



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

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

Hearing Date: July 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Doja Gold, LLC Conditional Use Permit and Special Permit**  
Application Number: PLN-2020-16141  
Assessor's Parcel Number: 524-201-025  
260 Enchanted Springs Lane, Willow Creek

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

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> July 15, 2021	<b>Subject</b> Conditional Use Permit and Special Permit	<b>Contact</b> Megan Acevedo
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**Project Description:** Doja Gold, LLC is seeking a Conditional Use Permit for 3,000 square feet pre-existing outdoor commercial cannabis cultivation within greenhouses, and 300 ft<sup>2</sup> of ancillary propagation space in the Willow Creek Community Planning Area. An additional Conditional Use Permit is being requested to allow for unenclosed cannabis within 600 square feet from a residence on a separately owned parcel, a Special Permit to allow up to 3,000 ft<sup>2</sup> of cultivation area on parcels between 1 and 5 acres, and a Special Permit for a setback reduction to public lands of less than 600 feet from the cultivation area. Water for irrigation is sourced from the Willow Creek Community Services District. Annual anticipated water use is 40,000 gallons. Water storage is not proposed aside from a 350-gallon tank utilized for nutrient mixing. Drying will occur onsite, and trimming will occur offsite at a licensed processing facility. No employees are proposed. Electricity will be sourced from PG&E under the 100% renewable energy plan.

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the south side of Enchanted Spring Lane, at the western terminus of Enchanted Spring Lane, on the property known as 260 Enchanted Spring Lane.

**Present Plan Land Use Designations** Residential Estates: 2.5 to 5 acres (RE2.5-5), Density: Range is 2.5 to 5 acres per unit, Willow Creek Community Plan (WCCP), 2017 General Plan, Slope Stability: Moderate Instability (2).

**Present Zoning:** Agriculture General (AG)

**Record Number:** PLN-2020-16141

**Assessor's Parcel Number:** 524-201-025

**Applicant**  
Doja Gold, LLC  
617 2<sup>nd</sup> Ave.  
Trinidad, CA 95570

**Owner**  
Brian & Dana Bottemiller  
PO Box 1469  
Willow Creek, CA 95573

**Agent**  
N/A

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

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

**Major Issues:** None

**Recommended Planning Commission Action:**

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

*Find that the Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Doja Gold, LLC Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Doja Gold, LLC is seeking a Conditional Use Permit for 3,000 square feet pre-existing outdoor commercial cannabis cultivation within greenhouses, and 300 ft<sup>2</sup> of ancillary propagation space in the Willow Creek Community Planning Area. An additional Conditional Use Permit is being requested to allow unenclosed cannabis within 600 square feet of a residence on a separately owned parcel, a Special Permit to allow up to 3,000 ft<sup>2</sup> of cultivation area on parcels between 1 and 5 acres, and a Special Permit for a setback reduction to public lands of less than 600 feet from the cultivation area. Water for irrigation is sourced from the Willow Creek Community Service District. Annual anticipated water use is 40,000 gallons. Water storage is not proposed aside from a 350-gallon tank utilized for nutrient mixing. Drying will occur onsite, and trimming will occur offsite at a licensed processing facility. No employees are proposed. Electricity will be sourced from PG&E under the 100% renewable energy plan. As the project is for a pre-existing cultivation site, the applicant will have two years from the date of approval to complete any conditions set on the project.

A building inspection was conducted on June 21, 2021, which showed the presence of two travel trailers onsite. The applicant plans to utilize one travel trailer for onsite wastewater treatment system which is serviced by a local portable toilet service, and plans to remove the other travel trailer onsite. The farm is operated solely by the applicant with no use of seasonal employees. The project is conditioned to provide receipts for portable toilet service to the Planning Department, and this condition is included in the Ongoing Conditions of Approval for the project. As well, the project is conditioned to remove one travel trailer onsite, and to not use the other travel trailer as a permanent residence, which is included in the Ongoing Conditions of Approval for the project. The project will consist of full-sun outdoor cultivation, and there will be one Storage and Drying Shed. The applicant shall obtain any necessary building permits with the Building Division.

**Setbacks**

The applicant is applying for a Special Permit to reduce the 600 foot setback from Six Rivers National Forest. The nearest cultivation area is approximately 65 feet to the Six Rivers National Forest. The project was referred to the US Forest Service on May 4, 2021, and no response was received. The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife, as no lights or generators are a part of the proposed project. The parcel is connected to PG&E grid power and the applicant will transition to 100% renewable power sourced from PG&E. Further, the project will source water from the Willow Creek Community Services District. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

The proposed cultivation area is located closer than 300 feet to four residences on neighboring parcels. The applicant has obtained letters of support and waiving the setback requirement for the proposed project from all neighbors located within 300 feet of the proposed cultivation area.

The project is also proposing full-sun outdoor cultivation within 600 feet of residences on eight neighboring parcels. The applicant is requesting an exception from the prescribed open air cultivation setbacks with a Use Permit per Section 55.4.6.4.4 (I). There is one approved outdoor cannabis operation and three other open applications within 600 feet of the subject parcel. As well, an Early Notice of Application was sent out to all neighbors within 1,000 feet of the proposed project in June of 2021. No responses were received in response to the Early Notice of Application. Based on existing uses in the area and the sentiment of neighboring residents, it does not appear that approval of this application would be detrimental to the neighborhood.

### **Timber Conversion**

The parcel is zoned Agriculture General (AG), and no apparent timber conversion has occurred on the subject parcel. The project was referred to CalFire on May 4, 2021, and a response was received from the agency on May 6, 2021 stating that the Department had no comments at that time.

### **Water Resources**

Projected annual water usage is 40,000 gallons per year, (13.3 gallons/ft<sup>2</sup>/year). Water for cannabis irrigation will be provided by the Willow Creek Community Services District (WCCSD), and the applicant has a will-serve letter from the WCCSD allowing the continued use of 24,000 cubic feet (179,532 gallons) of water to be used annually for residential and agricultural purposes. The applicant shall install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses. There is no water storage on-site aside from one 350-gallon mixing tank, and the applicant is not required to add water storage for the project.

The site is not currently enrolled under the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001. The applicant is however required to enroll in the SWRCB's General Order for Waiver of Waste Discharge Program before commencing cultivation operations on-site. The applicant shall submit proof of enrollment to the Planning Department in the form of a Notice of Applicability letter. In the event that a Site Management Plan (SMP) is shown as a required technical report in the Notice of Applicability letter, the applicant shall provide a SMP to the Department when available and shall adhere to the recommendations within the report.

There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

### **Biological Resources**

There are no mapped biological resources shown on the subject parcel in the CNDDDB database in Humboldt County Web GIS, and the nearest known activity center for Northern Spotted Owls is 1.28 miles to the proposed project site. This is well outside of the 0.7 mile required setback to nearest activity center for pre-existing sites under the Environmental Impact Report that was prepared for the CCLUO. As the project is for pre-existing, and no new ground disturbance is proposed as part of the project, no Biological Assessment was required. As the project will consist of full-sun outdoor, no light pollution is anticipated as a result of the proposed project.

The project was referred to the Department of Fish & Wildlife on May 4, 2021, but no response was received. As there are no streams, stream crossing or diversions used for the project, the applicant is not required to obtain a Lake or Streambed Alteration Agreement with Fish & Wildlife.

### **Noise**

Section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The applicant has measured the existing ambient noise levels at the property line and found a level of 4 decibels. The project is conditioned to not go over 7 decibels at any property line when project activities are in operation.

### **Tribal Cultural Resource Coordination**

The proposed project is located within the mapped ancestral aboriginal territories for the Hoopa and Tsnungwe tribes. The project was referred to the Hoopa and Tsnungwe tribes, and the Northwest Information Center (NWIC) on May 4, 2021. The NWIC commented on the project on May 17, 2021, recommending that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. A comment was received from the Tsnungwe tribe on May 10, 2021, stating that they had no comment on the project. No Cultural Resource Investigation was required for the project. The project is conditioned to adhere to inadvertent discovery protocols, included in the Ongoing Conditions of Approval for the project.

### **Energy Plan**

Power is provided by PG&E grid connection, and no generators are a part of the proposed project. The project is conditioned to provide proof of 100% renewable energy source provided by PG&E or to purchase carbon off-set credits for all power sourced from non-renewable sources.

### **Access**

The project is accessed off of Enchanted Springs Lane, which is a non-county maintained road located off of State Hwy 299. The applicant submitted a Road Evaluation Report form for Enchanted Springs Lane, which designates the road as being developed to a Category 4 road standard. The project was referred to Caltrans on May 4, 2021. Comments were received from Caltrans on May 19, 2021, which stated that the dimensions of the current access opening does not meet Caltrans standards for a commercial road approach, and recommended a condition of approval for the project to improve the driveway approach to meet current Caltrans standards for a commercial driveway, including a minimum throat width of 20 feet. From aerial imagery and a desktop review the driveway appears for Enchanted Springs Lane from Hwy 299 appears to be at least 20 feet wide. The applicant shall work with Caltrans to either confirm that the driveway meets Caltrans standards for a commercial driveway, or to obtain an encroachment permit to improve the driveway. As there are more than three permit applications that have been filed for commercial cannabis activities, which will utilize the same access road, all applicants shall enter in a Road Maintenance Association. The applicant is conditioned to enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.

### **Willow Creek Community Planning Area**

The CCLUO requires a Conditional Use Permit for all commercial cannabis activities in certain community planning areas, including the Willow Creek Community Plan. In accordance with the procedures of the CCLUO a Notice of Application was sent to surrounding property owners within 1,000 feet of the site in June of 2021. No comments were received in response to the Early Notice of Application.

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

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and 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 Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permit (SP).

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

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



- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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.

**FINDINGS FOR CONDITIONAL USE PERMIT & SPECIAL PERMIT**

**3. FINDING**

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

**EVIDENCE**

- a) General and intensive agriculture are use types permitted in the Residential Estates (RE) 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 adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The parcel is connected to PG&E grid connection and no generators are a part of the proposed project. As well the project will source water from the Willow Creek Community Services District and no diversions are a part of the project.

Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources report provided recommendations related to the avoidance of sensitive tribal cultural resources. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

**4. FINDING**

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

**EVIDENCE**

- a) Humboldt County Code section 314-55.4.6.5-5.3 allows cultivation of up to 3,000 sq. ft. of Cultivation Area with a Special Permit on a parcel between 1 and 5 acres. As set forth in the following subsections, Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production, General Plan land use designation or Residential land use designation requiring parcel sizes between 1 and 5 acres. The application for 1,448 ft<sup>2</sup> of mixed-light and 1,464 ft<sup>2</sup> of outdoor, for a total of 2,912 square feet of pre-existing cultivation on a 3.57-acre AG zoned parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

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

**EVIDENCE**

- a) Per LLA-57-87 the subject parcel has been determined to be one legal parcel as shown on Recorded Survey in Book 50 of Surveys page 78 and as described in Notice of Lot Line Adjustment Certificate of Compliance 1918-801492.
- b) The project will obtain water from a non-diversionary water source.
- c) The parcel is accessed by Enchanted Springs Lane off of State Highway 299. The applicant submitted a Road Evaluation Report form designating Enchanted Springs Lane as being developed to category 4 road standards. The project was referred to the Department of Public Works and Caltrans. Caltrans recommended conditional approval of the project, and the conditions have been included in the Conditions of Approval.
- d) The cultivation of cannabis will not result in the net conversion of timberland. No timber conversion has occurred on the subject parcel. The project was referred to CalFire on May 4, 2021 and received a response from the agency on May 6, 2021 stating that the Department had no comments at that time.
- e) The location of the proposed cultivation activities complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 feet from any property line, more than 600 feet from any school, church, or Tribal Cultural Resource, and approval has been obtained from property owners of neighboring parcels containing residences within 300 feet of the proposed cultivation area. County GIS indicates that cultivation areas are within 270 feet of adjacent undeveloped parcels owned by Six Rivers National Forest. However, as the parcels are managed for open space and/or wildlife habitat purposes, no future residential development is anticipated.
- f) The project is located within 600 feet of a Public Park, the Six Rivers National Forest, and the applicant is applying for a Special Permit to reduce the 600 foot setback to public lands, per Section 55.4.6.4.4 (f).

**6. FINDING**

**EVIDENCE** Cultivation of 3,000 ft<sup>2</sup> of full-sun outdoor commercial cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on a road that has been determined to be developed to category 4 road standards, and can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) 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 presence of multiple cannabis operations in the neighborhood.

- c) Irrigation water will come from the Willow Creek Community Services District.

**7. FINDING**

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

**EVIDENCE**

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

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit & Special Permit for Doja Gold, LLC based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

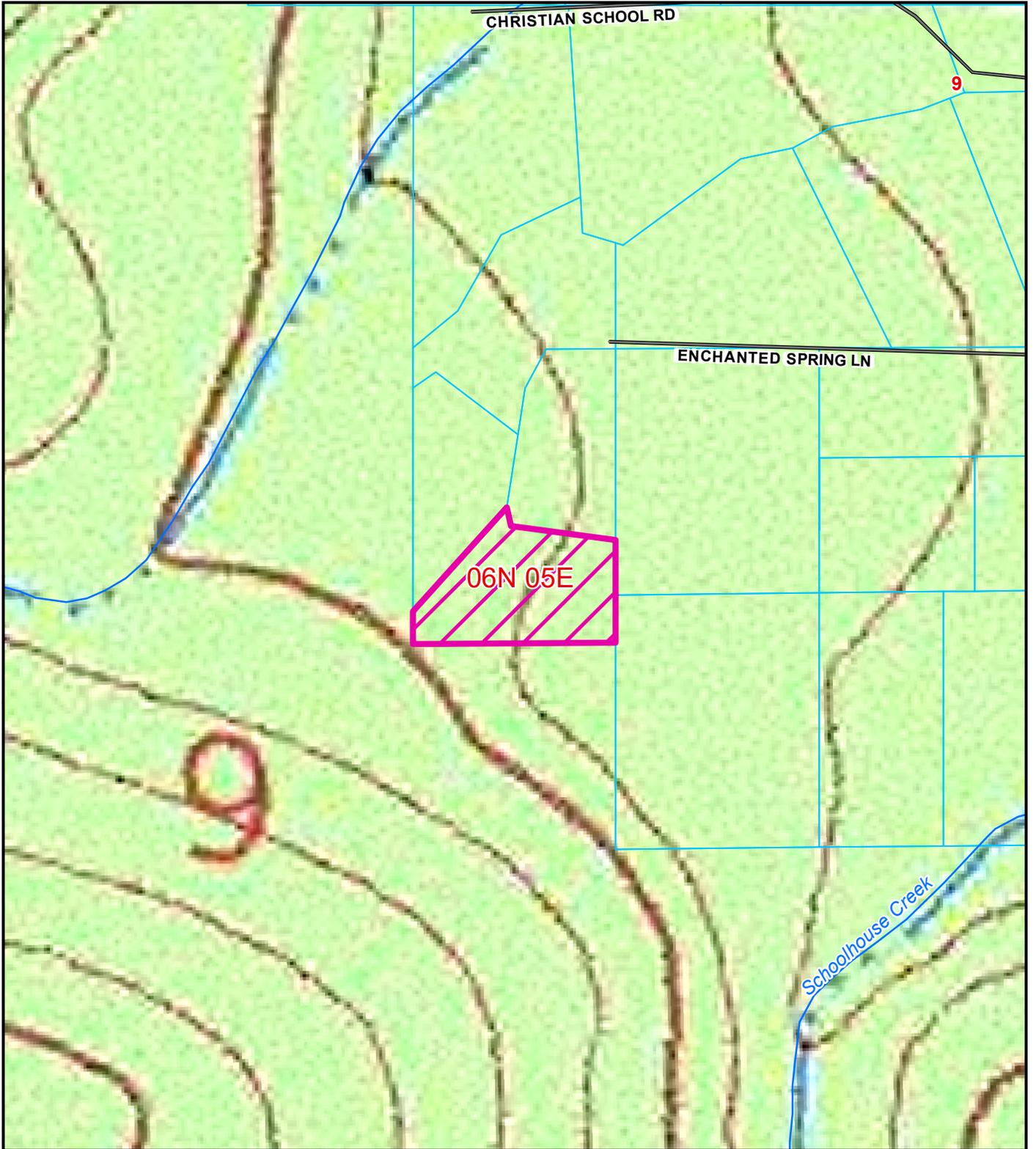
Adopted after review and consideration of all the evidence on July 15, 2021.

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

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:  
ABSTAIN:       COMMISSIONERS:  
DECISION:

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

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

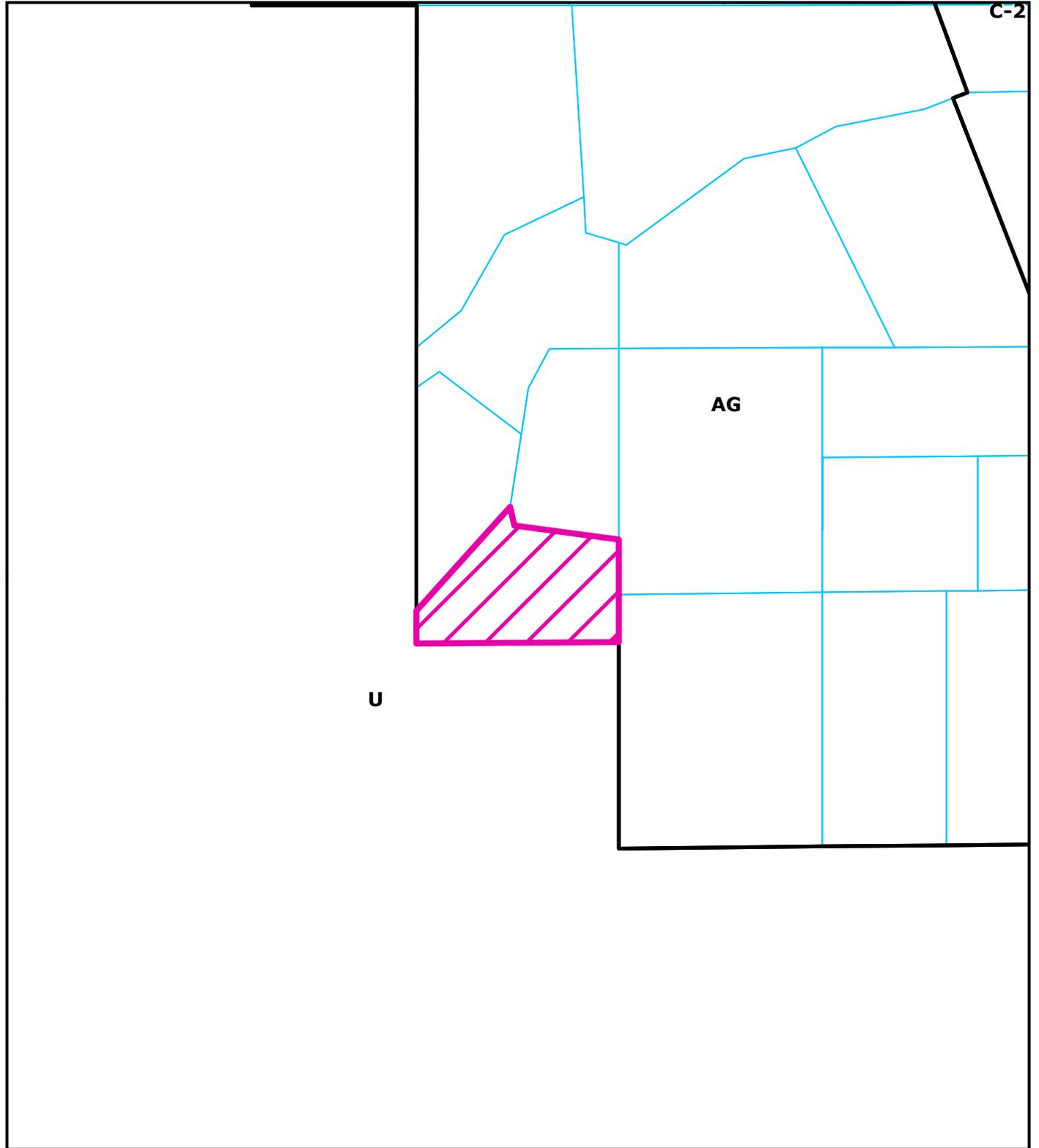


Project Area = 

**TOPO MAP**  
**PROPOSED DOJA GOLD LLC**  
**WILLOW CREEK AREA**  
**PLN-2020-16141**  
**APN: 524-201-025**  
**T06N R05E S9 HB&M (SALYER)**



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 DOJA GOLD LLC**  
**WILLOW CREEK AREA**  
**PLN-2020-16141**  
**APN: 524-201-025**  
**T06N R05E S9 HB&M (SALYER)**



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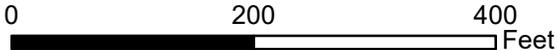
ENCHANTED SPRING LN

Project Area = 

**AERIAL MAP  
PROPOSED DOJA GOLD LLC  
WILLOW CREEK AREA  
PLN-2020-16141  
APN: 524-201-025  
T06N R05E S9 HB&M (SALYER)**



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## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, one Storage & Drying building, or any activity with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant is required to enroll in the SWRCB's General Order for Waiver of Waste Discharge Program before commencing cultivation operations on-site. The applicant shall submit proof of enrollment to the Planning Department in the form of a Notice of Applicability letter. In the event that a Site Management Plan (SMP) is shown as a required technical report in the Notice of Applicability letter, the applicant shall provide a SMP to the Department when available and shall adhere to the recommendations within the report.

8. The applicant is conditioned to enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.
9. The applicant shall install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses.
10. The project is conditioned to provide proof of 100% renewable energy source provided by PG&E or to purchase carbon off-set credits for all power sourced from non-renewable sources.
11. The applicant shall work with Caltrans to either confirm that the driveway meets Caltrans standards for a commercial driveway, or to obtain an encroachment permit to improve the driveway. In the event that the driveway needs improvements, the applicant shall obtain and provide a copy of the approved Caltrans encroachment permit that identifies the owner responsible for the driveway encroachment within the state's right-of-way.
12. The applicant shall contact the local fire service provider (Willow Creek Volunteer Fire Protection District) 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 Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
13. 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.
14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. Per Section 55.4.12.6 of the CCLUO, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site, which has been determined to be 7 decibels.
2. 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.
3. The project is conditioned to provide receipts to the Planning Department for portable toilet service for the travel trailer used for onsite wastewater treatment system.
4. the project is conditioned to remove one travel trailer onsite, and to not use the other travel trailer as a permanent residence, which is included in the Ongoing Conditions of Approval for the project.
5. No generators shall be used for the operation of cannabis cultivation.

6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification and compliance with the State Water Resources Control Board General Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

17. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for 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. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. 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

23. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. 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).
25. 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.
26. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.

- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
27. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
28. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permit. Any Commercial Cannabis Cultivation CUP or SP issued pursuant to the CCLUO 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.
29. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
30. 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.
31. 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.
32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and

agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- 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.

33. 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 314-55.4.6.5.7 of the CCLUO, 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 314-55.4.5.7 of the CCLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #32 and 33 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 524-201-025, 260 Enchanted Springs Lane, Willow Creek  
County of Humboldt**

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

**June 2021**

## Background

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

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

### **Project Description:**

The modified project involves a Conditional Use Permit in order to approve 3,000 ft<sup>2</sup> of full-sun outdoor commercial cannabis cultivation, with 300 ft<sup>2</sup> of ancillary propagation space in the Willow Creek Community Planning Area. An additional Conditional Use Permit is being requested for a setback reduction to residences less than 600 square feet from the cultivation area, a Special Permit to allow up to 3,000 ft<sup>2</sup> of cultivation area on parcels between 1 and 5 acres, and a Special Permit for a setback reduction to public lands of less than 600 feet from the cultivation area. Water for irrigation is sourced from the Willow Creek Community Service District. Annual anticipated water use is 40,000 gallons. Water storage is not proposed aside from a 350-gallon tank utilized for nutrient mixing. Drying will occur onsite, and trimming will occur offsite at a licensed processing facility. No employees are proposed. Electricity will be sourced from PG&E under the 100% renewable energy plan. As the project is for a pre-existing cultivation site, the applicant will have two years from the date of approval to complete any conditions set on the project.

### **Water Resources**

Projected annual water usage is 40,000 gallons per year, (13.3 gallons/ft<sup>2</sup>/year). Water for cannabis irrigation will be provided by the Willow Creek Community Services District (WCCSD), and the applicant has a will-serve letter from the WCCSD allowing the continued use of 24,000 cubic feet (179,532 gallons) of water to be used annually for residential and agricultural purposes. The applicant shall install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses. There is no water storage on-site aside from one 350-gallon mixing tank, and the applicant is not required to add water storage for the project.

The site is not currently enrolled under the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001. The applicant is however required to enroll in the SWRCB's General Order for Waiver of Waste Discharge Program before commencing cultivation operations on-site. The applicant shall submit proof of enrollment to the Planning Department in the form of a Notice of Applicability letter. In the event that a Site Management Plan (SMP) is shown as a required technical report in the Notice of Applicability letter, the applicant shall provide a SMP to the Department when available and shall adhere to the recommendations within the report.

There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

### **Energy Plan**

Power is provided by PG&E grid connection, and no generators are a part of the proposed project. The project is conditioned to provide proof of 100% renewable energy source provided by PG&E or to purchase carbon off-set credits for all power sourced from non-renewable sources.

### **Noise**

Section 55.4.12.6 of the CCLUO states that Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. The applicant has measured the existing ambient noise levels at the property line and found a level of 4 decibels. The project is conditioned to not go over 7 decibels at any property line when project activities are in operation.

### **Tribal Cultural Resource Coordination**

The proposed project is located within the mapped ancestral aboriginal territories for the Hoopa and Tsnungwe tribes. The project was referred to the Hoopa and Tsnungwe tribes, and the Northwest Information Center (NWIC) on May 4, 2021. The NWIC commented on the project on May 17, 2021, recommending that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. A comment was received from the Tsnungwe tribe on May 10, 2021, stating that they had no comment on the project. No Cultural Resource Investigation was required for the project. The project is conditioned to adhere to inadvertent discovery protocols, included in the Ongoing Conditions of Approval for the project.

### **Access**

The project is accessed off of Enchanted Springs Lane, which is a non-county maintained road located off of State Hwy 299. The applicant submitted a Road Evaluation Report form for Enchanted Springs Lane, which designates the road as being developed to a Category 4 road standard. The project was referred to Caltrans on May 4, 2021. Comments were received from Caltrans on May 19, 2021, which stated that the dimensions of the current access opening does not meet Caltrans standards for a commercial road approach, and recommended a condition of approval for the project to improve the driveway approach to meet current Caltrans standards for a commercial driveway, including a minimum throat width of 20 feet. From aerial imagery and a desktop review the driveway appears for Enchanted Springs Lane from Hwy 299 appears to be at least 20 feet wide. The applicant shall work with Caltrans to either confirm that the driveway meets Caltrans standards for a commercial driveway, or to obtain an encroachment permit to improve the driveway.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize 3,000 ft<sup>2</sup> of full-sun outdoor commercial cannabis cultivation and conditions to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation & Operations Plan received June 2, 2021.
- Site Plan received June 2, 2021.
- Willow Creek Community Services District Will-Serve letter dated December 30, 2019.
- Road Evaluation Report form prepared by the applicant, dated April 1, 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.

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

### **FINDINGS**

1. The proposed project will permit a new 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 EIR was adopted as complete.

## **CONCLUSION**

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

### ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form On-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** with maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
7. Copy of Notice of Applicability and other documents filed with the State Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of Approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
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. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Willow Creek Community Services District Will-Serve letter dated December 30, 2019. (**Attached**)
16. Site Management Plan (SMP), prepared for compliance with the SWRCB General Order WQ 2019-0001. (Condition of Approval)
17. Road Evaluation Report form prepared by the applicant, dated April 1, 2020. (**Attached**)
18. Expressed written owner's consent to allow cultivation to be within the 300 feet from neighboring residence of APN's: 524-201-024, 524-201-001, 524-201-002, and 524-201-032. (On-file)

DOJA GOLD, LLC  
APN # 524-201-025-000  
Application # 16141



## Cultivation & Operations Plan 2021

***Project Description: A Conditional Use Permit for 3,000 square feet pre-existing outdoor commercial cannabis cultivation in the Willow Creek Community Planning Area. Additionally, a Conditional Use Permit for a setback reduction to residences less than 600 square feet from the cultivation area and a Special Permit for a setback reduction to public lands of less than 600 feet from the cultivation area. Water for irrigation is sourced from the Willow Creek Community Service District. Annual anticipated water use is 40,000 gallons. Water storage is not proposed aside from a 350-gallon tank utilized for nutrient mixing. Drying will occur onsite, and trimming will occur offsite at a licensed processing facility. No employees are proposed. Electricity is sourced from PG&E under the 100% renewable energy plan.***

### Cultivation Activities

-We are seeking a Specialty Cottage Outdoor cultivation permit. The plants will be grown in fabric pots & in mixed native/potting soil beds.

-All water will be provided by Willow Creek Community Services District. Please see the separately mailed Will Serve Letter.

-Funding is being considered for additional water storage tanks to provide additional farm supply & fire suppression. Current water storage is 350gal tank.

-Irrigation will occur thru a combination of hand watering & dripline, fed by unassisted water pressure and/or high-flow electric pump

-Annual estimated water usage for cultivation is approximately 40,000 gallons

-We will employ a combination of methods to conserve water. These include dripline watering, organic rice straw mulching on surface & edges of exposed soil.

-All direct watering will be filtered thru a chlorine filter, and will be regulated by timer.

### Schedule of Seasonal Activities

March- Seeds & clones acquired, veged  
April – Grounds prepped  
May – garden tending  
June – tending contd

July – tending contd  
Aug – tending contd  
Sept – tending, harvest prep  
Oct – harvest, process, to distro  
Nov – Winterization

#### Specific Measures for Compliance

All features of property currently within compliance. SWRCB does not require enrollment for municipal water recipients, aside from declaring water source on state application.

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/cannabis\\_reg\\_faq.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/cannabis_reg_faq.pdf)

#### Stormwater Management

The cultivation area is on a shallow grade of 2-3 degrees, as shown on site plan. Historically, there are no channelized areas for stormwater or runoff to accumulate, and soil drainage is excellent. No new stormwater mitigation is necessary.

#### Invasive Species Control Plan

Adjacent to the 6 Rivers National forest, the native flora has remained undisturbed by preexisting cultivation. No new species have been introduced, and there has been a resurgence of native flora as a result of beneficial permaculture practices over the years.

#### Materials Management Plan

Pesticide applicators license will be acquired to establish proper protocols for usage of supplemental pest management products, including required PPE. Storage of biological pest controls will be in secondary containment within a lockable shed.

Approximate usage:

2lb of Grandevo will be used throughout the season

1 lb of micronized sulfur

2 gal Regalia

2 gal Venerate

2 lb. Diatomaceous Earth

Unused Biomass will be composted on site.

Residential Trash & Recycling Service will be included for the small amount of non reusable waste produced by this small operation.

No volatile or Hazardous materials will be used in the operation, aside from gas cans used for running tillers & weed eaters.

#### Hazardous Materials Site Assessment

N/A

#### Sewage Disposal Plan

The dwelling on site utilizes a septic tank.

#### Description of soil management and permaculture methods, imported soil etc.

We will employ mulching, soil amendments, top-dress feedings, and nutrient & compost teas to feed the soil, encouraging a lively soil biome. We intend to purchase additional soil as needed, but preexisting soils are primed for planting. Soils will not be removed from the premises, as we use soil-building techniques. Companion planting of beneficial insect attracting flowers and shrubs will enhance our IPM schedule as well as beautifying the grounds. Nitrogen fixing plants will be experimentally grown alongside the plants to encourage a sustained health & growth. Biodynamic preparations for foliar and soil sprays will be implemented.

#### Processing Plan

Trimming will be processed off-site.

Personnel required will be 1-2 full time resident cultivators, supported by peak labor force for transplanting, pruning, trellising, and harvest. There will be educators and volunteers supporting the progress thru the season.

Personnel will move with mindfulness to preserve the intentionality of the space, and will adhere to OSHA small business handbook for proper procedures. <https://www.osha.gov/Publications/smallbusiness/small-business.html>  
Water for garden and drinking will be provided by the WCCSD, on tap.

No significant increase in traffic is expected, as cultivation will be handled by resident cultivators. The onsite dwelling is a 3 bedroom, 2 bath home of 1300 sqft & a small camper trailer.

#### Parking Plan

The driveway is a loop with multiple parking spots within the actual loop, as well as alongside the right and left sides of the house.

#### Energy Plan

Power is provided by PG&E, under the 100% Renewables energy plan.

#### Security Plan

We currently employ an internet enabled, 4 camera CCTV system covering the property. We will additionally deploy several game cameras to cover other areas near property lines. Our german shepard and mastiff will ward off bears and tweekers.

#### Noise Source Assessments

A preliminary decibel reading shows no greater than 4dB at the property lines. The actual instrument seems to measure 4dB as baseline, so actual levels are much lower, as the property is rural and forested. The unmeasured loudest noises are when a semi truck crosses rumble strips on the distant hwy 299.

#### Light Pollution Plan

No artificial lights will be used in cultivation



December 30, 2019

Joel McClure  
PO Box 171  
Willow Creek, CA 95573

**RE: Water use 260 Enchanted Springs**

Mr. McClure,

Your residence at 260 Enchanted Springs road in Willow Creek has an existing 5/8" water meter on the Willow Creek Community Services District water system. Your average annual water usage is approximately 24,000 cubic feet.

I understand you have inquired if this meter can continue to be used at this rate for your agricultural business. This is acceptable to the Willow Creek Community Services District.

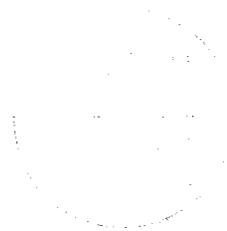
Please note that the WCCSD has a Drought Ordinance in its Board Policy. In the event of a drought, the water usage may be restricted per the policy (see attached).

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Susan O'Gorman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan O'Gorman  
General Manager



**Section 7 - Shortage of Water Priorities (Ord. #44 3.14.2014) (amended 4.30.15)**

If for any reason, the Willow Creek Community Services Districts water is significantly depleted, the following priorities for water usage shall be followed.

1. District residential and small business customers will be our top priority.
2. Livestock watering.
3. Agricultural usage.
4. Commercial, Industrial, Golf Courses and Park Systems.

**SECTION 7A - DROUGHT CONDITIONS**

1. If the Willow Creek Community Services District experiences drought conditions and the watershed is stressed from low rainfall. The District will impose the following water restrictions, if the Albert E Hodgson Water Treatment Facility is not able to pump and treat a minimum of 2.25 CFS (Cubic Feet Second) during peak usage from the confluences of the Willow Creek.
2. The Willow Creek Community Services District will follow all of the Governors executive orders of said document.
3. Governor may require a percentage of mandatory reduction of water usage (To be determined), **2015 will be 25%**.
4. No watering or washing down of driveways.
5. Washing vehicles with nozzles on hoses only.
6. No wasting water by prolonged leaks (must be repaired within 72 hours of notification).
7. Turning auto sprinklers off during rain storms and for two days after.
8. Ornamental fountains must have a recirculation water pump.
9. Water days may be restricted (If necessary).
10. No watering of public street medians with potable water that have ornamental turf.
11. Potable water sold within the WCCSD boundaries to water tenders will be limited to one load per week (up to 3,000 gallons per load) for residential use per parcel. This will be by permit only.  
Exception for water tenders will be for emergency services vehicles.
12. **Public Notice of Hearing:** Said Board of Directors shall, pursuant to Section 6061 of California Government Code, publish said hearing date at least seven days prior to vote on Emergency Drought Conditions.
13. Implementation of SECTION 7A, the Board of Directors will by majority vote; **State a Declaration of Emergency Drought Conditions in the Willow Creek Watershed.**

14. Such vote shall be enacted for that current calendar year only. If conditions exist continuously said Board of Directors shall vote each calendar year thereafter.
15. The Willow Creek Community Services District **will restrict the water usage of our Park System up to 95 percent** (to be determined by the *General Manager*).
16. The WCCSD will ask for **volunteer** water consumption decrease of up to 20 percent of normal monthly use for all customers first.
17. If **volunteer** usage fails to reach water usage goals, the following steps will be implemented.
  - A. Residential customers may be restricted up to 50 percent (to be determined by the *General Manager*) of normal household water usage. In particular warm outdoor watering season (May to October). All usage will be based on monthly average.
  - B. Residents will be restricted of no watering of lawns and gardens.
  - C. Livestock watering will be restricted to watering and care of animals only.
  - D. 1" to 3" Commercial, Industrial, large business and Agricultural meters will be restricted up to 75 percent (to be determined by the *General Manager*) and will be restricted of no watering of lawns. All usage will be based on a monthly average.
  - E. The District will restrict fire hydrant usage to emergency household water (dwellings, non-agriculture) for out of District and will also allow for the use of all fire departments and public emergency services.
  - F. Water will not be sold from hydrants for agriculture, commercial or personal use during drought conditions for non-emergency.
  - G. Customers not in compliance (water restrictions) with ORDINANCE NUMBER 44 will be subject to termination of service. However not before a written notice of non-compliance and the WCCSD working with the customer to rectify said non-compliance. This will be determined by the *General Manager*.
  - H. Customer service will not be restored without written agreement of compliance of ORDINANCE NUMBER 44 and acceptance of said agreement by the *General Manager*.
  - I. Said customer shall pay all costs that were occurred by the Willow Creek Community Services District for enforcing ORDINANCE NUMBER 44.
8. Appeal process: Customer may appeal noncompliance of ORIDANCE NUMBER 44 by following board policy protocol.
9. WCCSD customers will be given a 96 hour public notice (News outlets, WCCSD website and US Mail) if SECTION 7A is to be implemented.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: Joel McClure APN: 524-201-025-000

Planning & Building Department Case/File No.: PLN-2020-16141

Road Name: Enchanted Springs Ln (complete a separate form for each road)

From Road (Cross street): Hwy 299

To Road (Cross street): Enchanted Springs Ln

Length of road segment: 0.25 miles Date Inspected: 4.01.2020

Road is maintained by:  County  Other over half distance maintained by county, remainder private  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Signature

Date 4.01.2020

Name Printed Joel McClure

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

u:\pwrk\landdev\projects\referrals\forms\road evaluation report form (02-24-2017).docx

## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Division Environmental Health	✓	Approved with Condition	<b>Attached</b>
Building Inspection Division	✓	Approved with Condition	On-file
Public Works, Land Use Division	✓	Approved	On-file
Cal FIRE	✓	No Comments	<b>Attached</b>
Sheriff	✓	Approval	On file
Northwest Information Center	✓	Comments	On file and confidential
Tsnungwe Council	✓	No Objections	On file and confidential
Cal Trans District 1	✓	Approved with Conditions	<b>Attached</b>
PGE	✓	Comments	<b>Attached</b>
Hoop Valley Tribe		No Comments	
State Division of Water Resources		No Comments	
California Department of Fish & Wildlife		No Comments	
Klamath-Trinity Joint Unified School District		No Comments	
Willow Creek Community Services District		No Comments	
Willow Creek Volunteer Fire Protection District		No Comments	
County Counsel		No Comments	
US Forest Service		No Comments	
Regional Water Quality Control Board		No Comments	
NCUAQMD		No Comments	
District Attorney		No Comments	
Ag Commissioner		No Comments	

PLN-2020-16... STATUS LOCATION CONTACT WORKFLOW  
 Doja Gold, LLC - 3... > Staff Report > 260 Enchante... > Doja Gold LLC > 18 total Task  
 A Conditional Use... 06/22/2021 by... Willow Creek, ... ●...

- Summary
- Project Description
- Workflow
- 1 Referral Assignments
- 2 Planning Information
- 3 GP / Zoning Information
- 4 CEQA
- 5 Cannabis
- Project Tracking
- 6 Referral Task Log (2)
- Fee (8)
- Payment
- Workflow History (28)**
- Comments (2)
- Documents (47)
- Conditions of Approval (0)

**A notice was added to this record on 2020-02-03.**  
 Condition: Parcel Status : 524-201-025 LP 1-1 Severity: Notice  
 Total conditions: 1 (Notice: 1)

[View notice](#)

[Cancel](#) [Help](#)

Task	Due Date	Assigned Date
Environmental Health	05/20/2021	05/06/2021
Assigned to Department	Assigned to	Status
Environmental Health	Adam Molofsky	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Adam Molofsky	05/10/2021
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by providing DEH with an assessment of the existing system performed by a qualified consultant that the existing system complies with the State RWQCB definition of a Tier 0 system.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input type="checkbox"/> Contact
		<input type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	

16141

Application Number

524-201-025-000

Key APN

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

- The Department has no comment at this time.
- Suggested conditions attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend denial.
- Other comments.



Forester Comments: Date:  Name:

Battalion Chief Comments: Date:  Name:

Summary:

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 1  
 P O BOX 3700  
 EUREKA, CA 95502-3700  
 PHONE (951) 616-4101  
 TTY 711  
 www.dot.ca.gov/dist1



Making Conservation  
 a California Way of Life.

May 19, 2021

1- HUM- 299- 41.43  
 Doja Gold LLC  
 PLN-2020-16141

Megan Acevedo, Planner  
 Humboldt County  
 3015 H St.  
 Eureka, CA 95501

Dear Ms. Acevedo,

Thank you for the opportunity to comment on the proposed Conditional Use Permit for an existing outdoor cannabis cultivation site at APN: 524-201-025-000. This project is located in Humboldt County, in the Willow Creek area, on the south side of Enchanted Spring Lane, at the western terminus of Enchanted Spring Lane, on the property known as 260 Enchanted Spring Lane. We have the following comments:

The dimensions of the current access opening do not meet Caltrans standards for a commercial road approach. As a condition of approval, we request the County require this applicant (and any other applicants using this same driveway) to improve the driveway approach to meet current Caltrans standards for a commercial driveway, including a minimum throat width of 20 feet. Please refer to the Caltrans Encroachment Permits Manual, Appendix J, "Road Connections and Driveways" for details.

### Informational Comments

Any work within Caltrans Right-of-Way will require an Encroachment Permit from Caltrans. Permits to construct, upgrade, own, and operate road approaches to the State highway system are issued to the individual or legal entity with ownership rights of that road approach. It is not clear the applicant has such rights. If they do have ownership/easement rights, they should submit proof of ownership/easement with their application for a permit. If they do NOT have ownership/easement rights, then they may, with the property owner's written permission, apply for a permit on behalf of the owner as an authorized agent of the property owner.

Ms. Megan Acevedo  
May 19, 2021  
Page 2

Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we require the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6390. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <https://dot.ca.gov/programs/traffic-operations/ep>

While the Caltrans District Planning staff telework, feel free to contact me regarding the above comments by email at: [jacob.rightnar@dot.ca.gov](mailto:jacob.rightnar@dot.ca.gov).

Sincerely,



Jacob Rightnar  
Transportation Planning  
Caltrans District 1

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

June 23, 2021

John Moredo  
County of Humboldt  
3015 H St  
Eureka, CA 95501

Ref: Gas and Electric Transmission and Distribution

Dear John Moredo,

Thank you for submitting the PLN-2020-16141 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management

## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.