



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 6, 2021

To: Humboldt County Planning Commission

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

Subject: **Jeff Diehl Conditional Use Permit and Special Permit**
Record Number: PLN-12504-CUP
Assessor's Parcel Number (APN): 208-341-008
818 Cobb Road, Dinsmore area

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Please contact Samantha Thomas, Associate Planner, at 707-443-5054 or by email at ThomasS@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit and Special Permit	Samantha Thomas

Project Description: A Conditional Use Permit for a continued cultivation of an existing 11,000 square feet (SF) cannabis cultivation operation, of which 10,000 SF is full-sun outdoor and 1,000 SF is mixed light in one (1) 1,000 SF light deprivation greenhouse. A total of 1,100 SF of ancillary propagation occurs onsite within the 300 SF temporary nursery and 1,000 SF mixed light greenhouse, which is used as storage space as well. Irrigation water is sourced from an onsite permitted groundwater well. Existing available water storage is 11,250 gallons. An additional 3,000-gallon water tank is proposed. Estimated annual water usage is 95,000 gallons. Drying occurs onsite with all other processing occurs offsite at a licensed processing or manufacturing facility. A maximum of four people will be onsite during peak operations. Power is provided by two generators. The proposed project includes a Special Permit to allow a reduction in the 600-foot setback requirement from public lands.

Project Location: The project is located in the Dinsmore area, on the west side of Cobb Road, approximately 1.2 miles north from the intersection of State Highway 36 and Rattlesnake Bridge Road, on the property known as 818 Cobb Road, Dinsmore (APN: 208-341-008).

Present Plan Land Use Designations: Residential Agriculture (RA20) Density: twenty acres per dwelling unit, Slope Stability: High instability (3)

Present Zoning: Unclassified (U)

Record Number: PLN-12504-CUP

Assessor's Parcel Number: 208-341-008

Applicant

Jeffrey Diehl
PO Box 838
Eureka, CA 95501

Owner

Jeffrey Diehl
PO Box 838
Eureka, CA 95501

Agents

Margo Advisors
C/O Suzanne Meese
2306 Albee Street
Eureka, CA 95501

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: None.

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:

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, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Jeff Diehl project as recommended by staff subject to the recommended conditions.

Executive Summary: Jeff Diehl seeks a Conditional Use Permit to allow the continued operation of an existing 11,000 square foot (SF) cannabis cultivation operation 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). A Special Permit is also required for a reduction in the 600-foot setback requirement from public lands. The site is designated as Residential Agriculture (RA20) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place in four (4) separate areas: Cultivation Area 1 contains 1,764 SF of full-sun outdoor cultivation, Cultivation Area 2 contains 1,274 SF of full-sun outdoor cultivation, Cultivation Area 3 6,909 SF of full-sun outdoor, and Cultivation Area 4 contains 1,000 SF of mixed-light within one (1) 1,000 SF greenhouse utilizing light deprivation and supplemental lighting. Ancillary propagation occurs within the 1,000 SF temporary mixed light greenhouse, which is used as storage space as well. Irrigation water is sourced from an onsite permitted groundwater well. One harvest is anticipated annually in the outdoor area and two harvests for the mixed-light greenhouse for a growing season that extends from April to mid-October.

Drying occurs onsite in an existing 820-square-foot agricultural barn. Additional processing will occur offsite at a licensed processing or manufacturing facility. The project is a family farm, consisting of two (2) members with minimal employee needs. One to two (1-2) part-time employees will be hired during peak seasonal activities, for a maximum of 4 people onsite during peak operations. Power is provided by a Honda EU 6500 and Honda 2000 gasoline generators. Road access and the operations entry way will be secured behind locked gates, made of heavy steel construction with a steel combination lock.

Under the CMMLUO, cultivation operations require a setback of 600 feet from publicly owned lands that are managed for wildlife, open space, and recreational facilities. This setback may be reduced with a Special Permit. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from public land is included as a part of the applicant's request. The parcel to the east (APN 208-062-015) is owned by the U.S. Department of Agriculture (USDA) Forest Service (USFS) as part of the Six Rivers National Forest and is managed for open space and wildlife purposes. The nearest cultivation area is located approximately 200 feet west of USFS property; however, no developed or designated recreational facilities are within 600 feet of any cultivation area. Additionally, the adjacent public land is subject to the Land and Resource Management Plan – Six Rivers National Forest 1995 (L&RMP). The cultivation areas are consistent with the L&RMP because activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts and by maintaining appropriate buffers from sensitive habitat areas. The project was referred to USFS on September 25, 2018. A response from USFS was received on August 29, 2018, recommending denial of the project. USFS requests the parcel be surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. They also indicate that individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. The applicant should be aware that transporting cannabis across an existing right of way on federal lands to access a

private parcel, is also illegal under federal law, and violators could face federal criminal action. USFS clarified that this recommendation is not specific to the project but is the position of the USFS for all cannabis applications that seek a reduced setback because the federal government seeks to reduce the impact of cannabis on federal lands. As another parcel is located between the subject parcel and USFS lands in question, a survey was not required.

Estimated annual water usage is 95,000 gallons (8.6 gal/SF) with peak demand occurring in August and September at approximately 15,000 gallons per month. Water for irrigation is provided by a permitted onsite groundwater well (No. 784382) (see Attachment 3). The well is located just north of the Cultivation Area 2, approximately 530 feet south of the nearest Streamside Management Area and approximately 30 feet lower in elevation. According to the Well Completion Report (see Attachment 3), the well is 50 feet deep and drilled through topsoil, clay, sandstone, and fractured chert. A cement casing is installed for the first 20 feet of the well with pea gravel placed for the remaining 30 feet and there is no additional casing or screening. Based on the distance from the nearest watercourse and the use of a cement for casing of the first 20 feet of the well and pea gravel for the remaining 30 feet, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Existing available water storage is 11,250 gallons in three (3) 250-gallon, one (1) 1,500-gallon, and three (3) 3,000-gallon poly water tanks, where one (1) 3,000-gallon poly water tank is used for fire suppression purposes. An additional 3,000-gallon water tank is proposed. A complete letter for the Notification of Lake or Streambed Alteration No. 1600-2019-0075-R1 dated June 11, 2019, was received from the California Department of Fish and Wildlife (CDFW) (see Attachment 3) indicating that due to the passage of 30 days with no action taken place by CDFW to incomplete the projects Notification which entailed a water well used for commercial irrigation, the Notification was deemed complete on March 4, 2019. While the applicant is entitled to complete the project without an Agreement, the applicant is still responsible for complying with other applicable local, state, and federal laws. The letter from CDFW is only valid until May 3, 2024, which is 5 years from the date the Department was required to provide a Draft Agreement. The applicant completed the State Water Board's Cannabis General Order and Small Irrigation Use Registration (SIUR) Portal for the existing onsite groundwater well (Attachment 3) to obtain evidence of enrollment with the State Water Resources Control Board, required for a California Department of Food and Agriculture (CDFA) Cannabis Cultivation License.

A Site Management Plan (SMP) has been prepared and is included in Attachment 3. Per the SMP and shown on the Site Plan, there is a Class II stream crossing on the parcel boundary to the north with an existing 24-inch culvert, which is managed and maintained by the Cobb Road Association. The existing 24-inch culvert is scheduled to be replaced with a 48-inch culvert by October of 2021, by the Cobb Road Association.

Per CDFW's Resource Map, there are no mapped sensitive species onsite, but it is indicated that the nearest NSO activity center is located approximately 2,000 feet from the site and lands surrounding the site are heavily forested thus there is high potential for NSO habitat. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the WRPP required by the North Coast Regional Water Quality Control Board, the SMP required by the State Water Resources Control Board, and additional measures, as detailed below.

The applicant utilizes a Honda EU 6500 and Honda 2000 gasoline generators for electricity, as needed. Per the applicant the generators are only used to pump the groundwater well onsite and for harvesting and drying purposes. Expected power usage to pump the groundwater well is 1.3kW per day from March to October and for harvesting and drying, up to 25.8 kW per day in September and October. Per the manufacturer, the two (2) gasoline generators are rated at a maximum 60dB or lower. As conditioned, the applicant shall provide a sound level reading for the two (2) gasoline generators which meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat, whichever is closer. The project is conditioned to ensure the combination of background, generator,

and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS).

Additional Conditions of Approval include, but are not limited to, ensuring supplemental lighting associated with the greenhouse is fully contained with black out tarps, have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

The project occurs in an Airport Protected Airspace due to its proximity approximately 1.3 miles from the Dinsmore Airport. The elevation of the project area at 2,950 feet results in all above-ground structures and trees penetrating the imaginary surface of the protected airspace. The applicant submitted FAA Form 7460 and obtained a Determination of No Hazard To Air Mitigation issued on 07/17/2019 (Attachment 3). According to the Federal Aviation Administration (FAA), the structures would not be a hazard to air navigation. No marking or Lighting is necessary for flight safety. If any construction or alteration is made to the building height on the parcel, a notice must be submitted to the FAA within five days after the construction or alteration is dismantled or destroyed. The project was referred to the Director of Aviation of County airports on 10/2/2020. Humboldt County Code Section 333-8 allows the Director of the Department of Aviation to administratively grant a variance when portions of a structure or a tree penetrate the airport protected airspace and the FAA has determined no hazard (see Attachment 3). The project is therefore, in conformance with County airport approach zone building height restrictions. A condition of approval is included requiring the applicant record an overflight easement on the property in order to comply with the Airport Safety Land Use Compatibility Requirements.

Access to the site is via a driveway off Cobb Road via Rattlesnack Bridge Road and State Highway 36. A Roadway Evaluation for Cobb Road was prepared by DTN Engineering and Consulting in December 2018 (Attachment 3) which indicates it is a privately maintained road and concludes that the roadway does not meet a Category 4 equivalent standard, but with improvements can be considered a Category 4 equivalent roadway. CAL TRANS was referred to on 9/25/2018 as Cobb Road is accessed via State Highway 36. On 10/11/2018 Caltrans responded with a request for additional information including proof of access easement and ability to obtain a valid encroachment permit and to verify the road approach to Rattlesnake Bridge Road meets commercial Standards. Cobb Road was created as part of the Cobb Station Subdivision Map, recorded as Tract No. 289 in Book 19 of Maps, pages 27-33, Humboldt County Records. Utilizing satellite imagery and measurement tools (Google Earth) the approach to Rattlesnake Bridge Road is paved approximately 80 feet in depth and 60 feet in width which exceeds the County requirements of requiring a paved access road with a minimum length of 50 feet and minimum width of 20 feet. Planning staff reached out directly to CAL TRANS to provide the information requested and determine if there were any further recommendations. CAL TRANS did not state any further concerns or recommend any conditions. Conditions of approval require the applicant to join a Road Maintenance Association (RMA) in order to share costs for road maintenance and improvements to bring privately maintained roads into Category 4 or equivalent standards. The Roadway Evaluation indicated approximately 14 parcels are provided access from the scope of the report with many more beyond. Additionally, residents along Cobb Road are already in the process of organizing the creation of a Cobb Road RMA to facilitate the required improvements as outlined in the Roadway Evaluation. As a result, the project has recommended conditions to submit proof of a formalized RMA and provide proof that permits have been ascertained to perform the improvements necessary to bring Cobb Road up to a Category 4 road or equivalent.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). 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 and Special Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning 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 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 that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

Resolution Number 21-

Record Number: PLN-12504-CUP

Assessor's Parcel Number: 208-341-008

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Jeff Diehl Conditional Use Permit and Special Permit request.

WHEREAS, Jeff Diehl, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 11,000 square foot (SF) cannabis cultivation operation of which 10,000 SF is full-sun outdoor cultivation and 1,000 SF is mixed-light cultivation with 1,100 SF of ancillary propagation and associated drying activities, and an estimated annual water usage of 95,000 gallons as well as a Special Permit for a setback reduction from public lands; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, 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 a Conditional Use Permit to allow for the continued operation of an existing 11,000 square foot (SF) cannabis cultivation operation of which 10,000 SF is full-sun outdoor cultivation and 1,000 SF is mixed-light cultivation with 1,100 SF of ancillary propagation and drying activities onsite. All other processing occurs offsite at a licensed processing or manufacturing facility. A maximum of four people will be onsite during peak operations. Power is provided by a Honda EU 6500 and Honda 2000 gasoline generators. Water for irrigation is provided by an onsitepermitted groundwater well. Existing available water storage is 11,250 gallons. An additional 3,000-gallon water tank is proposed. Estimated annual water usage is 95,000 gallons. A Special Permit is also requested for a reduction in the 600-foot setback requirement from public lands.

EVIDENCE: a) Project File: PLN-12504-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. 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 Prepared for the proposed project.
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 Water Resources Management Plan was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. A Site Management Plan (SMP) was prepared by Margo Advisors to show compliance with the State Water Board Cannabis Cultivation Policy. Under the SMP, a Class II stream crossing on the parcel boundary to the north contains an existing 24-inch culvert, which is managed and maintained by the Cobb Road Association is scheduled to be replaced with a 48-inch culvert by October of 2021.
- d) Per CDFW's Resource Map, Northern Spotted Owl habitat exists in the vicinity, with the nearest activity center 2,000 feet from the site. Conditions of approval require noise displacement to be at or below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife (CDFW) for protection of sensitive species. Additional conditions include but are not limited to adhering to Dark Sky Standards for greenhouse lighting and security lighting; is fully contained with black out tarps; have all outside lighting on timers or motion sensors; avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work; refrain from using synthetic netting; ensure refuse is contained in wildlife proof storage; and refrain from using anticoagulant rodenticides to further protect wildlife.
- e) The project was referred to the Northwest Information Center (NWIC) and Bear River Band of Rohnerville Rancheria in November 2017. The Tribal Historic Preservation Officer (THPO) for the Bear River Band of Rohnerville Rancheria provided comment requesting the inclusion of inadvertent archaeological discovery language. No further study is required. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.
- f) A Roadway Evaluation was prepared for Cobb Road by DTN Engineering and Consulting in December 2018 which identified that the road is could be improved to a Category 4 equivalent and would thereby be suitable for safe access to and from the project site with the implementation of the recommendations for safety and drainage. The project is conditioned to show proof that the applicant is a member of a formalized Road Maintenance Association (RMA), and all applicable permits have been ascertained to implement the safety and drainage recommendations outlined in the Roadway Evaluation.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL 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 Residential Agriculture (RA) 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 nearest cultivation area is located approximately 200 feet west of USFS property, Six Rivers National Forest; however, no developed or designated recreational facilities are within 600 feet of any cultivation area. In addition, another parcel is located between the subject parcel and USFS lands in question. Therefore, a survey to ensure the operation is not trespassing upon or causing impacts to federal lands was not required.
- c) The Airport Safety designation is designed to ensure appropriate development within the flight zone. The proposed use is within Zone C, which is located in a zone with a common traffic pattern and has limited risk. Table 14-A of the HCGP lists agriculture as an allowed use within Zone C. As a condition of approval, the applicant is required to record an overflight easement on the property.

4. FINDING

The proposed development is consistent with the purposes of the existing U zone in which the site is located.

EVIDENCE

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet 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 10,000 square feet of full-sun outdoor and 1,000 square feet of mixed-light cultivation on an 8.93-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) Project activities are approximately 1.3 miles from the Dinsmore Airport. The parcel is within the mapped Airport Protected Airspace according to Humboldt County WebGIS Hazards layer. The elevation of the project area at 2,950 feet results in all above-ground structures and trees penetrating the imaginary surface of the protected airspace. The applicant submitted FAA Form 7460 and obtained a Determination of No Hazard To Air Mitigation issued on 07/17/2019 (Attachment 3). According to the Federal Aviation Administration (FAA), the structures would not be a hazard to air navigation. No marking or lighting is necessary for flight safety. If any construction or alteration is made to the building height on the parcel, a notice must be submitted to the FAA. variance when portions of a structure of a tree penetrate the airport protected airspace and the FAA has determined no hazard. The County Director of Aviation has approved the project. The project is therefore in conformance with County airport approach zone building height restrictions.

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 U (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 deed recorded September 2, 1950, 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 non-diversionary water source, a permitted groundwater well. Based on the distance from the nearest watercourse and the use of a cement for casing of the first 20 feet of the well and pea gravel for the remaining 30 feet, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.
- d) A Roadway Evaluation was prepared for Cobb Road by DTN Engineering and Consulting in December 2018 which identified that the road is could be improved to a Category 4 equivalent and functionally appropriate for the expected traffic with the implementation of the recommendations for safety and drainage. The project is conditioned to show proof that the applicant is a member of a formalized Road Maintenance Association, and all applicable permits have been ascertained to implement the safety and drainage recommendations outlined in the Roadway Evaluation.
- e) The slope of the land where cannabis will be cultivated is less than 15% based on Google Earth imagery.
- f) The location of the cultivation complies with all but one setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any offsite residence, more than 600 feet from any school, church, or Tribal Cultural Resource.
- g) A Special Permit is being requested for a reduction in the setback requirement of 600-feet from public lands, as the subject properties eastern property line is adjacent to Six Rivers National Forest, and as measured on WebGIS, the nearest cultivation area is approximately 200 feet from public lands. The project is located adjacent to Six Rivers National Forest managed by USFS. The adjacent public land is subject to the Land and Resource Management Plan – Six Rivers National Forest 1995 (L&RMP). The cultivation areas, which are not possible without the setback reduction, is consistent with the L&RMP because activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts and by maintaining appropriate buffers from sensitive habitat areas. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed or designated recreational facilities.

6. FINDING

The cultivation of 11,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) A Roadway Evaluation was prepared for Cobb Road by DTN Engineering and Consulting in December 2018 which identified that the road is could be improved to a Category 4 equivalent and safely accommodate the amount of traffic generated by the proposed cannabis cultivation with the implementation of the recommendations for safety and drainage. The project is conditioned to show proof that the applicant is a member of a formalized Road Maintenance Association (RMA), and all applicable permits have been ascertained to implement the safety and drainage

recommendations outlined in the Roadway Evaluation.

- 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 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 sized 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 a permitted groundwater well that has been permitted by the Division of Environmental Health (DEH).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

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 approves the Conditional Use Permit for Jeff Diehl, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

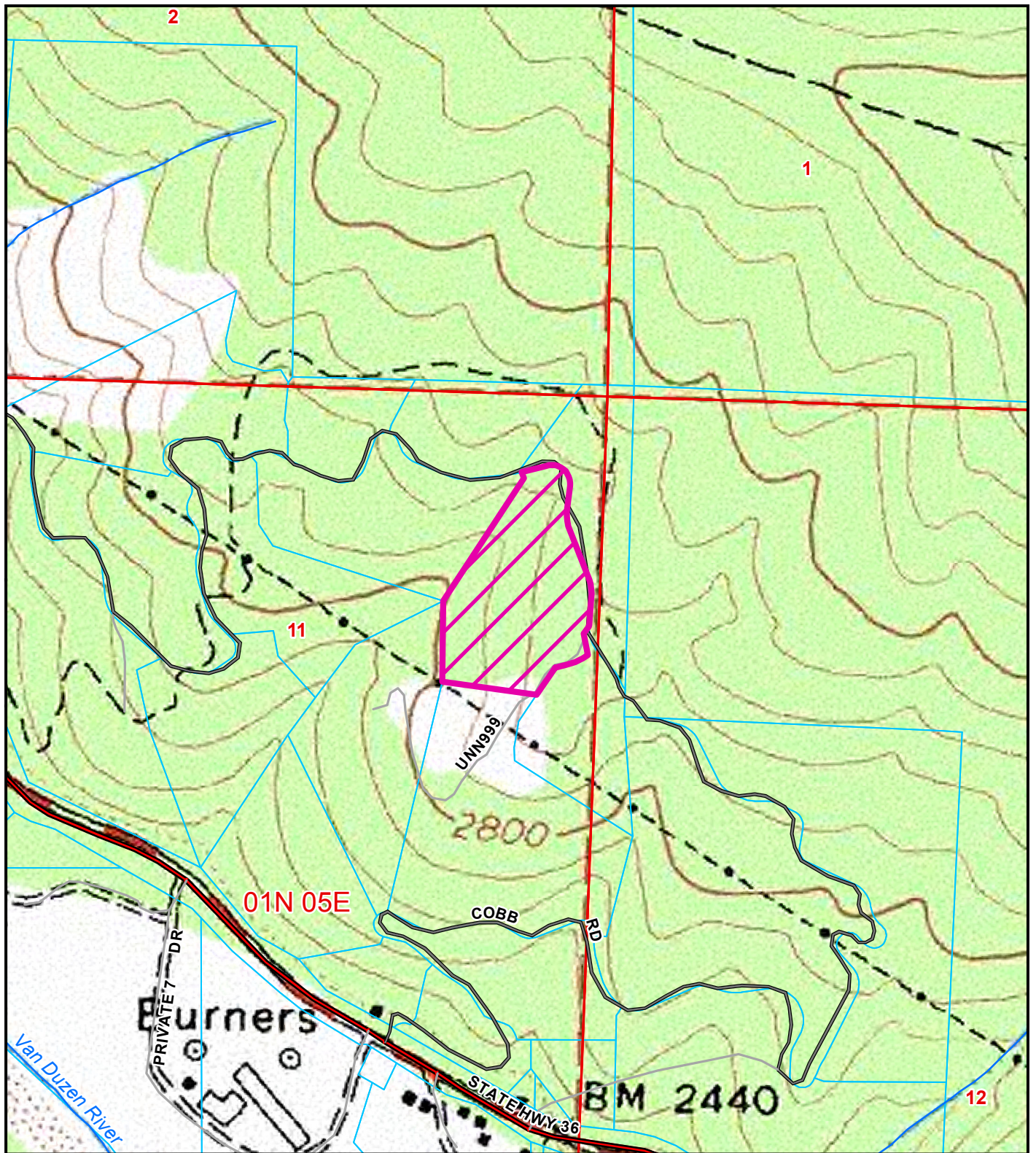
Adopted after review and consideration of all the evidence on May 6, 2021.

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



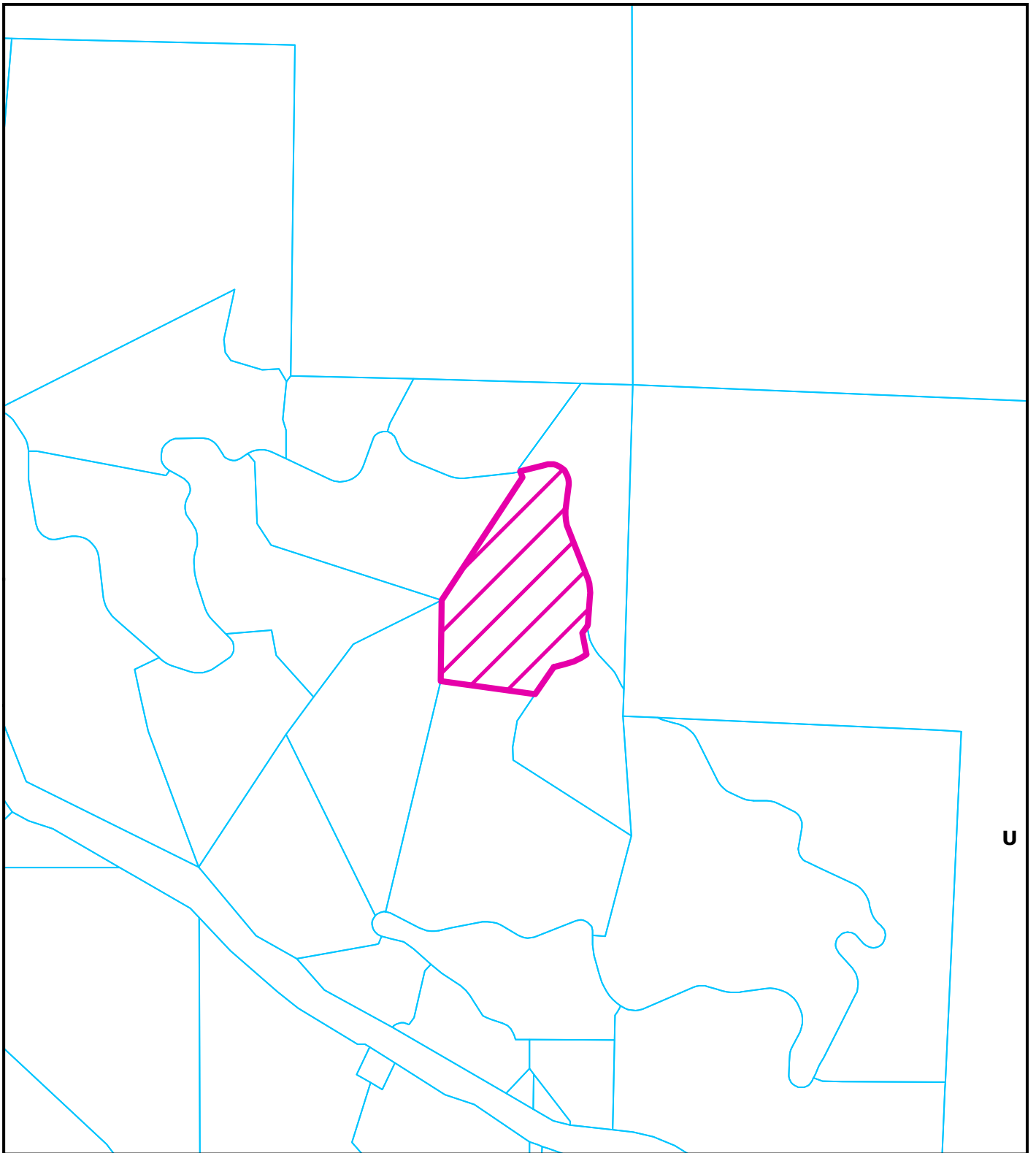
Project Area = 

**TOPO MAP
PROPOSED JEFF DIEHL
DINSMORE AREA
CUP-16-710
APN: 208-341-008
T01N R05E S11 HB&M (DINSMORE)**

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.

0 700 1,400 Feet





U


Project Area = 

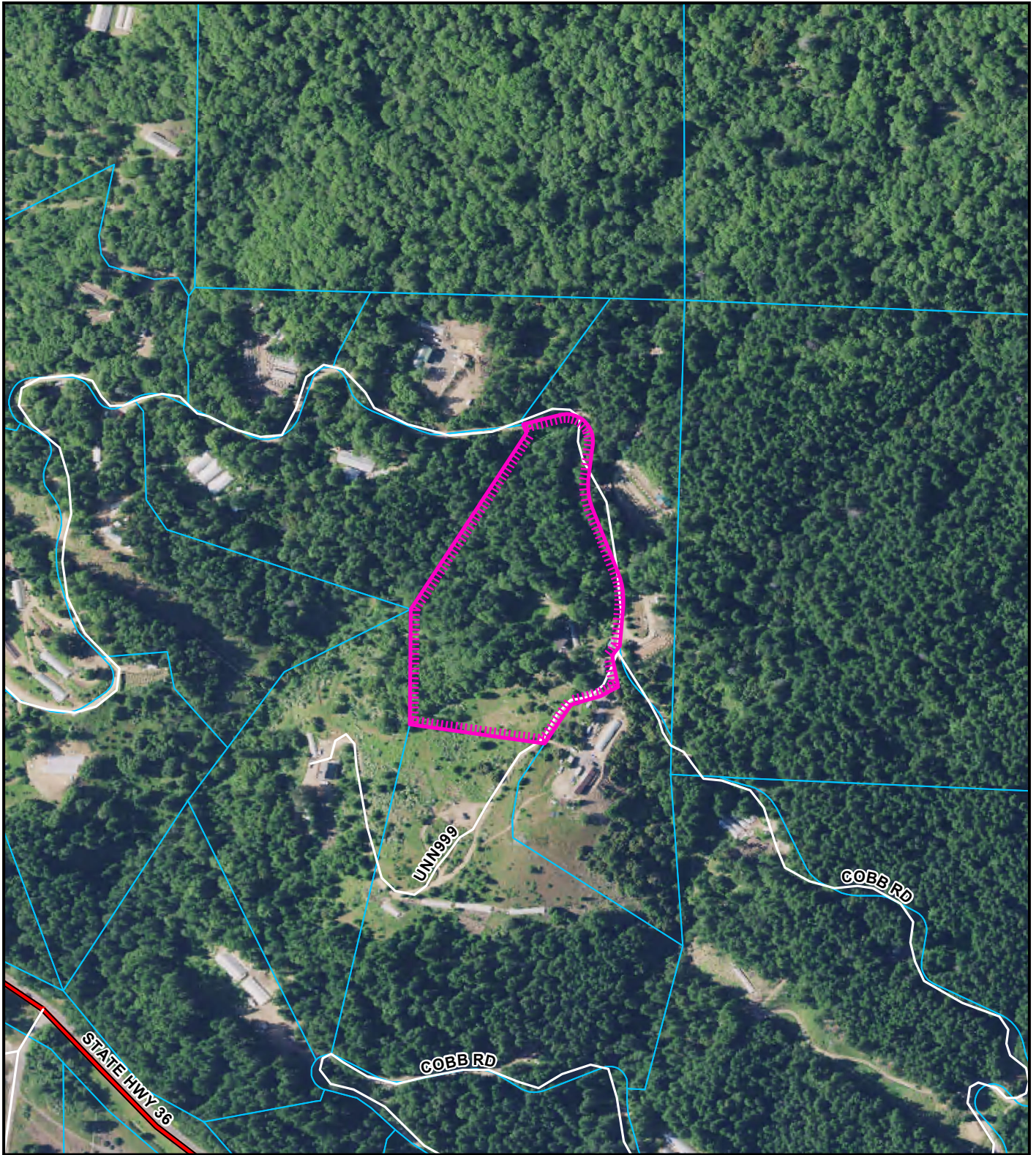
**ZONING MAP
PROPOSED JEFF DIEHL
DINSMORE AREA
CUP-16-710
APN: 208-341-008
T01N R05E S11 HB&M (DINSMORE)**



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0 700 1,400 Feet






Project Area = 

**AERIAL MAP
PROPOSED JEFF DIEHL
DINSMORE AREA
CUP-16-710
APN: 208-341-008
T01N R05E S11 HB&M (DINSMORE)**

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.

0 500 1,000 Feet




APN: 208 341 008

Applicant: Jeff Diehl

Owner: Jeff Diehl

Description:
Existing outdoor cultivation with total operations of 10,000 sq ft Outdoor and 1,000 sq ft Mixed-light
Areas: 1,764 sq ft; 1,274 sq ft; 6,909 sq ft; 990 sq ft

Residential Structures:
None

Non-Residential Structures:
Ag Cabin - 820 sq ft - yr 2007
Well House - 100 sq ft - yr 2007
Nursery - 990 sq ft - yr 2018
Nursery - 300 sq ft - yr 2021

Cultivation Setbacks:
30 ft Property Line: No
300 ft Residence: None
600 ft Schools, Bus Stops, Public Parks, Tribal Resources, Places of Worship: None
600 ft Public Land: Yes, 220 ft; Special Permit needed

Power Sources:
Generator: Honda EU 6500 (gasoline), Honda EU 2000 (gasoline)

Water Sources:
Well - installed prior to 2003

Water Storage:
Water tanks: 3x250 gal; 1,500 gal; 2,500 gal; 3x3,000 gal;

State Agency Compliance:
SWRCB: Tier 1 - WDID: 1_12CC419573

Mapping Sources: All designs and scales are estimates based on the following data sources: Humboldt GIS, USGS, Google Maps

CMMLUO: Use Permit (Tier III)

Jeffrey E. Diehl
APN # 208 341 008

Cobb Road

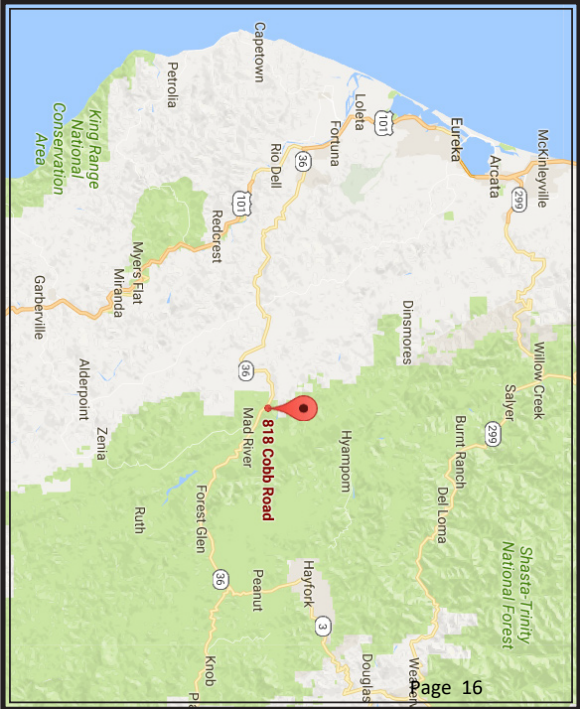
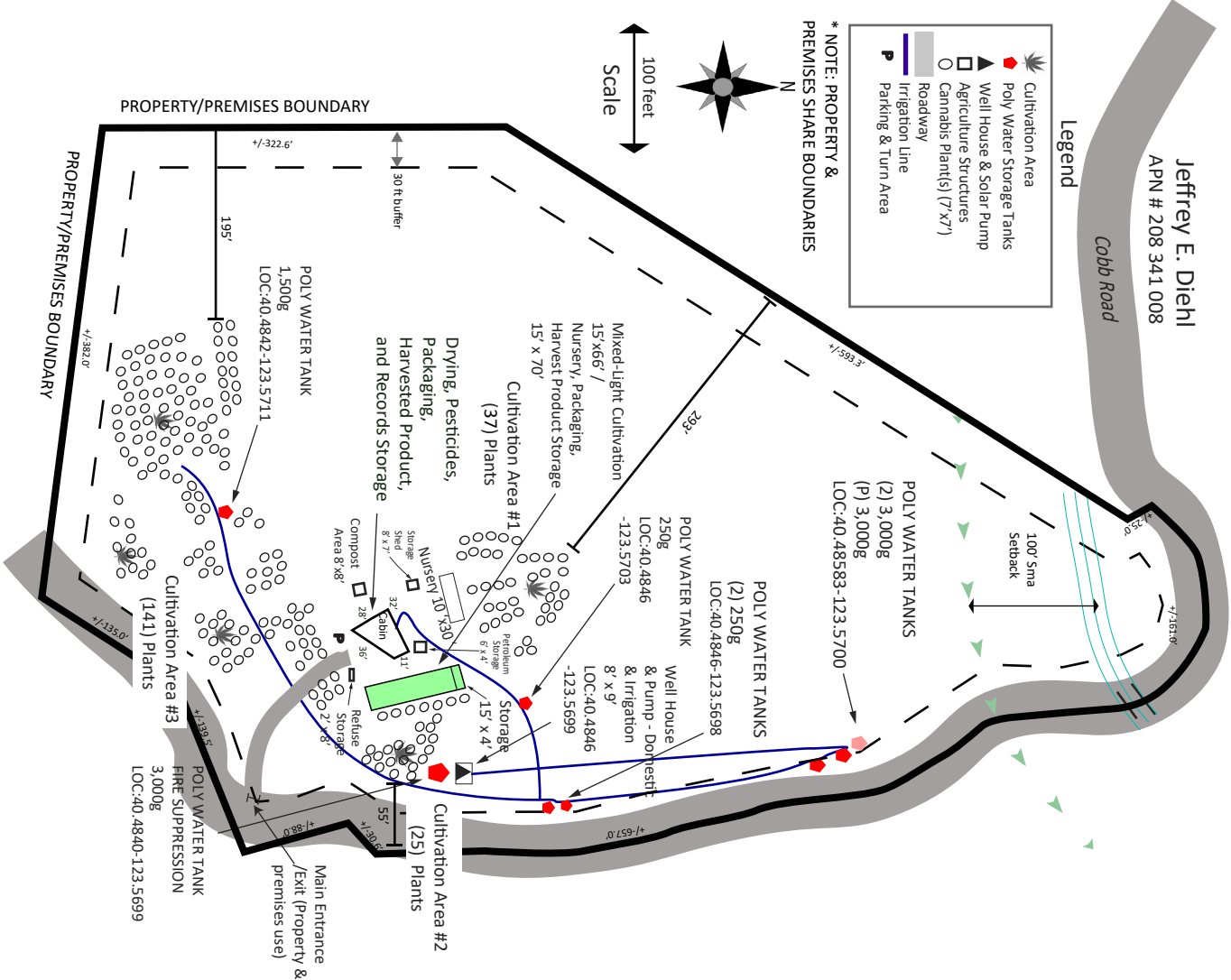
Legend

- Cultivation Area
- Poly Water Storage Tanks
- Well House & Solar Pump
- Agriculture Structures
- Cannabis Plant(s) (7'x7')
- Roadway
- Irrigation Line
- Parking & Turn Area

* NOTE: PROPERTY & PREMISES SHARE BOUNDARIES

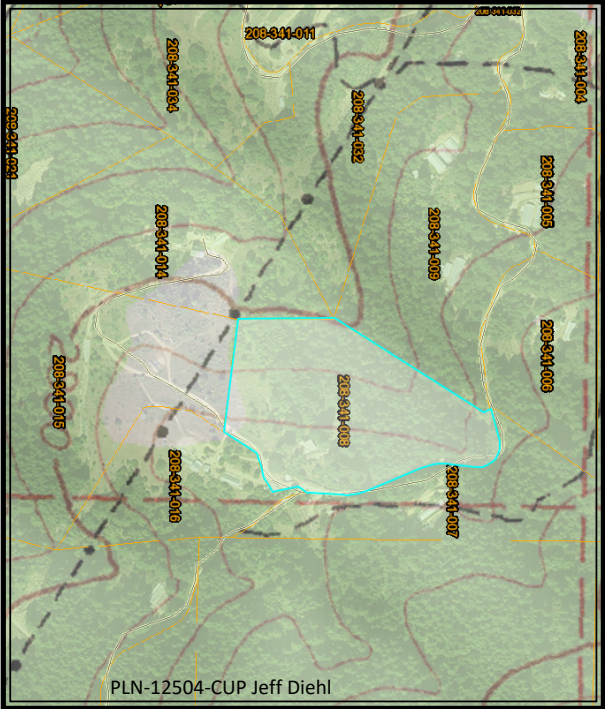


100 feet
Scale



Property Address:
818 Cobb Rd
Dinsmore, CA 95526
Zone: U
General Plan: AL20 (FRWK)
Size: 8.93 acres

May 6, 2021



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 this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
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 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 - #12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. Within 30 days of the effective date, the applicant shall submit a revised operations plan and water use table showing how the 95,000 gallons of annual water use is distributed on a monthly basis. A sign-off from the Planning Division will satisfy this condition.
7. The applicant shall secure permits for all structures and grading 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. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Cobb Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
9. The applicant shall adhere to and implement the recommendations for road improvements as described by the Roadway Evaluation to Cobb Road from Rattlesnake Bridge for APN 208-341-016 prepared by D & N Engineering and Consulting received December 10, 2019. A letter or similar communication from a Registered Professional Engineer will satisfy this condition.
10. The applicant shall secure permits and install an onsite sewage disposal systems and restroom facilities prior to processing onsite. Portable toilet and handwashing facilities may be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to a Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB).
12. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall reapply with the California Fish and Wildlife (CDFW) for a new Draft Agreement prior to May 3, 2024, which is 5 years from the date the Department was required to provide a Draft Agreement if a water well is still used for commercial irrigation.
14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard.
15. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize offsite lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with

the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

16. Applicant shall cause an overflight easement to be recorded on the property in order to comply with the Airport Safety Land Use Compatibility requirements.
17. The shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
19. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
21. The applicant shall not use any erosion control measures that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
23. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise 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 (e.g., through blackout curtains). Structures shall be

enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

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. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
17. 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).
18. 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.
19. The applicant shall follow all of CalFire's general recommendations for fire safety, resource management, and cannabis, including providing emergency access turnarounds, signing and building numbers, emergency water standards (designated water storage for fire), and fuel modification standards.
20. Consent to an annual onsite 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County, if applicable.
25. 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

26. 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."
27. 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).
28. 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.
29. 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.
30. 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
 - i. Onsite housing, if any
31. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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.
32. 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 reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use 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.
33. 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.
34. 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.
35. 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.
36. 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 #6 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 #31 and #33 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite 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 208-341-008; 818 Cobb Road, Dinsmore, County of Humboldt

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

April 2021

Background

Modified Project Description and Project History – The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (CUP-16-710) for an existing 11,000 square foot (SF) cannabis cultivation operation of which 10,000 SF is full-sun outdoor and 1,000 SF is mixed light in one (1) 1,000 SF light deprivation greenhouse. Ancillary propagation occurs within the 1,000 SF mixed light greenhouse, which is used as storage space as well. Irrigation water is sourced from an onsite permitted groundwater well. Existing available water storage is 11,250 gallons in three (3) 250 gallon, one (1) 1,500 gallon, and three (3) 3,000-gallon poly water tanks, where one (1) 3,000 gallon poly water tank is used for fire suppression purposes. An additional 3,000 gallon water tank is proposed. Estimated annual water usage is 95,000 gallons (8.6 gal/SF). Drying occurs onsite with all other processing occurs offsite at a licensed processing or manufacturing facility. The project is a family farm, consisting of two (2) members with minimal employee needs. One to two (1-2) part-time employees will be hired during peak seasonal activities, for a maximum of 4 people onsite during peak operations. Power is provided by a Honda EU 6500 and Honda 2000 gasoline generators.

The Tribal Historic Preservation Officer (THPO) for the Bear River Band of Rohnerville Rancheria provided comment requesting the inclusion of inadvertent archaeological discovery language. Given this feedback, no further studies were requested. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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 includes 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.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 11,000 square feet of cultivation with ancillary propagation and drying activities 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:

- Site Plan prepared by Applicant dated 2/16/21;
- Cultivation Plan prepared by Applicant received 02/2021;
- Water Resources Management Plan (WRPP) prepared by the Applicant for the North Coast Regional Water Quality Control Board Order No. 2015-0023;
- Site Management Plan for WDID 1_12CC419573 prepared by Margo Advisors for the State Water Resources Control Board (SWRCB) dated revised 2/4/2021;
- State Water Board Cannabis General Order and Small Irrigation Use Registration (SIUR) Portal: Water Right for Groundwater Well dated 6/3/19 and stamped received 12/10/19;
- Well Completion Report, Permit Number 784382;
- Stater Water Board, Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ dated 9/6/2019 and stamped received 12/10/19;
- California Department of Fish and Wildlife, Notification of Lake or Streambed Alteration No. 1600-2019-0075-R1 executed 6/11/19;
- Roadway Evaluation for Cobb Road from Rattlesnack Bridge to APN 208-341-016 prepared by DTN Engineering & Consulting, performed 1/20/18; and
- Determination of No Hazard to Air Navigation prepared by the Federal Aviation Administration issued 7/17/19.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the 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. (Application form on-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. **(Attached)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(Attached)**
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Plan – 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 demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(Attached** - Notice of Applicability, Site Management Plan prepared by Margo Advisors revised 02/04/2021 and Water Management Plan prepared by Applicant; Condition of Approval – Compliance with State Cannabis Cultivation Policy)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. **(Attached** - Notification No. 1600-2019-0075-R1 executed 6/11/19)
9. If the source of water is a well, a copy of the County well permit, if available. **(Attached** - Permit Number 784382)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire

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

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Roadway Evaluation for Cobb Road from Rattlesnack Bridge to APN 208-341-016 prepared by DTN Engineering & Consulting, dated 1/20/18. (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. Determination of No Hazard to Air Navigation prepared by the Federal Aviation Administration issued 7/17/19. (**Attached**)

Cultivation Plan Parcel #208 341 008

The following plan describes the general operations for managing a 10,000 sq ft outdoor and 1,000 sq ft mixed-light cultivation site.

1. Water Use

The amount of water used for the cultivation of cannabis will vary widely throughout the season, with peak periods of use, up to 500 gallons per day, occurring during the summer months. Details of the grower's cultivation and water usage is described below.

All water used for cannabis cultivation is sourced from an onsite well. During the off-season, well water is sent to irrigation tanks using a solar powered pump. Gravity then directs the flow to the main irrigation line. The site has the capacity to store 7,050 gallons in onsite water tanks. Water is then efficiently applied through direct manual irrigation.

During the grow season, irrigation starts with watering every four days increasing to every other day during the summer. Potted containers, along with careful manual irrigation, are used to improve water retention and reduce the possibility of irrigation runoff.

The following provides an estimate of monthly irrigation use in gallons:

1a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	0	750	750	1,000

July	Aug	Sept	Oct	Nov	Dec
2,000	15,000	15,000	12,000	0	0

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for the site include:

- Ongoing mulch covering for water retention
- Usage of vegetative ground cover for added sediment control

The cultivation site is not within 200 ft of any nearby watercourses, as required by the SWRCB specifications.

The grower, designated as the “Discharger”, is enrolled in the SWRCB Waiver of Waste Discharge as a Tier I Discharger. The cultivation site includes a Site Management Plan (SMP) for the property. A copy of the SMP is kept onsite for site management and regulatory inspections.

3. Power Source

The site uses a Honda EU 6500 and a Honda 2000 gasoline generator for electricity, as needed. Expected power usage for well water is 1.3kWh per day March-October, and for harvesting and drying up to 25.8kWh per day September-October. When in use the generators are rated by the manufacturer at maximum 60dB or lower, meeting perimeter noise restrictions required by environmental regulations.

4. Onsite Structures

There is one ag barn onsite that is used for drying and there is a shed enclosure for the well. The mixed-light cultivation and nursery structure is a greenhouse with dirt floors that are permeable. A temporary nursery will be constructed early in the season for outdoor propagation.

5. Materials Storage

Currently there are primarily non-chemical natural fertilizers utilized in the cultivation process and include:

- Happy Frog Soil Conditioner
- Fox Farm Open Sesame
- Sup'R Green 3-2-2 Composted Chicken Manure
- MaxiGro
- MaxiBloom
- Earth Juice Seablast Bloom
- Fox Farm ChaChing (minerals)
- NorCal Horticulture Perlite
- Organimax
- Vitamin B1

The primary non-chemical pesticide used to control mites and powdery mildew is:

- Plant Doctor

Appropriate Safety Data Sheets (SDS) are kept onsite as a component of the cultivator's Site Management Plan. A dedicated locked and secure indoor storage area is used for the storage of all amendments.

Fuels are stored onsite with secondary containment along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

All plant waste saved for reuse is stored in a flat covered area. Unusable plant waste is composted or burned after harvest is completed. Other solid waste along with recyclables are contained and stored in covered bins, then securely transported weekly to the Humboldt Waste Management facility. All materials intended for reuse are stored in a clean and secure manner.

A septic system with a leach field exists onsite to safely manage human waste and prevent threats to local wildlife and water sources.

7. Primary Cultivation Activities

Jan-Feb	<input type="checkbox"/> Ensure off-season water storage has been completed <input type="checkbox"/> Submit SWRCB enrollment report and fee <input type="checkbox"/> Perform initial site inspection
Mar-Apr	<input type="checkbox"/> Conduct and record inventory of amendments and verify proper storage <input type="checkbox"/> Begin tilling amendments to prepare soil <input type="checkbox"/> Setup greenhouse <input type="checkbox"/> Plant clones to greenhouse soil pots <input type="checkbox"/> Begin daily plant inspections
May-Jun	<input type="checkbox"/> Check water meters and begin recording monthly usage <input type="checkbox"/> Encage plants for stability
Jul-Aug	<input type="checkbox"/> Harvest crop by hand (1st Crop) <input type="checkbox"/> Send crop offsite for processing <input type="checkbox"/> Plant second crop cycle

	<input type="checkbox"/> Continue daily inspections <input type="checkbox"/> Adjust nutrients as needed
Sep-Oct	<input type="checkbox"/> Harvest crop by hand (2nd Crop) <input type="checkbox"/> Dry with dehumidifiers and fans <input type="checkbox"/> Send crop offsite for processing <input type="checkbox"/> Package and store <input type="checkbox"/> Prepare soil for recycling <input type="checkbox"/> Disassemble temporary structures <input type="checkbox"/> Compost plant waste following harvest

8. Soil Management

At the beginning of the season soil is tilled and prepared for planting. During the season, plants are fertilized in small doses as needed throughout the grow cycle. Following the harvest, reusable soil is properly contained and covered for tilling in the next season.

9. Cultivation Cycles

There is one outdoor grow cycle and two mixed-light cycles. Clones are placed in greenhouses in April and repotted to larger containers as plants mature. Harvest occurs in July for mixed-light plants, then replanting occurs in the greenhouse. Both mixed light (2nd cycle) and outdoor cultivation areas and harvested in mid-October.

10. Plant Management

During the cultivation cycles, plants are inspected every day and trellised for stability. Irrigation is monitored and adjusted based on impact of various factors, mainly heat and precipitation.

11. Processing Practices

After being harvested, the cannabis is taken to the onsite barn where it will be dried, then taken offsite for processing. All work areas and equipment are maintained in clean conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is then packaged and stored in a secure location.

12. Staffing

The site is a family farm with minimal employee needs. The family includes two (2) members. 1-2 part-time employees will be hired during peak seasonal activities with no lodging provided on site. Harvesting and processing is done with the support of family members and temporary staffing. A third-party licensed contractor or temporary employment agency services may be utilized on a temporary basis to support harvest operations.

13. Security Measures

Road access and the site's entry way are restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.

14. Health and Safety

When employees are hired this site will be operated as an "agricultural employer" as defined by 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, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

An Injury and Illness Prevention Program (IIPP) Plan will be posted. It includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee accident reporting policies and logs, communication of hazards and Material Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)

- *No smoking* signage - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

15. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

North Coast Regional Water Quality Control Board

September 6, 2019

WDID:1_12CC419573

JEFF DIEHL
PO BOX 838
EUREKA, CA 95502



Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

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

Sincerely,



2019.09.06 14:49:22 PDT

On Behalf Of

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

Water Boards

190906_1L_1_12CC419573_1B161511CHUM_Diehl_Farm_NOA_TW

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

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, JEFF DIEHL, HUMBOLDT COUNTY APN(s) 208-341-008

Jeff Diehl (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 30, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC419573**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161511CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

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

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 27, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

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

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us

Water Resource Protection Plan Assessment of Standard Conditions
for APN 208-341-008

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

There are no roads on the property. The driveway does not appear to have significant erosion.

b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets

The driveway is primarily sloped and does not appear to require relief drains.

c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Due to proper oversight, there appear to be no significant irrigation runoffs being generated, resulting in no risk of flows being directed to unstable feature areas

d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

Currently, the only road is a driveway which is adequately maintained so as to not generate sediment with the potential of becoming hydrologically connected.

e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

Not applicable.

f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

Not applicable. There is no current construction taking place onsite.

2. Stream Crossing Maintenance

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

A culvert on the property currently requires repair. It needs to be cleared of debris and armored to prevent sediment flow to the nearby creek.

3. Riparian and Wetland Protection and Management

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

Not applicable. No Class I or II watercourses, or wetlands are within 200 feet of the cultivation site. No Class III watercourses are within 50 feet .

4. Spoils Management

- a. Spoils shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

There are no spoil piles adjacent to wetlands and/or watercourses. The site was not wet or unstable, or in an area where slope stability could be adversely affected. Cultivation soil is a living soil and reused, not discarded. There is no runoff as a result of administering soil amendments.

Amendments and fertilizers are currently housed in a storage facility.

5. Water Storage and Use:

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.
- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.
- d. Water is applied using no more than agronomic rates.
- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

A well on the property serves as the primary water source. It is not currently metered.

6. Irrigation

Runoff implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

Water is distributed manually at appropriate agronomic rate to prevent excessive use and runoff. Potted plants prevents runoff from within cultivation area 1. Site 2 has in-ground plants administered with careful irrigation to avoid runoff. As a result, there is no hydrologic connectivity via surface flow from the cultivation site to any downstream watercourses.

7. Fertilizers and Soil Amendments

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

Organic amendments are housed in an enclosed storage facility onsite.

8. Pesticides/Herbicides

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

Natural pesticides are used as needed in compliance with standard guidelines, and stored in an enclosed site with proper containment.

9. Petroleum products and other chemicals

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

The onsite generator and fuel are housed in an enclosed shed above ground. An SPCC kit should be added to maintain compliance with best practices identified in the Water Resources Protection Plan.

10. Cultivation-related wastes

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

Garbage and plant waste is collected, contained, and disposed of at an appropriate facility, including for recycling where available. Trash cans are used to manage waste for transport. Lids should be added to all cans to prevent access from local wildlife.

11. Refuse and human waste

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

Currently there is an unpermitted septic system on the property.

Refuse and garbage is recycled or contained for regular transport to offsite facilities.

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rockering native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

Currently a culvert on the property is the most significant issue to be addressed. Repairs should be made consistent with standard practices as noted in the Water Resources Protection Plan.

Pictures and Maps

Image 1 - Grow area 1
Image 2 - Grow area 1
Image 3 - Storage building
Image 4 - Potted plants grow area 2
Image 5 - Hillside grow area 2
Image 6 - Onsite culvert
Map #1 - Compliance Map Points
Map #2 - Aerial view of grow area
Map #3 - Topology and water setback
Map #4 - Assessor map

**Site Management Plan for:
WDID: 1_12CC419573
APN: 208-341-008**

Prepared for:
State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:
Margro Advisors
230 4th St, Eureka CA, 95501

Date of Completion: 06/28/2019
Revised: 02/04/2021

Introduction

This Site Management Plan (SMP) as required by the State's General Order¹, is for a cannabis cultivation site operated by Jeff Diehl, located in the Dinsmore area, street address 818 Cobb Road, in Humboldt County. The site is located in watershed HUC 12-180101050703. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources, and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

Margro Advisors has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, Google Earth, and Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County.

Attached is a map of directions to the site from Google Maps

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



← from Dinsmore, California 95526
to 818 Cobb Rd, Dunsmuir, CA 96025

8 min (2.8 miles)

via CA-36 E and Cobb Rd

Fastest route

Dinsmore

California 95526

↑ Head northeast on CA-36 E toward Bear Creek Rd

1.7 mi

↙ Turn left onto Rattlesnake Bridge Rd

0.1 mi

↘ Turn right onto Cobb Rd

Destination will be on the right

1.0 mi

818 Cobb Rd

Dunsmuir, CA 96025

Site Characteristics

This site is locally approved with Humboldt County Permit # 12504-CUP, with up to 10,000 ft² of outdoor cultivation and up to 1,000 ft² of mixed-light, and a state CDFA License # CCL18-0003183.

Processing

After being harvested, the cannabis is taken to an indoor area where it will be dried and cured. All work surfaces and equipment are maintained in clean, sanitary conditions. Product not trimmed by the owner is taken to a licensed facility for processing. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is then packaged and stored in a secure location.

Power

The onsite well has a solar-powered pump. The site uses a Honda EU 6500 and a Honda 2000 gasoline generator for electricity during September-October for harvesting and drying, amounting to about 25.8kWh per day. When in use the generators are rated by the manufacturer at maximum 60dB or lower, meeting perimeter noise restrictions required by environmental regulations.

Elevation within this parcel ranges from approximately 2,900 to 3,000 feet. Mean annual precipitation is 50 to 70 inches. Mean annual air temperature is 48 to 52 degrees Fahrenheit. The frost free period is 150 to 250 days.

Attached at the end of this document is a site map. The site map includes features such as: access roads, vehicle parking areas, cultivation site(s), disturbed areas, buildings, and other relevant site features.

Soil Description

Attached is a soil map of the parcel. The soils within the area are primarily Hecker Family (Map Unit 256, 60% of parcel) and Minor Components (Map Unit 256, 40% of parcel).²

² Descriptions and estimates from US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey



MAP LEGEND

Area of Interest (AOI)		Spoil Area
Area of Interest (AOI)		Stony Spot
Soils		Very Stony Spot
Soil Map Unit Polygons		Wet Spot
Soil Map Unit Lines		Other
Soil Map Unit Points		Special Line Features
Special Point Features		Water Features
Blowout		Streams and Canals
Borrow Pit		Transportation
Clay Spot		Rails
Closed Depression		Interstate Highways
Gravel Pit		US Routes
Gravelly Spot		Major Roads
Landfill		Local Roads
Lava Flow		Background
Marsh or swamp		Aerial Photography
Mine or Quarry		
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Six Rivers National Forest Area, California
Survey Area Data: Version 12, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 18, 2015—Oct 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
256	Hecker family, deep, 35 to 70 percent slopes	8.6	100.0%
Totals for Area of Interest		8.6	100.0%

Map Unit 256

The parent rock of the Hecker Family unit is residuum weathered from metasedimentary rock. There is 60 to 64 inches of depth to paralithic bedrock. The natural drainage class is well drained. The runoff class is high. The capacity of the most limiting layer to transmit water (Ksat) is very low to moderately low (0.00 to 0.14 inches per hour). The frequency of flooding is none. The frequency of ponding is none. The available water storage in profile is high (about 10.1 inches).

Minor Components contains rock outcrop (10% of the parcel), the Soulajule Unit (10% of the parcel), the Oxalis Unit (10% of the parcel), and the Melbourne Unit (10% of the parcel).

Water Storage, Use, and Irrigation Runoff

Water used for cannabis cultivation is sourced from an onsite groundwater well which is believed to be hydrologically disconnected from waters of the state. All water used for cannabis cultivation is sourced from the onsite well. The cultivator has completed an LSA Waiver Request with CDFW. During the off-season, well water is sent to irrigation tanks using a solar powered pump. Gravity then directs the flow to the main irrigation line. The site has the capacity to store 14,250 gallons in onsite water tanks. The water tanks are placed on hard, stable ground. A summary of water storage is shown below in Table 1.

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	250	3	750
Tank	1,500	1	1,500
Tank	3,000	4	12,000
Total			14,250

Table 1: Summary of water storage on the parcel.

The amount of water used for the cultivation of cannabis will vary widely throughout the season, with peak periods of use, up to 500 gallons per day, occurring during the summer months. During the grow season, irrigation starts with watering every four days increasing to every other day during the summer. Potted containers, along with careful manual irrigation at agronomic rates, are used to improve water retention and reduce the possibility of irrigation runoff. A summary of estimated water use for irrigation in gallons by month is shown below in Table 2.

Jan	Feb	Mar	Apr	May	June
0	0	0	750	750	1,000

July	Aug	Sept	Oct	Nov	Dec
2,000	15,000	15,000	12,000	0	0

Table 2: Summary of estimated water use in gallons by month for irrigation.

Water flow is metered and will be regularly recorded and reported with the end of the year monitoring report. Tanks, lines, and connections will be checked periodically for wear, damage, and leaks. Repairs are done immediately or mitigated until replacement parts are obtained.

Sediment DischargeAccess Roads

The main road, Cobb Road, is a dirt and gravel surface which is maintained with proper drainage, requiring regular maintenance. Currently the road is being assessed for culvert sizing and some evidence of ruts and erosion. The driveway onto the site is in good condition and does not show evidence of erosion. There is very little vehicle traffic (about 1 car goes in and out per day), there are gravel and dirt surfaces, and there are currently no road maintenance activities. Storm water is drained from the access road via use of roadside ditches. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody.

Stream Crossings

There is a Class II stream crossings and on the parcel boundary which is managed and maintained by the Cobb Road Association. The existing 24" culvert is scheduled to be replaced with a 48" culvert by October of 2021.

Sediment Erosion Prevention and Sediment Capture

BPTC measures being implemented to ensure erosion prevention and capture sediment that has been eroded include using mulch for water retention and vegetative ground cover. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state unless authorized.

Monitoring

The access road, stream crossing, erosion prevention, and sediment control BPTC measures listed above will be monitored and maintained to confirm effectiveness and protect water quality by conducting inspections:

- Quarterly.
- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site.
- Prior to October 15th and December 15th to evaluate site preparedness for storm events and stormwater runoff.

Captured sediment will be stabilized in place.

Fertilizer, Pesticide, Herbicide, Fungicide, and Rodenticide

Amendments are stored in a cabin onsite. An overview of estimated annual chemical product use is shown below in Table 3.

Product Name	Chemical Type	N-P-K or Primary Active Ingredient(s)	Annual Use (lb or gal)
Perlite	Fertilizer	Perlite	100 lb
Happy Frog Soil Building Compost	Fertilizer	4-1-7	100 gal
Trifecta	Pesticide	Thyme Oil, Clove Oil, Garlic Oil, Peppermint Oil, Corn Oil, Geraniol, Citric Acid, Rosemary Oil	40 gal
Grandevo	Pesticide	Chromobacterium Subtsugae	50 gal

Table 3: Overview of estimated annual chemical product usage.

Products are brought to the site as needed. Appropriate Safety Data Sheets (SDS) are kept on-site as a component of the cultivator's Site Management Plan. Products which are not consumed during the growing season are kept in the cabin to prevent discharge, including over the Winter season. Any materials that are hazardous will be stored in secondary containment. Bulk fertilizers and chemical concentrates are stored, mixed, and applied per packaging instructions and/or at proper agronomic rates. Empty containers are stored in trash containers with covers. Application rates will be tracked and reported with the end of the year monitoring. EPA registered pesticide use will be reported by the 10th of the month following its use, to the Department of Pesticide Regulations as required.

Petroleum Products

Petroleum products are kept in a petroleum storage shed onsite. An overview of estimated annual petroleum usage is shown below in Table 4.

Product	Chemical Type	Storage (gal)	Annual Use (gal)
Gasoline	Petroleum	16	120
Propane	Petroleum	10	10

Table 4: Overview of estimated annual petroleum usage.

Petroleum products are brought to the site as needed. Products which are not consumed during the growing season are kept in secondary containment to prevent discharge, including over the Winter season. Petroleum, petroleum products, and similar fluids are stored in a manner that provides chemical compatibility, provides secondary containment, and protection from

accidental ignition, the sun, wind, and rain. Fuels, lubricants, and other petroleum products are stored and applied per packaging instructions. Vehicles or equipment are only refueled outside of riparian setbacks. The operator will employ spill control and containment practices to prevent the discharge of hazardous waste. A Spill Prevention, Countermeasures, and Cleanup (SPCC) kit is kept with fuel storage. As a safety measure, SPCC kits provide a supply of clean-up materials for spill containment in the event of an accidental spill of fertilizers, petroleum products, or other hazardous materials.

Trash/Refuse and Domestic Wastewater

On an average day, there is about one employee, visitor, and/or resident at the site. Trash generated at this site includes non-reusable plant waste and packaging materials of approximately 45 gallons per week, with 80 gallons paper, glass, and plastic recyclable materials per month. Trash is kept in closed-lid, wildlife-proof, non-permeable garbage cans which are kept to prevent leaching and transport of foreign materials to groundwater and are located outside of riparian setbacks. Trash bins are transported on a weekly basis to Eel River Resource Recovery. Recycling is taken there once a month.

The premises has an onsite septic system connected to a bathroom. Wastewater is disposed of with a proper leach field and 250-gallon septic tank. Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for a minimum of two years.

Winterization

The property owner keeps a copy of Winterization Protocols for Statewide Cannabis Order (North Coast Region) onsite. BPTC measures outlined in this document will be performed to winterize the site and prevent discharges of waste. The property owners do not operate heavy equipment of any kind at the cannabis cultivation site during the winter period unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. In addition, if there is construction, all construction entrances and exits are stabilized to control erosion and sediment discharges from land disturbance. All loose stockpiled construction materials (e.g. soil, spoils, aggregate, etc.) that are not scheduled for use within 48 hours are covered and bermed. Erosion repair and control measures to the bare ground (e.g. cultivation area, access paths, etc.) are applied to prevent discharge of sediment to waters of the state. If any BPTC measure cannot be completed before the onset of the winter period, the property owner will contact the Regional Water Board to establish a compliance schedule.

Remediation

Cobb Road has been assessed for culvert sizing and some evidence of ruts and erosion. There is a Class II stream crossing on the parcel boundary with an existing 24" culvert. The culvert is scheduled to be replaced with a 48" culvert by October of 2021, by the Road Association. The road itself and the driveway onto this parcel will be improved as well, to ensure there are no signs of significant erosion.



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

GAVIN C. NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 11, 2019

Diehl Water Diversion
P.O. Box 838
Eureka, CA 95502
info@margroadvisors.com



Subject: **Notification of Lake or Streambed Alteration No. 1600-2019-0075-R1**
Diehl Water Diversion impacting an unnamed tributary to the Van Duzen River
Humboldt County Assessor's Parcel Number 208-341-008

Dear Jeff Diehl:

On February 2, 2019 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On March 4, 2019, your Notification was deemed complete due to the passage of 30 days with no action taken place by CDFW to incomplete your Notification.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete, if the Department determines that an Agreement is required for the project. An Agreement would be required if the Department determined that your project could substantially adversely affect an existing fish or wildlife resource. Therefore, the Department had until May 3, 2019 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Your notification includes, but is not limited to, the following information: Water well used for commercial irrigation located at approximately (lat./long): 40.4846, -123.5699. No other projects that may be subject to FGC1602 were disclosed. CDFW did not

Conserving California's Wildlife Since 1870

Jeff Diehl
June 11, 2019
Page 2 of 2

evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant requests the Department to first contact Margo Advisors at 707-500-2420 to schedule a date and time to enter the property where the project described in this notification will take place, in the event the Department determines that a site inspection is necessary. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until **May 3, 2024**, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Cheri Sanville, Senior Environmental Scientist at Cheri.Sanville@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ORIGINAL
File with DWR

Page ____ of ____

Owner's Well No. _____

Date Work Began _____

Local Permit Agency _____

Permit No. _____

STATE OF CALIFORNIA
WELL COMPLETION REPORT

Refer to Instruction Pamphlet

No. 784382

HUMBOLDT COUNTY

Permit Date _____

DWR USE ONLY - DO NOT FILL IN

DIN JOSE-11 H

STATE WELL NO./STATION NO.

LATITUDE _____ LONGITUDE _____

APN/TRS/OTHER _____

GEOLOGIC LOG

ORIENTATION () _____ VERTICAL _____ HORIZONTAL _____ ANGLE _____ (SPECIFY)

DRILLING
METHOD _____

FLUID _____

DESCRIPTION

Describe material, grain size, color, etc.

DEPTH FROM
SURFACE

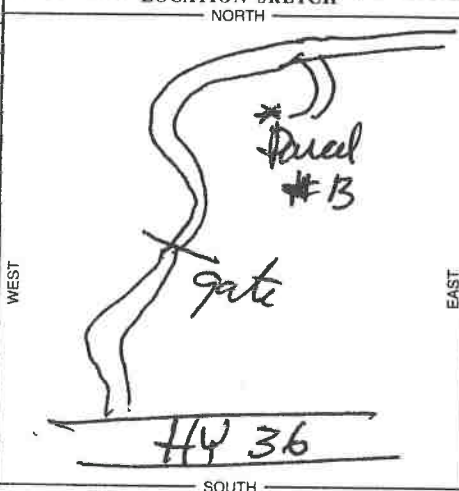
Ft. to Ft.

0 2 TOP SOIL
2 19 SANDY BROWN
CLAY
19-30 BROWN SAND-
STONE
31 51 REDDISH CHERT
FRACTURED

WELL LOCATION

Address **COBB STATION SUB-DIVISION**
City **DIAMORE**
County **HUMBOLDT**
APN Book _____ Page _____ Parcel _____
Township **DIN** Range **JOSE** Section **11 H**
Latitude _____ Longitude _____

LOCATION SKETCH



ACTIVITY ()

☒ NEW WELL
☐ MODIFICATION/REPAIR
____ Deepen
____ Other (Specify) _____

☐ DESTROY (Describe
Procedures and Materials
Under "GEOLOGIC LOG")

PLANNED USES ()

☒ WATER SUPPLY
____ Domestic _____ Public
____ Irrigation _____ Industrial

☐ MONITORING
☐ TEST WELL
☐ CATHODIC PROTECTION
☐ HEAT EXCHANGE
☐ DIRECT PUSH
☐ INJECTION
☐ VAPOR EXTRACTION
☐ SPARGING
☐ REMEDIATION
☐ OTHER (SPECIFY) _____

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER **30** (Ft.) BELOW SURFACE

DEPTH OF STATIC

WATER LEVEL **28** (Ft.) & DATE MEASURED **7-24-00**

ESTIMATED YIELD **156 GPM** & TEST TYPE **PUMP**

TEST LENGTH **3** (Hrs.) TOTAL DRAWDOWN **10** (Ft.)

* May not be representative of a well's long-term yield.

DEPTH FROM SURFACE			BORE-HOLE DIA. (Inches)	CASING (S)				ANNULAR MATERIAL							
Ft.	to	Ft.		TYPE ()	MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	DEPTH FROM SURFACE	TYPE					
1	20	10	<input checked="" type="checkbox"/>	SCREEN	F480	4 1/2	20 PSI	" "	1	20	<input checked="" type="checkbox"/>	CE- MENT ()	BEN- TONITE ()	FILL ()	FILTER PACK (TYPE/SIZE)
20	50	8	<input checked="" type="checkbox"/>	CON- DUCTOR PIPE	F480	4 1/2	20 PSI	4x4x1/2	20	50	<input checked="" type="checkbox"/>				3/8 pea gravel

ATTACHMENTS ()

- ☐ Geologic Log
- ☐ Well Construction Diagram
- ☐ Geophysical Log(s)
- ☐ Soil/Water Chemical Analyses
- ☐ Other _____

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME

(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

CAMPBELL DRILLING
PO. BOX 1529 UPRIVER, CA 95482

ADDRESS

Auld Campbell

Signed

WELL DRIVER/AUTHORIZED REPRESENTATIVE

CITY

STATE

ZIP

9-26-00

DATE SIGNED

DATE

STATE

ZIP

525763

C-57 LICENSE NUMBER



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AWP-7273-OE



Issued Date: 07/17/2019

Jeff Diehl
Jeff Diehl
P.O. Box 838
Eureka, CA 95526

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Well House
Location:	Bridgeville, CA
Latitude:	40-29-02.00N NAD 83
Longitude:	123-34-12.00W
Heights:	2997 feet site elevation (SE) 6 feet above ground level (AGL) 3003 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-7273-OE.

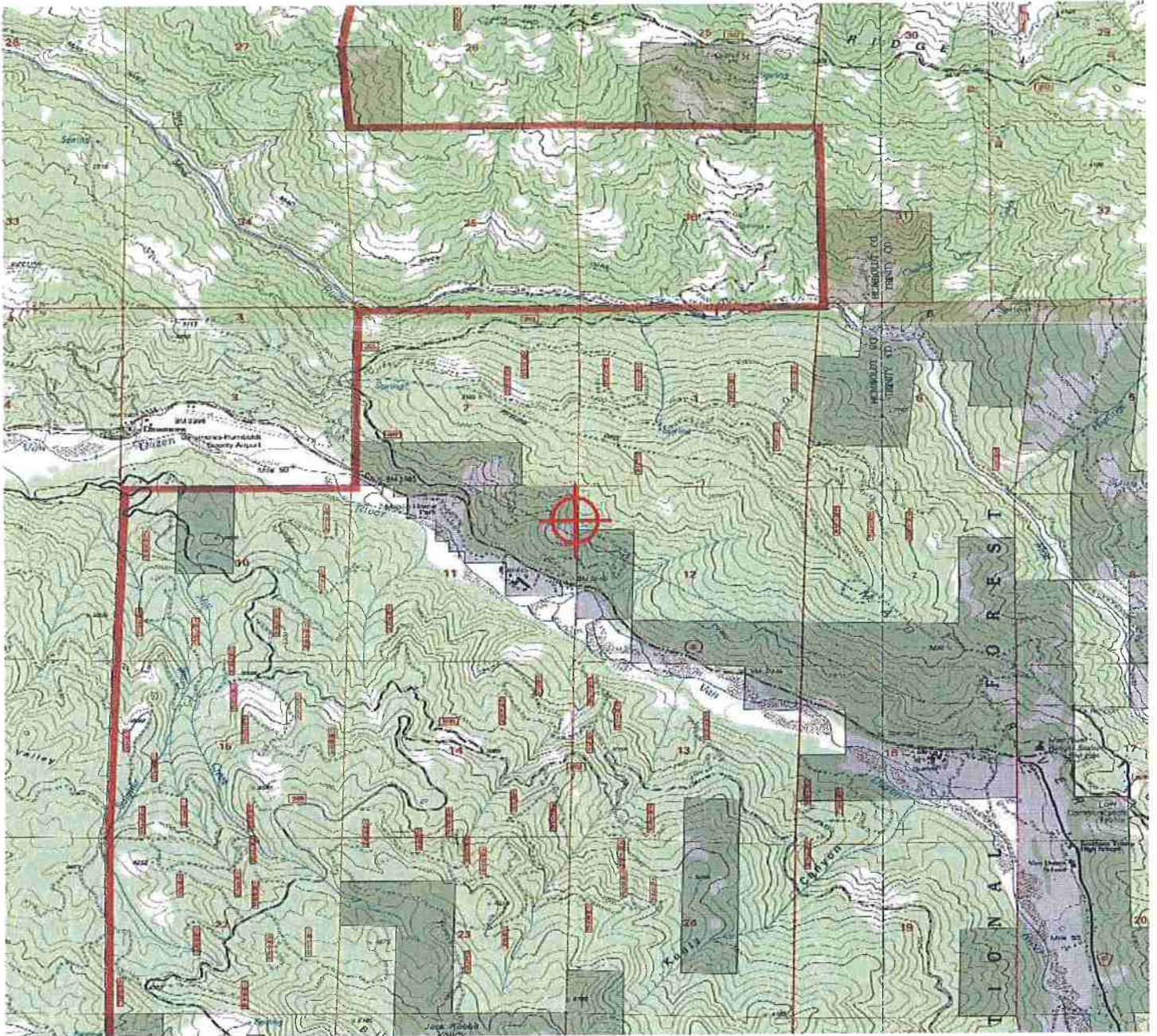
Signature Control No: 408518339-411552197

(EBO)

Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)

Notification of existing buildings.





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AWP-7275-OE

Issued Date: 07/17/2019

Jeff Diehl
Jeff Diehl
P.O. Box 838
Eureka, CA 95526

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Cabin
Location:	Bridgeville, CA
Latitude:	40-29-03.00N NAD 83
Longitude:	123-34-13.00W
Heights:	2990 feet site elevation (SE) 24 feet above ground level (AGL) 3014 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-7275-OE.

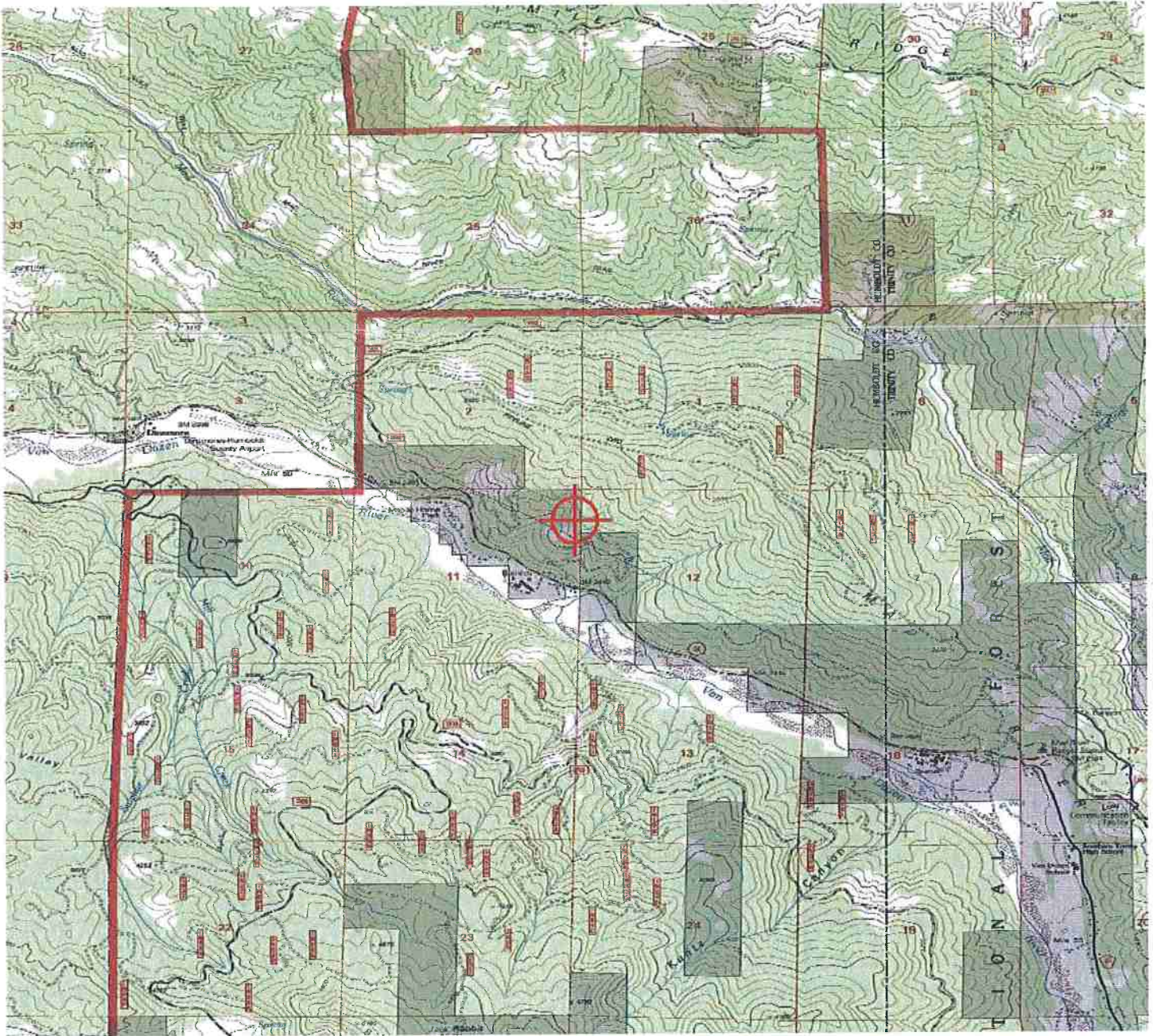
Signature Control No: 408518341-411552200

(EBO)

Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)

Notification of existing buildings.





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AWP-7274-OE

Issued Date: 07/17/2019

Jeff Diehl
Jeff Diehl
P.O. Box 838
Eureka, CA 95526

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Greenhouse
Location:	Bridgeville, CA
Latitude:	40-29-03.00N NAD 83
Longitude:	123-34-11.00W
Heights:	3003 feet site elevation (SE) 9 feet above ground level (AGL) 3012 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-7274-OE.

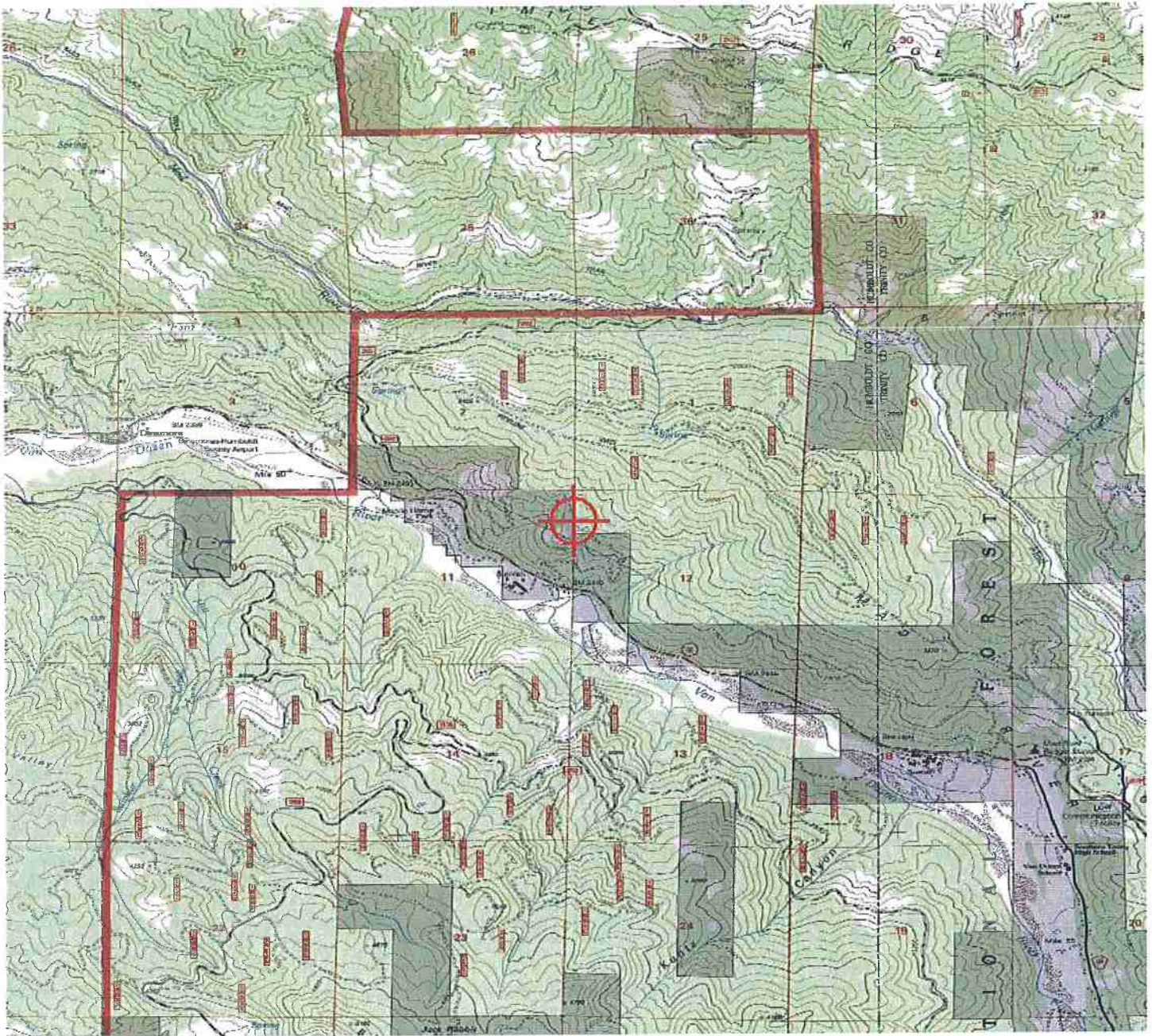
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(EBO)

Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)

Notification of existing buildings.



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health		No Response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
CAL TRANS	✓	Comments	Attached and staff response to CAL TRANS
Airport Director FAA	✓	No comments	Attached
Humboldt County Sheriff	✓	Comments	On file with Planning
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file and confidential
Six Rivers National Forest	✓	Denial	Attached
Mad River Joint Unified School District		No Response	
South Trinity Joint Unified School District		No Response	
California Department of Fish & Wildlife		No Response	Attached – Planning staff email to request project comments
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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



11/22/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Mad River Joint Unified School District, South Trinity Joint Unified School District

Applicant Name Jeff Diehl **Key Parcel Number** 208-341-008-000

Application (APPS#) 12504 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-710

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

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

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

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

Return Response No Later Than 12/7/2017

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: _____

DATE: 2-6-18

PRINT NAME: Gustin Dangler

208-341-008



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 12504 (45489)
Parcel No.: 208-341-008
Case No.: CUP16-710

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

☐ Site/plot plan appears to be accurate.

☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments: _____

☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☒ Other Comments: See photos @ CUP16-710 - folder 208-341-008

- Minor revisions needed, show trailers + Tanks accurate

Name: Gustin Dumlau

Date: 2-6-18

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

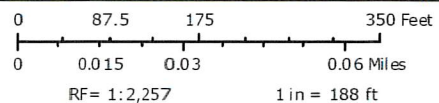


208341008

Humboldt County Planning and Building Department

- Highways and Roads**
- Private or Unclassified
 - Intermittent
 - Principal Arterials
 - Major River or Stream
 - Subsurface
 - Minor Arterials
 - City Boundary
 - Major Collectors
 - Counties
 - Minor Collectors
 - Perennial 1-3
 - Perennial >4
 - Local Roads
 - Parcels (Owners, no labels)

PLN-12504-CUP Jeff Diehl



Printed: February 6, 2018

Web AppBuilder 2.4 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, California Coastal Commission GIS/Mapping Unit, 2014, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

May 6, 2021

Page 76

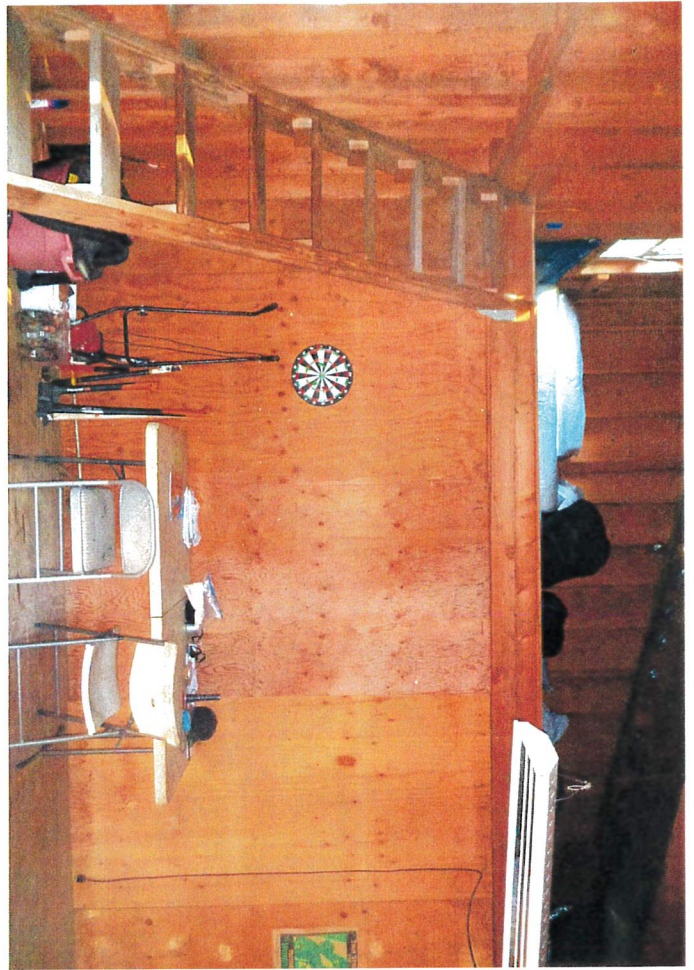
Trailers lot shown



9/6/18 208-391-008

CA 3 Ag Cabin

Aq Cabin



200-11E-80E 8/10/12
by cabin

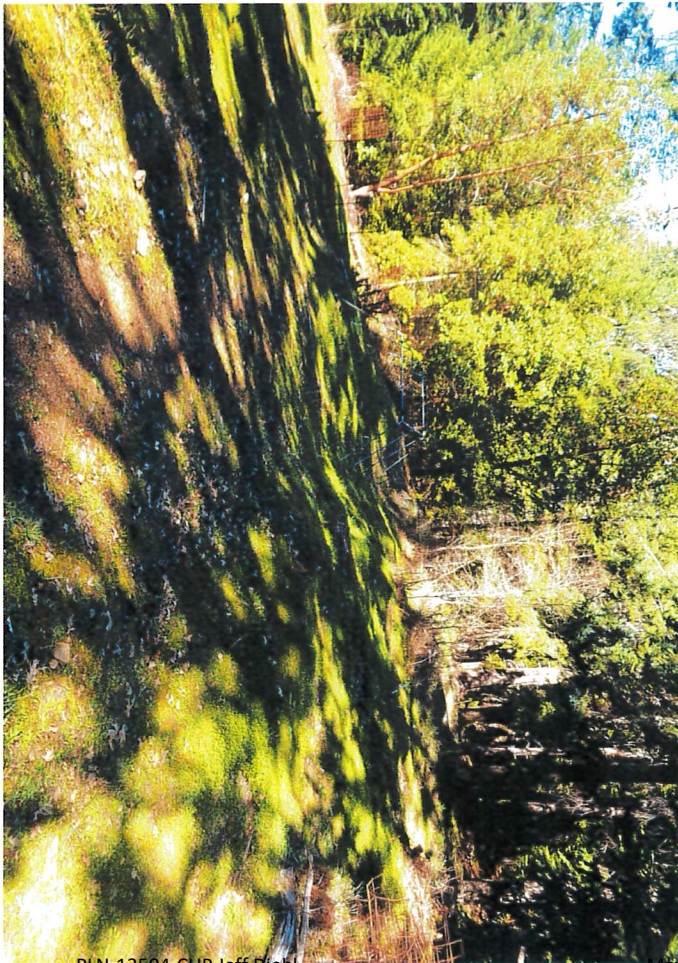


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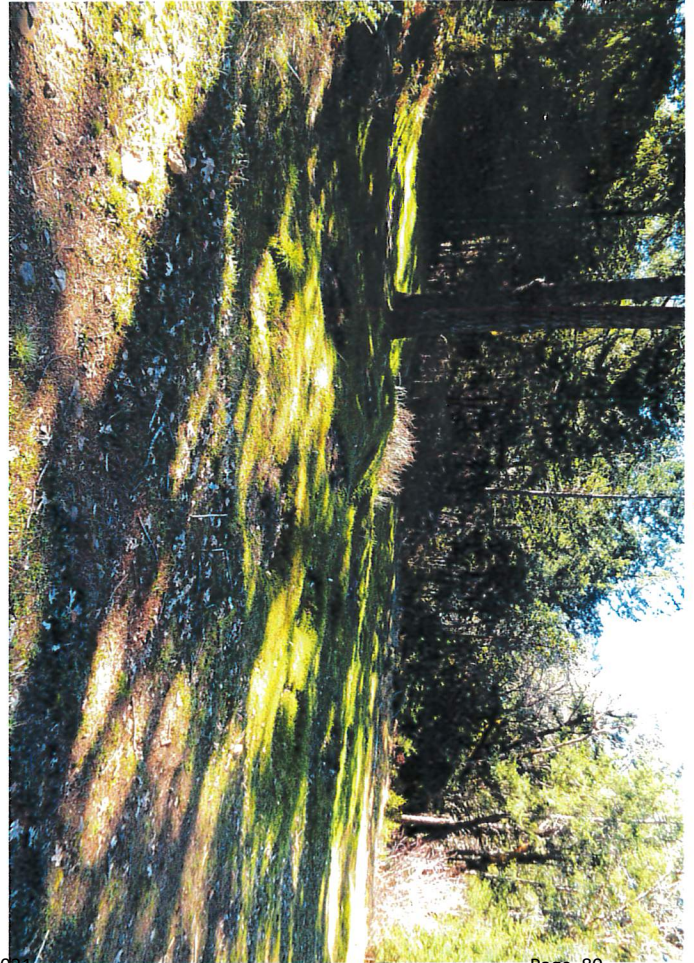




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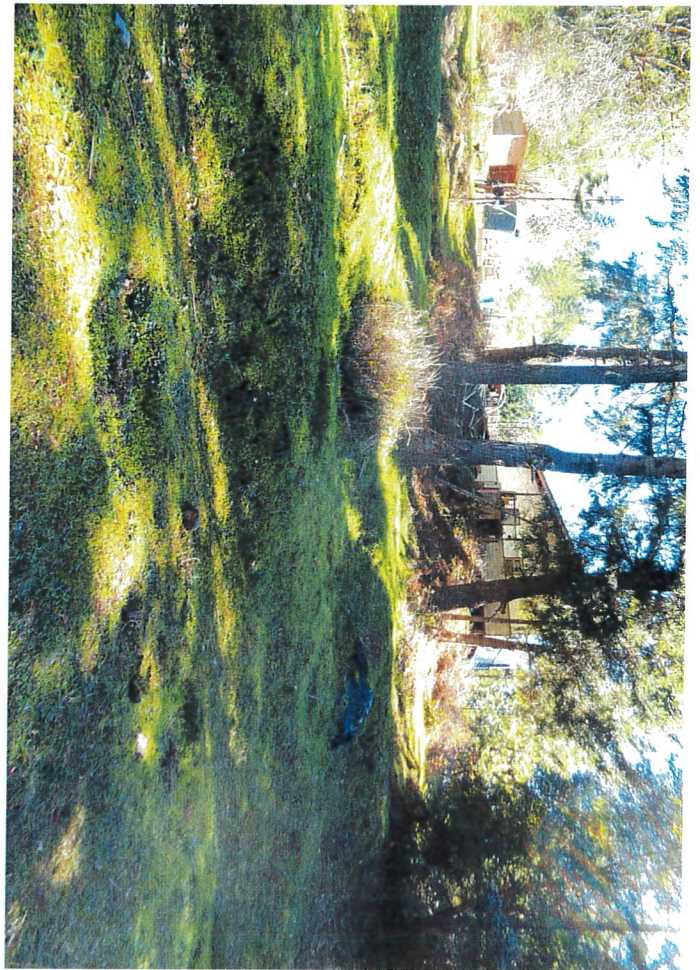
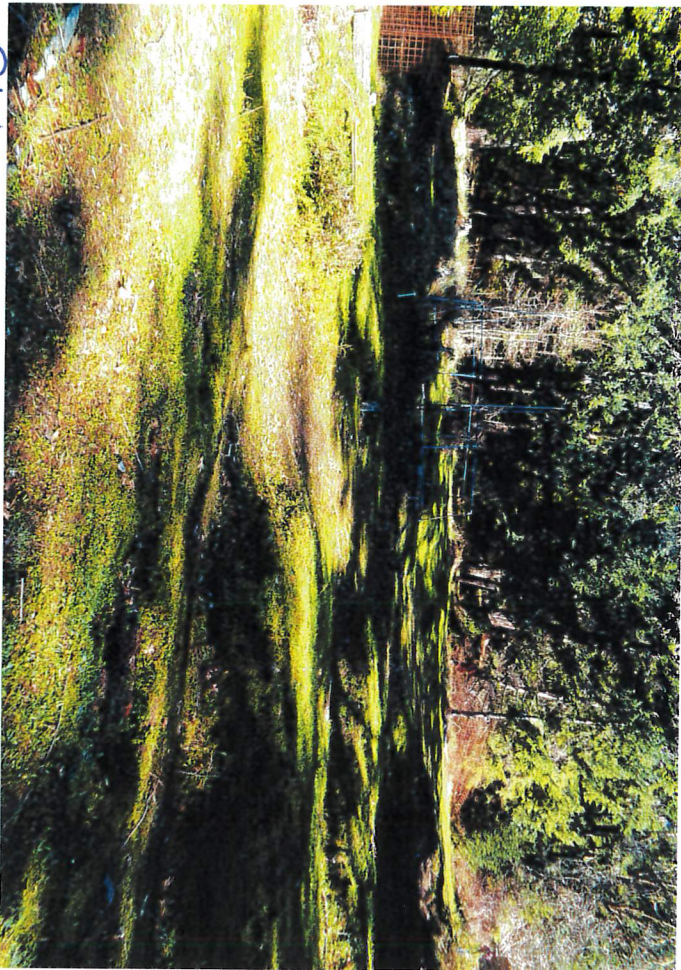


CA-1



CA-1

2/6/18 208-341-008 CA1



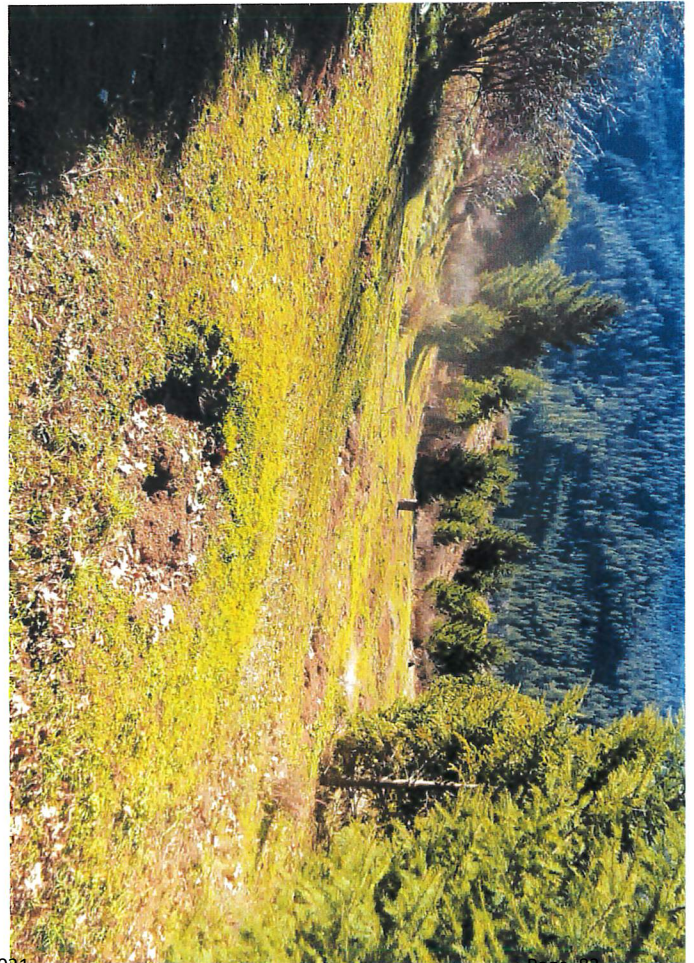
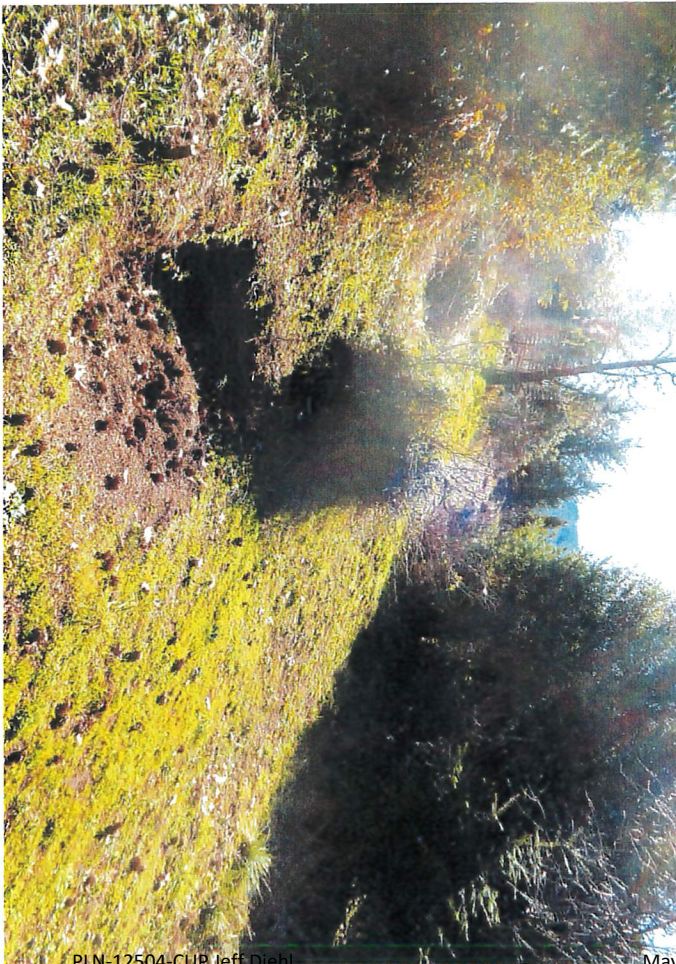
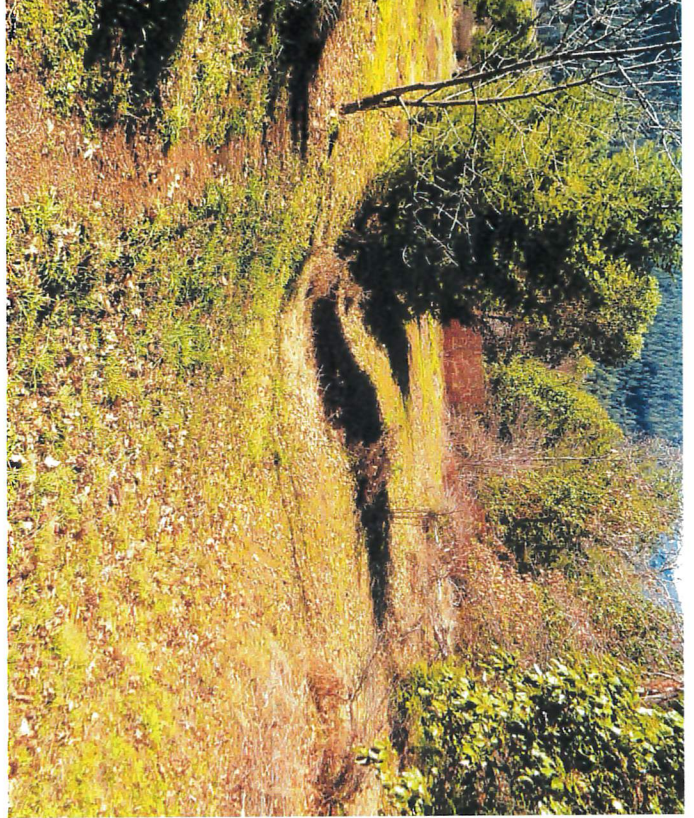
CA1

CA4



CA4

CAH

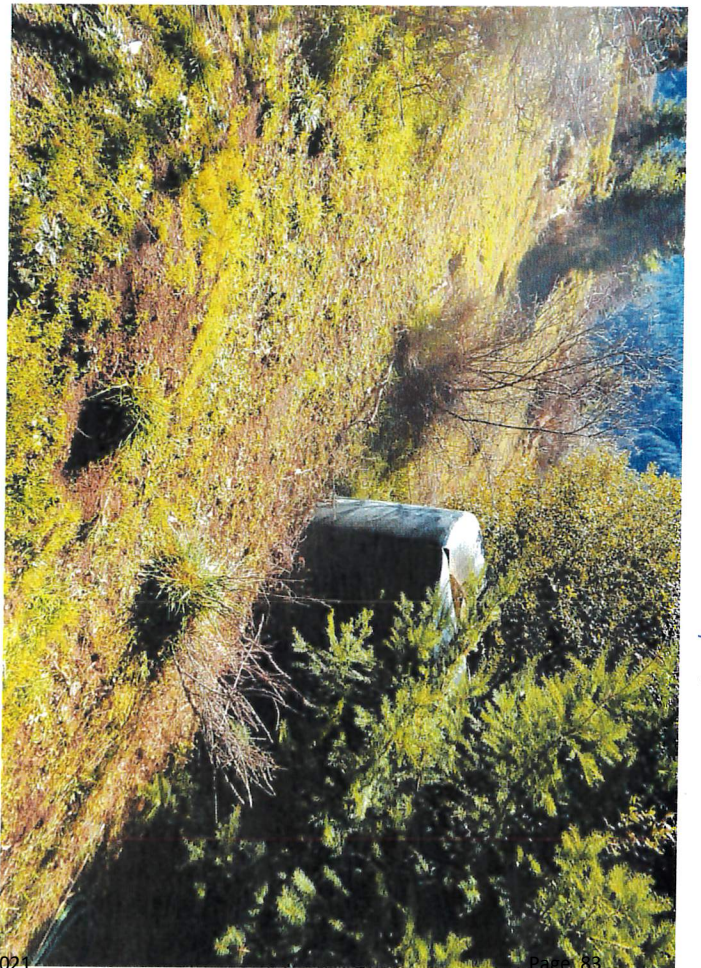
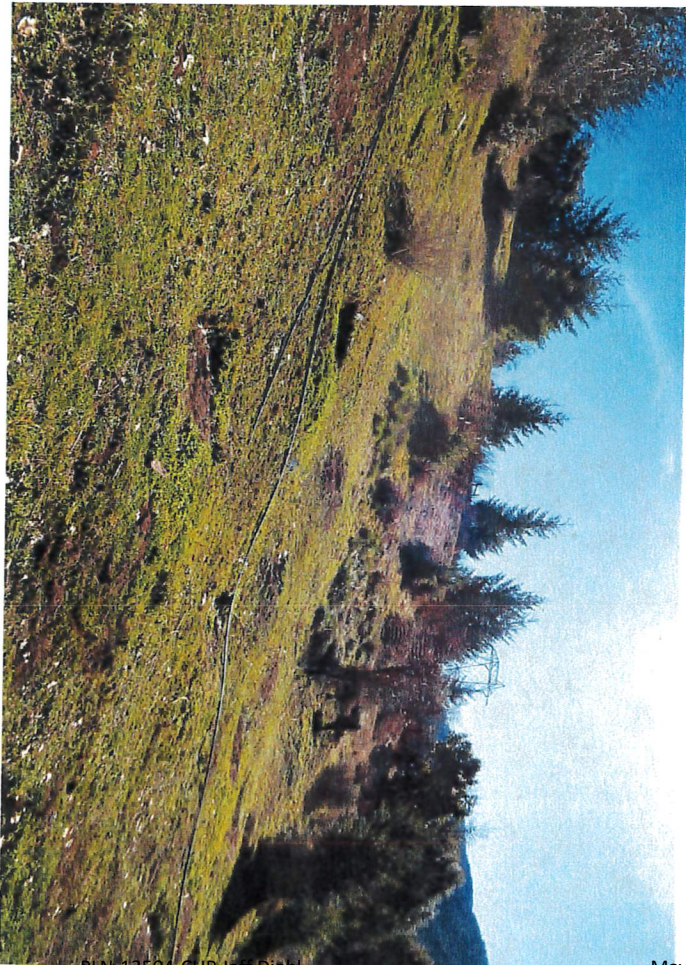


2/6/18 208-341-008 8/10/18

CA4



CA4



Tank @ CA4

CA4



Generator



PLN-12504-CUP Jeff Diehl

May 6, 2021

Peto Storage



Page 84

2/6/18 208-341-008 8/6/1e



Peko Storage



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCA1A-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 08-06-2018

RE:

Applicant Name	Jeff Diehl
APN	208-341-008
APPS#	12504 CUP16-710

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~~. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 1, 2, 6, and 7 on exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 12504

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

If YES, include the following requirement:

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

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

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

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

// END //

From: Titus.Lucas@CALFIRE
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk@HUU.CEOA@CALFIRE)
Subject: APN# 208-341-008 Jeff Diehl APPS# 12504
Date: Wednesday, November 29, 2017 9:14:41 AM

Resource Management has no comments regarding this project at this time.

Lucas Titus
Forester I, Bridgeville Resource Management
Department of Forestry and Fire Protection
CAL FIRE
Humboldt-Del Norte Unit
Office (707)777-1720
Cellular (707)599-6893

Every Californian should conserve water. Find out how at:

[SaveOurWater_Logo](#)



[SaveOurWater.com](#) · [Drought.CA.gov](#)

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

Ref: 7100 Planning
Date: November 30, 2017

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

Attention: Cannabis Planner
Applicant: Diehl, Jeffrey
APN: 208-341-008-000
Area: Dinsmore
Case Numbers: CUP16-710

Humboldt County Application #: 12504
Type of Application: Conditional Use Permit
Date Received: 11/27/2017
Due Date: 12/7/2017

Project Description: An application for a Conditional Use Permit for 18,500 square foot (SF) existing outdoor medical cannabis cultivation. Water source is an onsite well. Water storage is 13,750 gallons between eight (8) hard tanks. Drying is performed onsite with all the other processing performed offsite. Power source is two (2) generators.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
 - During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
 - During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
 - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
 - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.
5. Humboldt County Ordinance 55.4.11(u) (a) states; "Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise." Failure to shield artificial light during the night creates a light pollution that is easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.



From: [Lee, Bo@CALFIRE](mailto:Lee,Bo@CALFIRE)
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning_Clerk;HUU.CEOA@CALFIRE)
Subject: 208-341-008-000, Jeff Diehl, application number 12504
Date: Sunday, December 03, 2017 1:56:00 PM

Reviewed by B1213.

Recommend:

- Emergency Access
 - Turnarounds
- Signing and building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244



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

9/25/2018

**PROJECT REFERRAL TO: California Department of Transportation
District #1**

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Mad River Joint Unified School District, South Trinity Joint Unified School District, Six Rivers National Forest

Applicant Name Jeff Diehl **Key Parcel Number** 208-341-008-000

Application (APPS#) 12504 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-710

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

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

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

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

Return Response No Later Than 10/10/2018

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: 1. Proof of access easement and ability to obtain valid encroachment permit
2. Verify road approach to Rattlesnake Bridge Rd. meets commercial standards

DATE: 10-11-2018
PLN-12504-CUP Jeff Diehl

PRINT NAME: Barrett Penton
May 6, 2021

From: [Meghan Ryan](#)
To: ["jesse.robertson@dot.ca.gov"](mailto:jesse.robertson@dot.ca.gov)
Cc: [Samantha C. Thomas](#)
Subject: APPS #12504 - Jeff Diehl - APN 208-341-008 - Humboldt County
Date: Tuesday, March 2, 2021 11:37:00 AM
Attachments: [12504_ref_Caltrans.pdf](#)
[2_12504_Road_Evaluation_12.10.2019.pdf](#)
[image002.png](#)

Good morning, Jesse – I hope you're doing well! LACO Associates is contracted with the Humboldt County Planning Department to provide on-call planning services and we are processing cannabis permits. I wanted to follow up with you this permit.

The project is located off Cobb Road near the community of Dinsmore, approximately 1.2 miles from Highway 36.

I attached the CAL TRANS comments and the Road Evaluation Report received for the project for your review.

Here is the language from the deed regarding access. I am working on getting the survey map and will send the entire deed separately once I have all pieces:

PARCEL A:

Parcel 13 as shown on the Map of Tract No. 289 (Cobb Station) filed in the Office of the Humboldt County Recorder, in Book 19 of Maps, Pages 27 through 33, inclusive.

RESERVING therefrom, for the benefit of, and as an appurtenance to Parcel 21 of said Tract No. 289, a non-exclusive easement for ingress, egress and utilities in and over that portion lying within "Cobb Road" as shown on the recorded Map of said Tract No. 289.

ALSO RESERVING therefrom, for the benefit of, and as an appurtenance to Parcel 21 of said Tract No. 289, a non-exclusive easement for utilities, together with overhang and anchor easements, as required, in and over those strips of land along property lines as shown on said recorded Map.

Please let me know if you need any additional information or have any questions. If there are any Conditions of Approval requested by CAL TRANS, please let me know and I will incorporate into the staff report.

I appreciate your time!

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

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COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 446-7246

10/2/2020

Project Referred To The Following Agencies:

Bear River Band, Other: Airport Director FAA

Applicant Name Jeff Diehl Key Parcel Number 208-341-008-000

Application (APPS#) PLN-12504-CUP Assigned Planner Elizabeth Moreno 707-268-3713

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

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

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

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

Return Response No Later Than: 10/17/2020

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

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

- ☐ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

10.07.2020

PRINT NAME: _____

Cody Raggatz
Cody Raggatz



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

9/25/2018

PROJECT REFERRAL TO: Six Rivers National Forest

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Mad River Joint Unified School District, South Trinity Joint Unified School District, Six Rivers National Forest

Applicant Name Jeff Diehl **Key Parcel Number** 208-341-008-000

Application (APPS#) 12504 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-710

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

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

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

Return Response No Later Than 10/10/2018

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☒ Recommend Denial. Attach reasons for recommended denial.
- ☐ Other Comments: _____

DATE: 3 Oct 2018

PRINT NAME: George Frey - Lands & Minerals Specialist
Six Rivers N.F.



United States
Department of
Agriculture

Forest
Service

Pacific Southwest Region
Six Rivers National Forest

1330 Bayshore Way
Eureka, CA 95501
707-442-1721
TDD: 707-442-1721
Fax: 707-442-9242

File Code: 1500
Date: August 29, 2018

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

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN
Acting Forest Supervisor



From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Johnson, Cliff](#); [Samantha C. Thomas](#)
Subject: APPS #12504 Jeff Diehl - APN 208-341-008: Projected Hearing Date - April 15, 2021
Date: Tuesday, March 2, 2021 11:45:00 AM

Good morning, Scott – I hope this email finds you well. I am reaching out to see if CDFW has any comments on the Jeff Diehl project near the community of Dinsmore. The project description is:

A Conditional Use Permit for a continued cultivation of 11,000 square feet (SF) of outdoor cannabis, of which 10,000 SF is full-sun outdoor and 1,000 SF is mixed light in one (1) 1,000 SF light deprivation greenhouse. Ancillary propagation occurs within the 1,000 SF mixed light greenhouse, which is used as storage space as well. Irrigation water is sourced from an onsite permitted groundwater well. Existing available water storage is 13,750 gallons. An additional 3,000-gallon water tank is proposed. Estimated annual water usage is 46,500 gallons. Drying occurs onsite with all other processing occurs off site at a licensed processing or manufacturing facility. A maximum of four people will be on-site during peak operations. Power is provided by two generators. The proposed project includes a Special Permit to allow a reduction in the 600-foot setback requirement from public lands.

If you have any questions or would like any additional information, please let me know.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
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707 443-5054
<http://www.lacoassociates.com>

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