



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: December 3, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Homestead Collective Weed Company, LLC, Special Permits**
Record Number: PLN-12237-SP
Assessor's Parcel Number: 217-401-011
5576 Homestead Road, Blocksburg area

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Please contact Meghan Ryan, Senior Planner, at 707-445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date December 3, 2020	Subject Special Permits	Contact Meghan Ryan
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Project Description: A Special Permit for 10,000 square feet of existing outdoor cannabis cultivation. Cultivation activities extend from April to October. The applicant projects one cultivation cycle per year. Water for irrigation is sourced from an existing onstream pond and one point of diversion from an unnamed spring. Annual water use is 107,000 gallons. Water storage includes 287,500 gallons in a series of hard-sided tanks and the 252,500-gallon pond. Processing activities including drying, curing, and trimming would occur onsite in an existing structure. A maximum of two people will be on-site to support operations. Electricity is sourced from generator power that is used to power the residence. The proposed project also includes a Special Permit to allow development within the Streamside Management Area of Basin Creek for a point of diversion and an onstream pond that is utilized for irrigation.

Project Location: The project is located in Humboldt County, in the Blocksburg area, on the North and South side of Homestead Road, approximately 1 mile west from the intersection of Browning Road Road and Homestead Road, on the property known as 5576 Homestead Road.

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

Present Zoning: Forestry Recreation (FR), Minimum building site area is 40 acres (B-5(40))

Record Number: PLN-12237-SP

Assessor Parcel Number: 217-401-011

Applicant

Homestead Collective Weed
Company, LLC
Attn: Brian Roberts
PO Box 244
Blocksburg, CA 95514

Owner

Brian Roberts
PO Box 244
Blocksburg, CA 95514

Agent

Green Road Consulting, Inc.
Attn: Dante Hamm
1650 Central Ave. Suite C
McKinleyville, CA 95519

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

HOMESTEAD COLLECTIVE WEED COMPANY, LLC

Record Number: PLN-12237-SP

Assessor's Parcel Number: 217-401-011

Recommended Planning Commission Action:

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report and adopt the Resolution approving the proposed Homestead Collective Weed Company, LLC, project subject to the recommended conditions.

Executive Summary: Homestead Collective Weed Company, LLC, seeks approval of a Special Permit for an existing 10,000-square-foot outdoor cultivation operation located on a on Assessor's Parcel Number (APN) 217-401-011, which is approximately 40 acres in size. The parcel is currently developed with two cabins, recreational vehicle, agriculture accessory structures and an on-stream pond. Prior to receiving a permit, the cultivation area was consolidated and relocated to approximately 100 feet west of the onstream pond in the southern portion of the parcel.

Cultivation activities extend from mid-April to October with one harvest occurring annually. Cultivation will be full-sun outdoor with no greenhouses and no artificial lighting use for operations. Cultivation activities will be performed by family and collective members; therefore, no employees are required. Two people will be on-site during peak operations. Drying and curing will be performed on-site while all other processing will occur off- site. Power is provided by a generator.

Irrigation water is currently sourced from a point of diversion and onstream pond, both unnamed tributaries to Basin Creek. Both diversions were initiated in 2016 according to the Initial Statement of Water Diversion and Use submitted to the State Water Resources Control Board (SWRCB). The pond construction appears to have occurred between 2006 and 2009 based on aerial imagery, which was after the effective date of the Streamside Management Area and Wetland Ordinance (SMA WO) and thus are subject to an after-the-fact Special Permit for their continued use. The onstream pond has a capacity of 250,000 gallons and there is 37,000 gallons of water storage in hard-sided tanks. The applicant anticipates that annual water demand would be approximately 107,000 gallons (11 gallons/sf) . The applicant obtained a Right to Divert Water (Certificate Number HI 00077) from the State Water Resource Control Board (SWRCB) that allows for diversion and storage of water from a point of diversion and an onstream pond located in unnamed streams that are tributary to Basin Creek for irrigation, aesthetic purposes and fire protection purposes. The submitted a Lake or Streambed Alteration Notification to the Department of Fish and Wildlife (CDFW) for the point of diversion and on-stream pond. Ongoing conditions of approval require the ongoing compliance with SWRBC and CDFW regulations and require that water meter records be made available during annual inspections of the site.

Access to the parcel is provided by Homestead Road, approximately 3.6 miles from its intersection with Alderpoint Road. The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately maintained portion of the access road (see Attachment 4). The applicant provided a self-certified Road Evaluation Reports supported by photo documentation.

The report indicates, and county analysis of aerial imagery confirms, that the roads are developed to offer the functional capacity of a Category 4 roadway. Conditions of approval would require the applicant to improve the intersection of Homestead Road and Alderpoint Road to meet commercial standards.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with County and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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 PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number PLN-12237-SP
Assessor Parcel Number: 217-401-011**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Homestead Collective Weed Company, LLC, Special Permits request.

WHEREAS, Homestead Collective Weed Company, LLC, submitted an application and evidence in support of approving a Special Permit to continue 10,000 square feet (SF) of existing outdoor cannabis cultivation on APN 217-401-011. Water is provided by a point of diversion in an unnamed tributary to Basin Creek and an onstream pond. Power is provided by a generator for the residence only; and

WHEREAS, Homestead Collective Weed Company submitted an application and evidence in support of approving a Special Permit to allow for a point of diversion within the Streamside Management Area of Basin Creek and development of an on-stream pond constructed between 2006 – 2009 that is used for cannabis irrigation; and

WHEREAS, the County Planning Division has reviewed the submitted application and substantial supporting evidence, and has referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-12237-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on December 3, 2020.

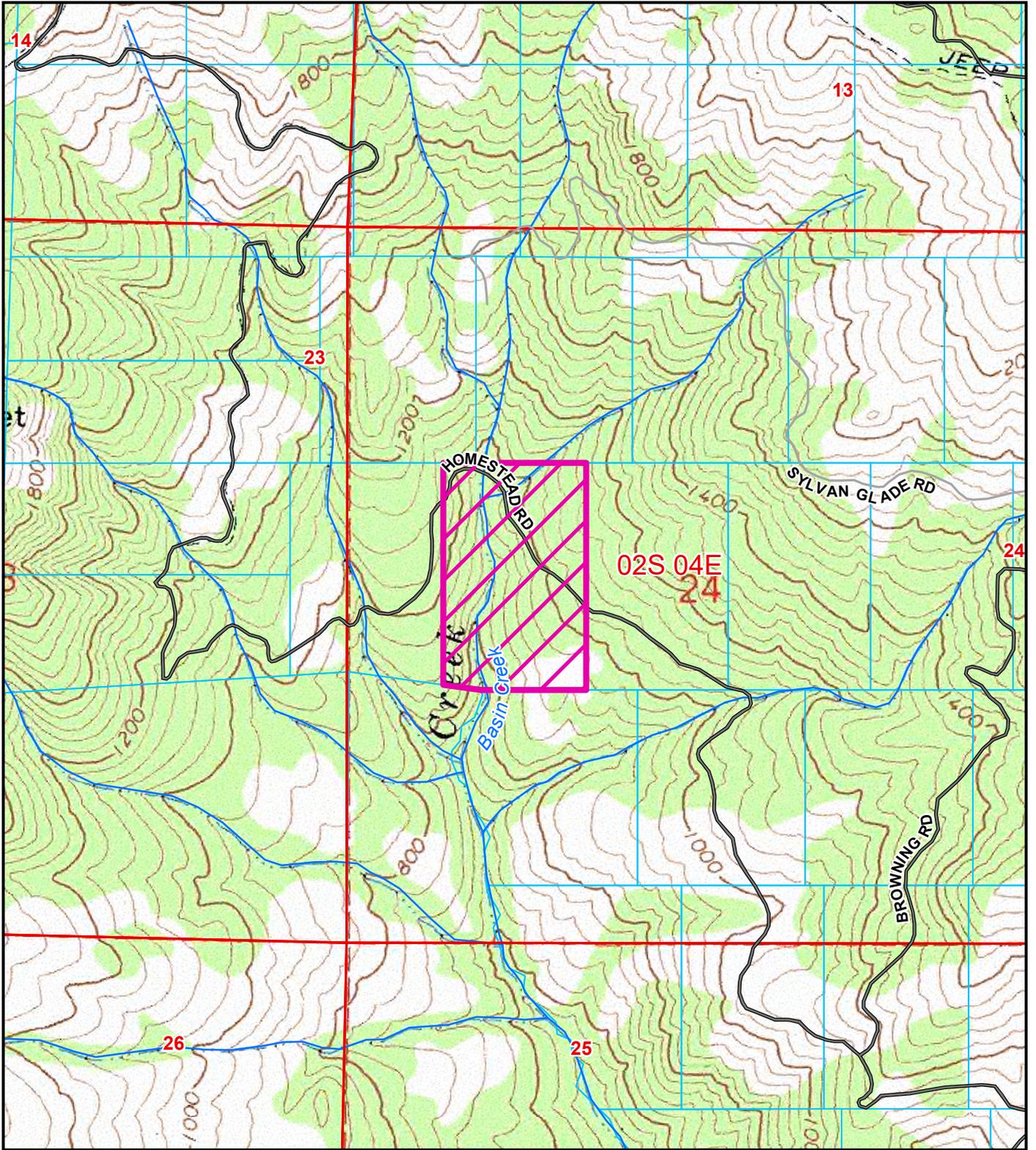
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report of Record No. PLN-12237-SP based on the submitted substantial evidence; and
3. Special Permit Record No. PLN-12237-SP is approved as recommended.

Adopted after review and consideration of all the evidence on December 3, 2020.

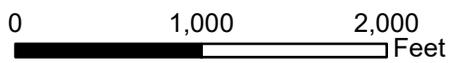
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator
Planning and Building Department

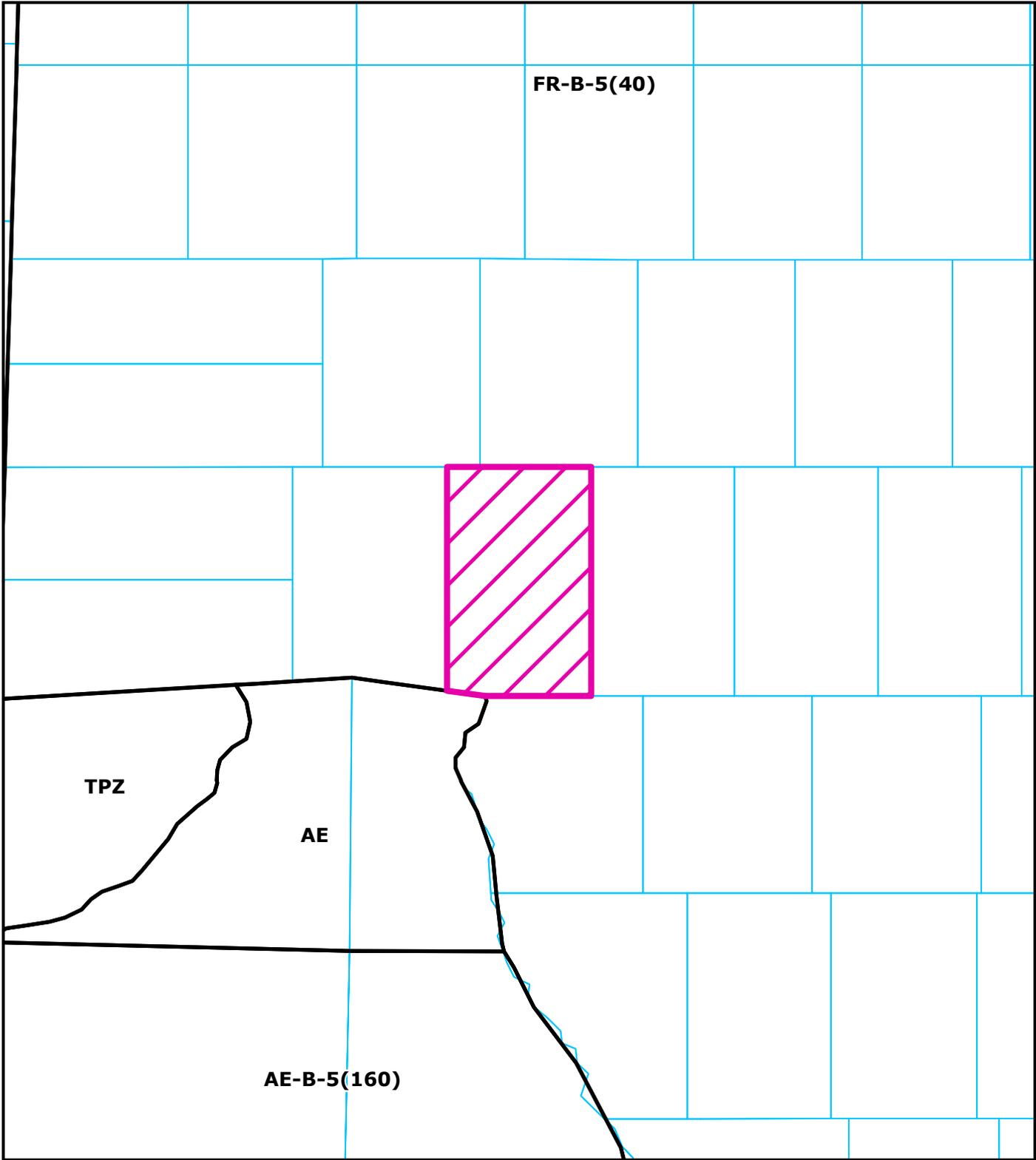


TOPO MAP
PROPOSED THE HOMESTEAD COLLECTIVE WEED COMPANY LLC
BLOCKSBURG AREA
PLN-12237-SP
APN: 217-401-011
T02S R04E S24 HB&M (BLOCKSBURG)

Project Area = 

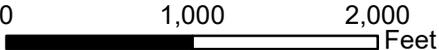


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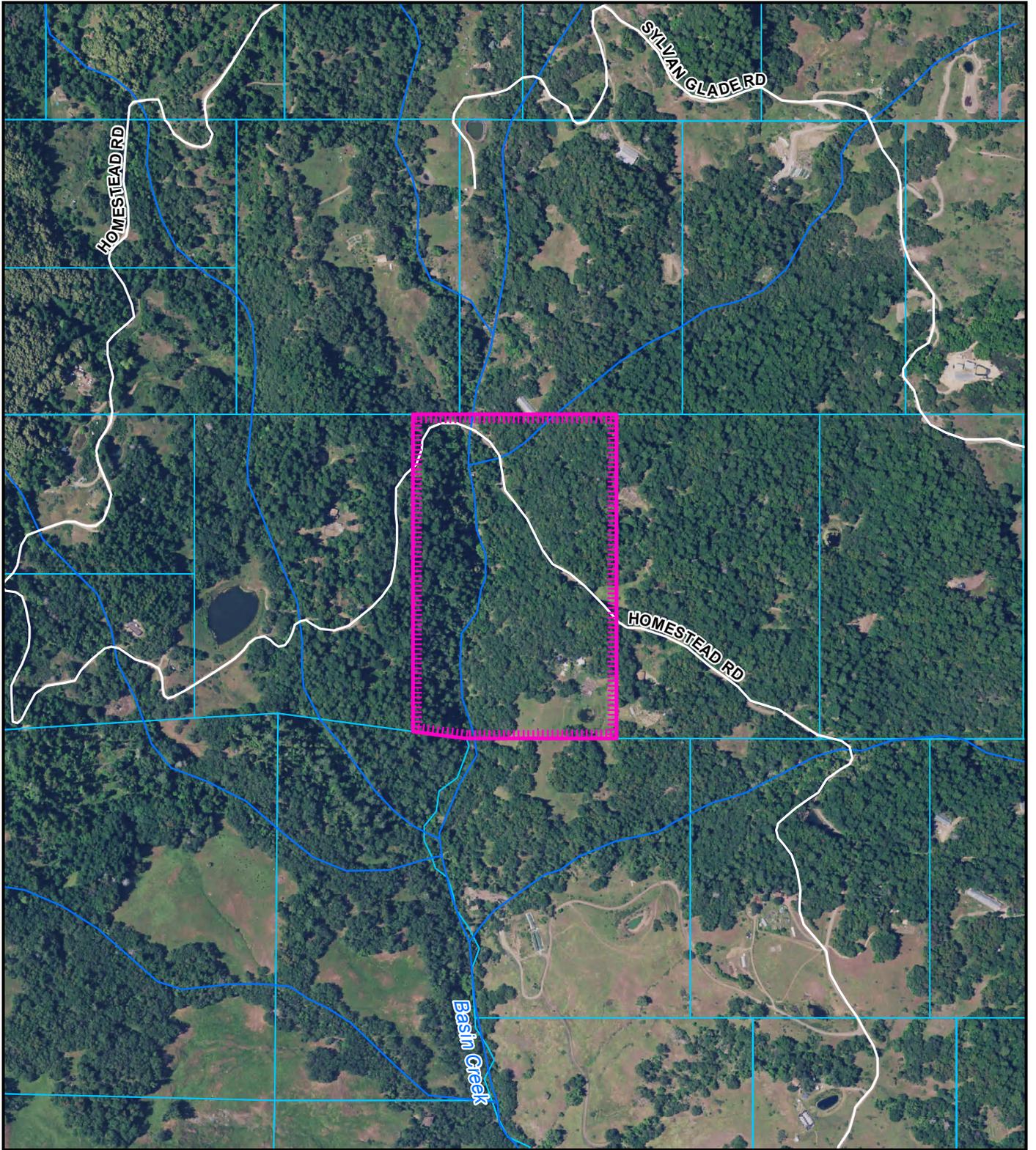


ZONING MAP
PROPOSED THE HOMESTEAD COLLECTIVE WEED COMPANY LLC
BLOCKSBURG AREA
PLN-12237-SP
APN: 217-401-011
T02S R04E S24 HB&M (BLOCKSBURG)

Project Area = 

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



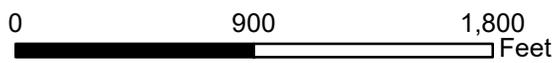
**AERIAL MAP
PROPOSED THE HOMESTEAD COLLECTIVE WEED COMPANY LLC
BLOCKSBURG AREA**

Project Area = 

**PLN-12237-SP
APN: 217-401-011
T02S R04E S24 HB&M (BLOCKSBURG)**



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.

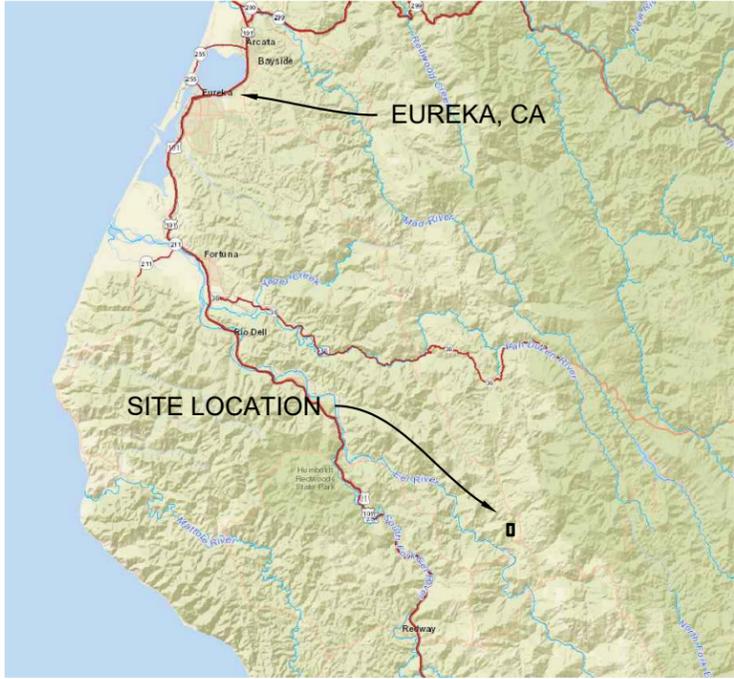


THC WEED COMPANY, LLC:

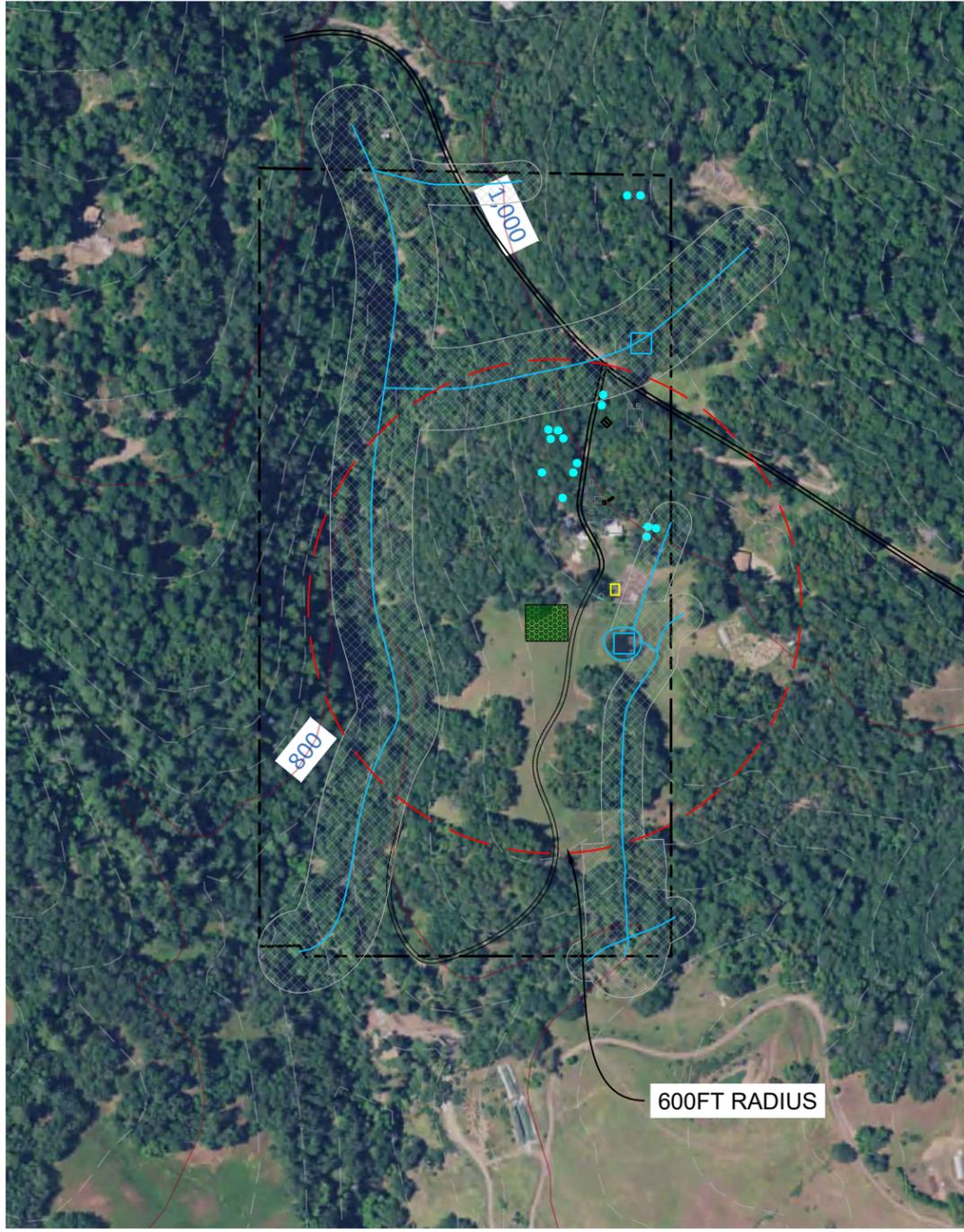
APN: 217-401-011

VICINITY MAP

NOT TO SCALE



AERIAL MAP



PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON THE U.S. 1015 (20MILES)
 - TAKE EXIT 685 FOR LA-36E (0.3 MILES)
 - TURN LEFT ONTO LA-36E (24 MILES)
 - TURN RIGHT ONTO ALDER POINT ROAD (18 MILES)
 - TURN RIGHT TOWARD HOMESTEAD ROAD (0.3 MILES)
 - TURN LEFT TOWARD HOMESTEAD ROAD (3.3 MILES)

TRAVEL TIME

APPROXIMATELY: 1HR 45 MINUTES, 66 MILES

SHEET INDEX

- CP-COVER PAGE
- PO-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.2757/-123.6823
 APN: 217 - 401 - 011
 APPLICANT: THC WEED COMPANY, LLC
 PARCEL SIZE: 43.96 ACRES
 ZONING: FR
 APPLICATION TYPE: TYPE 2 OUTDOOR

COASTAL ZONE: NO
 100 YEAR FLOOD: NO

AGENT:

KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEYVILLE, CA 95519
 707-630-5041



PROJECT INFORMATION
 PROPERTY OWNER: BRIAN ROBERTS
 ADDRESS: 5576 HOMESTEAD RD, BLOCKSBURG, CA APN: 217-401-011
 SHEET INFO: COUNTY COVER PAGE

REVISIONS		
NO.	NOTES	DATE

DATE: 3/15/19
 DRAFTER: X
 SCALE: AS SHOWN

SHEET
CP

PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

PARCEL OVERVIEW

APN: 217-401-011

CULTIVATION INFORMATION

EXISTING OUTDOOR CULTIVATION AREA

CA #1 = 9,000 FT²

CULTIVATION | DOMESTIC AND USE

CULTIVATION BUILDING	USE	YEAR	SIZE
CARPORT	DRYING/ HARVEST STORAGE	2017	10'X20'

DOMESTIC BUILDING	USE	YEAR	SIZE
CABIN #1	PERMANENT LIVING	1995	36'X36'
CABIN #2	TEMPORARY LIVING	1990	24'X36'
5TH WHEEL	OFFICE SPACE	1996	10'X38'
ATV STORAGE SHED	ATV STORAGE	1990	10'X20'
DOMESTIC STORAGE SHED #1	DOMESTIC STORAGE	1990	10'X20'
DOMESTIC STORAGE SHED #2	DOMESTIC STORAGE	1990	10'X20'

WATER STORAGE

TYPE	NUMBER	SIZE	DATE OF INSTALLATION
HDPE TANK	2	3,000 GALLONS	2014
HDPE TANK	10	2,500 GALLONS	2014
HDPE TANK	1	1,500 GALLONS	2014
HDPE TANK	2	1,000 GALLONS	2014
POND	1	252,500 GALLONS	-

TOTAL AMOUNT OF WATER STORAGE = 287,500 GALLONS

WATER SOURCE

POND
CLASS II STREAM

CLASS I & II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES
CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

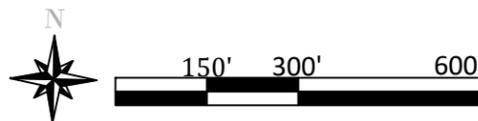
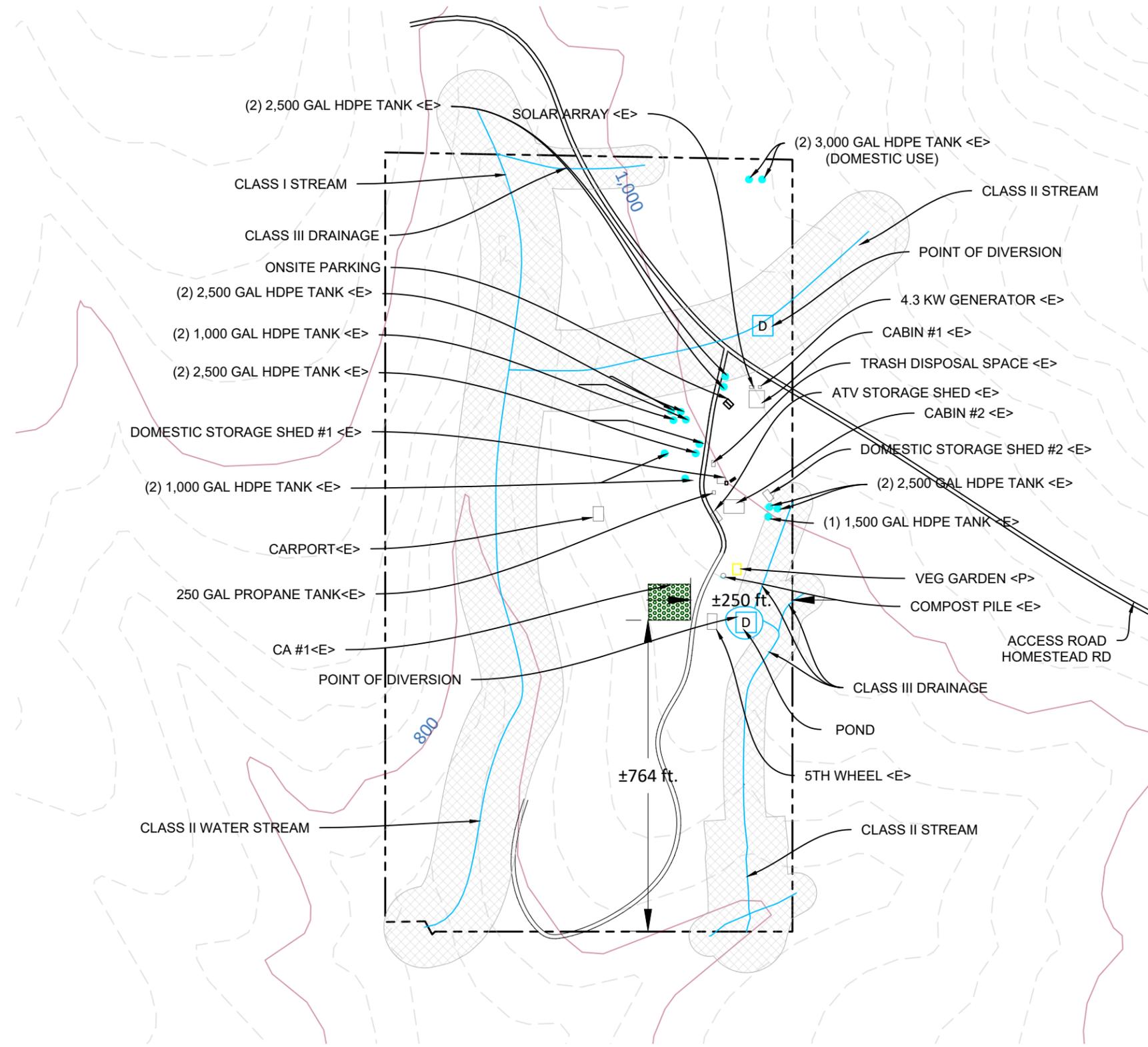
POWER SOURCE

4.3KW GENERATOR
SOLAR ARRAY

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN 600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

PROPERTY OWNER BRIAN ROBERTS
ADDRESS APN: 217-401-011
SHEET INFO PARCEL OVERVIEW

REVISIONS		
NO.	NOTES	DATE

DATE 3/15/19
DRAFTER X
SCALE AS SHOWN

SHEET
PO

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.

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4 - 11. 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.
2. Within 60 days of the effective date of project approval, 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.
3. Within 30 days of the effective date, the applicant shall provide payment of application processing charges accrued since application submittal. Failure to pay any outstanding charges to the Planning Department shall result in automatic revocation of this permit and the Planning Department will recommend denial of any State license applications. All invoices shall be paid in full prior to commencing cultivation in 2021. A sign-off from the Planning Department will satisfy this condition.
4. The applicant shall secure permits or exemptions from the Building Division for carport and grading associated with the processing area and onstream pond. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A copy of the finalized inspection record card or equivalent shall satisfy this condition.
5. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. A copy of a permit, letter or similar form of communication from the Department of Environmental Health will satisfy this permit.
6. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the Applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.
7. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion

of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

8. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW that includes, but is not limited to, replacement of culverts recommended by the WRPP, and submit a Bullfrog Management Plan for review and approval by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
9. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
10. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
11. The applicant shall provide substantial evidence that the intersection of Homestead Road and Alderpoint Road has been improved by paving or graveling to a minimum of twenty feet in width and fifty feet in length and bringing the intersection into conformity with the Sight Visibility Ordinance. A copy of the approved encroachment permit and/or photos of the improvements would satisfy this condition.
12. The applicant shall relocate the cultivation areas that are within the 150-foot pond and wetland buffers prior to commencing cultivation in 2021 and remediate the removed cultivation area. The applicant shall submit a revised site plan showing the relocation area and the area to be remediated to the Planning Department for review and approval prior to relocation. The applicant shall provide evidence (e.g. photographs) to demonstrate the relocation occurred prior to the 2021 cultivation season. Alternatively, the applicant may schedule an inspection with Planning Department staff to show the portions of the cultivation areas within the on-stream pond and wetland buffers were relocated. A sign-off from the Planning Department will satisfy this condition.
13. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
16. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made

of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.

17. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
18. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
19. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
20. Within 60 days of the effective date of project approval, the applicant shall provide a review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00), to be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, 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.
2. The applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all the requirements as set forth by other regulatory agencies.
3. The applicant shall retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
4. The applicant shall retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
5. Applicant shall not use monofilament (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. The applicant shall make available the water meter records of the current and previous year for review during annual inspections by planning division staff.

7. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
8. The noise produced by any generator, fan, dehumidifier, pump or any other noise producing element of the project shall not exceed 50 decibels at 100 feet from the noise source or at the edge of habitat, whichever is closer.
9. Applicant shall comply with the standard CDFW Bullfrog Management Plan and report to CDFW on an annual basis to demonstrate compliance.
10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. All snags, living trees and other components of the overstory shall be retained in the operation of the existing diversion.
12. Access road shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles.
13. The applicant shall acquire any permits or perform any reporting forms necessary to achieve compliance with the Hazardous Materials program of the Humboldt County Environmental Health Division, a Certified Unified Program Agency (CUPA).
14. The applicant shall contain the lights used in the ancillary nursery meeting the International Dark Sky Standard Lighting Zone 0.
15. 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.
16. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
17. 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.
18. 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.
19. 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).

20. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
21. The applicant shall adhere to the terms and conditions of the Right to Use and Divert Water (Certificate #H100385) issued by the State Water Resource Control Board and comply with all applicable terms.
22. The applicant shall adhere to the Final Lake and Streambed Alteration Agreement (Notification #1600-2016-0356-R1) effective June 29, 2017, by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
23. 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.
24. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
25. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
26. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
27. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
29. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

30. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
31. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

32. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment;
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis;
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function; and,
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.

33. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. 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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.

 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts; and
 - (c) Poison control contacts.

 - III. 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.

 - IV. On-site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

34. All cultivators shall comply with the approved Processing Plan as to the following:
 - I. Processing Practices;
 - II. Location where processing will occur;
 - III. Number of employees, if any;
 - IV. Employee Safety Practices;
 - V. Toilet and handwashing facilities;
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
 - VII. Drinking water for employees;
 - VIII. Plan to minimize impact from increased road use resulting from processing; and
 - IX. On-site housing, if any.

35. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire after 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.
36. If the inspector or other County official determines that the permittee(s) or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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.
37. 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.
38. 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.
39. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Commercial Cannabis.
40. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of 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 #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. **The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, the Open Space Plan, and the Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): This designation is intended for large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The project entails the outdoor cultivation of 10,000 square feet (SF) of existing outdoor cannabis cultivation on an approximately 40-acre parcel. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>The property is accessed via approximately 3.6 miles of private road known as Homestead Road from it's intersection with Alderpoint Road which is County-maintained and approved for use by commercial cannabis operations. Homestead Road is maintained by the Larabee Creek Road Association. In a memorandum dated 11/1/2017 Public Works requested a Road Evaluation Report be prepared for the private roads providing access to the subject parcel and that the intersection of Alderpoint Road be paved to a minimum width of 20 feet and a minimum length of 50 feet and that the intersection be maintained in accordance with the Sight Visibility Ordinance at its intersection with Homestead Road. The applicant provided a self-certified roadway evaluation with supporting photo documentation indicating that the entire road segment is developed to the equivalent of a road category 4 standard. Conditions of approval include compliance with intersection visibility standards and improving the intersection of Homestead Road and Alderpoint Road. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1,CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan, and CO-S2, Identification of the Open Space Action Program.	The project can be found consistent with the Conservation and Open Space Element because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program (see <i>Biological Resources</i> Section 10.3 for additional discussion).

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas; BR-P6, Development within Streamside Management Areas; BR-P7, Wetland Identification.</p>	<p>Based on a review of the California Natural Diversity Databased (CNDDDB), there are no mapped Special Status species on the subject parcel. The nearest Marbled Murrelet habitat is more than 5 miles from the subject parcel. The Nearest Northern Spotted Owl activity center is located approximately 1.51 miles southwest from the cultivation area. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 60 dB at the property line. There is an additional condition of approval (per recommendation by CDFW) that the applicant not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. This will minimize the risk of ensnaring and strangling wildlife. The applicant notified CDFW regarding the point of diversions on the subject parcel, however, according to CDFW comments, the agreement is not final. Conditions of approval require the applicant to submit a copy of the Final Streambed Alteration Agreement (SAA) issued for the subject parcel by CDFW. The applicant is required to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW.</p> <p>See findings for the <i>Streamside Management Area (SMA)</i> for additional information regarding findings for development of the on-stream pond and evaluation of the <i>Aquatic Resources Report</i> prepared by Kyle S. Wear dated August 2020.</p> <p>See findings for <i>Performance Standards – Water</i> for additional information regarding water use and storage.</p> <p>The California Department of Fish and Wildlife (CDFW) provided a referral response on September 16, 2019 (see Attachment 5). Staff responded to CDFW comments on November 6, 2020 (see Attachment 5). Several conditions of approval requested by CDFW for wildlife and</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation]</p>	<p>No known significant archaeological or historic period cultural resource are located in the project area. The project was referred to the Northwest Information Center and the Bear River Band of Rohnerville Rancheria. The Northwest Information Center and the Bear River Tribal Historic Preservation Officer (THPO) recommended further study of the subject parcel. Although the Cultural Resources Investigation concludes that it would be unlikely to encounter significant buried archaeological materials at this location during implementation of the permit, it is noted that the potential for inadvertent discovery of such resources exists. A condition of project approval has been incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Section relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare</p>	<p>The project involves 10,000 SF of outdoor cannabis cultivation. No artificial lighting is used to support operational needs.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Section relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. R1-2015-0023 and the preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant prepared a WRPP (see Attachment 4). The WRPP identified 6 standard conditions from the NCRWQCB's Order No. R1-2015-0023 that were not met. Per the schedule contained within the WRPP, the corrective action items should be completed by the end of 2019. Conditions of approval require the applicant to adhere to and implement the recommendations in the WRPP and submit and monitoring and reporting documentation submitted to the NCRWQCB to the Planning Department.</p> <p>In October 2017, the State Water Resources Control Board (SWRCB) approved a statewide cannabis cultivation policy that required those enrolled with the NCRWQCB to migrate to the State Policy no later than July 1, 2019. In addition to enrollment with the State, the applicant is required to submit a Site Management Plan. The applicant is required to enroll in the State Cannabis Cultivation Program with the SWRCB, adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability (once received). A copy of the Notice of Applicability, Site Management Plan and reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>There is an existing Onsite Wastewater Treatment System (OWTS) associated with Cabin #1 (see site plan). The project was referred to the Department of Environmental Health who recommended conditional approval. The Department of Environmental Health is requiring the applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. As conditioned, the project therefore complies with this Section.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The power source for the operation is a 4.3KW generator that is covered and properly contained. This project is for outdoor cultivation, no artificial lighting or greenhouses are proposed. The nearest Marbled Murrelet habitat is more than 5 miles from the subject parcel. The Nearest Northern Spotted Owl activity center is located approximately 1.51 miles southwest from the cultivation area. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 60 dB at the property line.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1 to S-G2)</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The parcel has no mapped historic landslides and is rated to have high seismic instability rating. Conditions of approval require the applicant obtain grading permits for the onstream pond development from the Building Inspection Division.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The entire project site is outside the mapped 100-year flood hazard zone. The project site is not within a mapped dam or levee inundation area.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14 Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential. (S-G4)</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel has a high fire hazard severity rating. The parcel is within the response area of the Alderpoint Volunteer Fire Company and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE reviewed the project and provided standard comments regarding compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and Cannabis cultivation. The Humboldt County Fire Safe Ordinance 1952 (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas (SRA), including the maintenance of a minimum of 30 feet of defensible space from all parcel boundaries (Section 3115-2).</p> <p>According to the site plan and parcel boundary survey there are no cultivation areas or structures within 30 feet from a parcel boundary. During the peak season, the operation would be operated by two resident-operators. There is approximately 287,500 gallons of water storage on-site in a series of hard-sided tanks and the onstream pond. Both irrigation water sources can be used for fire protection in an emergency situation.</p>
<p>Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The subject parcel is located within the response area for the Alderpoint Volunteer Fire Company and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Alderpoint Volunteer Fire Company.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel (APN 217-401-011) is one legal parcel created by Parcel Map 64 (lot 61) recorded in Book 1 of Parcel Maps page 95. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Forestry Recreation (FR)	Forestry Recreation (FR): The Forestry Recreation zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.	The applicant is seeking a Special Permit for an existing 9,000-square-foot outdoor cannabis cultivation operation on a property zoned FR-B-5. The proposed use is specifically allowed with a Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	1 acre	40 acres
Minimum Lot Width:	200 feet	1,050 feet
Maximum Lot Depth:	None specified	1,671 feet
Max. Lot Coverage:	None specified	<10%
Min. Yard Setbacks (through the SRA requirements):	Front: 20 feet Rear: 20 feet Side: 10 feet SRA: 30 feet, all sides	Front: <30 feet Rear: <30 feet Sides: <30 feet
Max. Building Height:	35 feet	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>The confluence of Basin Creek and an unnamed tributary is located in the northern part of the parcel. According to the Operations Plan, there is one Class I stream, five unnamed Class II streams and one unnamed Class III watercourse on the subject parcel. The subject parcel was developed with a point of diversion and an onstream pond both within an unnamed tributary to Basin Creek. The pond was constructed between 2005 - 2009 without the benefit of County review. The applicant submitted an Aquatic Resources Delineation prepared by Kyle S. Wear dated August 2020 (see Attachment 4). The report found that approximately 368 feet of the cultivation area is located approximately 85-feet from the on-stream pond, however, a 100-foot setback is required. In addition, a portion of the cultivation area is located 130 feet from perennial wetlands identified on-site, however, a 150-foot buffer is required. Although the report states the cultivation area is outside of a 50-foot buffer, staff determined a 150-foot buffer is required as the report states there was standing water in the wetlands during the summer months. Therefore, as a condition of approval, the applicant is required to relocate the cultivation areas that are within the pond and wetland buffers prior to commencing cultivation in 2021 and remediate the removed cultivation area. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) regarding the points of diversion and for development of outfalls for the ponds as required. Conditions of approval require the applicant to submit a copy of the Final Streambed Alteration Agreement (SAA) issued for the subject parcel by CDFW. The applicant is required to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. As conditioned, the project therefore, complies with this section.</p>
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2 Timberland Conversion</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The project site a partially forested site zoned FR and was reviewed for timberland conversion. A review of Humboldt County WebGIS imagery found that no timber removal has occurred for development of the historic or current cultivation areas. No timber is proposed for removal. The project therefore complies with this Section.</p>
<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development.</p>	<p>The proposed action is a Special Permit for 10,000 SF of existing outdoor cultivation on APN 217-401-011, which is a 40-acre parcel zoned FR-B-5. A review of TerraServer imagery in November 2015 found the 9,000 square feet was cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, Homestead Collective Weed Company, the applicant, holds only this cannabis activity application, and is entitled to four. This application is for one permit.</p>
<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>Processing activities are limited to drying and curing. The applicant dries and cures harvested cannabis plants within a temporary car port structure that varies in location annually. Once the cannabis is dried, it is taken to off-site licensed processing and/or manufacturing facility.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.</p>	<p>There are two points of diversion on the subject parcel for domestic and irrigation uses. The applicant estimates 107,000 gallons of water are required to meet operational needs. There is currently 34,500 gallons of hard-sided tank storage and 250,000 gallons in the on-stream pond, totaling 284,000 gallons of water storage (see Attachment 4 – Operations Plan). The applicant submitted an Initial Statements of Water Diversion and Use to the State Water Resources Control Board (SWRCB) for the points of diversion in unnamed streams that are tributaries to Basin Creek. The applicant obtained a Right to Divert Water (Certificate Number H100065) from the SWRCB that allows for diversion and storage of water for the points of diversion on the unnamed tributary to Basin Creek and the onstream pond for irrigation, aesthetic and fire protection uses. The water diversions cannot exceed 0.33-acre-feet (107,351 gallons) annually between January 1 – December 31 for water used to irrigate the cannabis cultivated on-site. Diversions are required to follow the restrictions in the State Cannabis Policy that allows for diversion typically between December 1 and March 31. According to CDFW comments, the applicant has submitted a Notification to CDFW, however, it has not been finalized. Conditions of approval require the applicant to obtain a Final Streambed Alteration Agreement from CDFW for the point of diversion and any improvements to the pond outfall. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW.</p>
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<p>§314-55.4.11.d and §314-55.4.8.2.1.4 Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p> <p>On eligible parcels under 5 acres in size, the cultivation area must be set back at least 300 feet from existing residences on adjoining parcels.</p>	<p>The cultivation area is more than 600 feet from known schools, school bus stop, churches, parks, or TCRs. The Southern Humboldt Joint Unified School District has not responded to the project referral. The applicant's site plan shows that the cultivation area conforms to the 30-foot setback for all neighboring parcels. The THPO of the Bear River Band has indicated that there are no known cultural resources on the site.</p>
<p>§314-55.4.11.o Performance Standards-Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The power source for the operation is a 4.3KW generator that is covered and properly contained. This project is for outdoor cultivation, no artificial lighting or greenhouses are proposed. The nearest Marbled Murrelet habitat is more than 5 miles from the subject parcel. The Nearest Northern Spotted Owl activity center is located approximately 1.51 miles southwest from the cultivation area. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 60 dB at the property line.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 22, 2016.</p>

4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since reviewing referral agencies have approved (or conditionally approved) the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance; and the proposed project is not expected to cause significant environmental damage.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall 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.	The property was not included in the 2019 Housing Inventory. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following evidence supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing, an agricultural diversion from an unnamed tributary to Basin Creek and retro-active permitting of an onstream pond used to storage water for irrigation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN 217-401-011, 5576 Homestead Road, Blocksburg, County of Humboldt

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

November 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Special Permit for 10,000 square feet of outdoor cannabis cultivation. Cultivation activities extend from April to October with one harvest annually. Water for irrigation will be provided by a point of diversion and onstream pond both located on an unnamed tributary to Basin Creek. There is a total of 287,500 gallons of water storage provided by hard-sided tanks and the pond. The projected water usage is about 107,000 gallons. Drying of the harvested product will take place on-site and processing will occur at a licensed, off-site processing facility. A maximum of two people will be on-site during peak operations. The power source is a generator for the residence uses.

The project site contains riparian habitat associated with tributaries to Basin Creek, which is tributary to the Eel River. The project includes restoration of previously used cultivation sites and converted areas within the county streamside management area. All approved cannabis cultivation activities would occur outside of the required stream setbacks. The nearest lands managed for Marbled Murrelet habitat is more than 5 miles from the subject parcel. The Nearest Northern Spotted Owl activity center is located approximately 1.51 miles southwest from the cultivation area. Generators provide power to the site, however, artificial lighting is not proposed for use. The applicant has enrolled with the North Coast Regional Water Quality Control Board Wastewater Discharge Program as a Tier 2 discharger. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 9,000 square feet outdoor cultivation, on-site processing activities, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies (see Attachment 4 for a complete listing of supporting documentation):

- Right to Divert and Use Water (Certificate #H100077)
- Road Evaluation Report prepared by the applicant dated April 2019
- DEH Worksheet
- Site Plan prepared by Green Road Consulting, Inc. dated March 15, 2019
- Cultivation and Operations Plan prepared by Green Road Consulting

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current

project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (On file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Right to Use and Divert Water Certificate No. H100077; On file – Initial Statements of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
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. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Water Resource Protection Plan prepared by the applicant dated August 1, 2017; On file – enrollment documents)
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 Department of Fish & Wildlife. (Condition of Approval)
9. If the source of water is a well, a copy of the County well permit, if available. (N/A)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (N/A)
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. Road Evaluation Report prepared by the applicant dated March 29, 2019. (Attached)
16. DEH worksheet. (On file)
17. Aquatic Delineation Report prepared by Kyle S. Wear dated August 2020. (Attached)



**GREEN
ROAD
CONSULTING**

Applicant: The Homestead Collective Weed Company LLC.

Parcel: 217-401-011

Cultivation and Operations Plan

Site Plan Overview and Cultivation and Operations Plan



GREEN ROAD CONSULTING

Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

The Homestead Collective Weed Company, Inc.

5576 Homestead Rd.

Blocksburg, CA 95514

APN: 217-401-011

Agent

Dante Hamm

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

The Homestead Collective Weed Company LLC (“Applicant”), is submitting this application for a Type 2 Outdoor Special Permit for 10,000 square feet of commercial cannabis cultivation on a 43.76-acre parcel, located in Blocksburg, CA, Assessor’s Parcel Number 217-401-011.

The Applicant is diverting water from two (2) natural water courses. One unnamed Class II Instream Pond located on the parcel and one Unnamed Class II Watercourse located on the parcel. The Applicant anticipates using 107,000 gallons of water annually. The Applicant is enrolled in the North Coast Regional Water Quality Board and filed two initial statements of water diversion.

The Applicant has a total of seven (7) buildings onsite. There are two (2) Cabins; Cabin #1 was constructed in 1995 and measures approximately 36’X36’, it is used for permanent living. It is not used for cannabis cultivation purposes. Cabin #2 was constructed in 1990 and measures approximately 24’X36,’ it is used for temporary living. It is not used for cannabis cultivation purposes. There are two (2) Domestic Storage Sheds onsite. Both of which were constructed in 1990 and measure approximately 10’X20,’ they are used as storage for general domestic purposes. They are not used for cannabis cultivation purposes. There is one (1) ATV Storage Shed onsite; the ATV Storage Shed was constructed in 1990 and measures approximately 10’X20,’ it is used for ATV storage. It is used not for cannabis cultivation purposes. There is one (1) 5th wheel onsite; the 5th wheel was installed in 1996 and measures approximately 10’X38’, it is used as an office space. It is not used for cannabis cultivation purposes.

There is one Portable Carport onsite; the Portable Carport measures approximately 10’X20’ and was installed in 2017, it is used to dry and cure harvested cannabis.

The Applicant has no permanent nutrient storage, instead they bring in nutrients and amendments as needed.

The Applicant anticipates one (1) annual harvest. Cultivation activities will start in in mid-April and end sometime in October.

Harvesting will be done by family and members of the collective. The Applicant will be selling the harvested materials to a third-party processor for processing. There will be no employees.

This application is submitted through their agent, Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County’s Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The Type 2 Outdoor Special Permit would achieve the following results for the Applicant:

- a. 10,000 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board (“Water Board”) and California Department of Fish and Wildlife (“Fish and Wildlife”).

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Blocksburg, CA. The Parcel is comprised of 43.76-acres and is identified by Assessor's Parcel Number ("APN") 217-401-011. The street address for the Parcel is 5576 Blocksburg CA, 95514.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40); general plan of AL40 (FRWK) and a Use Code Description of Improved, Rural Residential, 20+ to 40 ac. The CMMLUO permits existing commercial cannabis cultivation on land zoned as AE with cultivation sites up to 10,000 square feet with a Special Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

"EXHIBIT 'A'

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

PARCEL ONE

Parcel Numbered 61 as shown on that certain Parcel Map No. 64, recorded in the Humboldt County Recorder's Office, Book 1 of Parcel Maps, pages 95 through 114, inclusive. Reference to said Parcel Map No. 64 does not constitute a recognition or creation of any rights or easements in the roads as shown on said Parcel Map, said roads having been relocated and superseded by the roads shown on the Record of Survey shown in Parcel Two below.

PARCEL TWO

A non-exclusive easement for ingress, egress and public utility purposes, fifty (50) feet in width, the centerline of which is as shown on that certain Record of Survey, recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records of Humboldt County; the easements as shown on said Record of Survey supersedes the easements as shown on Parcel Map No. 64 referred to in Parcel One above.

APN•. 217-401-011"

4.0 Natural Waterways

There is one (1) Class I Unnamed Stream, five (5) Unnamed Class II streams, one (1) Unnamed Class III Drainage, and one (1) unnamed Class II Instream Pond.

The Applicant has a Water Resource Protection Plan for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

5.0 Location and Area of Existing Cultivation

The 10,000 square feet of cannabis cultivation occurs in two (2) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Cultivation Area #1

Cultivation Area #1 consist of approximately 2,000ft² of outdoor cultivation and is located in the eastern section of the parcel just south of the Residence.

Cultivation Area #2

Cultivation Area #2 consist of approximately 8,000ft² of cultivation and is located in the mid-section of the parcel just south of Cultivation Area #2.

6.0 Setbacks of Cultivation Area

Cultivation Area #1

Cultivation Area #1 is setback approximately 123 feet from the eastern parcel line and set back from the southern parcel line by over 800 feet.

Cultivation Area #2

Cultivation Area #2 is setback approximately 250 feet from the eastern parcel line and set back from the southern parcel line by approximately 764 feet.

7.0 Access Roads

The Parcel is located off of Homestead Rd. which is maintained by the Larabee Creek Road Association. There are two (2) stream crossings (culverts) exist on the property. They are in good condition and are maintained by the Larabee Creek Road Association.

8.0 Graded Flats

There are no graded flats located on the Parcel.

9.0 Existing Buildings

There are seven (7) existing buildings onsite.

Domestic Buildings

Cabin #1

Cabin #1 was constructed in 1996 and measures approximately 36'X36', it is used a place of living. It is not used for cannabis cultivation.

Cabin #2

Cabin #2 was constructed in 1990 and measures approximately 24'X36,' it is used for temporary living. It is not used for cannabis cultivation purposes

5th Wheel

The 5th wheel was installed in 1996 and measures approximately 10'X38', it is used as an office space. It is not used for cannabis cultivation purposes.

ATV Storage Shed

The ATV Storage Shed was constructed in 1990 and measures approximately 10'X20,' it is used for ATV storage. It is used not for cannabis cultivation purposes.

Domestic Storage Shed #1

The Domestic Storage Shed #1 was constructed in 1990 and measures approximately 10'X20,' it is used for general domestic storage, it is not used for cannabis cultivation.

Domestic Storage Shed #2

The Domestic Storage Shed #1 was constructed in 1990 and measures approximately 10'X20,' it is used for general domestic storage, it is not used for cannabis cultivation.

Cultivation BuildingsCarport

There is one Portable Carport onsite; the Portable Carport measures approximately 10'X20' and was installed in 2017, it is used to dry and cure harvested cannabis.

10.0 Water Storage, Water Source, Watershed Protection, and Projected Water Use**10.1 Water Storage**

The Applicant has 34,500 gallons of hardwater tank storage and 252,000 gallons of pond water storage.

- (2) 3,000-gallon HDPE
- (10) 2,500-gallon HDPE
- (1) 1,500-gallon HDPE
- (2) 1,000-gallon HDPE
- (1) 252,500-gallon Instream Pond

The total water storage consists of 287,500 gallons.

10.2 Water Source

The Applicant is sourcing water from a Class II Watercourse as well as a Class II Instream Pond.

10.3 Watershed Protection

The Cultivation Areas are within the required buffer zones of all the water courses on the parcel. The Applicant meets the standard conditions.

The Applicant has a Water Resource Protection Plan for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II Discharge.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant anticipates using 107,000 gallons of water annually.

11.0 Site Drainage, Irrigation Runoff, and Erosion Control Methods

Irrigation Runoff/Site Drainage

All irrigation of cannabis is completed by hand, which allows water to be monitored and distributed at an agronomic rate which prevents any over watering or run off. The parcel meets the standard condition.

Erosion Control Methods

Upon the site visit by the engineers, the parcel appeared to have minimal erosion near the cultivation area. The parcel meets the standard conditions

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

Pesticides and Herbicides

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis.

Fertilizers and Amendments

The Applicant brings in fertilizers and amendments as needed and has no permeant fertilizer storage space.

Petroleum Products

The Applicant has a 4.3KW generator used to power the residence. The generator is covered with and has the proper secondary containments. The Applicant also has 250-gallon propane tank stored onsite, used for domestic purposes.

Refuse and Human Waste

Cabin #1 has an un-permitted septic system which shows no signs of failure but requires back permitting. If the current system is found to be unsuitable than a new system will have to be permitted and installed. The Applicant keeps their refuse in a confined area with a cover. They

will be taking their cultivation and domestic refuse to Eel River Resource Recovery in Fortuna for disposal. The Applicant also has a Compost pile located adjacent to their Veg-garden.

Soils Management

The Applicant will be reamending their soil for reuse. Every five (5) years the Applicant will be taking their used soil to Wes Green in Arcata for disposal.

2.0 Cultivation Activities

Cultivation activities may vary due the climate, strain, and the Applicants personal schedule.

Cultivation activities typically begin in mid-April when the Applicant starts propagation of the plants in a designated veg space (found on site map). The Plants will veg for approximately one (1) month until they are ready to be planted in one of two (2) of the designated cultivation areas (found on sitemap) in mid-May. The plants will be harvested sometime in October one at a time by members of the collective and family.

2.0 Processing Practices

The Applicant has a temporary Carport for drying and curing when the plants are ready for harvest. The location of said Carport varies by year.

The Applicant will be harvesting plants one at a time using hand shears and will sell the cannabis plants to third parties for processing.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

4.0 Security Measures

The Applicant keeps harvested cannabis in secure locations. There are security dogs on the site at all times. The Applicant also has plans to install security cameras on the parcel.



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Attachment “A”



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Attachment "B"



Water Use and Cultivation Form

Name:	Brian Roberts
APN:	217-401-011-000
WDID:	
Reporting Year	2016
Storage (Gallons):	287,000
Total Cultivation (ft ²):	10,000

Cultivation Information			
Cultivation Area	Distance to watercourse (ft)	Watercourse Classification	Average Slope
CA1	80	Class III drainage/ wetlands	6%
CA2	135	Class III drainage/ wetlands	10%

Total Water Surface Diversion (Gallons)													
Source	January	February	March	April	May	June	July	August	September	October	November	December	Total
Class II Stream	10,000	10,000	10,000	-	-	-	-	-	-	-	-	-	30,000
Class III Instream Pond	13,800	12,600	10,400	5,400	2,700	-	-	-	-	-	10,000	22,100	77,000

Water Input to Storage by Source (Gallons)													
Source to Storage	January	February	March	April	May	June	July	August	September	October	November	December	Total
Class II Stream	7,410	7,690	7,450	-	-	-	-	-	-	-	-	-	22,550
Class III Instream Pond	13,800	12,600	10,400	5,400	2,700	-	-	-	-	-	10,000	22,100	77,000

Water Use by Source (Gallons)													
Use from Source	January	February	March	April	May	June	July	August	September	October	November	December	Total
Class II Stream	2,590	2,310	2,550	2,470	2,550	2,470	2,550	2,470	2,550	2,470	2,550	2,470	30,000
Class III Instream Pond	-	-	-	-	-	2,000	30,000	30,000	15,000	-	-	-	77,000

* Water use is estimated from the best information available, if water meters are not installed.



STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500615

CERTIFICATE H100077

Right Holder: *Brian Roberts*
 5576 Homestead Road
 Blocksburg, CA 95514

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 04/19/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
SO27309 Pond	Unnamed Stream	Basin Creek	Basin Creek	40.2752	-123.6808	Humboldt	217401011000
S027308 Stream	Unnamed Stream	Basin Creek	Basin Creek	40.2768	-123.6823	Humboldt	217401011000

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic, Fire Protection	Humboldt	217401011000	0.22957

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/01/2018.

The place of use is shown on the map filed on 06/01/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.33 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.306889 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable

conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 06/01/2018 16:15:08

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Water Resource Protection Plan (WRPP)

APN: 217-401-011

WDID: 1B171234CHUM



Prepared for:

North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:

Kelly Hollreiser

kelly@greenroadconsulting.com

Green Road Consulting

1650 Central Ave., Suite C, McKinleyville CA, 95519

(707) 630-5041

Date of completion:

8/1/2017

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LIST OF ATTACHMENTS

- A WRPP Reporting Forms**
 - A.1** Order No. 2015-0023 Appendix C. Reporting Forms
 - A.2** Chemical Use Forms
 - A.3** Water Use and Cultivation Forms
- B WRPP Monitoring Forms**
- C NCRWQCB Order No. 2015-0023**
 - C.1** Waiver of Waste Discharge Requirements
 - C.2** Appendix B: Best Management Practices
 - C.3** Appendix E.1: Legal Pest Management Practices for Marijuana Growers in California
 - C.4** Appendix E.2: Pesticide Use on Marijuana

Client: The Homestead Collective Weed Company, LLC.

Land Owner: Brian Roberts

Assessor's Parcel Number: 217-401-011

Site Address: 5576 Homestead Rd, Blocksburg, CA

Mailing Address: PO Box 244, Blocksburg, CA 95514

Parcel Number: 217-401-011

General Plan: AL40 (FRWK)

Zone: FR

Parcel Size: 43

HUC12 Watershed: 180101050501

1 INTRODUCTION

This document constitutes a Water Resource Protection Plan (WRPP), prepared by Green Road Consulting (GRC) for The Homestead Collective Weed Company, LLC.; parcel number 217-401-011, as required by the NCRWQCB Order No. 2015-0023¹. The purpose of the order is to provide a regulatory structure for cannabis cultivation designed to prevent and address poor water quality and other adverse impacts on water resources in the North Coast Region of California. The purpose of the WRPP is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

Green Road Consulting (GRC) has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, and areas requiring remediation. Maps were created using the software ESRI ArcMap.

2 BACKGROUND

The site is located in Southern Humboldt County approximately 5 miles northwest of the City of Blocksburg and can be accessed from Homestead Road off of Alderpoint Road. The elevation of the site is approximately 1,000-ft above sea level. The parcel is located on a mountainous hillslope with drainages to the South that flows into Basin Creek. Basin Creek is a tributary to the Eel River which is on the Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Eel River Watershed is known to have Coho, Chinook, and Steelhead which are

¹ Order entitled "Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region"

listed to be a threatened or endangered species. The hillslopes in the region are known to have high instability. The site geology is part of the Franciscan Complex which is primarily composed of Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone and conglomerate. Unstable areas found during site investigation are delineated on the Erosion Control and Sediment Map. The area was historically logged with legacy logging roads throughout the site (see Historical Imagery Map).

3 SITE OVERVIEW

The parcel has two (2) cabins, three (3) sheds, 5th wheel, and a carport onsite. Current cultivation consists of 10,000 square feet of outdoor cultivation. Cultivation takes place in two (2) locations near one (1) cabin and 5th wheel. Cultivation area 1 (CA1) is located by the 5th wheel and is 80 feet away from the nearest watercourse. Cultivation area 2 (CA2) is located near the cabins and is more than 100 feet away from the nearest watercourse. There is an unpermitted septic near one of the cabins and it will need to be back permitted. It shows no signs of failure but if the current system is found to be unsuitable, then a new system will have to be permitted and installed. The site is not grid tied and requires the use of a solar array and a generator with fuel storage. There were a few small gasoline containers that were left in the open and require secondary containment and storage in a covered area. Water storage consists of fifteen (15) HDPE water tanks and one (1) instream pond totaling to 287,500-gallons. The parcel also uses two (2) diversions, a Class III instream pond and Class II stream as its water source. Both diversions require a Notification of Lake and Streambed Alteration filed with California Department of Fish and Wildlife. Multiple water storage tanks are located within the streamside management area of a Class II watercourse and need to be relocated. There is a vegetable garden being operated within 50 feet of a Class III stream and should be relocated. There are two (2) stream crossings that exist on the parcel, and are in good condition. They are maintained by the Larabee Creek Road Association. Overall the site is in fair condition with moderate potential to impact stream systems. The processing and transportation of the Cannabis is specified in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

4 ASSESSMENT OF STANDARD CONDITIONS

Below is an assessment of the site based on the 11 Standard Conditions laid out in the NCRWQCB Order. This includes a description and summary of the parcel's required remediation measures with respect to each condition. The required remediation is summarized with expected completion dates in Table 4. Locations of erosion and sediment delivery areas are denoted as Map Points (**MP**) in the Erosion Control and Sediment Delivery Map.

4.1 Site Maintenance, Erosion Control and Drainage Features

The access roads on the site were in good condition with minimal maintenance required. Homestead Road is maintained by the Larabee Creek Road Association and monitored regularly to ensure integrity. There is also a legacy skid road on the property that is not used and is stable. **No remediation is required.**

4.2 Stream Crossing Maintenance

There are two (2) stream crossings (culverts) on Homestead Road. Both culverts are in good condition and are maintained by Larabee Creek Road Association. **No remediation is required.**

4.3 Riparian and Wetland Protection and Management

The site utilizes two (2) surface water diversions: A Class II stream, and a Class III instream pond. Both diversions require a Notification of Lake and Streambed Alteration filed with the CDFW. Modifications to the diversion works may be requested upon inspection by the CDFW. Additionally, ten (10) water storage tanks

are within the streamside management zone of a Class II stream (**MP2**) and need to be relocated to maintain a minimum of 100-ft buffer. Finally, a vegetable garden is being operated within 50-ft of a Class III stream (**MP1**) and should be relocated to maintain a minimum 50-ft buffer.

Table 1. Cultivation Area summary with respect to natural slope, distance to water body, and water body classification.

Cultivation Area (CA)	Cultivation Area (ft ²)	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
Area 1 (CA1)	8,000	6	80	Class III/Wetland
Area 2 (CA2)	2,000	10	135	Class III/Wetland

4.4 Spoils Management

No grading spoils were observed on the site. Spoils shall be located away from streams and secured with a tarp to ensure it is stabilized and contained. **No remediation is required.**

4.5 Water Storage and Use

The property has sufficient water storage including the instream pond. Since the instream pond cannot be used for cannabis cultivation, additional storage will be required. Water is stored in one (1) 250,000-gallon instream pond and several High-Density Polyethylene (HDPE) water tanks. The water tanks consisted of four (4) 3,000-gallon tanks, eight (8) 2,500-gallon tanks, two (2) 1,500-gallon tanks, and two (2) 1,000-gallon tanks (see Water Storage and Use Map). Two (2) Initial Statements of Diversion and Use have been filled for the pond as well as the point of diversion (POD) with the California State Water Resources and Control Board. State Water Resources Control Board has reviewed and processed both initial statements. Roberts POD 1 has been assigned identification number (S027308) and Roberts Pond has been assigned identification number (S027309). The instream pond will be used for domestic and fire suppression. The spring will be used for domestic and for the cultivation of cannabis. The estimated water diversion and use for 2016 is summarized in Table 2.

Table 2. Summary of Water Diversion and Use for 2016.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Class III In-stream Pond 1	Cannabis	Jan. 1	Dec. 31	150,000	
Class II stream	Cannabis	Jan. 1	Mar. 31	22,550	
Hard Tanks	Cannabis	Jul. 1	Oct. 31		22,550
Class III In-stream Pond 1	Cannabis	Apr. 1	Oct. 31		100,000
Class II stream	Domestic	Jan. 1	Dec. 31		40,000

The site has 287,000 gallons of water storage available which is summarized in Table 3. Water meters will be installed to monitor use and create a water budget to determine the volume of water needed for cultivation during the dry season. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water conservation methods such as timing will be employed to ensure water is applied at agronomic rates.

Table 3. Summary of Water Storage.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Class III In-stream Pond	250,000	1	250,000
HDPE Tanks	3,000	4	12,000
HDPE Tanks	2,500	8	20,000
HDPE Tanks	1,500	2	3,000
HDPE Tanks	1,000	2	2,000
Total			287,000

4.6 Irrigation Runoff

There were no signs of irrigation runoff during the site investigation. The enrollee hand-waters all cultivation. Installation of a timer to limit water use would prevent any irrigation runoff. **No remediation is required.**

4.7 Fertilizers and Soil Amendments

All labels are kept and directions are followed when amendments and fertilizers are applied. Fertilizer shall be applied at agronomic rates. The Registrant will keep a log of their fertilizer and amendment use for annual reporting. Amendments and potting soil will be stored in a manner that prevents it from being transported to surface or groundwater. **No remediation is required.**

4.8 Pesticides/Herbicides

No pesticides or herbicides are used for cultivation. If any will be used in the future, enrollee will use only those accepted under the Legal Pest Management Practices for Marijuana Growers in California (see Chemical Use Attachment). Any future pesticides, herbicides, or fungicides will be stored in plastic storage totes in a covered building. The Registrant will keep a log of their pesticides, herbicides, or fungicides use for annual reporting. **No remediation is required.**

4.9 Petroleum Products and Other Chemicals

Small gasoline containers are left out in the open and require secondary containment and storage in a covered area. Storage tanks over 110 gallons need to be registered with the County Health Department. Spill cleanup kits must be kept in the chemical storage area. The enrollee must keep a log of their chemical use for annual reporting (see Chemical Use Form).

4.10 Cultivation-Related Wastes

Cultivation leaves are re-used by enrollee, stems are burned and all other soil and organic material is composted. Composting and soil piles must be limited to 100 cubic yards or 250 ft². They must also have perimeter controls and be covered during strong winds. Any soil to be disposed of should be brought to Wes Green in Arcata for disposal. Any compost should be stored in a location and manner to ensure pollutants and residuals do not migrate or leach in to surface waters or ground water. Vegetation waste, stems, and root balls should be burned during burn season with a valid permit or otherwise appropriately disposed of. For information contact the North Coast Unified Air Quality Management District (707-443-3093). All cultivation related wastes must be collected and stored daily in suitable water tight containers. **No remediation is required.**

4.11 Refuse and Human Waste

The non-primary residence has an un-permitted septic system which shows no signs of failure by requires back permitting. If the current system is found to be unsuitable than a new system will have to be permitted and installed.

5. SUMMARY OF REQUIRED REMEDIATION

The following is a summary of the remediation measures required to become fully compliant with the Standard Conditions. A more detailed description of the issues and remediation measures is included in the previous section.

Table 4: Required Remediation Summary and Schedule.

Map Point (MP)	Standard Condition	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP1	Riparian and Wetland Protection and Management	A vegetable garden is being operated within 50-ft of a Class III stream.	Vegetable garden will be relocated to maintain a minimum 50-ft buffer.	Moderate	June 2019	
MP2	Riparian and Wetland Protection and Management	Ten water storage tanks are within the streamside management zone of a Class II stream.	Tanks will be relocated to maintain a minimum of 100-ft buffer.	Low	June 2019	
NA	Water Storage and Use	Water diversion not permitted with CDFW.	Permit diversion with CDFW.	Moderate	October 2019 Dependent on permitting from CDFW	
NA	Water Storage and Use	Water storage without pond is insufficient to meet forbearance period.	Stop diverting from pond for cannabis and increase storage to meet requirements of the forbearance period.	Moderate	October 2018	
NA	Petroleum Products and other chemicals	Small gasoline containers are left out in the open.	Secondary containment and storage in a covered area is required.	High	April 2018	
NA	Refuse and Human Waste	Non-primary residence has an un-permitted septic system.	Septic requires back permitting.	Moderate	October 2019	

6. MONITORING

Sites shall be inspected periodically to ensure conformance with the standard conditions. Inspections should include examining all remediation measures to ensure they are functioning as expected. Inspections should involve photographic documentation of any controllable sediment discharge sites as identified on the site map to. Additionally, care should be taken to identify if uncontained pollutants or runoff from roads or developed areas drains into or towards surface water. Monitoring forms will be kept in Attachment B. Monitoring will be performed by the Enrollee unless contracted by Green Road Consulting, Inc. to do the monitoring. At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional remediation measures is necessary to prevent or minimize discharges of waste to surface water:

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

7. REPORTING

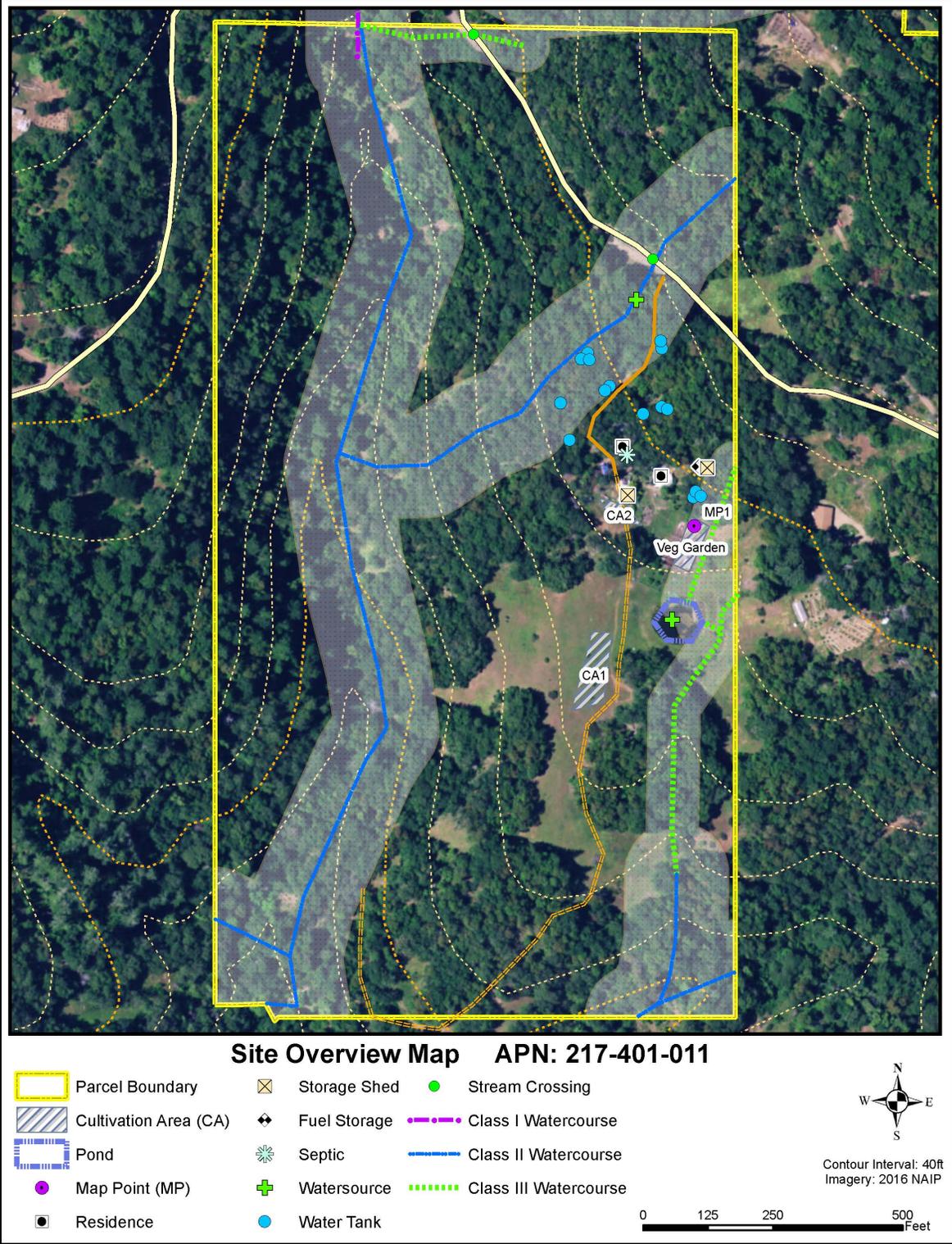
Annual reporting for the preceding year will be submitted to the NCRWQCB by March 31st. Reported information shall be reflective of site conditions. Enrollees shall submit this information either directly to the Regional Water Board or through an approved third party program. Documents to be submitted for annual reporting are kept in Attachment A.1, A.2, and A3. Initial enrollment and reporting forms are exhibited in the following pages. The annual reporting will include:

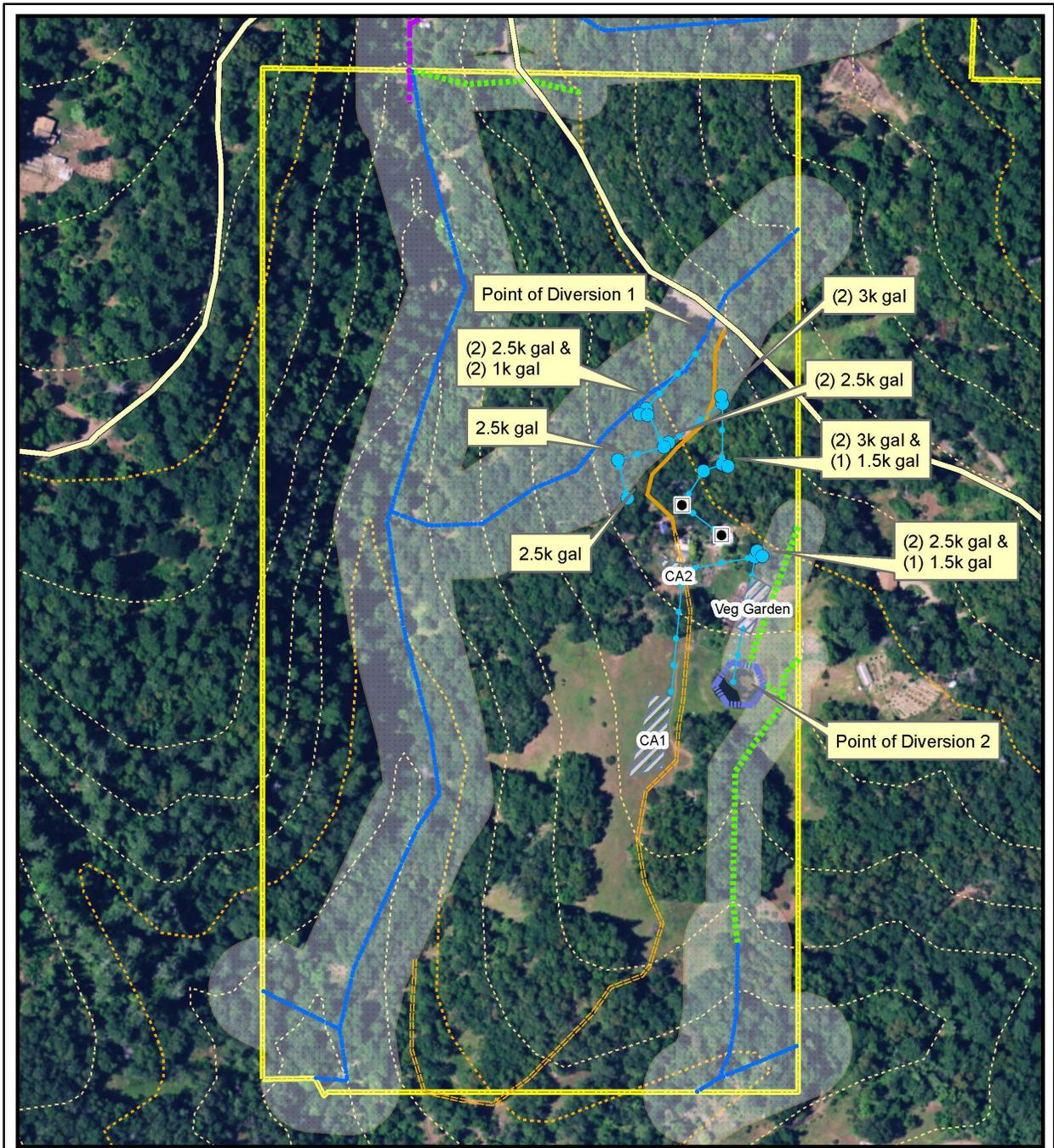
1. Reporting Form (Appendix C of Order 2015-0023)
2. Annual Chemical Use Form (Fertilizer, Petroleum, Pesticides...)
3. Water use and Cultivation Form
4. Re-Enrollment fees (Based off Tier)

The preferred method of submittal is electronically via e-mail to NorthCoast@waterboards.ca.gov or on disk (CD or DVD) in Portable Document Format (PDF) file in lieu of paper-sourced documents. The guidelines for electronic submittal of documents can be found on the Regional Water Board website at <http://www.waterboards.ca.gov/northcoast>. If electronic submission is infeasible, hard copies may be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Blvd. Suite A, Santa Rosa, CA 95403.

The Regional Water Board is developing a method for submittal of reporting information directly to the CIWQS Program Web site at <http://www.waterboards.ca.gov/ciwqs/index.html>. Information about this alternative submittal process will be made available on the North Coast Regional Water Board website at: http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Once this method is established, direct submittal to CIWQS will be available for enrollees and approved third party programs and will become the preferred reporting mechanism.

8. Maps



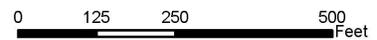


Water Storage and Diversion Map APN: 217-401-011

- | | |
|-----------------------|-----------------------|
| Parcel Boundary | Wtersource |
| Cultivation Area (CA) | Water Tank |
| Pond | Class I Watercourse |
| Residence | Class II Watercourse |
| Water Line | Class III Watercourse |



Contour Interval: 40ft
Imagery: 2016 NAIP



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: The Homestead Collective Weed Company LLC APN: 217-401-02311

Planning & Building Department Case/File No.: SP16-456

Road Name: Homestead Rd. (complete a separate form for each road)

From Road (Cross street): Alderpoint Rd.

To Road (Cross street): Property Entrance

Length of road segment: 3.6 miles Date Inspected: 4/18/18

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

Check one of the following:

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

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

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

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

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

Brian Roberts
Signature

3/29/19
Date

Brian Roberts
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.



**GREEN
ROAD**
CONSULTING

APN:217-401-011
APPS No:12237

Road Evaluation Photos

APPS No: 12237

APN: 217-401-011







ATTACHMENT 5

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	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	On file with Planning – in Accela
CAL FIRE		No response	
Alderpoint Volunteer Fire Protection District		No response	
CA Department of Fish and Wildlife	✓	Comments	Attached – included staff response to CDFW comments
NWIC	✓	Further study recommended	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Agricultural Commissioner		No response	
NCUAQMD		No response	
District Attorney		No response	
RWQCB	✓	Comments	On file with Planning
SWRCB – Water Rights Division	✓	Approved	Attached
Sheriff's Office	✓	Approved	On file with Planning
Southern Humboldt Joint School District		No response	



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

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name The Homestead Collective Weed Company LLC
Address 1 Brian Roberts **Address 2** PO Box 244
City Blocksburg **State** CA **Zip** 95514

OWNERS NAME AND MAILING ADDRESS

Name Roberts Brian **Email**
Address 1 **Address 2**
City Blocksburg **State** CA **Zip** 95514

SITE INFORMATION

Parcel Number 217-401-011-000 **Application Number** PLN-12237-SP
Street Address 5576 Homestead Rd **City** Blocksburg **State** CA **Zip**

PRESITE INVESTIGATION

Project is already started	AOB Inspection
Soil report is required due to	Project appears to be within wet area
Project is in flood zone A per	FIRM panel number
Flood elevation certificate required	Is 2nd Flood Certificate Required?
Plans stamped by a licensed person required	SRA requirements apply
SRA water storage requirements apply	Lot created prior to 1992
Appr.SRA req. need to be shown on plot plan	Plot plan incomplete, must be revised Yes
Driveway slope appears to be	Submit engineered foundation for
Grading permit required	Applicant must locate property lines
Incomplete submittal Construction Plan	Other concerns exist
Erosion and sediment control measures req.	

Inspector Notes

Planning Referral
 5-15-19
 db
 - revise and resubmit plot plan showing water storage tanks in the proper locations
 - class III drainage flows into existing pond

 - Note: existing and proposed structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
 - No wet areas within 200 feet of cannabis
 - appears to be wet areas No
 -Recommend approval after plot plan has been revised and resubmitted based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained

QUESTIONS? Please contact the County of Humboldt Building Division



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

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION	
Name	The Homestead Collective Weed Company LLC
Address 1	Brian Roberts
Address 2	PO Box 244
City	Blocksburg
State	CA
Zip	95514

OWNERS NAME AND MAILING ADDRESS	
Name	Roberts Brian
Email	
Address 1	
Address 2	
City	Blocksburg
State	CA
Zip	95514

SITE INFORMATION	
Parcel Number	217-401-011-000
Application Number	PLN-12237-SP
Street Address	5576 Homestead Rd
City	Blocksburg
State	CA
Zip	

PRESITE INVESTIGATION	
Project is already started	AOB Inspection
Soil report is required due to	Project appears to be within wet area
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Planning Referral
5-15-19
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QUESTIONS? Please contact the County of Humboldt Building Division



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Keenan Hilton, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 04/26/2019

RE:

Applicant Name	THE HOMESTEAD COLLECTIVE WEED CO. LLC
APN	217-401-011
APPS#	PLN-12237-SP

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:

Applicant has submitted a road evaluation report, dated 3/29/2019, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12237

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 COUNTY MAINTAINED RD)

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 //



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Homestead Collective		Date: 9/16/2019	
APPS No.: 12237	APN: 217-401-011	DFW CEQA No.: 2019-0210	Case No.: 12237-SP
<input checked="" type="checkbox"/> Existing		<input checked="" type="checkbox"/> Outdoor (SF): 9,000	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- It appears wetlands may occur onsite. Please include a wetland delineation by a qualified person (i.e. at minimum, successfully completed a 40-hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements).
- If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- Aerial imagery and referral materials suggest that grading has taken place on the parcel. Please provide evidence of a valid grading permit. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

Please note the following information:

- The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2018-0649). As of September 2019, the LSA Agreement is in process and has not been deemed Final.
- 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.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of

project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

From: Ryan, Meghan mryan2@co.humboldt.ca.us 
Subject: APPS #12237 - Homestead Weed Collective Company, LLC - HEARING DATE: DECEMBER 3, 2020
Date: November 6, 2020 at 10:11 AM
To: Bauer, Scott@Wildlife Scott.Bauer@wildlife.ca.gov

Good morning, Scott – I hope you are doing well. I am writing today to provide a response to CDFW comments dated 9/6/2019. Please see below:

1. Please see Aquatic Resources Delineation attached.
2. The applicant will be required to obtain a grading permit for development of the pond, roads and cultivation area.
3. The applicant will be required to finalize the CDFW agreement.
4. Other items will be added as conditions of approval.

Please let me know if you have any questions or need any additional information.

Best,
Meghan

--



Meghan Ryan
Senior Planner
[Planning and Building Department](#)
County of Humboldt
3015 H Street
Eureka, CA 95501
707.445.7541



Homestead
Report....20.pdf



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

4/16/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Alderpoint VFD:FPD, RWQCB, NCUAQMD, Southern Humboldt Joint Unified:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name The Homestead Collective Weed Company LLC **Key Parcel Number** 217-401-011-000

Application (APPS#) PLN-12237-SP Historic Planning **Assigned Planner** Keenan Hilton

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: 5/1/2019

Planning Commision 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:

SIUR H100077

DATE:

4.17.19

PRINT NAME:

Dyana McPherson