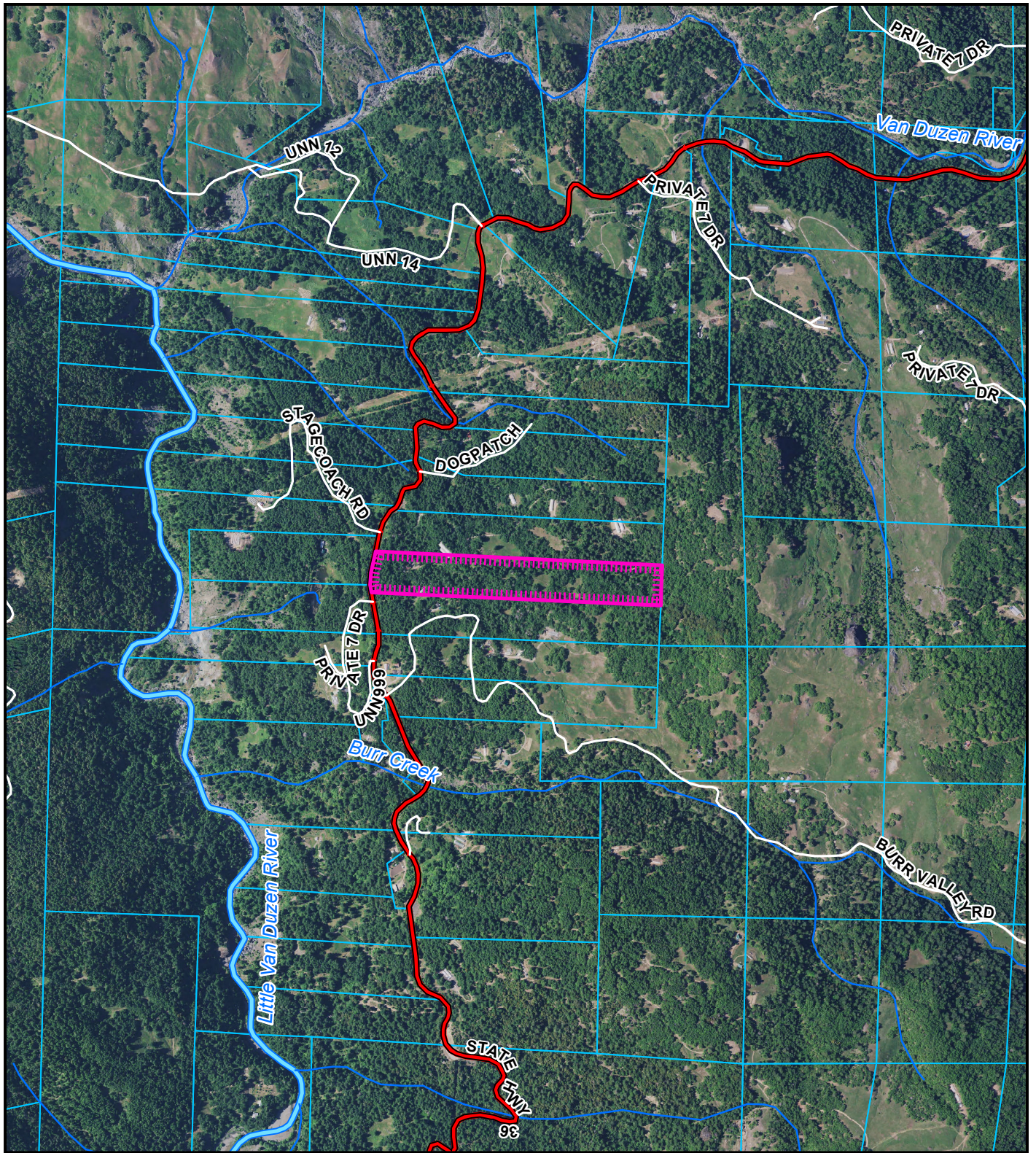
**Project Area =**

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 PEACH TREE, LLC**  
**DINSMORE AREA**  
**CUP-16-646**  
**APN: 210-191-008-000**  
**T01N R05E S7; S8 HB&M (LARABEE VALLEY)**

0 1,000 2,000 4,000 Feet



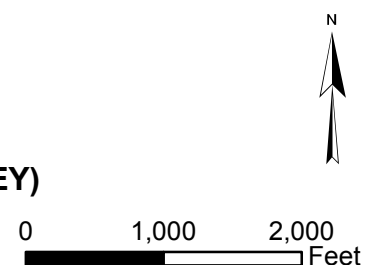


**AERIAL MAP  
PROPOSED PEACH TREE, LLC  
DINSMORE AREA  
CUP-16-646**

**Project Area =** 

**APN: 210-191-008-000  
T01N R05E S7; S8 HB&M (LARABEE VALLEY)**

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.





# UTILITIES

WATER ON-SITE WELL  
SEWER PAID OFF-SITE DISPOSAL  
GAS ON-SITE (PROPANE)  
ELECTRIC PACIFIC GAS & ELECTRIC COMPANY

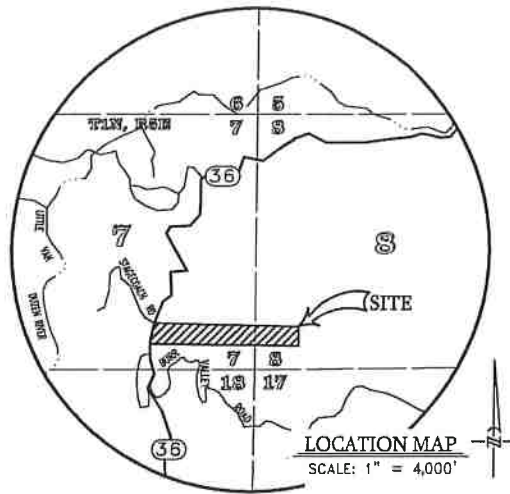
# LEGEND

SYMBOL	INDICATES
◁	EXISTING PARKING SPACE
→	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
(YEAR)	YEAR CONSTRUCTED/INSTALLED
ML	MIXED LIGHT
OD	OUTDOOR
GH	GREENHOUSE
ADA	AMERICANS WITH DISABILITIES ACT
SRA	STATE RESPONSIBILITY AREA
SMA	STREAMSIDE MANAGEMENT AREA
2800	CONTOURS AT 80 FOOT INTERVALS
—	STREAM/WATERCOURSE

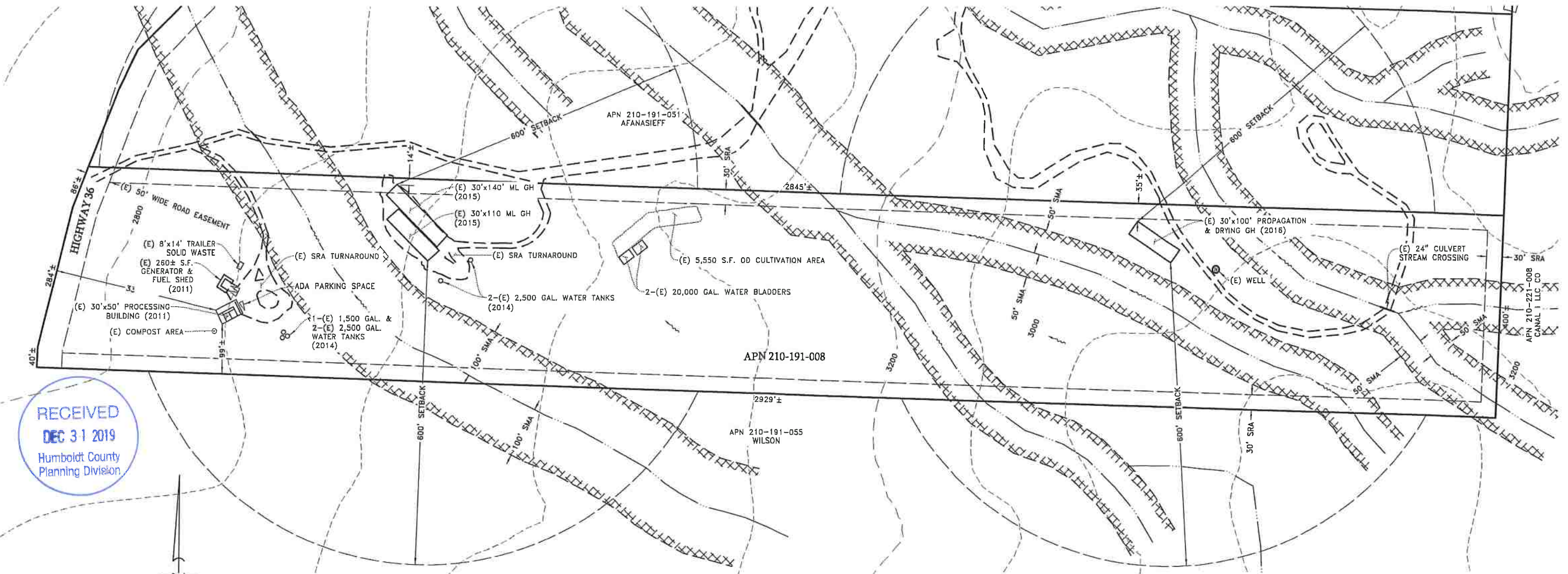
# NOTES

- THIS PLOT PLAN, FOR APN 210-191-008 HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2017-0023.
- THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF RA40 AND IS CURRENTLY ZONED FR-B-5(20) WITH COMBINING ZONES.
- THIS PLAT MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
- THE PROPERTY IS CURRENTLY DEVELOPED WITH TWO (2) BUILDINGS, AND THREE (3) GREENHOUSES.
- THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
- THE PROPERTY IS HILLY WITH SLOPES RANGING BETWEEN 15% AND 50%. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 5%. CONTOURS SHOWN HEREON ARE AT (80) FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
- THE APPROXIMATE LOCATION OF UNNAMED CLASS II & III CREEKS, TOGETHER WITH THEIR 100' & 50' FOOT "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREAS (SMA), ARE AS SHOWN HEREON.
- THE APPLICANT IS AWAITING NOTIFICATION FROM THE NORTH WEST INFORMATION CENTER AND THE LOCAL TRIBAL HISTORIC PRESERVATION OFFICES REGARDING THE STATUS OF CULTURAL RESOURCES IN THE VICINITY. AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.

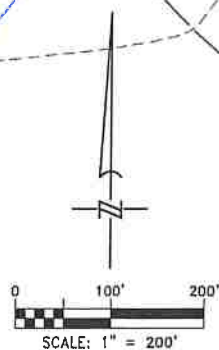
- NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
- NO TREES >12" DBH ARE TO BE REMOVED IN CONJUNCTION WITH THIS PROJECT.
- NO SIGNIFICANT GRADING (MORE THAN 50 CUBIC YARDS) IS PROPOSED AS PART OF THIS PROJECT.
- SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS IS PROVIDED THROUGH A PAID PRIVATE DISPOSAL SERVICE.
- EXISTING WATER FOR THE PARCEL IS FROM ONE (1) PERMITTED, ON-SITE WELL, AS SHOWN HEREON. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORBEARANCE PERIOD; CURRENT STORAGE FOR COMMERCIAL OPERATIONS INCLUDE PLASTIC TANKS AND BLADDERS, AS SHOWN HEREON.
- THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
- THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



*K. Preston* 10-7-19  
KIMBERLY D. PRESTON  
P.L.S. 9153 DATE



RECEIVED  
DEC 31 2019  
Humboldt County  
Planning Division



## DIRECTIONS TO THE SITE

ACCESS TO THE SITE IS VIA AN UNNAMED PRIVATE DRIVEWAY FROM CA STATE HWY 36, APPROXIMATELY 38.0 MILES EAST OF THE INTERSECTION OF HWY 36 AND HWY 101 NEAR ALTON, CALIFORNIA. THE PROJECT SITE IS 2,000 FT FROM THE INTERSECTION OF THE PRIVATE DRIVEWAY AND HWY 36; THE PRIVATE DRIVEWAY SERVES TWO (2) OTHER PARCELS WHICH ARE BOTH ASSOCIATED WITH THIS PROJECT.

## OWNER

DENIS GROMOV  
117 STRYKER STREET  
BROOKLYN, NY 11223

## APPLICANT

PEACH TREE, LLC  
c/o GEAN AFANASIEFF  
P. O. BOX 488  
FORTUNA, CA 95540  
(707) 317-5214

CMMLUO APPS #12355  
APN 210-191-008

## PLOT PLAN

PEACH TREE, LLC  
In the unincorporated area of Humboldt County  
Section 7 & 8, T.1N., R.5E., H.B.M.



DESIGNED BY: K.D.P. DATE: 10/16/17  
DRAWN BY: DATE: 10/16/17  
CHECKED BY: K.D.P. DATE: 10/07/19

SCALE: AS SHOWN  
JOB NO.: 17-1892-1  
SHEET: 1 OF 1

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

#### **A. General Conditions:**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. 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 Planning and Building 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.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the 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.
4. 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 Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to: existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. Communication from the Building Division, verifying that all structures related to the cannabis cultivation are permitted, was approved by Building Inspection Department on August 27, 2020.
7. Obtain a permit to operate the proposed generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.



8. The applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed grading. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
9. Prior to renewal of the permit, the operator is required to submit to the Department of Environmental Health (DEH), receipts or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the first year, or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling (Department of Environmental Services).
10. The applicant shall submit a lighting plan for all mixed light cultivation/light deprivation cultivation areas. The lighting plan shall be reviewed and approved by the Director of Planning and Building.
11. The applicant shall install a water monitoring device on each source – groundwater well and surface water diversion - if/when utilized and on storage tanks as applicable to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall demonstrate evidence of obtaining a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. The two projects for this parcel defined within the LSAA include project 2, remediation of a 24" plastic culvert located on the eastern edge of the parcel that was not properly installed, and project 3, implementation of erosion control measures for a the fill/ford crossing due to its highly erodible location. A letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall contact the Eel River Valley Technical Resource Team (ERVTRT) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. 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.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
16. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.

17. The applicant shall implement the Inadvertent Discovery Protocol, in the event of the accidental discovery of historical artifacts or human remains. A qualified professional Archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
18. Not later than December 31, 2025, the source of power for all cannabis activities shall be either from a utility or alternative form of renewable energy. Starting January 1, 2026 the use of a generator is only permitted as an emergency power source. Prior to December 31, 2025 the applicant must submit information to the Planning and Building department demonstrating there is sufficient power available that generator use will cease.

**B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the

Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

9. All components of the 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. Any changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. 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 toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have 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.
13. The permittee shall be in 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.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. The permittee shall 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. 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.

- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices;
  - b. Location where processing will occur;
  - c. Number of employees, if any;
  - d. Employee Safety Practices;
  - e. Toilet and handwashing facilities;
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
  - g. Drinking water for employees;
  - h. Plan to minimize impact from increased road use resulting from processing; and
  - i. On-site housing, if any.
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. 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 permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.

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 CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical 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 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the 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 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 (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.



4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

**ATTACHMENT 2**

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

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

**APN 210-191-008; 40102 State Highway 36, Dinsmore, CA 95526  
County of Humboldt**

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

**January 2021**

## **BACKGROUND**

### **Purpose of Addendum**

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

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

### **Project History**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

### **Modified Project Description**

Peach Tree, LLC seeks approval for 13,050 square feet (SF) of existing cannabis cultivation, comprised of 5,550 SF of outdoor cannabis cultivation and 7,500 SF of mixed light cannabis cultivation that occurs within three greenhouses (4,200 SF; 3,300 SF; and 5,500 SF).

Post-cultivation processing occurs onsite in a 150-SF processing building and a 3,000-SF propagation and drying shed. There would be an average of four (4) employees during peak harvest. Power is provided by an onsite diesel generator (250kW).

Irrigation water is sourced from an onsite groundwater well (Permit No. 18/19-0237). The well exists at 50 feet below and has an estimated yield of 6 gallons per minute. Existing water storage includes five (5) high density polyethylene (HDPE) tanks: one (1) 1,500-gallon tank, four (4) 2,500-gallon tanks, and two (2) 20,000-gallon water bladders, for a total onsite storage of 31,500 gallons. Annual water use is estimated at 231,000 gallons (17.7 gal/SF), with peak demand occurring from April through October.

A Water Resources Protection Plan (WRPP) was created to protect the water resources of the project area. The WRPP includes annual site inspection, monitoring, and reporting of Tier 2 discharges that will be submitted annually to the North Coast Regional Water Quality Control Board (NCRWQC). Waterways within the project area include four unnamed Class I and Class II creeks that flow throughout the parcel and ultimately into the Van Duzen River. All cultivation related activities and equipment are located outside the Stream Management Area setback buffers, as shown in the Site Plan (11/2019).

The Peach Tree Farms property is enrolled with the Regional Water Quality Control Board (WDID No. 1B161106CHUM) for a Water Quality Certification through a Notice of Applicability (NOA) coverage. The proposed instream work within the project area (projects 2 and 3) has been certified by the NOA, as well as a LSAA application. All instream work is required to adhere to the mitigation measures set forth in the NOA, with pre-project and post-project monitoring by the landowner to be submitted annually to the Regional Water Quality Control Board by January 31<sup>st</sup>, as well as all conditions set forth in the LSAA (**Condition 13**).

A list of special status species with potential to occur in the project area was generated in January 2021, using the California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: North Central Coast Summer Steel Head habitat (0.93 km), foothill yellow-legged frog habitat (1.1 km), a Northern Spotted Owl (NSO) Activity Center HUM0983 (1.6 km), and western pond turtle habitat (1.6 km). Additionally, the project area is located within a large, laterally extensive habitat area for the American peregrine falcon, a special status species. Although the American falcon and the NSO are special status species, there is little potential for disturbance because they are well outside of the project area, and there is no listed information about recent sightings or activity of the NSO Center. None of the other species listed are special status. Project activities are not expected to produce any adverse or cumulative effects to any special species or habitat, due to the small size of the project area and type of proposed activities. Therefore, potential impacts to biological resources are considered low and unlikely.

A Northwest Information Center (NWIC) records search for cultural resources was conducted, and no results were returned; therefore, an archaeological investigation report was not required for this project. However, the NWC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is any accidental discovery of historical artifacts or human remains, which is standard practice for any archaeological resources encountered (**Condition 17**).

The modified project is consistent with the adopted MND for the CMMLUO, because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, and ensuring project related noise does not harass nearby wildlife, which will limit impacts to biological resources as a result of light and noise.

## Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal for 13,050 SF of existing cannabis cultivation, comprised of 5,550 SF of outdoor cannabis cultivation and 7,500 SF of mixed light cannabis cultivation, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plan by Omsberg & Preston, Eureka, Ca, dated 10/7/2019 and received 12/31/2019
- Cultivation and Operations Addendum, revised 11/7/2019
- Water Resources Protection Plan, created by Alicia Heitzman & Greg Gibbs with the NRM Corporation, 1434 Third Street, Eureka, CA on 8/2/2017, revised on 9/18/2019 and received 12/31/2019
- Bear River Band response, email received 7/24/2020
- NWIC Search conducted on 7/28/2020 by Byran Much
- Notice of Applicability (NOA) for coverage under the State Water Resources Control Board Cannabis Cultivation Policy, (WDID No. 1B190149CHUM), received 9/20/2019
- Well Completion Report, Watson Well Drilling INC, 500 Summer St, Eureka, CA 95501, completed on 11/15/2018 and received 12/19/2018.
- Lake and Streambed Alteration Agreement application, filed with CDFW, received 8/15/2016

## Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Peach Tree LLC, would be the same or similar, with no substantial increase in severity, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported:

## FINDINGS

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

## **CONCLUSION**

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

### ATTACHMENT 3

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

Attachment 3 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. (**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 one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Omsbert & Presont, 10/7/2019, **Map 4**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. 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. (Peach Tree LLC Addendum, report dated 11/7/2019– 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 due to the presence of a well on site).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan prepared by NRM, dated September 18, 2019 – **Attachment 3.C**)
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 Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (**On file**). (Lake and Streambed Alteration Application for APN 210-191-008 prepared by Gean Afanasieff, report dated June 22, 2017 – **Attachment 3.B**)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit No. 18/19-0237 - **On file**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Not applicable)**

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. For indoor cultivation facilities, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. **(On file)**
13. Acknowledgment 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. Acknowledgment 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)**





***REQUESTED ADDENDUM TO  
CULTIVATION & OPERATIONS PLAN***

*prepared for:*

***Humboldt County Planning Department***

***Application Submitted under Ordinance No. 2559***

**•REVISION DATE: 11/07/19•**

**STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):**

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents. Because this application was initially submitted under a previous version of the Ordinance, the cultivation plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

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# ***Cultivation and Operations Plan***

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## **Addendum #1: Project Description**

Because the CAV process has been refined since the application was first submitted, our initial estimate of the cultivation area footprint has changed from what we originally applied for. An Interim Permit was issued by HCPB on 11/30/18 granting 7850 sq. ft. of Mixed Light Cultivation and 5610 sq. ft. of Outdoor Cultivation. We do not seek more cultivation area than is reflected on our Interim Permit, but we do ask that the numbers be changed for the following reason:

Our actual footprint, based on greenhouse dimensions and on-the-ground measurements is 7500 sq. ft. of Mixed Light Cultivation and 5550 sq. ft. of Outdoor Cultivation (for a total of 13,000 sq. ft.) as shown on the revised Plot Plan dated 10/07/19 that is included in this submittal packet. These figures are reflected on our CDFR Premises & Property Diagrams and we would like to request that our County Application be amended with these amounts so that we are taxed appropriately and our project descriptions match between all regulatory agencies.

## **Addendum #2: Irrigation Plan & Projected Water Use**

Water usage is carefully monitored each month from April to October using in-line meters at the source - a recently drilled, permitted groundwater well. (See the included, revised Plot Plan for location.) Previously water came from a spring, as shown on the CDFW final LSAA Agreement. Our total annual water usage will be, on average, between 200,000 and 250,000 gallons, based on the total of 231,000 used in 2018 as shown in the table below.

The following chart shows the 2018 water usage as reported to the NCRWQCB by NRM Corp in gallons per month:

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Mixed Light	0	0	0	19,600	22,050	24,500	24,500	24,500	24,500	22,050	0	0
Outdoor	0	0	0	8400	9450	10,500	10,500	10,500	10,500	9450	0	0
TOTAL USAGE	0	0	0	28,000	31,500	35,000	35,000	35,000	35,000	31,500	0	0

## **Addendum #3: Workers & Employees Needed**

The original Cultivation Plan (submitted in 2017) stated that a total of six workers were needed on a weekly basis through most of the season. Four workers live on site. Because this operation and the one on the two northern parcels (APN's 210-191-051 & 210-191-052) are all overseen by Peach Tree LLC, those numbers reflect the total workforce needed across both operations.

# ***Cultivation and Operations Plan***

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For only the operation as described in APPS# 12357, three workers are needed for the season. Previously, we stated that all processing would take place off-site, but have since converted the existing residence on the property for that purpose. Please see Revised Plot Plan dated 10/07/19, included with this packet, for details. We will be using a mechanical system for manicuring the product, which will drastically reduce the labor needed for this part of the operation. We feel fairly confident that our new processing system can be managed by our current three workers, but will amend our application materials if we find this to not be the case.

## **Addendum #4: Greenhouse Construction**

As shown on the Plot Plan, this application concerns using 21,600 sq. ft. of existing greenhouse frames, that are constructed out of lumber and metal piping. The skins (plastic sheeting) is removable and only used during certain parts of the season as needed. The greenhouse frames have unimproved flooring and the footpaths are bare ground covered with weed fabric.

## **Addendum #5: Lighting & International Dark Sky Standards**

All greenhouses are covered carefully with thick blackout poly sheeting (skins) that are fastened securely into place with lock channel and spring wire. The skins are inspected daily to ensure that no light escapes the structures. We take special care to make sure that both our operational lights within the greenhouses as well as ancillary operational lights (work lights, security/motion lights, etc) do not disrupt any nearby wildlife, or neighboring properties from one hour before sunset until one hour after sunrise.

We use the lowest wattage feasible for our operations to conserve energy as well as to prevent unnecessary glow, and ancillary lighting is angled downward and/or shielded so that it focuses directly on the needed areas and doesn't spill into surrounding areas.

**COPS Plan for Peach Tree LLC**

APN: 210-191-008

APPS# 12357

**Project Overview:**

This application concerns a cannabis farm which has been in existence since prior to January 1st, 2016. We are seeking a Special Permit for 13,460 square feet of mixed light cultivation. The previously submitted proof of pre-existing gave a number of 15,000 based on a general and imprecise Terraserver measurement. The actual footprint of the previously existing space is 13,460.

The property is in a state of recent development, as it is connected operationally to the parcel to the north, APN 210-191-051. DFW and the State Water Board identified two pre-existing flats as encroaching upon riparian buffer zones on parcel 051 and they had to be relocated. One of the hoopouses was added to the existing flat on that parcel, the other was moved to this parcel. See Plot Plans for this and the aforementioned APN for details. There are two garden sites on this parcel, and three total greenhouses.

The landowner is in the process of retroactively permitting the buildings, grading, and other unpermitted activities on the property. The parcel in general does not currently meet the standard conditions of site maintenance, erosion control, and drainage features, stream crossing maintenance, riparian and wetland protection, water storage, and human waste, but is being developed under professional supervision by NRM Corporation of Eureka and Baird Engineering of Fortuna to reconcile these issues.

Increased road activity is not anticipated due to the efficient nature of our cultivation activities and off-site processing. A Road Evaluation Form will be submitted to Public Works if deemed necessary.

At this time, we do not have employees on payroll. We have six seasonal workers and we are currently consulting our lawyers regarding officer status, salaries, and the best way to have the company structured in this regard. In the future, our workers may become paid employees rather than company officers. If that is the case, we will update our COPS and follow all state and local guidelines for employment laws.

**1.) Description of water source, storage, irrigation plan, and projected water usage****Water Source & Storage:**

The water source for the agricultural irrigation comes from multiple springs found on the three connected parcels: APN 210-191-051, 210-191-052, and 210-191-008. Water is stored in a

combination of bladders and hard tanks. As of 2017, there is a total of 148,100 gallons of storage across the three APNs listed above, which is currently not sufficient to meet irrigation needs during the forbearance period between May 15th and October 31st. Two rainwater catchment ponds are being designed by Baird Engineering to address additional storage and irrigation needs. The property is currently registered as Tier 2 with the NCRWB and meets all the standards thereof laid out in Order No. R1-2015-0023. A 1600 permit has been filed with CDFW that includes this parcel, APN 210-191-052, and APN 210-191-008. NRM has the WRPP and associated water use permits on file, and is in active communication with CDFW and the State Water Board concerning this project.

#### Irrigation Plan and Projected Water Usage:

The primary irrigation system is currently careful hand-watering. The plants are currently grown in 30 gallon fabric pots, but next year we will begin transitioning to beds and installing drip line on timers in the effort to conserve water. Currently, while the site is under development, careful hand-watering techniques are used in a way that generates little to no runoff or waste.

Water usage is carefully monitored each month from May to October. Water meters were installed this year and monthly readings will be documented and kept on-site. In 2016 the water usage was not metered, and estimated approximate total usage was around 675,500 gallons for both this and the garden on APN 210-191-051 combined. Water for this operation was provided in part by the spring, in part by water purchases from local haulers. (Please see Plot Plan for more info.)

#### **2.) Description of site drainage, including runoff and erosion control measures.**

##### Site Drainage & Erosion Control:

As mentioned above, we are switching to drip irrigation once we install beds in the greenhouses, which will prevent any potential runoff and erosion problems. Our soil is amended with biochar, which encapsulates nutrients and keeps them at the root site, preventing leaching. We monitor all lines, hoses, and connections carefully to ensure there is no leakage or waste of water.

Any bare soil near the cultivation areas will be re-seeded with native vegetation each year to keep sediment from leaving the garden site or being discharged into surface waters. We will consult with, and implement recommendations from, NRM Corp. of Eureka to improve erosion control and runoff prevention measures as well as prevent any destabilization of banks, roads, or cultivation areas on an as-needed basis.

#### **3.) Detail of measures taken to ensure protection of watershed and nearby habitat.**

##### Watershed and Habitat Protection:

Both garden locations are over 100 feet away from the Class II and III water courses on the property. The cultivation sites do not pose a danger to any sensitive watershed or habitat areas.

There is a 24k watt diesel generator in containment in proper containment in a shed near the residence. Spill kits are on site and kept with the generators. (See Page 7, Section C below for details on equipment and fuel.)

Any generators used will meet the threshold of the "60 decibel maximum" performance standard outlined in the CMMLUO and will not negatively affect nearby habitats or neighboring properties. We are familiar with the local endangered species, which we have never found on our property. We care very much for the environment and are committed to proper land stewardship in our agricultural practices.

We will work closely with Natural Resource Management Corp. and Omsberg & Preston, Civil Engineers on the design and development of the property as we upgrade and improve the existing conditions.

Our greenhouses are covered carefully and inspected daily to ensure that no light escapes after sunset. We take special care to make sure that our supplemental light does not disrupt any nearby wildlife, or neighboring property between sundown and sunrise.

#### **4.) Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized.**

##### **Fertilizer Use & Storage:**

There is a metal cargo container on the parcel to the north, APN 210-191-052, that is used for storing fertilizers, pesticides and amendments exclusively. The floor is impermeable and does not allow seepage in the event of any spills. We keep a spill kit in the container as well as in the shed where the equipment and fuel is kept. No fertilizers or amendments are kept on this parcel, but brought to the garden sites from APN 052 as needed.

Before fertilizer application, operators are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards.

Based on approximations from previous years, our total fertilizer use for the year is 105 gallons of concentrated fertilizer. Plants are given a nutrient mix usually every third watering on average, and based on previous approximations, around 120,000 gallons of diluted mix is applied during one season.

Moving forward, we will keep a detailed farm log of all products used in cultivation for more accurate records. We take care to follow labels and feeding charts as well as standard safety protocols when administering any nutrients.

Material Safety Data Sheets for all products used are included with our application, as well as kept onsite with our farm log and compliance paperwork.

#### Pesticide Use & Storage:

There is a metal cargo container on the parcel to the north, APN 210-191-052, that is used for storing fertilizers, pesticides and amendments exclusively. The floor is impermeable and does not allow seepage in the event of any spills. We keep a spill kit in the container as well as in the shed where the equipment and fuel is kept. No fertilizers or amendments are kept on this parcel, but brought to the garden sites from APN 052 as needed.

We are educated on the Department of Pesticide Regulations' guidelines for products that are acceptable to use on cannabis, and we rarely have any fungal or pest problems needing treatment. These are either purchased for complete and immediate use, or they are stored in the metal cargo container with the other amendments. Pesticides are kept in their original containers with clear labelling.

All operators are provided with safety gear such as Tyvek suits, respirators, and gloves as needed when applying any pesticides or fungicides. Before pesticide application, operators are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, equipment malfunctions, cross-contamination, or creation of any health hazards.

Any other regulated substances, such as cleaning compounds like bleach, are kept in the house with the other household supplies. For information regarding fuel, please see Page 7, Section C below. Material Safety Data Sheets for all products used are included with our application, as well as kept onsite with our farm log and compliance paperwork.

#### **5. Description of cultivation activities (e.g outdoor, indoor, mixed-light.)**

##### Outdoor Cultivation Activities:

(See Project Overview on Page 1.)

The plants are in 30 gallon fabric pots, but moving forward we will be developing beds inside the greenhouses and installing drip line, as mentioned previously. We reuse and amend our soil. All

spaces between the greenhouses are covered with native grass and kept short and manicured. The majority of the supplies used for our operation are reusable and we strive to create very little waste.

We will follow all regulations, performance standards, and best management practices as outlined in Humboldt County's CMMLUO as well as all other governing agency requirements. As this industry becomes more defined and new information becomes available, we will educate ourselves and our operators as to the various departmental directives. As we develop our project, we are dedicated to implementing important guidelines such as the following: 1) Emergency Action Response Plan; 2) Spill Prevention Protocols; 3) Fire Prevention Policies; 4) Materials Handling Procedures; 5) Product Purity and Quality Control Standards; and 6) Recordkeeping and Operations Documentation.

## **6. Processing Plan**

### **Processing Techniques:**

All processing will take place off-site. In light of the new regulations we are currently seeking a licensed, local facility to provide this service. If no such facility exists at the time the permit is issued, we will begin plans for development of compliant on-site automated, mechanical processing facilities, overseen by engineers at Omsberg & Preston and constructed by licensed contractors.

We wear gloves and clean clothing, and keep everything labelled and sterile during the drying and curing stage. Electricity for the drying and curing phase is provided by the 24k watt generator.

## **7. Schedule of activities during each month of the growing and harvesting season.**

### **Farming Season:**

#### **March -April**

- Season begins: site preparation, maintenance of water lines, tilling in cover crops or amending of soil for the season as needed
- Property maintenance as the weather permits
- Begin vegging clones, creating mothers for second crop

#### **May**

- Transplant and transition first crop into bloom cycle
- Second crop maintenance - vegetative stage
- Water, fertilizer, and pesticide use monitoring and recording

#### **June**

- Continuation of first blooming stage, crop maintenance
- Transplant second crop and prepare for second blooming stage
- Water, fertilizer, and pesticide use monitoring and recording



### July

- Begin harvest phase of first crop
- Transition into second crop bloom cycle
- Water, fertilizer, and pesticide use monitoring and recording

### August

- Harvest: Drying and curing of first crop
- Second crop maintenance - blooming stage
- Water, fertilizer, and pesticide use monitoring and recording

### September

- Second crop bloom stage maintenance
- Water, fertilizer, and pesticide use monitoring and recording

### October

- Second crop bloom stage ends
- Harvest: Drying and curing of second crop
- Water, fertilizer, and pesticide use monitoring and recording

### November

- Farming season conclusion
- Soil tilled and cover crops planted
- Supplies stored for winter
- Water lines prepared for winter

### December-January

- Winterization of property as needed
- Genetics maintenance as needed

## **8. Security Plan**

### Security Measures

The parcel where this operation is located is in a remote rural location near Dinsmore in what is primarily thickly forested area. It is isolated from view and cannot be easily accessed from any well-traveled public road. Four of the workers live onsite at the residence. There is no foot traffic through or near the parcel except by the property owner and the six persons who work for Peach Tree LLC, and the only access to the site is from the private road through a locked gate. There are always at least one officer on-site during the farming season.

We are willing to employ any additional security measures that the governing agencies deem necessary for permit approval. To ensure the non-diversion of product, we will enroll in a track and trace program upon implementation of those programs at the local and/or state level. We will comply with SB 420, Humboldt County's CMMLUO, CDFA, BMCR, and other governing agency's requirements and regulations as they become actualized.

*For DHHS, Division of Environmental Health:*

**A) Onsite Wastewater:**

- Please refer to the Plot Plan for structures and manmade features on the property.
- Please see note in Project Overview regarding employee/officer status of workers. At this time, there are a total of six officers who work at this location on a weekly basis through most of the season. Four workers live on site.
- The wastewater disposal will be handled by both the residential septic system of the parcel to the north: APN 210-191-052. This septic is in the process of being permitted by Baird Engineering of Fortuna. There is also a portable B&B toilet onsite that is serviced by Six Rivers Portable Toilets.
- There is no additional wastewater flow during processing, as all processing past drying and curing is done off-site.
- Bottled water is purchased and available for consumption for the company officers during working hours.
- The residence on the parcel is available during work hours for kitchen and bathroom usage.

**B) Water Production/Well Construction:**

- Please refer to Section 1 above for more details.

**C) Hazardous Materials:**

- One diesel 25k watt generator in proper containment in the shed near the residence which provides power to the greenhouses and are actively used for the operation. Other than routine oil changes every 300 hours, and new filters installed every 1000 hours, it is maintained at Dale's Diesel in Scotia as needed. Oil changes are done in containment and old oil is disposed of at an approved facility.
- There is a 550 gallon diesel tank in proper containment as well as a 340 gallon gasoline tank in the enclosed, concrete-floored shed near the residence that provides fuel for the generators, ATVs and tools as needed.
- Machinery kept on the property for the operation is as follows:
  - One 25k watt diesel generator which powers both the residence as well as the cultivation needs. It is maintained at Dale's Diesel in Scotia as needed.
  - There is a 15k watt diesel generator that is kept only for backup and rarely, if ever used. It is stored in the shed near the residence.
  - All generators and fuel are stored in the shed near the house. The shed has concrete floors, four walls and a roof to protect the equipment from the elements.
- Any cleaning supplies, compressed gasses (such as hornet spray, or disinfectants) are kept in the house and not stored at the garden site as they are primarily used for the usual domestic purposes. Any compound of this nature needed for the operation is brought to the site for and immediately removed after any activity requiring such substances.

- No equipment is maintained at the garden site.
- We keep MSDS records in a binder on location as dictated by proper safety protocol, and our officers observe safe handling practices and follow label instructions during use of amendments and agricultural compounds. Proper safety equipment such as gloves, safety glasses, Tyvek suits, and respirators are provided for handling and application of any hazardous materials or compounds.

**D) Solid Waste/Recycling:**

- All garbage and recycling are kept in a trash cage in a shed near the southern boundary of APN 210-191-051, to the north of this parcel.
- Both the garden and the residence create very little waste, as we generally reuse our supplies and try to be as sustainable as possible in practice. Most of the trash generated is recycling from the residence and is domestic in nature. (cardboard, plastic bottles, etc.).
- All refuse is removed weekly and taken to Eel River Resource Recovery in Fortuna. Recycling is removed monthly as very little is generated.

**E) Consumer Protection:**

- Our product is never handled by a bare human hand. We take great precaution to ensure the highest level of purity and sterility of our product. There is no food production in our commercial operation. Our products are lab tested locally for quality assurance.

# Cultivation Area Verification (CAV)<sup>1</sup>

Apps# 12357 / APN: 210-191-008

- 1) Amount and type applied for:  
Application Outdoor Square Footage:                     /                      
Application Mixed Light Square Footage: 13,460  $\phi$
- 2) Enter amount of verified cultivation area:  
Existing Outdoor Square Footage: ~~5,700~~ ~~5,610~~  $\phi$   
Existing Mixed Light Square Footage: 7,850  $\phi$   
= 13,550  $\phi$ 

verified	Interim
<u>5,700 <math>\phi</math></u>	<u>5,610</u>
<u>7,850 <math>\phi</math></u>	<u>7,850</u>
<u>= 13,550 <math>\phi</math></u>	<u>= 13,460</u>
- 3) Enter base year date and source (e.g. 10/27/15 – TerraServer or May 28, 2014 – Google Earth etc)  
Base Year Date and Source: TS 06/09/15
- 4) Enter person performing verification:  
Verified By: Laco LMT
- 5) Enter date of verification (e.g. current date)  
Date Verified: 3.19.18
- 6) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)
- 7) Write "CAV" on the outside of the project file.
- 8) Please note any observed expansions, relocations, timber conversions, or ground disturbances:  
Notes: No expansion vls 164e  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> (55.4.7 Definitions) "Cultivation Area" means the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, but is not limited to, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of each of the pots and bags containing cannabis plants on the premises. The cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown on the premises.

North Coast Regional Water Quality Control Board

September 20, 2019

Peach Tree LLC  
40102 CA State Highway 36  
Bridgeville, CA 95526

Dear Peach Tree LLC:

Subject: Water Quality Certification Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board Cannabis Cultivation Policy, and Order No. WQ 2019-0001-DWQ (the Cannabis General Order)

File: Afanasieff Property Water Quality Certification for Humboldt County APN(s) 210-191-008-000, 210-191-051-000, and 210-191-052-000; WDID No. 1B190149CHUM, CIWQS Place: 828618 *#12357*

This letter certifies conditional coverage of the proposed instream work project (Project) as described in *Appendix D for Afanasieff Humboldt County APN 210-191-008-000, 210-191-051-000, and 210-191-052-000* (Application) by Peach Tree LLC (Applicant) prepared by Natural Resource Mangament Corporation, under Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements (the Order) and in compliance with the State Water Resources Control Board Cannabis Cultivation Policy (Policy). To comply with the Order, the Applicant must comply with all conditions of this NOA and documents referenced herein.

Background

On June 12, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application for enrollment from Peach Tree LLC to comply with the terms of, and obtain coverage under the Order for discharges of waste associated with cultivation and proposed work outside of waters of the State at Humboldt County assessor parcel number (APN) 210-191-008-000, 210-191-051-000, and 210-191-052-000. To conduct the work proposed in the Application and comply with the Order, the Applicant requires additional coverage under the General Water Quality Certification section of the Order for proposed instream compliance work. On September 13, 2016, the Regional Water Board received a Notice of Intent and enrollment fee under Order R1-2015-0023 (the Regional Cannabis Waiver). On July 7,

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)





2017, the Regional Water Board received an Instream Workplan completing the Application, which contains Project details and requests water quality certification for the Project. The Application provides information related to the Project location, description, environmental need, design criteria, assessment of Project area flora and fauna, monitoring and reporting plans, and environmental protection measures. The Project activities, environmental protection measures included therein, and Best Practicable Treatment and Control (BPTC) measures included in Attachment A of the Order, are considered enforceable components of this NOA of enrollment under the Order. Enrollment under this General Water Quality Certification requires an annual fee to be paid until the instream work and associated monitoring has been completed and the Regional Water Board has been notified as such.

#### Project Description and Project Scope

This NOA covers only the work described in the original Application received on July 7, 2017. Any additional instream work must have a new application submitted and approved by the Regional Water Board per the requirements of the Order. The proposed project scope does not exceed what is allowed for coverage under the Order and is in compliance with one or more of the following categorical exemptions of the California Environmental Quality Act (CEQA): California Code of Regulations, title 14, section 15308 (regulatory actions for environmental protections); section 15301 (ongoing or existing projects).

#### Required Mitigation

Specific mitigation measures shall be completed as described in the Application and this NOA. Areas with temporary impacts outside of the existing project footprint shall be mitigated at a 1:1 ratio through enhancement, remediation, or restoration of riparian areas. Areas with permanent impacts outside of the existing project footprint, such as those caused by the placement of armoring around culverts, increased length of culverts outside of road prism, pond removal, etc.; shall be mitigated at a 3:1 ratio through enhancement, remediation, or restoration of riparian areas. Mitigation through enhancement consists of activities that enhance the existing riparian area through minor modifications, i.e. removal of non-native species or planting of native species over a small surface area (approximately 100 square feet). Mitigation through remediation consists of activities that remediate impacts to the riparian area, streambed, or streambank caused by recent impacts. Examples of remediation are replanting disturbed areas with native species, minor re-contouring of streambanks, etc. Mitigation through restoration consists of activities that restore previously existing features, such as fully restoring a previously existing stream channel (i.e. engineered streambed, streambank, and floodplain, and establishment of native plants in the restored area) after removal of an on-stream pond.

#### Monitoring Plan

Monitoring of physical stream parameters (e.g. vegetation, signs of erosion or sedimentation, stream stability, and stream flow capacity) will be conducted both before and after Project implementation. Pre-Project monitoring was conducted by the Applicant. Post-Project monitoring shall occur annually and shall be submitted annually to the Regional Water Board by January 31. Monitoring will be conducted and recorded by the landowner and shall include photo documentation of each instream work location

with associated notes on plant survival and vigor, stream and pond stability, and signs of bed and bank erosion. At least five years of post-Project monitoring shall be provided until a minimum of 85 percent survival rate is achieved. Compensatory Mitigation shall be revegetation of eroded/denuded stream banks, as described in the Application and prescribed in the Required Mitigation section above.

Following the completion of each seasonal work period, an annual report shall be submitted to all appropriate agencies (Humboldt County, Army Corps of Engineers, Regional Water Board, and California Department of Fish and Wildlife). This annual report shall include findings that result from pre- and post-Project monitoring. These findings shall indicate the achievement of performance standards and include the following information:

- Summary of findings
- Identification and discussion of problems with achieving performance standards
- Proposed corrective measures as needed (requires Regional Water Board approval prior to implementation)

All other monitoring requirements, pursuant to Order WQ 2019-0001-DWQ and proposed in the Project Application shall be followed in addition to the requirements listed above.

#### Notice of Applicability & Project Determination

Regional Water Board staff has determined that the proposed activities as described in the Application may proceed under the General Water Quality Certification of the Order so long as the Applicant complies with the conditions prescribed in this NOA, the Order, the Policy, and the Site Management Plan associated with this property.

#### Project Reporting

Monitoring reports shall be submitted at a minimum annually by January 31<sup>st</sup> of each year, documenting the achievement of performance standards and project goals.

In addition, a Notice of Completion (NOC) shall be submitted by the applicant no later than 30 days after the Project has been completed. A complete NOC must include, at a minimum: photographs with a descriptive title, the date each photograph was taken, the name of the photographic site, the WDID number indicated above, and success criteria for the project. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the Applicant's Project Application and this NOA. Please note that the Applicant will continue to get billed an annual fee until an NOC has been submitted and approved

Please include the Project name and WDID number with all future inquiries and document submittals. Document submittals shall be made electronically to:  
[NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov).

Please contact staff at 707 576-2676 or [NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov) if you have any questions.

Sincerely,

*Kason Grady*  
On Behalf Of

Digitally signed by  
Kason Grady  
Date: 2019.09.20  
15:06:26 -07'00'

Water Boards

---

Matthias St. John  
Executive Officer

File Name: Afanasieff\_App D\_1B190149CHUM\_NOA

Original to:  
Peach Tree LLC  
40102 CA State Highway 36  
Bridgeville, CA 95526

cc: California Department of Fish and Wildlife, [r1lsaeureka@wildlife.ca.gov](mailto:r1lsaeureka@wildlife.ca.gov)  
  
Humboldt County, [PlanningBuilding@co.humboldt.ca.us](mailto:PlanningBuilding@co.humboldt.ca.us)  
  
Natural Resource Mangament Corporation, [pmoore@nrmcorp.com](mailto:pmoore@nrmcorp.com)  
  
Sahrye Cohen, United States Army Corps of Engineers,  
[Sahrye.E.Cohen@usace.army.mil](mailto:Sahrye.E.Cohen@usace.army.mil)  
  
Jennifer Siu, United States Environmental Protection Agency,  
[sui.jennifer@epa.gov](mailto:sui.jennifer@epa.gov)  
  
State Water Resources Control Board,  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: Gean Afanasieff APN: 210-091-008

Planning & Building Department Case/File No.: 12357

Road Name: Afanasieff Driveway (complete a separate form for each road)

From Road (Cross street): State Route 36

To Road (Cross street): Furthest processing/dg/cultivation area

Length of road segment: 0.69 miles Date Inspected: 12-19-18

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

Check one of the following:

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

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

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

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

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

Signature

Stephen G. Nesvold, P.E.

Date

1-22-19

Name Printed

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

State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 11/27/2018  
 WCR2018-010604

Owner's Well Number Well # 2 Date Work Began 11/13/2018 Date Work Ended 11/15/2018  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/19-0237 Permit Date 09/18/2018

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>Gean Afanasiepf</u>	Activity <u>New Well</u>
Mailing Address <u>PO Box 488</u>	Planned Use <u>Water Supply Irrigation - Landscape</u>
City <u>Fortuna</u> State <u>CA</u> Zip <u>95540</u>	

Well Location			
Address <u>0 38.08 MM Hwy 36 HWY</u>		APN <u>210-191-051</u>	
City <u>Bridgeville</u>	Zip <u>95526</u>	County <u>Humboldt</u>	Township <u>01 N</u>
Latitude <u>40</u> <u>28</u> <u>30.3599</u> N	Longitude <u>-123</u> <u>38</u> <u>58.9199</u> W	Range <u>05 E</u>	Section <u>07</u>
Deg. Min. Sec.	Deg. Min. Sec.	Baseline Meridian <u>Humboldt</u>	
Dec. Lat. <u>40.4751</u>	Dec. Long. <u>-123.6497</u>	Ground Surface Elevation _____	
Vertical Datum _____	Horizontal Datum <u>WGS84</u>	Elevation Accuracy _____	
Location Accuracy _____	Location Determination Method _____	Elevation Determination Method _____	

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>50</u> (Feet below surface)
Drilling Method <u>Downhole Rotary Hammer</u> Drilling Fluid <u>Air</u>	Depth to Static _____
	Water Level <u>50</u> (Feet) Date Measured <u>11/15/2018</u>
Total Depth of Boring <u>400</u> Feet	Estimated Yield* <u>6</u> (GPM) Test Type <u>Air Lift</u>
Total Depth of Completed Well <u>360</u> Feet	Test Length <u>4</u> (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface	Feet to Feet	Description
0	2	Top Soil
2	25	Brown Clay
25	40	Brown Red Shale
40	50	Tan Shale
50	400	Black/ Grey Shale w/quartz

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			*
2	0	120	Blank	PVC	N/A	0.291	4.95			*
2	120	140	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	140	180	Blank	PVC	N/A	0.291	4.95			*
2	180	200	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	200	240	Blank	PVC	N/A	0.291	4.95			*
2	240	260	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	260	300	Blank	PVC	N/A	0.291	4.95			*
2	300	320	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*
2	320	340	Blank	PVC	N/A	0.291	4.95			*
2	340	360	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.032	*

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 hole plug
20	400	Other Fill	See description.		No annular fill

**Other Observations:**

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	20	13
20	400	7.875

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	WATSON WELL DRILLING INC		
	Person, Firm or Corporation		
500 SUMMER STREET	EUREKA	CA	95501
Address	City	State	Zip
Signed	electronic signature received	11/27/2018	1014048
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

<b>DWR Use Only</b>											
<b>CSG #</b>	<b>State Well Number</b>	<b>Site Code</b>	<b>Local Well Number</b>								

											N
--	--	--	--	--	--	--	--	--	--	--	---

**Latitude Deg/Min/Sec**

											W
--	--	--	--	--	--	--	--	--	--	--	---

**Longitude Deg/Min/Sec**

TRS:

APN:

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Department of Health & Human Services	✓	Memo – Approved with Conditions (6/30/2020)	Attached
Public Works, Land Use Division	✓	Memo – Approved with Conditions (8/11/2020)	Attached
CalFIRE	✓	Memo (6/29/2020)	Attached
Northwest Information Center (NWIC)	✓	Memo (7/28/2020)	Attached and Confidential
Lake and Streambed Alteration Application with CDFW	✓	Letter (8/15/2016)	
North Coast Regional Water Quality Control Board	✓	Letter (9/20/2019)	Attached



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	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Elizabeth Moreno, Planner, Planning & Building Department

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

DATE: 08/11/2020

RE:

<b>Applicant Name</b>	<b>PEACH TREE LLC</b>
<b>APN</b>	<b>210-191-008</b>
<b>APPS#</b>	<b>PLN-12357-CUP</b>

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:

Review Item #1 on Exhibit "C"

Applicant has submitted a road evaluation report, dated 1/22/2019, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //



All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

☒ YES ☐ NO

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

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

2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

☐ YES ☐ NO

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

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads?

☐ YES ☐ NO

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

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

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

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

5. **AIRPORT:** If the project is located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer or if the project is located within the County Code Section 333 GIS layer AND the project is proposing to construct (or permit) a fence, building or other structure. ☐ YES ☐ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the Humboldt County Airports Department.

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

If YES, include the following requirement:

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

7. COUNTY ROADS- PROXIMITY OF FARMS:

☐ Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

// END //