



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: October 7, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Valley Tops, LLC Special Permits (2) and Zoning Clearance Certificate**
Record Number PLN-2019-16122
Assessor's Parcel Number (APN) 210-044-009
33220 State Highway 36, Bridgeville

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Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date October 7, 2021	Subject Special Permits (2) and Zoning Clearance Certificate	Contact Jordan Mayor
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Project Description: Valley Tops, LLC seeks a Zoning Clearance Certificate and Special Permits for 10,000 square feet (SF) of existing cannabis cultivation consisting of 3,925 SF of mixed-light cultivation and 6,075 SF of outdoor cultivation on a 42-acre parcel zoned Forestry Recreation in the Bridgeville area. The applicant anticipates two mixed-light and one outdoor cultivation cycle per year. Existing cultivation Site 1 would contain a 1,500-SF appurtenant nursery greenhouse, Site 2 would be retired and remediated, and Site 3 would contain two proposed cultivation greenhouses, once permitted. Water for cannabis irrigation is supplied by a permitted groundwater well. There are 6,550 gallons of water storage on the parcel. Water is delivered to the cannabis plants via a drip irrigation system and the applicant estimates that their annual water use is 111,050 gallons (11 gallons/SF/year). Power to the project will be supplied by a proposed 20-panel solar system and a Special Permit is needed for generator use until the solar power is capable of supplying 80 percent or more of power demands. Drying and curing of cannabis will occur onsite in an 800-SF shed. Processing and packaging will occur onsite in an existing structure (cabin), which will require a commercial building permit. No employees will work onsite. The project includes a second Special Permit for a reduced setback of 540 feet from the proposed nursery greenhouse on Site 1 to public land managed by the Bureau of Land Management.

Project Location: This project is located in Humboldt County, in the Bridgeville area, on the east side of State Highway 36, approximately 2,500 feet south from the intersection of State Highway 36 and Larabee Buttes Road, on the property known as 33220 State Highway 36 (APN: 210-044-009).

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 40 acres per unit, 2017 General Plan, Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR), Special Combining Zone FR-B-5(40)

Record Number: PLN-2019-16122

Assessor's Parcel Number: 210-044-009

Applicant

Valley Tops, LLC
33220 State Highway 36
Bridgeville, CA 95526

Owner

Raymond J. and Paula L. Winkle
P.O. Box 368
Fortuna, CA 95540

Agents

Verdant Bridge Enterprises
Attn: Fauna O'Brien
P.O. Box 249
Fortuna, CA 95540

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

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

Major Issues: None

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Zoning Clearance Certificate and Special Permits and adopt the Resolution approving the Valley Tops, LLC Special Permits (2) and Zoning Clearance Certificate as recommended by staff subject to the recommended conditions.

Executive Summary: Valley Tops, LLC seeks a Zoning Clearance Certificate and two Special Permits for 3,925 square feet (SF) of existing mixed-light cultivation and 6,075 SF of existing outdoor cultivation for a total cultivation area of 10,000 SF on a 42-acre parcel in the Bridgeville area in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CCLUO. The site is designated as Rural Residential Agriculture (RA40) in the Humboldt County 2017 General Plan and zoned Forestry Recreation (FR) with a Special Combining Zone FR-B-5 for a building site. Approximately 22,850 SF of cultivation historically occurred on three locations (Sites 1, 2, and 3) and this was reduced to half under Section 55.4.6.5 of the CCLUO. Relocation of cultivation from Sites 1 and 2 to Site 3 is proposed, and Site 1 would be repurposed for a proposed 1,500 SF ancillary propagation greenhouse, whereas Site 2 would be retired and restored. Site 3 would contain two new 1,960-SF proposed mixed-light greenhouses and the relocated outdoor cultivation. The two residential buildings and former cannabis cultivation areas occur on previously developed log landing sites that were converted in 2010. The two cultivation areas that will be used moving forward have slopes of less than 3 percent. Furnishing the Humboldt County Planning and Building division with a restoration removal monitoring report is made a condition of approval. Water is sourced from an onsite permitted well installed in June 2015 (discussed further below). Plants are cut down at full maturity, then dried and cured in the existing onsite 800-SF processing shed. Processing includes drying, curing, and trimming, which is done using trimming machines in an existing 957-SF cabin by the sole member of Valley Tops, LLC. The cabin is in need of improvements to bring it into compliance with Americans with Disabilities Act requirements, the septic system requires permitting, and the applicant is pursuing those improvements with the assistance of Omsberg & Preston in the event that employees may be hired in the future. Omsberg and Preston prepared a Sewage Disposal Report demonstrating suitable leach field and reserve areas for two existing residences on the parcel in April 2020. No significant grading (i.e., more than 50 cubic yards) is proposed as part of this project.

The applicant anticipates two mixed-light and one outdoor cultivation cycle per year. Power to the property is currently supplied by generator, although the applicant is in the process of transitioning to a solar panel system of 20 panels at the north edge of the main cultivation site (Site 3); a trenched power line is running to the well pump shed and to the drying building, and a second trenched line connecting to the current generator shed. Use of onsite generators to supply more than 20 percent of cannabis cultivation-related energy demand is subject to a Special Permit under Section 55.4.6.5.6 of the CCLUO. The subject parcel is located in a remote forested area with all cultivation areas isolated from view and not easily accessed from any well-traveled public road or hiking path. There are six game cameras located throughout the property and the applicant lives onsite; however, no other security measures have been implemented at this time. All harvested and processed cannabis is stored in the locked cabin. The project includes a Special Permit for a reduced setback to 540 feet to the south of the Site 3 cultivation area to public land managed by the Bureau of Land Management.

Water Resources

A 180-foot-deep well screened from 60 to 180 feet was installed in 2015 to supply water for domestic use and irrigation purposes (Attachment 3). The estimated yield of the well was 5 gallons per minute and it is drawn using a solar-powered pump. The well is believed to be hydrologically disconnected from surface waters, and the need for forbearance is not anticipated. There are currently 9,500 gallons of water storage provided by hard-sided plastic tanks (three 2,500-gallon, one 1,500-gallon, and one 500-gallon tank) located adjacent to the well shed. Of this, 6,550 gallons are available for irrigation water. Water usage is approximately 111,050 gallons per growing season (11 gallons/SF/year), with peak use of 20,000 to 30,000 gallons per month occurring between July and September. The property has been enrolled as low-risk Tier 2 under the State Water Resources Control Board Cannabis Order. Filing for Cannabis Small Irrigation Use Registration (#416825) was determined unnecessary because the permitted well is approved for cultivation. The parcel straddles the boundary of two affected watersheds: the Hoagland Creek–Van Duzen River and the Butte Creek watersheds.

Natural Resource Management Corporation (NRM) is in the process of preparing a full Site Management Plan (SMP) for this project as a Tier 2 Low Risk applicant (WDID:1_12CC416825), and abiding by the best practicable treatment and control measures in the final SMP is an ongoing condition of approval. In the interim, an SMP Summary was provided (Attachment 3) that described the only watercourses on the property as a north-flowing spring-fed ephemeral Class III watercourse with a legacy logging road crossing, and another ephemeral watercourse that crosses Larabee Buttes Road in the southeast corner of the property through a culvert maintained by the Bureau of Land Management. Realignment of the legacy logging road crossing and the restoration of flows using hand tools is described as encroachment "Project 1" in the applicant's Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW; LSAA No.# 1600-2019-0957-R1; Attachment 3).

According to the SMP, the watercourse at the southeast of the parcel starts at a spring which flows into a swale where an ephemeral channel emerges. According to the Cultivation and Operations Plan, the swale is approximately 1,000 feet east of Site 3 and 750 feet southeast of Site 1. A small seep is located approximately 350 feet northeast of Site 3 and 450 feet southwest of Site 1 flows north in an undefined channel to an ephemeral Class III tributary during the wet season. The tributary enters an unnamed Class II watercourse north of the parcel and eventually drains to Little Larabee Creek which joins the mainstem Van Duzen River north of Bridgeville.

Biological Resources

A Biological Resources Assessment was prepared for the project in November 2019 by an NRM wildlife biologist (Attachment 3). The site occupies a forested ridgetop habitat with a few naturally occurring flats characterized by Douglas-fir dominance with Black oak and Oregon white oak representing 30 percent cover resulting in a fairly open understory. A field survey conducted in June 2019 did not detect any suitable habitat for, or sign of, special status species on the site. The Biological Resources Assessment described two known northern spotted owl (NSO) activity centers in the vicinity of the project area, the nearest of which, documented in 2018 is approximately 1.8 miles east. No NSO breeding habitat occurs on the parcel and the nearest breeding habitat appears to be associated with the known activity centers which are outside the 1.3-mile buffer area. However, due to the potential for NSO in the vicinity, United States Fish and Wildlife protocol surveys were conducted between June 1 and July 10, 2019 for NSO on the parcel. A single male NSO was detected during the second survey with no response during the follow-up survey. The detection was within 1 mile of the known activity centers and is assumed to be associated with one of them. Minimal to no disturbance to NSO is expected from the project due to the distance to known activity centers and the discontinuation of generator use once the solar installation is completed. Continued nighttime surveys for NSO are not required for this permit. The parcel has no foraging habitat for golden eagle, although they would be expected to occur in the general area where ridgetops are dominated by grasslands (foraging habitat) or in the vicinity of major river corridors (nesting habitat) to the northeast: Van Duzen River is approximately 2.5 miles, Mad River is approximately 7 miles.

The Biological Resources Assessment identified that the property does not contain habitat for any listed or sensitive species and determined that the project was unlikely to have an effect on these species, particularly if the included management recommendations are implemented. The management

recommendations are designed to mitigate potential impacts of light pollution, monofilament netting, and sediment runoff to affected waters are made a condition of approval.

Less-Than-3-Acre-Conversion

Cannabis cultivation occurred within three separate areas of the parcel that were converted from timberland in 2010, one additional area was converted to provide light to solar panels, and another area was converted to build a cannabis drying structure. A Timber Conversion Report (Attachment 3) was prepared by NRM Corporation in May 2019 that described the approximately 1.81 acres converted at the five locations on the parcel, which is below the 3-acre conversion exemption maximum. The report provides recommendations to bring the conversion sites and their associated access into compliance with the Forest Practice Rules, including removal of soil and slash piles, re-vegetation in two areas, and the construction of several rolling dips to divert water flow and prevent erosion on access roads. California Department of Forestry and Fire Protection reviewed and approved the recommendations in the Timber Conversion Report. The project is conditioned to implement these recommendations.

Cultural Resources and Tribal Cultural Resources Coordination

The applicant retained William Rich and Associates for the preparation of a Cultural Resources Investigation for the project site which was completed in May 2020. The report concluded that no significant archaeological or historic-period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. The report also noted that Tribal Cultural Resources do not appear to be in the project area. The Bear River Band Tribal Historic Preservation Officer concurred with the Cultural Resources Investigation recommended inadvertent discovery protocol as a condition of project approval. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

Access

The property is located in the Bridgeville area and is accessed via a 0.6-mile section of an unnamed private dirt road adjacent to State Highway 36. The property can also be accessed via Larabee Buttes Road, a road managed by the Bureau of Land Management, however this access point is used strictly for domestic purposes if necessary and will not be used as access for the cultivation operation. A Road Evaluation Report was completed by Omsberg and Preston in July 2019 certifying that the entire section of the unnamed private dirt road used to access the parcel is equivalent to Road Category 4 standard with no recommendations of actions required to bring the road to standard. Public Works responded on 1/31/2020 that additional review may be required due to a missing form. The missing forms were provided on 5/15/2020.

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Zoning Clearance Certificate and Special Permits.

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

The Zoning Administrator could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CCLUO as stated above. However, the Administrator may reach a different conclusion. In that case, the Administrator should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-2019-16122
Assessor's Parcel Number: 210-044-009**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Valley Tops, LLC, Zoning Clearance Certificate and Special Permits.

WHEREAS, Valley Tops, LLC, submitted an application and evidence in support of approving a Zoning Clearance Certificate and Special Permits (2) for 3,925 square feet (SF) of existing mixed-light cultivation and 6,075 SF of existing outdoor cultivation for a total cultivation area of 10,000 SF with appurtenant propagation and drying activities, a setback reduction from Six River National Forest, and the allowance of generator usage to exceed 20 percent of project energy demands until the solar panel array is fully built out;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on October 7, 2021, and reviewed, considered, and discussed the application for a Zoning Clearance Certificate and Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Zoning Clearance Certificate and Special Permits (2) for 3,925 SF of existing mixed-light cultivation and 6,075 SF of existing outdoor cultivation for a total cultivation area of 10,000 SF with appurtenant propagation, drying, and processing activities. Power is provided by a generator which will be discontinued once the proposed solar system is installed. Water for irrigation is provided by a permitted well that is hydrologically disconnected from surface waters. A Special Permit is needed for a setback reduction from public lands to 540 feet to the south and the continued use of generator power until the solar array is completed.

EVIDENCE: a) Project File: PLN-2019-16122

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the EIR prepared for the CCLUO adopted by the Humboldt County Board of Supervisors on May 8, 2020.

EVIDENCE: a) Addendum prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial

importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A Site Management Plan (SMP) Summary was prepared by NRM Cooperation to show compliance with the North Coast Regional Water Quality Control Board Order No. 2018-0023 on February 3, 2020. A final and fully developed SMP is in production and following the recommended conditions within it are made conditions of approval. The applicant is enrolled with the State Water Resources Control Board as a Tier 2 Low Risk (WDID:1_12CC416825) discharger under Order WQ 2019-0001-DWQ.
- d) A Lake or Streambed Alteration Agreement with the California Department of Fish and Wildlife (No.# 1600-2019-0957-R1) dated 03/23/2020 for an encroachment to realign one ephemeral watercourse crossing across a legacy logging road on the parcel. The Agreement was based on notification materials and a desk review without a CDFW site inspection and the road is not appurtenant to cannabis cultivation.
- e) A Biological Resources Assessment was prepared by NRM in November 2019. The Biological Resources Assessment described two known northern spotted owl (NSO) activity centers in the vicinity of the project area, the nearest of which, documented in 2018, is approximately 1.8 miles east. No NSO breeding habitat occurs on the parcel and the nearest breeding habitat appears to be associated with the known activity centers which are outside the 1.3-mile buffer area. However, due to the potential for NSO in the vicinity, United States Fish and Wildlife Service protocol surveys were conducted between June 1 and July 10, 2019 for NSO on the parcel. A single male NSO was detected during the second survey with no response during the follow-up survey. The detection was within 1 mile of the known activity centers and is assumed to be associated with one of them. Minimal to no disturbance to NSO is expected from the project due to the distance to known activity centers and the discontinuation of generator use once the solar installation is completed. Continued nighttime surveys for NSO are not required for this permit. The parcel has no foraging habitat for golden eagle, although they would be expected to occur in the general area where ridgetops are dominated by grasslands (foraging habitat) or in the vicinity of major river corridors (nesting habitat) to the northeast: Van Duzen River is approximately 2.5 miles, Mad River is approximately 7 miles.
- f) A Cultural Resources Investigation Report was carried out by William Rich & Associates in May 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended inadvertent discoveries protocol.
- g) A Road Evaluation Report was prepared by Omsberg and Preston in July 2019 certifying that the entire section of the unnamed private dirt road used to access the parcel is equivalent to Road Category 4 standard with no recommendations of actions required to bring the road to standard. Public Works responded on 1/31/2020 that additional review may be required due to a missing form. The missing forms were provided on 5/15/2020.
- h) A Less-Than-3-Acre Conversion Mitigation Plan was prepared by NRM for 1.81-acre conversion that occurred in 2010. The report provides recommendations to bring the conversion sites and their associated access into compliance with the Forest Practice Rules, including removal of soil and slash piles, re-vegetation in two areas, and the construction of several rolling

dips to divert water flow and prevent erosion on access roads. The project is conditioned to implement these recommendations.

FINDINGS FOR SPECIAL PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) Special Combining Zone FR-B-5(40) zone in which the site is located.
- EVIDENCE**
- a) The FR Zone is intended to be applied to areas of the county in which general agriculture, nurseries and greenhouses, and farm dwelling residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the FR Zone.
 - c) Humboldt County Code amended Section 314-55.4.6 allows up to 43,560 SF of cannabis cultivation on a parcel over 10 acres subject to approval of a Special Permit. The application for 6,075 SF outdoor and 3,925 SF of mixed light cultivation on a 42-acre parcel is consistent with this.
- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CCLUO allows outdoor and mixed light cannabis cultivation, on-site processing, and nurseries to be permitted in areas zoned FR (Humboldt County Code 314-55.4.6.1.1).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded on April 22, 1983.
 - c) The project will obtain water from an onsite permitted groundwater well. There are 6,550 gallons of water storage on the parcel. Water is delivered to the cannabis plants via a drip irrigation system and the applicant estimates that their annual water use is 111,050 gallons (11 gallons/SF/year), with peak use of 20,000 to 30,000 gallons per month occurring between July and September.
 - d) A Road Evaluation Report was completed by Omsberg and Preston in July 2019 certifying that the entire section of the unnamed private dirt road used to access the parcel is equivalent to Road Category 4 standard with no recommendations of actions required to bring the road to standard. Public Works responded on 1/31/2020 that additional review may be required due to a missing form. The missing forms were provided on 5/15/2020.
 - e) Cannabis cultivation occurred within three separate areas of the parcel that were converted from timberland in 2010, one additional area was converted to provide light to solar panels, and another area was converted

to build a cannabis drying structure. A Timber Conversion Report was prepared by NRM Corporation in May 2019 that described the approximately 1.81 acres that was converted at the five locations on the parcel, which is below the 3-acre conversion exemption maximum. The report provides recommendations to bring the conversion sites and their associated access into compliance with the Forest Practice Rules, including removal of soil and slash piles, re-vegetation in two areas, and the construction of several rolling dips to divert water flow and prevent erosion on access roads. The project is conditioned to implement these recommendations.

- f) The remaining existing cultivation area on Site 3 occur on slopes of less than three percent. An appurtenant nursery greenhouse is proposed for Site 1 which has slopes of less than 15 percent. Historical cultivation Site 2 is on slopes that exceed 15 percent, and all cultivation materials and related waste are to be removed according to the recommendations in the Site Management Plan Summary. Furnishing the Humboldt County Planning and Building division with a restoration removal monitoring report is made a condition of approval.
- g) The location of the cultivation complies with all setbacks required in Humboldt County Code Section 314-55.4.6.4.4. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource. A Special Permit is required for a setback reduction to 540 feet from nursery greenhouse Site 1 to public lands managed by the Bureau of Land Management.

6. FINDING

The cultivation of 10,00 SF of outdoor and mixed light cannabis cultivation, and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that has a Road Evaluation Report completed stating that the road segment is developed to Category 4 or better.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Irrigation water will come from a 180-foot-deep well screened from 60 to 180 feet and 6,550 gallons of tank storage. The estimated yield of the well was 5 gallons per minute and it is drawn using a solar-powered pump. The well is believed to be hydrologically disconnected from surface waters, and the applicant does not anticipate forbearance will be required. Water usage is approximately 111,050 gallons per growing season (11 gallons/SF/year), with peak use of 20,000 to 30,000 gallons per month occurring between July and September. Upon application approval, in-line meters will be installed, and all commercial water use monitored and reported responsibly.
- e) Provisions have been made in the applicant's proposal to protect water

quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

- f) Power to the property is currently supplied by generator, although the applicant is in the process of transitioning to a solar panel system of 20 panels at the north edge of the main cultivation site (Site 3).

7. FINDING

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

EVIDENCE

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

DECISION

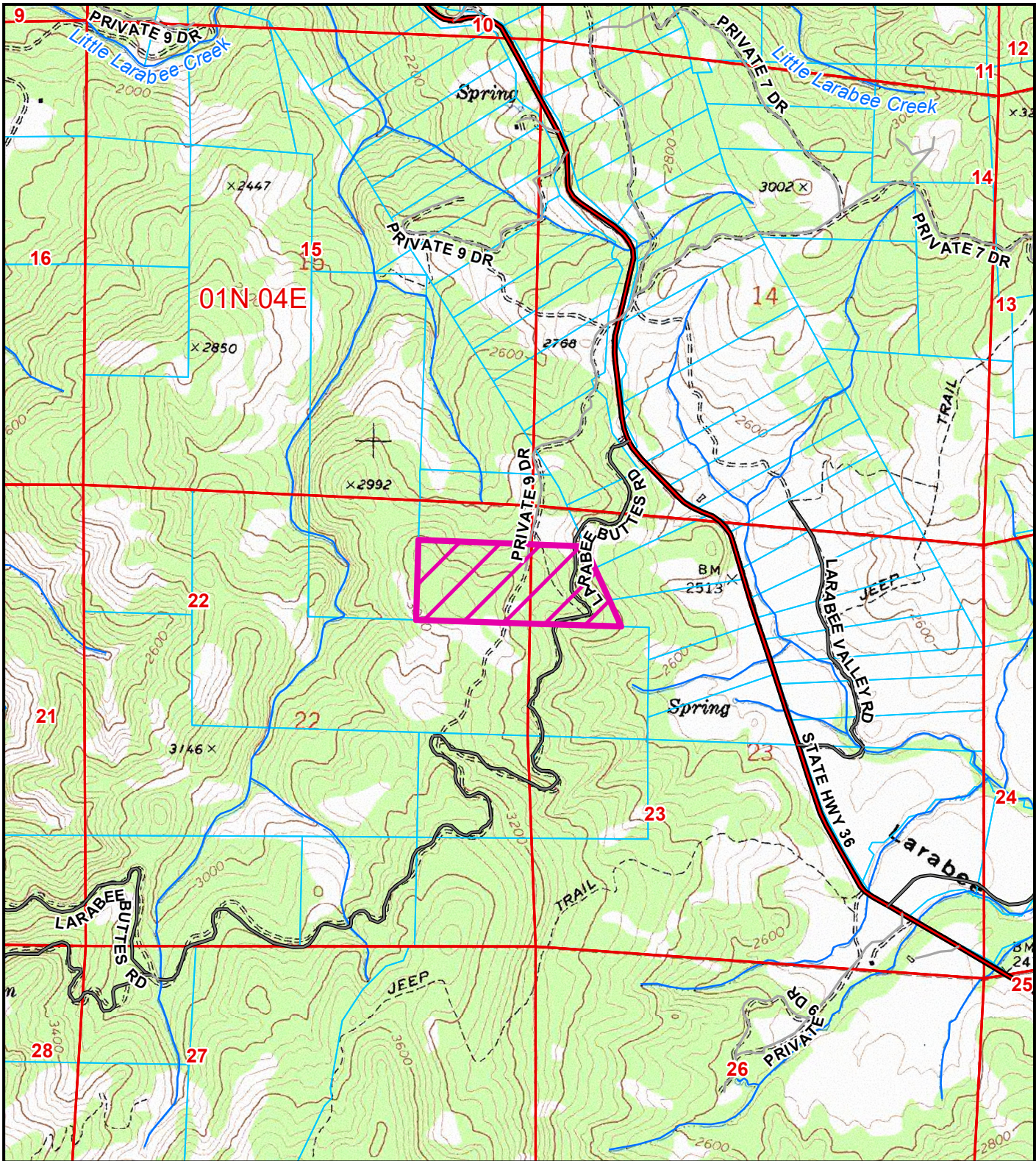
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Valley Tops, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on October 7, 2021.

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

John Ford, Zoning Administrator
Planning and Building Department



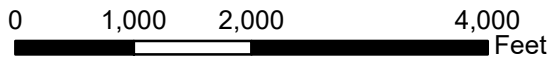
**TOPO MAP
 PROPOSED VALLEY TOPS, LLC
 BRIDGEVILLE AREA
 PLN--2019-16122
 APN: 210-044-009-000**

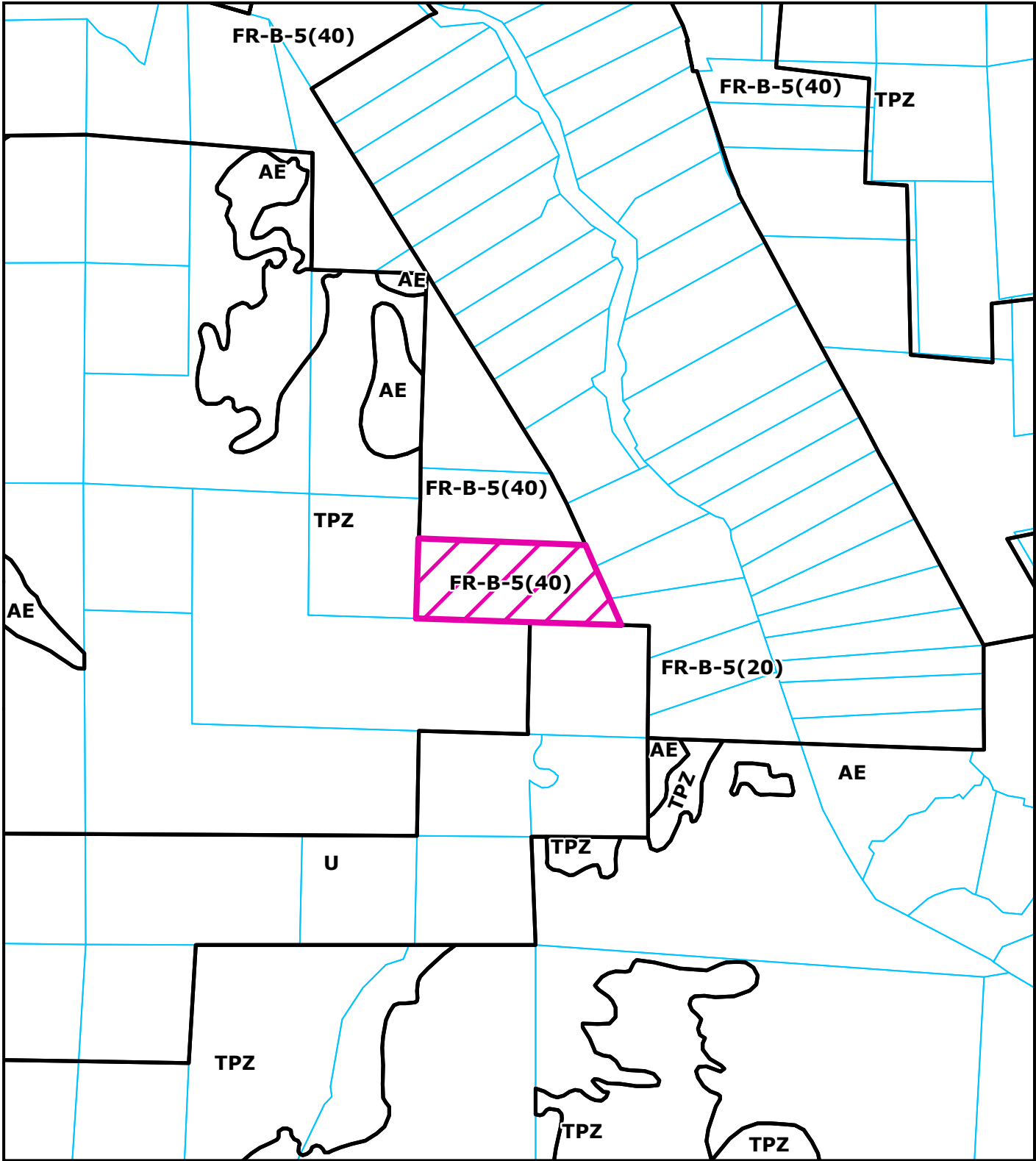
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T01N R04E S22; S23 HB&M (LARABEE VALLEY)





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.

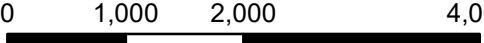




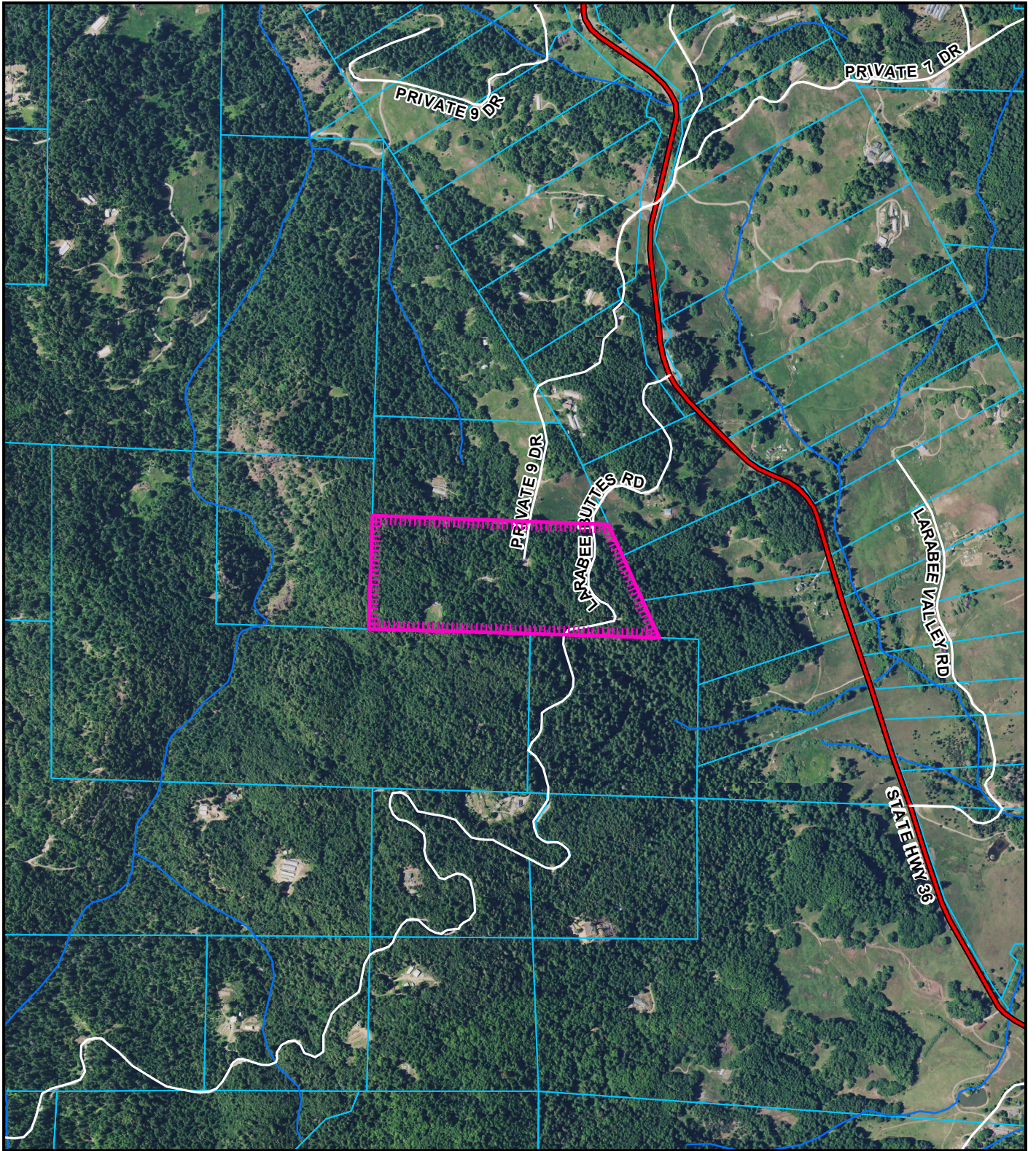
ZONING MAP
PROPOSED VALLEY TOPS, LLC
BRIDGEVILLE AREA
PLN--2019-16122
APN: 210-044-009-000
T01N R04E S22; S23 HB&M (LARABEE VALLEY)

Project Area = 

N


0 1,000 2,000 4,000
 Feet

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.

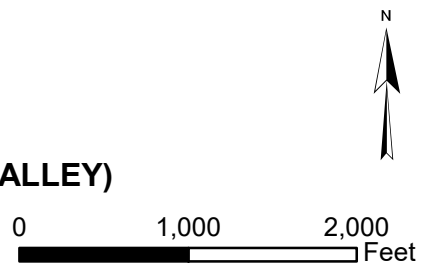


**AERIAL MAP
 PROPOSED VALLEY TOPS, LLC
 BRIDGEVILLE AREA
 PLN--2019-16122
 APN: 210-044-009-000**

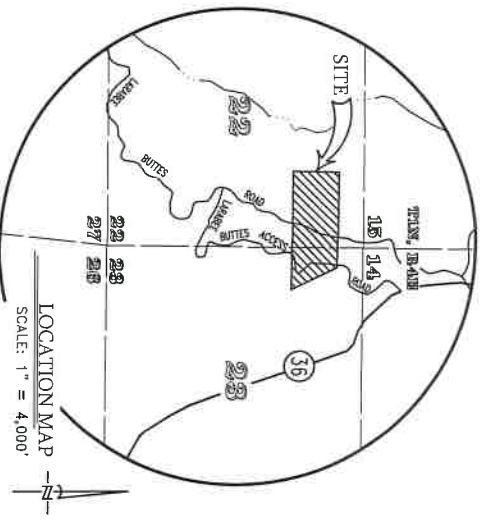
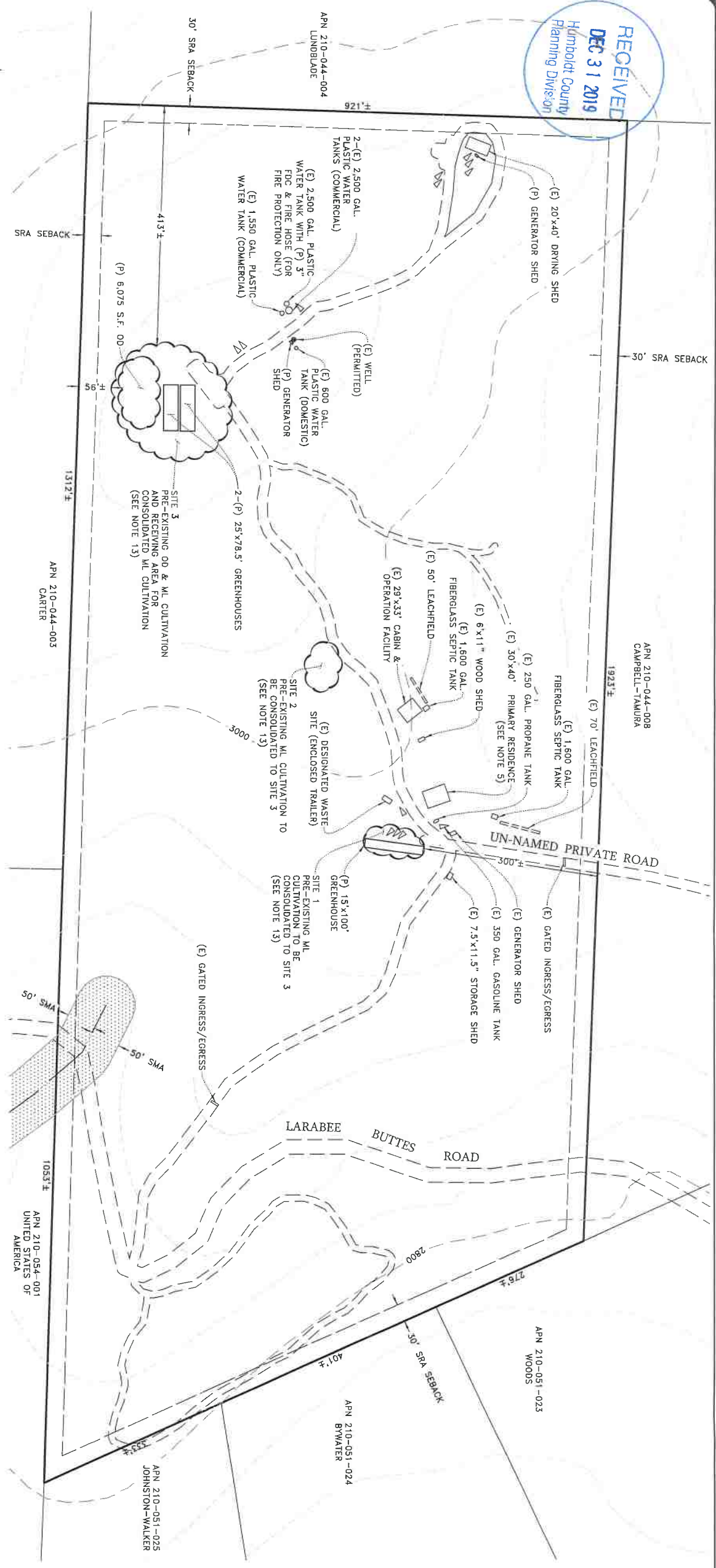
Project Area = 

T01N R04E S22; S23 HB&M (LARABEE VALLEY)

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.



RECEIVED
 DEC 31 2019
 Humboldt County
 Planning Division



DIRECTIONS TO THE SITE
 ACCESS TO THE SITE IS VIA UN-NAMED PRIVATE ROAD, 0.25 MILES NORTH OF LARABEE BUTTES ROAD, TURN OFF FROM HIGHWAY 36.

UTILITIES
 WATER & SEWER
 GAS
 ELECTRIC

ON-SITE (PROPANE) GENERATOR (FOR BACK-UP)

LEGEND

SYMBOL	INDICATES
(P)	PROPOSED
(E)	EXISTING
GAL.	GALLON
S.F.	SQUARE FEET
OD	OUTDOOR
ML	MIXED LIGHT
SRA	STATE RESPONSIBILITY AREA
STREAMSIDE MANAGEMENT AREA	CONTOURS AT 40 FOOT INTERVALS
1800	STREAM/WATERCOURSE
---	SRA SETBACK

NOTES

1. THIS PLOT PLAN, FOR APN 210-044-009, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (COMMUNO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF RURAL RESIDENTIAL AGRICULTURE (RA-40) AND IS CURRENTLY ZONED FORESTRY RECREATION WITH A SPECIAL BUILDING SITE COMBINING ZONE FR-B-5 (40) IDENTIFYING 40 ACRES MINIMUM PARCEL SIZES.
3. THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS AN ASSASSOR'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
4. THE PROPERTY IS CURRENTLY DEVELOPED WITH ONE (1) RESIDENCE, ONE (1) CABIN, AND FOUR (4) STORAGE SHEDS.
5. THE PRIMARY RESIDENCE IS NOT AFFILIATED WITH THE CANNABIS CULTIVATION.
6. THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
7. THE PROPERTY HAS MILD HILLS WITH FORESTED GRADUAL ROLLING HILLS. CONTOURS SHOWN HEREON ARE AT (40'-) FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
8. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
9. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
10. NO TREES >12" DBH ARE TO BE REMOVED IN CONJUNCTION WITH THIS PROJECT.
11. NO SIGNIFICANT GRADING (IE, MORE THAN 50 CUBIC YARDS) IS PROPOSED AS PART OF THIS PROJECT.
12. SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE, WITH SEPTIC TESTING, DESIGN AND REPORT PREPARATION BY OMSBERG & PRESTON.
13. PRE-EXISTING CULTIVATION FROM SITE 1 AND 2 ARE TO BE CONSOLIDATED TO SITE 3 FOR A TOTAL CULTIVATION AREA OF 10,000 SQUARE FEET (3,925 SQUARE FEET OF MIXED LIGHT AND 6,075 SQUARE FEET OF OUTDOOR). SITE 1 WILL BE USED FOR PROPOSED NURSERY.
14. WATER FOR THE PARCELS IS FROM ON-SITE PERMITTED WELL, AS SHOWN HEREON. ALL WATER SOURCES ARE/WILL BE PROPERLY PERMITTED. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS. WATER STORAGE INCLUDES 2500 GALLONS FOR SRA, 6550 GALLONS FOR COMMERCIAL USE, AND 600 GALLONS FOR DOMESTIC USE.
15. THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
16. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



Kimberly D. Preston
 KIMBERLY D. PRESTON
 P.L.S. 9153
 DATE: 12-30-19

OWNER/APPLICANT
 RAYMOND WINKLE
 P. O. BOX 368
 FORTUNA, CA 95540
 (360) 601-8817

APN 210-044-009

OMSBERG & PRESTON
 402 E Street
 Eureka, California 95501
 Telephone: (707) 443-9851
 ENGINEERS PLANNERS

DESIGNED BY: K.D.P.
 DRAWN BY: C.M.B.
 CHECKED BY: KIMBERLY D. PRESTON
 DATE: 12/31/18
 DATE: 12/31/18
 DATE: 11/29/19

SCALE: AS SHOWN
 SHEET: 19-2091
 TOTAL SHEETS: 1

RAYMOND WINKLE
 In the Unincorporated area of Humboldt County
 Section 22 & 23, T.14N., R.4E., 18&14W.

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 CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant shall abide by the recommendations relevant to the CCLUO contained within the Biological Resources Assessment prepared by NRM Corporation, dated November 2019, and all conditions set forth in the 2019 Lake or Streambed Alteration Agreement with California Department of Fish and Wildlife (CDFW LSAA No. #1600-2019-0957-R1). No grading or tree clearing is proposed and any special-status plant populations or sensitive natural communities identified onsite shall be avoided; no mitigation for impacts is allowed.
3. The applicant shall adhere to and implement the requirements contained in the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A copy of the reporting form portion of the Mitigation and Reporting Program shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB to satisfy this condition.
4. The applicant shall adhere to and implement the recommendations in the Timber Conversion Report prepared by NRM Corporation, dated May 2019, to bring the 2010 conversion sites and their associated access points into compliance with the Forest Practice Rules, including removal of soil and slash piles, re-vegetation in two areas, and the construction of several rolling dips to divert water flow and prevent erosion on access roads. A copy of the reporting form portion of the Mitigation and Reporting Program shall be submitted annually to the Planning and Building Department to satisfy this condition.
5. The applicant shall complete their provided Site Management Plan (SMP) Summary to include all best practicable treatment and control actions developed for the project pursuant to low-risk Tier 2 enrollment under the SWRCB's Cannabis Cultivation Policy. The revision to the SMP must be completed to the satisfaction of the Planning and Building Department to satisfy this condition. Further, the revision shall include details regarding the retirement and remediation of the discontinued cultivation area (Site 2) and associated road improvements for approval.
6. Prior to commencing operations, the applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including, but not limited to the BID referral response dated 4/30/2020. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing buildings or Agriculture Exempt Structures, and an Agriculture Exempt letter of intent for each, if not already on file with BID.
7. The proposed ancillary nursery shall be no more than 1,000 square feet, which is equal to ten percent of the total cultivation areas on-site. Within 60 days the applicant shall submit a revised site plan with the nursery as approved by the Zoning Administrator.
8. The applicant shall 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 the Division of Environmental Health with an assessment of the existing system

performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health professional that certifies that the existing system complies with the State Water Resources Control Board definition of a Tier 0 system—not impairing groundwater or surface water resources.

9. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
10. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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.
11. 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 3 days of the effective date of permit approval** the Department will file the NOD and will charge this cost to the project.
12. 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).
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit 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 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 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 Permits, 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 of the CCLUO.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of northern spotted owl species as required to meet the performance standards for noise at cultivation sites set by CCLUO Section 55.4.12.6 requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be

at or below 50 decibels or at or below ambient non-cultivation-related noise levels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
4. 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.
5. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

13. Compliance with all statutes, regulations, and requirements of the SWRCB and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
15. Maintain enrollment in Tier 1 or 2 certification with North Coast Regional Water Quality Control Board Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from CDFW.
17. 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, if applicable.
18. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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

- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 3 days after date of mailing, shall constitute delivery. The

permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 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 CCLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #12 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to

evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 210-044-009; 33220 State Highway 36, Bridgeville
County of Humboldt**

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

May 2021

Background

Modified Project Description and Project History –

The CCLUO established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing and proposed cannabis operations by establishing regulations for an existing or planned unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the EIR and the EIR 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 EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less-than-significant level.

The modified project involves a reduction of approximately 22,850 square feet (SF) of historic cultivation on three sites to 10,000 SF of outdoor and mixed-light cultivation in two proposed greenhouses on one main site (Site 3). Appurtenant propagation is proposed within a proposed 1,500-SF greenhouse on one of the historic cultivation sites (Site 1). Both sites have slopes of 3 percent. Water is sourced from an onsite permitted well installed in June 2015 to a depth of 180 feet. Plants are cut down at full maturity, then dried and cured in the existing onsite 800-SF processing shed. Processing includes drying, curing, and trimming, which is done using trimming machines in an existing 957-SF cabin by the sole member of Valley Tops, LLC. The cabin is in need of improvements to bring it into compliance with Americans with Disabilities Act requirements, the septic system requires permitting, and the applicant is pursuing those improvements with the assistance of Omsberg and Preston in the event that employees may be hired in the future. No significant grading (i.e., more than 50 cubic yards) is proposed as part of this project. Power to the property is currently supplied by generator, although the applicant is in the process of transitioning to a solar panel system of 20 panels at the north edge of the main cultivation site (Site 3); a trenched power line is running to the well pump shed and to the drying building, and a second trenched line connecting to the current generator shed. Use of onsite generators to supply greater than 20 percent of cannabis cultivation related energy demand is subject to a Special Permit under Section 55.4.6.5.6 of the CCLUO. The subject parcel is located in a remote forested area with all cultivation areas isolated from view and not easily accessed from any well-traveled public road or hiking path. There are six game cameras located throughout the property and the applicant lives onsite, however no other security measures have been implemented at this time. All harvested and processed cannabis is stored in the locked cabin. The project includes a Special Permit for a reduced setback to 540 feet to the south of the proposed Site 1 nursery greenhouse area to public land managed by the Bureau of Land Management.

A Biological Resources Assessment was prepared for the project in November 2019 by an NRM wildlife biologist that includes environmental protection measures designed to mitigate impacts of cannabis cultivation. The NRM wildlife biologist established minimal to no disturbance to Northern Spotted Owl is expected from the project due to the distance to known activity centers and the discontinuation of generator use once the solar installation is completed. Continued nighttime surveys for this species are not required for this permit. A Timber Conversion report prepared for the project in May 2019 by NRM registered forester includes recommendations for a mitigation and monitoring plan to bring the site into compliance with the California Forest Practices Act, and a Site Management Plan Summary provides Avoidance and Minimization Measures set forth by the North Coast Regional Water Quality Control Board. A Cultural Resources Investigation was prepared in May 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate impacts of new and existing cannabis cultivation. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 a.m. to 5 p.m.), supplying irrigation water from rainwater catchment and ground water wells.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigation measures. The proposal to authorize the continued operation of an existing cannabis cultivation site reduced and consolidated to 10,000 SF of cultivation with ancillary nursery, drying, and processing activities is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR. Compliance with the CCLUO ensures consistency with the Final EIR and provides for mitigation of all project related impacts to a less-than-significant level.

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

- Plot Plans prepared by Omsberg and Preston Engineers dated December 2019 and received 12/31/2019.
- Cultivation and Operations Plan prepared by Verdant Bridge Enterprises, revised 12/30/2019, and received 12/31/2019.
- Well Completion Report (Permit No. 14/15-0374) dated 6/4/2015 and received 12/31/2019.
- Site Management Plan Summary (App# 416825) prepared by NRM Cooperation for the SWRCB Cannabis Policy and Order WQ 2019-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order), dated 2/3/2020.

- Notice of Applicability under Order WQ2019-0001-DWQ dated 7/28/20.
- Road Evaluation Report for private drive prepared by Omsberg and Preston dated 7/15/2019, received 12/31/2019, and Part A. dated and received on 5/15/2020.
- Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits received 12/31/2019.
- California Department of Fish & Wildlife Lake or Streambed Alteration Agreement (#1600-2019-0957-R1) dated 3/23/2020.
- Biological Assessment Report for Valley Tops, LLC, Humboldt County APN #210-044-009 prepared by NRM Cooperation, dated 11/5/2019, received 12/31/2019.
- Cultural Resources Investigation for the Valley Tops, LLC, APN 210-044-009, prepared by William Rich & Associates, Bayside, CA, dated May 2020, received 5/12/2020.
- A Less-Than-3-Acre Conversion Mitigation Report was prepared by NRM Cooperation, for the 2010 conversion of 1.81-acre across five sites on the parcel, dated 5/1/2019, received 12/31/2019.
- Sewage Disposal Report prepared by Omsberg and Preston demonstrating a suitable leach field and reserve are on the parcel dated and received 4/27/2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Plot 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 plot plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plan prepared by Omsberg and Preston Engineers stamped received 12/31/2019 – **Attached** with project maps, does not show setback reduction to 540 feet from public lands to the southeast of Site 1)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Verdant Bridge Enterprises, stamped received 12/31/2019 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for SWRCB Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (RWQCB) demonstrating enrollment in Tier 2, North Coast RWQCB Order No. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (SMP Summary prepared by NRM Corporation – On file and to be superseded by the final SMP –Attached. Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – **Attached**)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2019-0957-R1 – **Attached**).
9. If the source of water is a well, a copy of the County well permit, if available. (Well Completion Report, permit 14/15-0374 – **Attached**)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Conversion Mitigation Report was prepared by NRM Cooperation, for the 2010 conversion of 1.81-acre across five sites on the parcel, dated 5/1/2019, received 12/31/2019 – **Attached**)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.1, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Cultural Resources Investigation for the for the Valley Tops, LLC, APN 210-044-009, prepared by William Rich & Associates, dated May 2020. (On file and confidential).
16. Road Evaluation Report for private drive prepared by the Omsberg and Preston, dated 7/15/2019, and Part A. dated and received on 5/15/2020. (**Attached**)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
18. Biological Assessment for Valley Tops, LLC, Humboldt County APN #210-044-009 prepared by NRM Cooperation, dated 11/5/2019. (**Attached** separately and On file)
19. Sewage Disposal Report prepared by Omsberg and Preston demonstrating a suitable leach field and reserve are on the parcel dated and received 4/27/2020. (On file)

VALLEY TOPS LLC

APN:210-044-009 - Initial Application Submittal



CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

under Ordinance No. 2599 (2.0)

•Creation Date: 7/26/19•

(Last Revised 12/30/19)

~prepared by Verdant Bridge Enterprises~

Cultivation and Operations Plan

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APPENDICES

Appendix A: Plot Plan prepared by Omsberg & Preston

Appendix B: CAV - Proof of "Pre-Existing" Cultivation Footprint

Appendix C: Grant Deed

Appendix D: Owner's Authorization signed by Paula Winkle

Appendix E: Reduced Setback Consent from Neighboring Parcel (APN 210-044-003)

Appendix F: Sewage Disposal Report Status Letter by Omsberg & Preston

Appendix G: LSAA 1600 Application for CDFW by NRM

Appendix H: LSAA 1600 Application Attachment by NRM

Appendix I: Well Completion Report & DHHS Application

Appendix J : Biological Assessment Report by NRM dated 11/05/19

Appendix K: Valley Tops LLC Articles of Organization filed with CA SOS

Appendix L: Valley Tops LLC Statement of Information filed with CA SOS

Appendix M : Valley Tops Operating Agreement showing Raymond Winkle as Sole Member

Appendix N: Road Evaluation Report by Omsberg & Preston

Appendix O : Material Safety Data Sheets for Products Used

Cultivation and Operations Plan

1. PROJECT OVERVIEW

1.1. Project Summary & Site Location

The project is located at 33220 State Highway 36, Bridgeville CA, 95526 (APN 210-044-009). We seek approval through a Zoning Clearance Certificate (ZCC) for 6075 sq. ft. of existing Outdoor and 3975 sq. ft. of existing Mixed Light cultivation. Historically, there were three cultivation areas, but upon project approval, cultivation area will be consolidated to two of these pre-existing areas. Please see the Plot Plan attached as Appendix A for more information. Occupying primarily forested ridgetop habitat with a general elevation of 3,000 feet, there are few naturally occurring flats. The two residential buildings and former cannabis cultivation areas occur on previously developed log landing sites that were converted in 2010. The two cultivation areas that will be used moving forward have slopes of less than a 3% gradient.

Attached to this document as Appendix B is a Cultivation Area Verification (CAV) by Verdant Bridge Enterprises which illustrates the cultivation footprint prior to Jan. 1, 2016. The CAV shows a total of 7850 sq. ft. of Mixed Light Cultivation and 15,000 sq. ft. of Outdoor Cultivation from 6/9/2015. Under Ordinance 2599, we are eligible for half of the pre-existing footprint (not to exceed 10,000 sq. ft. in an impacted watershed), which amounts to 3925 sq. ft. of Mixed Light Cultivation and 6075 Outdoor Cultivation, as stated previously in this section.

Development on the parcel that is within the operational nexus includes an existing 29'x33' cabin with an unpermitted septic system, a 20'x40' storage shed, a 7.5'x11.5' supply shed, small generator shed with ventilation and containment (primarily domestic in use but will be used as backup for the proposed operational solar system if needed), and water tanks (various uses, see Section 3.1 for more details.)

There is another residence on the parcel that has its own septic system, as well as a wood shed and propane tank, but these are domestic in nature and not used in the cannabis operations. (Please see Plot Plan for additional info on structures.)

1.2. Land Use & Right to Occupy

The parcel is approximately 40 acres in size (44.93 per the County of Humboldt's Web GIS), and is zoned FR-B-5(40), with a General Plan designation of RA40.

The property is owned by Raymond & Paula Winkle and the grant deed is included as Appendix C in this document. Notarized Owner's Authorization from Paula Winkle is included with this document as Appendix D and a Lease Agreement is not needed as Ray Winkle is also the Sole Member of Valley Tops LLC as shown in Appendices K, L, & M.

The property contains no prime agricultural soils according to the Humboldt Web GIS. The cultivation areas are 300 feet from the residences on surrounding parcels and 270 from the nearest

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property boundaries of “vacant” parcels, with the exception of the southern border. Neighbor’s Consent for Reduced Setback from APN 210-044-003 is included with this document as Appendix E.

The surrounding parcels are mostly zoned Forest Recreation (FR), with two parcels zoned TPZ to the west and south and one neighboring parcel zoned U to the southeast.

Access to the property is from a private, unnamed road that branches off of State Highway 36 about a quarter mile north of Larrabee Buttes Road. A Road Evaluation Report has been completed by Omsberg & Preston and is attached to this document as Appendix N.

1.3. Regulatory Agencies and Compliance Status

Valley Tops LLC aims to become fully compliant with all local and state cultivation regulations. We realize that in this burgeoning industry there are many laws and/or agencies that have not fully come into play. As such, we are dedicated to remain in good standing with all regulatory departments and guidelines through this integrational period.

The following sections (1.3.1.-1.3.6.) outline compliance status and progress with the currently relevant regulatory agencies as of the autumn of 2019. As this is a living document, the information contained herein will change as time passes, our operation matures, and as the regulatory process evolves.

1.3.1. Humboldt County Building Department

We understand that in addition to any proposed structures or developments, all pre-existing structures that are utilized in the cannabis operations will need to be retroactively permitted. We have enlisted the help of Omsberg & Preston, Engineers to oversee the process of attaining any building, septic, and/or grading permits that may be necessary to achieve approval of our cannabis permit from the County of Humboldt. A sewage disposal report is in progress by Omsberg & Preston for the cabin used in the operation, and a letter indicating such can be found as Appendix F of this document.

1.3.2. CA Dept. of Fish & Wildlife (CDFW)

NRM Corp. is handling our enrollment with CDFW and has all appropriate documentation and correspondence on file at their office in Eureka. Our LSAA Application is included with this document as Appendix G, and the LSAA Application Attachment document as Appendix H. The LSAA Application Attachment has images of the site and various structures referenced in this document.

1.3.3. State Water Resources Control Board (SWRCB)

This property has been enrolled as low-risk Tier 2 under the SWRCB Order and an SIUR has been applied for prior to the date of this document. According to NRM as stated in their biological report (attached as Appendix J), filing with the State Water Resources Control Board for Cannabis Small Irrigation

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Use Registration (#416825) was determined unnecessary, with the existing water source (permitted well) being approved for cultivation.

NRM is handling our correspondence with the State Water Board and is in the process of preparing an SMP for this project. All appropriate documentation and records regarding our current status with the SWRCB are on file at NRM's office in Eureka.

1.3.4. CalFire Timber Conversion Status & SRA Requirements

The property is located within a State Responsibility Area (SRA) for fire protection. The layout of the property meets general SRA requirements, with a large turnaround loop on the western side of the property as well as multiple pull-out areas for emergency vehicles. We maintain proper management of trees and ladder-fuel vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the required 30-foot SRA setback from property lines.

As shown on the Plot Plan, a 2,500-gallon water tank on a riser with appropriate FDC LDH fittings is located near the well for easy access and availability to CalFire. This tank is not used for any commercial or domestic needs, and is kept full throughout the year. A water truck owned by the applicant is kept on-site and is available in the event of a fire emergency, as he is a member of the neighborhood fire response volunteer team.

2. OPERATIONAL PROCEDURES

2.1. Cultivation Cycles and Seasonal Schedule of Activities

Our Mixed Light cultivation typically grants two crop cycles per year depending on weather and budgetary factors. Our Outdoor cultivation grants one crop cycle per year. Please see the following for general monthly activities, subject to weather conditions and other dynamic circumstances that influence farming:

March -April

- Season begins: preparation and amendment of soil
- Property maintenance as the weather permits
- Clones and mothers prepared in nursery greenhouse

May

- Mixed Light greenhouses are planted during the first week of May
- Maintenance of individual plants - clones and mothers propagated

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- Full term soil preparations - amending soil for planting

June

- Continuation of first mixed light garden cycle, crop maintenance
- Full term “outdoor” planted in full sun areas

July

- Harvest phase of first mixed light crop begins during the last two weeks of the month
- Transition into second crop bloom cycle - harvested beds are replanted

August

- Harvest: Drying and processing of first crop
- Continuation of second mixed light cycle, crop maintenance
- Full term crop maintenance, removing dead leaf material, tying & staking as needed

September

- Second mixed light crop bloom stage maintenance
- Full term crop maintenance, removing dead leaf material, tying & staking as needed

October

- Harvest: Drying and curing of second cycle mixed light crop
- Harvesting of full term plants, drying and curing
- Mechanical processing of final crops as product is dried and cured
- Cover crops planted in empty pots and beds, or straw mulched and covered
- Cultivation sites cleaned and supplies stored

November - February

- No cultivation activity - soil protection measures, erosion prevention and road conditions monitored as needed

2.2. Greenhouses & Other Operational Structures

There will be a total of three greenhouse structures in two separate sites on the property. A 15'x100' nursery greenhouse is proposed near the domestic “primary” residence and is comprised of 15% of the total taxable cultivation area. See Section 2.4.: *Propagation & Transplant Protocols*, for more information on immature plant area needs.

The other two greenhouses will be erected at the main cultivation area (labelled as “Site C” on the Plot Plan), and will be approximately 98'x20' (1960 sq. ft.) each. All proposed greenhouses will conform with Humboldt County Zoning Regulations 313-69.1.5.2. - with unimproved flooring and the footpaths will be bare ground covered with wood chips/mulch. All greenhouses will initially be constructed out of

Cultivation and Operations Plan

2"lumber frames which sit on the ground with rebar driven into the earth on the inside of the boxes to stabilize the frames.

The ancillary structures included in the operational nexus are as follows:

- a 7.5'x11.5' shed (near the nursery site) which holds pots, trays, stakes, and propagation supplies
- the 29'x33' cabin (operational facility) which has a functional septic system and kitchen facilities
- the 20'x40' drying & storage shed (western side of property) where tools, equipment, and amendments are stored, and product is dried and cured during harvest

2.3. Soil Management Practices

All of our soil remains in the planting containers during the year, and we do not replace our soil or discard used soil. The soil in our containers is not native, but was imported onto the property many years ago and has been preserved and reused. Our soil is recycled and amended every year, which builds bio-organic value and keeps foreign contaminants from being introduced as is common with bulk dirt and many retail brands of soil.

Each year we generally buy two pallets (2 cu. ft. bags, 36 bags per pallet) of a high quality starting soil for our clones, which becomes added to the general volume of our total soil as the immature plants are transplanted into the established containers over the course of the season.

During wind and rain events, we keep the planting containers covered so that no sediment or perlite escapes. During the winter, the soil that was used during the previous season remains in the containers inside the greenhouses, which are surrounded by straw wattles.

2.4. Propagation & Transplant Protocols

As stated in Section 2.2, we request 15% of our total taxable cultivation area to be allotted for nursery and genetic stock maintenance. Due to the fact that we have both mixed light and full term plants that must be cloned and raised to a viable age for planting, 1500 sq. ft. is necessary to prepare our crop stock for both types of cultivation.

We prefer to create the majority of our crop stock in-house, so that we can control the propagation quality, timing, strain integrity, and avoid contamination with pests and disease. It is also highly cost-effective to create our own cloned crops from a small batch of purchased clones rather than purchasing plants for each run.

In addition, full term plants must be allowed to reach a larger size and hardiness than mixed light crop plants before being exposed to the elements and we must have enough nursery area to keep everything healthy - no overcrowding, enough space for adequate air flow, and light exposure to prevent fungal infection and pest infestation.

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We use gloves and keep the environment very clean when handling our genetics. Our supplies are cleaned and stored properly to avoid cross contamination, and as the operation is handled by the sole member of Valley Tops, quality assurance is not difficult to maintain.

2.5. Nutrient & Amendment Protocols

We don't use any chemical fertilizers. Amendments are bought and used as needed. Very little is stored onsite, but any surplus will be kept in the 20'x40' shed on the western side of the property near the emergency vehicle turn around area (see Plot Plan for location). We primarily use the following amendments that are added into our soil during transplanting, with occasional top-dressing through the season:

- Archipelago Bat Guano
- Earth Juice Rainbow Mix Grow & Bloom
- Cal-Mag Plus by Botanicare (or equivalent)
- Stutzman Sup'r Green Chicken Manure
- Steamed Bone Meal
- Dolomite
- Azomite
- Gypsum
- Molasses

Before amendment application, we evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards. Care is taken that plants are not over watered to minimize runoff in order to prevent nutrients from entering any watercourses.

As we continue to streamline our operation under the new, evolving regulations, we will keep a detailed farm log of all products used in cultivation for more accurate records than were kept in the past. Any workers will be required to follow labels and feeding charts as well as standard safety protocols when administering any nutrients. Material Safety Data Sheets for all products used in our operation will be kept onsite with our farm log and compliance paperwork, and are included as a bundle with this document as Appendix O.

2.6. Harvest, Drying & Storage

During harvest, the plants will be cut down as they are fully mature and then dried and cured in the existing 20'x40' shed (see Plot Plan for location). Fans and space heaters may be used in the drying phase depending on ambient weather conditions. The product will be transferred in stages once curing is complete into the cabin to be trimmed and packaged for wholesale.

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2.7. Processing Plan

All manicuring (processing) will be done in the cabin by the sole member of Valley Tops LLC. The cabin needs a few improvements to bring it up to ADA code, and while we are unsure as to whether we will want to enlist personnel to process our product by hand in the future, we plan to bring the building up to code with the assistance of Omsberg & Preston over the next year or two.

We prefer to use efficient machines to cut down on processing time and labor costs, as well as creating a more secure environment and better organization for product tracking, but as the legal market expands we understand that we will have to meet the competitive demands of our distributors, and that may mean changing the nature of our processing.

We wear gloves and clean clothing and keep all cannabis product labelled and sterile during the drying, curing, and processing stages. Our supplies are cleaned and stored properly to avoid cross contamination. All of our product will be lab tested for quality assurance.

2.8. Staffing Requirements & Employee Safety Policies

As previously stated in this document, the existing cultivation operation requires no additional workers during the majority of the farming season, as Raymond Winkle, the sole member of Valley Tops LLC, is able to single-handedly run the operation in an efficient way. We don't anticipate needing further laborers during harvest at this time, as we will have a mechanized system of processing in place while we bring the cabin up to ADA standards, (as outlined in Section 2.7 above).

As our previous cultivation operation, which was run by a single person, has been reduced by 50% by the current Ordinance, we do not see that this will be a probability. Because we were able to manage our operation without any workers at nearly twice the proposed size in the past, we do not foresee needing more people for less cultivation area. In the event that we do find ourselves needing additional help, we will contract labor through a local staffing agency. This document will be updated over time as we gather more information about any particular staffing requirements should we find that our previous operational activities need to evolve.

In the event that additional workers might be needed, they will be provided with gloves and protective eyewear, bottled water, and access to first aid kits and eyewash. The operational cabin will be open for use during work hours. The cabin has a septic system that is currently being retro-actively permitted by Omsberg & Preston, and kitchen facilities.

As stated elsewhere in this document, Material Safety Data Sheets for all nutrients, amendments, and other compounds used for the operation are kept on location (as well as included here in a bundle as Appendix O) so that employees can easily identify how to respond to any spills, accidents, or emergencies. Spill kits are kept in multiple locations on the premises.

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2.9. Security Plan and Hours of Operation

The parcel where this operation is located is in a very remote rural location near Larabee Valley in what is primarily thickly forested area, and to this point, no stringent security measures have been necessary. We have no history of robbery or trespass attempts on our property. The cultivation areas are isolated from view and cannot be easily accessed from any well-traveled public road or hiking paths. There are six game cameras in various key locations around the property. The owner/operator lives on-site.

During the harvest phase, all dried and processed flower material will be stored under lock and key in the cabin (see Plot Plan for location). We are willing to employ any additional security measures that the governing agencies deem necessary for permit approval.

Our hours of operation are generally 9:00am to 5:00pm, Monday through Friday during the farming months. These hours change with weather and daylight throughout the farming season, so inspectors and contractors are encouraged to call the contact number at the bottom of this document to schedule appointments.

3. ENVIRONMENTAL CONSERVATION

3.1. Water Source and Storage

Water for the cannabis operation comes from a permitted well that was drilled in June of 2015 by Fisch Drilling. The DHHS Well Application and subsequent Completion Report is attached to this document as Appendix I. The well is 180 feet deep in sandstone and shale bedrock with a solar pump and produces an estimated 5 gallons per minute .

There is a total of 6,550 gallons of water storage devoted to the commercial operation in hard tanks (see Plot Plan for locations), which are all fitted with functional float valves that automatically shut off water flow when the tank is full. There are additional tanks for SRA and domestic use on the plot plan for a total of 9,650 gallons of storage on the property.

Because of the depth and hydrological location of our well, we do not anticipate that forbearance is required, and as such, the current water storage should be sufficient and no additional tanks should be needed. Upon application approval, in-line meters will be installed and all commercial water use monitored and reported responsibly.

3.2. Irrigation Plan & Projected Water Use

The plants will be grown in above-ground beds or pots, and we plan to install a drip line that is governed by timers, upon permit approval. Water usage will be carefully monitored and reported to NRM

Cultivation and Operations Plan

Corp. of Eureka each month from April to October. Our total water usage per year will be, at most, approximately 111,050 gallons in years with average weather based on the table below.

The following chart shows the total predicted water usage for the entire operation in gallons per month:

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
GALLONS USED	0	0	0	50	1000	15,000	20,000	30,000	30,000	15,000	0	0

3.3. Site Drainage, Runoff, and Erosion Control

The cultivation sites are in the best possible locations for low environmental impact. Both garden sites are on legacy log landings with no erosion issues that are located over 350 feet away from any surface waters, including wetlands, swales, and water seeps. Our soil is amended with biochar which encapsulates nutrients and keeps them at the root site, preventing leaching.

As mentioned previously in this document, the cultivation areas are very flat with a slope of less than 3% which minimizes any potential sediment delivery to the surrounding areas. The ground under the cultivation areas are hard-packed clay and no erosion has been observed, even in heavy rain events.

The outer perimeters of the greenhouses are lined with straw wattles to prevent sediment from leaving the sites, and the lowest edges of the cultivation areas will also be lined with straw wattles to prevent stormwaters from carrying any sediment or nutrients downhill toward any water channels.

Our full term outdoor plants reach maturity in 5 foot diameter pots that are hand-made from weed fabric and wire frames. This construction acts as a silt dam and prevents small particles from escaping in any runoff during watering or rain events. The pots are strong and not prone to collapse or ripping, as many other “fabric” type pots tend to lose structural integrity and disintegrate in a short period of time.

Any bare soil near the cultivation areas will be covered with straw during the wet season, and re-seeded with native vegetation and/or grasses as needed to keep sediment from leaving the garden site or being discharged into surface waters. We will consult with and implement recommendations from NRM Corp. and Omsberg & Preston on a regular basis to maintain proper erosion control and runoff prevention measures as well as prevent any destabilization of banks, roads, or cultivation areas.

3.4. Watershed and Habitat Protection

There are no watercourses on the parcel. A natural swale located in the southeast portion of the parcel collects water during the rainy season and drains via a culvert (on the road maintained by the Bureau of Land Management) southeast into a spring-related channel just west of Highway 36. This swale is

Cultivation and Operations Plan

approximately 1,000 feet east of the main cultivation site (labelled “Site 3” on the Plot Plan and called “Site C” in NRM’s Biological Report) and 750 feet southeast of the proposed nursery greenhouse.

A small pond, formed around a seep and located approximately 350 feet northeast of the main cultivation site and 450 feet southwest of the nursery site, flows in an undefined channel during the rainy season north to an ephemeral tributary, then enters into an unnamed Class II tributary. This Class II watercourse, located approximately 1,050 feet west of the main cultivation area at Site 3 on the Plot Plan, flows north approximately 1.3 air miles to the confluence with Little Larabee Creek.

The Van Duzen River watershed has been declared as impacted by low stream flows due to high concentrations of cannabis cultivation, and is critical to the recovery of salmonid fish species. The projects on the parcel are located approximately 3 miles west of the Little Van Duzen River and Van Duzen River confluence, which connects to the Pacific Ocean via the Eel River.

The cultivation sites do not pose a danger to any sensitive watershed or habitat areas. During the biological study performed by NRM, no listed wildlife species or any plant species of concern were found to be negatively impacted by the cultivation operation. For more details on site specifics in regards to watershed and habitat protection, please see the Biological Assessment Report created by NRM (Appendix J of this document). NRM has also been retained to assist with the identification of any invasive species of non-native plants or animals on our property, and should they find evidence of any on their regular site visits, we will implement any mitigation and prevention measures that they recommend.

We will work closely with our team of licensed professionals on the design and development of the property as we upgrade and improve the existing conditions. We care very much for the environment and are committed to proper land stewardship in our agricultural practices.

3.5. Energy and Generator Usage

All power for the operation will come from a proposed solar system that will include 20 panels at the north edge of the main cultivation site, with a trenched line sending power north to the well/pump shed and continuing west to the 20’x40’ drying building. An additional trenched line will connect to the current generator shed in the residential area near the nursery greenhouse. We have taken several bids from local contractors and will begin the install process upon application approval. In order to preserve the habitat surrounding our cultivation site, no generator will be used for our operation once the solar system has been installed, except in emergency situations as backup power.

In both our Mixed Light and nursery greenhouses during the early season, low wattage compact fluorescent lights will be used to keep young starts in a vegetative, non-flowering state. These bulbs project light only a short distance and will be used for approximately one to two hours before sunrise and after sunset. We do not use high wattage lights to assist blooming when the plants are in maturity.

Cultivation and Operations Plan

3.6. Lighting & International Dark Sky Standards

All greenhouses using early-season, low-impact lighting (like string-style work lights) are covered carefully with blackout tarps and inspected daily to ensure that no light escapes the structures. Plastic blackout film will be attached to the greenhouse frames, and pipe is laid full length down the sides to secure the film from wind and to prevent light leaks. A heavy 4" wood beam is placed across the loose end of the film on the ground at the entrance of each greenhouse to ensure that the film stays sealed to the ground, keeping any light from escaping.

We take special care to make sure that our supplemental light does not disrupt any nearby wildlife, or neighboring properties from one hour before sunset until one hour after sunrise. We use the lowest wattage feasible for our operations to conserve energy as well as to prevent unnecessary glow for all other outdoor lighting such as work lights, security/motion lights, etc.

3.7. Noise Assessment & Mitigation

The only sources of regular noise at the greenhouse sites will be the fans that are used to increase air movement in the structures - we use one 24" box fan at the end of each greenhouse which run at less than 40 decibels at the source, and as stated in the Biological Assessment Report by NRM (Appendix J) there is no sensitive habitat on the property.

3.8. Use and Storage of Pesticides

We are educated on the Department of Pesticide Regulations' guidelines for products that are acceptable to use on cannabis, and we rarely have any fungal or pest problems needing treatment. We have good success with implementation of cultural control methods, such as keeping our cultivation areas clean, using proper spacing of plants to allow air flow, growing cover crops to keep our soil healthy, and acquiring clean, high quality genetics from reputable sources.

On the rare occasion that we develop powdery mildew or mites, we purchase and use one or more of the following products:

- **Safer Gro Mildew Cure**- Active Ingredients: Cottonseed oil, Oleic acid, Corn oil, Lauric acid, Garlic oil, Sodium bicarbonate
- **Plant Therapy** - Active Ingredients: Soybean Oil, Peppermint Oil, Citric Acid

Any unused portions are kept in the 20'x40' storage shed with the nutrients and amendments. MSDS for all products used in our operation have been attached to this application as Appendix O.

Cultivation and Operations Plan

3.11. Waste Management Plan

Our trash is kept in a box trailer to discourage wildlife activity, and taken to Eel River Recology in Fortuna every other week on average, except during transplanting in the early spring, when empty soil bags are immediately loaded and taken the same day that the garbage is generated. Please see Plot Plan for “Designated Waste Site” approximate location.

The majority of our supplies are reusable and we strive to create very little waste. The majority of the garbage generated on the property is domestic in nature (like food packaging and recyclables). We do not keep any commercial compost on the property.

3.12. Wastewater Disposal System

A sewage disposal report is in progress by Omsberg & Preston for the operational cabin facility (attached to this document as Appendix F). The septic system is functional and only used by the owner/operator at this time, as no employees are needed for this operation.

Due to the minimalistic nature of our processing technique mentioned in Sections 2.6 and 2.7, there are no additional workers needed during that time and there will be no additional wastewater flow.

3.13. Cultural Resources Protocols

No study has been requested by HCPB as of the date of this document. If buried archaeological or historical resources are encountered during construction or cultivation activities, all work in the immediate area shall be called to a halt temporarily, and a qualified archaeologist will be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, stone artifacts, dietary bone, and human burials. If human burial is found during construction, we will contact the County Coroner immediately as is mandated by California State law.

RECEIVED

MAR 23 2020

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2019-0957-R1
Unnamed Tributary to Little Larabee Creek, Tributary to the Van Duzen
River

Raymond Winkle
Winkle Stream Crossing
1 Encroachment

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Raymond Winkle (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on December 20, 2019, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Little Larabee Creek watershed, approximately 5 miles east of the community of Bridgeville, County of Humboldt, State of California. The project is located in Section 22, T15N, R11W, Humboldt Base and Meridian; in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 210-044-009.

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a desk review without a CDFW site inspection.

The project is limited to 1 encroachment (Table 1), which retroactively permits excavation of watercourse using hand tools.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Site 1	-123.7049, 40.4544	Excavation using hand tools has been conducted to re-align a previously diverted channel.

The Permittee disclosed:

- An existing 18-inch diameter culvert (located at approximately 40.4528 - 123.7007), exhibiting signs of imminent failure including extensive rust holes along the bottom.
- An existing well as the sole water source for domestic use and commercial irrigation, located at Lat/Long 40.4536, -123.706. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

This crossing occurs on a Humboldt County mainline road (Larabee Buttes Road) maintained by the Bureau of Land Management. Existing stream crossings disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as armoring) and/or replacement become necessary, that work must be covered by a major amendment or a separate Notification.

This Agreement does not retroactively permit any constructed reservoirs (including "ponds"), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentatus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their

habitat:

loss or decline of riparian habitat;
direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process:

direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to the site for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW law enforcement personnel.
- 1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:

- The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
- The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
- All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.

1.6 Cannabis Cultivation Policy. If Cannabis is or becomes cultivated on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html

1.6.1 Site Management Plan and Related Technical Reports. Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan and related technical reports that are prepared in conformance with the SWRCB Cannabis Cultivation Policy.

1.7 Water Rights. This agreement does not constitute a valid water right. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights. Water rights are administered by the State Water Resources Control Board as described here:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/

1.8 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this Agreement are not

providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.

- 1.9 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on September 26, 2019, and revised on November 3, 2019, is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

Work Periods and Pre-project Notice

- 2.1 Work Period. All work, not including diversion of water, shall be confined to the period June 15 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.2 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed. Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.

General Species Protection Measures

- 2.3 Fish and Aquatic Species. If surface water is or becomes present during construction, the Permittee shall: a) have the Designated Biologist survey the site and adjacent area for amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.

- 2.4 Maintain Passing of Fish Up and Down Stream. It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901
- 2.5 Decontamination. The Permittee is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.6 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located adjacent to the stream, shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated in proximity to the stream must be checked and maintained daily. Vehicles must be moved away from the stream prior to refueling and lubrication.
- 2.7 Allow Wildlife to Leave Unharmd. Permittee shall allow any wildlife encountered during the course of construction to leave the construction area unharmd. This Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.8 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use temporary or permanent erosions control devices containing plastic netting, including photo- or bio-degradable plastic netting. Erosion control and landscaping specifications shall only allow only natural fiber for use in erosion control mats, blankets, and straw or fiber watties.
- 2.9 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.
- 2.1 Prohibition of Live Stream Work. No work is authorized in a live flowing stream. All work shall be conducted when the stream is dry. The Permittee shall notify CDFW if it determines that work in a live flowing stream is required to complete a project and will submit a diversion plan.

Deconstruction and Abandonment

- 2.2 Watercourse Removal. When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.
- 2.3 Excavation to Grade: Sites previously not fully excavated shall be completely excavated when crossings are deconstructed. Adjacent potentially unstable road or landing fill that can enter a stream shall also be excavated when crossings are deconstructed.
- 2.4 Fill Placement: All excavated fill shall be placed in stable areas where it cannot enter or erode into a stream.

Vegetation Management

- 2.5 Riparian Buffers. Riparian buffers shall not be modified, unless authorized by CDFW in writing.
- 2.6 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.7 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Authorized Activity to the use of hand tools. Vegetation management shall not include treatment with herbicides.
- 2.8 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

Erosion and Sediment Control

- 2.9 Erosion Control. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter waters of the State. Erosion control measures, such as, silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be

used where ever sediment has the potential to leave the work site and enter the stream.

- 2.10 Silt Laden Runoff. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.11 Disposal and Removal of Material. All removed spoils and construction debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation. All removed material shall be disposed of according to State and local laws and ordinances.

Equipment and Vehicles

- 2.12 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.
- 2.13 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.14 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks.
- 2.15 Stockpiled Materials. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when half inch (0.5") or more precipitation within a 48-hour or greater period and/or when a rain event with 30 percent or greater probability of precipitation is forecasted. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area.

Debris Materials and Waste

- 2.16 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.
- 2.17 Pick Up Debris. Permittee shall pick up all debris and waste daily.

- 2.18 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

Toxic and Hazardous Materials

- 2.19 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in water tight containers or removed from the project site.
- 2.20 Hazardous Substances. Permittee shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not enter the riparian setback or waters of the state, pursuant to FGC Section 5650. Permittee shall immediately remove any of these materials placed within, or where they may enter, a stream or lake or other waters of the state.
- 2.21 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the waters of the State.

Spills and Emergencies

- 2.22 Spill Clean Up Equipment. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be on site prior to the start of work within the stream zone.
- 2.23 Spill Cleanup. Permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on site during construction.
- 2.24 Spill Containment. All activities performed in or near a stream shall have absorbent materials designated for spill containment and clean-up activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the clean-up activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed work shall be completed by no later than October 15, 2020. Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 within seven (7) days of project completion.
- 3.3 Site Management Plan and Related Technical Reports. The Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within 30 days of submittal to the SWRCB.
- 3.4 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Raymond Winkle
33220 State Highway 36
Bridgeville, CA 95526
(360) 601-8817
pepperwoodsprings@icloud.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program – Nicholas Simpson
Notification # 1600-2019-0957-R1

LIABILITY

Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall

submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire five (5) years from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR RAYMOND WINKLE



Raymond Winkle



Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

Prepared by: Nicholas Simpson, Senior Environmental Scientist (Specialist) 2/10/2020

File Original with DWR

State of California

Well Completion Report

Refer to Instruction Pamphlet

No. **e0271328**

Page 1 of 2

Owner's Well Number 1

Date Work Began 06/01/2015 Date Work Ended 6/4/2015

Local Permit Agency Humboldt County E.H.D.

Permit Number 14/15-0374 Permit Date 3/27/15

DWR Use Only - Do Not Fill In			
State Well Number/Site Number			
Latitude		Longitude	
APN/TRS/Other			

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify _____		
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>		
Depth from Surface		Description
Feet	to Feet	Describe material, grain size, color, etc
0	2	Top Soil
2	28	Silty Clay
28	37	Soft Shale
37	56	Soft Brown Sandstone
56	71	Blue/Brown Sandstone
71	110	Hard Shale Sandstone Mix
110	180	Shale
<p style="text-align: center; border: 1px solid blue; border-radius: 50%; padding: 10px; color: blue;"> RECEIVED DEC 31 2019 Humboldt County Planning Division </p>		
Total Depth of Boring		<u>180</u> Feet
Total Depth of Completed Well		<u>180</u> Feet

Well Owner	
Name	<u>Raymond Winkle</u>
Mailing Address	<u>P.O. Box 315</u>
City	<u>Alderpoint</u> State <u>CA</u> Zip <u>95511</u>

Well Location	
Address	<u>33220 Hwy 36</u>
City	<u>Bridgeville</u> County <u>Humboldt</u>
Latitude	____ N Longitude ____ W
Datum	Dec. Lat. ____ Dec. Long. ____
APN Book	<u>210</u> Page <u>044</u> Parcel <u>09</u>
Township	____ Range ____ Section ____

Location Sketch	
(Sketch must be drawn by hand after form is printed.)	
North	
West	East
South	
<p style="text-align: center; font-size: 2em; transform: rotate(-45deg); opacity: 0.5;"> Keep This Copy For Your Records </p>	
<small>Illustrate or describe distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.</small>	

Activity	
<input checked="" type="radio"/> New Well	
<input type="radio"/> Modification/Repair	<input type="radio"/> Deepen
<input type="radio"/> Destroy	<input type="radio"/> Other _____
<small>Describe procedures and materials under "GEOLOGIC LOG"</small>	
Planned Uses	
<input checked="" type="radio"/> Water Supply	<input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public
<input type="radio"/> Cathodic Protection	<input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial
<input type="radio"/> Dewatering	
<input type="radio"/> Heat Exchange	
<input type="radio"/> Injection	
<input type="radio"/> Monitoring	
<input type="radio"/> Remediation	
<input type="radio"/> Sparging	
<input type="radio"/> Test Well	
<input type="radio"/> Vapor Extraction	
<input type="radio"/> Other _____	

Water Level and Yield of Completed Well	
Depth to first water	<u>57</u> (Feet below surface)
Depth to Static	
Water Level	<u>48</u> (Feet) Date Measured <u>06/01/2015</u>
Estimated Yield *	<u>5</u> (GPM) Test Type <u>Air Lift</u>
Test Length	<u>4.0</u> (Hours) Total Drawdown <u>171</u> (Feet)
<small>*May not be representative of a well's long term yield.</small>	

Casings							
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size
Feet to Feet	(Inches)			(Inches)	(Inches)		if Any (Inches)
0	60	10	Blank	PVC Sch. 80	CL200	5	
60	180	10	Screen	PVC Sch. 80	CL200	5	Milled Slots 0.032

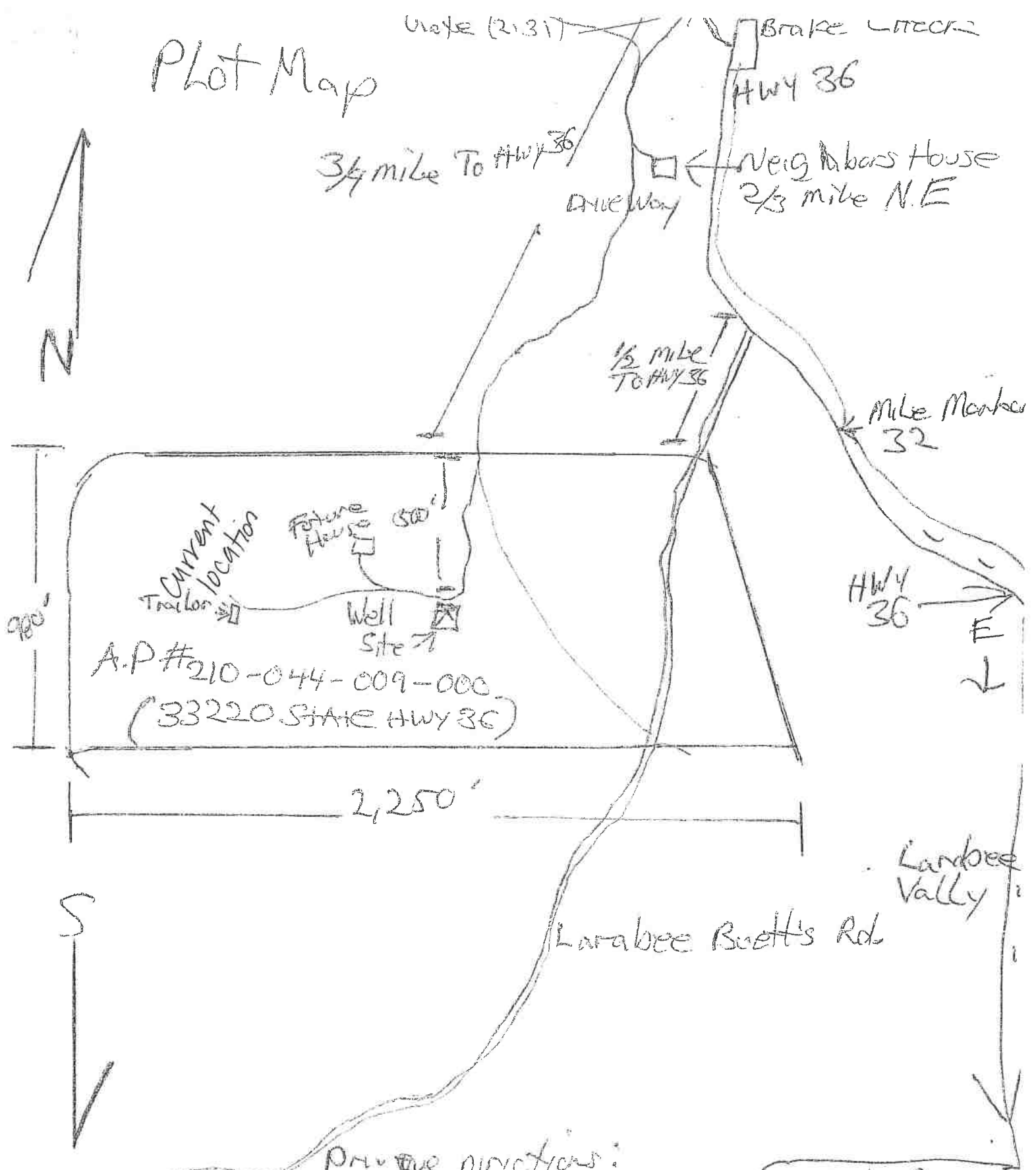
Annular Material			
Depth from Surface	Fill	Description	
Feet to Feet			
0	20	Bentonite	Sanitary Seal
20	180	Filter Pack	3/8" Pea Gravel

Attachments	
<input type="checkbox"/> Geologic Log	
<input type="checkbox"/> Well Construction Diagram	
<input type="checkbox"/> Geophysical Log(s)	
<input type="checkbox"/> Soil/Water Chemical Analyses	
<input checked="" type="checkbox"/> Other <u>Location Map</u>	
<small>Attach additional information, if it exists</small>	

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	<u>FISCH DRILLING</u>		
	<small>Person, Firm or Corporation</small>		
Address	<u>3150 JOHNSON ROAD</u>	City	<u>HYDESVILLE</u>
		State	<u>CA</u>
Signed	<u>[Signature]</u>	Date Signed	<u>06/08/2015</u>
	<small>C-57 Licensed Water Well Contractor</small>		Zip <u>95547</u>
			License Number <u>683865</u>

112

Plot Map



A.P # 210-044-009-000
 (33220 STATE HWY 36)

Driving directions:

Go East on HWY 36 8 miles East to Dinsmore
 Past Bridgeville Turn Right A few hundred
 Feet Past mile marker 31. on Gated Dirt
 Road (2131), Across From Brake Check Area



RECEIVED

JUN 12 2017

HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH
 100 H Street, Suite 100, Eureka, CA 95501
 phone: (707) 445-6215 fax: (707) 441-5699

Environmental Health

1617-1278

WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>40450 State Hwy 36</u>	APN	<u>210-191-026</u>
City/State/Zip	<u>Bridgeville, CA 95526</u>		
Directions to Site	_____		

Applicant	<u>FISCH DRILLING</u>	Contact	<u>CHRIS FISCH</u>
Mailing Address	<u>3150 JOHNSON RD</u>	Work Phone	<u>(707) 768-9800</u>
City/State/Zip	<u>HYDESVILLE, CA 95547</u>	Cell Phone	<u>(707) 601-3042</u>

Property Owner	<u>Charles Petrusha</u>	Home Phone	<u>707-445-1084</u>
Mailing Address	<u>2265 Home Drive</u>	Work Phone	_____
City/State/Zip	<u>Eureka, CA 95503</u>	Cell Phone	_____

I hereby grant 'right-of-entry' for inspection purposes _____

Drilling Contractor	<u>FISCH DRILLING</u>	C-57 License #	<u>683865</u>
---------------------	-----------------------	----------------	---------------

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.

Well Driller Signature: Chris Fisch

Would driller like a copy of approved application? Yes No

U.S. Mail address: _____
 Email address: chris@fischdrilling.com

Type of Application:	Construction:	Intended Use:
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.) _____	<input checked="" type="checkbox"/> Domestic - private
<input type="checkbox"/> Destruction	Diameter (in.) <u>10</u>	<input type="checkbox"/> Community Supply
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.) <u>20</u>	<input type="checkbox"/> Irrigation
	Sealing Material <u>Bentonite</u>	<input type="checkbox"/> Other _____

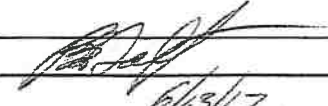
<u>Estimated Work Dates:</u>	<u>Casing:</u>	<u>Type of Sewage System:</u>
Start _____	Diameter (in.) <u>5</u>	<input type="checkbox"/> Community Sewer
Completion _____	Material <u>PVC</u>	<input checked="" type="checkbox"/> OWTS (Septic)
		Distance from well site to OWTS <u>1,000'</u>

Special Requirements/Comments:

PLOT PLAN

FOR OFFICE USE ONLY

✓ #15950

Fee: <u>\$ 373.00</u>	Site Approved by: <u></u>
Date: <u>6-12-17</u>	Site Approved Date: <u>6/3/17</u>
Receipt: <u>215002</u>	Sealed to Depth of: _____
Project #: <u>16/17-1278</u>	Seal observed: <input type="checkbox"/> Yes <input type="checkbox"/> No
<u>paid for by Fisch Drilling</u>	Final Approved Date: _____

May 1, 2019

Ray Winkle
33220 Hwy 36
Bridgeville, CA 95526
(360) 601-8817



**Ray Winkle Conversion Mitigation Report
for Humboldt APN #210-044-009
NE ¼, Section 22 and NW ¼ Section 23, T1N, R4E HB&M**

Ray Winkle has applied for a Humboldt County cannabis cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a Registered Professional Forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act. On April 29, 2019, Ethan Coonen of Natural Resources Management Corp. visited the property and inspected the converted areas. The clearing efforts that occurred during the current ownership are considered conversion of timberland and were performed without a proper permit from CalFire.

1. Contact Information

a. Timberland/Timber Owner of Record:

Ray Winkle
33220 Hwy 36
Bridgeville, CA 95526
(360) 601-8817

b. Registered Professional Forester Preparing Report:

Merritt Lindgren RPF # 2522
1434 Third Street
Eureka, CA 95501
(707) 442-1735

2. Location of Project

a. Site Address: 33220 Hwy 36, Bridgeville, Ca 95526,

- b. Community Area: Larabee Valley- Hwy 36
- c. Assessor's Parcel No(s): 210-044-009
- d. Parcel Size(s): ~35 acres

3. Project Description

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

The property is within a Douglas-fir/oak forest. The surrounding forest composition consists primarily of less than uneven aged second growth Douglas-fir and oak with a minor amount of other hardwood species. All species combined basal areas between 60 to 220 square feet per acre with 40% to 100% closed canopy. The property is zoned Forest Recreation with Building Site (FR-B-5(40)).

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

RIPARIAN BUFFER WIDTHS:

Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)

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

There are several class III watercourses on the parcel. none of the conversion areas are within the riparian buffers.

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

Nearly all the conifer forests in the area were harvested in the late 40's and early 50's; Large diameter Douglas-fir trees were tractor yarded. During 1989 a thin-from-above selection harvest removed the overstory while leaving the site dominated by Douglas-fir.

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

Five illegal conversions have occurred on this parcel, totaling **1.81 acres**. The parcel is on the boundary of two impacted watershed; Hoagland Creek Van Duzen River, and Butte Creek. Cultivation area has been limited to 10,000 square feet due to being within impacted watersheds. Consequently, Conversion Sites A and B will no longer be used for cultivation.

Name	Year Converted	Acres
Site A	2010	0.85
Site B	2010	0.21
Site C	2010	0.62
Site D	2010	0.1
Site E	2010	0.03

Conversion Site A

This site was converted in 2010 when a log landing on the ridgeline was used to cultivate *Cannabis* and two residential building were constructed. A 10' by 12' building used to house a generator and fuel tank are also present. No cultivation present during site visit in April 2019. Cultivation will no longer occur at this site. The area is accessed from the north by a well rocked road with 10% grade and from the west by a well rocked

road with 5% grade. Another road from the east connects to Larabee Butte Road but is not use for access. A pile of grow soil containing perlite is present, see recommendations below. About 40 Douglas-fir and black oak trees were cleared from a ~100' by ~160' area, totaling approximately **37,000 square feet (0.85 acres)**. Minor grading has occurred here. Ownership at time of conversion was Ray Winkle. See Figures 2 & 3, and Photos 1-5.

Conversion Site B

This site was converted in 2010 when a log landing on the ridgeline was used to cultivate *Cannabis*. No cultivation present during site visit in April 2019. Cultivation will no long occur at this site. The area is accessed from the east by a partially rocked road with 5% grade, and from the west by a well rocked road with 8% grade. About 30 Douglas-fir and black oak trees were cleared from a ~70' by ~160' area, totaling approximately **9,200 square feet (0.21 acres)**. Pre-historic artifacts have been found by a resident within and adjacent to Site B, this site shall be discontinued see recommendation below. Ownership at time of conversion was Ray Winkle. See Figures 2 & 3, and Photos 6-7.

Conversion Site C

This site was converted in 2010 when a log landing on the ridgeline was used to cultivate *Cannabis*. The area is accessed from the east by a partially rocked road with 10% grade, and from the west by a well rocked road with 16% grade. Douglas-fir and black oak trees were cleared from a ~150' by ~220' area, totaling approximately **27,200 square feet (0.62 acres)**. Ownership at time of conversion was Ray Winkle. See Figures 2 & 4, and Photos 8-9.

Conversion Site D

This site was converted around 2010 when trees were cleared to provide sunlight to a solar panel. The conversion has no road access, and no grading occurred at this site. Douglas-fir and tanoak trees were cleared from a ~60' by ~90' area, totaling approximately **4,400 square feet (0.1 acres)**. Ownership at time of conversion was Ray Winkle. See Figures 2 & 4, and Photo 10.

Conversion Site E

Around 2010 a structure, 16' by 40', was constructed for *Cannabis* cultivation and processing under 100% canopy cover. The surrounding area is used for storage of cultivation related materials. The site is accesses by a partially rocked road with 20% grade for 100'. The area used for the structure and cultivation related storage totals approximately **1,150 square feet (0.03 acres)**. Ownership at time of conversion was Ray Winkle. See Figures 2 & 4, and Photos 11-12.

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

a. Harvest Practices and Erosion Control (CFPR Section 914)

Trees at all conversion sites were cleared from areas shown as timberland on the 1977 USGS Larabee Valley 7.5' Quadrangle map. No permits were obtained prior to conversion operations. No erosion issues associated with timber clearing present at any of the five conversion sites.

b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

The access road to the conversion sites from the north parcel boundary is the appurtenant roads for the conversion operations that occurred. In general the roads are in good condition. The local soil contains a high portion of rock and has a low erosion potential. The road system needs more drainage facilities; several rolling dips need to be constructed. See recommendations 4-7 below.

c. Watercourse and Lake Protection Zones (CFPR Section 916)

No watercourse protection issues present at the conversion sites or with their access.

d. Hazard Reduction (CFPR Section 917 and 1104.1(a) (2)(D) 4.

A small amount of Douglas-fir slash and woody debris is present by Conversion C, see recommendation 3 below.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened or Endangered Plants or Animals were observed during the site visit. According to California's Natural Diversity Database The parcel is within a peregrine falcon quad and within 1000' feet of a population of Pacific gilia.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological sites were observed at or near the conversion sites. However, pre-historic artifacts have been found residence within and adjacent to Site B, see recommendation 2 below.

5. Summary and Recommendations

All four conversion sites are suitable for current uses. Conversion Site B overlaps a possible archaeological site. Conversions are not permitted in archaeological sites. Conversion Site B shall be discontinued, see recommendation 2 below.

Disclosure #1: Aerial photos show an open area, 10' by 30', northwest of Site B. This area is a natural clearing with a small pond formed around a class III seep. An old pole structure is present within the clearing. The structure was used once as a *Cannabis* nursery several years ago. No grading occurred and no trees were cleared.

Disclosure #2: Aerial photos show an open area, 85' by 150', east of Site A. This area was partially a natural clearing already. Approximately 20 trees were cleared around 2012 to make more space for *Cannabis* cultivation. However, the area was never used for *Cannabis* cultivation. Tanoak stump sprouts and Douglas-fir seedlings are re-occupying the area. No grading occurred here.

Seven recommendations are given to bring the conversion sites and their access into compliance with the Forest Practice Rules. Locations of recommendations can be found on Figures 2, 3, & 4 labeled as Road Points.

- #1) Pile of grow soil containing perlite present. Remove soil pile to active garden or stabilize pile by mulching with weed free straw or forest duff and allow natural re-vegetation.
- #2) Unpermitted conversion site. Remove all perlite and other cultivation related materials that poses a threat to wildlife. Mulch exposed soil with weed free straw or forest duff and allow natural regeneration.
- #3) Untreated slash creating fire hazard and pest habitat. Pile and burn, chip and spread, or bury woody debris to reduce fire potential, fire severity, and pest habitat. Permits must first be obtained from CalFire and Air Resource Board for burn piles.
- #4) Surface flow on partially rocked road. Construct rolling dip to divert flow off roadway and prevent erosion.
- #5) Surface flow on partially rocked road. Construct rolling dip to divert flow off roadway and prevent erosion.
- #6) Surface flow on partially rocked road. Construct rolling dip to divert flow off roadway and prevent erosion.
- #7) Surface flow on partially rocked road. Construct rolling dip to divert flow off roadway and prevent erosion.

6. Photos, Figures, Map

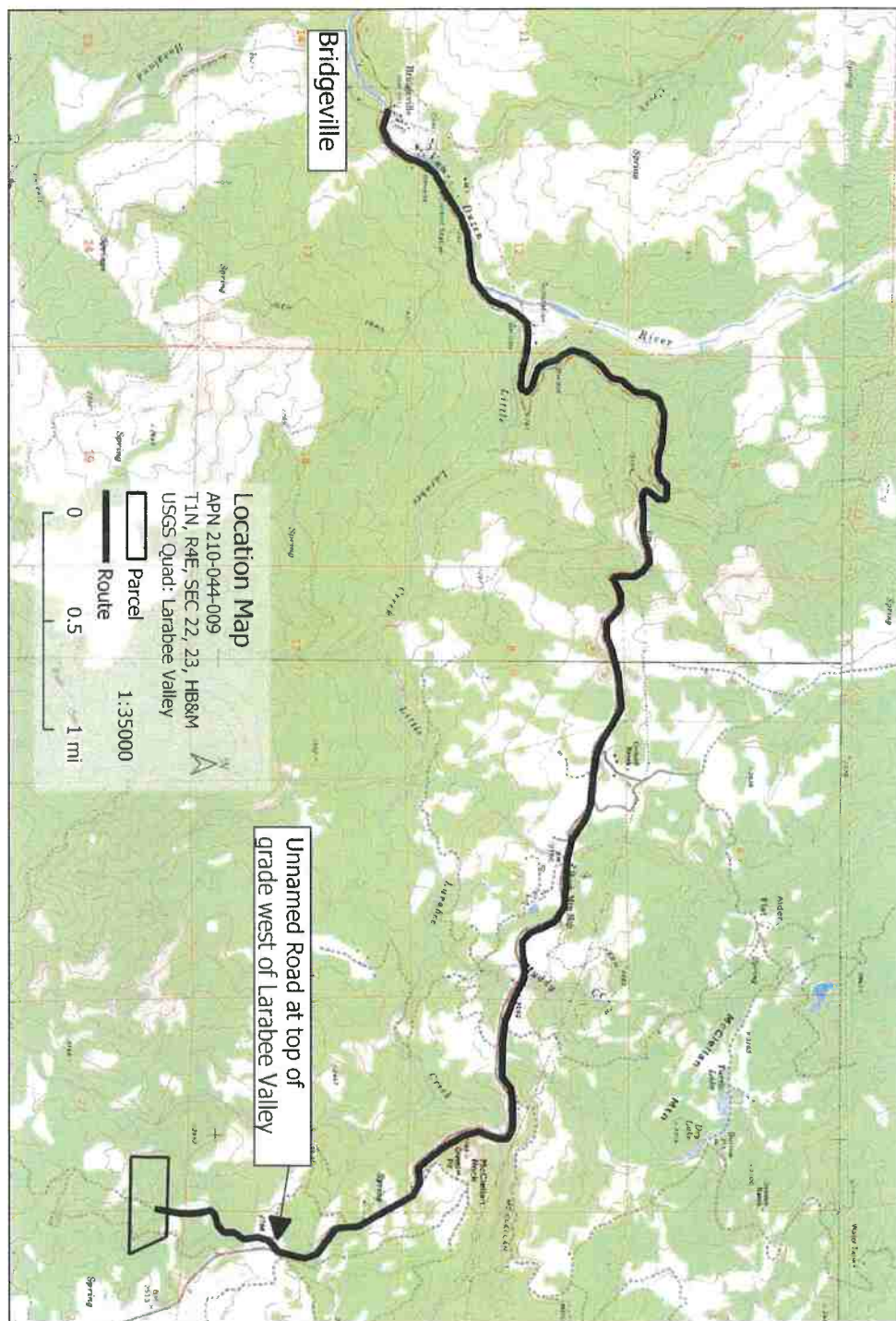


Figure 1. Vicinity Map

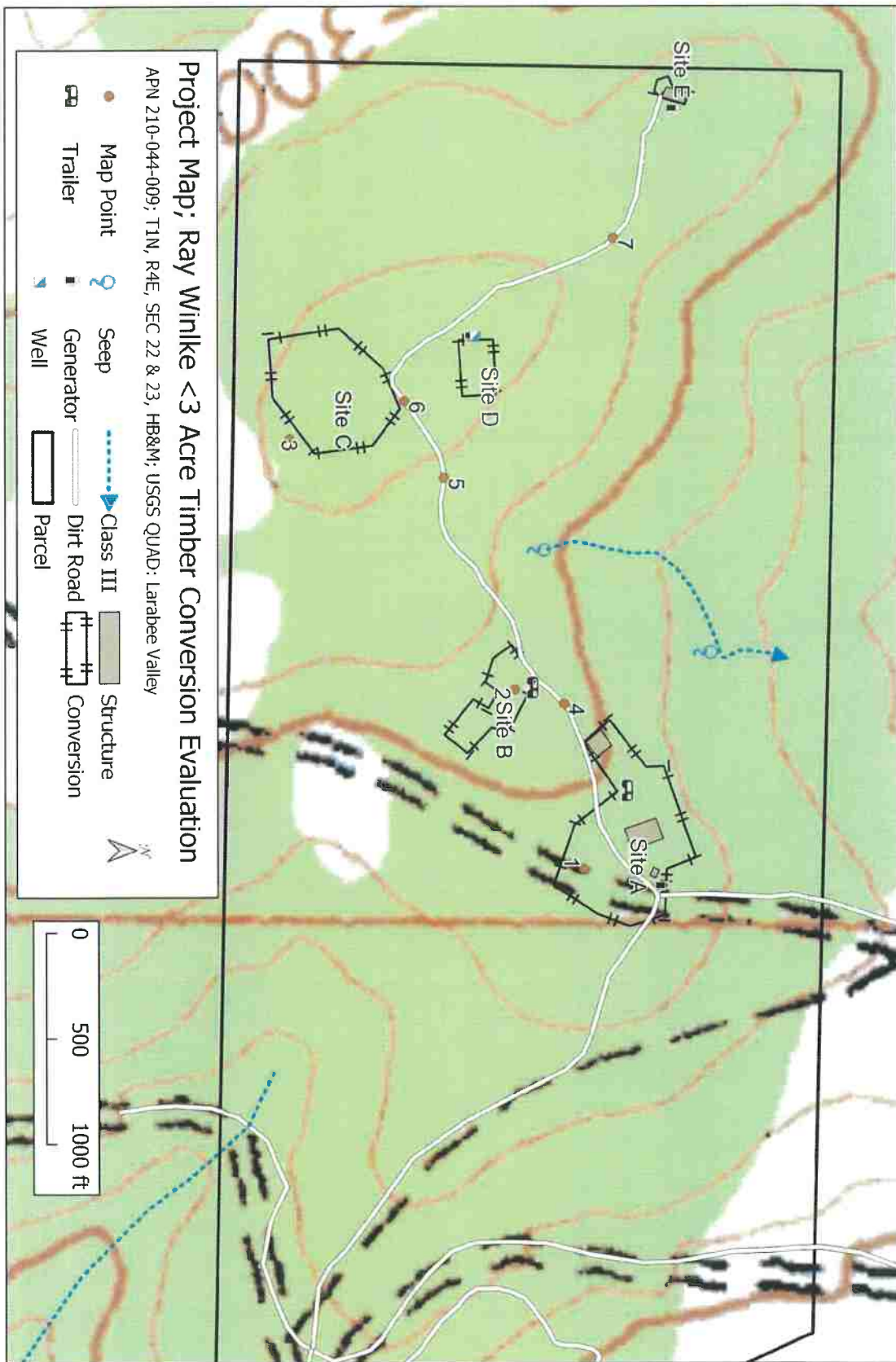


Figure 2. Project Map

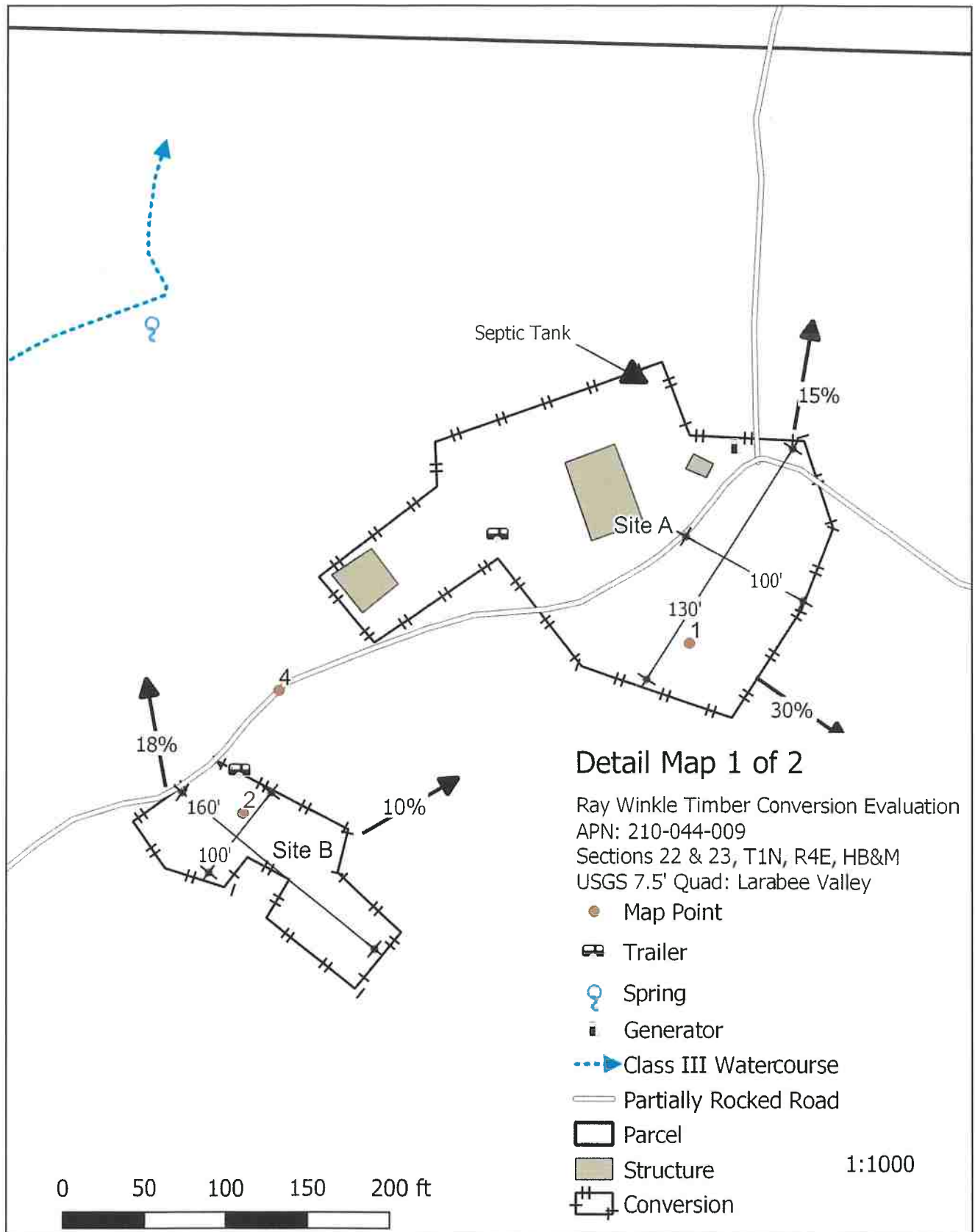


Figure 3. Detail Map for Conversion Sites A and B.

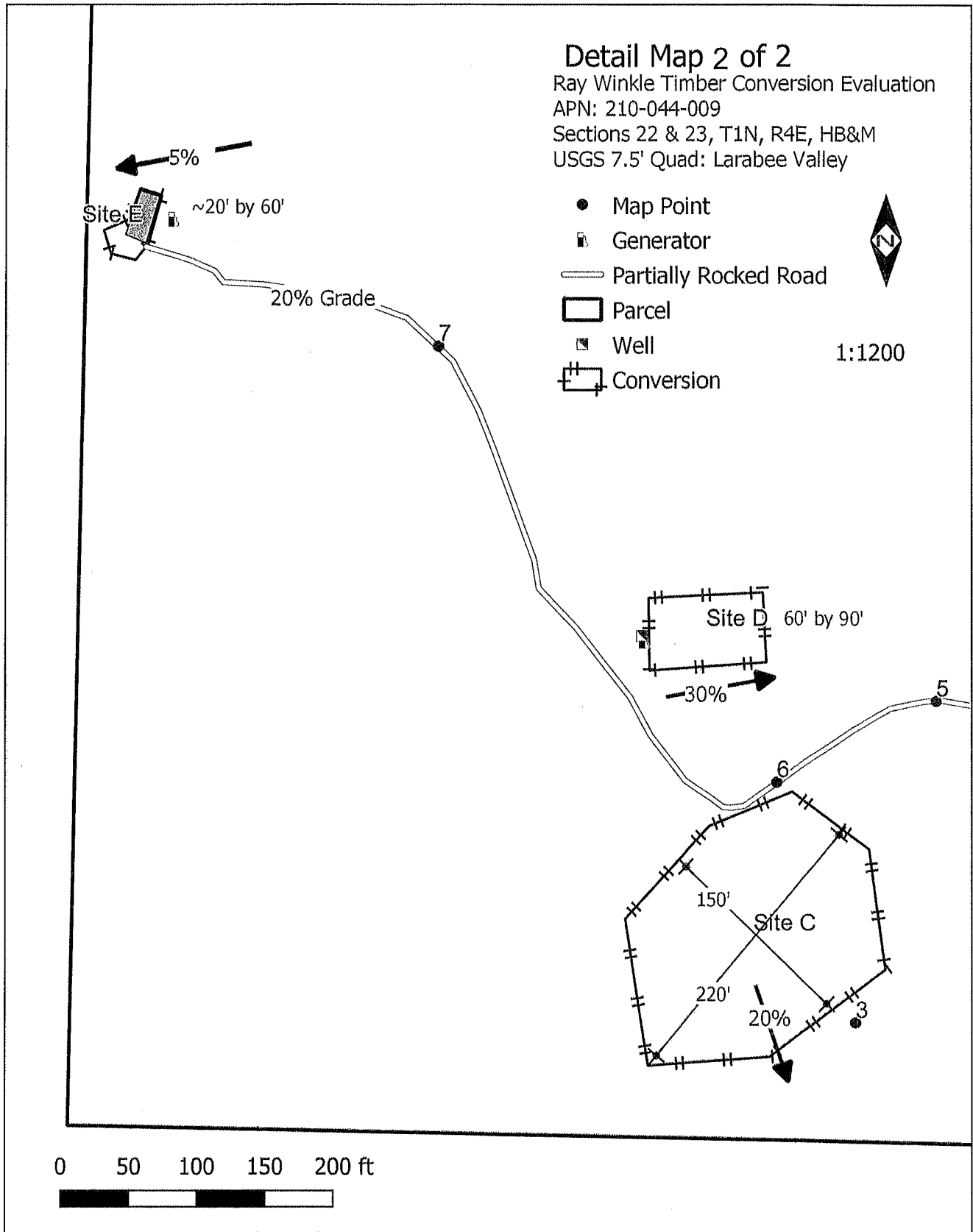


Figure 4. Detail Map for Conversion Sites C, D, & E.

Photos

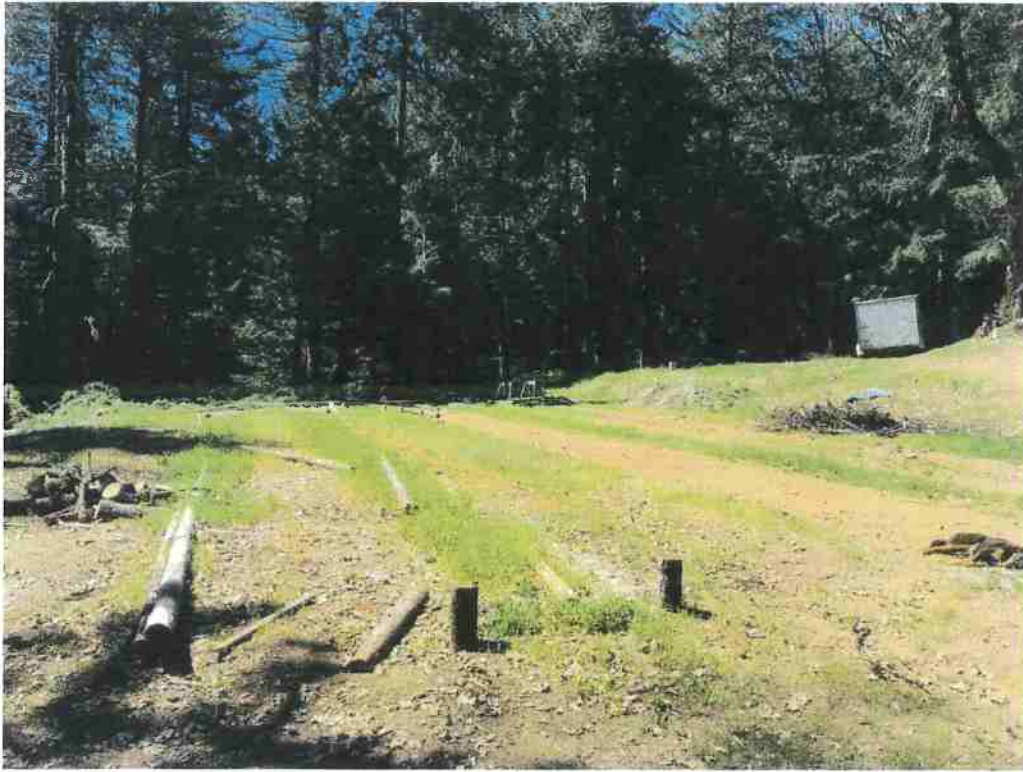


Photo 1. Site A; looking south from north edge.



Photo 2. Site A; looking north from south edge.



Photo 3. Site A; looking west at house from center of site.



Photo 4. Site A; Looking north from west edge behind house.



Photo 5. Site A; looking northeast from west edge at residential structure. Trailer was hit by falling trees and is being removed.



Photo 6. Site B; looking southeast from west edge.



Photo 7. Site B; looking west from northeast corner.

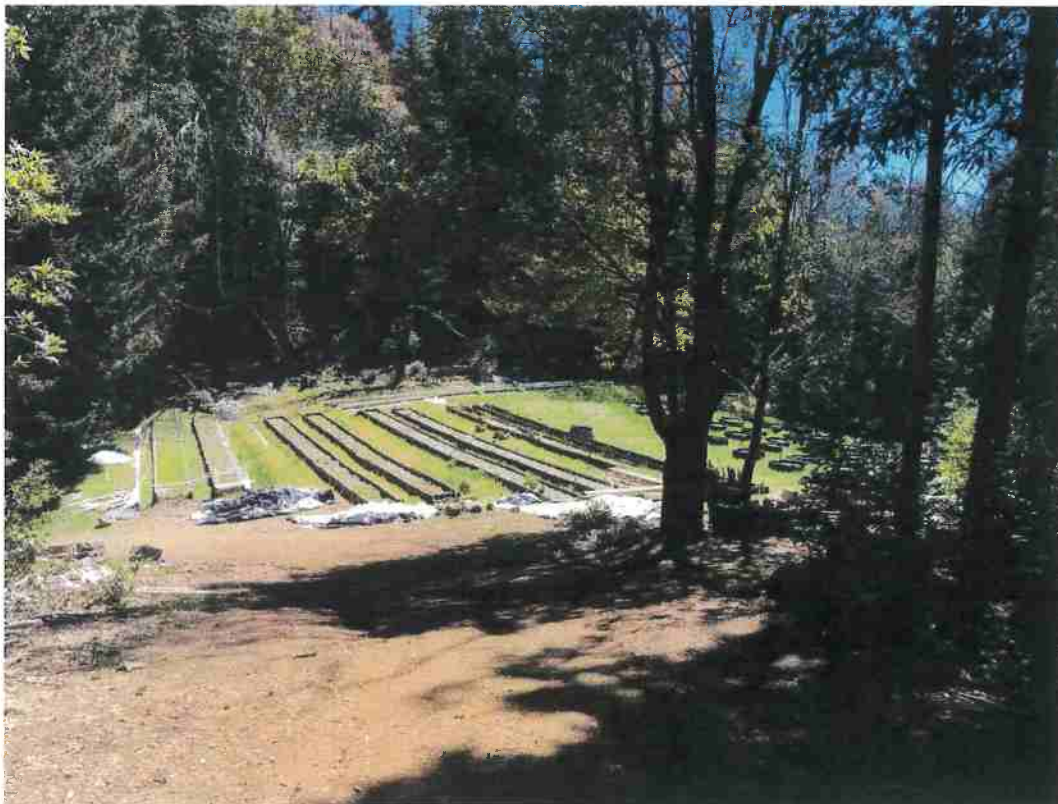


Photo 8. Site C; looking southeast from beyond north edge.

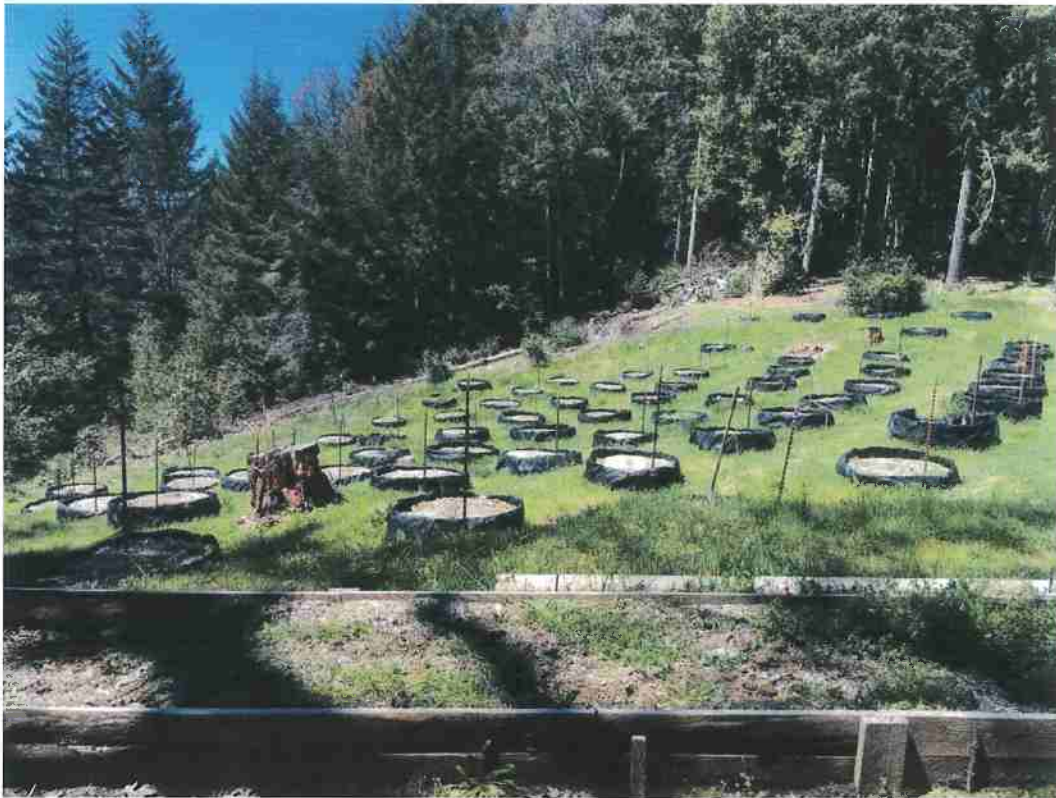


Photo 9. Site C; looking west from east edge.



Photo 10. Site D; looking east from west edge.



Photo 11. Site E; looking northwest from beyond east edge.



Photo 12. Site E; looking north from west side.

WHEN RECORDED, PLEASE MAIL TO:

Mr. & Mrs. Raymond J. Winkle
4576 Walnut Drive
Eureka, California 95501

MAIL TAX STATEMENT TO ABOVE:

Order No. 49448.LM

8050
RECORDED AT THE REQUEST OF
Eureka Title Company
VOL. 1699 OFFICIAL RECORDS PG 1314
Apr 25 2 29 PM '83

HUMBOLDT COUNTY CLERK
REC'D
DEPUTY
FEE \$ 5.00

TAX COLLECTED BY

**GRANT
DEED**

DOCUMENTARY TRANSFER TAX \$ 47.30
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
 COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING THEREON AT TIME OF SALE.

James Miller
Signature of Declarant or Agent Determining Tax. EUREKA TITLE COMPANY
Firm Name

MARY L. GOSHERT, a widow
FOR A VALUABLE CONSIDERATION, DO HEREBY GRANT TO
RAYMOND J. WINKLE and PAULA L. WINKLE, husband and wife as joint tenants
the real property in the unincorporated area of the County of Humboldt, State of California, described as:
See Schedule "A" attached hereto and made a part hereof.

A.P. No. 210-044-09

STATE OF CALIFORNIA
COUNTY OF ~~HUMBOLDT~~ Solano
On April 22, 1983
before me, the undersigned, a Notary Public, in and
for said County and State, personally appeared
Mary L. Goshert

Dated: April 11, 1983

Mary L. Goshert
Mary L. Goshert

known to me to be the person... whose name...
subscribed to the within instrument and acknowl-
edged that... she... executed the same
WITNESS my hand and official seal.

Marilyn R. Stevens
(Notary Public in and for said County and State)
Marilyn R. Stevens



RTFD - 100

EUREKA TITLE COMPANY

1314

SCHEDULE "A"

That real property situate in the County of Humboldt, State of California, described as follows:

That portion of the Northeast Quarter of the Northeast Quarter of Section 22, and that portion of the Northwest Quarter of Section 23, both in Township 1 North, Range 4 East, Humboldt Base and Meridian, as shown on the Record of Survey Map, filed in Book 22 of Surveys, Pages 97 through 105, inclusive, in the office of the County Recorder of said County, described as follows:

BEGINNING at a point in the Westerly line of said Northeast Quarter of the Northeast Quarter of Section 22 distant thereon South 0 degrees 43 minutes 56 seconds West 514.30 feet from the Northeast corner thereof;

thence along said Westerly line South 0 degrees 43 minutes 56 seconds, West, 818.41 feet, more or less, to the Southwest corner thereof;

thence along the Southerly line thereof South 87 degrees 59 minutes 21 seconds East, 1298.05 feet, more or less, to the Southeast corner thereof;

thence along the Southerly line of said Northwest Quarter of the Northwest Quarter of Section 23, South 87 degrees 51 minutes 29 seconds East, 1056.56, more or less, to an angle point in the boundary of Parcel Map No. 3, filed in Book 1 of Parcel Maps, Pages 5, 6 and 7, in the office of the County Recorder of said County;

thence along the Westerly line of said Parcel Map, North 25 degrees 12 minutes 47 seconds, West 911.61 feet, more or less, to a line which bears South 87 degrees 59 minutes 21 seconds East from the point of beginning;

thence along said line, North 87 degrees 59 minutes 21 seconds West, 1955.62 feet, more or less, to the point of beginning.

1b g.

1815

END OF DOCUMENT

Figure 5. Parcel deed for APN: 210-044-009.

7. References and Conditions

California Forest Practice rules, 2019; Title 14, California Code of Regulations
Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>
Real Quest Data – County Assessor information; <http://pro.realquest.com/servlet/workflow/main#/report/apn>

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

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

Signature Page

Landowner of Record: Ray Winkle

Signature:  Date: 11-19-19

Registered Professional Forester: Merritt Lindgren # 2522

Signature:  Date: May 8, 2019



OMSBERG & PRESTON

Surveyors • Engineers • Planners

402 E Street
Eureka, CA 95501
(707) 443-8651
www.omsberg.com
kpreston@omsberg.com



**ROAD EVALUATION REPORT
UN-NAMED PRIVATE ROAD
BETWEEN BRIDGEVILLE & DINSMORE, CALIFORNIA
APN 210-044-009**

Prepared for:
Raymond Winkle

Prepared by:
OMSBERG & PRESTON
402 E Street
Eureka, CA 95501
(707) 443-8651

July 15, 2019
(Job. No. 19-2091)

Stephen G. Nesvold, P.E.
R.C.E. 25681



T15

Introduction:

A road evaluation for an un-named private access road leading to APN 210-044-009, was conducted on June 6, 2019 by Ethan Amezcua and Ben Voelz, Engineering Technicians, of Omsberg & Preston. This evaluation was undertaken to determine if the road network used to access the project site meets the intent of the County’s Road Category 4 standard.

Background:

The client’s parcel is located roughly halfway between Bridgeville and Dinsmore, adjacent to Highway 36 and is accessed via an un-named private road. The un-named road is a dirt road providing access to many parcels southwest of Bridgeville and is accessed from Highway 36, the closest publicly maintained road. The client travels 0.6 miles along this road from the Highway 36 turnoff to access their parcel (Figure 1). The parcel can also be accessed via Larabee Buttes Road, a road managed by the Bureau of Land Management (BLM). However, the client has stated that the BLM road will not be used for anything involving cannabis operations but only for private or domestic use if necessary. Hereafter, mile post (MP) markers start from the Highway 36 turnoff.

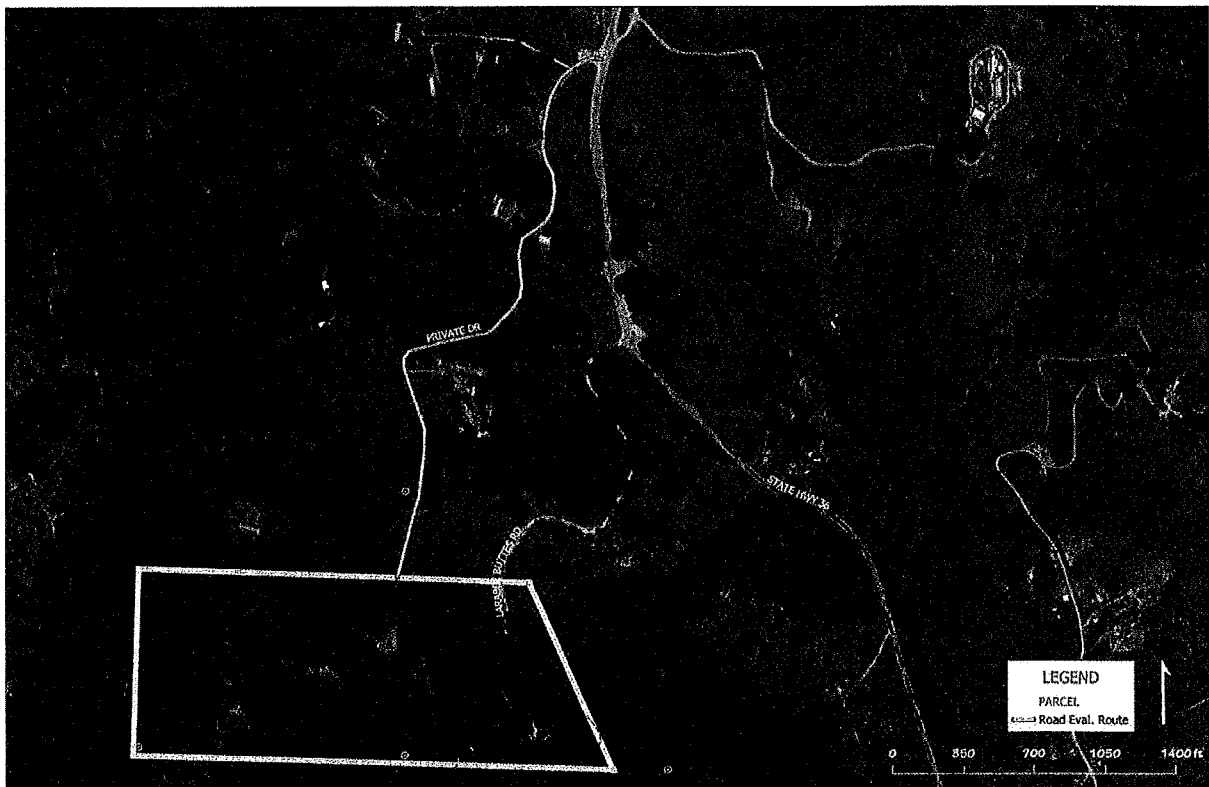


Figure 1: Route Map showing the road network used to access the project site from Highway 36 (the nearest publicly maintained road)

Findings:

Estimated Adjusted Daily Traffic (ADT)

The estimated ADT for the un-named private road is under 400 vehicles per day.

Sight Distance

Sight distance is adequate throughout the extent of the road evaluation. Turnouts are also adequately placed roughly every 0.1 miles.

Road Drainage

Roadside drainage is adequate for the entirety of the private road. It appears that construction of a rolling dip and cutoff ditch had been undertaken at MP 0.2 but is still incomplete. Overall, there was little to no evidence of erosion taking place within or alongside the roadway.

Assessment of culvert design is not part of this report.

Recommendations:

There are currently no recommendations to be made to bring the road up to the county's Road Category 4 standard, the road is adequate as it currently stands.

Conclusion:

The road network leading to the subject parcel (APN 210-044-009) will meet the intent of Road Category 4, given the road's low ADT and adequate turnout placement and distribution. If you have any questions or comments, please don't hesitate to contact our office.

Road Evaluation – Supporting Information (Imagery)

Un-named Private Road

June 6, 2019

Ethan Amezcua and Ben Voelz

Mile 0.0 (Private Road Turnoff): 0+15+0=15ft wide road prism; 115-foot wide apron. Adequate visibility and sight distance; Intersection of un-named private road and Highway 36.

Looking Northwest at Highway 36 intersection.



Looking Southeast at Highway 36 intersection.



Mile 0.2 (Private Road): 0+28+0=28ft wide road prism; Adequate visibility and sight distance; 20-foot wide LH turnout.

Looking Forward



Looking Backward



Mile 0.4 (Private Road): 4+18+1=22ft wide road prism; Adequate visibility and sight distance; Accessible RH turnout

Looking Forward



Looking Backward



Mile 0.6 (Private Road): 1+10+1=12ft wide road prism; Adequate visibility and sight distance; Gated property entrance.

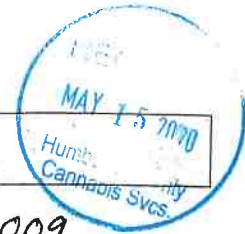
Looking Forward



Looking Backward



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



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

Applicant Name: Raymond Winkle APN: 210-044-009

Planning & Building Department Case/File No.: 16122

Road Name: UN-NAMED PRIVATE DRIVE (complete a separate form for each road)

From Road (Cross street): HWY 36

To Road (Cross street): Property line (210-044-009)

Length of road segment: 0.6 miles Date Inspected: 6-6-2019

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.

Kimberly D. Preston
Signature

5-15-2020
Date

KIMBERLY D. PRESTON
Name Printed



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

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

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approved with Conditions	On file
Division Environmental Health	✓	Approved with Conditions	On file
Public Works, Land Use Division	✓	Approved with Comments	Attached
Cal Fire	✓	Approved Comments	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bridgeville Fire Protection District		No Response	
Bear River Band	✓	Comments	On file and confidential
Bridgeville School District		No Response	
Humboldt County Sheriff Office	✓	Approved with Comments	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
U.S. Forest Service		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights	✓	Approved	Attached
North Coast Unified Air Quality Management District		No Response	



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

4/29/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, US Forest Service, FPD: Bridgeville, RWQCB, NCUAQMD, School District: Bridgeville, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Valley Tops LLC **Key Parcel Number** 210-044-009-000

Application (APPS#) PLN-2019-16122 **Assigned Planner** Liza Welsh 707-268-3718

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: 5/14/2020

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

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

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

Other Comments: _____

APPROVED bases ON all Requires grading, building, plumbing, electrical and mechanical permits AND Ag except or obtained

4-30-2020

Rob Edwards

DATE:

PRINT NAME:



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 16122
Parcel No.: 210-044-009
Case No.: _____

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

- Site/plot plan appears to be accurate.

- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.

- Is development near wet area? yes or no
- If yes, what is the distance?
- Is development near Stream side Management Area (SMA)? yes or no
- If yes, what is the distance?

- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemption are obtained.

- Other Comments: _____
- _____
- _____
- _____
- _____

Name: Robert M Edin

Date: 4-30-2020

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.

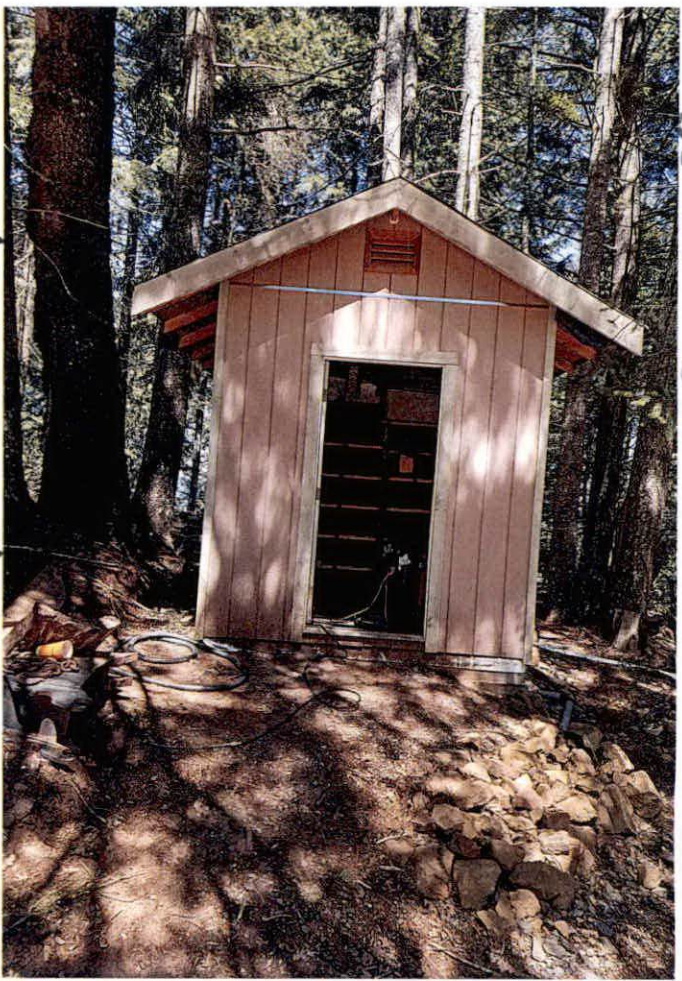
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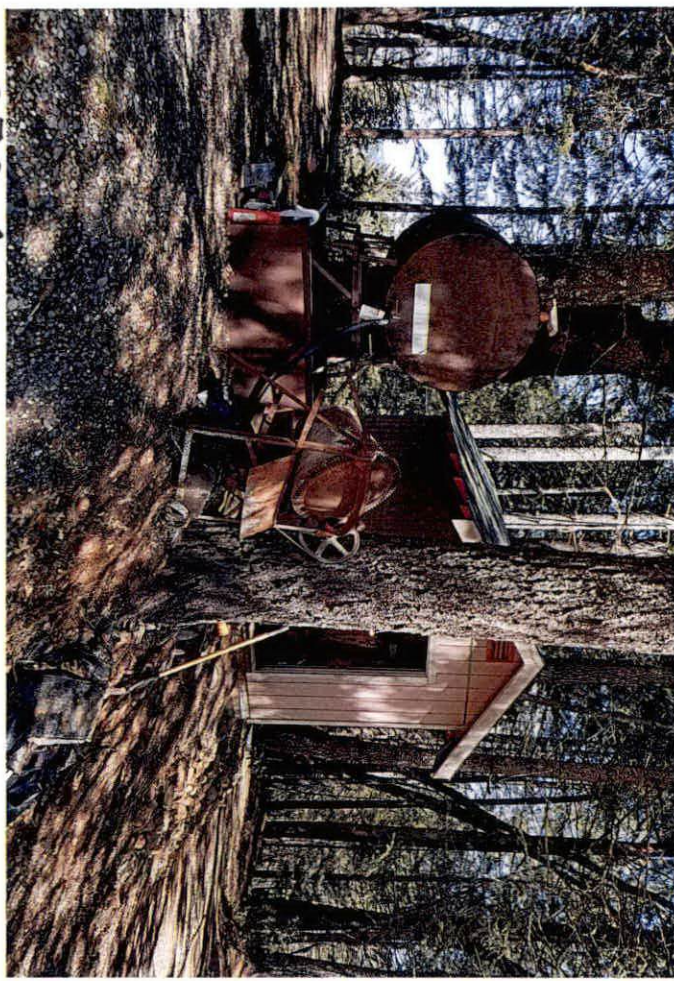
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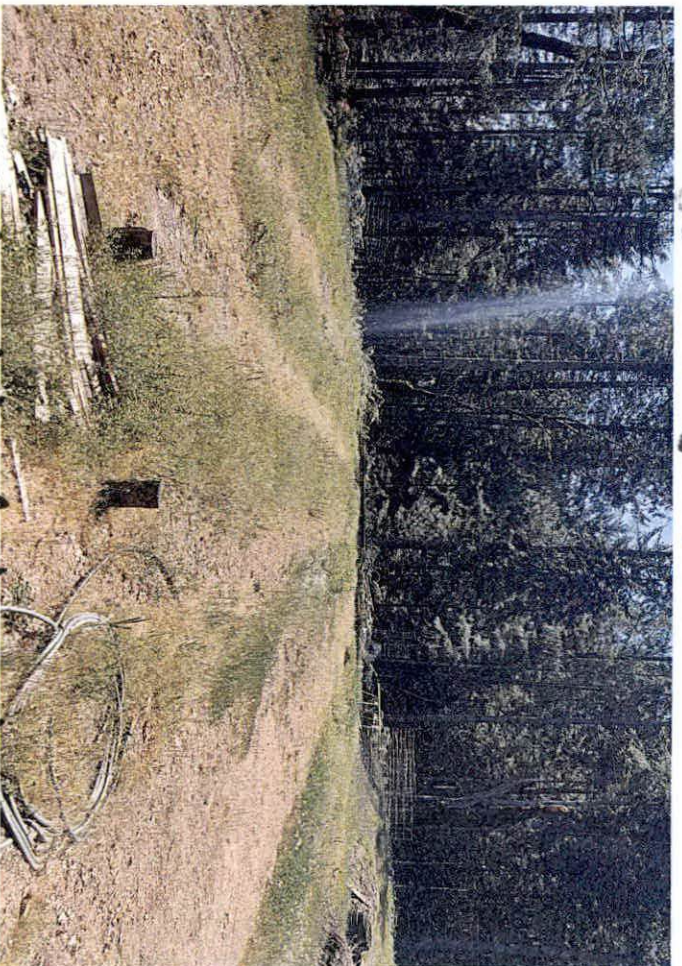
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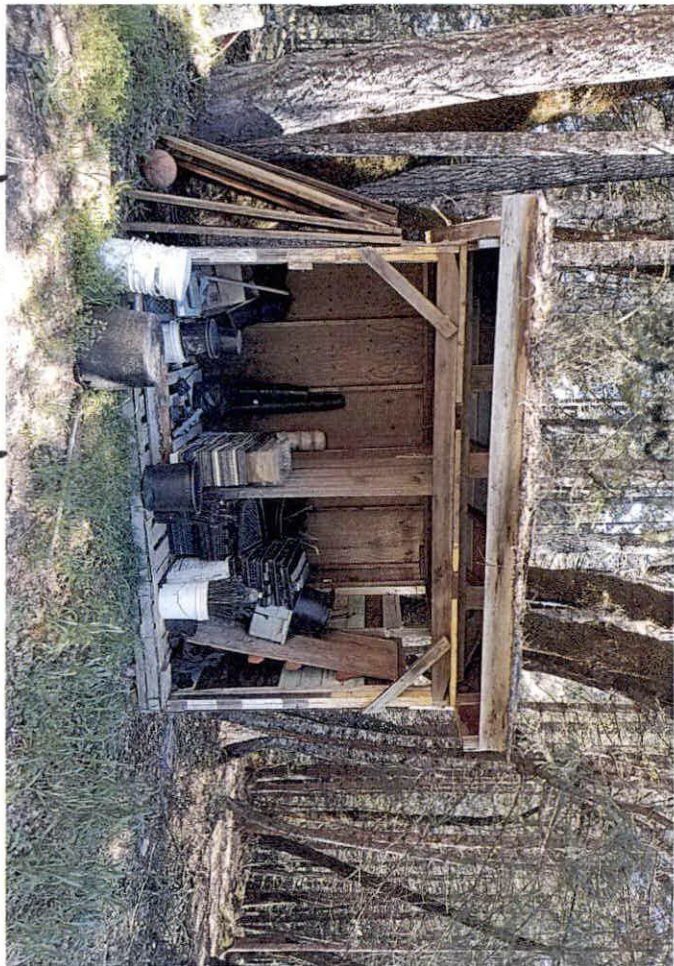
Generator Shed



350 Gal. Gasoline Tank

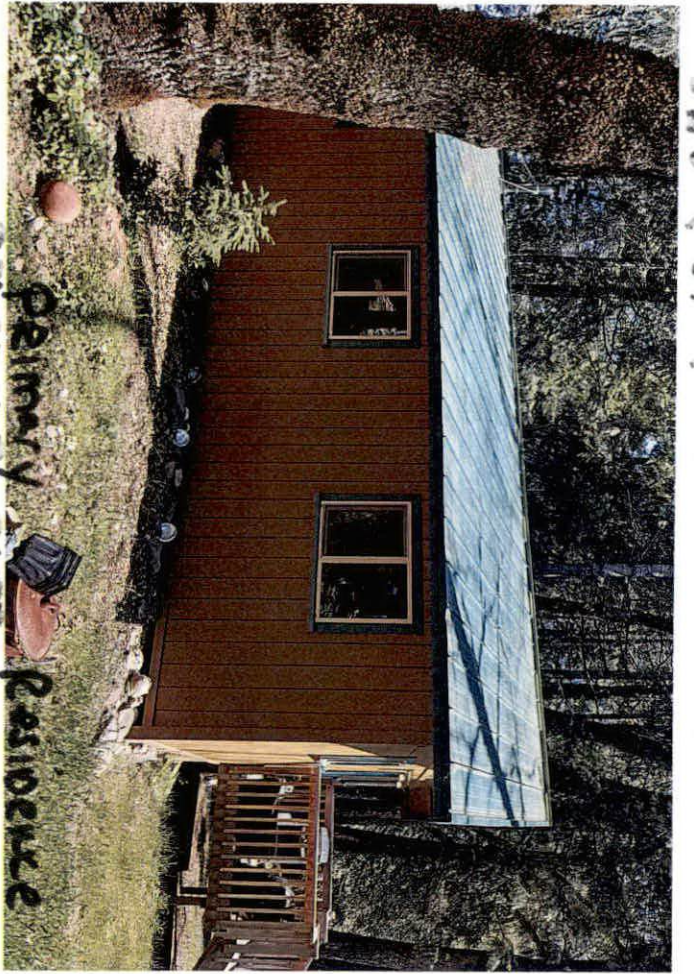


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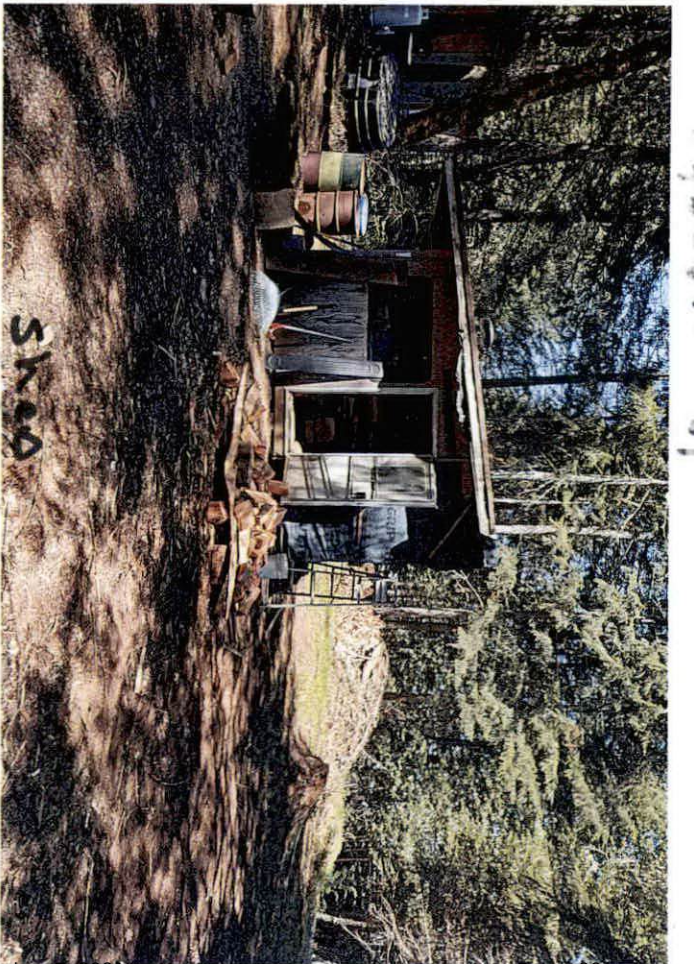
Storage Shed

2300 (A-H) Overlaid Link



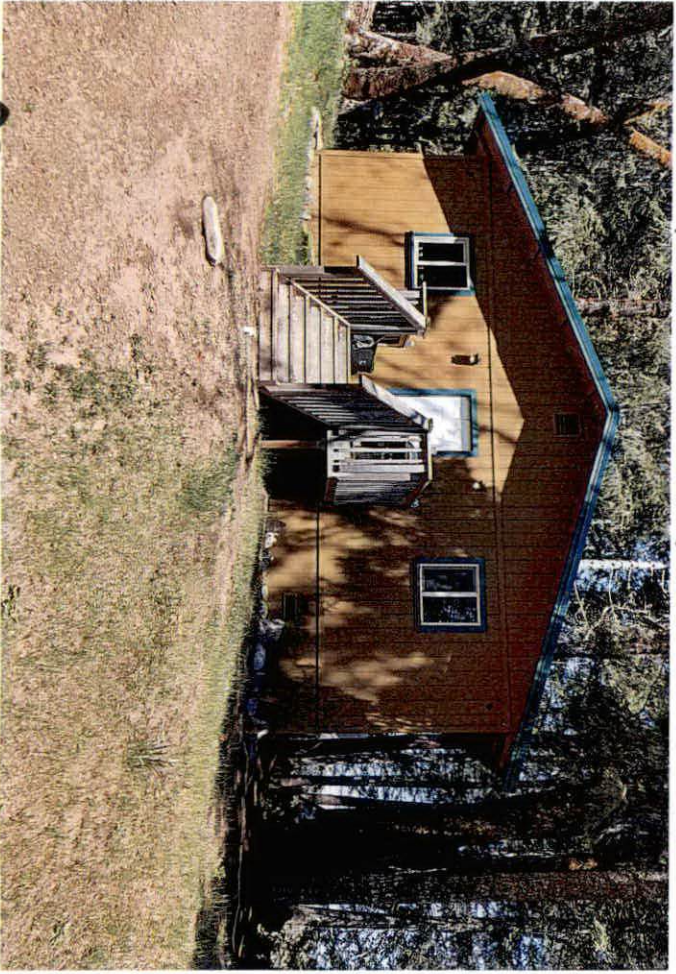
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2400 Vis 2300



Shed (B) 2400 (A-H) 2400

Primary 2310 Mt.



Primary Residence

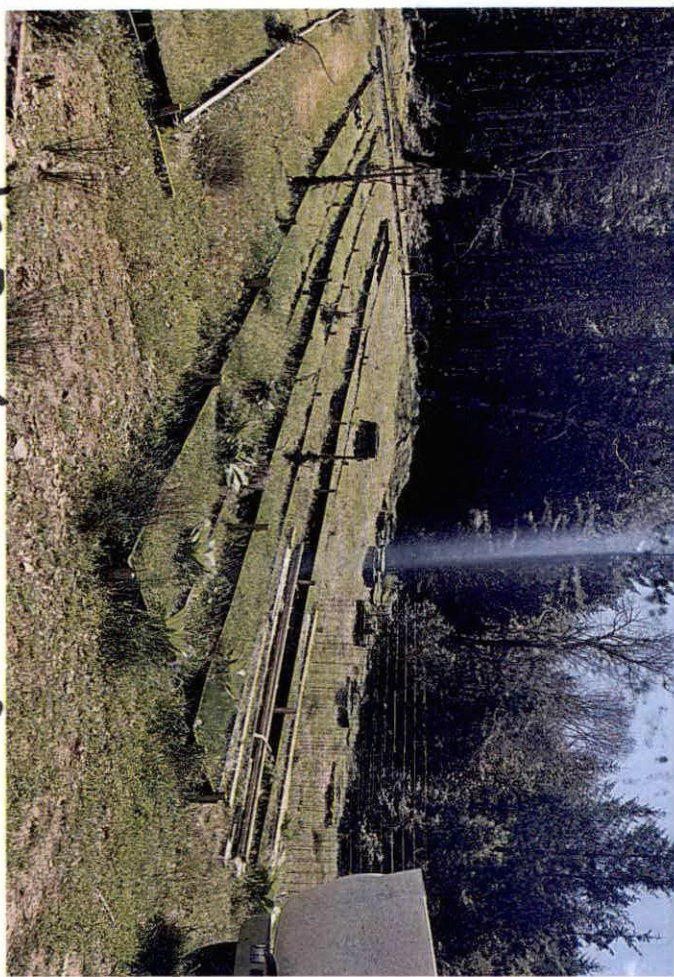


510 - 6th - 6th

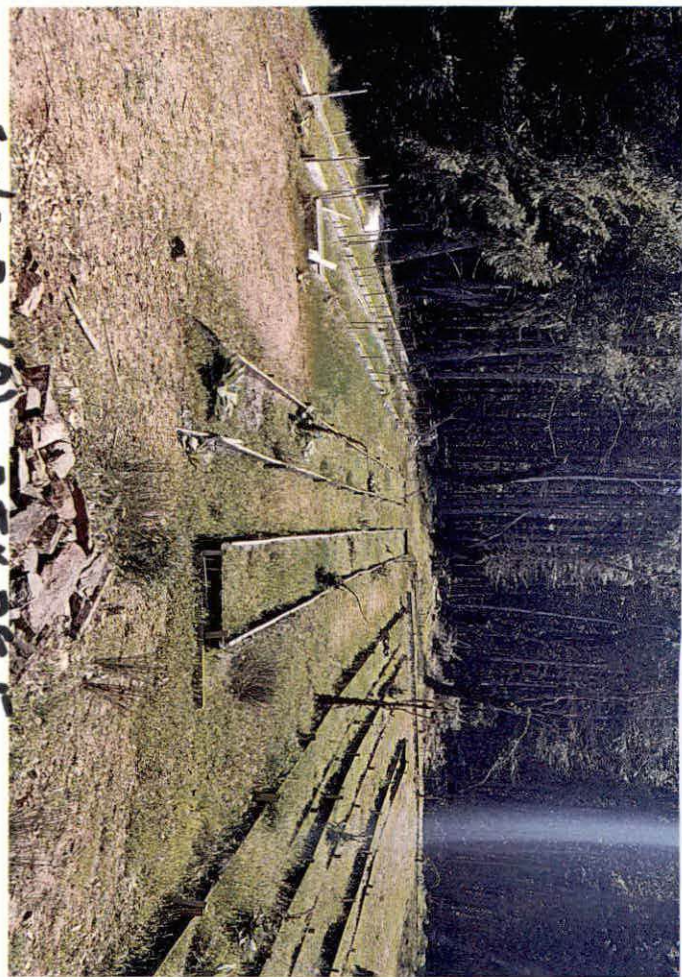
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1000

Site 3 6.075 0.0



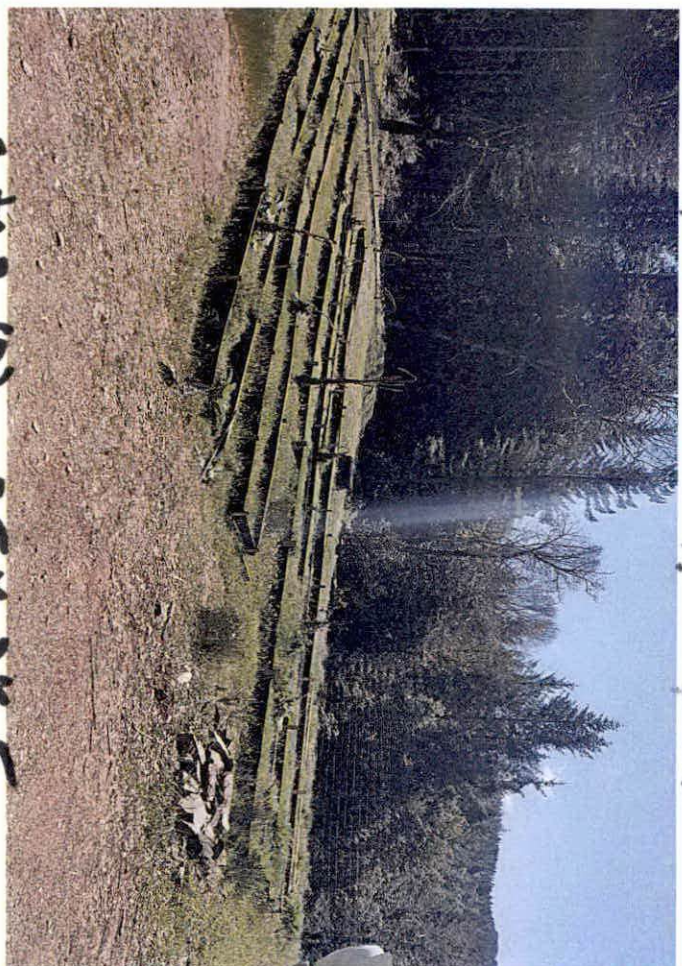
Site 3 (P) 25X 78.5



Site 3

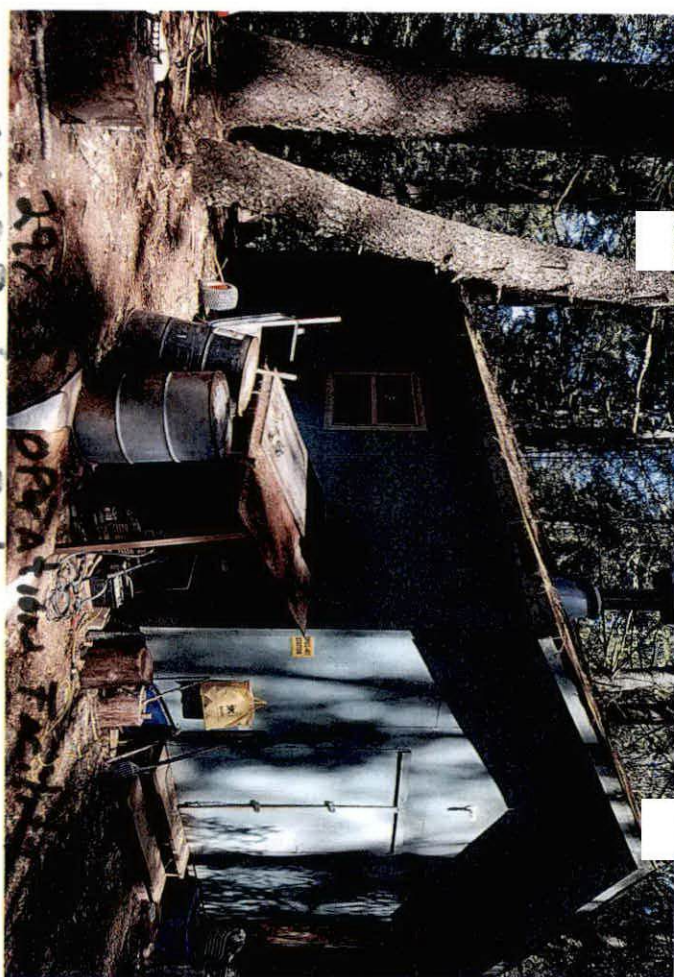


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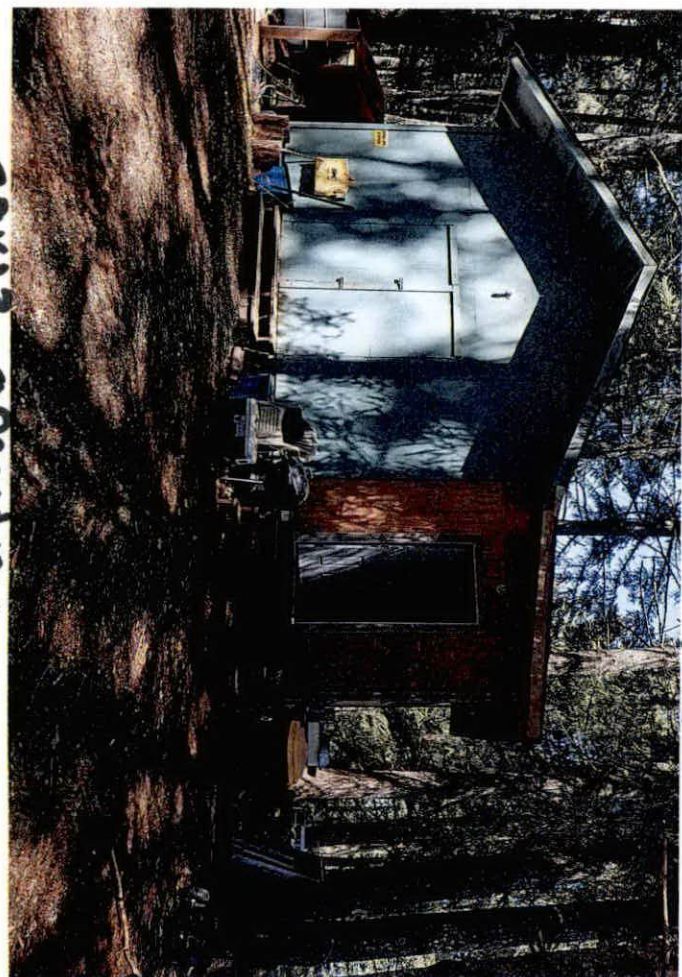
210-044-009
58X23 06 view
4-30-2020
2:45 PM Col/Janet/nd
12W E

21463 9'0x2 0'0



29X
Operation Facility

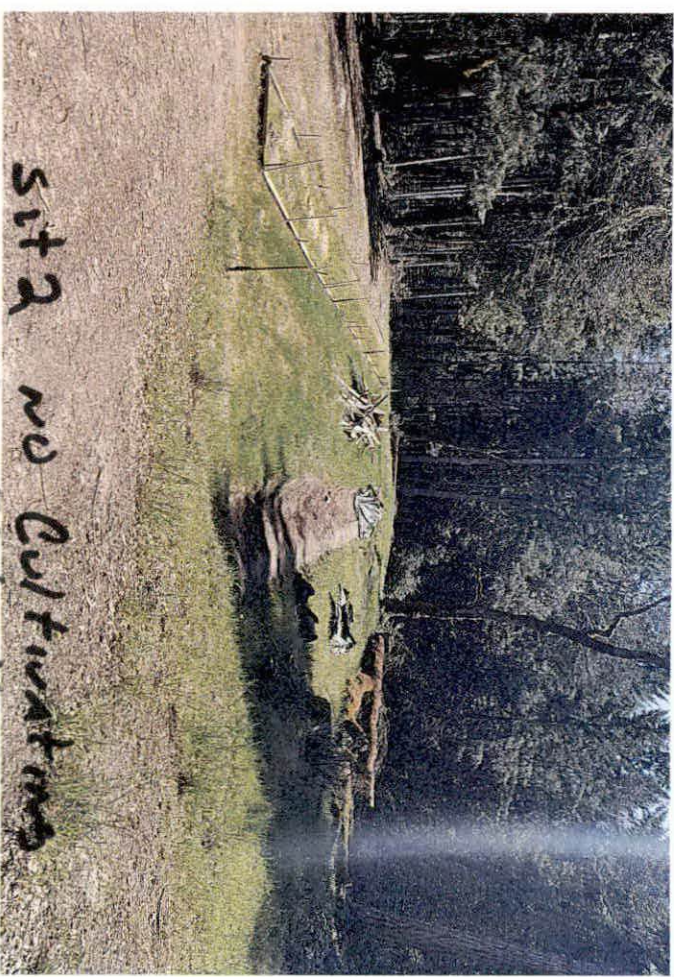
21463 (6) 52X 38'2



29X33 Operation Facility

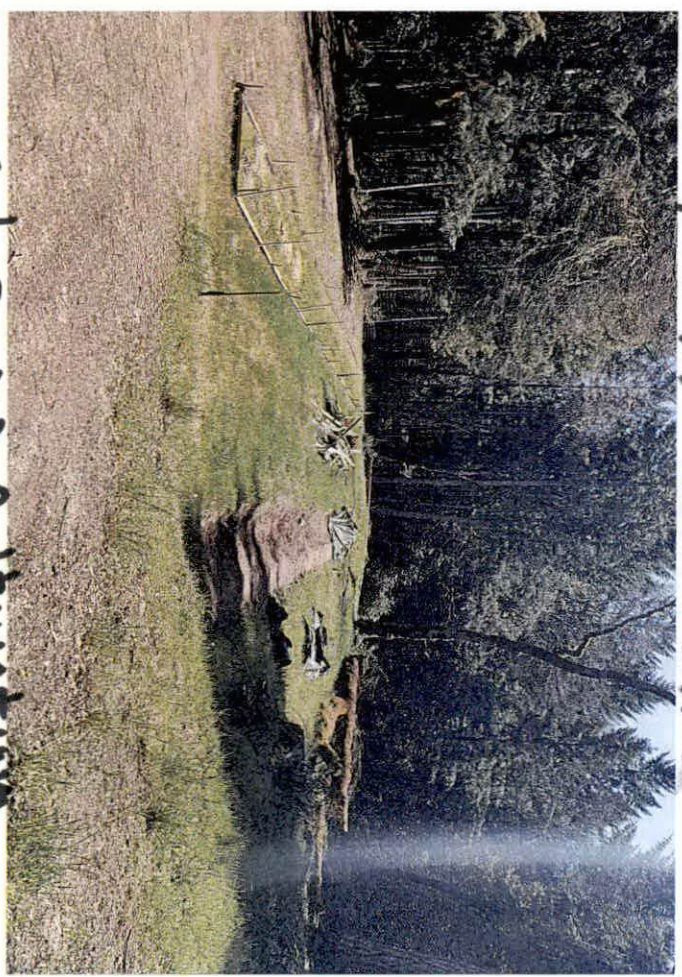
510-044-004

21463 3



Site 2 NO Cultivations

21463 (6) 52X 38'2



Site 2 NO Cultivations

LSWE

05/12/19



TANKS SAID BLENDING PPO

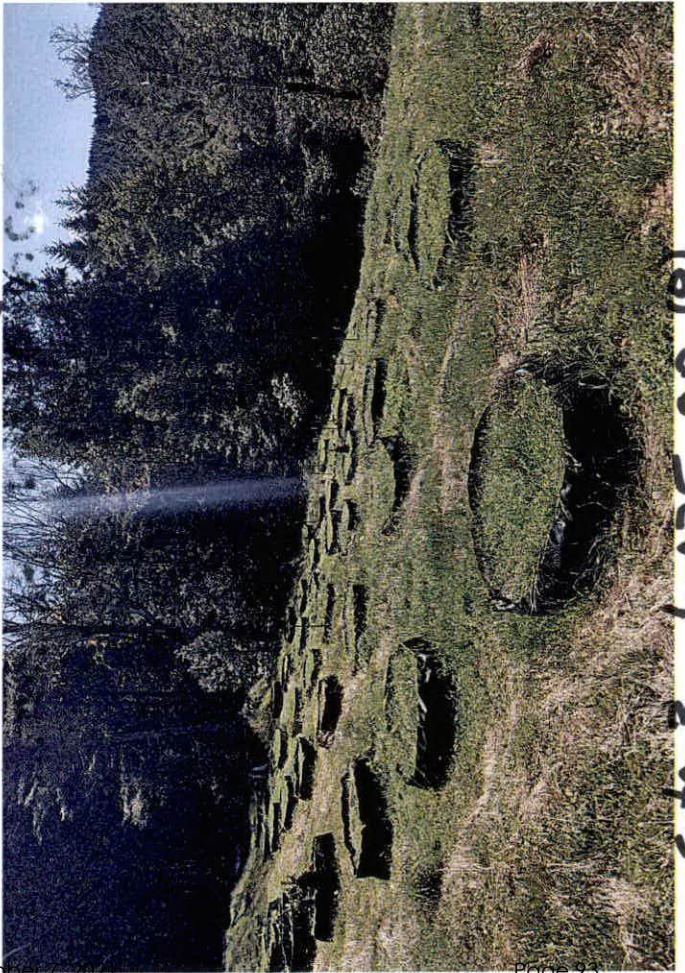


Site 3 6,075 00
0505-02-11 3 M F

11/9/19



Site 3 6,075 00 (P)
0505-02-11



Site 3 6,075 00 (P)
0505-02-11 3 M F

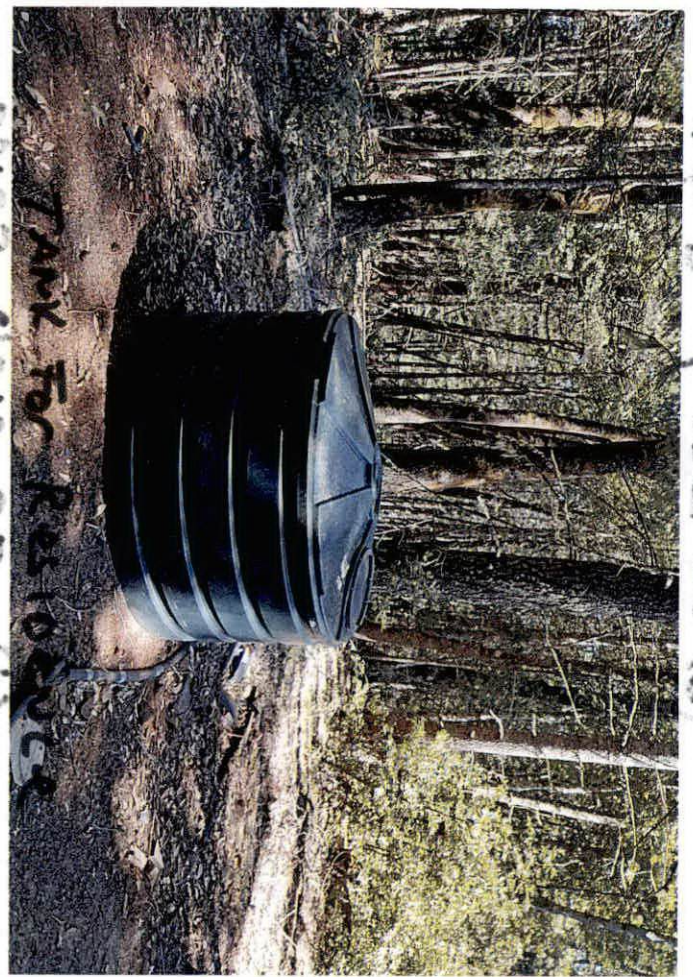
210-044-009

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4-30-2020

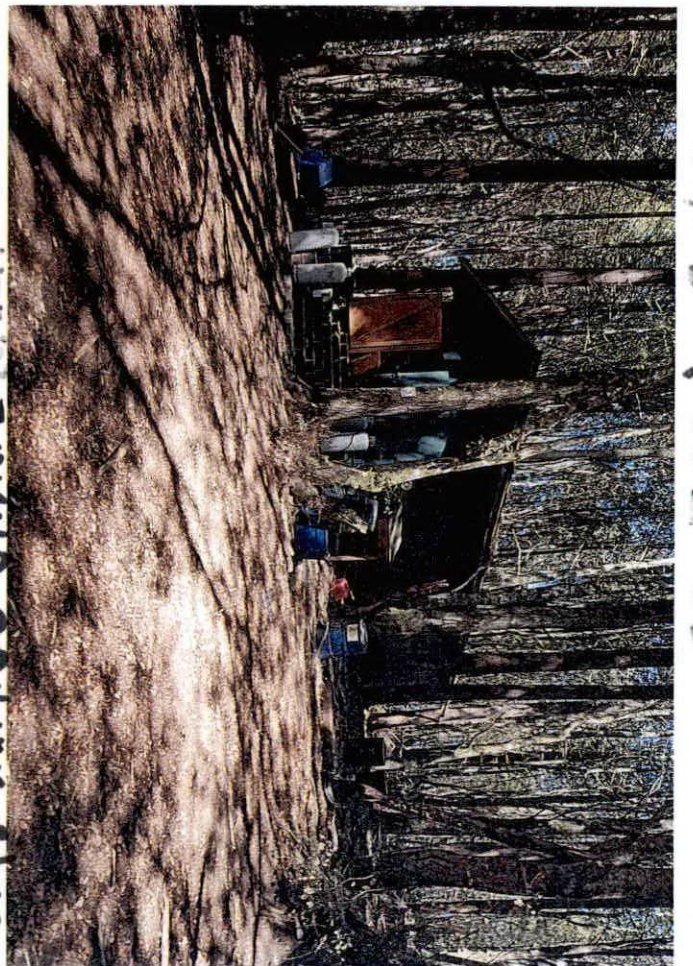
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RME



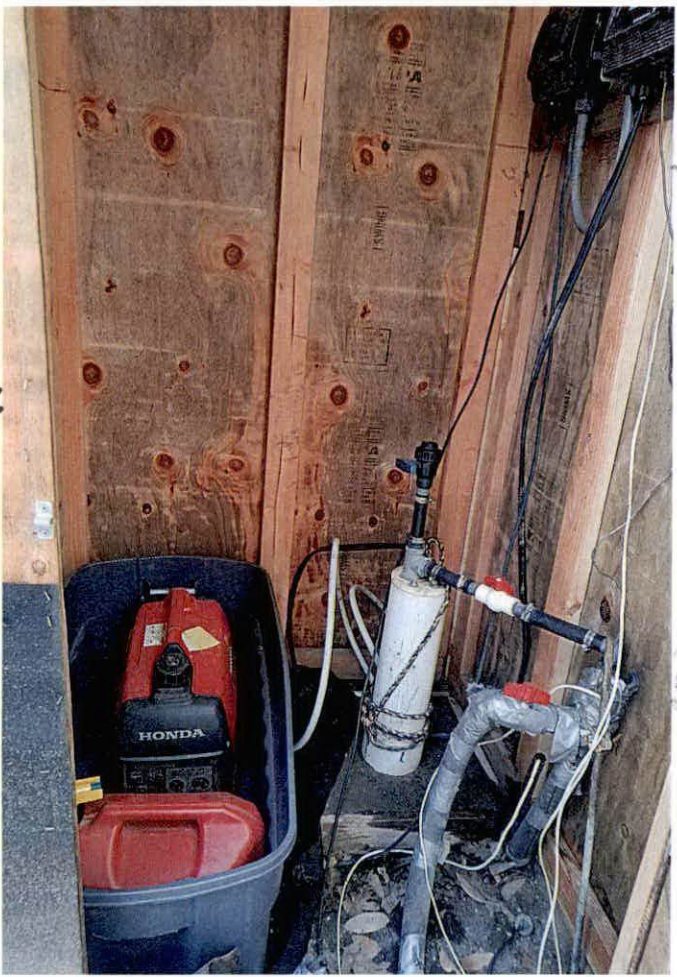
TANK FOR RELIANCE

2102 (1022.00 (6))



TANK 20X40 DRIVING SHED

October 7, 2021

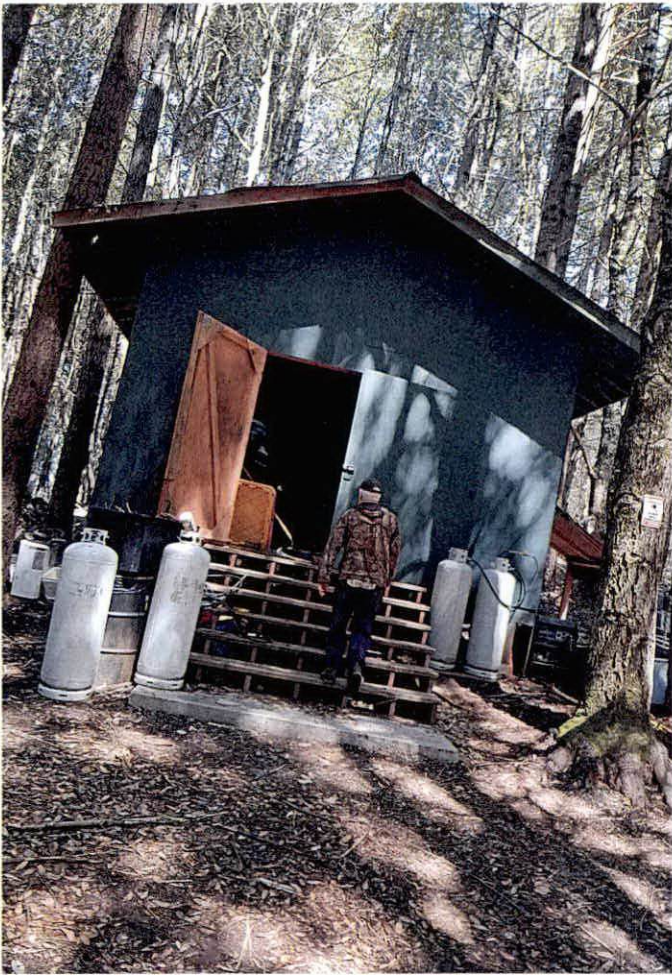


Well

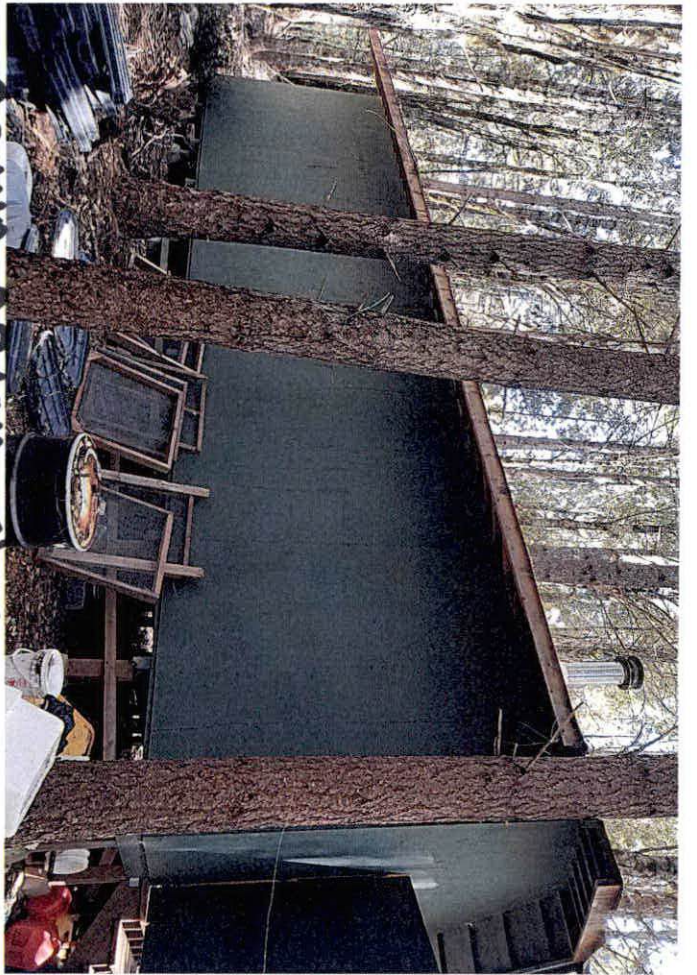


Well Shed

20X40 DEYINS SHED

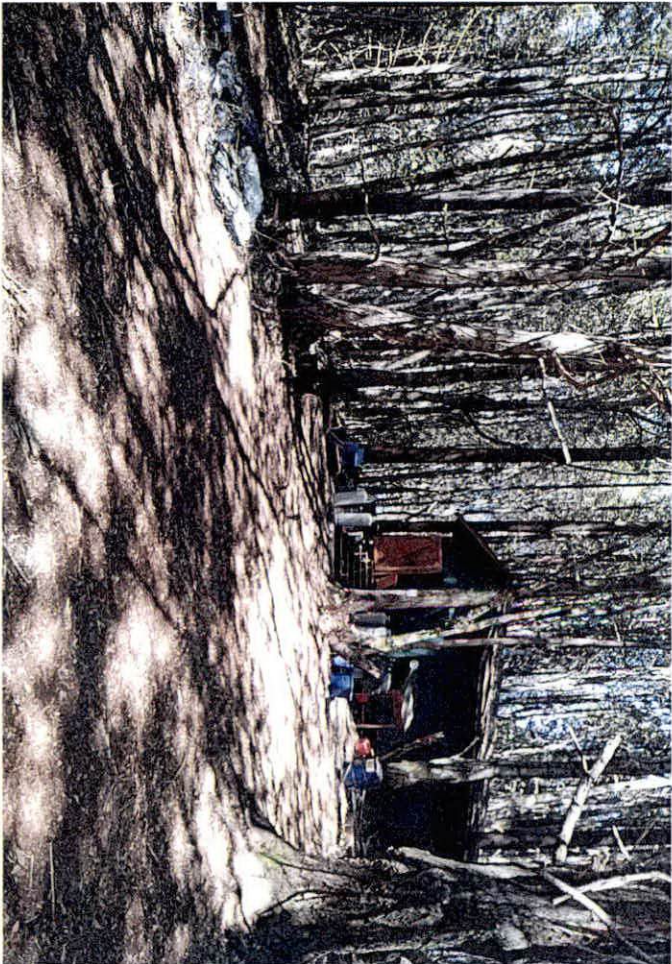


20X40 DEYINS SHED

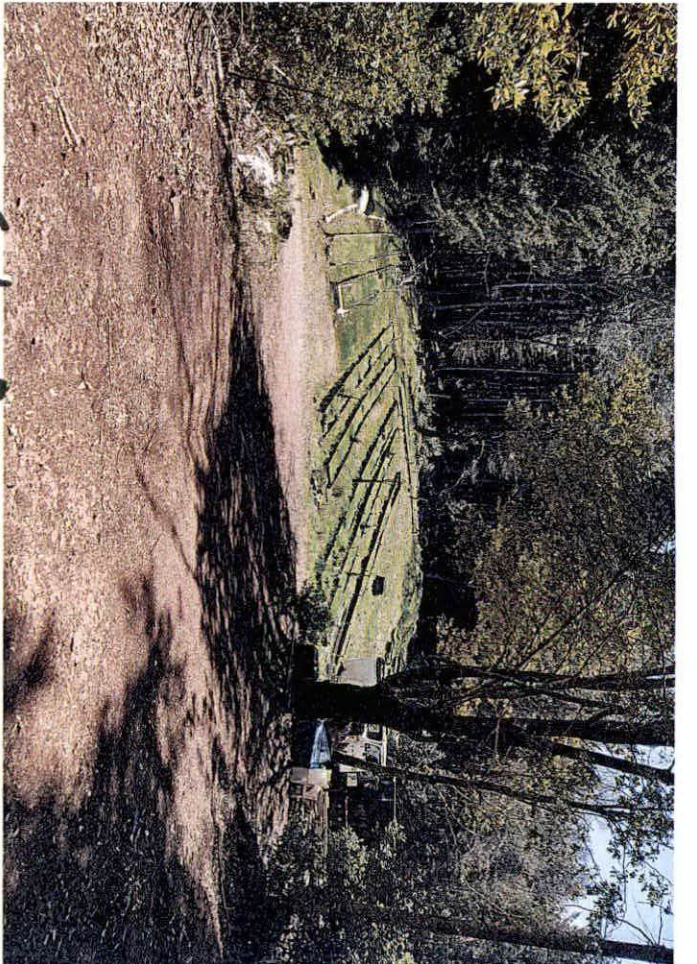


210-044-001

4-30-2020



Site 3



RMB



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

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

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

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


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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Elizabeth Moreno, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01/31/2020

RE:

Applicant Name	DEER CREEK ORGANICS LLC
APN	210-044-009
APPS#	PLN-2019-16122-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:

Review Items #1 and #2 on Exhibit "C"

Applicant has submitted a road evaluation, stamped received by the Humboldt County Cannabis Services on December 31, 2019. The road evaluation did not include the required Road Evaluation Report Form developed by the Department. Once the form is submitted the Department will require that all of the recommendations on the submitted report be completed.

// END //

Additional Review is Required by Planning & Building Staff

AAPS # 16122

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

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

YES NO

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

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

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

YES NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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

1/30/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, US Forest Service, FPD: Bridgeville, RWQCB, NCUAQMD, School District: Bridgeville, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Valley Tops LLC **Key Parcel Number** 210-044-009-000

Application (APPS#) PLN-2019-16122 **Assigned Planner** Liza Welsh 707-268-3718

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

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

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

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

Return Response No Later Than: 2/14/2020

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

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

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

Other Comments: _____

DATE: 2/14/2020 PRINT NAME: Samuel Warner