



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

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Hearing Date: July 15, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Ulysses Bailey, Special Permit**
Record Number: PLN-2019-16123
Assessor's Parcel Number: 081-051-027
Myers Flat Area

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Please contact Abbie Strickland, Planner, at (707)441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 15, 2021	Special Permit	Abbie Strickland

Project Description: The applicant is seeking a Special Permit for 2,800 square-feet of existing outdoor commercial cannabis cultivation within the Avenues Community Planning Area. Light deprivation techniques will be used to achieve two harvests annually. Water will be sourced from Myers Flat Mutual Water System. The applicant projects an annual water use of 16,000 gallons and proposes 5,000 gallons of onsite water storage. Processing such as drying and curing will occur onsite, further processing will occur offsite at a licensed third-party processing facility. Energy for the project is sourced from P.G.E and a 4kW solar system is onsite to provide supplemental energy. There will be no employees required for the project, as it is owner-operated. The applicant is also seeking a Special Permit for a setback reduction to Humboldt Redwoods State Park.

Project Location: This project is located in Humboldt County, in the Myers Flat area, on the east side of Boy Scout Camp Road, approximately 750 feet north from the intersection of Boy Scout Camp Road and Myers Avenue, on the property known as 360 Boy Scout Camp Road.

Present Plan Land Use Designations: Residential Estates: 1 to 5 acres (RE1-5), Density: Range is 1 to 5 acres per unit, Avenues Community Area Plan: Meyers Flat (AVES), 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning: Flood Plain (FP)

Record Number: PLN-2019-16123

Assessor's Parcel Number: 081-051-027

Applicant	Owners	Agent
Ulysses Bailey 3868 Wellington Street Eureka, CA 95503	Ulysses Bailey 3194 Wellington Street Eureka, CA 95501	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 located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

Major Issues: None

Ulysses Bailey
Record Number: PLN-2019-16123
Assessor's Parcel Number: 081-051-027

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the Ulysses Bailey project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Special Permit for 2,800 square-feet of existing outdoor commercial cannabis cultivation within the Avenues Community Planning Area. Light deprivation techniques will be used to achieve two harvests annually. No supplemental lighting will be used in the operation. Energy for the project is sourced from P.G.E and a 4kW solar system is onsite to provide supplemental energy. There will be no employees required for the project, as it is owner-operated. Water will be sourced from Myers Flat Mutual Water System; the applicant has submitted a Will Serve Letter. Projected annual water usage totals 16,000 gallons (5.71 gal/SF) and 5,000 gallons of onsite water storage is proposed. Processing such as drying and curing will occur onsite, further processing will occur offsite at a licensed third-party processing facility.

The operator will have a recreational vehicle (RV) to occupy while on site. Per Humboldt County Code Section 314-55.4.6.5.8 the applicant may utilize an RV as housing during the cultivation season. The applicant will remove all greenhouses, shipping containers, and the RV each year from October 15th through April 16th in accordance with their agreement with the County (Attachment 3). The project was referred to the Division of Environmental Health who recommended the project be approved with the added condition that the applicant provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure.

Biological Resources

The project site adheres to the 150ft Streamside Management Area setback from the South Fork Eel River. No special status fish or amphibian species were documented in the CNDDB. There is a known Northern Spotted Owl (NSO) activity center approximately 1.4 miles northwest of the project area. The project site is also within mapped Marbled murrelet habitat. Noise and light restrictions will be applied to this project and all other projects in the vicinity such that no cumulative impacts to the Northern Spotted Owl or Marbled murrelet habitat are anticipated. Generators will only be used in emergencies and will be held in a secondary containment unit. Noise levels may not exceed 50 decibels measured at 100 feet from the noise source or edge of habitat, whichever is closer.

The project is not anticipated to affect historic or prehistoric resources. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkiyone Wilderness Council. A response was received from the Bear River Band, however, it referenced the incorrect project. Planning staff contacted the Bear River Tribal Historic Preservation Officer on Tuesday, June 29th to address the discrepancies. No response has been received. A condition of approval for this project will require the applicant to adhere to the inadvertent discovery protocol.

Setback Reduction

The cultivation site would be approximately 180 feet from a parcel of land in the Humboldt Redwoods State Park. The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The adjacent public land is subject to the Humboldt Redwoods State Park General Plan 2001 (HRSPGP). The HRSPGP identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The HRSPGP states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The HRSPGP also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the HRSPGP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to prevent light and noise impacts and protect water quality. The project will not require substantial road improvements or the removal of trees. The project will maintain buffers from streams and all pesticides and fertilizers will be stored in a secondary containment unit. The applicant will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The HRSPGP's provisions for cultural resource protection will be met through consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, a Site Management Plan will be developed for the project. The plan will be developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail – 1, located over one half of a mile to the northwest. Also, upon review of the Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017 and the corresponding Planning Recommendations Map Bull Creek Southeast, there are no existing or proposed developments within the park that would be impacted as result of the existing project. Therefore, the project is consistent with recreational use on public lands as the existing project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

Access and Road Maintenance

The property is accessible from Boy Scout Camp Road, a privately maintained road which takes access from State Highway 254 and Highway 101. The applicant has submitted a Road Evaluation Report self-certifying that Boy Scout Camp Road is developed to the equivalent of the Category 4 road standard. The project was referred to Cal Trans on June 23, 2021. The project was also referred to the Department of Public Works who recommended that the applicant make improvements to Myers Avenue. The applicant takes direct access from the aforementioned State Highways; therefore, the recommended improvements will not be made a condition of approval for the project.

There are approximately nine permitted farms within the Myers Flat Community Area that take access from Boy Scout Camp Road. The applicant shall consent to join, or establish, a road maintenance association for Boy Scout Camp Road per HCC Section 314-55.4.12.1.8. The scope of maintenance

includes the entirety of Boy Scout Camp Road to its intersection with Orchard Way. Compliance with this requirement will be assessed at the applicant's annual inspection. Evidence such as minutes from a meeting, written correspondence, or confirmation from the RMA Secretary shall be provided.

Environmental review for the project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for this staff recommendation of permitting the existing cultivation area and allowing for a reduction to the required 600-foot setback from public lands.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-2019-16123
Assessor's Parcel Numbers: 081-051-027**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and approves Ulysses Bailey Special Permit.

WHEREAS, Ulysses Bailey submitted an application for a Special Permit for 2,800 square-feet of existing outdoor commercial cannabis cultivation within the Avenues Community Planning Area. Light deprivation techniques will be used to achieve two harvests annually. Water will be sourced from Myers Flat Mutual Water System. The applicant projects an annual water use of 16,000 gallons and proposes 5,000 gallons of onsite water storage. Processing such as drying and curing will occur onsite, further processing will occur offsite at a licensed third-party processing facility. Energy for the project is sourced from P.G.E and a 4kW solar system is onsite to provide supplemental energy. There will be no employees required for the project, as it is owner-operated. The applicant is also seeking a Special Permit for a setback reduction to Humboldt Redwoods State Park.

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. 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; and

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

1. FINDING

Project Description: The applicant is seeking a Special Permit for 2,800 square-feet of existing outdoor commercial cannabis cultivation within the Avenues Community Planning Area. Light deprivation techniques will be used to achieve two harvests annually. Water will be sourced from Myers Flat Mutual Water System. The applicant projects an annual water use of 16,000 gallons and proposes 5,000 gallons of onsite water storage. Processing such as drying and curing will occur onsite, further processing will occur offsite at a licensed third-party processing facility. Energy for the project is sourced from P.G.E and a 4kW solar system is onsite to provide supplemental energy. There will be no employees required for the project, as it is owner-operated. The applicant is also seeking a Special Permit for a setback reduction to Humboldt Redwoods State Park.

EVIDENCE

- a) Project File: PLN-2019-16123

2. FINDING

CEQA. The project complies with the California Environmental Quality Act (CEQA).

EVIDENCE

- a) Addendum to the Final Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance.
- b) The project is not anticipated to affect historic or prehistoric resources. The project was referred to the Bear River Band of Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. No response was received;

however, the inadvertent discovery protocol has been made a condition of approval for the project.

- c) Noise and light restrictions are applied to this project and all other projects in the vicinity such that no cumulative impacts to the Northern Spotted Owl or Marbled murrelet habitat are anticipated. Noise levels may not exceed 50 decibels measured at 100 feet from the noise source or edge of habitat, whichever is closer. The project also adheres to the 150ft Streamside Management Area setback from the South Fork Eel River.
- d) A *Road Evaluation Report* was prepared by the applicant for Boy Scout Camp Road. Boy Scout Camp Road is developed to the equivalent of a Category 4 road standard. A condition of approval will require the applicant to consent to join, or establish, a road maintenance association for Boy Scout Camp Road per HCC Section 314-55.4.12.1.8
- e) Per HCC Section 314-55.4.6.4.4 for publicly owned lands managed for Open Space and/or wildlife habitat purposes a setback of less than 600 feet may be allowed with a Special Permit. This application is for a Special Permit for 2,800 square feet of outdoor cultivation.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is an allowable use in the Residential Estates (RE-1) land use designation. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the continued cultivation of 2,800 square feet on a 0.45-acre parcel is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The existing project is within the Myers Flat community in the AVES CPA. The existing project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The project consists of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Myers Flat community. The Myers Flat community is specifically called out as suitable for cannabis permitting in the County's CCLUO. The project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. As such, the project is consistent with both the General Plan and AVES CPA.
- c) The project is located adjacent to state lands managed by the California State Parks as Humboldt Redwoods State Park. The adjacent public lands are subject to the Humboldt Redwoods State Park General Plan (GP) adopted October 26, 2001. The project is consistent with the GP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will maintain buffers from streams and all pesticides and fertilizers will be stored in a secondary containment unit. The

applicant will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. Provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails.

- d) The subject site is within a FEMA mapped 100-year flood zone. The existing project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Agriculture is an allowable use in flood zones. Domestic solid waste and recycling is stored on site picked up weekly by Recology Eel River. Therefore, the proposed project will not store hazardous or acutely hazardous materials on site that could be cause environmental harm during a flooding event. Lastly, the project site is not within a mapped dam or levee inundation area. The project site is approximately 17 miles northeast of the coast, and approximately 188 feet above mean sea level, thus, is outside the areas subject to tsunami run-up.

4. FINDING

The existing development is consistent with the purposes of the existing Flood Plain (FP) zone in which the site is located.

EVIDENCE

- a) General agriculture is a principally permitted use in the Flood Plain Zone. The existing project includes 2,800 square feet of outdoor commercial cannabis cultivation, an agricultural product, on a 0.45-acre parcel.
- b) In accordance with their agreement with the County, a condition of approval for the project will require the applicant to remove all temporary structures from the flood zone from October 15th through April 16th.

5. FINDING

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

EVIDENCE

- a) Section 55.4.6.5.8 authorizes pre-existing cultivation, on any sized parcel, up to a maximum of 3,000 square feet. The proposed project is a Special Permit to allow 2,800 SF of existing outdoor cultivation on a parcel 0.45 acres in size which was verified by the County. The cultivation area is setback more than 20 feet from the front of the parcel, 10 feet from the sides of the parcel, and more than 20 feet from the rear of the parcel and conforms to the underlying zone (FP).
- b) Section 55.4.6.5.8 authorizes the applicant to use an RV as housing during the cultivation season for up to six months. A condition of approval will require annual removal of the RV from October 15th to April 16th.
- c) The proposed cultivation site is flat with less than 15% slope.
- d) Irrigation water is sourced from the Myers Flat Mutual Water System. The applicant has submitted a Will Serve Letter (Attachment 3).
- e) The subject parcel has been determined to be two legal parcels as described in Certificate of Subdivision Compliance 2011-005543

- f) A *Road Evaluation Report* was prepared by the applicant dated June 23, 2021, for Boy Scout Camp Road. The private access road is paved and is developed to the equivalent of a Category 4 road standard.
- g) Humboldt County Code Section 314-55.4.6.5.8 allows up to 3,000 square feet of cultivation area on any size parcel within the Myers Flat Community Area with a Special Permit. This application is for a Special Permit.
- h) The proposed project will utilize renewable energy provided by P.G E and a 4kW solar array.

6. FINDING

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

EVIDENCE

- a) Noise and light restrictions are applied to this project and all other projects in the vicinity such that no cumulative impacts to the Northern Spotted Owl or Marbled murrelet habitat are anticipated. Noise levels may not exceed 50 decibels measured at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. The project also adheres to the 150ft Streamside Management Area setback from the South Fork Eel River.
- b) The Department finds that the project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.
- c) Irrigation water will be sourced from the Myers Flat Mutual Water System, a non-diversionary water source.
- d) The project is not anticipated to affect historic or prehistoric resources. The project was referred to the Bear River Band of Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. No response was received; however, the inadvertent discovery protocol has been made a condition of approval for the project.

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. The approval of cannabis cultivation on this parcel does not conflict with residential density goals.

DECISION

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

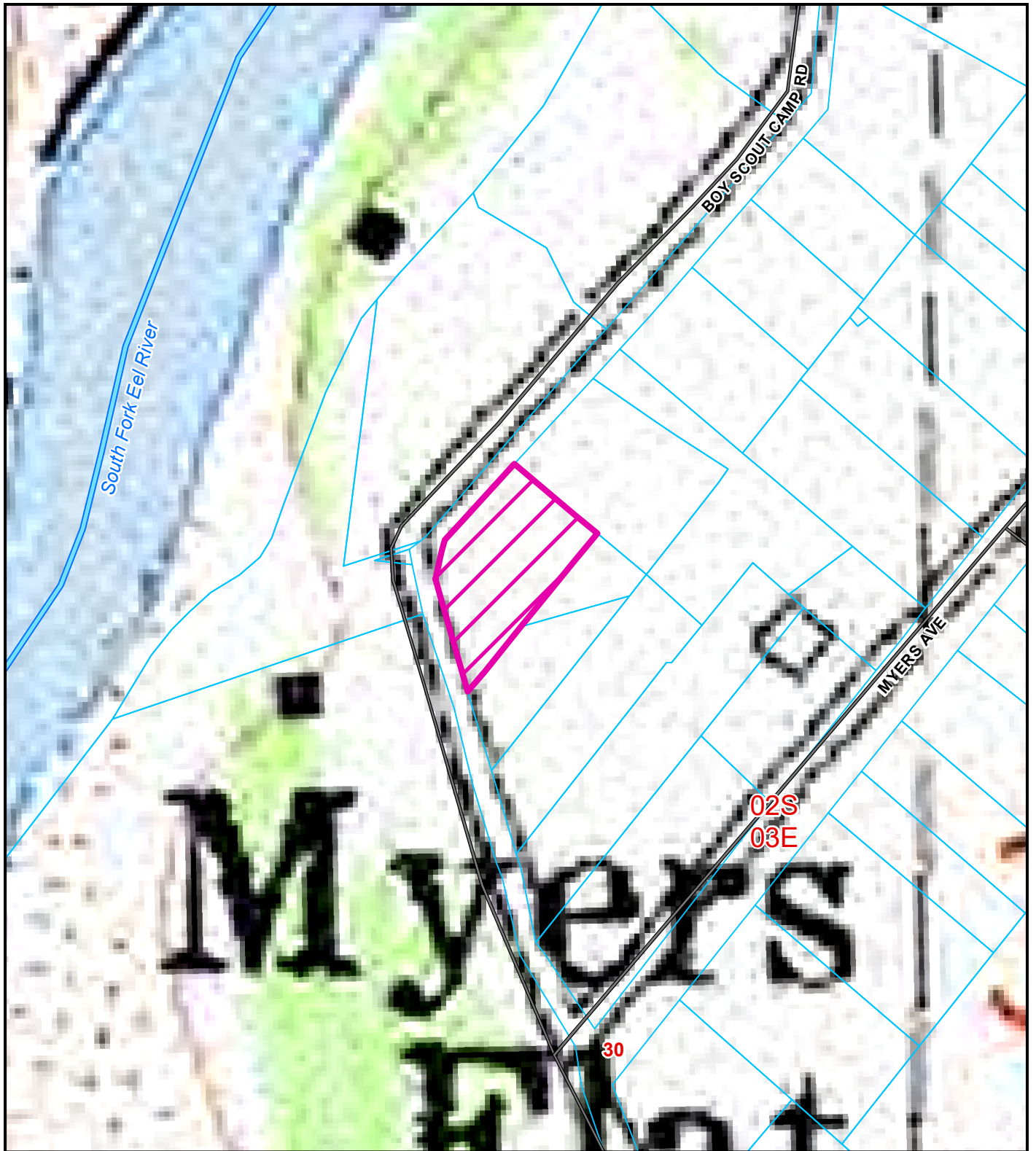
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Ulysses Bailey project based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

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

DECISION:

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

John Ford, Zoning Administrator
Planning and Building Department




Project Area = 

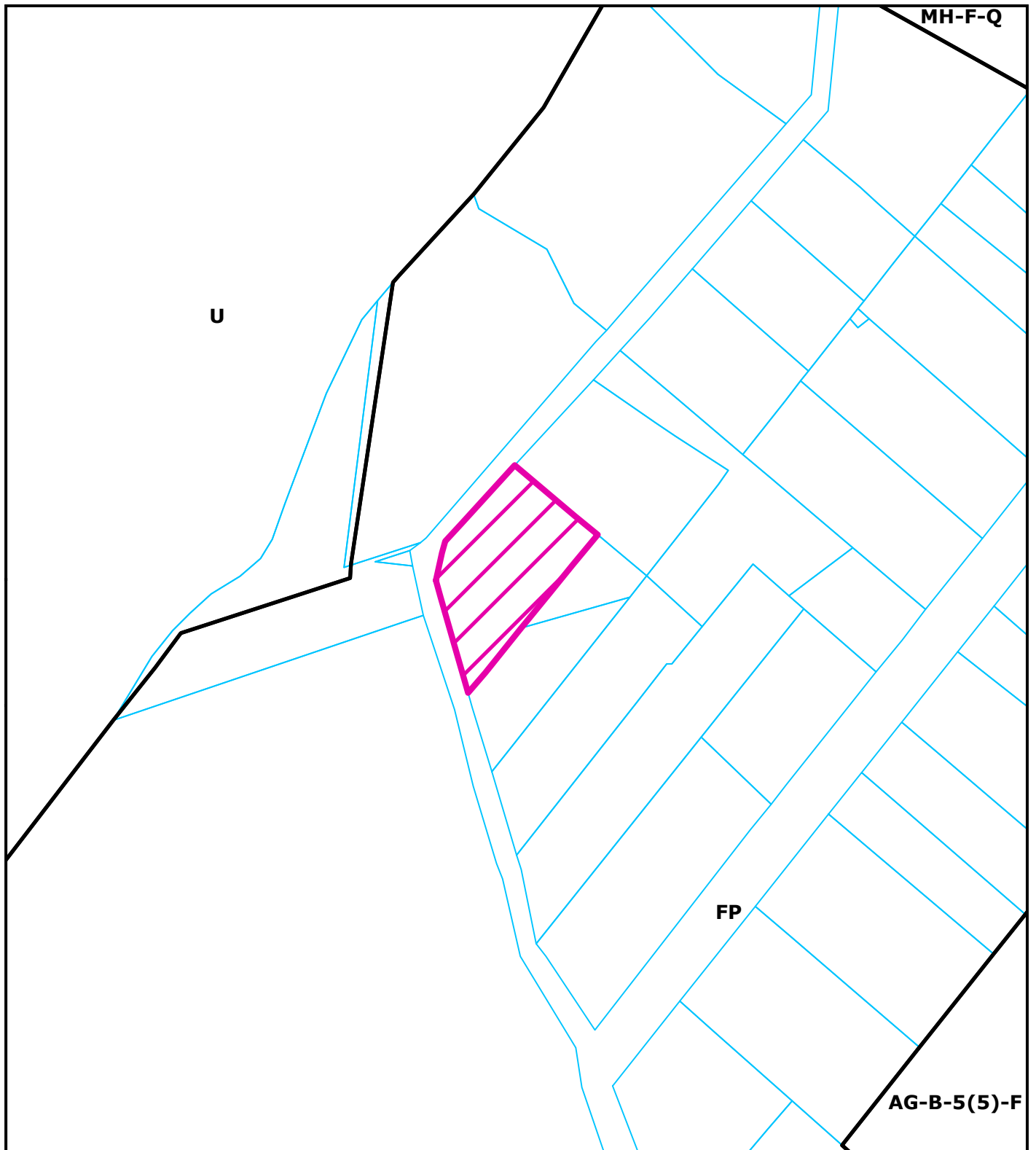
TOPO MAP
PROPOSED ULYSSES BAILEY
MEYERS FLAT AREA
PLN--2019-16123
APN: 081-051-027-000
T02S R03E S30 HB&M (WEOTT)



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

0 175 350 Feet





Project Area = 

ZONING MAP
PROPOSED ULYSSES BAILEY
MEYERS FLAT AREA
PLN--2019-16123
APN: 081-051-027-000
T02S R03E S30 HB&M (WEOTT)

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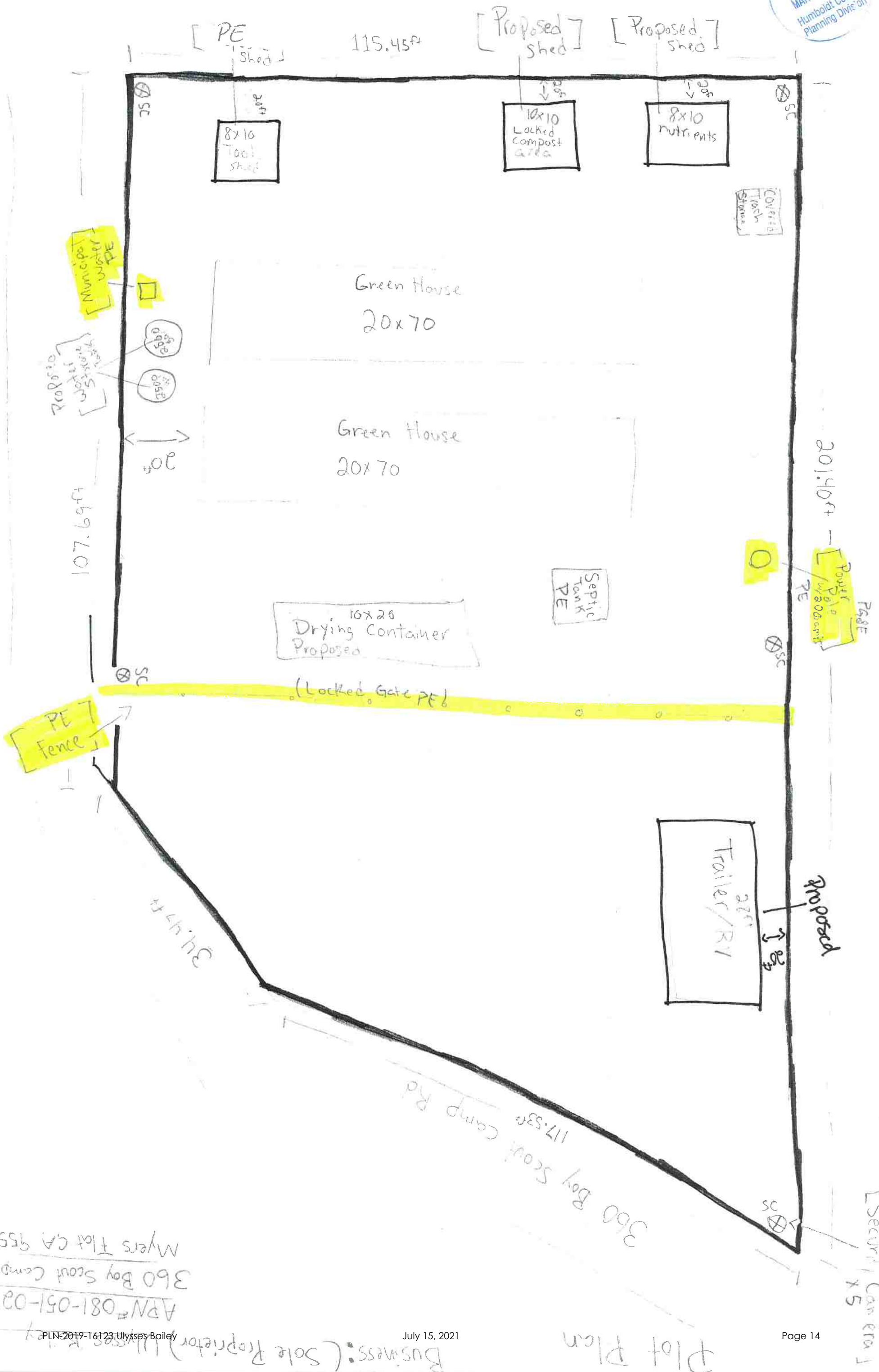
Project Area = 

AERIAL MAP
PROPOSED ULYSSES BAILEY
MEYERS FLAT AREA
PLN--2019-16123
APN: 081-051-027-000
T02S R03E S30 HB&M (WEOTT)

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

0 120 240 Feet





ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing 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 #8. 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 consent to join, or establish, a road maintenance association for Boy Scout Camp Road. The scope of maintenance includes the entirety of Boy Scout Camp Road to its intersection with Orchard Way. Evidence shall be provided such as minutes from a meeting, written correspondence, or confirmation from the RMA Secretary. Continued compliance with this requirement will be addressed at the applicant's annual inspection.
7. 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.

8. 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.
9. The applicant will remove all greenhouses, shipping containers, and the RV each year from October 15th through April 16th in accordance with their agreement with the County (Attachment 3).
10. The applicant shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure. A letter from DEH stating that the applicant has obtained a permitted septic system will excuse the applicant from this condition. Continued compliance with this condition will be assessed at the applicant's annual inspection.
11. The applicant shall maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be kept onsite and made available at the applicant's annual inspection.
12. The applicant shall adhere to the Inadvertent Discovery Protocol. 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.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall

submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse

required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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

27. Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- 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:
 - Emergency action response planning as necessary;
 - Employee accident reporting and investigation policies;
 - Fire prevention;
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - Materials handling policies;
 - Job hazard analyses; and
 - Personal protective equipment policies, including respiratory protection.
 - Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - Operation manager contacts;
 - Emergency responder contacts; and
 - Poison control contacts.
 - 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.
 - On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- Processing practices
 - Location where processing will occur
 - Number of employees, if any
 - Employee Safety Practices
 - Toilet and handwashing facilities
 - Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - Drinking water for employees
 - Plan to minimize impact from increased road use resulting from processing
 - On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

Informational Notes:

- Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

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

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

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 081-051-027, Boy Scout Camp Road, Myers Flat Area,
County of Humboldt***

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

June 2021

Background

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 regulations to help prevent and reduce environmental impacts that are known to result from cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for 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 project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The current project for existing cultivation 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.

The applicant is seeking a Special Permit for 2,800 square-feet of existing outdoor commercial cannabis cultivation within the Avenues Community Planning Area. Light deprivation techniques will be used to achieve two harvests annually. Water will be sourced from Myers Flat Mutual Water System. The applicant projects an annual water use of 16,000 gallons and proposes 5,000 gallons of onsite water storage. Processing such as drying and curing will occur onsite, further processing will occur offsite at a licensed third-party processing facility. Energy for the project is sourced from P.G.E and a 4kW solar system is onsite to provide supplemental energy. There will be no employees required for the project, as it is owner-operated. The applicant is also seeking a Special Permit for a setback reduction to Humboldt Redwoods State Park.

The project site adheres to the 150ft Streamside Management Area setback from the South Fork Eel River. No special status fish or amphibian species were documented in the CNDDDB. There is a known Northern Spotted Owl (NSO) activity center approximately 1.4 miles northwest of the project area. The project site is also within mapped Marbled murrelet habitat. Noise and light restrictions will be applied to this project and all other projects in the vicinity such that no cumulative impacts to the Northern Spotted Owl or Marbled murrelet habitat are anticipated. Generators will only be used in emergencies, and will be held in a secondary containment unit. Noise levels may not exceed 50 decibels measured at a distance of 100 feet from the noise source or edge of habitat, whichever is closer.

The project is not anticipated to affect historic or prehistoric resources. The project was referred to the Bear River Band of Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. No response was received, however, the inadvertent discovery protocol has been made a condition of approval for the project.

The project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife and limiting activities to daylight hours (8 am to 5 pm).

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 effect 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 the project 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 and Operations Plan* received March 16, 2020.
- *Addendum to the Cultivation and Operations Plan* dated February 8, 2021.
- *Site Plan* received March 16, 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 an existing cannabis operation in 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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* received 03/16/2020– **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (*Cultivation and Operations Plan* received 03/16/2020 and *Addendum* dated 2/8/21– **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in *Cultivation Operations Plan* (item 4 above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Not applicable)
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 55.4.12.5 (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. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. *Road Evaluation Report* prepared by the applicant, received June 23, 2021. (**Attached**)
17. Will Serve Letter from the Myers Flat Mutual Water System, received March 16, 2020. (**Attached**)
18. Temporary Structures in the Flood Plain Agreement dated June 28, 2021. (**Attached**)

Cultivation and Operations Plan



NAME: Ulysses Bailey (Sole Proprietor)

Permit:

APN 081-051-027

360 Boy Scout Camp Road

Myers Flat, CA 95554

TYPE and SIZE: Projected Plan for Pre-Existing 6,000 sq. ft Mixed Light and 2,000 sq. ft Outdoor Cultivation

Description of Cultivation Activities

The Cultivation and Operations Plan is for a Pre-existing 6,000 sq. ft. Mixed-Light and 2,000 sq. ft. Outdoor cultivation.

Permit Type: Specialty Mixed Light

Permit Type: Type 1B

Description of water source, storage, irrigation plan, and projected water usage

PROJECTED water source, storage and irrigation plan:

- Water Source:** The landowner has requested commercial-level municipal water use on property
- Water Storage:** applicant is purchasing a 2,500 gallon tank on site for reserve water storage
- Projected water use:** Domestic use on the property is estimated to be 2,000 gallons per month from April – November. Irrigation water is estimated at approximately 16,000 gallons over the 6 month growing season. Municipal water meters are installed and noted on plot plan. Meters are recorded and billed monthly.

Services and Documentation

Will Serve Letter -Applicant has requested written letter from the Myers Flat Municipal water board.

Onsite wastewater treatment system information and documentation- Property has a pre-existing fully operational septic system (1,200 gallon). Applicant will provide all necessary inspections and documentation as needed.

Energy Plan -Planning of conservation and use

The overall mission of the Applicant in this operation is to use all energy sustainable, nontoxic, environmentally progressive conservation methods throughout the cultivation process. Permitted power on property (PGE).

Invasive species control plan

The cultivation site will use appropriate measures to minimize land disturbances that may adversely impact the watershed and nearby habitats.

Habitat Protection: The habitat protection plan includes protection of sensitive species in consultation with federal, state, and local agencies regarding the location of both native and rare, threatened, or endangered species. The cultivation site will designate and mark a "no-disturbance" buffer to protect any potential native and sensitive species and/or communities.

- Applicant will eliminate any pollution from pesticides, fertilizer and agricultural runoff by limiting fertilizer and using only organic fertilizer.
- Applicant will strategically place natural buffer strips, which will mitigate the movement of sediment, nutrients, and pesticides within and from cultivation.
- Buffer strips will enhance wildlife habitat and protect biodiversity.

Stormwater management plan

Water is a universal solvent that is affected by all that it comes in contact with, including the land it traverses, and the soils through which it travels. Applicant will take the following measures to protect the water quality for all communities living downstream:

- * Creating a rain garden with native grasses, trees, shrubs and ferns, which are mounded hills of dirt, on the parameters of the mixed-light cultivation greenhouses to give any runoff a chance to soak naturally into the ground.
- * Limit fertilizer to ensure the balance of nutrients in local waterways.
- * Provide other natural buffers of trees, and native plants to minimize and filter any storm runoff.
- * Avoid paving, cement or pavers that would counter watershed protection efforts
- * All greenhouse floors and footpaths will not be composed of impervious materials.

Sewage Disposal Plan

- * Service the septic system to reduce and eliminate plumes of nitrogen and phosphorus.
- * Limit pesticides.
- * Pick up any waste.

Planning for Soils Management

Imported soil: The only soil that is imported is a small amount of potting soil (approximately 1 cubic yard per year) for immature plants. This soil is disposed of in an on-site, covered, used soils pile and ultimately used to fill beds when low.

Native soil: Native soil has been integrated into beds and is never exported offsite as it is reused year after year.

Beds: All soils are covered by greenhouses or other protective barrier. Any exposed soils are cover cropped during the off-season.

Materials Management Plan

Disposal and Hazardous Waste Statement Solid Waste / Recycling

Sufficient planning will be made to eliminate the need for disposal. All hazardous wastes will be stored under cover until it can be hauled to a waste facility.

County Waste and Recycling pickups- Recology Services (1 Per Week)

Hauling to permitted solid waste/recycling facility- as needed

Precipitate and Residue Disposal

Fertilizer systems will be cleaned regularly. Solids and rinse solution should be composted.

Planning of proper use and storage of fertilizers

Applicant currently stores all fertilizer in a plastic container with a secure lid inside a building. Applicant does not use herbicides or pesticides. The storage area will be protected from extreme heat and flooding and will contain an impermeable floor. The storage area will be far away from plant material and high traffic areas. This area will not contain pesticides, other chemicals, food, drink, tobacco products, or livestock feed. The fertilizer will only be used in compliance with the label on the product.

Storage Location

The storage area will be clearly labeled as a fertilizer storage area in order to prevent unauthorized use of fertilizer, accidental spills, or theft. The windows and doors of the storage area will be clearly labeled as a fertilizer storage area. There will be adequate road access to the storage area for deliveries, use, and transport of materials.

Containers

All fertilizers will be stored in their original containers unless damaged, with the labels visible and readable. All containers will be stored upright and will not come into contact with the floor. The containers will not be crowded on shelves or pallets. Containers will be checked often for damage. If a container has been damaged, the contents will be repackaged and labeled or placed in a suitable secondary containment which can be sealed and labeled.

Containment

There will be no floor drain in the fertilizer storage area. Damaged or leaked containers will be repaired and/or replaced as soon as possible. There will be secondary containment used for most open containers. Any spilled material will be cleaned up immediately and the cleanup materials will be discarded promptly and properly.

Fire Prevention and Suppression

Fire detection, fire extinguisher, and security cameras will be present in the storage area. Oxidizers and flammable materials will be stored separately.

Inventory and Recordkeeping

Inventory will be actively maintained as chemicals are added or removed from storage. Containers will be dated when purchased, outdated materials will be removed on a regular basis, and inventory will be controlled to prevent the accumulation of excess materials that may become difficult to use.

Monitoring

The storage area will be inspected on a monthly basis to monitor any signs of container corrosion or damage and any faulty ventilation, electrical, and fire suppression systems.

Security

The storage area will be locked, and access restricted to trained personnel.

Signage

There will be signage posted as needed, including without limitation, warning signs, and emergency contact information.

Temperature Control

There will be no direct sources of heat, such as steam pipes or sunny windows in the building being used for storage.

Ventilation

The structure used for fertilizer storage has sufficient ventilation through windows and doors.

Disposal

Effective planning will be made to eliminate the need for disposal. Empty fertilizer containers will be discarded based on the latest advice from environmental protection authorities.

Precipitate and Residue Disposal

Fertilizer systems will be cleaned regularly. Solids and rinse solution should be composted.

Delivery System

The application equipment will be checked monthly for accuracy, containment tank back flow preventors and any equipment that holds fertilizers will be inspected as well. Stock tanks will be inspected weekly for deterioration and cracks. Stock solution tanks and areas surrounding fertilizer injectors and contracted solutions will be kept clean and free of debris.

Planning of proper use and storage of pesticides

Applicant currently stores all pesticides and herbicides in a plastic container with a secure lid inside a building. The storage area will be protected from extreme heat and flooding - and will contain an impermeable floor. The storage area will be far away from plant material and high traffic areas. This area will not contain food, drink, tobacco products, or livestock feed. The pesticides and herbicides will only be used in compliance with the label on the products.

Storage Location

The storage area will be clearly labeled as a pesticide and herbicide storage area in order to prevent unauthorized use of pesticide/herbicide, accidental spills, or theft. The windows and doors of the storage area will be clearly labeled as a pesticide/herbicide storage area. There will be adequate road access to the storage area for deliveries, use, and transport of materials.

Containers

All pesticides and herbicides will be stored in their original containers unless damaged, with the labels visible and readable. All containers will be stored upright and will not come into contact with the floor. The containers will not be crowded on shelves or pallets. Containers will be checked often for damage. If a container has been damaged, the contents will be repackaged and labeled or placed in a suitable secondary containment which can be sealed and labeled.

Containment

There will be no floor drain in the pesticide and herbicide storage area. Damaged or leaked containers will be repaired and/or replaced as soon as possible. There will be secondary containment used for most open containers. Any spilled material will be cleaned up immediately and the cleanup materials will be discarded promptly and properly.

Fire Prevention and Suppression

Fire detection, fire extinguisher, and security cameras will be present in the storage area. Oxidizers and flammable materials will be stored separately.

Inventory and Recordkeeping

Inventory be will actively maintained as chemicals are added or removed from storage. Containers will be dated when purchased, outdated materials will be removed on a regular basis, and inventory will be controlled to prevent the accumulation of excess materials that may become difficult to use.

Lighting

There will be electric lighting that will allow for clear viewing into all areas and cabinets within the storage area.

Monitoring

The storage area will be inspected on a monthly basis to monitor any signs of container corrosion or damage and any faulty ventilation, electrical, and fire suppression systems.

Security

The storage area will be locked, and access restricted to trained personnel.

Signage

There will be signage posted as needed, including without limitation, warning signs, and emergency contact information.

Temperature Control

There will be no direct sources of heat, such as steam pipes or sunny windows in the building being used for storage.

Ventilation

The structure used for fertilizer storage has sufficient ventilation through windows and doors.

Delivery System

The application equipment will be checked monthly for accuracy, containment tank back flow preventors and any equipment that holds pesticides or herbicides will be inspected as well. Stock tanks will be inspected weekly for deterioration and cracks. Stock solution tanks and areas surrounding fertilizer injectors and contracted solutions will be kept clean and free of debris.

Planning of proper use and storage of other regulated products to be used on the parcel

Other regulated products will be stored in containers with secured lids, in a separate building on the property. All the necessary spill prevention and clean-up materials are on site and available in the immediate vicinity. Floor drains will be installed for washing and decontaminating the storage shed.

Approximate date(s) Cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance

Applicant maintains his right under the 5th Amendment to the U.S. Constitution on the ground that the information requested herein might tend to incriminate the Applicant and/or property owner under Federal law. Notwithstanding the foregoing, a combination of natural and mixed-lighting totaling 6,000 sq. ft. of Mixed-Light and 2,000 sq. ft. of Outdoor cultivation occurred on the property prior to January 1, 2016.

Schedule of activities

Applicant's cultivation has approximately two cultivation cycles per year. For each cultivation cycle, month of the growing and harvesting season, and details including projected generator use the following schedule of activities for growing and harvesting season, is planned:

- i. Month 1: Germinating and seeding phase in small planters
- ii. Month 2: Small plants are planted in soil for 6-8 weeks

iii. Month 2-3:

Pre-flowering phase takes 7 days. Plants will spend 10–14 days in this period after switching the light cycle to 12 hours of darkness to aid in plant growth. Marks the beginning of the flowering phase.

iv. Month 4: End of Flowering Phase and Harvest

The flowering phase varies depending on strain. Mixed Indica/sativa strains have an intermediate flowering time.

v. End of Month 4: Harvest and Process the Cannabis in accordance with Processing Plan.

2. Schedule and activities are repeated every four (4) months for mixed-light cultivation.

3. Employees: No employees (Small Family operated farm)

A licensed staffing company is used and scheduled if needed.

Noise Planning

4. Generators: Proposed plan for generator use as needed.

If needed applicant plans to supplement cultivation with a 4,000-watt solar power system.

Generators emitting 58 dB sound and under 50 HP are currently used. Upon County permitting a generator system, with more than 50 HP but emitting no more than 60 dB at the property line, will be installed to run an average of five hours/day, and less during peak summer months.

Light Pollution Control Plan

5. International Dark Sky Standards: The light sources comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and are designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Light deprivation tarps are used nightly to eliminate light pollution.

Security plan

describing measures to be taken to ensure the security of the medical Cannabis and to safeguard against the diversion of medical Cannabis for non-medical purposes, or access by minors.

Surveillance

Applicant proposed plan shall be to retain a professional security services company to recommend and outfit the premises with a full range of security services including, but not limited to, intrusion detection, video surveillance, access control, round the clock coverage and remote access.

Applicant shall retain and maintain a sophisticated surveillance system on the premises including video cameras to record events inside and outside the facility round the clock. Specifically, Applicant plans to install approximately five (5) exterior high-performance cameras and at least 6ft “no-climb” fences around the cultivation area. In addition, there will be a locked gate on the property.

Parking Plan

Public roadway and designated gravel area specified on plot plan.

Processing Plan

1. All Processing will be performed in compliance with 55.4.11 Performance Standards for all CMMLUO Cultivation and Processing Operations as related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings and sites that are used for commercial cannabis activity and shall not extend to personal residences or other structures that are not used for commercial cannabis activity.

2. All Processing activity will conform to the Performance Standards for Cultivation and Processing

Activities.

3. Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), Applicant will declare that he 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," IF Applicant at any time hires employees.

4. Applicant will 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

5. Where: *Drying on site / Processing done at lic. Facility*
Processing will be done on-site or at a licensed processing facility.

6. The following Processing Practices will be adhered to and implemented at all times:

- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

o **EQUIPMENT:** Applicant will use equipment and utensils that are of appropriate design and that are used installed, maintained and stored to ensure and facilitate proper cleaning of tools, and adjacent spaces and of which are constructed so that contact surfaces are nontoxic and corrosion resistant, and neither reactive nor absorptive.

o **Processing operations** will take all required measures prevent processing contamination and mold and mildew growth on cannabis.

o **Handling cannabis** in processing operations must have access to facemasks and gloves in good operable condition as applicable to the job. Appropriate sanitation standards, including handwashing protocol.

- **MANUFACTURING PROCESS CONTROLS:** Manufacturing operations will prepare and follow a manufacturing protocol for each unique formulation of cannabis-derived product to be produced.

- **RECORDS:** During processing we will prepare a manufacturing batch record for each batch of cannabis-derived product processed.

- **PROCESS SPECIFICATIONS WILL BE ESTABLISHED FOR PRODUCTION PROCESS PARAMETERS AT OR DURING ANY POINT, STEP, OR STAGE WHERE CONTROL IS NECESSARY TO ENSURE THE QUALITY OF THE BATCH OF CANNABIS -DERIVED PRODUCT, AND TO DETECT ANY UNANTICIPATED OCCURRENCE THAT MAY RESULT IN CONTAMINATION, ADULTERATION, OR A FAILURE TO MEET SPECIFICATIONS. THE PROCESS PARAMETERS TO BE MONITORED MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING AS APPROPRIATE:**

- Time
- Temperature
- Pressure and
- Speed

7. Number of Employees: No employees -this a family ran small farm.

A staffing company may be used to schedule workers if needed.

8. Cultivation operations and processing operations will visibly post and maintain an emergency contact list which includes at a minimum:

- a) Operation manager contacts
- b) Emergency responder contacts
- c) Poison control contacts

9. Plumbing and/or septic system: Plumbing facilities are in good working order and water source is

capable of handling increased usage without adverse consequences to neighboring properties or the environment.

5th Amendment Applicant maintains its rights under the 5th Amendment to the U.S. Constitution on the ground that the information requested herein might tend to incriminate the Applicant and/or the Property Owner(s) under Federal law. The information provided in this application may only be used for the specific purpose of analyzing Applicant's qualifications under the local Humboldt County Ordinance.

No opinion is implied or may be inferred beyond those expressly stated herein. The information provided is rendered only as of the date hereof, and Applicant assumes no responsibility to update the county in the event of changes in law, facts, circumstances, events or developments which hereafter may be brought to Applicant's attention and which may alter, affect or modify the information provided.

The information herein is provided solely for the benefit of the addressees of this application, and without my prior written consent, may not be relied on in any other context, quoted in whole or in part, or otherwise referred to in any document, report or furnished to any other person, government agency (whether state or federal) or entity.

Addendum to Cultivations Plan

Ulysses Bailey

Apps: 16123

APN: 081-051-027



1. The project is for 2,800 square feet of outdoor cultivation, within two greenhouses.



Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501

Phone: 707-445-6215 - Toll Free: 800-963-9241

Fax: 707-441-5699

envhealth@co.humboldt.ca.us

Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Individuals preparing a CMM Permit Application are encouraged to provide information addressing the items listed below, as applicable, to assist DEH with a timely review. If the requested information is already provided in a complete operations manual submitted to the Planning Division, provide the page and section numbers where it is located.

Name of Business: Ulysses Bailey
 Site Address: 360 Boy Scout camp Rd
 APN: 081-051-027

Primary Contact Person: Ulysses Bailey
 Phone: 707-3829581
 Email: Ulyssesbailey@yahoo.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)

3,000 sq feet outdoor cultivation

Wastewater (page ____ section ____)

- Connected to public sewer ____ Onsite waste water system ☒
- Number of Employees: average 0 peak operations: April-Nov.
- Hours of Operation/shifts per day: average 0 peak operations: ____
- Additional flow from processing: ____ GPD. Description of effluent family run business
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.
PE- Septic on-site

Water Source (page ____ section ____)

- Describe and show the water source(s) available on the property and what they serve.

<input checked="" type="checkbox"/> Public Water System	<input type="checkbox"/> Approved Surface
<input type="checkbox"/> Well Permit Number(s): _____	Water/Description _____
<input type="checkbox"/> Unpermitted Well	<input type="checkbox"/> Unapproved Surface
<input type="checkbox"/> No Existing Water Source	Water/Description _____
<input type="checkbox"/> Spring	<input type="checkbox"/> Other: _____
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: aprox 2,000 per month

Consumer Protection (page ____ section ____)

- List/Describe any food production or service: RV
- Describe and show on site plan, any existing or proposed kitchen infrastructure: none
RV on site

Page 1 of 2

\\all.co.humboldt.ca.us\dhhs-files\ENVH\EH Resources\Forms and Hand Outs Public\Commercial Medical Marijuana Handouts\Attachment for CMM Clearances.docx

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (page ____ section ____)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): generator - emergency use as needed
- Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
- List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?); Provide amounts and storage method(s): Small gas container in secondary container stored in appropriate place
- List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s):
gas for generator
- List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): See Site^{ops} plan

*Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (page ____ section ____)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: City pick up of trash
Compost listed on plan and site plan
- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): _____
- Describe waste removal plan including frequency and destination
 - Garbage (1x/week) city pick up
 - Recycling(x/month) city (avoid nuisances including odors and vermin.)
 - Hauling via Garbage/Recycling Service: _____ or Self Haul as needed
- Preferred permitted solid waste/recycling facility: Recology pick up

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Ulysses Bailey APN: 081-051-027
Planning & Building Department Case/File No.: PLN-2019-16123
Road Name: 360 Boy Scout Camp Rd (complete a separate form for each road)
From Road (Cross street): Myers Ave
To Road (Cross street): Subject Prop 360 Boy Scout Camp Rd
Length of road segment: 525' miles Date Inspected: _____
Road is maintained by: County ☐ Other ☒ _____
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)



Check one of the following:

- Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.
- An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*
- Box 3** ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

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

Signature

Date

Name Printed

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

Myers Flat Mutual Water System, Inc.
P.O. Box 54
Myers Flat, CA 95554
Phone: (707) 943-1865



Dear Humboldt County Planning Department,

Myers Flat Mutual Water System Inc. has an account with the parcel # 081-051-027 and will continue to supply water after a permit for commercial cultivation is issued so long as the account holder complies with the conditions under our Commercial Agriculture Account.

Mary Whitmore
Mary Whitmore

Business Manager



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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



Temporary Structures In The Flood Zone Hoop Houses Only

The Planning and Building Department has amended the Flood Damage Prevention Regulations Section 335-5 of the Humboldt County Code to allow placement of temporary structures in mapped flood hazard areas for up to 180 days from **April 16 through October 15**.

Temporary structures (hoop houses) not removed by October 16 will be in violation of Humboldt County Code Section 352-3(h), Category 4, Violations: Violations that are committed intentionally or through inexcusable neglect and have a significant and/or substantial impact on health, safety, comfort and/or general welfare of the public. Category 4 Violations shall include, but are not limited to, commercial cultivation of marijuana in violation of any applicable local or state laws, regulations, policies, procedures, permits and agreements. There will be an inspection fee at the current rate to verify the structures are not in violation of these regulations.

Category 4 Violations shall be subject to an administrative civil penalty of six thousand dollars (\$ 6,000.00) to ten thousand dollars (\$ 10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day.

Address: 3600 Boy Scout Camp Rd APN: 081-051-027
Myers Flat, CA 95554

I declare under penalty of perjury and hereby certify that: I am the owner/contractor/agent for the above referenced property:

Owner/Contractor/Agent Signature: [Signature] Date: 6/28/21

PURSUANT TO THE 2016 CALIFORNIA RESIDENTIAL CODE AND THE CALIFORNIA BUILDING CODE, THE BUILDING OFFICIAL OR HIS/HER DESIGNEE IS AUTHORIZED TO CONDUCT INSPECTIONS IN ORDER TO DETERMINE CODE COMPLIANCE. COMPLETION AND SUBMISSION OF THIS FORM DOES NOT WAIVE, NEGATE, OR DIMINISH THE BUILDING OFFICIAL'S INSPECTION AUTHORITY AND DOES NOT LIMIT THE BUILDING OFFICIAL'S RIGHT TO CONDUCT INSPECTIONS FOR CODE COMPLIANCE AND/OR TO VERIFY THAT THE INFORMATION CERTIFIED ABOVE IS ACCURATE.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Approved	Attached
California Department of Fish & Wildlife		No response	
Myers Flat Fire Protection District		No response	
Myers Flat Mutual Water System	✓	Will Serve Letter	Attached
Pacific Gas and Electric	✓	Initial Response Document	Attached
Regional Water Quality Control Board		No response	
California Division of Water Rights		No response	
Intertribal Sinkyone Wilderness Council		No response	
Bear River Band of Rohnerville Rancheria		No response	
Northwest Information Center		No response	
Humboldt Redwoods State Parks		No response	
CalTrans District 1		No response	
Humboldt County Sheriff	✓	Rejected	On file
Southern Humboldt Joint Unified School District		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	

MWF/ROSS

3/22



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245



2/9/2021

Project Referred To The Following Agencies:

Bear River Band, AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Myers Flat, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Ulysses Bailey **Key Parcel Number** 081-051-027-000

Application (APPS#) PLN-2019-16123 **Assigned Planner** Abbie Strickland

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

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

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

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

Return Response No Later Than: 2/24/2021

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

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

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

Other Comments: _____

DATE: _____

4-13-21

PRINT NAME: _____

ROSS ESTEY



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-16123 APN: 081-051-027

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

- ☒ Site plan appears to be accurate.
- ☐ Site plan is not accurate, submit revised site plan showing the following items:
- ☐ All grading including ponds and roads,
 - ☐ Location of any water course including springs,
 - ☐ All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - ☐ _____
 - ☐ _____
- ☐ Existing operation appears to have expanded as follows: _____
- ☐ Proposed new operation has already started.
- ☐ Development is near a wet area. If yes, distance from development: _____
- ☐ Development is near a Stream side Management Area (SMA). If yes, distance from development: _____
- ☒ Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- ☐ Other Comments: _____
- _____
- _____
- _____

Name: Ross Eskra

Date: 4-13-21

Note: Please take photographs and save them to the Planning Accela record number. Updated 1/21



Glt site



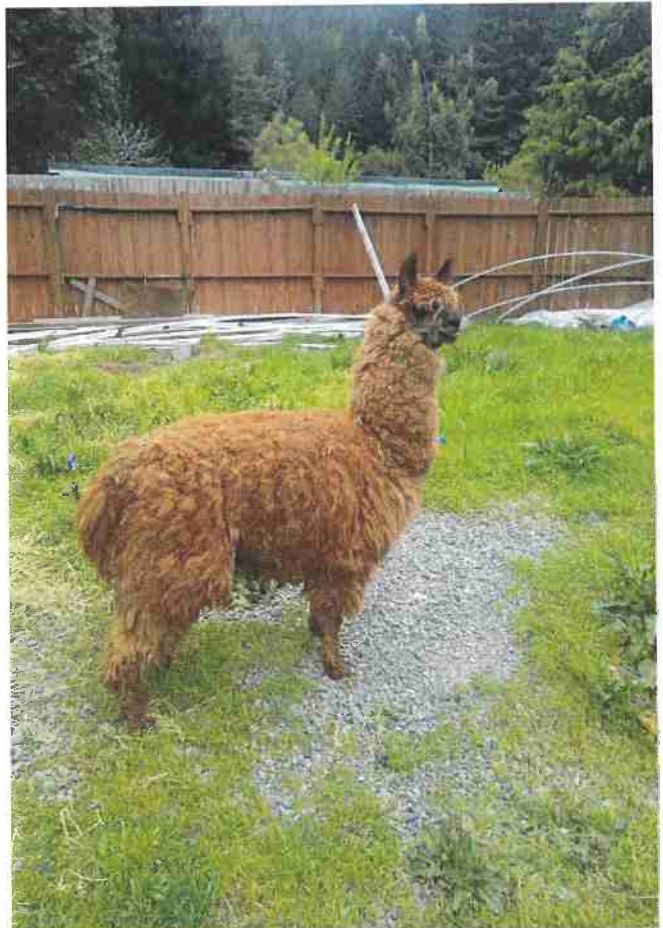
Septic location



RV



Entrance at SW corner



Shed NW



Sheds NE





Whittlesey, Joseph

Tue 6/29/2021 10:50 AM

To: Strickland, Abigail



Hi Abbie,

Thank you for bringing this to my attention. It looks like our office did not create a project to review the referral for some reason. After reviewing the Project Description and 3/16/2020 Cultivation and Operations Plan, DEH recommends approval pending the following condition:

Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure.

Thanks again for the opportunity to comment,

Joey Whittlesey

Senior Environmental Health Specialist

[Land Use Program](#)

[Division of Environmental Health](#)

100 H Street, Suite 100, Eureka, CA 95501

Phone: (707) 268-2240 – Fax: (707) 441-5699





DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Abbie Strickland, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03/17/2021

RE:

Applicant Name	ULYSSES BAILEY
APN	081-051-027
APPS#	PLN-2019-16123

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

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☒ *Road Evaluation Reports(s)* are required; See ~~Exhibit "D"~~

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS #16123

- ☒ **COUNTY ROADS- PROXIMITY OF FARMS:**
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
- ☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT INTERSECTION WITH MYERS AVENUE)**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

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.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

Myers Flat Mutual Water System, Inc.
P.O. Box 54
Myers Flat, CA 95554
Phone: (707) 943-1865



Dear Humboldt County Planning Department,

Myers Flat Mutual Water System Inc. has an account with the parcel # 081-051-027 and will continue to supply water after a permit for commercial cultivation is issued so long as the account holder complies with the conditions under our Commercial Agriculture Account.

Mary Whitmore
Mary Whitmore

Business Manager

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-2019-16123 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.
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) 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.