



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 20, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Judy Hulbert, Special Permit**
Record Number PLN-10951-SP
Assessor's Parcel Number (APN) 523-025-005
2171 Coon Creek Road, Willow Creek

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 20, 2021	Special Permit	Megan Acevedo

Project Description: A Special Permit for 7,854 square feet of existing outdoor cannabis cultivation with 774 square feet of ancillary propagation. The applicant is proposing to add light-deprivation greenhouses with no use of supplemental lights to the pre-existing outdoor cultivation footprint. Irrigation water will be provided by a permitted groundwater well. Annual water needed for irrigation is estimated at a maximum of 200,000 gallons. There are three (3) 2,500-gallon hard-sided water tanks, and one (1) additional 2,500-gallon tank is proposed to be designated for fire suppression. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator.

Project Location: The project is located in the Willow Creek area, on both sides of Coon Creek Road, approximately 2.16 miles east from the intersection of USFS Route 7N02 and Coon Creek Road, on the property known as 2171 Coon Creek Road.

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-10951-SP

Assessor's Parcel Number: 523-025-005

Applicant

Judy Hulbert
PO Box 184
Willow Creek, CA 95573

Owner

Judy Hulbert
PO Box 184
Willow Creek, CA 95573

Agents

Breeanna Kalson
1434 3rd St.
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 Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Judy Hulbert's Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for 7,854 square feet of pre-existing outdoor cannabis cultivation with 774 square feet of ancillary propagation. The applicant is proposing to add light-deprivation greenhouses with no use of supplemental lights to the pre-existing outdoor cultivation footprint. Irrigation water will be provided by a permitted groundwater well. Annual water needed for irrigation is estimated at a maximum of 200,000 gallons. There are three (3) 2,500-gallon hard-sided water tanks, and one (1) additional 2,500-gallon tank is proposed to be designated for fire suppression. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator, and solar fans.

The parcel was determined to have a total of 7,859 ft² of pre-existing outdoor cultivation, and at least one pre-existing 2,083 ft² greenhouse was shown in the cultivation area verification that was done. The applicant is requesting to add three smaller greenhouses for light-deprivation techniques without the use of supplemental lighting. The addition of greenhouses will provide for better environmental controls, produce better quality product, and allow for two annual harvests. Proposed greenhouses will be located within the pre-existing flats, and no grading or tree removal is required. As well, no increased power use will result from operating light-deprivation techniques with no use of supplemental lights. It has been determined that the addition of light-deprivation greenhouses without the use of lights, will not significantly increase the environmental effects from the proposed project.

The project was referred to the Building Division on February 15, 2018, and a site inspection was conducted on May 18, 2018. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained, and to submit a revised Site Plan. A revised Site Plan has been submitted to include all existing and proposed structures. The applicant plans to dry within two existing drying tents and one small 10'x12' drying and harvest storage shed. A total of four (4) outdoor light-deprivation greenhouses are proposed, and one (1) propagation greenhouse is proposed. As well, there is one (1) existing generator shed used to house the Honda EU2000i generator. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: one (1) 23'x90' greenhouse, one (1) 20'x90' greenhouse, one (1) 30'x101' greenhouse, one (1) 18'x53' greenhouse, one (1) 18'x43' propagation greenhouse, one (1) 10'x20' drying tent, one (1) 10'x40' drying tent, and one (1) 12'x12' generator & fuel storage shed.

There is an existing composting toilet on the site, and the applicant has discontinued the use of the composting toilet. The applicant plans to provide portable toilets and hand washing stations at the northern and southern cultivation sites. The project was referred to the Department of Environmental Health (DEH) on February 15, 2018, and the Department replied on April 11, 2018, with a recommendation of conditional approval. The applicant is conditioned to provide an invoice or equivalent documentation to DEH to confirm the continual use of portable toilets. The applicant is also

conditioned to communicate with DEH on the proper methods to decommission the composting toilet, and shall follow decommissioning methods accordingly.

Water Resources

The project will source water from the permitted well on-site (permit# 20/21-0075), which has been determined to be a groundwater well. The Well Completion Report for the well shows a depth of 280 feet for the well, and it is screened at 240 feet where soft bedrock occurs, and then hard fractured bedrock at a 243 foot depth. Anticipated annual water needed for irrigation is estimated at a maximum of 200,000 gallons, and the applicant has not cultivated the site since she acquired the permit application. The well was recently constructed this year, and the applicant is required to install a meter at the well to meter annual water usage for irrigation. A total of 7,500 gallons of water storage currently exists on-site, and the applicant is proposing to add an additional 2,500-gallon tank for fire suppression. Since water is sourced from a groundwater well the applicant is not required to abide by a forbearance period, and existing water storage is sufficient for project needs.

The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 2 Low Risk site. A Notice of Applicability letter dated January 8, 2021, was submitted as proof of enrollment under WDID: 1_12CC429921. There are two streams that run through the property, and all cultivation areas exist outside of the streamside management areas. The applicant is required to have a Site Management Plan prepared for the site to assess any mitigation measure needed to comply with the SWRCB General Order, and shall implement all corrective actions in the report. The project is conditioned to have a Site Management Plan prepared for the site, and shall submit a copy to the Planning Department when available.

There is one known stream crossing on-site and two culverts that have been determined to be undersized to meet a 100-year flood event. The applicant has submitted a Lake or Streambed Alteration Notification with the Department of Fish & Wildlife on February 16, 2021, and has had a site visit conducted with CDFW. The applicant is in the process of obtaining a Final Streambed Alteration Agreement with CDFW for all instream work required for the project, and is conditioned to abide by the project description and work outlined within the Final SAA and provide a copy to the Planning Department when available.

Timber Conversion

The project was referred to CalFire on February 15, 2018. The agency replied on March 2, 2018, stating that they had no comments at that time. The existing open flats where pre-existing cannabis was located are areas that were converted prior to January 1st 2016. Approximately 0.91 acres of tree removal did occur between 2005 and 2009, and the applicant is conditioned to provide a Timber Conversion Report prepared by a Registered Professional Forester, to assess any timber conversion that was done on the parcel, in compliance with section 55.4.10 (j) of the CMMLUO.

Biological Resources

The project is located approximately 0.56 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project site is heavily forested, and does have the potential of containing NSO habitat. As well, according to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the site contains habitat for the Humboldt Martin (*Martes Caurina Humboldtensis*). Due to the presence of habitat for NSO and Humboldt Martin on-site the applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at any tree line when noise generating equipment are in use, generators shall be enclosed in permanent generator shed locations, no human activity shall occur within a visual line-of-sight of 40 meters or less from any known Humboldt Martin den location, and these have been included in the Ongoing Conditions of Approval for the project.

As the site is pre-existing, and there is no proposed new development that would require tree removal, the applicant was not required to provide a Biological Report for the site. The addition of light-deprivation greenhouses to the existing outdoor cultivation, with no use of supplemental lights, has been

determined to have a less than significant impact on the surrounding wildlife, so long as the applicant complies with all conditions of approval.

Tribal Cultural Resource Coordination

The project is located in the Tsnungwe and Hoopa Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), the Tsnungwe Council and the Hoopa Valley Tribe in February of 2018. The NWIC replied on March 1, 2018, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Tsnungwe Council replied on February 17, 2018, stating that they had no objection to the proposed project. The Hoopa Valley Tribe did not respond, and the applicant was not required to have a Cultural Resource Investigation done for the site. In the event that cultural, tribal or historical resources are discovered during project activities, the applicant shall adhere to Inadvertent Discover Protocols and 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. The Inadvertent Discover Protocol has been included in the conditions of approval for the project.

Access

Access to the site is via a driveway off of Coon Creek Road (which is labeled as River Access Road in the Humboldt County Web GIS) via Horse Linto Road via Patterson Road. Patterson Road is a Category 4 County maintained roadway. Horse Linto Road and River Access Road (Coon Creek Road) are mainly US Forest Service Roads. A Road Evaluation Report form was submitted by the applicant for 2.3 miles of River Access Road, which indicates it as being developed to the equivalent of a road category 4 standard. Since the roads to the site are forest service roads, no improvements are able to be made at this time. It has been determined that the access roads to the site do meet the functional capacity for the proposed project. The project was referred to the US Forest Service on February 15, 2018, but no comments were received.

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 Zoning Administrator (See Attachment 2 for more information).

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

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

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

**Resolution Number 21 -
Record Number PLN-10951-SP
Assessor's Parcel Number: 523-025-005**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving Judy Hulbert's Special Permit.

WHEREAS, Old Judy Hulbert, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 7,854 ft² outdoor cannabis cultivation operation allowing for light-deprivation methods, with appurtenant propagation and drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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 Zoning Administrator held a duly-noticed public hearing on May 20, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow 7,854 ft² of outdoor cannabis cultivation utilizing light-deprivation techniques, 774 ft² ancillary propagation and drying activities. Power is provided by one Honda EU 2000i generator. Water for irrigation is provided by a permitted groundwater well.

EVIDENCE: a) Project File: PLN-10951-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator 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 Well Completion Report for the permitted well (permit# 20/21-0075) showing data supporting evidence of a groundwater well.
- d) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 2 Low Risk site, under WDID: 1_12CC429921.
- e) Tree removal did occur on the site between 2005 and 2009, and the applicant is conditioned to have a Timber Conversion Report prepared by a Registered Professional Forester, in compliance with Section 55.4.10 (j) of the CMMLUO.
- f) A Lake or Streambed Alteration Notification submitted on February 16, 2021, with CDFW for the instream work needed to upgrade two culverts on-site.
- g) A Road Evaluation Report form was prepared by the applicant for River Access Road (aka Coon Creek Road) for 2.3 miles to the site. The Road Evaluation Report form designated the road as being developed to the equivalent of a road category 4 standard.

FINDINGS FOR 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 Timberland (T) 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 project is located approximately 0.56 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project site is heavily forested, and does have the potential of containing NSO habitat. As well, according to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the site contains habitat for the Humboldt Martin (*Martes Caurina Humboldtensis*). Conditions have been included in order to mitigate the effects of the proposed project on potential wildlife on-site.

4. FINDING

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

EVIDENCE

- a) The Timberland Production Zone or TPZ 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 TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,854 square feet of outdoor on a 159 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The parcel has been deemed to be a legal parcel per DS-06-13A.
- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report form was prepared by the applicant for River Access Road (aka Coon Creek Road) for 2.3 miles to the site. The Road Evaluation Report form designated the road as being developed to the equivalent of a road category 4 standard, which meets functional capacity for the project needs.
- e) The cultivation of cannabis will not result in the net conversion of timberland. Tree removal did occur on the site between 2005 and 2009, and the applicant is conditioned to have a Timber Conversion Report prepared by a Registered Professional Forester, in compliance with Section 55.4.10 (j) of the CMMLUO.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 10,000 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) 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.

- b) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.
- c) 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

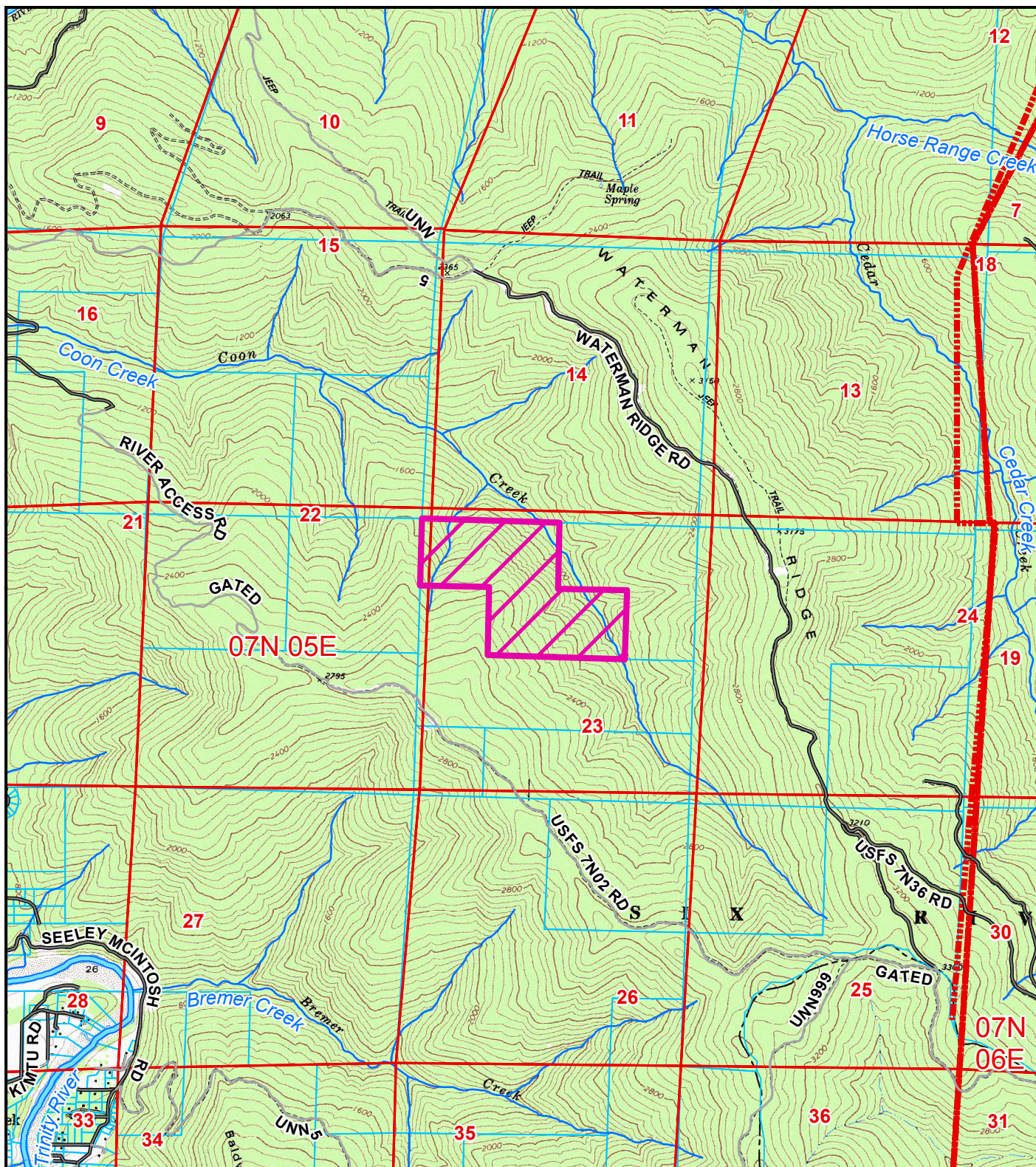
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Judy Hulbert, 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 20, 2021.

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

John H. Ford, Zoning Administrator,
Planning and Building Department



TOPO MAP
PROPOSED BRITTANY HOSKIN
WILLOW CREEK AREA
SP-16-113

APN: 523-025-005
T07N R05E S22; S23 HB&M (SALYER)

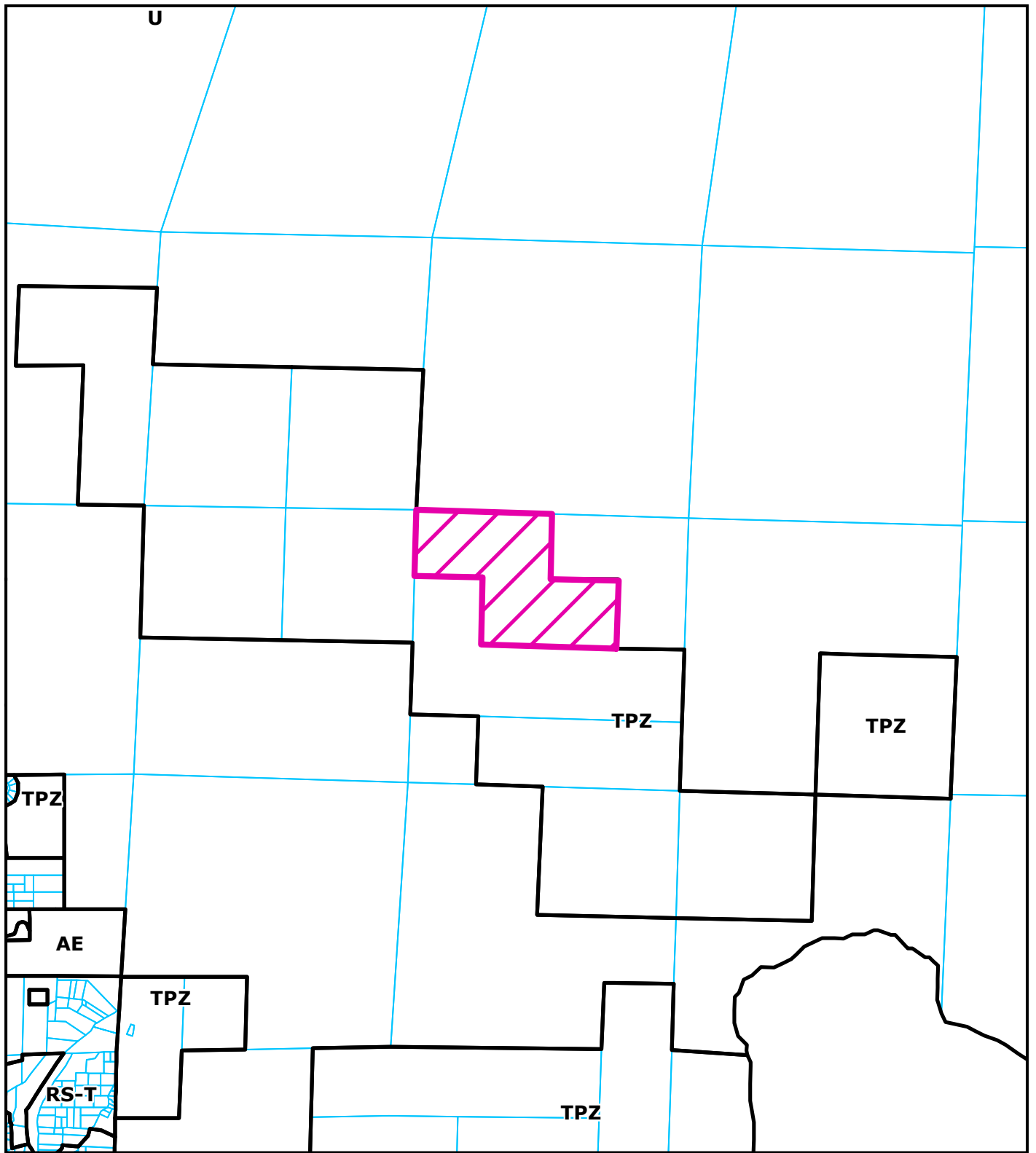
Project Area =



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

0 0.275 0.55 1.1 Miles



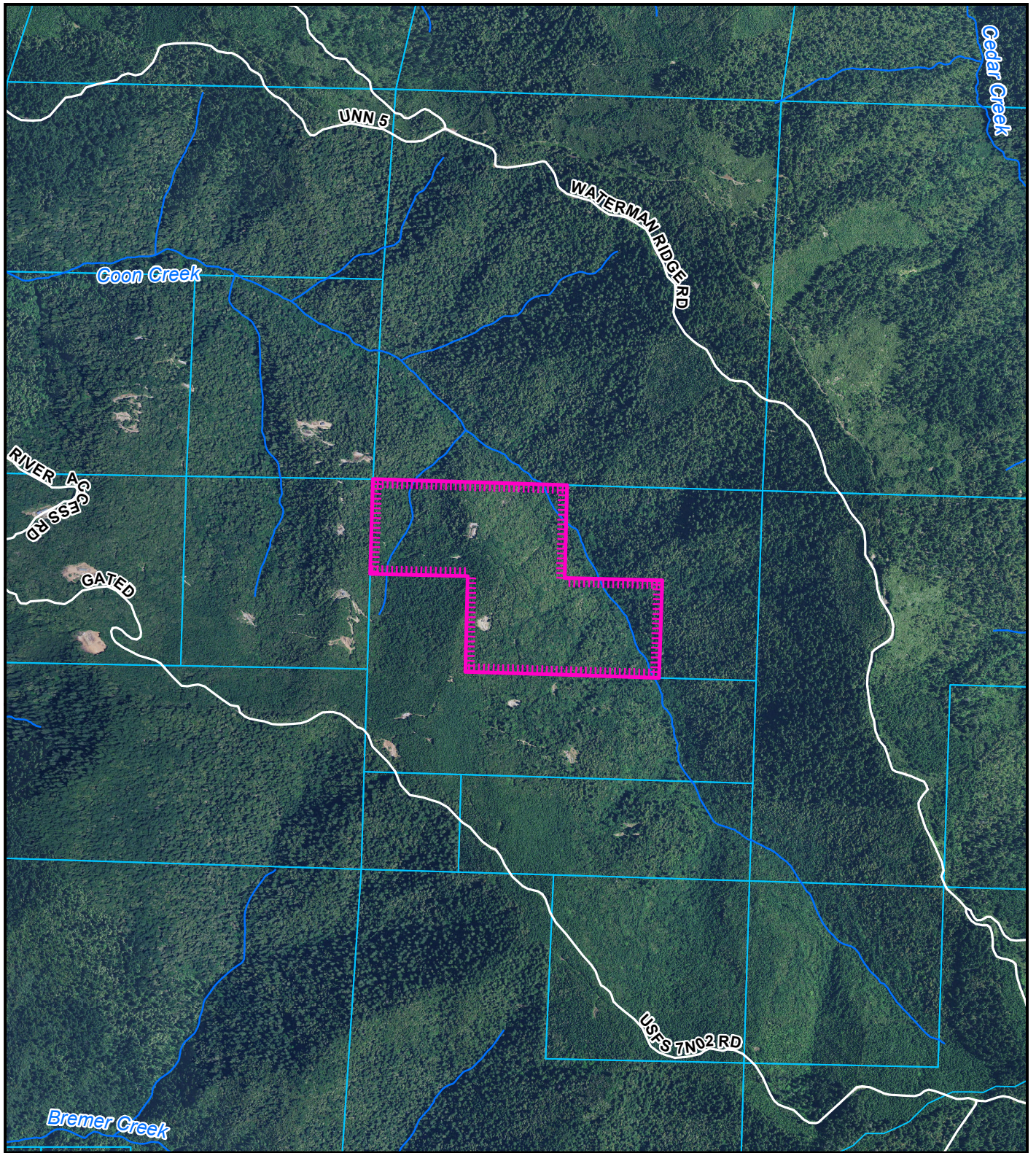


**ZONING MAP
PROPOSED BRITTANY HOSKIN
WILLOW CREEK AREA
SP-16-113
APN: 523-025-005
T07N R05E S22; S23 HB&M (SALYER)**

Project Area = 

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

0 0.275 0.55 1.1 Miles



**AERIAL MAP
PROPOSED BRITTANY HOSKIN
WILLOW CREEK AREA
SP-16-113
APN: 523-025-005
T07N R05E S22; S23 HB&M (SALYER)**

Project Area = 

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

0 1,000 2,000 4,000 Feet



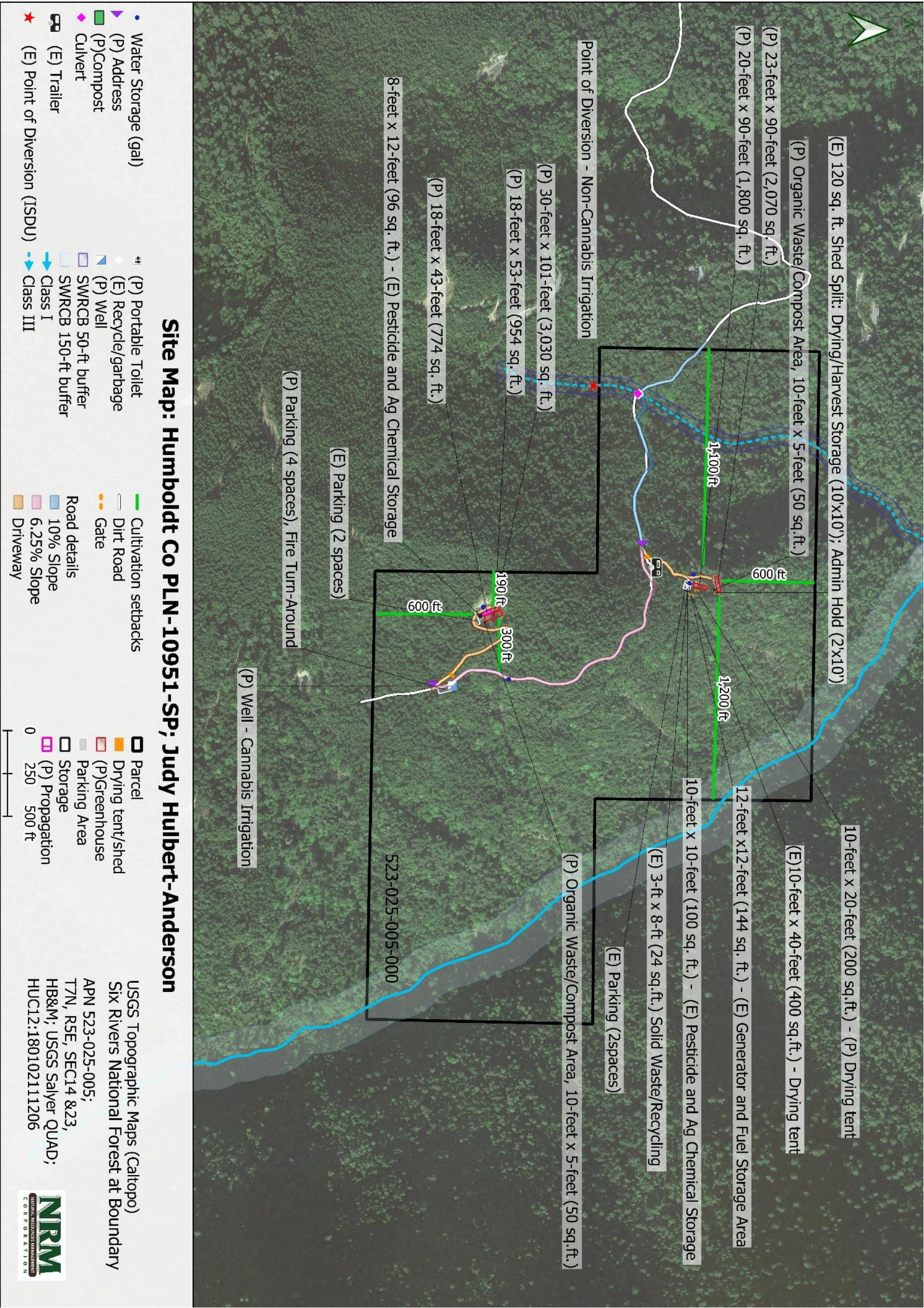


Figure 5. Site Plan; APN 523-025-005

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

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. 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 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: one (1) 23'x90' greenhouse, one (1) 20'x90' greenhouse, one (1) 30'x101' greenhouse, one (1) 18'x53' greenhouse, one (1) 18'x43' propagation greenhouse, one (1) 10'x20' drying tent, one (1) 10'x40' drying tent, and one (1) 12'x12' generator & fuel storage shed. 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.
7. The applicant is conditioned to provide an invoice or equivalent documentation to DEH and the Planning Department to confirm the continual use of portable toilets.
8. The applicant is also conditioned to communicate with DEH on the proper methods to decommission the composting toilet, and shall follow decommissioning methods accordingly. A letter or similar communication from the Department of Environmental Health verifying that the composting toilet was decommissioned in compliance with DEH will satisfy this condition.

9. The applicant shall have a Site Management Plan (SMP) prepared for the site, and shall implement all corrective actions outlined in the report. A copy of the SMP shall be submitted to the Planning Department when available.
10. The applicant shall abide by the project description and work outlined within the Final Streambed Alteration Agreement with CDFW and provide a copy of the Agreement to the Planning Department when available.
11. The applicant shall have a Timber Conversion Report prepared by a Registered Professional Forester, to assess any timber conversion that was done on the parcel, and provide a copy to the Planning Department when available.
12. The applicant shall install a water monitoring device on the well and storage tanks applicable - to monitor water used for cannabis irrigation.
13. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. The applicant shall execute and file with the Planning 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.

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 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. The applicant shall ensure that no human activity will occur within a visual line-of-sight of 40 meters or less from any known Humboldt Martin den location, in the event that a Humboldt Martin den has been identified.
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 State Water Resource Control Boards (SWRCB) General Order No. WQ 2019-0001-DQW, 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. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - 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.

28. 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.
29. 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. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. 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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. 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.
33. 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.
34. 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.
35. 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 #5 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 the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 523-025-005; 2171 Coon Creek Road, Willow Creek
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.

Project Description:

The modified project involves Special Permit for 7,854 square feet of pre-existing outdoor cannabis cultivation with 774 square feet of ancillary propagation. The applicant is proposing to add light-deprivation greenhouses with no use of supplemental lights to the pre-existing outdoor cultivation footprint. Irrigation water will be provided by a permitted groundwater well. Annual water needed for irrigation is estimated at a maximum of 200,000 gallons. There are three (3) 2,500-gallon hard-sided water tanks, and one (1) additional 2,500-gallon tank is proposed to be designated for fire suppression. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator, and solar fans.

There is an existing composting toilet on the site, and the applicant has discontinued the use of the composting toilet. The applicant plans to provide portable toilets and hand washing stations at the northern and southern cultivation sites. The project was referred to the Department of Environmental Health (DEH) on February 15, 2018, and the Department replied on April 11, 2018, with a recommendation of conditional approval. The applicant is conditioned to provide an invoice or equivalent documentation to DEH to confirm the continual use of portable toilets. The applicant is also conditioned to communicate with DEH on the proper methods to decommission the composting toilet, and shall follow decommissioning methods accordingly.

Water Resources

The project will source water from the permitted well on-site (permit# 20/21-0075), which has been determined to be a groundwater well. Anticipated annual water needed for irrigation is estimated at a maximum of 200,000 gallons, and the applicant has not cultivated the site since she acquired the permit application. The well was recently constructed this year, and the applicant is required to install a meter at the well to meter annual water usage for irrigation.

The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 2 Low Risk site. A Notice of Applicability letter dated January 8, 2021, was submitted as proof of enrollment under WDID: 1_12CC429921. There are two streams that run through the property, and all cultivation areas exist outside of the streamside management areas. The applicant is required to have a Site Management Plan prepared for the site to assess any mitigation measure needed to comply with the SWRCB General Order, and shall implement all corrective actions in the report. The project is conditioned to have a Site Management Plan prepared for the site, and shall submit a copy to the Planning Department when available.

There is one known stream crossing on-site and two culverts that have been determined to be undersized to meet a 100-year flood event. The applicant has submitted a Lake or Streambed Alteration Notification with the Department of Fish & Wildlife on February 16, 2021, and has had a site visit conducted with CDFW. The applicant is in the process of obtaining a Final Streambed Alteration Agreement with CDFW for all instream work required for the project, and is conditioned to abide by the project description and work outlined within the Final SAA and provide a copy to the Planning Department when available.

Timber Conversion

The project was referred to CalFire on February 15, 2018. The agency replied on March 2, 2018, stating that they had no comments at that time. The existing open flats where pre-existing cannabis was located are areas that were converted prior to January 1st 2016. Approximately 0.91 acres of tree removal did occur between 2005 and 2009, and the applicant is conditioned to provide a Timber Conversion Report prepared by a Registered Professional Forester, to assess any timber conversion that was done on the parcel, in compliance with section 55.4.10 (j) of the CMMLUO.

Biological Resources

The project is located approximately 0.56 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project site is heavily forested, and does have the potential of containing NSO habitat. As well, according to the California Natural Diversity Database (CNDDB) for rare and endangered species, the site contains habitat for the Humboldt Martin (*Martes Caurina Humboldtensis*). Due to the presence of habitat for NSO and Humboldt Martin on-site the applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at any tree line when noise generating equipment are in use, generators shall be enclosed in permanent generator shed locations, no human activity shall occur within a visual line-of-sight of 40 meters or less from any known Humboldt Martin den location, and these have been included in the Ongoing Conditions of Approval for the project.

Tribal Cultural Resource Coordination

The project is located in the Tsnungwe and Hoopa Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), the Tsnungwe Council and the Hoopa Valley Tribe in February of 2018. The NWIC replied on March 1, 2018, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Tsnungwe Council replied on February 17, 2018, stating that they had no objection to the proposed project. The Hoopa Valley Tribe did not respond, and the applicant was not required to have a Cultural Resource Investigation done for the site. In the event that cultural, tribal or historical resources are discovered during project activities, the applicant shall adhere to Inadvertent Discover Protocols and 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. The Inadvertent Discover Protocol has been included in the conditions of approval for the project.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include having a Site Management Plan prepared for the site, metering water used for irrigation obtaining a Final Streambed Alteration Agreement with F&W, having a timber conversion report prepared for any timber that was converted on-site, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise, and adhering to Inadvertent Discovery Protocols.

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 7,854 square feet of outdoor 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 Natural Resources Management dated 3/23/2021 and received 4/8/2021.
- Cultivation and Operations Plan prepared by Natural Resources Management dated 3/23/2021 and received 4/8/2021.
- Well Completion Report for permitted Well (20/21-0075).
- Notice of Applicability letter dated January 8, 2021, for enrollment in the SWRCB General Order WQ 2019-0001-DWQ, WDID: 1_12CC429921.
- A Lake & Streambed Alteration Notification submitted 2/16/2021, and received 4/29/2021.
- A Road Evaluation Report form prepared by the applicant for River Access Road (aka Coon Creek Road) dated 4/22/2021.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

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. (Site Plan prepared by Natural Resources Management dated 3/23/2021 – Attached with project Maps)
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. (Cultivation and Operations Plan prepared by Natural Resources Management dated 3/23/2021 and received 4/8/2021 - 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 Operations 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. (Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ, WDID: 1_12CC429921 – Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2021-16845-R1 executed 2/16/2021 – Attached.)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 20/21-0075 - Attached)
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. (The applicant is conditioned to have a Timber Conversion Report developed.)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, 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. A Road Evaluation Report form prepared by the applicant for River Access Road (aka Coon Creek Road). (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

Cultivation and Operations Plan

REVISED

**Humboldt County APN 523-025-005
PLN-10951-SP**



March 23, 2021

Revised for
Judy Anderson-Hulbert
1413 4th St. Eureka CA

Revised by
Natural Resources Management (NRM)



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I. Project Overview

The project is located on Coon Creek in northern Humboldt County, approximately 3 miles due northeast of the town of Willow Creek. The recent address assignment provides a physical address for the project: 2171 Coon Creek Road. The APN occupied approximately 159 acres of Timberland (general plan designation), 100% of which is zoned as Timber Production Zone (TPZ).

The project consists of three preexisting outdoor cultivation areas on three preexisting graded flats with a total of 7,859 square feet of outdoor cultivation under Ordinance 2559, the Commercial Medical Marijuana Land Use Ordinance (CMMLUO; 'Ordinance 1.0'). Propagation, cultivation and drying of the harvest is performed onsite; all processing occurs offsite.

This Revised Cultivation and Operations Plan describes a change from full sun outdoor propagation, allowing one harvest, to a light deprivation system with hoop houses and two harvests per year. Where applicable, implications from this proposed change have been addressed: Ii, IIIii, IVi, Vi, and X.

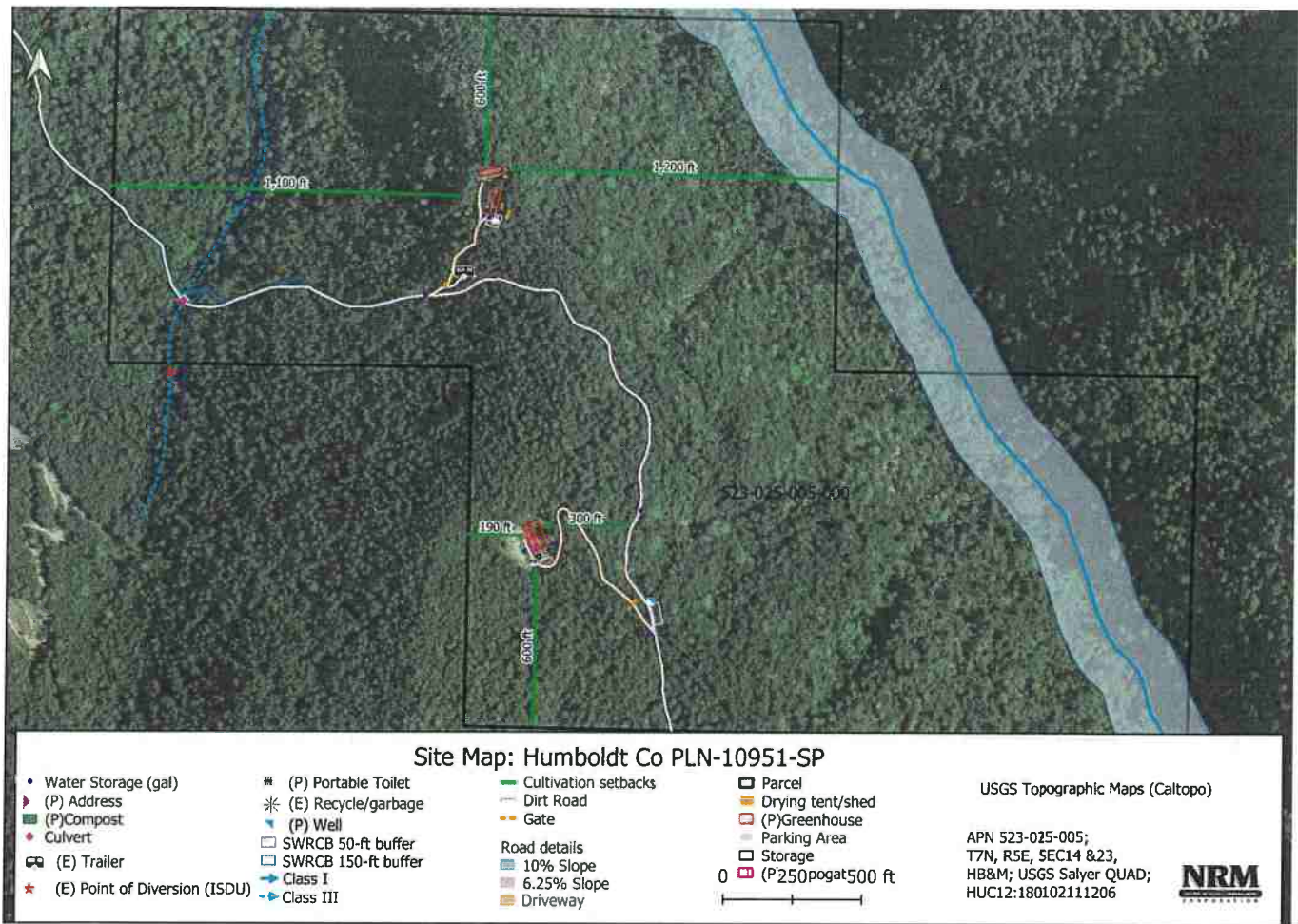


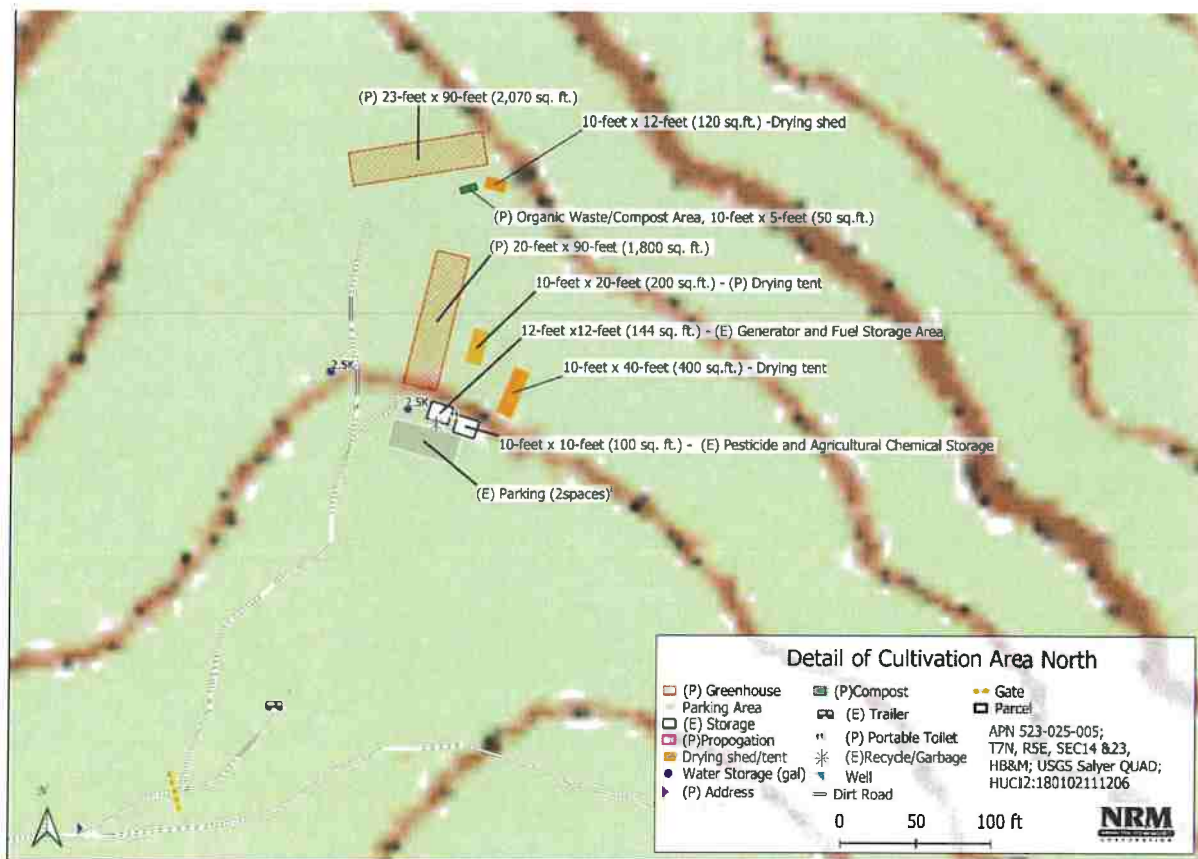
Figure 1. Site Map – overview (no labels); APN 523-025-005

Li Cultivation Area North

See Figure 2. The smaller flats on the north side of the parcel, herein collectively known as the Northern Cultivation Area (CA North), are approximately 8,000 sq. ft. and 11,000 sq.ft. in size.

The supporting infrastructure on CA North includes two drying tents (10'x40' and 10'x20'), a drying shed (10'x12') that will also act as a secure harvest storage shed, two storage sheds (12'x12' and 12'x10'), a proposed portable toilet, a proposed compost area (10'x5'), a solid waste storage area (3'x8'), and two hard sided water tanks (2- 2,500 gallon). CA North will have a dedicated graveled parking area that will accommodate 2 vehicles. There is an additional 2,600 sq.ft. turn around area at the midway point of the parcel.

There are two proposed cannabis cultivation/flowering areas at CA North: one 23-foot by 90-foot area (CA#1, 2,070 sq. ft.) and one proposed 20-foot by 90-foot area (CA #2, 1,800 sq. ft.).



Iii Cultivation Area South

The largest graded flat, herein the Southern Cultivation Area (CA South), is approximately 25,000 sq.ft. with a total disturbance area (including the cut bank) of 30,000 sq.ft.

The supporting infrastructure on CA South includes a proposed 785 sq. ft. propagation greenhouse, a proposed compost area (10'x5'), one hard sided water tank (2,500 gallons), a portable toilet and a storage shed (8' x 12'). CA South will have a dedicated graveled parking area that will accommodate 2 vehicles.

There are two cannabis cultivation/flowering areas at CA South: one proposed 101-foot by 30-foot area (CA #3, 3,030 sq. ft.) and one proposed 18-foot by 53-foot area (CA #4, 954 sq. ft.). There is also a proposed propagation greenhouse, 18-feet by 43-feet (PA #1, 774 sq. ft.).

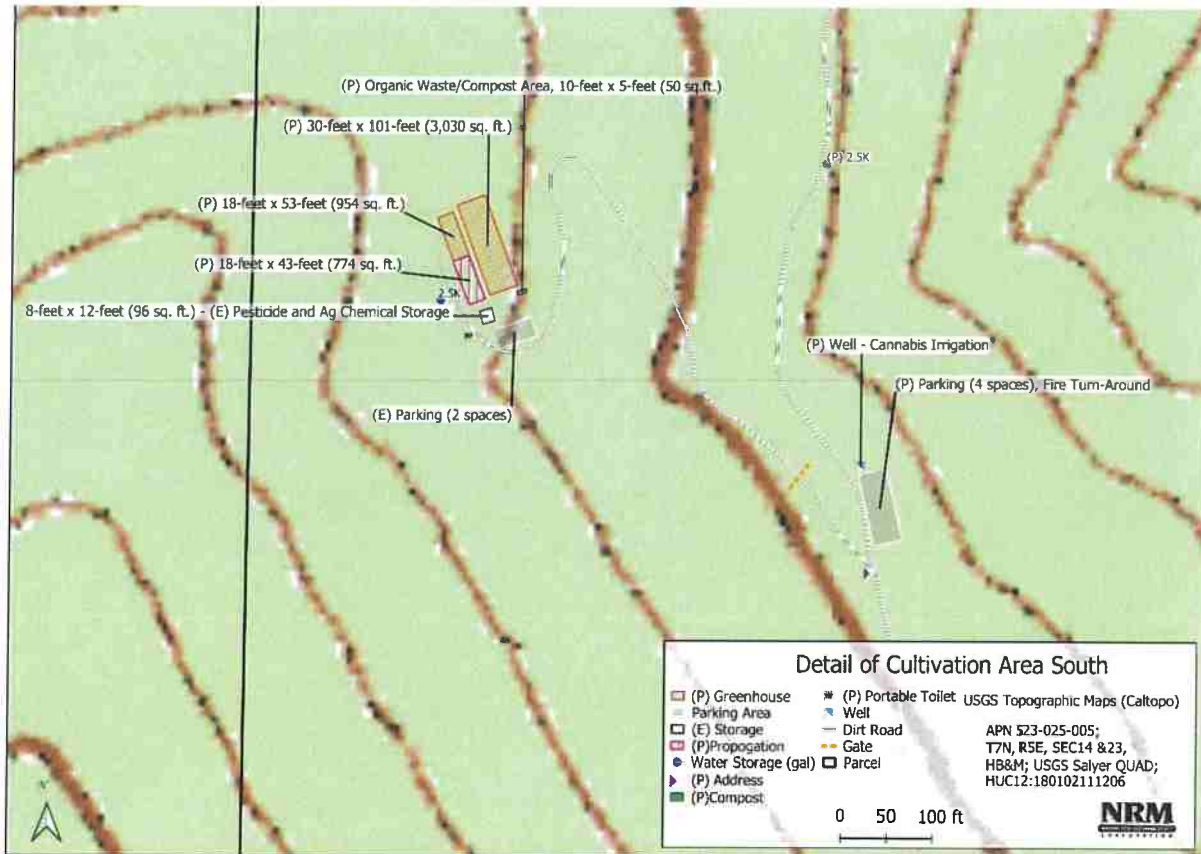


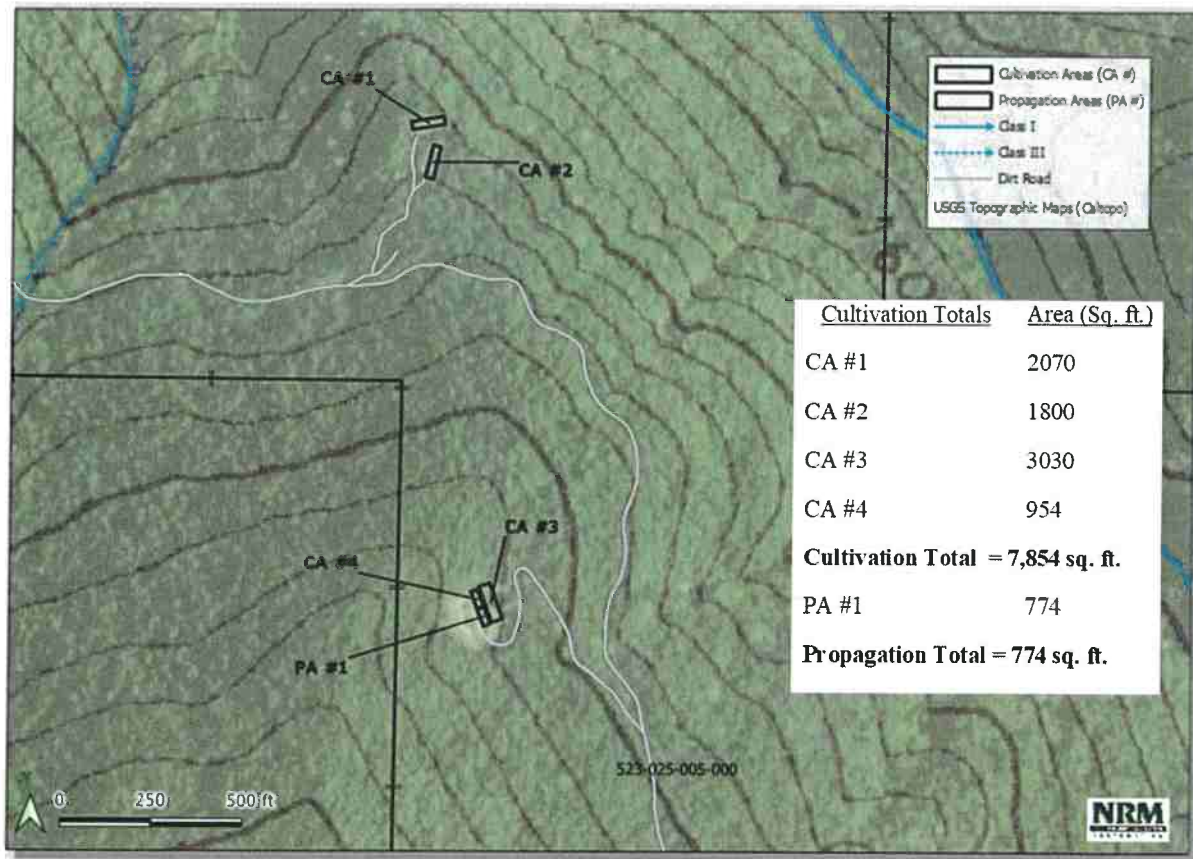
Figure 3. Site Plan Detail: Cultivation Area South

Iiii Cultivation Summary

The final, proposed layout of the cultivation areas on APN 523-025-005 (See Figure – and -) differ from the areas determined by the initial county evaluation (Cultivation Area Verification, CAV). The current landowner and permit applicant was not a part of the operation during previous years, but would like to change as little as possible moving forward.

The variation in footprint from the initial CAV, permit application and today is not significant in terms of physical, environmental impacts. The graded flats are fully impacted flats – all flat surfaces are cleared of vegetation; they are dirt with some gravel and some existing hoop house infrastructure; all flats have a fencing perimeter.

The final footprint is mapped and summarized in Figure below. The total cultivation area is 7,854 sq. ft. This is slightly less than what is permitted (7,859 sq.ft.). The area proposed for the propagation greenhouse (PA #1) is 774 sq. ft; The allowable area at this site for propagation is 10% the permitted cultivation space, 785 sq. ft.



Iiv Background/Permitting Narrative

Humboldt County

The original cultivation application was submitted to Humboldt County in 2016 under Ordinance 2559 as a preexisting cultivation site by the landowner and cultivator, Brittney Hoskin. The application number is 10951.

Cultivation was permitted, initially, with an interim county permit. In 2020, the cultivator sold the land (APN 523-025-005) and the rights to the permit to the current landowner, Judy Hulbert-Anderson. The permit transfer was completed in June of 2020.

CDFW

The watercourse crossings on the parcel were evaluated for 100-year flood suitability. Only one watercourse crossing was observed (NRM site visit 2/5/21) during the site visit. The crossing occurring near the western parcel entrance is a rocky road crossing a class III watercourse and bank seep that is currently managed

with a 30-inch and an 18-inch diameter culvert. The evaluation found that the culverts are undersized and improperly designed. NRM submitted an LSA 1600 application to CDFW on Feb 16, 2021 recommended that the culverts be replaced with one 60-inch diameter culvert accompanied by the installation of a critical dip to road-left and a rolling dip 100 feet from crossing up road-right, above the bank seep. These changes, along with armoring of the culvert and application of road rock, will ensure that road bed erosion/road washout and sediment delivery to the stream do not occur.

The 1600 application included a description of the existing water diversion (see S025327 above). The point of diversion (POD) includes a description of use for cannabis irrigation. The determination by CDFW on the use of the POD will be applied in conjunction with the SIUR if the cultivator intends to file for this water right in the future.

SWRCB – Water Quality: Cannabis General Order

To date, this parcel has been enrolled in the State Water Board's Cannabis General Order (WQ 2019-001-DWQ) as a Tier 2, Low Risk discharger. The Notice of Applicability (NOA) was posted on January 8, 2021 with the WDID:1_12CC429921. With this enrollment, the site is required to produce a Site Management Plan (SMP), a technical document that describes the site conditions with special emphasis on erosion and sediment control. This document is in progress (NRM); it is due by March 20, 2021.

SWRCB – Water Quality: Certification

In addition to the LSA 1600 application, a 401 permit (Clean Water Act Section 401) will also be secured to ensure that the stream crossing project proposed by the applicant is supported by the SWRCB.

SWRCB – Water Rights

The parcel has a riparian water claim, (Initial Statement of Diversion and Use (ISDU)) that was first filed in January of 2016 by the previous landowner and cultivator, Brittany Hoskin. The diversion is a year-round flowing point in the Class III waterway (an unnamed tributary to Coon Creek), in which the POD is accessed at approximately 40.9691, -123.5913. Numbers for water diversion and use (SSDU) have been filed for the years 2015 & 2016. This claim, described by Statement S025327 was put in the name of the new landowner, Judy Anderson-Hulbert, in December, 2020.

The diversion statement, S025327, for this Class III surface water diversion remains a riparian water right for domestic use only. In order to use the diversion for cannabis irrigation, the cultivator will need to apply for a Small Irrigation Use Registration (SIUR).

CDFA

The cultivator of APN 523-025-005, Judy Anderson-Hulbert, has applied for a provisional cannabis license, Small Mixed Light Tier 1, from CalCannabis and the California Department of Food and Agriculture using the interim permit granted by Humboldt County. As the Annual CalCannabis license requires CEQA compliance, the annual license application will be completed when the Humboldt County cultivation permit is obtained. The Humboldt County annual permit and associated Notice of Determination (NOD) will demonstrate compliance with the County's adopted Mitigated Negative Declaration for Ordinance 2559, the Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

II. Irrigation & Water Source(s)/Use

There are currently 2, 2,500 gallon hard sided water tanks at the Northern Cultivation Area and 1, 2,500 gallon tank at the Southern Cultivation Area; 7,500 gallons of total water storage. A fourth 2,500 tank is proposed for compliance with CalFire, Fire Safe regulations (See Fire Safe section below; Figure _).

Because the current landowner and permit holder is a new owner and permit holder (2021), she is estimating her water use. CDFW's 2018 "Review of the Potential Impacts of Cannabis Cultivation and Fish and Wildlife Resources," suggest that at the high end, growers use 6 gallons of water per plant per day during the dry season. With a greenhouse canopy of 5-8 sq.ft., and calling the dry season July through September, this estimate puts the water use of the site at over 500,000 gallons. On the lower end, is the result of a magazine reporter's "canvassing" of growers' water use. The September 2015 article from *Marijuana Venture* describes the average use of water to be 24,000 gallons per 1/8 of an acre of cannabis (5,445 sq.ft). (<https://www.marijuanaventure.com/report-on-water-usage/>). Doubling this amount of water results in a low estimate for this project at 48,000 gallons per season. This estimate is considered too low due to site's inland location and elevation (no fog, high summer temps) and the summer precipitation averages (around 10 inches total over 6 months; usclimatedata.com). A more likely estimate is probably somewhere in the middle at around 200,000 gallons of water per year for full sun outdoor.

The best solution for this site is a non-diversionary groundwater well. The cultivator is having a ground water well drilled in April 2021; this well will be submitted to Humboldt County for evaluation and will be used as the sole source of irrigation water at this location. The 7,500 gallons will remain as holding tanks.

Water conservation is a priority. Water for irrigation will be administered using a combination of drip irrigation and hand watering techniques; soil covers such as straw, mulch, and wood chips will be used to increase soil water holding capacity and decrease erosion.

III Anticipated irrigation amounts for Proposed Light Deprivation Technique

The amount of water that will be used over the two cycles with cannabis in hoop houses and grown with light deprivation techniques, is assumed to be very similar to one long cycle of cultivation. This is due to the fact that the hottest and driest month of the year, usually July, is a period of harvest with some overlap with the propagation of the next crop. Propagation of immature plants requires significantly less water than mature plants; some sources advise only "misting" plants every few days (royalqueenseeds.com). Therefore, the project estimates that it will use approximately 200,000 gallons per year.

III. Cultivation and Schedule of Activities

III Existing Full Sun Outdoor

Early Spring: March/April

The propagation greenhouse will be used to bring up very small clones that are purchased and brought in as cubes. These clones will be transplanted into greenhouses after one week to one month depending on the strain and stage at purchase. The propagation greenhouse will be covered with tarps from one hour before sunset until one hour after sunrise whenever supplemental lighting is used.

Spring: April/May

Once the snow and heavy rain season ends (April or May) cultivation preparation for the season begins. If necessary, local, organic compost is sourced and brought in to apply to supplement the existing soil -This

should only be necessary one time after the project is fully permitted and resumes annual operations. The existing soil will be amended with organic compost and prepared for planting. Drip lines will be run to smart pots and exposed soil in pots/bags will then be covered with straw mulch. Plants will be obtained from a licensed medical cannabis nursery, numbered, recorded in plant log, and transplanted into smart pots/bags.

Summer: June-August

Growing plants are maintained by project manager. Each numbered plant will be inspected regularly and notes will be recorded into plant log. Watering is emitted through drip lines as well as organic liquid pure blend pro fertilizer and various maintenance of plants is performed regularly and recorded.

Fall: September/October

Once the plants have reached maturity harvest will begin. Plants will be harvested one-at-a-time and branches kept together for each numbered plant and placed into totes to be prepared for transportation to licensed medical processing facility.

IIIi Cultivation and Schedule for Proposed Light Deprivation Technique

The adjusted schedule for hoop house use would change from one harvest per year to two harvest per year. The cultivation activities, as they are described above, would begin earlier, with harvest in July and again in October (Table 1). The project proponent will construct pvc hoop houses with polyethylene sheeting around all delineated cultivation areas (section Iiii). These hoop houses will provide environmental stability and protection for the cannabis crops. To facilitate flowering, the project will utilize a light deprivation technique in which black out tarps are pulled over the greenhouses to simulate a shorter day and stimulate flowering of the plants. ZERO electrical lighting is proposed for cultivation greenhouses.

Table 1. Proposed Cultivation Schedule(s)*

<i>Light Dep 1st Run</i>	<i>Light Dep 2nd Run</i>
March-April (veg)	July-August (veg)
May-July (flower)	August-October (flower)
July (harvest)	October (harvest)

*Actual start date will vary; dependent on a variety of factors including local weather and specific cannabis strain requirements.

IV Employment:

The project will employ approximately 2-3 people as seasonal, full time employees. There will be one project manager in charge of all seasonal cultivation duties, project schedule, and plant log. The project manager will live off-site and commute to the property daily, or as needed, to check up on the gardens and do daily maintenance and recording. Planting will require additional help of 1-2 locally sourced employees for initial delivery of plants and transplanting into soil. Harvest will require additional help of 1-2 locally sourced employees for harvest activities and cleanup. All employees will commute daily round trip to the site. No living quarters currently exist onsite and none are proposed.

IVi Employment for Proposed Light Deprivation Technique

No change in number of employees is expected. Duration of employment is expected to increase, as normal peaks of planting and harvest are cyclical instead of singular as is found in a one run full sun outdoor operation.

V. Solid Waste/Wastewater

Solid Waste (trash) will be produced by the cultivation activities (plastic tarps, broken pipe, plastic packaging) and by employees (food packaging). Recycle will be produced by the cultivation activities (empty fertilizer and pesticide containers) and by employees (drink containers, paper, etc.). Trash will be and recycling are kept in a 3-foot by 8-foot area that is defined by pallets on the bottom and perimeter fencing. The area has a wooden cover that keeps storm water out. The cultivator plans to add wooden siding and an impervious bottom layer (tarp) before the project site is next active in order to eliminate potential wind dispersal of trash and recycling. The area is cleared weekly or as needed during cultivation operations and before the site is closed for the winter. Recycling and trash will be taken in a trailer or a pickup bed to the Hawthorn St. Transfer station in Eureka.

A temporary composting toilet is currently in place. This toilet has been discontinued and will be removed. The cultivator will be renting two B&B's (or one depending on consultation of OSHA requirements) starting in the 2021 cultivation season; these B&B's will only be on the property, at the North and South Cultivation Areas, during the time of each cultivation season, and will be hauled off property during the winter months. All receipts for rental and servicing will be retained by the cultivator as proof of rental/service to be provided to Humboldt County Planning and Building Department. The cultivator will also be renting a hand-washing station for employee use; drinking water will be purchased in town and brought to the parcel to be available to employees.

The cultivator will add a dedicated compost area (5-feet by 10-feet) to each cultivation area. The compost area will have an impermeable floor (tarp) and cover for rain events. Winter preparation will include weighted covering of the compost areas with straw wattle perimeter. The compost will be composed of root balls, stems and leaves that are cut/fall off when the cannabis is transported to the drying sheds. No material will be burned onsite.

VI. Energy

This project will use a Honda EU2000is or EU3000is generator to run supplemental lighting in the propagation greenhouse. The generator is also be used, when needed, to provide fans and power for dehumidifiers during the drying stage. The generator is used and stored in a wooden shed on site along with 2, 5 gallon containers of gasoline. The cultivator will place gasoline in a polypropylene tote to ensure spill containment. The generator will also be stored/and used in a spill basin. Generator maintenance is performed off-site.

Portable propane tanks and a portable propane heater will be used to heat the propagation greenhouse and drying shed/s when necessary. Approximately 2, 20lb propane tanks will be stored in or adjacent to the propagation greenhouse.

Vi Proposed Energy Requirements for Light Deprivation Technique

Solar fans will be used for controlling the climate in the greenhouses. They will be small, direct current fans runs by individual, portable solar panels that will be positioned immediately outside of the drying tent or shed; they will be periodically repositioned by employees as needed throughout the day. The solar fans will also be used to manage the climate of the drying shed/tents. This is expected for the July harvest, and expected for part of the October harvest.

The early propagation and planting may demand increases in propane for greenhouse heating, depending on the year. No additional propane for heating or gasoline for generators to power dehumidifiers is expected for the additional harvest because the first harvest occurs at the peak of the summer, July.

No significant increase in generator use will be associated with the light deprivation technique as the employees will use headlamps to tend to plants in covered (black out) greenhouses.

VII. Security

There is a heavy, steel gate along the road which is 20 feet long and 6-inches in diameter. The gate is locked with a large, heavy lock which is opened only by a micro-chipped key. There are locked cattle gates at the entrance of each cultivation area as well as "No Trespassing" signs posted at the gates. There are battery-operated game cameras and battery operated motion sensors along the driveway and surrounding the property along with motion-censored security lights in key areas.

VIII. State Responsibility Area Fire Safe Standards

The cultivated parcel is located in the State Responsibility Area (SRA) and therefore the project will comply will CalFire Fire Safe Regulations. To meet these regulations, the project will:

Roadway Turnaround

The Site Map identifies a 2,600 sq.ft. turn around area at the midway point of the parcel on the east side of the main access road just north of the driveway to the Southern cultivation Area that is capable of providing a turnaround area for emergency vehicles (Figure 1 and 3). This area will be kept free of parked cars and cleared of debris.

Emergency Water

The project will provide 2,500 gallons of water for emergencies in a hard sided tank that will be available at all times. The tank will be clearly marked with a sign ("Fire Water" with a 3" letter height, 3/8" stroke and against a contrasting background). The tank will be raised 18-inches above grade, with a 2-1/2 inch male thread with a cap made of non-corrosive material (brass or equivalent). The tank will not block the roadway; it will be located four (4) feet off of the turnaround/roadway and the area around it (8-foot radius) will be cleared of flammable vegetation. The tank will be located on the east side of the main access road approximately 500-feet north of the proposed well and emergency vehicle turn around area.

Signage/ Addresses

The cultivator applied for an address assignment with the Humboldt County Planning and Building Department in February 2021: PLN-2021-16965. The address was assigned on March 12, 2021. The parcel's main access road is used by multiple landowners. Once assigned, the cultivator will post the address at the two location where the cultivator's driveways split off of the shared driveway (Figure 1). The address numbers will be 4-inches high with a 1/2-inch stroke and reflectorized; the background color will be contrasting with the numbers to promote visibility. These numbers will be visible and the cultivator's driveways clearly marked.

IX. Environment/ Water Quality

1. Water Features

The Class I stream, Coon Creek, a tributary of the Trinity River, crosses the parcel in two places; it has a run of approximately 1550-feet across the southeast section of the parcel and a run of approximately 625-feet across the northeast section of the parcel. At the closest point (cultivation in the northern half of the parcel), Coon Creek is over 1000-feet from any project impacts (including all roads). The only other mapped watercourse on the parcel is the Class III stream that travels (approx. 1400-feet) across the northwestern portion of the project parcel to Coon Creek. The project access road crosses this stream at a point immediately after the road enters the parcel at the northwest boundary. This stream crossing was inspected and will be upgraded to meet agency standards for water quality (see CDFW/SWRCB above). Outside of the access road crossing, the nearest cultivation disturbance to the Class II occurs at a distance of 750-feet away. All watercourse protection setbacks (SWRCB and Humboldt County) are clearly observed.

There are no additional streams, ponds, wetlands, or streams on this parcel.

2. Disturbed Areas

The graded clearings are disturbed, in that the clearings are impacted by driving, storage of materials, tanks, and appurtenant buildings. In addition to the clearings themselves, there appears to be an additional driveway or road that accesses the Northern Cultivation Area from the southeast. On this, there is a travel trailer/5th wheel and to the north of it, below the graded flat, a road section that is occupied by the 20-ft by 100-ft drying tent. No additional forest resources will be removed or altered at this site. A Less Than 3 Acre Conversion and Mitigation Report will be submitted and approved by CalFire and Humboldt County as a compliance condition.

Areas of bare soil will be kept to a minimum around the project area and mulch/wood chips will be applied to the ground around the cultivation site and inside of greenhouses. Use of heavy equipment for road maintenance will not be used during the rainy season. Parking areas and other flat areas with frequent vehicle use will be graveled to minimize ponding and sediment transport (splash erosion and track out). Site visits by NRM and another consultant contracted by the property owner revealed several areas where water is causing erosion of road surfacing. All areas with notable erosion were observed on the driveways that access the cultivation areas; the driveways were not designed to allow for adequate storm water runoff. The driveways will be regraded (outsloped) where appropriate to shed rainwater or an inboard ditch and ditch relief culvert will be installed. In some instances - on the approach to the northernmost greenhouse and the southern cultivation area, a water bar or rolling dip may also be required. See Figure 4 below for locations of recommended road improvements.

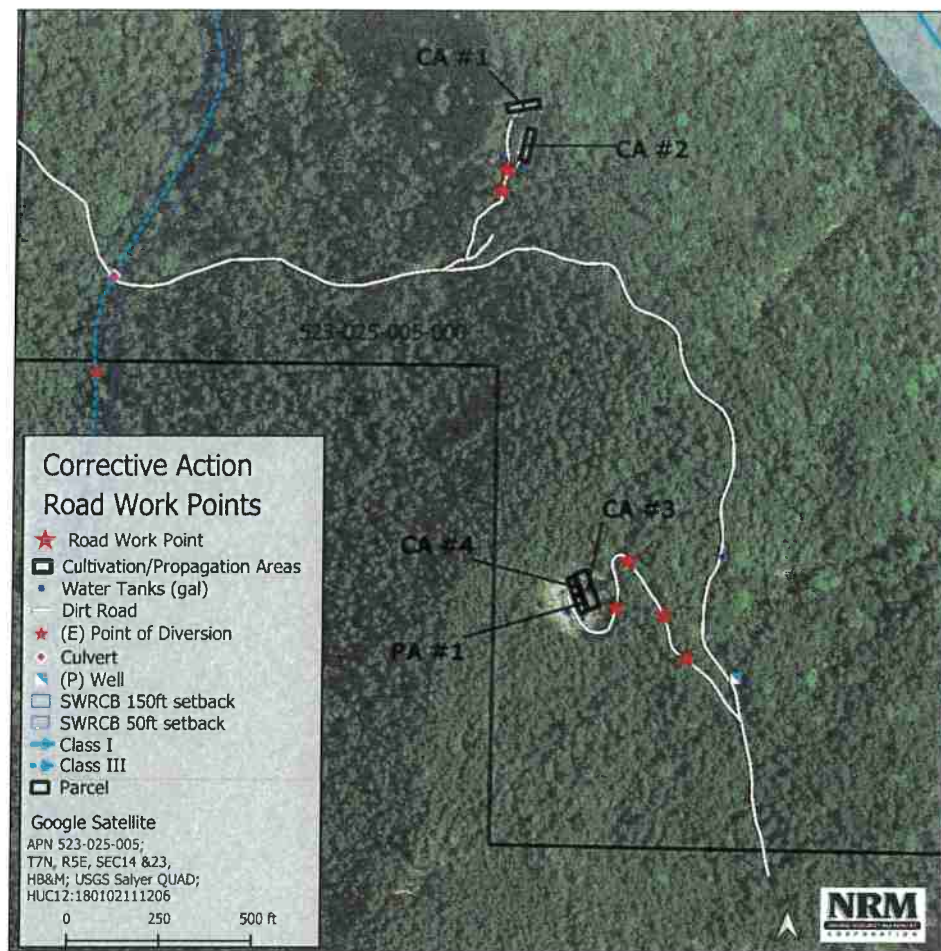


Figure 4. Recommended locations for road improvements

3. Soil Management

Drip irrigation will be utilized to minimize water use and build soil food web. Straw will be used around plants as mulch to retain water and soil nutrients during cultivation season. Cover crops (clover) will be used during off season to protect soil and provide soil remediation or soil will be double tarped with weights for overwinter storage.

Nutrients

The cultivator plans to continue use of the organic fertilizers that were used by the previous owner. The product used is a liquid concentrate called, Botanicare Pure Blend (both the growth and bloom products). This fertilizer has a N-P-K ratio (nitrogen, phosphorus, potassium) of 3-2-4. It mixed in mixing tanks and applied by hand to plants. There will be one mixing tank at each cultivation area (north and south). The cultivator will keep approximately 5-15 gallons on hand at each cultivation area; the fertilizer will be stored in designated sheds inside of plastic polypropylene totes with lids. Fertilizers are used at half strength to minimize nutrients leaching. Soil will be amended with fertilizer before relocating into bags for growing. All soil will be amended on a tarp – an impermeable surface to prevent runoff and to contain soil.

- Botanicare Pure Blend Pro, Vegetative Growth Formula: utilized during vegetative growth phase. Ingredients: Fish Meal, Composted Seabird Guano, Kelp, Rock Phosphate, Potassium Carbonate,

Magnesium Carbonate, Calcium Carbonate.

- Botanicare Pure Blend Pro, Flowering Growth Formula: utilized during flowering phase.
Ingredients: Dolomite, potassium carbonate, fish meal, seaweed extract, magnesium sulfate, humic acid.

Pesticides

The cultivator plans to use ladybugs to control aphids. These are delivered in the mail and hand applied to plants within a day of delivery; they are not stored. In addition, the pest/fungicide, Plant Therapy will be used as needed. This product is picked up in Eureka from a supplier as needed. A single 1 gallon plastic container is kept on hand at each Cultivation Area; they are stored in designated sheds inside of plastic polypropylene totes with lids. This produce is a liquid concentrate that will be mixed with water in a designated sprayer immediately before application. The sprayer is also stored (empty) in the pesticide shed.

Rodenticides

The cultivator will not use chemical rodenticides. Snap traps will be deployed if necessary, but the primary method will be rodent-proof fencing. This fencing post are in place from past cultivation; the rodent proof fencing will be erected around the perimeter of each garden prior to the next cultivation season.

4. Wildlife/Botanical Impacts

Impacts to the physical site are preexisting. The project will not allow expansion of activities into the surrounding forest as the project proponent acknowledges that the area surrounding this cultivation site is a wild area with proximity to the Six Rivers National Forest. The project proposes supplemental lighting for propagation. The propagation greenhouse will have zero tolerance for light leakage; blackout tarps on the propagation greenhouse will be drawn at one hour before dusk and removed one hour after sunrise when supplemental lighting is used. As stated, no rodenticides will be applied at this location as it is understood by the cultivator that rodenticides contribute to mortality in larger predators and scavengers (<https://wildlife.ca.gov/Living-with-Wildlife/Rodenticides>).

The use of lights for propagation at this remote location requires a generator. The site proposes the use of a Honda EU2200i or EU3000i. According to Honda's generator specifications, the decibel level (dB) of the either generator doesn't exceed 57 decibels at 23-feet from the place of use ([https:// powerequipment.honda.com/generators](https://powerequipment.honda.com/generators)). As discussed in the Draft EIR (2017) for the Humboldt County CCLUO (no. 2599), shielding of the noise source that breaks the line of sight between the source and the receiver will, on average, result in five (5) decibels of noise reduction. The project will reduce the noise level at inception for a corresponding reduction of 57 to 52 decibels at 23-feet away by virtue of the physical barrier. The project will also reduce the noise level as a result of distance. The generator will be located in the shed on the Southern Cultivation Area. This shed is approximately 53-feet from the tree line. Because doubling of the distance away from the source results in a 6-decible noise reduction, the 52 decibels at 23-ft becomes 46 dB at 46 feet away. This sound level, less than 50-dB at the tree line complies with limitations on generator use mandated by Humboldt County Planning and Building (policy statement 16-005).

X. Environmental Justification for Proposed Hoop Houses and Light Deprivation Cultivation Techniques

A full sun outdoor cultivation style is possible at this location, but the risk of damage or delays from cold weather in the Spring (snow is present often until late March), and from smoke and ash in the Summer, make full sun outdoor cultivation a high risk scenario.

Due to the high elevation (2,500 ft. at CA South), the north northeast aspects, and the surrounding mixed conifer forest, the proponent believes that enclosing all cannabis in protective hoop houses during the growing season would result in a healthier and more productive crop or crops.

XI. Site Plan

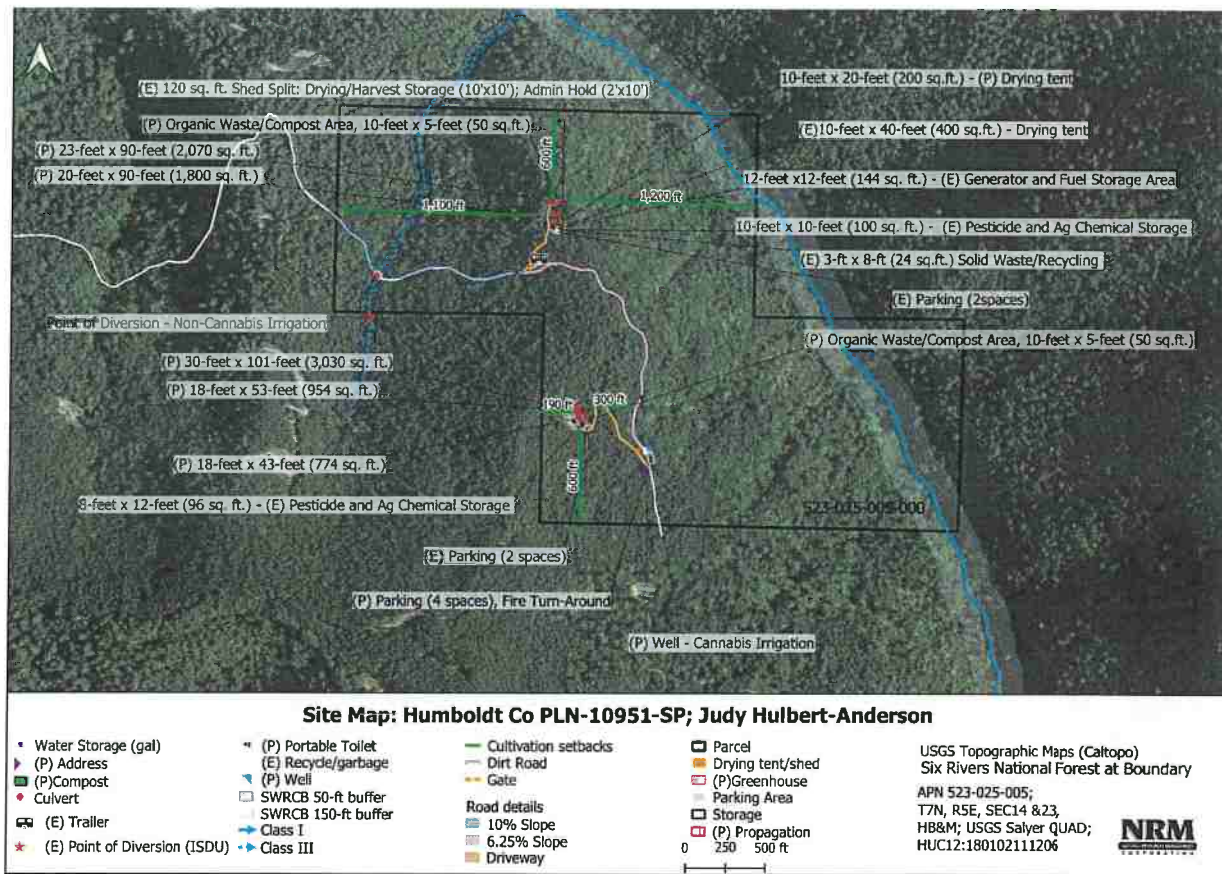


Figure 5. Site Plan; APN 523-025-005

North Coast Regional Water Quality Control Board

January 8, 2021

WDID:1_12CC429921

JUDY ANDERSON
COON CREEK ROAD
WILLOW CREEK, CA 95573

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,

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

210108_2L_1_12CC429921_Yogi_Farms_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, JUDY ANDERSON, HUMBOLDT COUNTY APN(s) 523-025-005-000

Judy Anderson (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on December 21, 2020, 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_12CC429921**.

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. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater 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 2 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/200204/RB1_Cannabis_WQC_401_App.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 March 20, 2021, 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 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, 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

State of California
Well Completion Report
Form DWR 188 Submitted 4/6/2021
WCR2021-004229



Owner's Well Number _____ Date Work Began 03/30/2021 Date Work Ended 03/31/2021
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 20/21-0075 Permit Date 07/22/2020

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>Judy Hulbert</u>	Activity <u>New Well</u>
Mailing Address <u>PO Box 184</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>Willow Creek</u> State <u>CA</u> Zip <u>95573</u>	

Well Location			
Address <u>0 Coon Creek</u>		APN <u>523-025-005</u>	
City <u>Willow Creek</u>	Zip <u>95573</u>	County <u>Humboldt</u>	Township <u>07 N</u>
Latitude <u>40</u> <u>58</u> <u>1.2323</u> <u>N</u>	Longitude <u>-123</u> <u>35</u> <u>11.1217</u> <u>W</u>	Range <u>05 E</u>	
Deg. Min. Sec.	Deg. Min. Sec.	Section <u>23</u>	
Dec. Lat. <u>40.967009</u>		Dec. Long. <u>-123.5864227</u>	
Vertical Datum _____ Horizontal Datum <u>WGS84</u>		Baseline Meridian <u>Humboldt</u>	
Location Accuracy _____ Location Determination Method _____		Ground Surface Elevation _____	
		Elevation Accuracy _____	
		Elevation Determination Method _____	

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>38</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Bentonite</u>	Depth to Static _____
Total Depth of Boring <u>280</u> Feet	Water Level <u>96</u> (Feet) Date Measured <u>04/05/2021</u>
Total Depth of Completed Well <u>280</u> Feet	Estimated Yield* <u>5</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>4</u> (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	10	Brown Clay
10	15	Red Clay
15	35	Tan Silty Clay
35	38	Moist Loose Fractured
38	45	Silty Bedrock
45	65	Soft Bedrock
65	213	Moist Bedrock
213	243	Soft Bedrock
243	280	Hard Fractured Bedrock

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size if any (Inches)	Description
1	0	240	Blank	PVC	OD: 5.563 in. SDR: 17 Thickness: 0.327 in.	0.327	5.563			
1	240	280	Screen	PVC	OD: 5.563 in. SDR: 17 Thickness: 0.327 in.	0.327	5.563	Milled Slots	0.032	

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite	3/8	3/8 Hole Plug
20	280	Filter Pack	Other Gravel Pack	3/8	3/8 Pea Gravel

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	280	10

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>RICH WELL DRILLING & PUMP SERVICE INC</u>			
Person, Firm or Corporation			
1251 RAILROAD DRIVE		MC	CA
Address		City	State
			95519
			Zip
Signed	<u>electronic signature received</u>	04/06/2021	902702
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Judy Hulbert APN: ~~5202~~ 523-025-005

Planning & Building Department Case/File No.: #10951

Road Name: River Access Road (complete a separate form for each road)

From Road (Cross street): Horse Pinto Rd

To Road (Cross street): River Access Road

Length of road segment: 2.3 miles Date Inspected: 4/22/2021

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature

JH

Date

4/22/2021

Name Printed

Judy Hulbert

RECEIVED
APR 22 2021
Humboldt County
Planning Division

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

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	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file and confidential
Tsnungwe Council	✓	Comments	On file and confidential
Hoopla Valley Tribe		No Response	
Willow Creek Volunteer Fire Protection District		No Response	
US Forest Service		No Response	
California Department of Fish & Wildlife		No Response	
Klamath-Trinity Unified School District		No Response	
Humboldt County Sheriff		No Response	
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	
Army Corps of Engineers		No response	



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

2/15/2018

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, Tsnungwe Council, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Hupa, Division of Water Rights, Willow Creek VFD Fire Protection District, Six Rivers National Forest, Klamath-Trinity Joint Unified School District

Applicant Name Brittany Hoskin **Key Parcel Number** 523-025-005-000

Application (APPS#) 10951 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-113

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 3/2/2018

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: 5/18/18

PRINT NAME: Rudy Marenghi

523-025-005



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.: 46508/10951
Parcel No.: 523-025-005
Case No.: SP16-113

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: Revise plot plan to show all culverts, drying shed near GH, use of 10x10 shed, all grading, the two tent structures SE of GH as to be decommissioned, all streams on parcel, and setbacks to streams from CA and nearest structures. CA at north end of parcel was measured wrong (garden pots instead of outside perimeter).

Name: Rudy Marenghi

Date: 5/18/18

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.



From: Poli, Chris@CALFIRE
To: HUU.CEQA@CALFIRE
Cc: [Planning Clerk](#)
Subject: SP; APN 523-025-005-000; APPS# 10951; willow creek; hoskin
Date: Friday, March 02, 2018 8:17:58 AM

No comments at this time

Chris Poli
Forester I - RPF #2930
CAL FIRE
Trinidad Resource Management
Humboldt-Del Norte Unit
P.O. Box 749
Trinidad, CA 95570
Office [\(707\) 677-0761](tel:(707)677-0761)
Cell [\(707\) 599-0609](tel:(707)599-0609)

Every Californian should conserve water. Find out how at:
SaveOurWater.com · Drought.CA.gov



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

RECEIVED

APR 12 2018

Humboldt County
Planning Dept.

DEH received

2-20-18

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Tsungwe Council, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Hupa, Division of Water Rights, Willow Creek VFD Fire Protection District, Six Rivers National Forest, Klamath-Trinity Joint Unified School District

Applicant Name Brittany Hoskin **Key Parcel Number** 523-025-005-000

Application (APPS#) 10951 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-113

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

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

Response Date: 4/11/2018 **Recommendation By:** Adam Molofsky

PLN-10951-SP Judy Hulbert

May 20, 2021

DISTRIBUTED

4-12-18

58 of 6

2746



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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

ARCATA-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: 04-04-2018

RE:

Applicant Name	Brittany Hoskin
APN	523-025-005
APPS#	10951
CASE#	SP16-113

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



The Department's recommended conditions of approval are attached as **Exhibit "A"**.



Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**



Additional review is required by Planning & Building staff for the items on **Exhibit "C"**.
No re-refer is required.



Road Evaluation Reports(s) are required; See **Exhibit "D"**.
No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #2 on Exhibit "C"

// END //

Additional Review is Required by Planning & Building Staff

APPS # 10951

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

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

☐ YES ☐ NO

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

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

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

☐ YES ☐ NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

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 //

Exhibit "D"

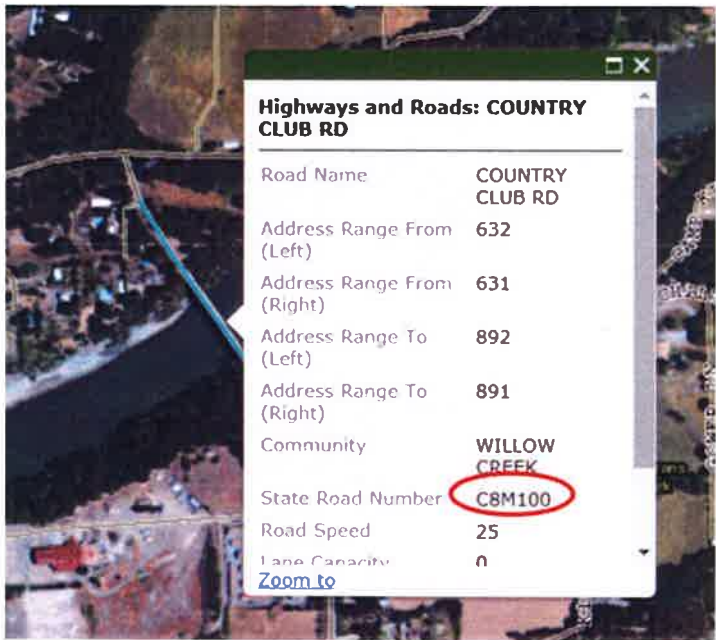
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //