



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

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Hearing Date: July 1, 2021

To: Humboldt County Planning Commission

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

Subject: **Chamise Creek Farms, LLC Conditional Use Permit**  
Record Number PLN-11562-CUP  
Assessor's Parcel Number (APN) 218-161-007  
665 Chamise Loop Road, Palo Verde, CA 95542

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Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at [alec.barton@weareharris.com](mailto:alec.barton@weareharris.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

| Hearing Date  | Subject                         | Contact     |
|---------------|---------------------------------|-------------|
| June 17, 2021 | Conditional Use Permit – Type 1 | Alec Barton |

**Project Description:** Chamise Creek Farms, LLC seeks a Conditional Use Permit (PLN-11562-CUP) for a total of 22,800 square feet (SF) of existing outdoor cannabis cultivation and a 2,280-SF ancillary nursery. The outdoor cultivation area is comprised of three (3) full-term cultivation areas (CA): CA 1 with two (2) greenhouses totaling 1,500 SF, CA 2 with ten (10) greenhouses totaling 15,250 SF, and CA 3 with three (3) greenhouses totaling 6,050 SF.

Irrigation water is sourced from two (2) rainwater catchment ponds that have a combined storage capacity of 560,000 gallons. Total estimated annual water use is 342,000 gallons (15 gallons/SF). Water is stored in the two (2) rainwater catchment ponds, three (3) 50,000-gallon bladders, one (1) 3,000-gallon hard plastic tank, and one (1) 2,500-gallon hard plastic tank. Total water storage is 715,500 gallons.

Drying occurs onsite in a 750-SF barn, and further processing occurs offsite at a licensed third party facility. A maximum of four (4) employees are used during peak harvest and processing season. The primary source of electrical power for outdoor cultivation is a solar array and several generators, including three (3) 2000-watt Honda Inverter generators, one (1) 3000-watt Honda Inverter generator, and one (1) backup 22-kW Whisperwatt generator used in emergencies.

**Project Location:** The project is located on the east side of Chamise Loop Road, approximately 1.25 miles north from the intersection of Island Mountain Road and Chamise Loop Road, in the unincorporated Palo Verde area of southern Humboldt County.

**Present Plan Land Use Designations** Residential Agriculture (RA), 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3)

**Present Zoning:** Forestry Recreation (FR), Special Building Site (B-5(40))

**Record Number:** PLN-11562-CUP

**Assessor's Parcel Number:** 218-161-007

**Applicant**

Chamise Creek Farms, LLC  
C/O Kamaal Owen  
PO Box 416  
Garberville, CA 95542

**Owner**

Kamaal Owen  
PO Box 416  
Garberville, CA 95542

**Agents**

NorthPoint Consulting  
C/O Britney Newby  
1117 Samoa Blvd  
Arcata, CA 95521

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

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

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

**Chamise Creek Farms, LLC**  
Record Number: PLN-11562-CUP  
Assessor's Parcel Number: 218-161-007

**Recommended Commission Action**

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

Adopt the Resolution to:

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

**Executive Summary** Chamise Creek Farms, LLC, seeks a Conditional Use Permit (PLN-11562-CUP) for a total of 22,800 square feet (SF) of existing outdoor cannabis cultivation and a 2,280-SF ancillary nursery. The outdoor cultivation area is comprised of three (3) full-term cultivation areas (CA): CA 1 with two (2) greenhouses totaling 1,500 SF, CA 2 with ten (10) greenhouses totaling 15,250 SF, and CA 3 with three (3) greenhouses totaling 6,050 SF. A 2,280-SF ancillary nursery is used for propagating plants. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The sites has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is located on mountainous slopes with high instability. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the 40-acre parcel is zoned as Forestry Recreation (FR) and Special Building Site (B-5(40)). The parcel includes two (2) residential units (1,000 SF and 1,400 Sf) and several storage sheds and shipping containers. Drying occurs onsite in a 750-SF barn, and further processing occurs offsite at a licensed third party facility. A maximum of four (4) employees are used, including one (1) full-time lead cultivator and one (1) part-time agent throughout the year and two (2) full-time laborers during peak harvest and processing season between June and October.

The primary source of electrical power for outdoor cultivation is a solar array and several generators, including three (3) 2000-watt Honda Inverter generators, one (1) 3000-watt Honda Inverter generator, and one (1) backup 22-kW Whisperwatt generator used in emergencies. The primary use of generator power is not allowed to occur beyond December 31, 2025. Consistent with past actions of the Planning Commission and to ensure that generator use is not the primary power source beyond this date, the project has been conditioned to either connect to a utility provider or have an alternative, renewable power source starting January 1, 2026 (**Condition 9**).

**Water Resources**

Irrigation water is sourced from two (2) rainwater catchment ponds that have a combined storage capacity of 560,000 gallons. The California Department of Fish and Wildlife (CDFW) determined the ponds are existing onstream reservoirs and require permits from the State Water Resources Control Board (SWRCB). The applicant shall complete small irrigation use registrations (SIUR) for each pond within thirty (30) days of project approval and implement any required reporting and conservation measures established by the SWRCB (**Condition 23**). Total estimated annual water use is 342,000 gallons (15 gallons/SF). Water is stored in the two (2) rainwater catchment ponds, three (3) 50,000-gallon bladders, one (1) 3,000-gallon hard plastic tank, and one (1) 2,500-gallon hard plastic tank. Total water storage is 715,500 gallons. The project will be able to comply with full forbearance requirements during the required

period (April 1 – October 31). The project area is located within the Chamise Creek watershed. There is one (1) onsite stream crossing (Crossing 1).

A Site Management Plan (SMP) was prepared to comply with State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ (Application No. 418119). The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID: 1B16822CHUM). The subject parcel includes two (2) blue line streams: a tributary to Chamise Creek and Mainstem Chamise Creek. There are no stream crossings onsite. The property is primarily forested with pine, fir, and oak species and has an elevation of approximately 1,000 feet above sea level.

The SMP identifies several mitigation measures to decrease erosion and sedimentation of waterways. The mitigation measures include: installing five (5) rolling dips on the main access road, installing two (2) rocked dips on the cultivation access road and spur road, installing three (3) rocked dips on the pond access road, applying seed and mulch to all exposed soils adjacent to the chemical storage shed, engaging in best management practices for the storage of liquids and chemicals, promptly disposing of cultivation-related waste at a licensed facility, and installing an approved septic system (**Condition 11**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2017-0377-R1). The LSAA addresses six (6) project encroachments, including four (4) points of diversion (POD): one (1) spring diversion (POD 1) for domestic use, one (1) well diversion (POD 2) for domestic use, and two (2) pond diversions (POD 3 and POD 4) for irrigation. Seasonal diversion for POD 2 is limited to 400 gallons per day during the low flow season from April 1 to December 14. The maximum instantaneous diversion rate for both POD 3 and POD 4 shall not exceed five gallons per minute at any time, and the permittee shall pass adequate flow at all times to keep aquatic species in good condition below the point of diversion. Diverted flow for all PODs shall be measured in accordance with the specifications of the LSAA (**Condition 12**). The other two (2) project encroachments include the replacement of a spillway at POD 3 (building up southern embankment of pond and constructing rock-armored spillway) and the replacement of a culvert at Crossing 1 (**Condition 13**).

The LSAA establishes specific mitigation measures that the applicant must apply to offset potential impacts to waterways within the area. The mitigation measures include: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 1 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; and 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities (**Condition 12**).

### **Biological Resources**

A list of potential special status species was generated in April 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species occur within five (5) miles of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

### **Tribal Cultural Resource Coordination**

An archaeological survey report was prepared by Nick Angleoff and Saige Heuer of Archaeological Research and Supply Company (January 2020). Archaeological Technician Brianna King conducted a field survey in March 2020. The report concludes that there are no significant historic resources within the project area, and the project is not anticipated to have an adverse effect on significant cultural



resources. The report recommends establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. Consultation letters were sent to Native American groups associated with the project area. The Bear River Band of the Rohnerville Rancheria concurred with the recommendations of the archaeological survey report. The Sinkyone Intertribal Wilderness Council did not respond to requests for information. The applicant has been conditioned to follow Inadvertent Discovery Protocol if suspected cultural resources are found during project work (**Condition 14**).

### **Access**

The project area is located on the east side of Chamise Loop Road in the unincorporated Palo Verde area in southern Humboldt County. Roads providing access to the site include Sesame Loop Road and a private drive. Using forms provided by Humboldt County Department of Public Works (DPW), David Nicoletti, PE, evaluated each road and determined they are not developed to a road category 4 standard. Mr. Nicoletti identified several recommendations for these two roadways (**Condition 15**). For the private drive, the recommendations include: grading and flattening portions of the road with slopes greater than 16%, grading the drive to establish positive drainage and to maintain a 12-foot width throughout the roadway, constructing pullouts at two (2) locations, addressing drainage issues at several locations by installing toe drains, and constructing waterbars. For Sesame Loop Road, the recommendations include: grading the road to establish positive drainage and a minimum 12-foot width throughout the roadway, addressing drainage issues at three (3) locations, and constructing waterbars and rolling dips. The size of culverts along both roads need to be verified. DPW recommended standard conditions of approval relating to driveway and intersection visibility be applied to the project (**Conditions 16 and 17**).

### **Timberland Conversion Evaluation**

Between 2006 and 2017, a total of 2.61 acres of timberland were converted to create room for an expanded cultivation site (1.5 acre), a house (0.28 acre), a parking area (0.23 acre), and a water bladder (0.06 acre). Several other locations within the project area were converted during this same time period. A Timberland Conversion Evaluation Report was prepared by Stephen Hohman, RPF, to address these areas of unpermitted timberland conversion (April 2, 2020). The report identifies 33 remediation points in the project area with specific mitigation measures for each point that the applicant is required to implement (**Condition 18**). These mitigation measures include, but are not limited to: regular maintenance and monitoring of road surfaces by clearing culvert inlets of debris, checking all surface drainage features regularly, and ensuring gravel is reapplied to road surfaces as necessary; and winterizing by covering exposed cultivation soils with straw mulch no later than November 15 of each year, maintaining native vegetation around site, disconnecting and storing all irrigation systems, planting winter cover crops, and storing all irrigation equipment and tools in an organized manner. At Site 6 (shed and cabin), the access road must be fortified with 1-2 inches of crushed rock.

### **Generator Use**

The primary source of electrical power for outdoor cultivation is a solar array and several generators, including three (3) 2000-watt Honda Inverter generators, one (1) 3000-watt Honda Inverter generator, and one (1) backup 22-kW Whisperwatt generator used in emergencies. Consistent with past actions of the Planning Commission and to ensure that the primary power source of all cannabis related activities is not a generator, the project has been conditioned to either connect to a utility provider or have an alternative renewable power source starting January 1, 2026 (**Condition 9**).

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

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

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

**ALTERNATIVES:** The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-X  
Record Number PLN-11562-CUP  
Assessor's Parcel Number: 218-161-007**

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

**WHEREAS, Chamise Creek Farms, LLC** applied for Conditional Use Permit PLN-11562-CUP for the continued operation of 22,800 square feet (SF) of existing outdoor cannabis cultivation, with appurtenant propagation and drying activities;

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on **June 17, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                      **Project Description:** The application is a Conditional Use Permit (PLN-11562-CUP) for the continued operation of an existing 22,800-SF cannabis cultivation operation and associated 2,280-SF nursery, with appurtenant propagation and drying activities. The primary source of electrical power for outdoor cultivation is a solar array and several generators, including three (3) 2000-watt Honda Inverter generators, one (1) 3000-watt Honda Inverter generator, and one (1) backup 22-kW Whisperwatt generator used in emergencies. Irrigation water is sourced from two (2) rainwater catchment ponds that have a combined storage capacity of 560,000 gallons. With additional storage provided by three (3) bladders and two (2) hard plastic tanks, total water storage is 715,500 gallons.

**EVIDENCE:**                      a) Project File: PLN-11562-CUP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**                      a) Addendum to the MND prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A list of potential special status species was generated in April 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species occur within five (5) miles of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.
- d) A Site Management Plan (SMP) was prepared to comply with State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ (Application No. 418119). The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID: 1B16822CHUM). The subject parcel includes two (2) blue line streams: a tributary to Chamise Creek and Mainstem Chamise Creek. There are no stream crossings onsite. The SMP identifies several mitigation measures to decrease erosion and sedimentation of waterways (**Condition 11**).
- e) An archaeological survey report was prepared by Archaeological Research and Supply Company (January 2020). The report concludes that there are no significant historic resources within the project area, the project is not anticipated to have an adverse effect on significant cultural resources, and the Inadvertent Discovery Protocol should be implemented. Consultation letters were sent to Native American groups associated with the project area. The Bear River Band of the Rohnerville Rancheria concurred with the recommendations of the archaeological survey report. The Sinkyone Intertribal Wilderness Council did not respond to requests for information. The applicant has been conditioned to follow Inadvertent Discovery Protocol if suspected cultural resources are found during project work (**Condition 14**).

#### **FINDINGS FOR CONDITIONAL USE PERMIT**

### **3. FINDING**

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

#### **EVIDENCE:**

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with the following mitigating features: 1) Cultivation is sited to avoid activity within the stream channel; 2) All cultivation areas are proposed to be located off of slopes and will not involve vegetation removal or land clearing; and 3) Prior disturbed areas have been

addressed with revegetation using native species. Therefore the project is not considered 'High Risk' and is consistent with Policy BR-P6, and Standards BR-S8 and BR-S9.

**4. FINDING**

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Building Site (B-5(40)) zoning designations in which the site is located.

**EVIDENCE:**

- a) Forestry Recreation (FR) areas are intended to be applied to areas of the County in which forestry recreation is the desirable predominant use and agriculture is the secondary use. Special Building Site (B-5(40)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.
- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 22,800 SF of outdoor cultivation and a 2,280-SF ancillary nursery on a 42-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

**5. FINDING**

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

**EVIDENCE:**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) and Special Building Sites (B-5(40)), (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Parcel Map No. 58, recorded in Book of Parcel Maps 1, pages 76-79 inclusive.
- c) Irrigation water is sourced from two (2) rainwater catchment ponds that have a combined storage capacity of 560,000 gallons. With the additional storage bladders and hard tanks, total water storage is 715,500 gallons. Total estimated annual water use is 342,000 gallons (15 gallons/SF).
- d) The slope of the land where cannabis will be cultivated is greater than 15%. Because this is an existing cultivation site, the CMMLUO does not require cultivation to occur on slopes of 15% or less.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The proposed cultivation area(s) are located within a historical cultivation area.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The outdoor cultivation of 22,800 SF of cannabis 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) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the SMP and roadway evaluation (Nicoletti, April 2018) that address the adverse effects of degraded road quality on adjacent water features (**Conditions 11 and 15**).
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Irrigation water is sourced from two (2) rainwater catchment ponds that have a combined storage capacity of 560,000 gallons.
- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected (**Condition 12**).

**7. FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:**

The parcel contains two (2) existing residential units. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units onsite.

## DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-11562-CUP) for Chamise Creek Farms, LLC 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 **June 17, 2021**.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

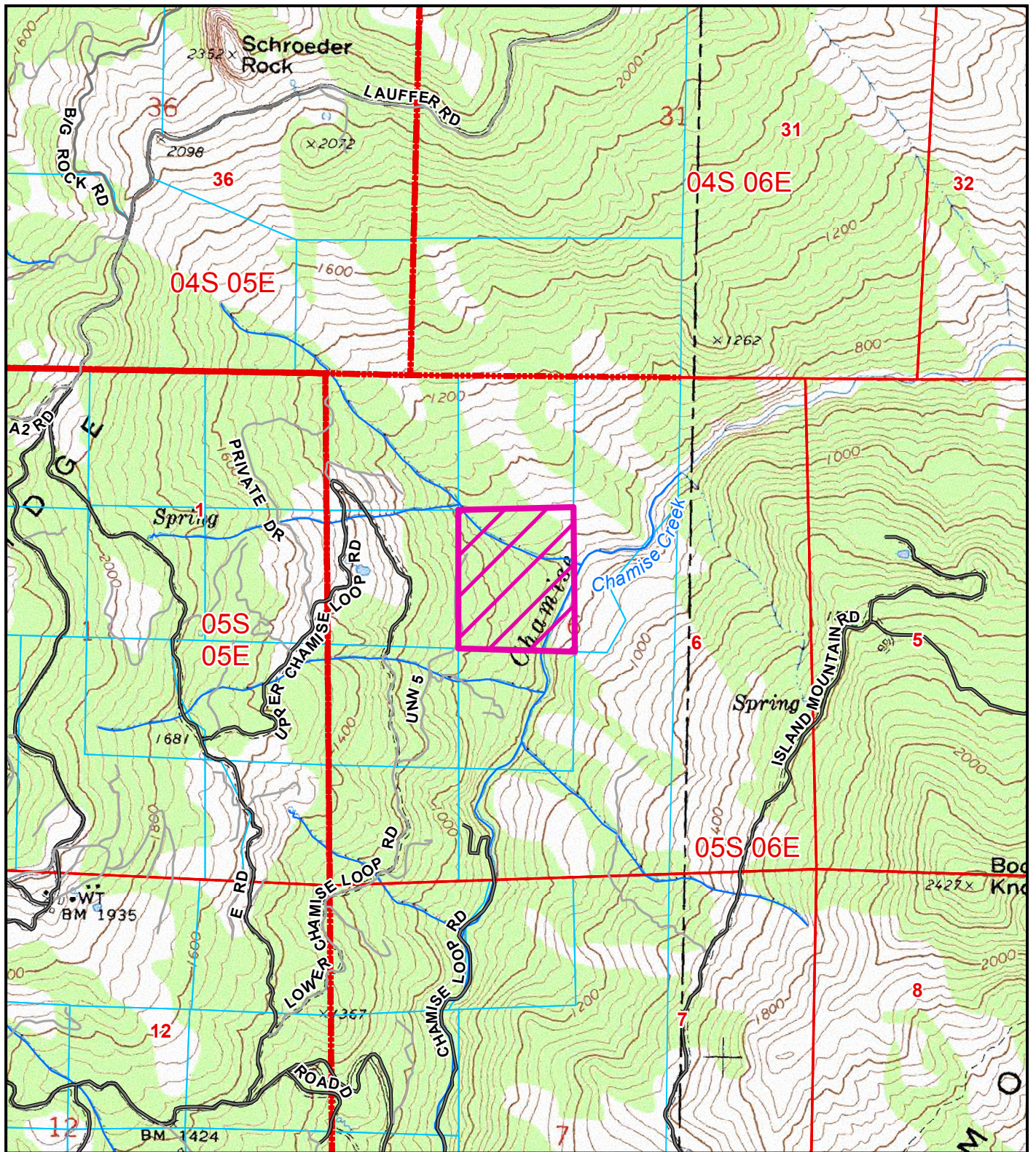
ABSTAIN: COMMISSIONERS:

DECISION:

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

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

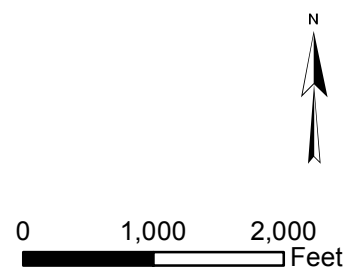




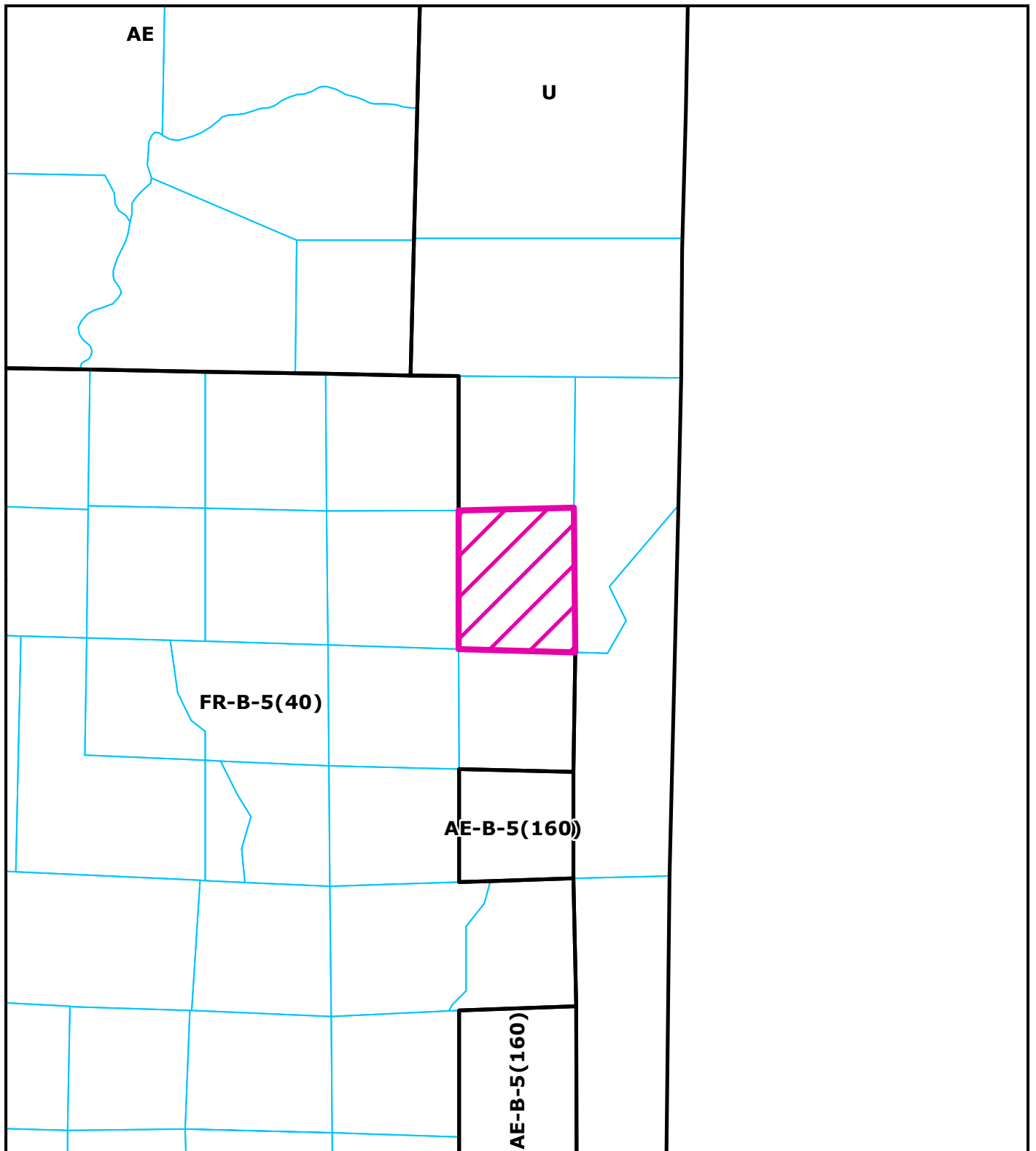
**TOPO MAP**  
**PROPOSED CHAMISE CREEK FARMS, LLC**  
**PALO VERDE AREA**  
**CUP-16-290**  
**APN: 218-161-007**  
**T05S R06E S6 HB&M (JEWETT ROCK)**

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.



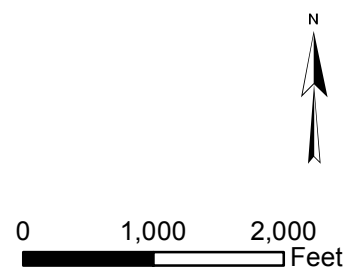




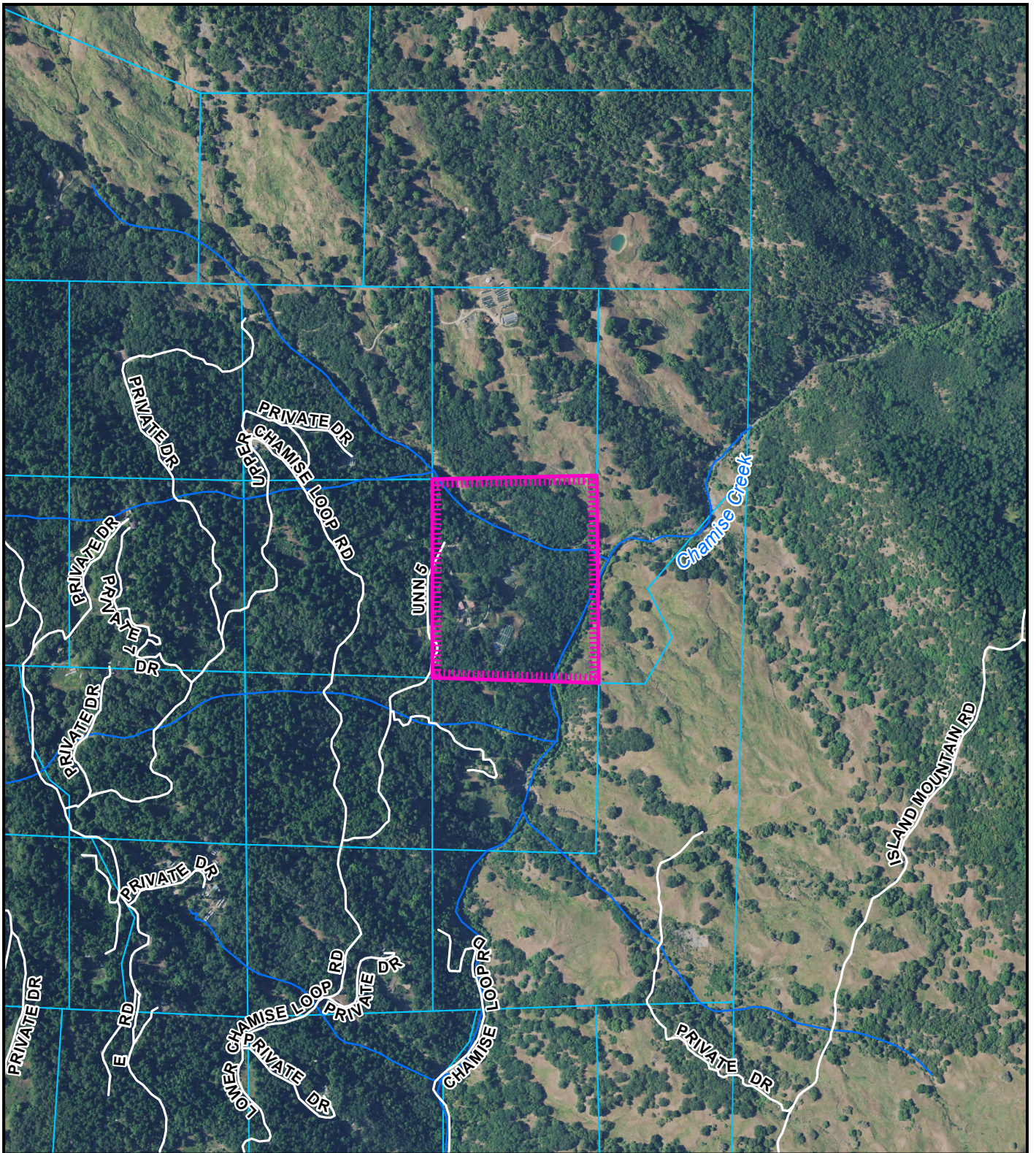
Project Area = 

**ZONING MAP  
PROPOSED CHAMISE CREEK FARMS, LLC  
PALO VERDE AREA  
CUP-16-290  
APN: 218-161-007  
T05S R06E S6 HB&M (JEWETT ROCK)**

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Project Area = 

**AERIAL MAP  
PROPOSED CHAMISE CREEK FARMS, LLC  
PALO VERDE AREA  
CUP-16-290  
APN: 218-161-007  
T05S R06E S6 HB&M (JEWETT ROCK)**

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

0 1,000 2,000 Feet





**CHAMISE CREEK FARMS, LLC**  
**CONDITIONAL USE PERMIT APPLICATION**

APN: 218-161-007

## VICINITY MAP

NOI 10 SCALE

**PROJECT DESCRIPTION:**

CHAMISE CREEK FARM, LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLOU), ORDINANCE NO. 2554. THE PROPOSED OPERATION INCLUDES APPROXIMATELY 22,800 SQUARE FEET (SF) OF OUTDOOR COMMERCIAL CANNABIS CULTIVATION AREA. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPROPRIATE TO THE CULTIVATION INCLUDING GREENHOUSES, WATER DIVERSION WORKS, AND STORAGE.

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SLOTTED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DERIVED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY RECORDS. HUMBOLDT COUNTY, CALIFORNIA, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, OR OTHER PUBLIC UTILITIES OR PUBLIC ACCESS AREAS WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. ANY EXISTING ENVIRONMENTAL CONFLICTS WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

### PROJECT INFORMATION:

**APPLICANTS:**  
CHAMISE CREEK FARMS, LLC  
P.O. BOX 416  
GARBERVILLE, CA 95542

**PROPERTY OWNER:**  
KAMMAL OWEN  
P.O. BOX 416  
GARBERVILLE, CA 95542

**OWNERS AGENT:**  
NORTHPOINT CONSULTING GROUP, INC.  
1117 SAMOA BLVD.  
ARCAITA, CA 95521  
(707) 798-6438

**OWNERS AGENT:**  
NORTHPOINT CONSULTING GROUP, INC.  
1117 SAMOA BLVD.  
ARCAATA, CA 95521  
(707) 798-6438

SITE ADDRESS:  
APN: 218-161-

PALO VERDE, CA 95542

[illegible]

(BOOK AFFILIATION #11002)

SEWER = PRIVATE

GENERAL PLAN DESIGNATION = AL40 (FRWK)

## BUILDING SETBACKS:

|       |     |     |
|-------|-----|-----|
|       | FR  | SRA |
| FRONT | 20' | 30' |
| SIDE  | 10' | 30' |
| REAR  | 20' | 30' |

MAX. BLDG. HT. = 35

IN COASTAL ZONE: = NI

OFFSITE ACTIVITIES:

## DIFFER INDEX

## **SHEET INDEX**

- C0 - PLOT PLAN, VICINITY MAP, & PROJECT NOTES  
C1 - EXISTING AND PROPOSED SITE PLAN  
C2 - 300' AND 600' PROXIMITY BUFFERS

## PLOT PLAN

22x34 SHEET: 1"=100'



## NOTE:

\*PROPERTY LINES HAVE BEEN ADJUSTED TO REFLECT PROPERTY OWNERS RECOGNIZED PROPERTY LINES

|   | DATE | REVISIONS | DRAWN BY |
|---|------|-----------|----------|
| A |      |           |          |
| B |      |           |          |
| C |      |           |          |
| D |      |           |          |
| E |      |           |          |
| F |      |           |          |
| G |      |           |          |
| H |      |           |          |
| I |      |           |          |
| J |      |           |          |
| K |      |           |          |
| L |      |           |          |
| M |      |           |          |
| N |      |           |          |
| O |      |           |          |
| P |      |           |          |
| Q |      |           |          |
| R |      |           |          |
| S |      |           |          |
| T |      |           |          |
| U |      |           |          |
| V |      |           |          |
| W |      |           |          |
| X |      |           |          |
| Y |      |           |          |
| Z |      |           |          |



**NORTHPOINT**  
CONSULTING GROUP, INC.  
1117 Samoa Blvd., Arcata, CA 95521

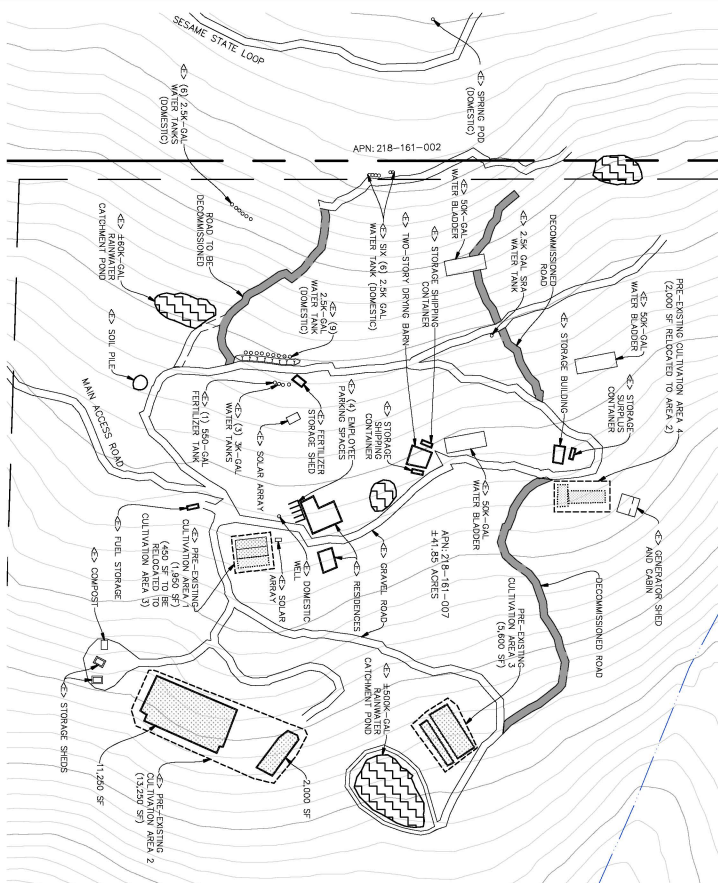
**CHAMISE CREEK FARM, LLC**  
**PALO VERDE, CA 95542**

PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

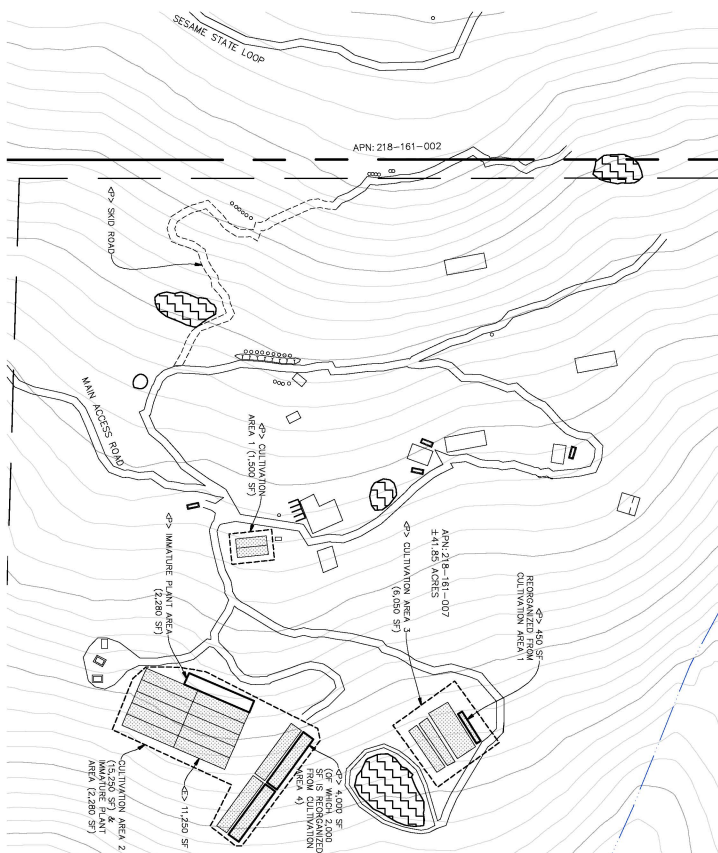
|                |          |
|----------------|----------|
| PROJECT (REQ.) | _____    |
| DRAWING (BY)   | CC       |
| DATE           | 05/08/72 |
| SCALE          | AS SHOWN |
| SHEET          |          |
| C0             |          |
| 18-138         |          |

**APN: 218-161-007**

## EXISTING & PROPOSED SITE PLAN



## **EXISTING SITE PLAN**



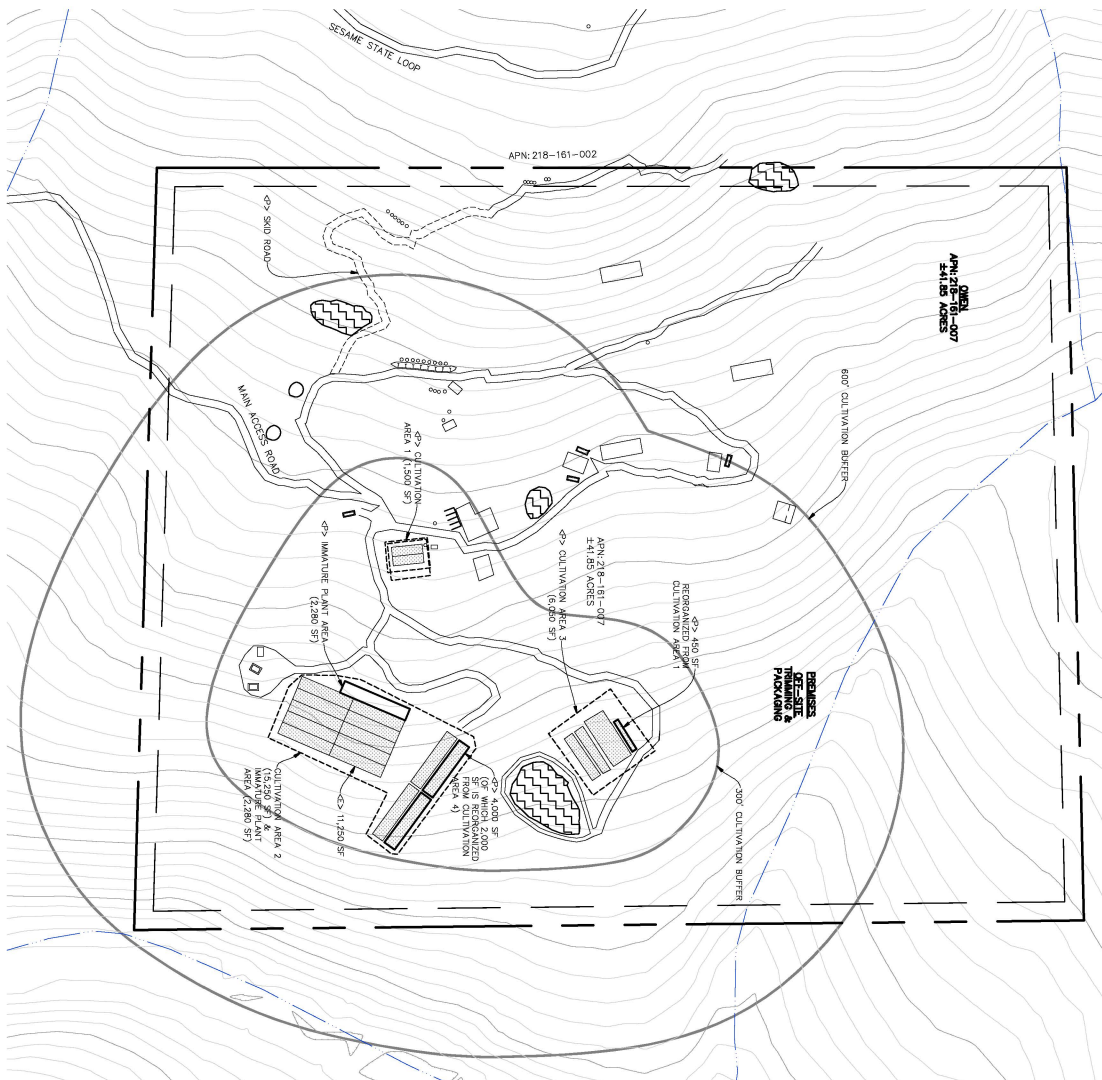
## **PROPOSED SITE PLAN**

|                 |   |   |      |  |          |  |
|-----------------|---|---|------|--|----------|--|
| PROJECT NO.     |   |  <b>NORTHPOINT</b><br>CONSULTING GROUP, INC.<br>1117 Samoa Blvd., Arcata, CA 95521 | DATE |  | DRAWN BY |  |
| CHECKED BY      |   |   |      |  |          |  |
| DATE            |   |   |      |  |          |  |
| SCALE           |   |   |      |  |          |  |
| SHEET           | <b>CHAMISE CREEK FARM, LLC</b><br><br><b>PALO VERDE, CA 95542</b><br><br><b>EXISTING AND PROPOSED SITE PLAN</b> |   |      |  |          |  |
| JAS. SUTHERLAND |   |   |      |  |          |  |

# CHAMISE CREEK FARMS, LLC

APN: 218-161-007

300' AND 600' PROXIMITY BUFFERS



22x34 SHEET: 1"=100'  
11x17 SHEET: 1"=200'

|                               |              |  |      |  |          |          |
|-------------------------------|--------------|--|------|--|----------|----------|
| 18-139                        |              |  | DATE |  | REVISION | DRAWN BY |
|                               | PROJECT NAME |  |      |  |          |          |
|                               | DATE         |  |      |  |          |          |
|                               | SHEET        |  |      |  |          |          |
| CHAMISE CREEK FARM, LLC       |              |  |      |  |          |          |
| PALO VERDE, CA 95542          |              |  |      |  |          |          |
| 300' & 600' PROXIMITY BUFFERS |              |  |      |  |          |          |

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the 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 #22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall prepare a site suitability report to establish potential for an onsite waste treatment system. An invoice or equivalent documentation shall be provided to the Humboldt County Health

and Human Services Environmental Health Division (DEH) to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of an annual permit. The applicant shall provide documentation to verify legal nonconforming status of the unpermitted well, retroactively permit the well, or complete a well destruction permit for the well.

9. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
10. The applicant shall obtain permits to operate the three (3) 2000-watt Honda Inverter generators, one (1) 3000-watt Honda Inverter generator, and (1) 22-kW Whisperwatt generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
11. The applicant shall implement the mitigation measures identified in the Site Management Plan (SMP), including installing five (5) rolling dips on the main access road, installing two (2) rocked dips on the cultivation access road and spur road, installing three (3) rocked dips on the pond access road, applying seed and mulch to all exposed soils adjacent to the chemical storage shed, engaging in best management practices for the storage of liquids and chemicals, promptly disposing of cultivation-related waste at a licensed facility, and installing an approved septic system.
12. The applicant shall implement the mitigation measures identified in the Lake and Streambed Alteration Agreement (LSAA) for points of diversion (PODs), including limiting seasonal diversion at POD 2 to 400 gallons per day during the low flow season (April 1 to December 14), limiting the maximum instantaneous diversion rate for both POD 3 and POD 4 to five gallons per minute at any time, passing adequate flow at all times to keep aquatic species in good condition below PODs, and measuring diverted flow from PODs in accordance with the specifications of the LSAA. The applicant shall implement all of the following: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 1 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; and 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
13. The spillway at POD 3 shall be replaced by building up the southern embankment of the pond and constructing a rock-armored spillway, and the culvert at Crossing 1 shall be replaced, per the specifications of the LSAA.
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, all work shall halt within 100 feet of the find and a qualified professional archaeologist and tribal representatives shall be contacted immediately, in order to evaluate the find.
15. The applicant shall implement the mitigation measures identified in the Road Evaluation Report. For the private drive, these measures include grading and flattening portions of the road with slopes greater than 15%, grading to establish positive drainage and to maintain a 12-foot width throughout the roadway, constructing pullouts at two (2) locations, addressing drainage issues at several locations by installing toe drains, and constructing waterbars. For Sesame Loop Road, these measures include grading the road to establish positive drainage and a minimum 12-foot width throughout the roadway, addressing drainage issues at three (3) locations, and constructing waterbars and rolling dips. The size of culverts along both roads shall be verified.
16. COUNTY ROADS – DRIVEWAY AND PRIVATE ROAD INTERSECTION VISIBILITY. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the



Department of Public Works (DPW) prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.

17. COUNTY ROADS – PRIVATE ROAD INTERSECTION. Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by DPW prior to commencement of any work in the county maintained right-of-way. If the county road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the county road. If the county road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the county road. This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
18. The applicant shall implement the mitigation measures identified in the Timberland Conversion Evaluation Report (Less Than 3-Acre Conversion Mitigation Plan). The applicant shall perform regular maintenance and monitoring of road surfaces, complete winterizing procedures annually by November 15, fortify the access road at Site 6 (shed and cabin) with 1-2 inches of crushed rock, and complete mitigation measures at each of the thirty-three (33) remediation points identified in the report.
19. The applicant shall contact the Palo Verde Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. 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.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
22. The applicant shall schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.
23. The applicant shall complete small irrigation use registrations (SIUR) for each rainwater catchment pond within thirty (30) days of project approval and implement any required reporting and conservation measures established by the State Water Resources Control Board (SWRCB).

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) 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 NSO habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of

issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE), if applicable.
18. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

## Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities

- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. Onsite housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

## Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN 218-161-007; 665 Chamise Loop Road, Palo Verde, CA 95542  
County of Humboldt**

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

**June 2021**

## **BACKGROUND**

### **Purpose of Addendum**

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

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

### **Project History**

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

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

## **Modified Project Description**

The modified project involves a Conditional Use Permit (PLN-11562-CUP) for a total of 22,800 square feet (SF) of existing outdoor cannabis cultivation and a 2,280-SF ancillary nursery. The outdoor cultivation area is comprised of three (3) full-term cultivation areas (CA): CA 1 with two (2) greenhouses totaling 1,500 SF, CA 2 with ten (10) greenhouses totaling 15,250 SF, and CA 3 with three (3) greenhouses totaling 6,050 SF. A 2,280-SF ancillary nursery is used for propagating plants. Drying occurs onsite in a 750-SF barn, and further processing occurs offsite at a licensed third party facility. A maximum of four (4) employees would be used during peak harvest and processing season. The primary source of electrical power for outdoor cultivation is a solar array and several generators, including three (3) 2000-watt Honda Inverter generators, one (1) 3000-watt Honda Inverter generator, and one (1) backup 22-kW Whisperwatt generator used in emergencies.

Irrigation water is sourced from two (2) rainwater catchment ponds that have a combined storage capacity of 560,000 gallons. The California Department of Fish and Wildlife (CDFW) determined the ponds are existing onstream reservoirs and require permits from the State Water Resources Control Board (SWRCB). The applicant shall complete small irrigation use registrations (SIUR) for each pond within thirty (30) days of project approval and implement any required reporting and conservation measures established by the SWRCB (**Condition 23**). Total estimated annual water use is 342,000 gallons (15 gallons/SF). Water is stored in the two (2) rainwater catchment ponds, three (3) 50,000-gallon bladders, one (1) 3,000-gallon hard plastic tank, and one (1) 2,500-gallon hard plastic tank. Total water storage is 715,500 gallons. The project will be able to comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Chamise Creek watershed. There is one onsite stream crossing (Crossing 1).

A Site Management Plan (SMP) was prepared to comply with State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ (Application No. 418119). The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID: 1B16822CHUM). The subject parcel includes two (2) blue line streams: a tributary to Chamise Creek and Mainstem Chamise Creek. There are no stream crossings onsite. The property is primarily forested with pine, fir, and oak species and has an elevation of approximately 1,000 feet above sea level.

The SMP identifies several mitigation measures to decrease erosion and sedimentation of waterways. The mitigation measures include: installing five (5) rolling dips on the main access road, installing two (2) rocked dips on the cultivation access road and spur road, installing three (3) rocked dips on the pond access road, applying seed and mulch to all exposed soils adjacent to the chemical storage shed, engaging in best management practices for the storage of liquids and chemicals, promptly disposing of cultivation-related waste at a licensed facility, and installing an approved septic system (**Condition 11**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2017-0377-R1). The LSAA addresses six (6) project encroachments, including four (4) points of diversion (POD): one (1) spring diversion (POD 1) for domestic use, one (1) well diversion (POD 2) for domestic use, and two (2) pond diversions (POD 3 and POD 4) for irrigation. Seasonal diversion for POD 2 is limited to 400 gallons per day during the low flow season from April 1 to December 14. The maximum instantaneous diversion rate for both POD 3 and POD 4 shall not exceed five gallons per minute at any time, and the permittee shall pass adequate flow at all times to keep aquatic species in good condition below the point of diversion. Diverted flow for all PODs shall be measured in accordance with the specifications of the LSAA (**Condition 12**). The other two (2) project encroachments include the replacement of a spillway at POD 3 (building up southern embankment of pond and constructing rock-armored spillway) and the replacement of a culvert at Crossing 1 (**Condition 13**).



The LSAA establishes specific mitigation measures that the applicant must apply to offset potential impacts to waterways within the area. The mitigation measures include: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 1 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; and 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities (**Condition 12**).

A list of potential special status species was generated in April 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species occur within five (5) miles of the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

An archaeological survey report was prepared by Nick Angleoff and Saige Heuer of Archaeological Research and Supply Company (January 2020). Archaeological Technician Brianna King conducted a field survey in March 2020. The report concludes that there are no significant historic resources within the project area, and the project is not anticipated to have an adverse effect on significant cultural resources. The report recommends establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. Consultation letters were sent to Native American groups associated with the project area. The Bear River Band of the Rohnerville Rancheria concurred with the recommendations of the archaeological survey report. The Sinkyone Intertribal Wilderness Council did not respond to requests for information. The applicant has been conditioned to follow Inadvertent Discovery Protocol if suspected cultural resources are found during project work (**Condition 14**).

The project area is located on the east side of Chamise Loop Road in the unincorporated Palo Verde area in southern Humboldt County. Roads providing access to the site include Sesame Loop Road and a private drive. Using forms provided by Humboldt County Department of Public Works (DPW), David Nicoletti, PE, evaluated each road and determined they are not developed to a road category 4 standard. Mr. Nicoletti identified several recommendations for these two roadways (**Condition 15**). For the private drive, the recommendations include: grading and flattening portions of the road with slopes greater than 16%, grading the drive to establish positive drainage and to maintain a 12-foot width throughout the roadway, constructing pullouts at two (2) locations, addressing drainage issues at several locations by installing toe drains, and constructing waterbars. For Sesame Loop Road, the recommendations include: grading the road to establish positive drainage and a minimum 12-foot width throughout the roadway, addressing drainage issues at three (3) locations, and constructing waterbars and rolling dips. The size of culverts along both roads need to be verified. DPW recommended standard conditions of approval relating to driveway and intersection visibility be applied to the project (**Conditions 16 and 17**).

Between 2006 and 2017, a total of 2.61 acres of timberland were converted to create room for an expanded cultivation site (1.5 acre), a house (0.28 acre), a parking area (0.23 acre), and a water bladder (0.06 acre). Several other locations within the project area were converted during this same time period. A Timberland Conversion Evaluation Report was prepared by Stephen Hohman, RPF, to address these areas of unpermitted timberland conversion (April 2, 2020). The report identifies 33 remediation points in the project area with specific mitigation measures for each point that the applicant is required to implement (**Condition 18**). These mitigation measures include, but are not limited to: regular maintenance and monitoring of road surfaces by clearing culvert inlets of debris, checking all surface drainage features regularly, and ensuring gravel is reapplied to road surfaces as necessary; and winterizing by covering exposed cultivation soils with straw mulch no later than November 15 of each year, maintaining native vegetation around site, disconnecting and storing all

irrigation systems, planting winter cover crops, and storing all irrigation equipment and tools in an organized manner. At Site 6 (shed and cabin), the access road must be fortified with 1-2 inches of crushed rock.

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.

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

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, consisting of 22,800 SF of existing outdoor cultivation within three (3) full-term cultivation areas, along with a 2,280-SF ancillary nursery, 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 Northpoint Consulting Group, dated 5/8/2020
- Cultivation and Operations Plan prepared by Northpoint Consulting Group, dated June 2017 and revised April 2020
- Lake and Streambed Alteration Application for California Department of Fish and Wildlife, (Notification # 1600-2017-0377-R1), received 4/9/2019
- Cultural Resources Investigation prepared by Archaeological Research and Supply Company, dated January 2020
- Northwest Information Center (NWIC) records search conducted by Bryan Much on 11/17/2017
- County Department of Public Works Road Evaluation Report, dated 5/29/2018
- Timberland Conversion Evaluation Report prepared by Stephen Hohman, RPF, dated 4/2/2020

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Chamise Creek Farms, LLC would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

### **Attachment 3 Application Report of Findings**

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Northpoint Consulting Group, dated 5/8/2020, **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (prepared by Northpoint Consulting Group, dated June 2017 and revised April 2020 – **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. **(On file)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
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. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (LSAA Notification No. 1600-2017-0377-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(Not applicable)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal

Fire. (Timberland Conversion Evaluation Report prepared by Stephen Hohman, RPF, dated 4/2/2020 – **Attached**)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (**On file**)
12. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (**On file**)
13. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (**On file**)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (**On file**)

**CHAMISE CREEK FARMS, LLC**  
**CULTIVATION AND OPERATIONS MANUAL**  
**HUMBOLDT COUNTY, CA**

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**PROPOSED CANNABIS**  
**CULTIVATION FACILITIES**

PREPARED FOR:



**June 2017**  
**Revised April 2020**



**Proposed Cannabis Cultivation Facilities**

**APN # 218-161-007**

**Apps # 11562**

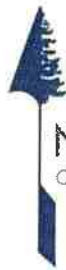
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Garberville, CA 95542

**June 2017**

**Revised April 2020**



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- Appendix C: Cultivation Activities Schedule
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- Appendix E: SWRCB Site Management Plan
- Appendix F: CDFW Streambed Alteration Agreement
- Appendix G: Water Rights for Diversions
- Appendix H: Less Than 3-Acre Conversion Mitigation Plan
- Appendix I: Cultural Resources Survey Report





## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Chamise Creek Farms, LLC is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for approximately 22,800 ft<sup>2</sup> (sf) of outdoor cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, a nursery, a cultivation facility for drying and curing of commercial cannabis, water diversion works, rainwater catchment ponds, and appropriate water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The site is located at 665 Sesame Loop, Palo Verde, CA 95542 (APN 218-161-007), in the Chamise Creek subwatershed of the Eel River. The rural subject parcel is approximately 41.85 acres in size (*Humboldt County WebGIS*) and is located near the Humboldt-Trinity County boundary, about 23 miles east of Garberville. To reach the site from Eureka, take US-101 south for about 68 miles to Garberville. Exit Redwood Dr. and follow to Alderpoint Rd, then turn right. Travel on Alderpoint Rd. for about 8.6 miles and lean right onto Bell Springs Rd., then travel 8 miles to Island Mountain Rd. and turn left. After 5 miles on Island Mountain Rd. turn left toward Sesame St. Loop, travel 0.2 miles, and lean right onto Sesame St. Loop. Travel 0.7 miles and turn right onto Sesame Loop. The property is at the end of the road. The site coordinates are Latitude 40.055200° and Longitude -123.6599°.

The property is located about 2.3 miles up Chamise Creek to the west of the Eel River, at an elevation of approximately 1,000 ft above mean sea level. Chamise Creek is a tributary to the Eel River, which is home to five endangered salmonid species and is listed as an impaired waterbody for excessive sediment and temperature under Section 303(d) of the Clean Water Act. The surrounding landscape consists of open prairie and mixed oak woodlands, with slopes ranging from stable flat meadows to steepened slopes exceeding 25% gradient. The climate is characterized by hot, dry summers and cool winters with significant rainfall. The average annual precipitation is around 50 inches. The subject parcel is mostly woodland, with a tributary flowing east across the northern section, and Chamise Creek flowing north below the southeast corner of the property. The single-family residences, outbuildings, cultivation areas, roads, and associated waterworks are in the central part of the parcel.

### 1.3. LAND USE

The subject property has a General Plan Land Use Designation of Residential Agriculture (RA40) and is zoned It is zoned as Forest Recreation with Special Building Combining Zones (FR-B-5(40)). Surrounding properties are designated as Residential Agriculture (RA) and Agricultural General (AG).

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Chamise Creek Farms, LLC has obtained a Provisional Cannabis Cultivation License for a Medicinal-Medium Mixed-Light Tier 1 commercial operation (License # CCL19-0000314) from the California Department of Food and Agriculture (CDFA).



**1.4.2. STATE WATER RESOURCES CONTROL BOARD**

Effective June 25, 2019, Chamise Creek Farms, LLC enrolled with the State Water Resources Control Board (SWRCB) for coverage of waste discharge associated with cannabis cultivation activities. The site is classified as a Tier 1, Low Risk Discharger under Order No. WQ 2019-0001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* ("General Order"). The farm's waste discharge identification (WDID) number is 1\_12CC418119. A Site Management Plan (SMP) has been developed and submitted to the SWRCB to satisfy the conditions of the Tier 1, Low Risk enrollment requirements in the General Order (Appendix E).

Water for cannabis cultivation is provided by two off-stream rain-catchment ponds that have a combined estimated storage capacity of approximately 560,000 gallons. A 200-ft deep well and a spring provide the residences with domestic water. In addition to the two ponds used for cultivation irrigation, the parcel has two small aesthetic ponds. The applicant has filed Initial Statements of Diversion and Use (ISDU) with the SWRCB for the Points of Diversion (POD) for the well and ponds (# S026424, S026414, S026416). A Registration for Small Domestic Use Appropriation (SDUR) has been filed for the spring diversion. In addition, the SWRCB required a Small Irrigation Use Registration (SIUR) to be filed for use of the ponds as storage for irrigation (H509182). The application is pending approval (Appendix G).

**1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD**

Effective July 29, 2016, Chamise Creek Farms enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) (WDID Number 1B16822CHUM) for coverage under Tier 2 of *Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*.

**1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT**

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit. The existing infrastructure consists of a 1,000 ft<sup>2</sup> and 1,400 ft<sup>2</sup> residence, a 750 ft<sup>2</sup> two-story drying barn, a drying shed, storage sheds and shipping containers, a generator shed, and numerous greenhouses.

**1.4.5. HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS – ROADS & ACCESS**

Chamise Creek Farms, LLC will adhere to Humboldt County Public Works roads and access standards. The driveway connected to the county-maintained road will meet the County's Sight Visibility Ordinance (Code Section 341-1). All existing and proposed access roads that connect to the county-maintained road shall be improved to current standards for a commercial driveway by widening 20 feet in width and 50 feet in length where they intersect with the County road.

**1.4.6. CAL FIRE**

The subject property is located within a State Responsibility Area (SRA) for fire protection. The property owner will complete any improvements required by the CA Department of Forestry and Fire Protection (Cal Fire) to meet SRA requirements, such as designating a fire turn-around and pull-out area for emergency vehicles, management of trees and vegetation around existing structures to maintain the required 100-foot defensible space, and the installation of a 2,500-gallon water tank





with a riser to SRA specifications. All structures on the property meet the 30-foot SRA setback requirement from property lines.

In addition, a Less Than 3-Acre Conversion Mitigation Plan has been prepared by Mad River Properties, Inc. for the subject parcel, which is an assessment of the prior conversion of timberland (Appendix H).

#### **1.4.7. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

Pursuant to Fish and Game Code section 1600, the applicant has entered into a Streambed Alteration Agreement (Agreement) with the California Department of Fish and Wildlife (CDFW) for the PODs, stream crossings, and pond spillway (Notification No. 1600-2017-0377-R1; Appendix F). The applicant will complete the project in accordance with the Agreement, which includes project timing and reporting measures, to protect fish and wildlife resources.

#### **1.4.8. CULTURAL RESOURCES**

Per the request of the Northwest Information Center, the applicant has had a qualified archaeologist conduct a cultural resources survey of the property. The cultural resources report is in Appendix I. According to the findings, no historical or cultural artifacts were found in the project vicinity. If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

## **2. CULTIVATION AND PROCESSING**

### **2.1. LEGACY CULTIVATION RELOCATION AND REMEDIATION**

In 2016 the applicant relocated approximately 2,000 ft<sup>2</sup> of cultivation (Cultivation Area 4) located at the northern property boundary to reduce environmental impacts. The cultivation in the two greenhouses were relocated and combined with Cultivation Area 2 (Appendix A). The cultivation was relocated to consolidate the cultivation areas and to allow for a steep section of access road to be retired. Also, the remaining full-sun outdoor cultivation in Cultivation Area 1 is proposed to be relocated and put in a greenhouse in Cultivation Area 3 (Table 1).

During the relocation process, environmental impacts were, and will continue to be, kept to a minimum: all work shall be performed during the dry season and Best Management Practices (BMPs) will be employed, no new extensive grading for the purposes of cultivation is to be performed on the site, and the cultivation will remain outside riparian setbacks and on slopes of less than 20% gradient. After relocation, the disturbed soil at Cultivation Area 4 was mulched with straw and grasses/forbs reestablished in the spring from the natural seedbank.

### **2.2. NURSERY PROPAGATION AND INITIAL TRANSPLANT**

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain off-site in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium called oasis cubes to produce clones. The clones are placed into the nursery/immature plant area and



once fully rooted they are transplanted directly into one-gallon plastic containers. The juvenile plants are irrigated using hand watering methods. After 2-4 weeks, the clones are then transplanted into garden beds in the greenhouses.

### 2.3. CULTIVATION SOIL

The cultivation soil is a mix of TNT Dirtworks and Humboldt Ag Supply in bulk. It is amended and fertilized as needed, using a mix of FoxFarm, Emerald Harvest, and Botanicare products (listed in Section 3.7). The soil is reused each season and topped off as needed. Humboldt Ag Supply and Dirty Business Soil perform the soil testing and make recommendations for treatment based on soil and plant needs. Any spent soil will be temporarily stabilized outside the riparian zone and monitored to prevent discharge to surface waters (Appendix A). If it is not reused and amended, the spent soil will be composted or appropriately disposed of at a waste management facility.

### 2.4. CULTIVATION PLAN AND SCHEDULE

Cultivation will occur in a combination of full sun and greenhouses (GH) for a total area of approximately 22,800 ft<sup>2</sup>. The existing 4,000 ft<sup>2</sup> GH located adjacent to the eastern pond consists of heavy gauge steel tubing, covered with reinforced poly-film. The other GHs on the property have 2 x 4 wood framing and PVC hoops with reinforced poly-film. Each GH is ventilated by intake and exhaust fans and by pulling up the film as needed. The applicant utilizes a light deprivation technique in the greenhouses to produce up to two flowering cycles per year. The monthly cultivation schedule in Appendix C details the cultivation activities associated with light deprivation for a typical two-cycle year.

The construction of a 2,280 ft<sup>2</sup> immature plant area (nursery) is also proposed to be located in Cultivation Area 2. It will have the same 2 x 4 wood framing and PVC hoops with reinforced poly-film as most of the other greenhouses.

Table 1. Cultivation Areas and Types

| Cultivation Area                                | Existing or Proposed (E or P)     | Type:<br>FS- full sun<br>GH- Greenhouse | Dimensions (ft) | Area (ft <sup>2</sup> ) | Pot or Bed Type | # of Cycles per year |
|---|-----------------------------------|---|-----------------|-------------------------|-----------------|----------------------|
| 1   | E (to be relocated to Area 3)     | FS                                      | 15 x 30         | 450                     | Pots            | 1                    |
|   | E                                 | (1) GH                                  | 15 x 47         | 705                     | Raised bed      | 1-2                  |
|   | E                                 | (1) GH                                  | 15 x 53         | 795                     | Raised bed      | 1-2                  |
| 2   | P (Immature plant area)           | (2) GH                                  | 11 x 40         | 2,280                   | Pots            | 1-2                  |
|   | E                                 | (2) GH                                  | 10 x 100        | 2,000                   | Raised bed      | 1-2                  |
|   | P (relocated from Area 4 in 2016) | (2) GH                                  | 10 x 100        | 2,000                   | Raised bed      | 1-2                  |
|   | E                                 | (10) GH                                 | 15 x 75         | 11,250                  | Raised bed      | 1-2                  |
| 3   | E                                 | (2) GH                                  | 10 x 80         | 1,600                   | Raised bed      | 1-2                  |
|   | P (sf from Area 1)                | (1) GH                                  | 10 x 45         | 450                     | Raised bed      | 1-2                  |
|   | E                                 | (1) GH                                  | 40 x 100        | 4,000                   | Raised bed      | 1-2                  |
| 4   | E (combined with Area 2 in 2016)  | (1) GH                                  | 12 x 100        | 1,200                   | Raised bed      | 1-2                  |
|   | E (combined Area 2 in 2016)       | (1) GH                                  | 10 x 80         | 800                     | Raised bed      | 1-2                  |
| <b>Total Cultivation: 22,800 ft<sup>2</sup></b> |                                   |   |                 |                         |                 |                      |





## 2.5. IRRIGATION PLAN AND SCHEDULE

Young plants are hand-watered as needed. Depending on the growth stage, temperature, and relative humidity, they're typically watered once every 1-4 days. Watering amounts range from 0.2-0.4 liters. Adult plants are watered via drip emitters. They're typically watered every 1-3 days, depending on the same parameters as when they are young. Watering amounts range from 0.5-1 gallon per watering. A nutrient tea provided by Humboldt Ag Supply is brewed in a 550-gallon fertilizer-mixing tank. The cannabis is fertigated as needed throughout its growth cycle, depending on its health and appearance. The monthly cultivation schedule in Appendix C details the irrigation activities associated with all cultivation.

## 2.6. HARVESTING AND DRYING

Plants that are ready for harvest have their flowering branches removed and suspended in the two-story drying barn that is equipped with ventilation fans. The drying process takes approximately 5-10 days. A licensed third-party is contracted to do the processing. Any waste material generated from processing the Cannabis is composted or mulched in at the composting location.

## 2.7. EMPLOYEE PLAN

Chamise Creek Farms, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### 2.7.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

Staffing will be required as shown in the table below.

| Table 2..6.1: Monthly Staffing Requirements |     |     |   |     |      |      |     |      |     |     |     |  |
|---|-----|-----|---|-----|------|------|-----|------|-----|-----|-----|--|
| <b>Agent in Charge</b>                      |     |     | Responsible for business oversight and management. Responsibilities include: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors. This position will be filled by the owner.   |     |      |      |     |      |     |     |     |  |
| <b>Part Time</b>                            |     |     |   |     |      |      |     |      |     |     |     |  |
| Jan   | Feb | Mar | April   | May | June | July | Aug | Sept | Oct | Nov | Dec |  |
|   | 1   | 1   | 1   | 1   | 1    | 1    | 1   | 1    | 1   | 1   |     |  |
| <b>Lead Cultivator</b>                      |     |     | Oversight and management of daily cultivation activities. Responsibilities include: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This position will be filled by the owner.  |     |      |      |     |      |     |     |     |  |
| <b>Full Time</b>                            |     |     |   |     |      |      |     |      |     |     |     |  |
| Jan   | Feb | Mar | April   | May | June | July | Aug | Sept | Oct | Nov | Dec |  |
|   |     | 1   | 1   | 1   | 1    | 1    | 1   | 1    | 1   | 1   |     |  |
| <b>Laborer</b>                              |     |     | Provides cultivation, harvesting, and drying support. Two full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation and harvest seasons. During the peak harvest season, there are an estimated total of three employees on site. |     |      |      |     |      |     |     |     |  |
| <b>Full Time</b>                            |     |     |   |     |      |      |     |      |     |     |     |  |
| Jan   | Feb | Mar | April   | May | June | July | Aug | Sept | Oct | Nov | Dec |  |
|   |     |     |   |     | 2    | 2    | 2   | 2    | 2   |     |     |  |



### 2.7.2. STAFFING REQUIREMENTS

In addition to the *Agent in Charge and Lead Cultivator positions*, up to two (2) full-time or part-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. There are four (4) reserved parking spaces for employees and they are encouraged to carpool to the site (Appendix A). During the peak harvest and processing season, there are an estimated total of four (4) employees on site and up to ten (10) daily vehicle trips to the site.

### 2.7.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure, as well as proper application and storage of pesticides and fertilizers. All cultivation and harvesting staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff.

All personnel are trained on proper safety procedures, including fire safety, use of rubber gloves and respirators, proper hand washing guidelines, and protocol in the event of an emergency. Contact information for the local fire department, Cal Fire, Humboldt County Sheriff and Poison Control, and the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to personnel or contractors.

### 2.7.4. TOILET AND HANDWASHING FACILITIES

The applicant is in the process of permitting the existing septic systems for the residences. In the interim, portable restrooms and hand-washing stations will be provided and serviced by a licensed company. Employees will work at a distance typically less than 500 feet from the restroom facility.

### 2.7.5. HOUSING

The existing single-family residences are not associated with cultivation and are occupied by the landowner and family. Seasonal laborers will live off site and commute regularly to the cultivation site. No new residential structures are proposed as a part of this project.

## 2.8. SECURITY PLAN AND HOURS OF OPERATION

### 2.8.1. FACILITY SECURITY

The site of operations is in a very rural and isolated landscape, where the main dirt road ends at a closed security gate. The gate remains locked at all times and access is limited exclusively to personnel. All entrances will have motion activated security lights and cameras that are part of a property-wide surveillance system.

### 2.8.2. HOURS OF OPERATION

Hours and days of operation are as shown in the tables below. Additional details may be found in Appendix B in the cultivation and activities schedule.

| Table 3. Daily Hours of Operation |     |     |       |     |      |      |     |      |     |     |     |
|-----------------------------------|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| Jan                               | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|                                   |     |     | 8-8   | 8-8 | 8-8  | 8-8  | 8-8 | 8-8  | 8-8 |     |     |



| Table 4. Weekly Days of Operation |     |     |       |     |      |      |     |      |     |     |     |
|-----------------------------------|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| Jan                               | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|                                   |     |     | 5     | 5   | 7    | 7    | 7   | 7    | 7   |     |     |

### 3. ENVIRONMENT

#### 3.1. WATER SOURCE AND PROJECTED WATER USE

Water for cultivation is provided by the two rain-catchment ponds that hold approximately 560,000 gallons combined. The applicant has filed an ISDU and SIUR for both ponds; the SIUR is pending approval. See the Notice of Receipt of the application in Appendix G. CDFW did not put a forbearance on the ponds; however, the SWRCB Division of Water Rights (DWR) determined that an SIUR was necessary until they can make an onsite determination.

Chamise Creek Farms utilizes water management strategies to conserve onsite water and applies water at agronomic rates to achieve net zero discharge. Refer to section 2.4 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

A spring and a well are used for domestic purposes only. An ISDU and SDUR has been filed for the spring; the SDUR is pending approval. See application summary in Appendix G. The SWRCB Division of Water Resources (DWR) does not have record of a Well Completion Report for the well; thus, an ISDU was filed with the SWRCB and CDFW put restrictions on the daily withdrawal rate (see the SAA in Appendix F).

Table 5 below outlines the estimated water usage for cultivation and domestic purposes during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use. The applicant has installed water meters to provide more accurate water use numbers and will report water use totals annually to the SWRCB, NCRWQCB, and CDFW.

| Table 5. Estimated Annual Water Use (Gallons) |       |       |        |        |        |        |        |        |        |       |       |
|---|-------|-------|--------|--------|--------|--------|--------|--------|--------|-------|-------|
| Jan   | Feb   | Mar   | April  | May    | June   | July   | Aug    | Sept   | Oct    | Nov   | Dec   |
| 4,000   | 4,000 | 4,500 | 31,057 | 34,314 | 38,071 | 44,586 | 44,936 | 38,471 | 35,064 | 4,500 | 4,500 |
| <b>Total: 288,000 gallons</b>                 |       |       |        |        |        |        |        |        |        |       |       |

#### 3.2. WATER STORAGE

The total storage capacity used for cultivation approximately 719,000 gallons. This includes the ponds and bladder storage. Water is pumped from the ponds to (3) 3,000-gallon watertanks, then up to (3) storage bladders, then gravity fed down to the cultivation areas. The existing storage bladders together hold 150,000 gallons. The bladders may be replaced with plastic watertanks if necessary.

Domestic water is pumped from the well and temporarily stored in plastic tanks that together hold 15,000 gallons. The spring is also used for domestic purposes. Spring water is gravity-fed to (15) 2,500-gallon poly tanks. The total domestic storage is 52,500 gallons (Table 6). Based on the cultivation and domestic water demands, the existing storage is enough to meet the needs of the site. A 2,500-gallon watertank has been designated as emergency fire storage to comply with SRA fire protection requirements.





| Table 6. List of Existing Water Storage Vessels on Site for Irrigation |              |                  |                |        |                         |
|--|--------------|------------------|----------------|--------|-------------------------|
| EXISTING   | TYPE         | VOLUME (GALLONS) | DATE INSTALLED | NUMBER | TOTAL STORAGE (GALLONS) |
|  | Plastic Tank | 2,500            | 2019           | 21     | 52,500                  |
|  | Bladder      | 50,000           | 2019           | 3      | 150,000                 |
| <b>Total Existing Storage</b>  | ---          |                  |                |        | <b>202,500</b>          |
|  |              |                  |                |        |                         |
| <b>Proposed</b>  | Plastic Tank | 2,500            | 2020/21        | 3      | 7,500                   |
|  | Bladder      | 50,000           | 2020/21        | 1      | 50,000                  |
| <b>Total Proposed Storage</b>  | ---          |                  |                |        | <b>57,500</b>           |

### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Chamise Creek Farms, LLC is enrolled with the SWRCB for Tier 1, Low Risk coverage, and a Site Management Plan (SMP) was developed in 2019, utilizing best practicable treatment or control (BPTC) measures in accordance with the cannabis General Order.

#### 3.3.1. SITE DRAINAGE AND RUNOFF

The site is moderately sloped and drains surface flow mostly toward the west, eventually into Chamise Creek, and partially north into an unnamed tributary to Chamise Creek. Cultivation areas are located greater than 150 feet away from streams and riparian zones. There are no stream crossings on the site.

The main road that leads to the residence is in good condition but would benefit from being rocked. Higher elevation roads above the residence require outslowing, inboard ditches, and rolling dips to prevent continued erosion. Two roads deemed too steep and with poor drainage have been decommissioned and another one is planned to be rerouted so that the smaller pond used for irrigation is still accessible.

Fertilizers and pesticides are being stored in a storage shed with secondary containment to prevent them from entering surface waters. Cultivation areas are being irrigated at agronomic rates and no runoff is produced. Specific measures for properly maintaining and managing site drainage and runoff are covered in the SMP.

#### 3.3.2. EROSION CONTROL

The SMP includes erosion and sediment control Best Practicable Treatment or Controls (BPTC) designed to prevent, contain, and reduce sources of sediment. It also includes corrective actions to reduce sediment delivery, including but not limited to the construction of rolling dips and inboard ditches on roads, appropriately storing cultivation materials and disposing of waste, and maintaining robust riparian zones. Additionally, a rocked spillway will be constructed for the eastern pond to reduce erosion potential, as described in the Agreement with CDFW. The NCRWQCB's *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* will be referenced for BMP (BPTC) recommendations and specifications.

### 3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Agreement with CDFW and to the SMP will ensure that the watershed and surrounding habitats are protected. The cultivation areas and associated structures are more than 150 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation





and habitat. All greenhouses have pervious pathways according to HCC Section 314-43.1.3.2. Additionally, site development and maintenance activities utilize BMPs (BPTCs) in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with the SMP and approved grading permits as needed.

### **3.5. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of BPTC measures listed in the SMP. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters. This includes spoils piles, cultivation soil, and locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan and associated data sheets are included in the SMP.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or another controllable sediment discharge site. Inspection should include photographic documentation with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

As part of the SWRCB Cannabis Water Quality Monitoring and Reporting Program an Annual Report is submitted annually by March 1 to the SWRCB. Monitoring data collected throughout the year is reported in the Annual Report.

### **3.6. ENERGY AND GENERATOR USE**

The site is located off-grid. Electricity for cultivation and domestic purposes, such as ventilation and climate control, is provided by an existing photovoltaic system that includes nine 300-watt solar panels. The applicant intends to expand the solar system to cover all electricity needs. An emergency generator is used for backup and is kept in a generator shed with secondary containment. It is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The applicant follows all guidelines set up by Humboldt County and the State of California when using the generator.

Generator Make and Model:

- Isuzu / BV-4LE2 – MQ Power WhisperWatt Super-Silent Generator #DCA25SSI, 20 kW (25 kVA)

### **3.7. USE AND STORAGE OF REGULATED PRODUCTS**

#### **3.7.1. BEST MANAGEMENT PRACTICES**

Best Management Practices (BMPs) are employed when storing, handling, mixing, application, and disposal of all fertilizers, pesticides, fungicides, chemicals, and petroleum products. All liquid products are stored with secondary containment in storage sheds. Dry soil and fertilizer products are immobilized and temporarily stored in a designated area while being used in cultivation areas. Excess product is saved in a storage shed for later use. Application rates will be tracked and reported in the Annual Report as required in the SWRCB General Order. Employees responsible for application are



trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. The SMP includes BMP/BPTC specifications for the use and storage of regulated products.

### 3.7.2. FERTILIZERS

Table 7 below is a list the nutrients and supplements used for cultivation.

| Table 7. Fertilizers             |  |  |
|----------------------------------|--|--|
| Type/Brand                       | Quantity Used Annually* (gallons/year) | Frequency/ Rate of Application (Depends on growth stage) |
| Emerald Harvest King Kola        | 570                                    | 4-12 mL/gallon   |
| Emerald Harvest Cali Pro Grow A  | 160                                    | 2-5 mL/gallon  |
| Emerald Harvest Cali Pro Grow B  | 160                                    | 2-5 mL/gallon  |
| Emerald Harvest Cali Pro Bloom A | 250                                    | 1-6 mL/ gallon   |
| Emerald Harvest Cali Pro Bloom B | 250                                    | 1-6 mL/ gallon   |
| Emerald Harvest Emerald Goddess  | 540                                    | 5-10 mL/gallon   |
| FoxFarm Big Bloom                | 1,750                                  | 3-6 tsp/gallon   |
| Botanicare Liquid Karma          | 360                                    | 4-8 mL/gallon  |
| Botanicare Cal-Mag Plus          | 240                                    | 3-5 mL/gallon  |

\*Quantity used annually varies and is an approximation based on available data.

See Appendix C - *Regulated Products Resource List* for product details.

### 3.7.3. PESTICIDES AND FUNGICIDES

Table 8 below is a list of pesticides and fungicides used for cultivation.

| Table 8. Pesticides and Fungicides          |  |                                |
|---|--|--------------------------------|
| Type/Brand                                  | Quantity Used Annually* (gallons/year) | Frequency/ Rate of Application |
| Dr. Zymes Eliminator                        | 100                                    | 4 oz/gallon, once per week     |
| Organocide Plant Doctor 3-in-1 Garden Spray | 40                                     | 3 oz/gallon, every 2 weeks     |
| Dyna-Gro Neem Oil                           | 14                                     | 4 tsp/gallon, once per week    |

\*Quantity used annually varies and is an approximation based on available data.

A list of all pesticides and fungicides will be provided to the NCRWQCB during annual reporting. All products will conform to the California Department of Pesticide Regulation registration and use



requirements for pesticide use on cannabis and will be stored in the storage shed with secondary containment. See Appendix B for product details.

### **3.8. WASTE MANAGEMENT PLAN**

#### **3.8.1. SOLID WASTE MANAGEMENT**

Garbage on site will be collected in trash containers located within the shipping containers to prevent leachate from entering or percolating to receiving waters until it is disposed at an appropriate waste disposal location. Garbage will be transported to the Eel River transfer station on a bi-weekly basis by covered trailer.

#### **3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls, branches, and leaves are composted near Cultivation Area 2 (Appendix A). Spent potting soil is kept in garden beds and seeded with a clover cover crop for the winter season. Any excess soil will be covered and immobilized using sediment control BMPs to prevent it from entering surface waters (Appendix A). All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility. Used pots are collected and stored in the garage or nursery. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

#### **3.8.3. WASTEWATER MANAGEMENT**

Each residence has an unpermitted septic system. A site visit by a septic professional is expected to take place during 2020 to determine what improvements will be necessary to fully permit the septic systems. The systems will be improved or replaced if needed and will be fully permitted through the Humboldt County Division of Environmental Health (DEH). In the interim, portable toilets will be available for employee use. A licensed company will be contracted to provide the toilets and to service them regularly.

Irrigation wastewater will be managed through Best Management Practices and water management to achieve an entirely closed-cycle irrigation and nutrient system, fully eliminating cultivation wastewater. The use of drip irrigation minimizes water use and hand watering for fertigation minimizes subsequent runoff.

## **4. PRODUCT MANAGEMENT**

### **4.1. PRODUCT TESTING AND LABELING**

The third-party licensed processor will typically be responsible for testing; however, a third-party lab may perform testing services for the applicant. All product will be labeled by strain and date of harvest. Inventory will be kept onsite in a ledger.

### **4.1. PRODUCT INVENTORY AND TRACKING**

The applicant has enrolled in the California Cannabis Track & Trace (CCTT) METRC program and complies with all METRC regulations.

### **4.2. TRANSPORTATION AND DISTRIBUTION**

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed cannabis dispensaries. Prior to moving packages from the on-site drying facility to the third-party processor, a transport manifest will be created by the distributor/transporter and will include:





- Product description and product weight
- Route to be traveled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* is responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.



## APPENDIX A: SITE PLAN



### VICINITY MAP

**PROJECT DESCRIPTION:**

CHAMNIS CREEK FARM, LLC IS PROPOSING TO PERMIT EXISTING CHAMNIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLOU), ORDINANCE NO. 2534. THE PROPOSED OPERATION INCLUDES APPROXIMATELY 12,900 SQUARE FEET (SF) OF OUTDOOR COMMERCIAL CHAMNIS CULTIVATION AREA. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPROPRIATE TO THE CULTIVATION, INCLUDING GREENHOUSES, WATER DIVERSION WORKS, AND STORAGE.

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DERIVED HAS BEEN OBTAINED FROM HUMABOLDT COUNTY. HUMABOLDT COUNTY RECORDS GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PARKS, OR RECREATION AREAS WITHIN 600 FEET OF THE PROPOSED DEVELOPMENT AREA.
4. AN EXISTING RECREATION CONSTRUCTED WITHOUT THE BENEFIT OF CONSIDERING THE PROJECTED IMPACTS OF THE HUMABOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

**CHAMISE CREEK FARMS, LLC**  
**CONDITIONAL USE PERMIT APPLICATION**

APN: 218-161-007

**DIRECTIONS TO SITE:**  
FROM EUREKA, CA  
-TAKE 101 SOUTH  
-TAKE EXIT 638B FOR ALDERPOINT RD  
-STAY RIGHT FOR BELL SPRINGS RD  
-TAKE A LEFT FOR ISLAND MOUNTAIN RD  
-TURN LEFT FAR UP PERLOOP RD  
-TURN RIGHT FOR SESAME STATE LOOP

**PROJECT INFORMATION:**

**PROPERTY OWNER**  
KAMAL OWEN  
P.O. BOX 416  
CARBERRVILLE, CA 95542

**OWNERS AGENT**  
NORTHPOINT CONSULTING GROUP, INC.  
1117 SAMOA BLVD  
ARCATA, CA 95521  
(707) 799-6438

**SITE ADDRESS:**  
 APN: 218-161-007  
 655 SESAME LOOP  
 PALO VERDE, CA 95542

**TREES TO BE REMOVED** = NONE

EXISTING CULTIVATION AREA = 22,800 SF  
(COUNTY APPLICATION #11562)

WAIVER  
SEWER  
= PRIVATE  
= PRIVATE

PARCEL SIZE = 141.00 ACRES

SCIENTIFIC PLEIN DESIGNATION - ALTD (P)

|       |     |     |
|-------|-----|-----|
|       | FR  | SRA |
| FRONT | 20' | 30' |

|      |     |     |
|------|-----|-----|
| SIDE | 10' | 30' |
| REAR | 20' | 30' |

MAX. BLDG. HT. = 35'

|                       |     |
|-----------------------|-----|
| OWN AREA:             | 123 |
| IN COASTAL ZONE:      | NO  |
| IN 100 YR FLOOD ZONE: | NO  |

### OFFSITE ACTIVITIES:

**SHEET INDEX:**

C0 - FLOT PLAN, VICINITY MAP, & PROJECT LOCATION MAP  
C1 - EXISTING AND PROPOSED SITE PLAN  
C2 - 300' AND 600' PROXIMITY BUFFERS

## PLOT PLAN

22x34 SHEET 1"=100'  
11x17 SHEET 1"=200'

**NOTE:**

### PROPERTY OWNERS RECOGNIZED PROPERTY

2000

[illegible]

### PLOT PLAN

22x34 SHEET 1"=2'  
11x17 SHEET 1"=2'

**NOTE:**

\*PROPERTY LINES HAVE BEEN ADJUSTED TO REFLECT PROPERTY OWNERS RECOGNIZED PROPERTY LINES

CHAMISE CREEK FARM, LLC  
PALO VERDE, CA 95542

PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

**NORTHPOINT**  
CONSULTING GROUP, INC.  
7117 Samoa Blvd., Arcata, CA 95521









## APPENDIX B: REGULATED PRODUCTS LIST

### C.1. Fertilizers

1. Botanicare Cal-Mag Plus  
<http://www.botanicare.com/Cal-Mag-2-0-0-P48C3.aspx>
2. Botanicare Liquid Karma  
<https://www.planetnatural.com/product/liquid-karma/>
3. Emerald Harvest Cali Pro Grow A  
<https://www.emeraldharvest.co/professional-2-part-base-nutrient-series/>
4. Emerald Harvest Cali Pro Grow B  
<https://www.emeraldharvest.co/professional-2-part-base-nutrient-series/>
5. Emerald Harvest Cali Pro Bloom A  
<https://www.emeraldharvest.co/professional-2-part-base-nutrient-series/>
6. Emerald Harvest Cali Pro Bloom B  
<https://www.emeraldharvest.co/professional-2-part-base-nutrient-series/>
7. Emerald Harvest Emerald Goddess  
<https://www.emeraldharvest.co/emerald-goddess-premium-plant-tonic/>
8. Emerald Harvest King Kola  
<https://www.emeraldharvest.co/king-kola-powerful-bloom-booster/>
9. FoxFarm Big Bloom  
<http://www.foxfarmfertilizer.com/index.php/item/big-bloom-liquid-plant-food.html>

### C.2. Pesticides/Fungicides

1. Dr. Zymes Eliminator  
<http://www.doctorzymes.com/pesticide-free-insecticide.php>
2. Dyna-Gro Neem Oil  
<https://www.planetnatural.com/product/pure-neem-oil/>
3. Organic Laboratories Organocide Plant Doctor 3-in-1 Garden Spray  
<https://www.planetnatural.com/wp-content/uploads/2013/04/plant-doctor-label.pdf>



## APPENDIX C: CULTIVATION ACTIVITIES SCHEDULE



# CHAMISE CREEK FARMS, LLC CULTIVATION ACTIVITIES SCHEDULE

| Item  | Description  | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|---|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Drainage, Runoff, and Erosion Control               | Winterization (storage of pots/greenhouse covers)                  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc) |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Road maintenance   |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Culvert and inboard ditch maintenance/inspection                   |     |     |     |     |     |     |     |     |     |     |     |     |
| Irrigation Activities                               | Cover soil beds and seed/straw with cover crop                     |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Irrigation of juvenile plants /clones                              |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Irrigation of flowering plants                                     |     |     |     |     |     |     |     |     |     |     |     |     |
| Pre-cultivation Activities                          | Propagate cuttings from 'mother plant' stock (offsite)             |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Transplant cuttings into 1 gallon pots                             |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Transplant clones into beds  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Amend soil in greenhouses and/or indoor cultivation building       |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Import new cultivation soil  |     |     |     |     |     |     |     |     |     |     |     |     |
| Outdoor/ light Dep Cultivation and Harvest Schedule | Outdoor Light Dep Cycle 1  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Outdoor Cycle 2  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Harvest activities   |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Vegetative Phase: 15 hrs. min. of mixed natural & artificial light |     |     |     |     |     |     |     |     |     |     |     |     |
| Drying and Processing                               | Light deprivation: Greenhouses are covered with blackout covers    |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Drying activities  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Trimming activities (offsite)                                      |     |     |     |     |     |     |     |     |     |     |     |     |
| Staffing Presence                                   | Agent in Charge  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Lead Cultivator  |     |     |     |     |     |     |     |     |     |     |     |     |
|   | Seasonal Laborers  |     |     |     |     |     |     |     |     |     |     |     |     |

## APPENDIX D: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.

<http://www.canorml.org/laws/sb420.html>.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <https://humboldt.legistar.com/Calendar.aspx>.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/).

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.

<http://www.boe.ca.gov/news/pdf/173.pdf>.

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.

[http://www.ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)



## **APPENDIX H:**

### **LESS THAN 3-ACRE CONVERSION MITIGATION PLAN**



# **Mad River Properties, Inc.**

2660 Clay Road McKinleyville, CA 95519; (707) 496-0054

Chamise Creek Farms LLC  
P.O. Box 416  
Garberville, CA 95542

## **Chamise Creek Farms LLC Less Than Three Acre Conversion Mitigation Plan**

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act.

### 1. Contact Information

#### a. Timberland/Timber Owner of Record:

Kamaal Owen  
P.O. Box 416,  
Garberville, CA 95542

#### b. Registered Professional Forester Preparing Report:

Stephen Hohman RPF #2652  
PO Box 733  
Hydesville CA. 95547  
(707) 768-3743

### 2. Location of Project

a. Site Address: 665 Sesame Loop Garberville, CA, 95542

b. Community Area: Harris CA

c. Assessor's Parcel No(s): 218-161-007

d. Parcel Size(s): ~42 Ac.

### 3. Project Description

- a. Timber stand characteristics including species composition and age class.

Chamise Creek Farms property is within a Douglas fir/oak forest. The surrounding forest composition consists primarily of even-age second growth Douglas-fir, black oak, live oak, tanoak and pacific madrone with a minor amount of other hardwood species. Understory vegetation is moderate consisting of mostly of grasses and some shrubs. All species combined (conifer & hardwood) basal areas is approximately 100 square feet (sq. ft.) per acre with a partially closed canopy. The property is zoned Agriculture Exclusive (AE-B-5(160)).

- b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

The property does contain class I, II, III & IV watercourses that require WLPZ or ELZ protection. As per the Forest Practice Rules, However the conversion areas only affect Class III and IV waters. The riparian buffers requirements are listed as follows:

*Class I - Watersheds in the coastal anadromy zone FPRs in 14 CCR 916.9(f)*

*75 ft. for slopes <30%*

*100 ft for slopes 30% to 50%*

*150 ft for slopes >50%*

*Class II Standard - Watersheds in the coastal anadromy zone FPRs in 14 CCR 916.9(g)*

*50 ft. for slopes <30%*

*75 ft for slopes 30% to 50%*

*100 ft for slopes >50%*

*Class III watercourses 14CCR 916.9(h): (Class III watercourses within a coastal anadromy zone)*

*ELZ WIDTHS:*

*30 ft. for side slopes <30%.*

*50 ft. for side slopes >30%.*

*Class IV watercourses 14CCR 916.5(i): (Class IV watercourses)*

*ELZ WIDTHS:*

*25 ft. for all slopes*

- c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

The parcel may have been previous entered for timber harvest sometime in the past however the parcel is primarily oak woodland with little commercial species. From aerial photos and on the ground assessment no commercial timber harvest occurred in the last 30 years. There are many older “tractor” trails that may indicate that there was a harvest sometime in the past likely in the 50’s or 60’s. The older past harvest would have incorporated the removal of large diameter old growth trees by tractor skidding, however no large stumps were observed on the site visit although which primarily focused on the sites and roads.

- d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

There are 3 Cannabis sites that were assessed in the site visit and three house/structure sites as well as three large bladder sites and two water tank sites. Cannabis site 2 is the only cannabis site that qualifies as a conversion. The house site and tank/parking area, and the off property water bladder site also qualify as conversions. The total converted area is 2.61 acres on the property (see table below). The property has been under the Kamaal family for all reported activities however the current owner has held the deed since 2015.

| Site           | Year Converted | Acres Converted | Total Acres |
|----------------|----------------|-----------------|-------------|
| 1              | NA             | NA              | 0.18        |
| 2              | 2009-2016      | 1.5             | 1.5         |
| 3              | NA             | NA              | 1.00        |
| Houses         | 2006           | 0.28            | 0.42        |
| Barn/Bladder#1 | NA             | NA              | 0.16        |
| Shed/Cabin     | NA             | NA              | 0.24        |
| Bladder #2     | NA             | NA              | 0.10        |
| Bladder #3     | NA             | NA              | 0.08        |
| Tank/Parking   | 2009           | 0.23            | 0.82        |
| Bladder #4     | 2016-2017      | 0.06            | 0.06        |
| Tank Site 2    | NA             | NA              | 0.08        |
| Total Area     |                | 2.61            | 5.90        |

#### 4. Analysis of Consistency between Unauthorized Conversion and Forest Practice Rules.

##### **Site 1 (Active cannabis Site)**

History: The site appears in the historic photos as an open grassland area as far back as 1993. This side does not qualify as a conversion as per the 2020 forest practices rules. The first cannabis activity occurred on this site in 2010 as per the historic photo review. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad bellow. The current site consists of two 12' X 40' hoop greenhouses, one 14' X 10' hoop greenhouse, and an approximately 50' X 25' outdoor grow area. No apparent hazard reduction issues were present. No apparent erosion issues were observed.

Mitigations for Site: Remediation Points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Remediation points have been identified from where the access road enters the property to and around the sites and any supporting infrastructure on the property.

Mitigations for Site: *See Remediation points below.*

##### **Site 2 (Active Cannabis and Soil Storage/Composting site)**

History: The site was first converted in 2009 and subsequently expanded in 2011 and again in 2016. The site qualifies as a conversion as per the 2020 forest practices rules. No conversion permits were obtained at the time of the conversion and the site was converted illegally. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad bellow. No hazard reduction issues were present. All logs, slash, and brush were removed and or treated. There are drainage and potential erosion issues in association with the soil storage/composting area.

Mitigations for Site: *See Remediation points below*



### **Site 3: (Greenhouses and Class IV Pond)**

History: This site consists of a 35' x 80' greenhouse, three 10' x 80' hoop houses, and a class IV catchment pond. The site appears to have an open grassland area as far back as 1993. The site does not qualify as a conversion as per the 2020 forest practices rules. No hazard reduction issues were apparent on the site. The majority of the issues with this site were road and pond drainage issues. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below.

Mitigations for Site: Ensure access road is adequately rocked for the entire section of road back to site 1. Overstepped fill on the southeast side of site where the two hoop houses are. RPF recommends removing the outermost hoop house and sloping back fill in order to create a more stable fill slope. The disturbed area shall be stabilized with straw much and wattles. *See Remediation points below for site specific recommendations.*

### **House Site (4): (Two residences and domestic well)**

History: The site consists of two houses and a domestic well. The main house is approximately 50' x 38' and the secondary residence is approximately 45' x 30'. The site appears to be a landing or parking area in the historic photos however the site was expanded in 2006 and the houses were built between 2006 & 2009. The expanded portion of the site ~0.28acres qualifies as a conversion as per the 2020 forest practices rules. No hazard reduction or erosion issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below.

Mitigations for Site: *See Remediation points below*

### **Barn and Waterbladder#1 Site (5):**

History: The site consists of a 2 story barn, two shipping containers and one 50,000 gallon waterbladder. The site does not qualify as a timber conversion as per the 2020 forest practices rules. The site has been decommissioned and no issues with the site were apparent. No hazard reduction issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below. The erosion issues present associated with the site were addressed in the remediation work order.

Mitigations for Site: *See Remediation points below*

### **Shed and Cabin Site (6): Generator Shed and small cabin.**

History: The site likely was originally a landing/parking area or possibly a natural opening based on the air photos. The site does not qualify as a conversion as per the 2020 forest practices rules. The current site consists of a generator shed, small cabin, and a small storage shed. The site also serves as a parking area and contains several travel trailers. No hazard reduction issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below.

Mitigations for Site: Rock access road from site back to tank/parking site with 1" to 2" crushed rock. *See Remediation points below for site specific recommendations.*

**Bladder#2 Site (7): 50,000 gallon waterbladder site.**

History: The site likely was originally an old road or possibly a natural opening based on the air photos. The site does not qualify as a conversion as per the 2020 forest practices rules. The current site consists of one 50,000 gallon waterbladder. No hazard reduction issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below. Erosion issues associated with the site are addressed in the work order attached below.

Mitigations for Site: *See Remediation points below.*

**Bladder#3 Site (8): 50,000 gallon waterbladder site.**

History: The site is located in a natural opening. The site does not qualify as a conversion as per the 2020 forest practices rules. The current site consists of one 50,000 gallon waterbladder. No hazard reduction issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below. Erosion issues associated with the site are addressed in the work order attached below.

Mitigations for Site: *See Remediation points below.*

**Tank/Parking Area Site (9): General parking area and 14 water tanks.**

History: The site is located in an old road and natural opening however approximately 1/3 (0.23ac) of the area was expanded into the forested area in 2009. The expanded portion of the site does qualify as a conversion as per the 2020 forest practices rules. The current site consists of a large parking area and a bank of 14 water tanks (12 x 2500g & 2 x 3000g tanks) and a small shed. No hazard reduction or erosion issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below.

Mitigations for Site: *See Remediation points below.*

**Bladder#4 Site (10): 20,000 gallon waterbladder site.**

History: The site is located just over the property line in a natural opening. The site does qualify as a conversion as per the 2020 forest practices rules. The 20,000 gallon waterbladder site was mistakenly placed over the property line between 2016 and 2017 prior to the legal survey of the property and is in the process of being removed. No hazard reduction issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below. Erosion issues associated with the site are addressed in the work order attached below.

Mitigations for Site: *See Remediation points below.*

**Tank #2 Site (11): 7 water tanks.**

History: The site is located in an old jeep or tractor road. The site does not qualify as a conversion as per the 2020 forest practices rules. The current site consists of a bank of 7 (3000 gallon) water tanks. No hazard reduction or erosion issues were evident. No sensitive, threatened or endangered species within 1.3 miles of the site as per CNDDDB February 2020 search. See NSO/CNDDDB Map of the Jewett Rock USGS Quad below.

Mitigations for Site: *See Remediation points below.*

## **General Recommendations**

Regular maintenance and monitoring of the road surface drainage facilitates, stream crossings & surfacing are required to keep the road system functioning correctly. Maintenance and monitoring includes

1. Checking and clearing all culvert inlet of debris ensuring that the culverts (both stream crossings and ditch relief culverts) are clear and functioning properly.
2. Checking on all surface drainage such as rocked rolling dips, outsloped surfaces and inside ditches are functional and not eroding. All issues are to be corrected in a timely manner to ensure further degradation does not occur.
3. Insure that all roads leading to the sites are surfaced to provide year around access and to reduce dust during the dry period and surface erosion during the winter period. Monitor and reapply gravel as necessary.
4. Monitoring shall occur monthly with a mandatory monitoring and maintenance prior to the onset of the winter period.

## **Winterizing procedures**

All exposed soil within cannabis sites shall be covered with straw mulch. Erosion control measures consisting of straw waddles, straw bales and straw mulch shall be in place no later than Nov 15. Any captured sediment will be excavated and stabilized on site prior to Nov 15 each year. Sites are on well drained soils with mild slopes of approximately less than 5%, minimal sediment is anticipated. Native vegetation shall be maintained around the site to buffer the cultivation area to reduce erosion of the site except with regards to vegetation that increases the fire danger to those sites.

Recommended winterizing procedure, disconnect and store all irrigation systems, plant winter cover crops to improve soil viability and reduce erosion, and store all pots and other grow materials in an organized manor. All irrigation equipment, tools, and other cultivation related equipment should be labeled, cleaned, winterized and stored in one of the sheds on site. These activities are to occur prior to the winter period of Nov 15 each year.

### Chamise Creek Farms LLC Remediation Points:

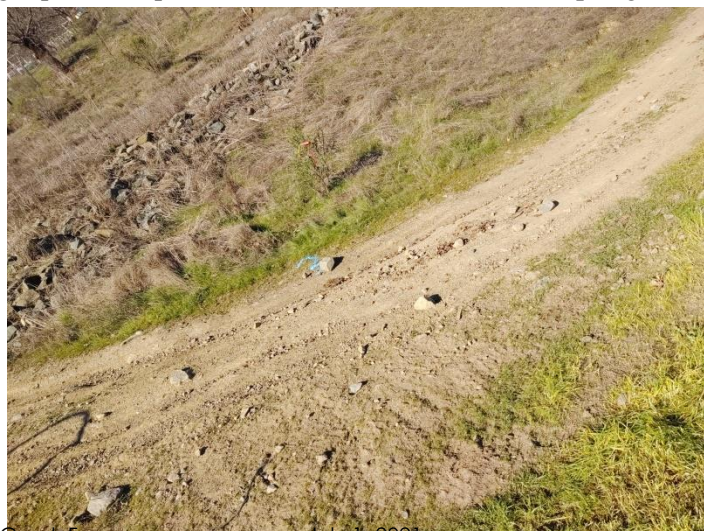
**RP-1:** Existing 18" cross drain install a small catch basin at inlet and rock with 3" to 6" rock to ensure inlet is not obstructed.



**RP-2:** Potting soil and compost pile as specified in the SMP during the winter period the soil pile shall be covered and surrounded with straw or willow wattles to prevent leaching.



**RP-3:** Install a rocked rolling dip. Line dip with 3" to 6" mixed diameter sharp angular rock.





**RP-4:** Old growing pots on side of the road shall be removed. The soil can be composed and reused at the composting site and the bags shall be reused/recycled or properly disposed of at a licensed facility.



**RP-5:** Install a rocked rolling dip. Line dip with 3" to 6" mixed diameter sharp angular rock.



**RP-6:** Bank Slump above hoop greenhouse, the slump appears to have stabilized however the site should be monitored. If movement of the slump is detected the toe of the slump shall be excavated and large 18" to 30" mixed rock shall be keyed in at the toe and rocked up the slope for 15' to stabilize the site.





**RP-7:** Install a rocked rolling dip. Line dip with 3” to 6” mixed diameter sharp angular rock. Greenhouses are drained with a drainage ditch that has partly filled in. Slope drainage ditch to the RRD and rock line the ditch with 2” to 4” crushed rock.



**RP-8:** Install rock to rainwater catchment pond outlet. The outlet shall be rocked with 1’ to 2’ rock and rock the channel 10’ over the outboard edge of the road/dike to reduce erosion. If vehicle access is desired the pond dike road shall be rocked with 2” to 4” crushed mixed diameter rock to reduce surface erosion.



**RP-9:** Install a rocked rolling dip. Line dip with 3” to 6” mixed diameter sharp angular rock. Ensure the dip drains away from the pond to reduce sedimentation.





**RP-10:** Existing rocked rolling dip that need further development to ensure proper drainage. line the ditch with 2” to 4” crushed rock.



**RP-11:** Excavate a drainage ditch so ponding water drains to existing ditch. Lower the grade of the existing ditch as necessary to ensure proper drainage. Rock line the new portion and 45’ down the existing ditch with 3” to 6” rock to reduce erosion.



**RP-12:** Install a rocked rolling dip. Line dip with 3” to 6” mixed diameter sharp angular rock. Ensure the dip catches the inside ditch in addition to the road surface drainage. Additionally continue rocking for 10’ past the outboard edge of the road.





**RP-13:** Install a rocked rolling dip. Line dip with 3” to 6” mixed diameter sharp angular rock. Ensure the dip catches any drainage from the draw above the road in addition to the road surface drainage. Additionally continue rocking for 20’ past the outboard edge of the road with 4” to 8” mixed diameter crushed rock.



**RP-14:** Develop and an inside ditch from rp-14 to RP-13 and rockline with 3” to 6” crushed rock to properly drain road surface.

**RP-15:** Existing rocked rolling dip install large 6” to 12” mixed diameter crushed rock for 20’ over the outboard edge at the nick point to protect the fill slope.



**RP-16:** Existing rocked rolling dip needs to be regraded to ensure water flows outward without impediment. Rockline with 3” to 6” crushed rock and continue rocking for 8’ over the outboard edge to dissipate drainage.





**RP-17:** Small rainwater catchment pond next to road. Install a rocked rolling dip. Line dip with 4” to 6” mixed diameter sharp angular rock. The dip shall serve as the overflow for the pond in case it overflows in heavy rains.



**RP-18:** Bank slump above 50,000 gallon water bladder the toe of the slump shall be excavated and large 2’ to 3’ rock shall be keyed into the toe and rock shall be stacked 15’ up the slope to stabilize the slumping area. Additionally the proposed rocked rolling dip in the SMP should not be installed at the location shown on the map above the slump as the additional drainage would likely further destabilize the area. The RPF would advise that the road above this site be outsloped as feasible and the entire section rocked with 2” to 3” mixed crushed rock to reduce erosion and only install the rocked rolling dip at RP-22 as proposed in this document.





**RP-19:** Small class III filled crossing on a tractor/jeep trail. Pull fill and debris from crossing and install a rocked ford with 12"- 24" mixed diameter sharp angular rock 5' left and right of crossing and 3" – 6" rock 5 to 25' left and right of crossing. Install rocked rolling dip 50' right of crossing to drain prism prior to crossing. Cover dip with 4"-6" diameter sharp angular rock and rock the approaches for 50' either side of the crossing with 1" - 2" crushed rock. Potential failure of 4 cubic yards repair within 5 years. 1600/ECP



**RP-20:** Road turnout was pushed into class III stream the stream is small and little signs of erosion are present. The channel shall be restored and rocklined with mixed diameter 8" to 18" rock and any exposed soil shall be covered with straw mulch and planted with native grass seed.



**RP-21:** Develop an inside ditch from rp-20 to RP-22 and rockline with 3" to 6" mixed crushed rock to reduce sediments entering the class III channel. Alternatively regrade road to create outsloped surface through this section.





**RP-22:** Install a rocked rolling dip. Line dip with 3” to 6” mixed diameter sharp angular rock. Ensure the dip catches the inside ditch in addition to the road surface drainage. Additionally continue rocking for 5’ past the outboard edge of the road.



**RP-23:** Site of second 50,000 gallon water bladder site was leveled with a dozer and spoils were pushed over the edge without compaction. Site is within 70’ of the top of a class III stream and sediments could make its way to the stream. Pull all perched uncompacted fill and remove all debris from the fill slope. Recompect fill in 6” lifts and stabilize exposed soil with straw mulch and wattles prior to the winter period.



**RP-24:** Site of third 50,000 gallon water bladder site was leveled with a dozer and a small amount spoils were pushed over the edge without compaction. Stabilize exposed soil with straw mulch and wattles prior to the winter period.





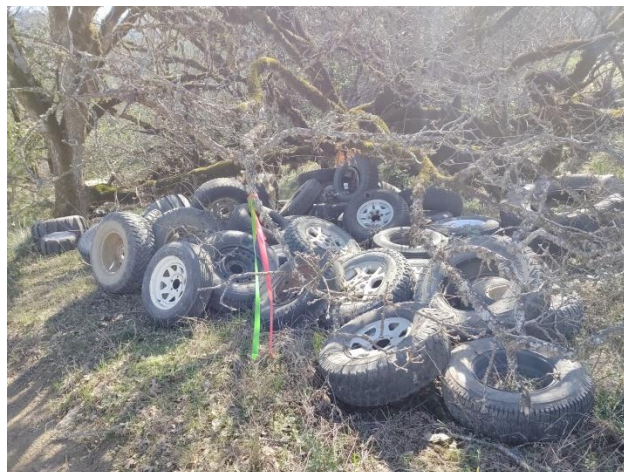
**RP-25:** Old 20,000 gallon water bladder site was accidentally placed over the property line. Remove all tarps and materials. With the neighbors approval stabilize exposed soil with straw mulch and plant site with native grass seed to restore site.



**RP-26:** Rainwater catchment pond 80' X 40' outlet is stable with vegetation however the outlet shall be monitored and if erosion of the spillway is observed it shall be lined with 1' to 2' rock for 20' past the pond edge.



**RP-27:** Pile of tires should be removed from the site and properly disposed/recycled of at a licensed facility. If there are tires that are desirable for use they should be stored in a shed/barn or shipping container.





**RP-28:** Temporary storage area for metals and other junk/scrap. Remove from temporary storage area seasonally and properly dispose or recycle materials at a licensed facility.



**RP-29:** Install waterbar on decommissioned road to divert surface drainage.



**RP-30:** Large pile of miscellaneous metals shall be removed from site and recycled at a lessened facility. Additionally all smaller junk and materials shall be removed for 300' around site to restore site to its natural state.





**RP-31:** Install waterbar to divert runoff on decommissioned road ensure the waterbar drains to the right.

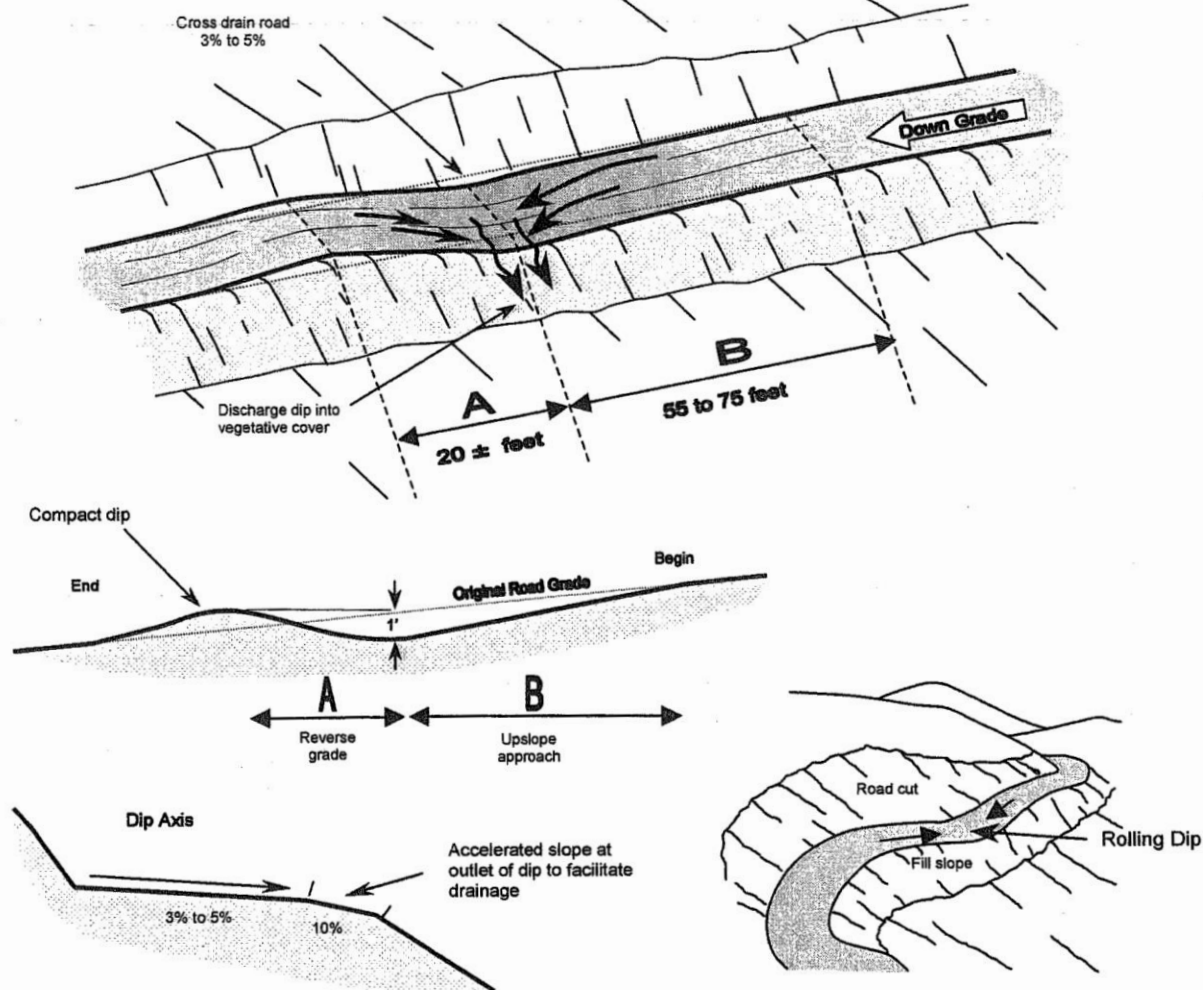
**RP-32:** Install waterbar to divert runoff on decommissioned road ensure the waterbar drains to the right.



**RP-33:** Install a rocked rolling dip. Line dip with 3” to 6” mixed diameter sharp angular rock. Additionally continue rocking for 5’ past the outboard edge of the road.



## 5. Figures, and Maps



| ROLLING DIP DIMENSIONS |   |   |  |   |  |
|------------------------|---|---|--|---|--|
|                        |   | MAIN LINE ROAD  |  | SECONDARY ROAD  |  |
| Road Grade (%)         | Depth of trough<br>Depth below downslope crest (ft) | A: Reverse grade<br>(Distance from trough to downroad crest (ft)) | B: Upslope Approach<br>Distance from up-road start of rolling dip to trough (ft) | A: Reverse grade<br>(Distance from trough to downroad crest (ft)) | B: Upslope Approach<br>Distance from up-road start of rolling dip to trough (ft) |
| <6                     | 1.0   | 20  | 65   | 15  | 55   |
| 6 - 8                  | 1.0   | 20  | 75   | 15  | 65   |

### NOTES:

- A rolling dip is a broad long permanent dip constructed into native soils. It is intended to drain the road while not significantly impeding traffic.
- The cross drain road (outslope) at 3% to 5%
- Dip outlets should be located to drain into areas with adequate sediment filter quality and non-erodible material such as rock, slash, brush, etc. Where specified, the bottom of the outfall of the dip will be surface rocked.
- Where natural slopes exceed 50%, fill shall not be pushed over the dip outlet. A backhoe or excavator may be required to pull back fill at outlet of existing dips.

### ROLLING DIP STANDARD PLAN

Standard Detail



Taper road approach to ensure loaded log truck is able to pass without difficulty

Outslope Road 3% to 5%

Extend rock armor to top edge of dip

Scoop out channel spillway

Dip road through axis of watercourse channel as specified.

18" minimum deep with 6' wide (min) bottom (unless otherwise specified)

15' min 6' min 15' min

18"

Extend rock armor to top edge of dip

## DRY FORD

Generally used where truck traffic is not expected when crossing is flowing.

Rock road surface if directed by Company.

Outslope 3% to 5%

Compact fill to level greater than surrounding soils

Key rock minimum of 12" into native soils

### LIP

- Use smaller rock at lip of ford.
- Voids shall be filled with smaller rock to prevent piping around the larger rock.

**ROCK ARMOR: 6" to 18" diameter** (unless otherwise specified).

- Rock should generally be well graded (incorporating mix of sizes)
- Voids shall be filled with smaller rock to prevent piping around the larger rock.
- Larger rock to be placed at base of apron (18" - 24")

## WET FORD

Generally used where 4x4 pickup traffic is anticipated in the winter months and/or where water is flowing

### AGGREGATE ROAD BASE (where specified)

Extend base rock to top edge of dip  
Diameter: 3" minus  
Depth: 6" deep

Outslope 3% to 5%

12 ±"

### AGGREGATE SUB BASE

Diameter: 6" to 12" ±  
Depth: 12" deep

Note: Where specified separate base from subbase with woven geotextile fabric (Mirifi 700X or equivalent)

**ROCK ARMOR: 6" to 18" diameter** (unless otherwise specified).

- Rock should generally be well graded (incorporating mix of sizes)
- Voids shall be filled with smaller rock to prevent piping around the larger rock.
- Larger rock to be placed at base of apron (18" - 24")

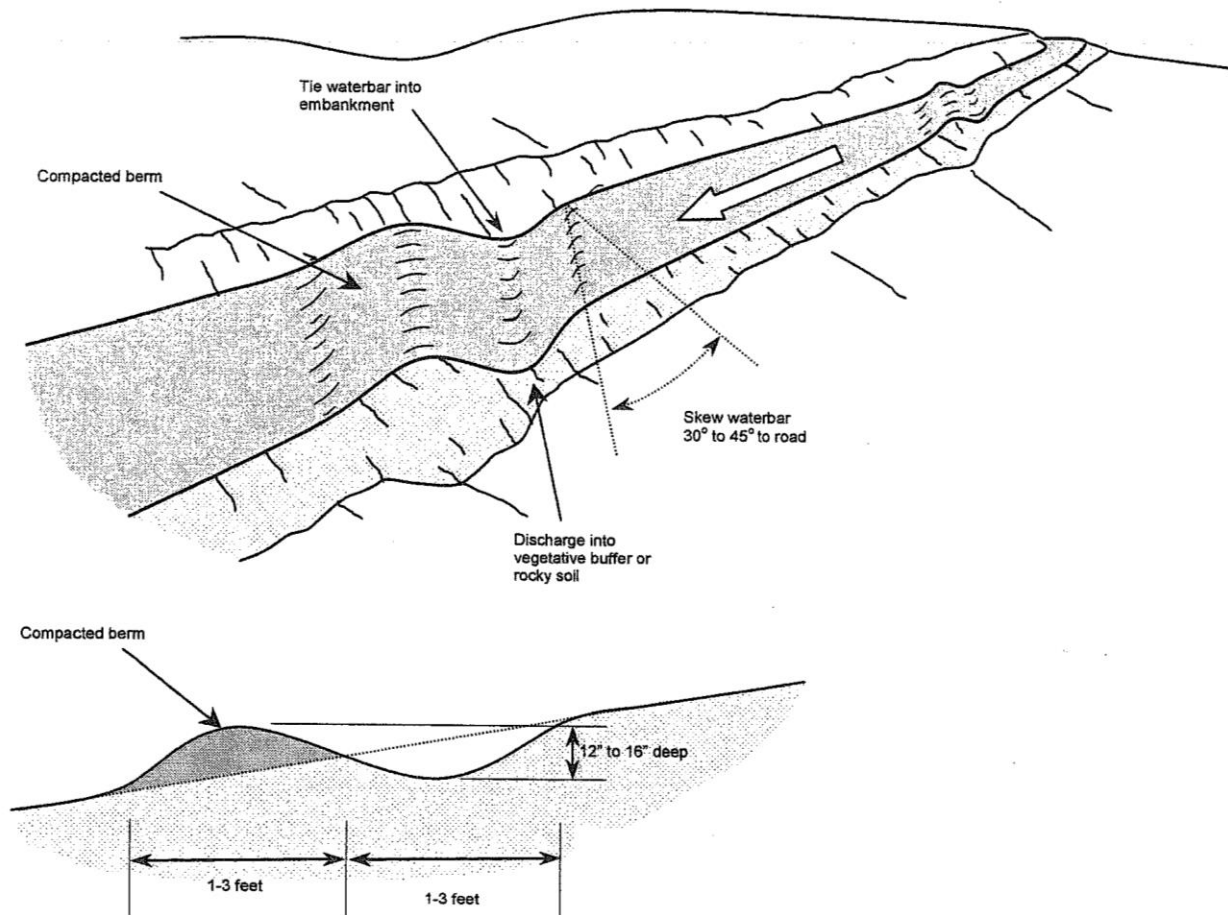
Key rock minimum of 12" into native soils

### NOTE

- Details are typical and intended for use as a guideline. Adjustments to the actual design may need to occur in field during time of construction due to local site conditions.
- Refer to THP for specific design criteria where applicable.

## WET AND DRY FORD STANDARD PLANS

Standard Detail



#### NOTES

1. Identify waterbar locations that take advantage of natural drainage features and minimize the amount of disturbance required for waterbar construction
2. All waterbars shall begin at the intersection of the roadbed surface and the cut slope and run the entire width of the road surface prism.
3. Waterbar length shall not exceed 1.5 times the width of the road surface.
4. Acceptable waterbars shall be skewed 30 to 45 degrees.
5. All waterbars shall have free flowing outlets with minimum 2% grade in the bottom of the channel that discharge onto vegetative surfaces or less erodible material where possible.
6. Native materials used to construct downslope berm shall be compacted with equipment to minimize wear resulting from trespass and/or administrative use.
7. Waterbar depth measured from the bottom of the waterbar channel to the top of the compacted berm must be between 12" and 16" high.
8. Compacted waterbars must be passable in a 4WD vehicle unless otherwise specified in the contract or by a logging supervisor in writing.

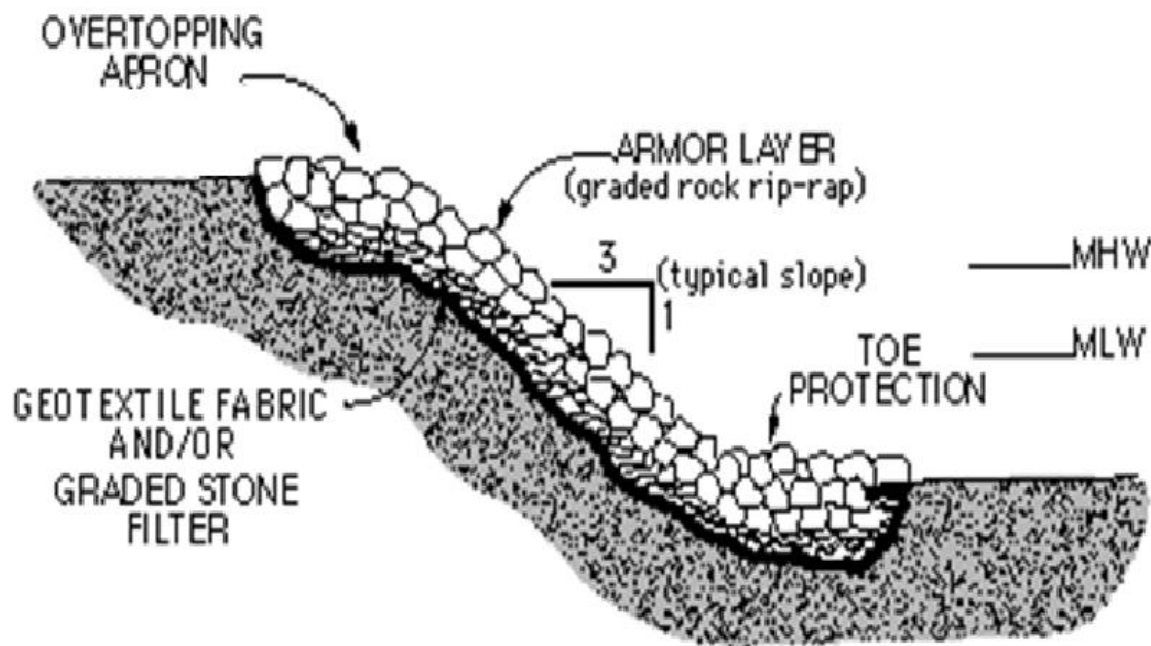
### WATERBAR STANDARD PLAN

Standard Detail

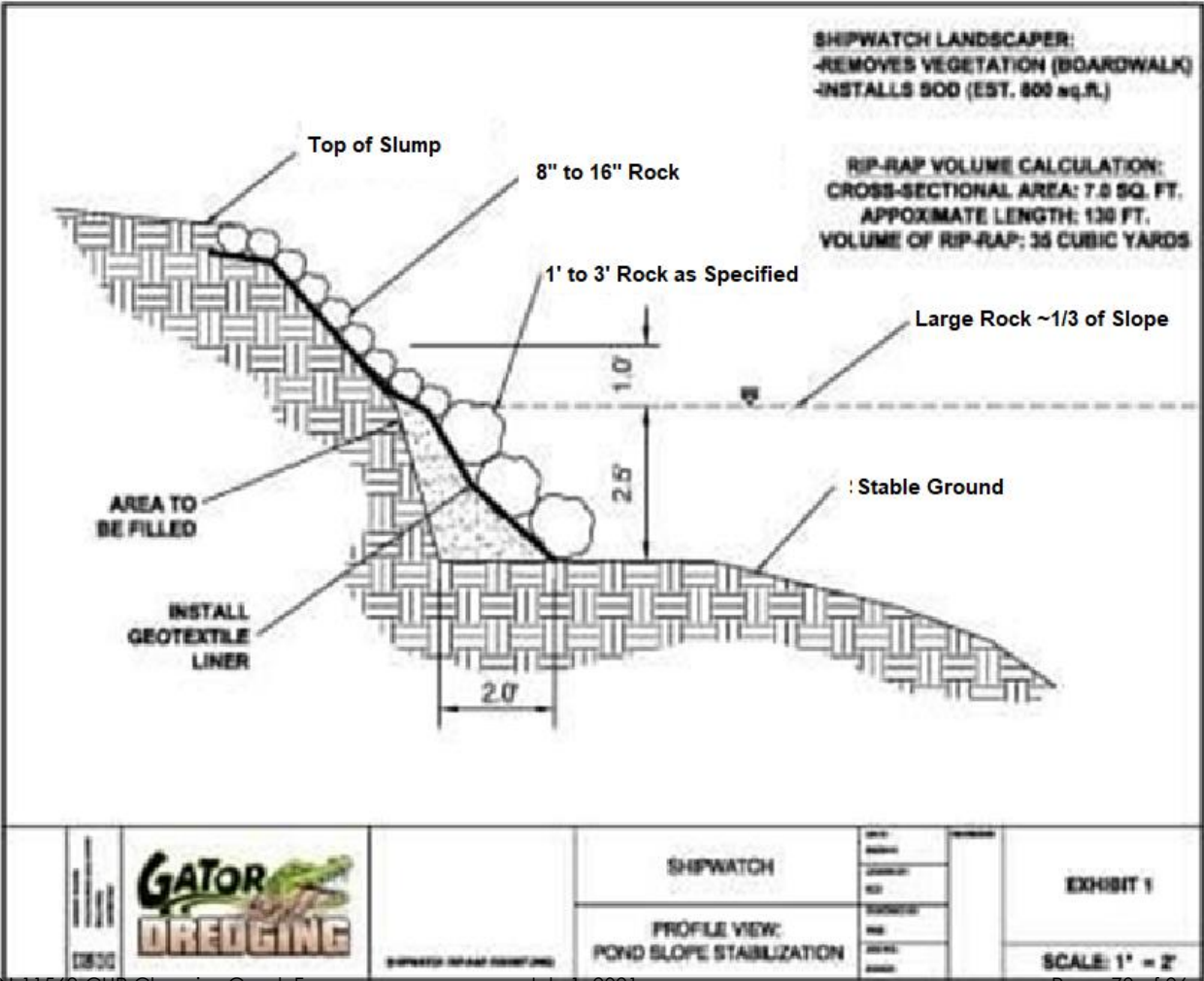


Rip Wrap Installation Methods

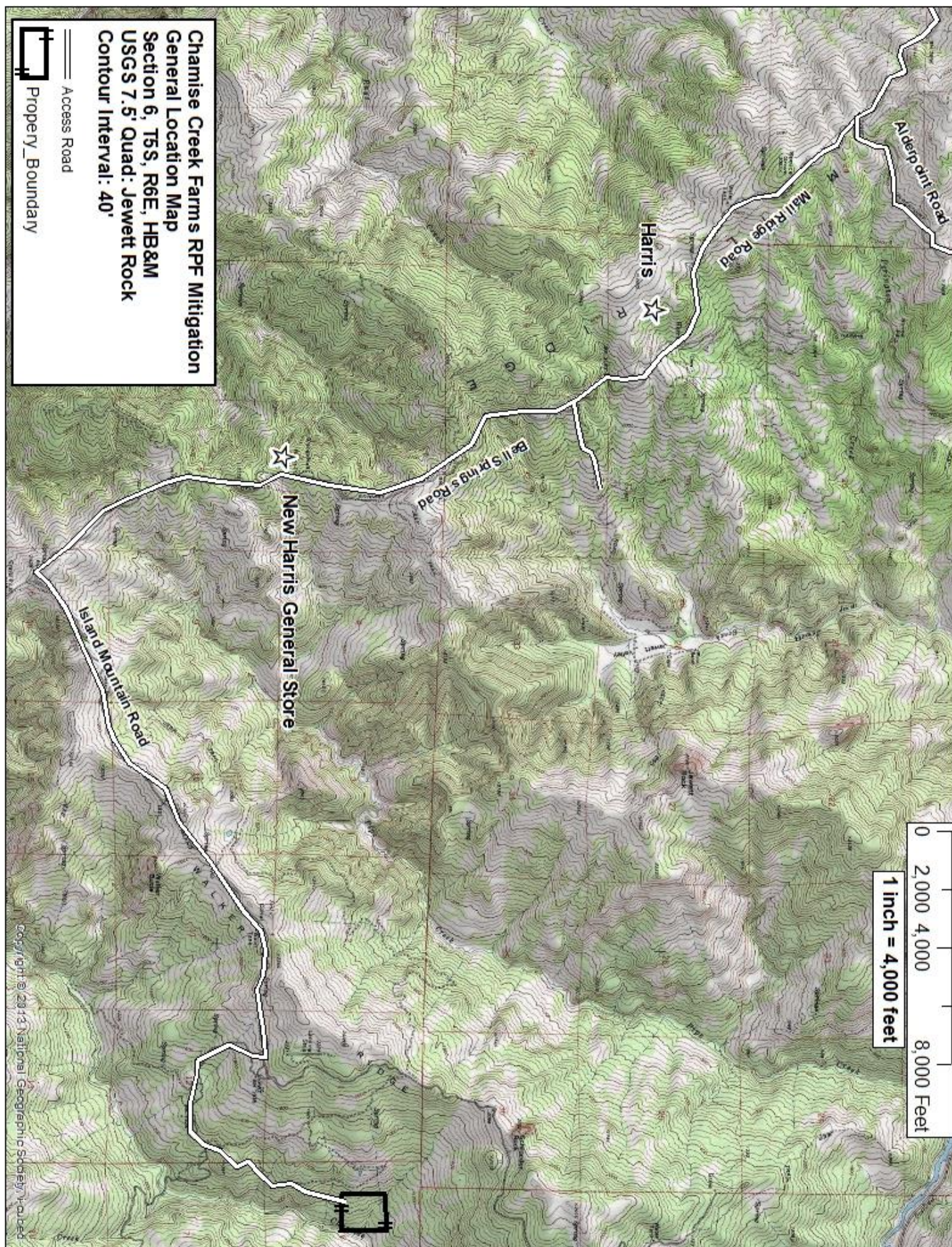
Method 1



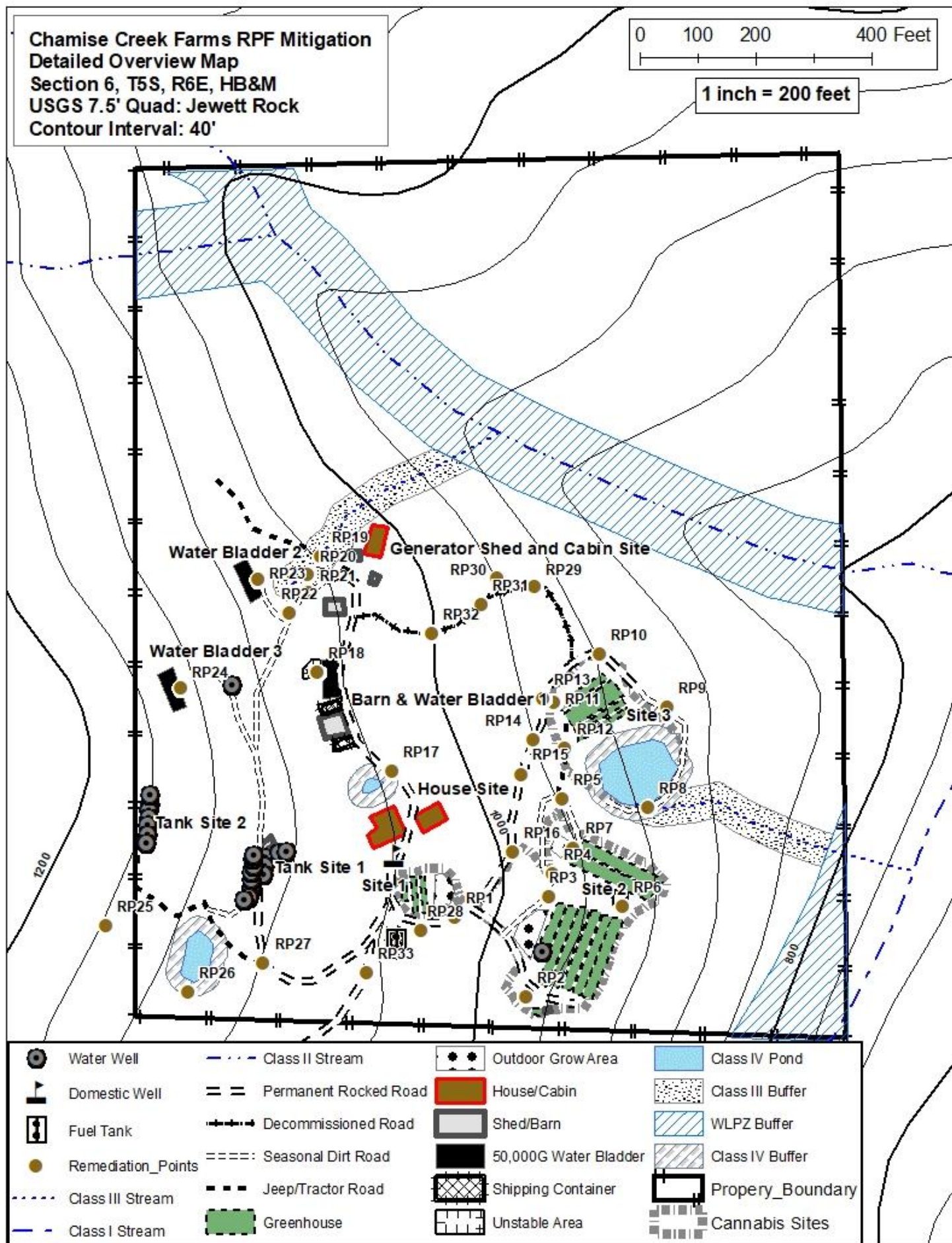
Method 2

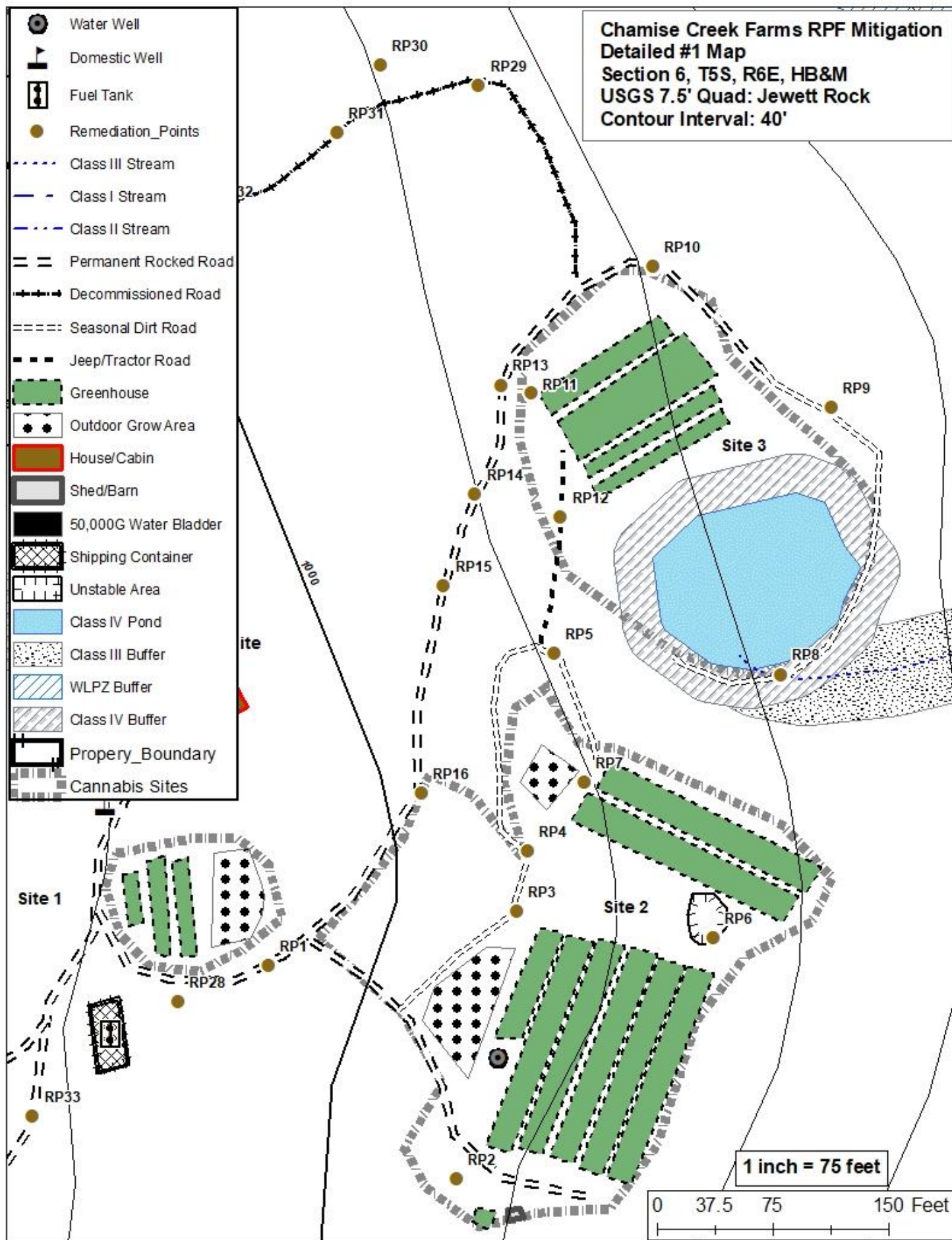






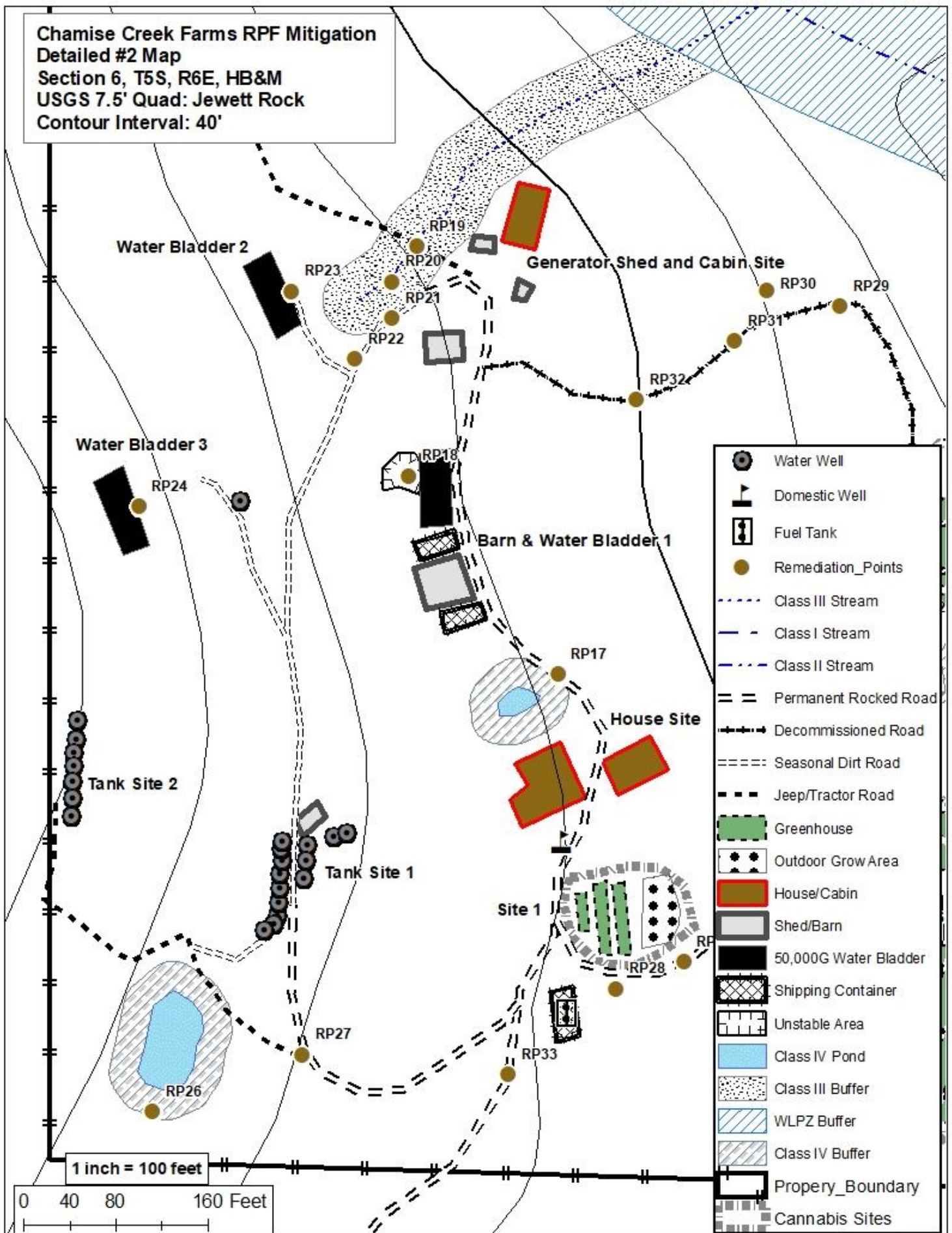






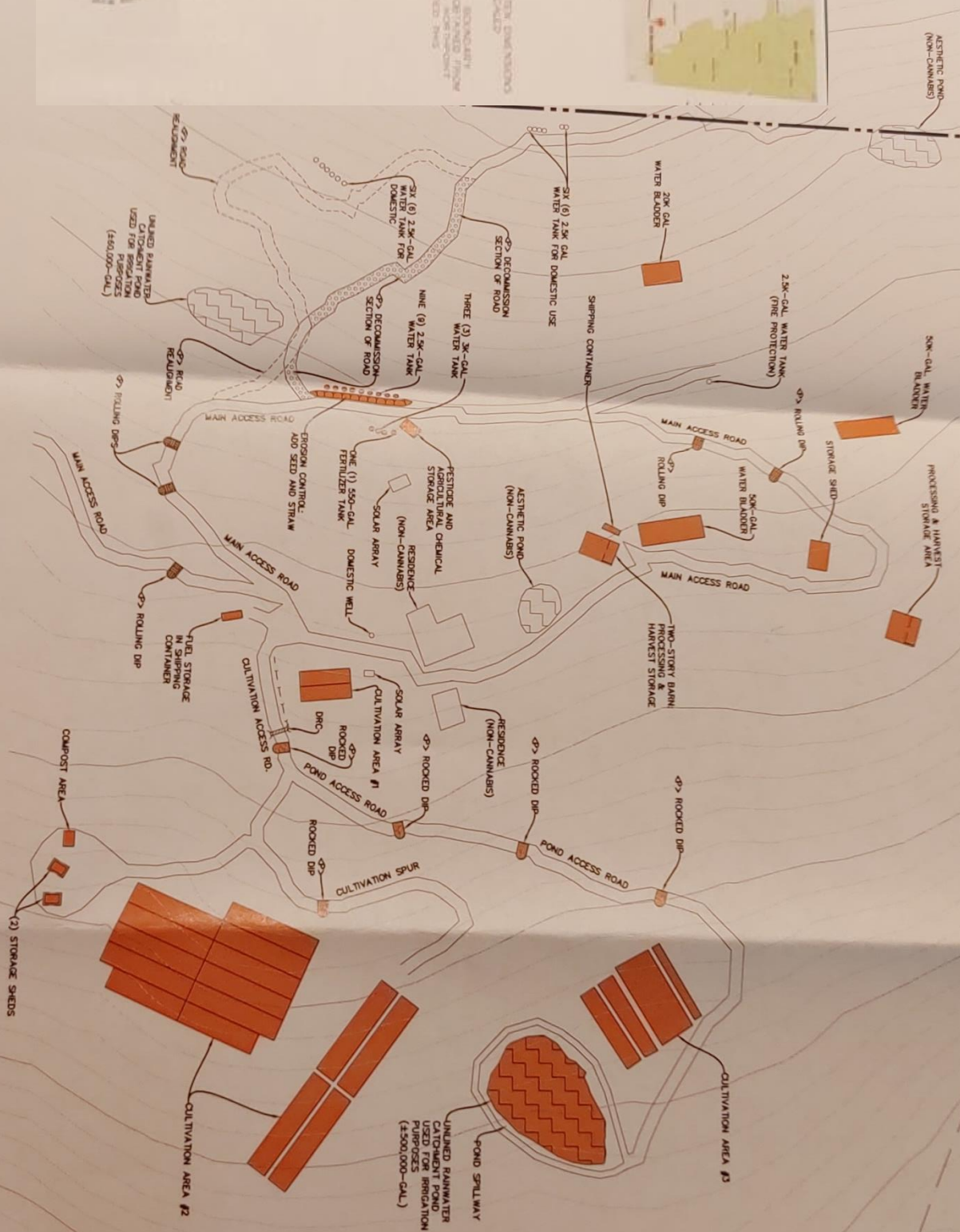


**Chamise Creek Farms RPF Mitigation  
Detailed #2 Map**  
Section 6, T5S, R6E, HB&M  
USGS 7.5' Quad: Jewett Rock  
Contour Interval: 40'



# CHAMISE CREEK FARMS, LLC SITE MANAGEMENT PLAN

DISTURBED AREA MAP  
APN: 218-161-007



RECORDING REQUESTED BY:

LAMPORT LEGAL DOCUMENTS

WHEN RECORDED MAIL DOCUMENT  
AND TAX STATEMENT TO:

KAMAAL LEE OWEN, Trustee  
P.O. Box 433  
Miranda, CA 95553

Clerk: KL Total: \$19.00  
Mar 13, 2015 at 14:52:37

APN: 218-161-007

**GRANT DEED—to Grantor's Revocable Living Trust**

The undersigned grantor declares

Documentary transfer tax is: \$ 0 Grant to grantor's trust, Exempt per R & T Code Sec. 11930 City tax: 0

☐ computed on full value of property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale

☒ unincorporated area City of \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KAMAAL OWEN, a single man,

hereby grants to

KAMAAL LEE OWEN, Trustee of The Kamaal Lee Owen Living Trust, Established  
March 9, 2015,

the following described real property in the unincorporated area of the County of Humboldt, State of California:

See **EXHIBIT "A"** attached hereto and made a part hereof.

Dated: March 9, 2015

  
Kamaal Owen



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

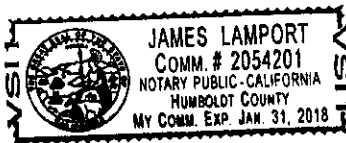
State of California     }  
County of Humboldt    }

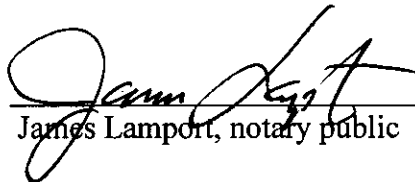
On March 9, 2015 before me, James Lamport, notary public, personally appeared  
KAMAAL OWEN,  
who proved to me on the basis of satisfactory evidence to be the person whose name are  
subscribed to the within instrument and acknowledged to me that he executed the same in his  
authorized capacity, and that by his signature on the instrument the person, or the entity on behalf  
of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)



  
James Lamport, notary public

## **EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED UNINCORPORATED, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

### **PARCEL ONE**

Parcel 10 as shown on Parcel Map No. 58, known as Rancho Palo Verde Subdivision, recorded in Book 1, pages 75 through 85 inclusive of Parcel Maps, Humboldt County Records.

### **PARCEL TWO**

Non-exclusive easements for ingress and egress and public utility purposes 50 feet in width over Parcels 27, 28, 29, 53, and 57 as shown on said Parcel Map, the centerlines of said easements being delineated thereon as "centerline of 50 foot nonexclusive road easement."

### **PARCEL THREE**

All interest of the grantor herein in any and all water rights in and upon the above described lands only that may have been derived as a consequence of paragraph 7 of the Declaration of Restrictions, Conditions, Covenants and Agreements recorded April 21, 1969 in Book 1000, page 53, Official Records in the Office of the County Recorder of said County.

## 6. References

California Forest Practice rules, 2019; Title 14, California Code of Regulations, Chapters 4, 4.5, and 10

California Natural Diversity Database February, 2020 – <http://bios.dfg.ca.gov>

Forest Practice Watershed Mapper V2 February, 2020 - [http://egis.fire.ca.gov/watershed\\_mapper/](http://egis.fire.ca.gov/watershed_mapper/)

Google Earth Professional V 7.3.2.5776(64-bit); – Historic imagery

Humboldt County Web GIS February, 2020 - <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>

Parcel Quest Data – County Assessor information; <http://pqweb.parcelquest.com>

## 7. STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

Prepared by Mad River Properties, Inc./ Hohman & Associates

1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and the local county planning department.
2. Mad River Properties, Inc. /Hohman and Associates does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Mad River Properties Inc./ Hohman and Associates did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Mad River Properties, Inc./ Hohman and Associates at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Mad River Properties, Inc. /Hohman and Associates shall not be responsible for the supervision of mitigation operations following approval of the conversion plan.



Signatures

Land Owner of Record: KAMAL OWEN

Signature: [Signature] Date: 4-1-20

Registered Professional Forester: Stephen Hohman RPF #2652

Signature: [Signature] Date: 4/2/2020



## 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                 |
|--|----------|----------------------|--------------------------|
| Humboldt County Division of Environmental Health           | ✓        | Conditional approval | <b>Attached</b>          |
| Humboldt County Building Inspection Division               |          |                      |                          |
| Humboldt County Public Works, Land Use Division            | ✓        | Conditional approval | <b>Attached</b>          |
| CAL FIRE   | ✓        | Comments             | On file                  |
| Northwest Information Center (NWIC)                        | ✓        | Comments             | On file and confidential |
| Bear River Tribal Band of the Rohnerville Rancheria        | ✓        | Comments             | On file and confidential |
| Humboldt County Counsel                                    |          | No response          |                          |
| California Department of Fish and Wildlife (CDFW)          |          | No response          |                          |
| North Coast Regional Water Quality Control Board (NCRWQCB) |          | No response          |                          |
| Humboldt County District Attorney                          |          | No response          |                          |
| Humboldt County Agriculture Commissioner                   |          | No response          |                          |
| Humboldt County Sheriff                                    | ✓        | Comments             | <b>Attached</b>          |
| California Division of Water Resources                     |          | No Response          |                          |
| Southern Humboldt Joint Unified School District            |          | No response          |                          |



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



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

*DEH received  
9-5-17*

**Project Referred To The Following Agencies:**

*17/18-0569*

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, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt JUSD School District, Sheriff

**Applicant Name** Chamise Creek Farms, LLC **Key Parcel Number** 218-161-007-000

**Application (APPS#)** 11562 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-290

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

**DISTRIBUTED**  
1-9-18

**Comments:**

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
3. **Legalize or destroy the unpermitted well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for each well.

\*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

\*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.







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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

445-7491  
445-7652  
445-7377  
445-7493

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

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

LAND USE 445-7260



**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 02-28-2018

RE:

|                |                          |
|----------------|--------------------------|
| Applicant Name | CHAMISE CREEK FARMS, LLC |
| APN            | 218-161-007              |
| APPS#          | 11562 CUP 16-290         |

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:

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// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11562

- ☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**  
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**  
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**  
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
  - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
  - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
  - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.  
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**  
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**  
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**  
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).  
  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**  
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
  - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
  - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.  
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**  
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Exhibit "D"

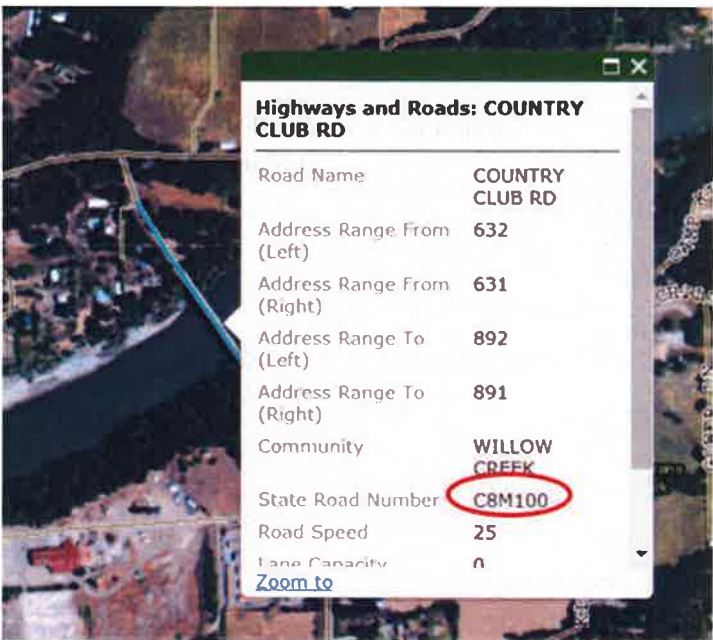
Road Evaluation Reports

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  |
| 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   |
| 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  |
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// END //



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



8/31/2017

**PROJECT REFERRAL TO: Sheriff**

**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, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt JUSD School District, Sheriff

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**Applicant Name** Chamise Creek Farms, LLC **Key Parcel Number** 218-161-007-000

**Application (APPS#)** 11562 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-290

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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 9/15/2017**

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

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**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: NOT WITHIN 600' OF SCHOOL. NO RMS CONTRACT WITH APPLICANT

DATE: 09-11-17

PRINT NAME: MICHAEL HEWITT