



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: July 11, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Wendy Emerson Special Permit**
Application Number: 12059
Case Number: PLN-12059-SP
Assessor's Parcel Number (APN): 212-032-017
800 Road C, Miranda area

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Please contact Liza Welsh, Planner, at (707) 445-7541, or by email at lwelsh@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 11, 2019	Special Permit	Liza Welsh

Project Description: A Special Permit for 9,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from a lined 125,000-gallon rainwater catchment pond onsite. Water for the project is stored in the rainwater catchment pond and in hard tanks totaling 10,000 gallons, for a total of 135,000 gallons. The applicant estimates that their annual water usage is 108,000 gallons, or 12 gallons per square foot for one cultivation cycle. Processing, including drying and trimming, activities are proposed onsite within an existing shed. Power is provided by solar. The project has no employees.

Project Location: The project is located in Humboldt County, in the Miranda area, at the terminus of Road C, approximately 0.4 miles south from the intersection of Road D, Lauren Lane and Road C, on the property known as 800 Road C.

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timber Production Zone (TPZ)

Case Number: PLN-12059-SP

Assessor Parcel Number (APN): 212-032-017

Applicant

Wendy Emerson
PO Box 33
Redway, CA 95560

Owner

Sloan Adam M, and
Emerson Wendy A
PO Box 33
Redway, CA 95560

Agent

Eugene Denson
PO Box 158
Alder Point, CA 95511

Environmental Review: An addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration pursuant to Section 15164 of the CEQA Guidelines.

State Appeal Status: The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issue: None.

Wendy Emerson Special Permit
Case Number: PLN-12059-SP
Assessor's Parcel Number (APN): 212-032-017

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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, make all of the required findings for approval of the Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Wendy Emerson Special Permit subject to the recommended conditions.

Executive Summary

The proposed Special Permit would allow the continued operation of an existing commercial cannabis cultivation operation consisting of 9,000 square feet of existing outdoor cannabis cultivation, an ancillary nursery, and ancillary storage structures on a 90-acre (assessed lot size) legal parcel in the Miranda area, which also includes a residence, associated out dwellings, and storage sheds. A review of historic imagery using Google Earth indicates that in 2012 there was 9,607 square feet of outdoor cannabis cultivation on the property. An Interim Permit was issued for 10,000 square feet of outdoor cannabis cultivation. At the applicant's request, this Special Permit will authorize 9,000 square feet of existing outdoor cannabis cultivation in three discrete cultivation areas, as follows:

Site	Location	Size
Site One	Top of hill	2,750 square feet
Site Two	Between top of hill and residence	3,000 square feet
Site Three	Outside of residence	3,250 square feet

In each area, cannabis is cultivated alongside other crops including vegetables, herbs, and flowers, as part of the applicant's permaculture practice. Hügelkulturs or bioswales are used to prevent erosion and to increase water retention and natural vegetation is left within the site and around the perimeter. Beds and holes are heavily mulched with straw and other organic matter to prevent runoff or sediment discharge

Propagation occurs from seed in March or April in a portable metal frame with greenhouse cover. The nursery will be 10'X30' or 10'X40' depending on need. The nursery will be taken down completely once plants are ready to go in the ground. No supplemental lighting is used in the nursery. After plants are transplanted outside, cultivation occurs outdoors in full sun in native soil. Only organic inputs are used. The applicant anticipates one outdoor cultivation cycle per year.

The domestic water source is a point of diversion on a tributary to Salmon Creek. The applicant holds a final Streambed Alteration Agreement (1600-2016-0555-R1) for this point of diversion. The water source for cannabis irrigation is rainwater catchment in a 125,000-gallon lined rain catchment pond. An additional 10,000 gallons of poly storage tanks are reserved for agricultural use. All other tanks on the property are used for domestic uses. Water is delivered to the cannabis plants via a pressure-compensating drip irrigation system with timers. The applicant estimates that

their annual water usage is 108,000 gallons, or 12 gallons per square foot for one cultivation cycle. The applicant has registered with the North Coast Regional Water Quality Control Board as a Tier 2 discharger and has prepared a Water Resources Protection Plan pursuant to the enrollment (TRC#180101060404TRC231). The WRPP states that the rain catchment pond requires a rocked overflow. Implementation of the mitigation measures outlined in the WRPP is a condition of project approval.

Power to the subject parcel is provided by a solar photovoltaic (PV) system. A backup generator may be used for domestic purposes on a limited basis but will not be used for cultivation. Ongoing conditions of approval require shielding of the generator to attenuate noise such that overall noise levels are at 50 decibels or less at 100 feet from the generator. No employees will assist with the project. Processing will occur in a drying/processing shed using a trimming machine. Conditions of approval will require the applicant to obtain a commercial permit for the drying/processing structure, which will require the construction of an ADA-compliant restroom. The project was reviewed by the Department of Environmental Health, which recommended conditional approval noting that a permitted Onsite Waste Treatment System (OWTS) is required for processing. If the shed cannot be improved to meet these commercial standards, the applicant will modify the permit to propose an alternate processing location or will process off site with a licensed third-party facility.

The subject parcel is located approximately 1.3 miles from County-maintained Thomas Road on an unnamed private road. The applicant submitted a Road Evaluation for the unnamed road and reported that it has the functional capacity of a Category 4 road capable of accommodating the commercial traffic involved with this project. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave the unnamed private road for a minimum width of 20 feet and a length of 50 feet where it intersects Thomas Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. With the improvements specified by the Department of Public Works, the road can be considered to have the functional capacity for the traffic associated with the project.

The subject parcel is classified as timberland and contains second-growth Douglas Fir and hardwood species. A registered professional forester from Timberland Resource Consultants visited the site in March 2017 and prepared a Timber Conversion Evaluation Report for the parcel. The report evaluated the cultivation sites and associated areas for timber operations. The forester observed .63 acres of timberland conversion within the inspected cultivation sites and associated areas. This total does not exceed the three-acre conversion exemption maximum. The RPF suggested that the applicant treat all slash piles and log decks as soon as possible using one of the following methods: burying, chipping and spreading, piling and burning (during an appropriate time of year) or removal from the site. The Timber Conversion Evaluation Report was sent to Cal-Fire and no objections were raised. Implementation of the forester's recommendations is a condition of project approval.

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive plant species including the Humboldt milk-vetch (*Astragalus magnificides*), the American peregrine falcon (*Falco peregrinus anatum*) and the Northern Spotted Owl (*Strix occidentalis caurina*). The Timber Conversion Evaluation Report indicates that no evidence of these species or any other special wildlife or plant species was observed during the TRC field assessment of the property. No NSO habitat or evidence of NSO individuals was observed, and the conversion activities do not appear to have altered wildlife habitat for other non-listed species.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 19-

**Case Number: PLN-12059-SP
Assessor's Parcel Number (APN): 212-032-017**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Wendy Emerson Special Permit request.

WHEREAS, Wendy Emerson submitted an application and evidence in support of approving the Special Permit to permit the continued operation of an existing cannabis cultivation site consisting of 9,000 square feet of cannabis cultivated outdoors and ancillary nursery and storage facilities. Water is provided from a rain catchment pond. Power is provided by solar. Drying and processing will occur in an existing shed. There will be no employees.

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number PLN-12059-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on July 11, 2019.

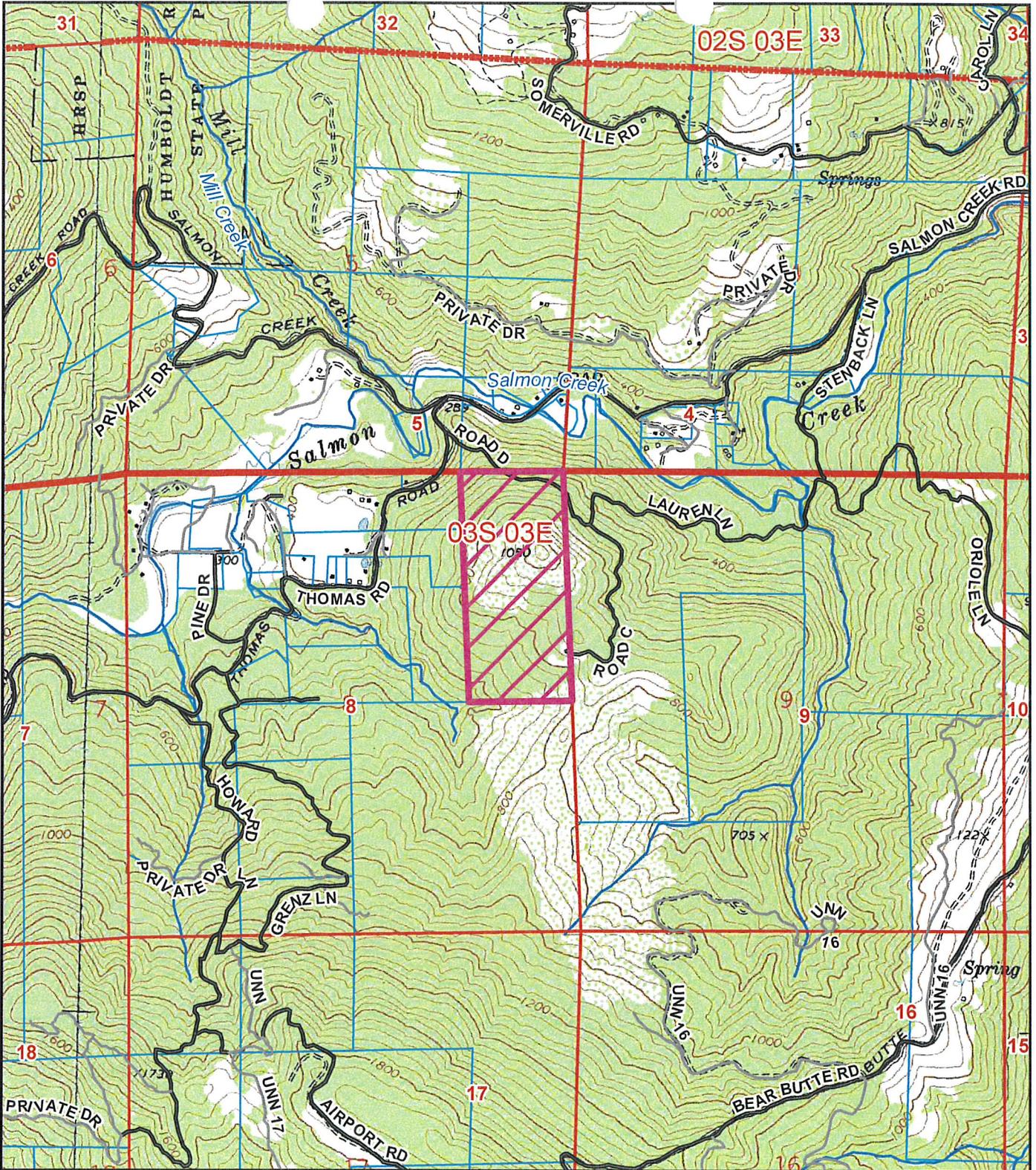
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes the findings for approval specified in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Case Number PLN-12059-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on July 11, 2019.

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

John Ford
Zoning Administrator
Planning and Building Department

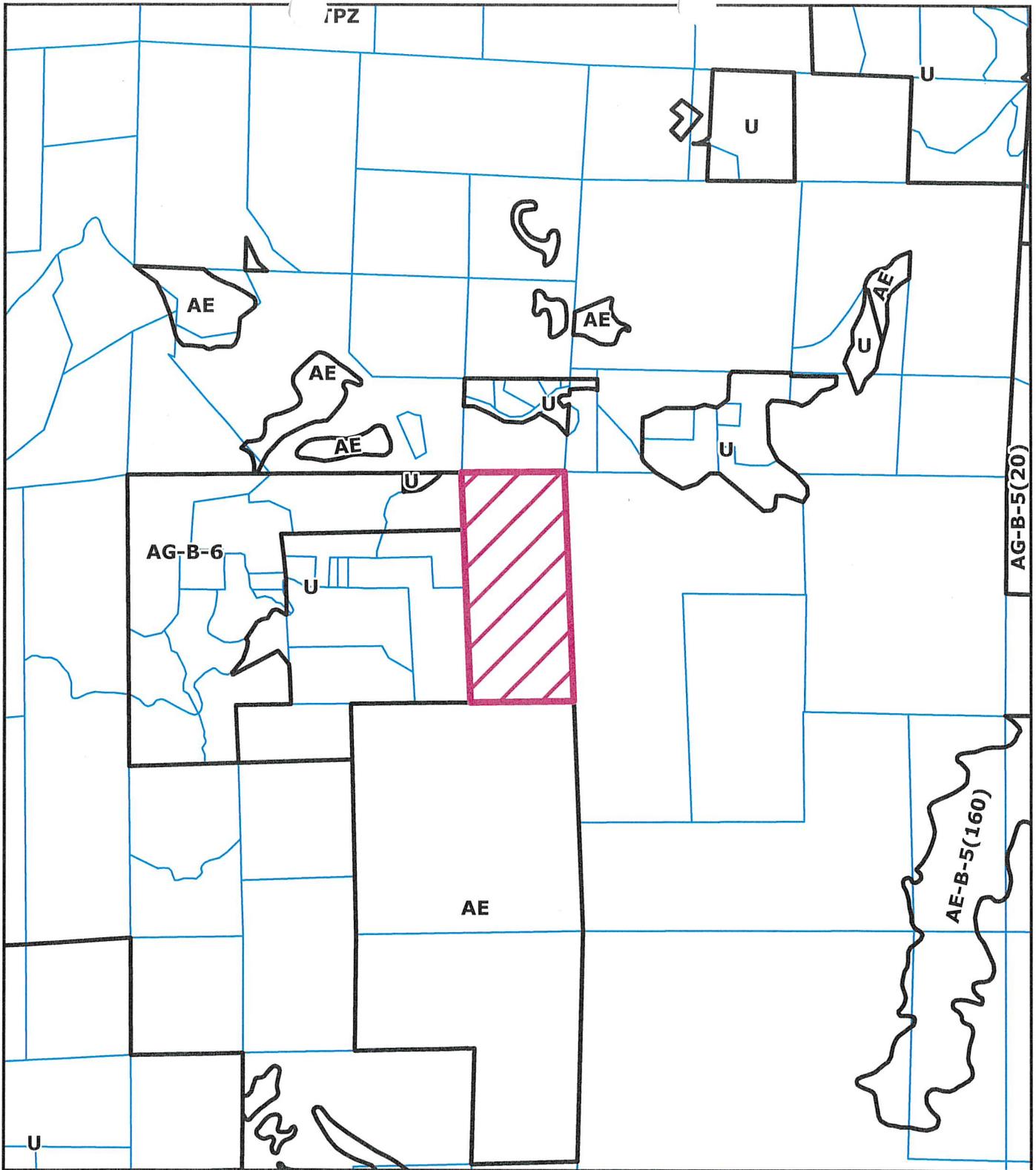


TOPO MAP
PROPOSED WENDY EMERSON
SALMON CREEK AREA
SP-16-383
APN: 212-032-017-000
T03S R03E S8 HB&M (MIRANDA)

Project Area = 



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

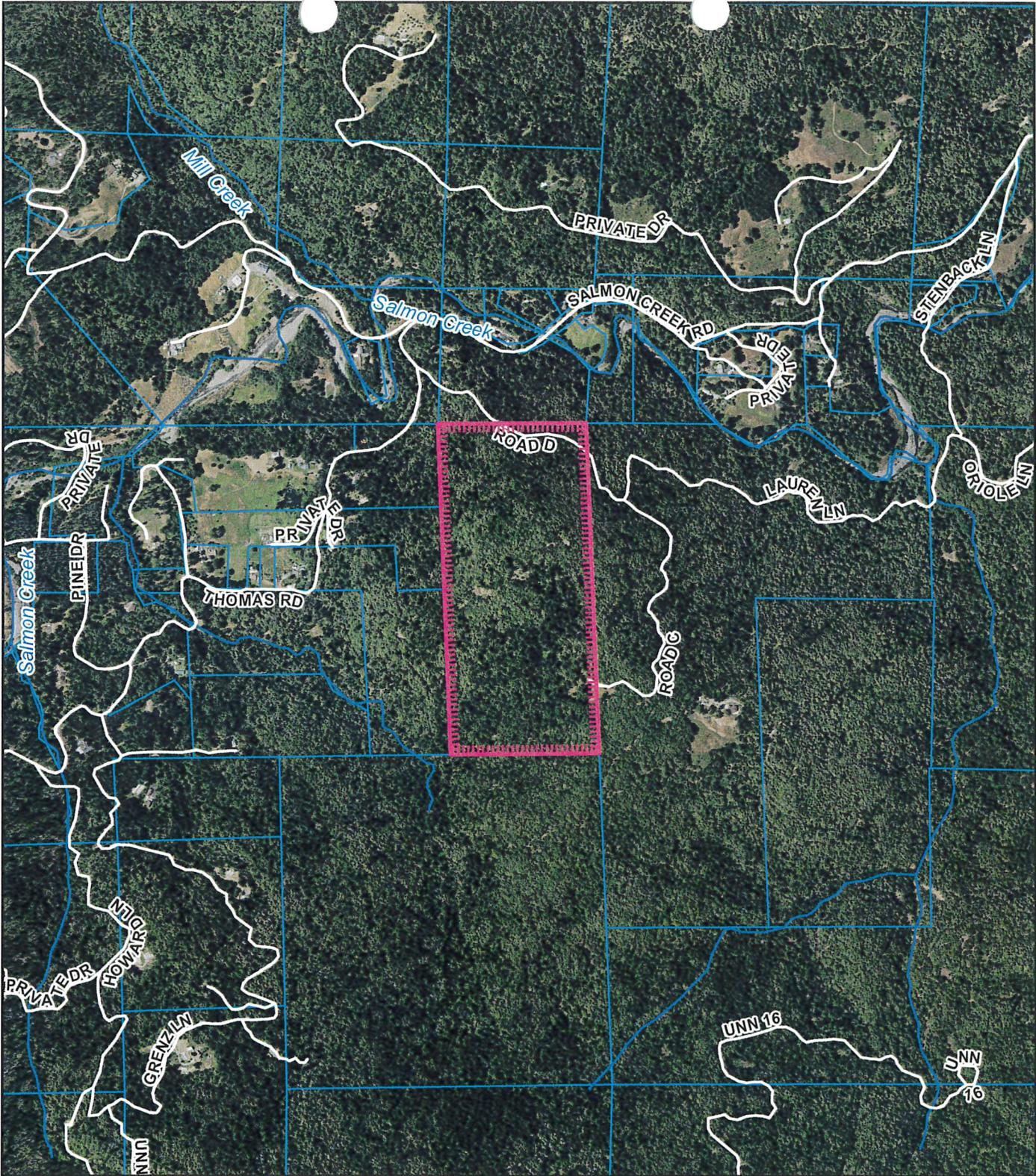


**ZONING MAP
 PROPOSED WENDY EMERSON
 SALMON CREEK AREA
 SP-16-383
 APN: 212-032-017-000
 T03S R03E S8 HB&M (MIRANDA)**

Project Area = 

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

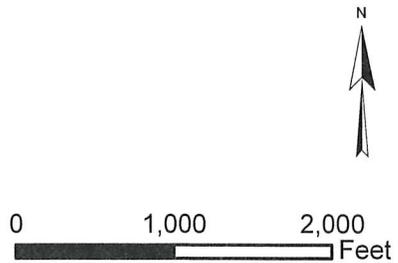




AERIAL MAP
PROPOSED WENDY EMERSON
SALMON CREEK AREA
SP-16-383
APN: 212-032-017-000
T03S R03E S8 HB&M (MIRANDA)

Project Area = 

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



App# 12059

Please see attached map for 600 Ft. Buffer

RECEIVED
SEP 13 2018
Humboldt County
Planning Division

APN 212-032-017

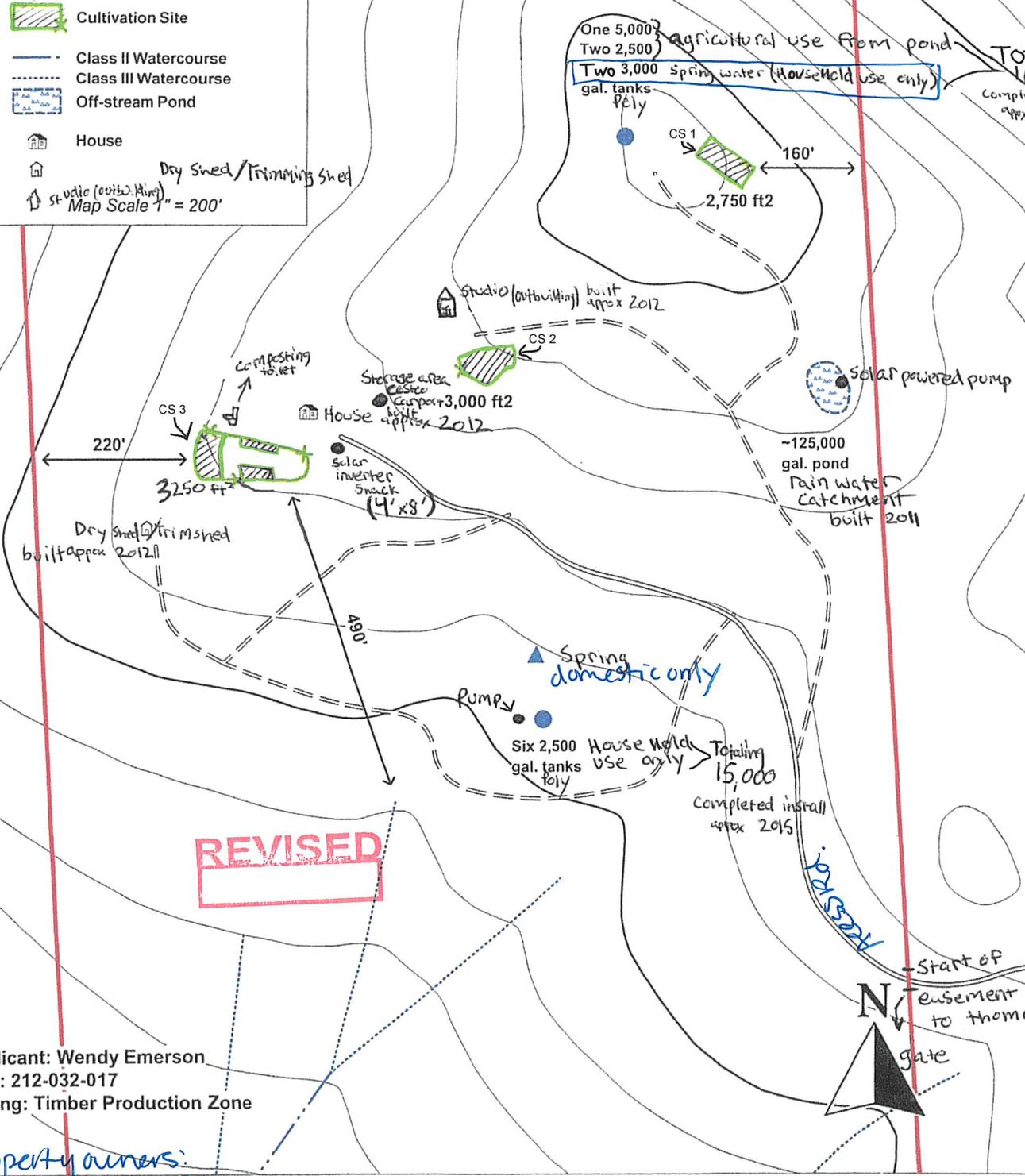
Site Map

- Property Boundary
 - ▲ Point of Diversion
 - Water Tanks
 - Seasonal Dirt Road
 - Permanent Rocked Road
 - Cultivation Site
 - Class II Watercourse
 - Class III Watercourse
 - Off-stream Pond
 - 🏠 House
 - 🏠 House
 - ↕ st. void (void King)
- Map Scale 1" = 200'

There are no schools, school bus stops, church, or other places of religious worship, public parks, or Tribal Cultural Resources within 600 feet of the cultivation areas

There are no off-site residences located within 300 feet of the cultivation areas

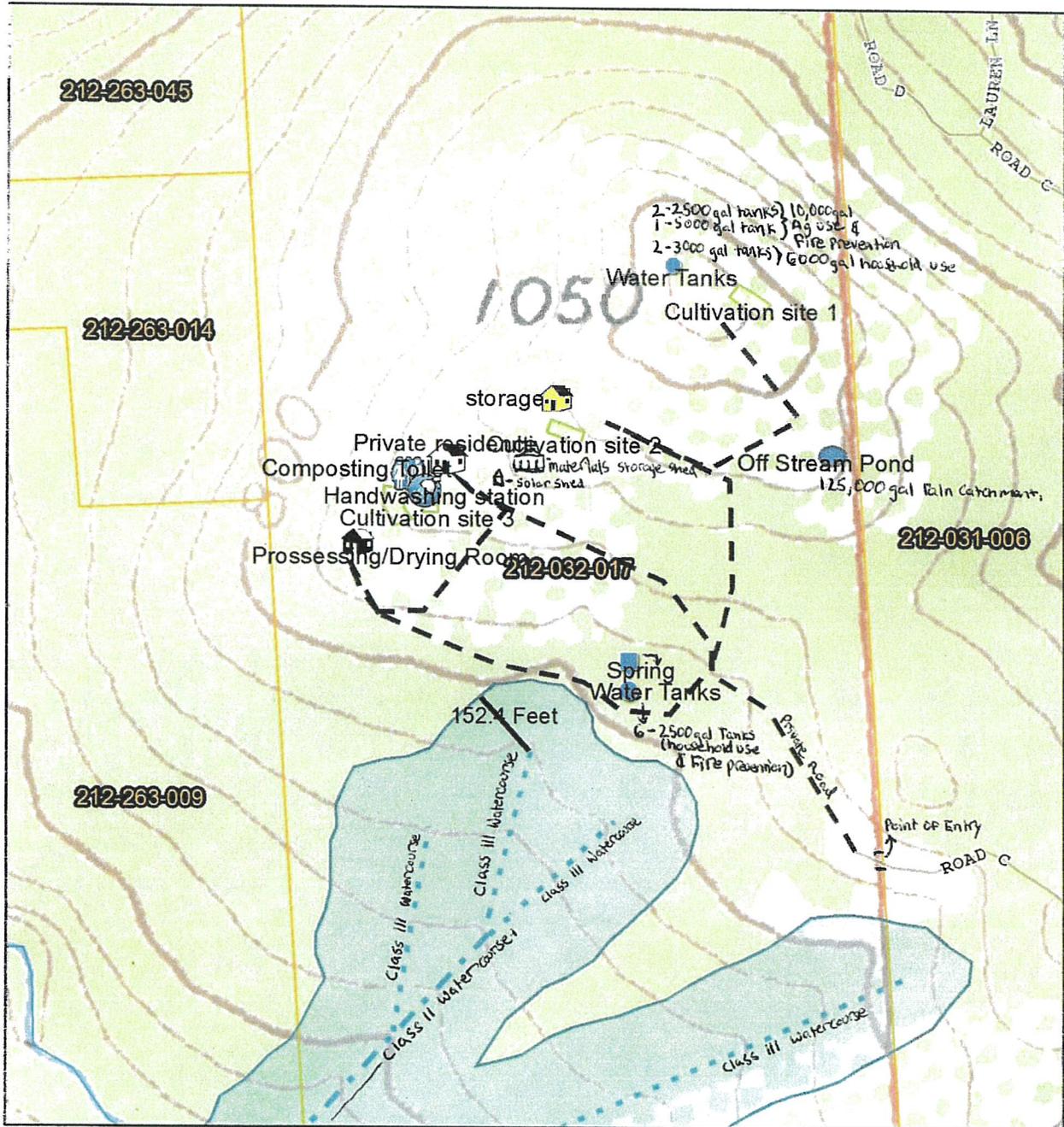
One 5,000 gal. tank
Two 2,500 gal. tanks
Two 3,000 gal. tanks
Spring water (household use only)
agricultural use from pond
Totaling 16,000 gal. completed install approx 2013



REVISED

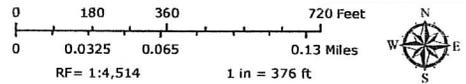
Applicant: Wendy Emerson
 APN: 212-032-017
 Zoning: Timber Production Zone

property owners:
 Wendy Emerson
 Adam Sloan



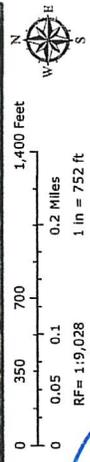
ArcGIS Web Map
Humboldt County Planning and Building Department

- | | | |
|---------------------|-------------------------|-------------------------|
| Highways and Roads | Private or Unclassified | Intermittent |
| Principal Arterials | Major River or Stream | Subsurface |
| Minor Arterials | Blue Line Streams | City Boundary |
| Major Collectors | Perennial 1-3 | Counties |
| Minor Collectors | Perennial >4 | Parcels |
| Local Roads | | Parcels (no APN labels) |



Printed: March 7, 2019 Web AppBuilder 2.0 for ArcGIS
 Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
 Source: Humboldt County GIS, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS User community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





RF = 1:9,028
 1 in = 752 ft

- Highways and Roads**
- Principal Arterials
 - Minor Arterials
 - Major Collectors
 - Minor Collectors
 - Local Roads
 - Private or Unclassified
 - Major River or Stream
 - Blue Line Streams
 - Perennial 1-3
 - Perennial >4
 - Intermittent
 - Subsurface
 - City Boundary
 - Counties
 - Parcels
 - Parcels (no APN labels)



ArcGIS Web Map

Humboldt County Planning and Building Department
 Printed: March 7, 2019 Web AppBuilder 2.0 for ArcGIS
 Map Disclaimers:
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ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. 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.
2. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3–#12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
3. The applicant shall secure permits for all structures and graded areas related to the cannabis cultivation and other commercial cannabis activity including the nursery greenhouse, the shed used for drying and processing, the rain catchment pond, all ancillary structures of greater than 120 square feet, and all graded areas. The structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all structures and graded areas related to cannabis cultivation are permitted will satisfy this condition.
4. Per the Department of Environmental Health (DEH), the shed used for processing requires a permitted Onsite Waste Treatment System (OWTS). The applicant shall either construct a permitted OWTS at the shed or shall process off site with a licensed third-party facility or shall modify their permit to propose a new on-site processing location. Either written testimony from the applicant that they will process off site or confirmation from DEH that a permitted OWTS is present to support processing activities on the parcel will fulfill this requirement.
5. The applicant shall implement the following for the existing rain catchment pond:
 - a) Install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two feet of freeboard.
 - b) Install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood).
 - c) Comply with the CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - d) Refrain from fish stocking unless doing so with written permission from CDFW pursuant to Section 6400 of the Fish and Game Code.

6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The applicant shall contact the local fire service provider [Miranda Fire] and shall furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
8. The applicant shall implement the recommendations provided by a Registered Professional Forester in their Timber Conversion Evaluation Report for treatment of slash and woody debris. Evidence that the recommendations have been met will satisfy this requirement.
9. The applicant accesses their parcel from an unnamed road off Thomas Road. The unnamed private road shall be improved to meet commercial standards. It shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County-maintained portion of Thomas Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This condition shall be completed to the satisfaction of the Department of Public Works.
10. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.
11. The applicant shall adhere to the Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants for the subject parcel and shall implement all corrective actions prescribed therein pursuant to the State Water Resources Control Board's Cannabis General Order 2017-0023-DWQ and meeting previous requirements for Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Cultivation Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].
12. Prior to initiating commercial cannabis cultivation or associated activities the property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. The applicant shall adhere to a CDFW Bullfrog Management Plan for the existing pond. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
3. The primary power source is solar power, but when a project-specific or backup generator is used, a noise containment structure shall be used with the generator. The noise produced by said generators shall not be audible by humans from neighboring residences. The decibel level for generators measured at 100 feet from the generator or at the property line shall be no more than 50 decibels. Sound levels must show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.
4. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, the Water Resource Protection Plan, the Lake and Streambed Alteration Agreement, 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.
5. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
6. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
7. 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.
8. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
9. 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 County Code Section 55.4.11(d).

10. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
11. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
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. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application, review for conformance with conditions and annual inspection fees.
15. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
15. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
18. All refuse shall always be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.

Performance Standards for Cultivation and Processing Operations:

19. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt

County Code (including the Building Code).

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

22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

23. All cultivators shall comply with the approved Processing Plan as to the following:
 - i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.

24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire one (1) year after the 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 (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request re-inspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

25. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Cannabis.

27. Inspections. The permit holder and subject property owner are to permit the County or

representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement 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 the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2
Required Findings for Approval

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

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

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

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T): Land that is primarily suitable for the growing, harvesting, and production of timber. Prairie and grazing lands may be intermixed.</p> <p>Density range is 40-160 acres/unit.</p>	<p>The proposed project includes 9,000 square feet of outdoor commercial cultivation, an ancillary nursery of up to 400 square feet, and storage buildings on a legal parcel designated as Timberland. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The project is in the Miranda area, at the terminus of Road C, approximately 0.4 miles south from the intersection of Lauren Lane and Road C, on the property known to be in the west half of the northeast quarter of Section 08, Township 03 South, Range 03 East. It is approximately 1.3 miles from County-maintained Thomas Road on an unnamed private road. The applicant submitted a Road Evaluation for the unnamed road and reported that it has the functional capacity of a Category 4 road capable of accommodating the commercial traffic involved with this project. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave the unnamed private road for a minimum width of 20 feet and a length of 50 feet where it intersects Thomas Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for an obtain an encroachment permit from the Department of Public Works.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 6	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcel is 90 acres in size. Development is concentrated in three areas in the central portion of the parcel. Most of the subject parcel is densely forested. There are undisturbed buffers between the cultivation areas, property lines, and surface water features on the parcels.</p> <p>(See Biological Resources Section 10.3 for additional discussion).</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The subject parcel is 90 acres in size. It is classified as timberland and contains two distinct vegetation types. Approximately 51 acres of the property in the northernmost and southernmost portions are dominated by a Douglas-fir stand with a minor component of hardwoods including tankoak and madrone. The remaining 29 acres of the property in the central portion spanning the ridgetop is dominated by shrubland (mostly manzanita, Baccharis brush, and poison oak) interspersed with large pockets of hardwood-dominated woodland (mostly madrone and tanoak) including a minor component of Douglas-fir. The parcel was logged several times in the last century and more recently, timber conversion occurred on the parcel for residential use and for cannabis cultivation. A Registered Professional Forester (RPF) from Timberland Resource Consultants</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>visited the site in March 2017 and prepared a Timber Conversion Evaluation Report for the parcel. The report evaluated the cultivation sites and associated areas for timber operations. The forester observed .63 acres of timberland conversion within the inspected cultivation sites and associated areas. This total does not exceed the three-acre conversion exemption maximum. The RPF suggested that the applicant treat all slash piles and log decks as soon as possible using one of the following methods: burying, chipping and spreading, piling and burning (during an appropriate time of year) or removal from the site. The Timber Conversion Evaluation Report was sent to Cal-Fire and no objections were raised. Implementation of the forester's recommendations is a condition of project approval.</p> <p>A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive plant species including the Humboldt milk-vetch (<i>Astragalus agnicidus</i>), the American peregrine falcon (<i>Falco peregrinus anatum</i>) and the Northern Spotted Owl (<i>Strix occidentalis caurina</i>). The nearest NSO activity center is .6 miles from the project site. The Timber Conversion Evaluation Report indicates that no evidence of these species or any other special wildlife or plant species was observed during the TRC field assessment of the property. No NSO habitat or evidence of NSO individuals was observed, and the conversion activities do not appear to have altered wildlife habitat for other non-listed species.</p> <p>The parcel contains several watercourses that are tributaries to Salmon Creek, a tributary to the South</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>Fork Eel River. While a point of diversion is used for domestic use, the sole water source for irrigation is rainwater catchment. Rain is captured and stored in a 125,000-gallon rain catchment pond and in 10,000 gallons of hard tanks. Per the Water Resources Protection Plan prepared by Timberland Resource Consultants, there are no encroachments into a Streamside Management Area associated with cannabis cultivation on this parcel. The power source is solar and backup generators may be used for domestic purposes but will not be used to support the cannabis cultivation operation. Conditions of project approval require noise attenuation used for all generators and fans and that overall noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of Northern Spotted Owl habitat, whichever is closer.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that standard inadvertent discovery language be included as a condition of project approval. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-S1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-S2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project includes an ancillary nursery of up to 400 square feet in a portable/temporary greenhouse, but no supplemental lighting is proposed for the nursery. The project will not result in any light escape that could affect scenic resources. Vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resource Protection Plan (WRPP) was prepared by Timberland Resource Consultants pursuant to a site visit that occurred in January 2017. The WRPP states that roads are maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters. The main road to the residence and cultivation Site 1 was recently rocked and is in good condition with no drainage or erosion issues. Other dirt access roads show signs of minor erosion but do not pose a threat to surface waters. The applicant shall maintain the waterbars between Road Points 1, ;2, and 3 to stop concentrated road surface runoff from eroding these road surfaces and shall ensure that the waterbars are re-established every year prior to the wet season. The report adds that roads, driveways, trails, and other defined corridors for foot or vehicle traffic are adequately drained with no unaddressed erosion issues. It states that physical reconnaissance of the property revealed no unstable slopes or earthen fills and that clearings, fill prisms, and terraced areas are no hydrologically connected to water courses. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces also do not have any apparent erosion or evidence of soil transport to receiving waters.</p> <p>As a condition of approval, the applicant shall adhere to the WRPP and shall implement all corrective actions prescribed therein including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be</p>
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Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].
Water Resources Chapter 11 Onsite Wastewater Systems	Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10) Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.	The project is family-operated with no employees. Currently, the work area near the cultivation site has a composting toilet and a hand wash station. The project was reviewed by the Department of Environmental Health, which recommended approval with the condition that the shed used for processing requires a permitted Onsite Waste Treatment System (OWTS). If implementing these improvements and obtaining a commercial building permit proves unfeasible, the applicant shall provide a written statement that they will process off site with a licensed third-party facility or will modify the permit to propose an alternate processing location. Any alternate location on the project site will also require these improvements.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is for cultivation of cannabis in full sun and for an ancillary nursery. No supplemental light is proposed for the nursery. The power source for the project is solar and a backup generator may be used for domestic purposes on the subject parcel but will not be used for cultivation-related purposes. A mapped Northern Spotted Owl activity center occurs approximately .6 miles from the parcel. A registered professional forester prepared a Timber Conversion Evaluation Report. The report states that no NSO occurrences or NSO habitat were observed by the forester in the course of preparing his report. Ongoing conditions of approval require the applicant to shield all generators and/or fans used for cultivation and to ensure that overall noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of NSO habitat, whichever is closer.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is in an area designated as Moderate Instability (2) on the County's GIS. The subject parcel contains a dormant translational/rotational slide, but it does not overlap the cultivation areas and the Water Resource Protection Plan prepared for the parcel notes that physical reconnaissance revealed no unstable slopes or earthen fills. No directed surface runoff drains into the unstable area and the applicant's activities do not occur on the area and will not affect it. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p> <p>The structures and grading associated with the project shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>According to the Flood Insurance Rate Map (FIRM) Panel No. 0623C1985F (effective 11/4/2016), the project site is not located in a flood hazard area. The project site is not within a mapped dam or levee inundation area and is outside of the 100-year flood area. At approximately 15 miles distance from the coast, the project site is outside the areas subject to tsunami run-up.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is in an area designated with a high fire hazard severity. It is located within the fire response area for Miranda Fire District, and it is also within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval.</p> <p>No employees will work on the parcel. All stored water on the property is available for fire suppression. This includes 125,000 gallons in the rain catchment pond and 10,000 gallons in hard tanks. An additional 15,000 gallons in storage tanks that are reserved for domestic use may also be used in the case of fire.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Miranda Fire District] and to furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>The project is an existing operation. No new structures are proposed. If the project is modified in the future to propose new structures, dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	APN 212-032-017 is a legal parcel per PMS 68-89, (memorialized by PM 2772 25PM39); conveyed after PMS in deed 1991-10301. There are no terms or conditions that apply to new development on the parcel and there are no violations of Humboldt county Code on the parcel.
§314-7.4 Timberland Production Zone (TPZ) §314-55.4.8.2 §314-55.4.8.2.2	Grazing and other agricultural uses are principal compatible uses. In all zones consisting of timberland, cultivation shall be permitted in a 3-acre conversion exemption area or in non-timberland open area. Permits for existing outdoor cultivation in zoning districts including TPZ may be issued only when possible to bring them into compliance with all applicable standards. The total cultivation area shall not exceed 1 acre for outdoor cultivation.	The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016, on a parcel zoned TPZ. The existing cultivation area totals 9,000 square feet. The proposed cannabis cultivation use is specifically allowed with a Special Permit in the TPZ under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	160 acres; or 40 acres if provisions of §51119.5 are met	90 acres
Minimum Lot Width:	None specified	~2,750 feet
Maximum Lot Depth:	None specified	~ 1223 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 10 feet Side: 5 feet	Front: >30 feet Rear: >30 feet Side: > 30 feet
Through the SRA Setbacks	SRA: 30 feet all sides	

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Distance Between Major Buildings:	None specified	> 20 feet
Maximum Ground Coverage:	None specified	< 25%
Max. Building Height:	None specified	< 35 feet
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>The subject parcel contains one Class II water course and three Class III watercourses. All are tributaries to Salmon Creek, a tributary to the South Fork of the Eel River. The cultivation sites are located over 200 feet from these surface waters. While a point of diversion supplies domestic water, the sole water source supporting the project is rain catchment. The applicant holds a Final Streambed Alteration Agreement for the domestic point of diversion (1600-2016-0555-R1).</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p>*Use for this activity is not specified. Per</p>	Two spaces

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
	Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	

3. Conformance to the Commercial Medical Marijuana Land Use Ordinance: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in 314-55.4, the Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation Ordinance (CMMLUO)

CMMLUO Section	Summary of Applicable Requirement	Evidence That Supports the CMMLUO Finding
§314-55.4.8.2 Timber Conversion	<p>Outdoor and Mixed-Light Commercial Cultivation of cannabis for medical use shall be allowed in zones in which general agriculture is a principally permitted use or conditional use.</p> <p>Existing Cannabis cultivation is allowed in the TPZ zone on parcels 1 acre or larger and where the General Plan designates the area for Agricultural Development.</p> <p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted with a 3-acre conversion, or non-timberland open area.</p>	<p>The subject parcel is classified as timberland and contains second-growth Douglas Fir and hardwood species. A registered professional forester from Timberland Resource Consultants visited the site in March 2017 and prepared a Timber Conversion Evaluation Report for the parcel. The report evaluated the cultivation sites and associated areas for timber operations. The forester observed .63 acres of timberland conversion within the inspected cultivation sites and associated areas. This total does not exceed the three-acre conversion exemption maximum. The RPF suggested that the applicant treat all slash piles and log decks as soon as possible using one of the following methods: burying, chipping and spreading, piling and burning (during an appropriate time of year) or removal from the site. The Timber Conversion Evaluation Report was sent to Cal-Fire and no objections were raised. Implementation of the forester's recommendations is a condition of project approval.</p>

<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, on parcels zoned U that are 1 acre or larger and where the General Plan designates the area for Agricultural Development. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation. Between 5,000 square feet and 10,000 square feet of existing outdoor cultivation may be authorized with a Special Permit. Cultivation will only be permitted when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance.</p>	<p>The project site features existing cultivation operations in rural Humboldt County on a legal parcel, zoned Timber Production Zone (TPZ), with an assessed lot size of 90 acres. A review of historic imagery using Google Earth demonstrates that in 2012, there was approximately 9,607 square feet of existing cannabis cultivation on the parcel. At the applicant's request, this permit is to be issued for 9,000 square feet of outdoor cannabis cultivation. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.4 Processing Facilities</p>	<p>Processing Facilities for commercial cannabis for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning district AG, AE, and RA as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).</p>	<p>Harvested cannabis will be dried and processed onsite in an existing shed 12' X 12' shed. The shed will require improvements to meet commercial standards and to obtain a commercial building permit, which is required as a condition of approval. These improvements include an ADA accessible restroom and a permitted Onsite Waste Treatment System (OWTS). If implementing these improvements and obtaining a commercial building permit proves unfeasible, the applicant shall provide a written statement that they will process off site with a licensed third-party facility or will modify the permit to propose an alternate processing location. Any alternate location on the project site will also require these improvements.</p>

§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant, Wendy Emerson has applied for one cannabis land use permit. The applicant is entitled to four permits. This application is for a single permit for outdoor cultivation, for an ancillary nursery, and for ancillary storage buildings.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information that was submitted with the application and collected after. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities. The area of cannabis cultivation and on-site processing shall be located at least 30 feet from any property line.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit. All existing and proposed structures comply with setback requirements.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The subject parcel is in the South Fork Eel Planning Watershed, the Salmon Creek Hydrologic Unit Code (HUC) 12 Watershed, and the Canoe Creek Super Planning Watershed. The Salmon Creek Watershed is an impacted HUC-12 Watershed. Water for domestic use is sourced from a point of diversion on an unnamed tributary to Salmon Creek. Water for cannabis irrigation is sourced solely from rainwater catchment. The project includes a 125,000-gallon rainwater catchment pond and 10,000 gallons in hard tank storage reserved for cannabis cultivation. The applicant estimates that their annual water usage is 108,000 gallons, or 12 gallons per square foot for one cultivation cycle.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The Site Plan and additional materials submitted by the applicant demonstrate that all cultivation facilities are located at least 30 feet from any property line. No schools or school bus stops are located within 600 feet of the cultivation areas. There are no parks as defined in County Code Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. There are no identified places of religious worship within 600 feet.

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>The proposed project is for cultivation of cannabis in full sun and for an ancillary nursery. No supplemental light is proposed for the nursery. The power source for the project is solar and a backup generator may be used for domestic purposes on the subject parcel but will not be used for cultivation-related purposes. A mapped Northern Spotted Owl activity center occurs approximately .6 miles from the parcel. A registered professional forester prepared a Timber Conversion Evaluation Report. The report states that no NSO occurrences or NSO habitat were observed by the forester while preparing his report. Ongoing conditions of approval require the applicant to shield all generators and/or fans used for cultivation and to ensure that overall noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of NSO habitat, whichever is closer.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant submitted their original permit application on December 10, 2016, prior to the deadline.</p>

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permit and are included as conditions of approval.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The project would not change the housing development potential of the site or surrounding properties.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

*APN 212-032-017, County of Humboldt
800 Road C, Miranda area*

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

June 2019

Background

Modified Project Description and Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 9,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from a lined 125,000-gallon rainwater catchment pond onsite. Water for the project is stored in the rainwater catchment pond and in hard tanks totaling 10,000 gallons, for a total of 135,000 gallons. The applicant estimates that their annual water usage is 108,000 gallons, or 12 gallons per square foot for one cultivation cycle. Processing, including drying and trimming, activities are proposed onsite within an existing shed. Power is provided by solar. The project has no employees.

The subject parcel is classified as timberland and contains second-growth Douglas Fir and hardwood species. A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive plant species including the Humboldt milk-vetch (*Astragalus agnicidus*), the American peregrine falcon (*Falco peregrinus anatum*) and the Northern Spotted Owl (*Strix occidentalis caurina*). The nearest Northern Spotted Owl (NSO) activity center is .6 miles away. A Timber Conversion Evaluation Report was prepared for the parcel. The report indicates that no evidence of these species or any other special wildlife or plant species was observed during the TRC field assessment of the property. No NSO habitat or evidence of NSO individuals was observed, and the conversion activities do not appear to have altered wildlife habitat for other non-listed species.

The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that standard inadvertent discovery language be included as a condition of project approval. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing

cultivation. These include establishment of a non-diversionary water source, noise attenuation, measures to protect identified cultural resources, and measures to protect wildlife.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 9,000 square feet of existing outdoor cannabis cultivation, existing ancillary nursery, storage and processing structures, and an existing 125,000-gallon rain catchment pond is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plan of Operations submitted for the Wendy Emerson Application.
- Site Map submitted for the Wendy Emerson Application.

- A Cultural Resources Study by William Rich and Associates in August 2018.
- A Water Resources Protection Plan for APN 212-032-017 submitted under the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- A Timber Conversion Evaluation Report prepared for APN 212-032-017

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (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. Amended Site plan, showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 2, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. Water Resource Protection Plan prepared by Timberland Resource Consultants. (Attached)
9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (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. (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 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Copy of the DEH Referral Worksheet. (On file)
16. Road Evaluation Report. (Attached)

1. An addendum to the Cultivation and Operations Plan covering the following items:
 - a. A schedule of activities during each month of the growing and harvesting season, per 55.4.10(d) of the CMMLUO.
 - b. The number of cultivation cycles expected per year.
 - c. A description of nursery operations, including the location of nursery operations and of any lighting used. You must also state the dimensions of structures or areas involved. You are not taxed for appurtenant nursery areas, so long as they are not used for sales to third parties and so long as no mature plants are located in the nursery.
 - d. A description of the water source and/or stored water intended to be used for fire protection.
 - e. The source of electrical power, and of any backup power sources. If generators are used, you must also provide a description of where and how fuel is stored and any information that you have on generator noise levels and noise attenuation measures (secondary housing, etc).
 - f. A summary of processing practices. What processing activities are performed on the site, and where does processing occur?
 - g. A description of the toilet and handwashing facilities that the operators and any employees will use and of any associated septic systems.
 - h. The maximum number of employees that you plan to have working on the site. If you will have employees, please provide the following additional information:
 - i. A description of the source of drinking water that will be provided.
 - ii. Any methods to reduce impact on roads from employees traveling to and from the site, such as carpooling.
2. Please provide an updated Site Map that shows all of the items required in 55.4.10(c) including all graded flats, all water features, and all Streamside Management Areas around water bodies or streams (As measured from the top of bank or the edge of the riparian dripline at 100 feet away from Class I waterbodies and 50 ft from Class II or Class III water bodies).

See Below For Addendum Site Map

Note: Site map shows the maximum required Buffer for any Class watercourse. At >150ft buffer, none of our sites or elements of the cultivation operation are within any buffered zone. No graded flats are shown as there are none.

a. A schedule of activities during each month of the growing and harvesting season, per 55.4.10(d) of the CMMLUO. .

See below for schedule of activities.

b. The number of cultivation cycles expected per year.

One Cultivation cycle per year. This is an organic, outdoor, plant in-ground cultivation operation.

c. A description of nursery operations, including the location of nursery operations and of any lighting used. You must also state the dimensions of structures or areas involved. You are not taxed for appurtenant nursery areas, so long as they are not used for sales to third parties and so long as no mature plants are located in the nursery.

Nursery operations include the starting of seeds in March or April. They are then grown until they sex. Plants are then thinned out by culling week females and all males. When plants are ready to be transplanted outside (ideally around June 1st), they are removed from the Nursery structure.

The Nursery structure is a portable metal frame with green house cover. that is set up in spring and taken down once the plants are ready to go in the ground. Structure is 10x30 or 10x40, depending on how many seedlings I intend to start. The Nursery structure is usually located in “Cultivation Site 2”. However this year I intend to set up the structure temporarily beside the “cultivation site 3” area (see Addendum Site map).

There is no lighting used for the raising of plants. If I decide to use clones, the clones will be obtained at a time where they require no artificial light.

No plants are sold.

d. A description of the water source and/or stored water intended to be used for fire protection.

All stored water on this property is available for fire protection. 15,000 gal in storage tanks at the top of the hill located next to "cultivation site 1". 10,000 gal of these tanks are perpetually kept full the entire year by the off stream pond via solar pump. The source is rain.

There is an additional 15,000 gal in storage tanks on the lower portion of the property for household use. 10,000 gal of these tanks is always available for emergency. The source is the spring(captured in winter months).

See Site map.

e. The source of electrical power, and of any backup power sources. If generators are used, you must also provide a description of where and how fuel is stored and any information that you have on generator noise levels and noise attenuation measures (secondary housing, etc).

The source for electrical on the property is solar. There is a Honda eu 2000 back up generator. Used about once a week for an hour in the winter. Its kept in a covered area in storage tote. The Fuel Is Kept in the same fashion. The storage totes are enclosed containers stored in an enclosed area, eliminating any spills or leaks. Power is not used for cultivation purposes.

f. A summary of processing practices. What processing activities are performed on the site, and where does processing occur?

All Product is processed in the Drying/Processing shed. See Site map. Product is dried. Product is bucked off Stem. Product is sent through the trimming machine and then cleaned up further briefly by hand. Product is weighed and stored. See storage on site map.

g. A description of the toilet and handwashing facilities that the operators and any employees will use and of any associated septic systems.

There are no employees. Facilities are Composting Toilet. Hand washing facilities is a sink with running water and sometimes a garden spigot. Soap. See site map.

h. The maximum number of employees that you plan to have working on the site. If you will have employees, please provide the following additional information:

There are no employees.

Schedule of activities

January:

Checking on stored product if necessary.

February:

Checking on stored product if necessary.

March:

Set up temporary nursery area. Germinate seeds. Transplant seed to 4" pots. Check on stored product if necessary. Plant sunflowers, Calendula other flowers and veggies (pest control). Garden site maintenance and planning.

April and May:

Cut Cover-crop and apply amendments (Compost etc. ...). Mulch. Lay out drip system. Check timers. Transplant seedlings into larger pots if necessary. Sex Plants. Destroy males.

June:

Transplant sexed females into cultivation areas. Water in. Test drip system and timers. Set to no more than 600 gal per day (for heat wave type weather). Set timers to every other day or every third day. Mulch Beds. Cage plants. Fence maintenance. Take down temporary nursery area and store it.

July:

Used to start a weekly fertilizer regimen but did not last year. So, Monitor plants, Drip system, pond level, tank levels and fenced areas.

August:

Monitor plants, Drip system, pond level, tank levels and fenced areas.

September:

Monitor plants, Drip system, pond level, tank levels and fenced areas. Mold checks. Preparations for harvest including clean up of Drying/Processing area, shear and scissor cleaning. Tote cleaning. Hanging of drying lines.

October:

Monitor plants, Drip system, pond level, tank levels and fenced areas. Mold checks. Begin harvest most likely. Harvest duties will include in depth mold check. Hanging of wet product. Drying and monitoring the drying room. Take down and weighing of dried material. Storing that material, and removal of plants that are completely harvested. Compost The finished plants.

November:

If plants remain Monitor plants, Drip system, pond level, tank levels and fenced areas. Mold checks. Harvest duties will include; in depth mold check. Hanging of wet product. Drying monitoring the drying room. Take down and weighing of dried material. Storing that material, and removal of plants that are completely harvested. Compost the finished plants. When finished the entire harvest, Drying area is shut down, cleaned up and readied for Processing. The processing machine cleaned and raw dry material is bucked, stored and then sent through the machine for the final task of manual clean up. The finished product will then be stored in storage tote in the Storage area.

December:

When finished the entire harvest, Drying area is shut down cleaned up and readied for Processing. The processing machine cleaned and raw dry material is bucked stored and then sent through the machine for the final task of manual clean up. The finished product will then be stored in storage tote in the Storage area. Packaged and then stored again, and monitored for moisture level.

Note: During this entire schedule of activities I am also updating Track and trace, as well as the required documents and monitoring requirements for the other agencies involved.

Wendy Emerson's Cultivation and Operations Plan
March 8, 2017

App# 12059
APN: 212-032-017



Project:

This is a full-term, Outdoor, Organic, 9000 sq. ft Cultivation project.

Water Source:

Garden: Water is derived solely from rain catchment via a 125,000 gallon lined pond.

Water Storage: 125,000 gal Pond as well as 10,000 gal in Poly tank storage. Garden/Ag water is pumped from the pond to the tanks continuously by a solar pump. Agricultural water storage totals approximately 135,000 gallons

Household water is derived from a spring toward the lower end of the property. The spring feeds six 2,500 gallon poly storage tanks. The spring water is pumped from those tanks through a contained, gas power pump to two 3,000 gallon poly tanks at the top of the hill for gravity feed to the house. Spring water storage totals 21,000 gallons. Spring water is solely for household use. This water is not used for any cultivation or agricultural uses. We do not divert during the growing season.

Pond water is continuously pumped at a rate of 1,000 gallons a day. Water overflow recirculates back into the pond acting as a bubbler, aerating and increasing the pond's water quality. This also ensures the tanks are topped off at all times.

Total water storage capacity; approx. 156,000 gallons.

All plants are irrigated through a drip system. Beds and holes are heavily mulched with straw and other organic material.

Drip System:

1" main line to 1/8" pressure-compensating drip line. Timers are used. On occasion we water by hand using a stop watch.

Water Usage:

Water meters read our a usage at approximately 600 gallons per day. Over an 180-day growing season (May 1st to November 1st) this equates to 108,000 gallons per year*. This is our projected water use.

*We would like to stress that this is the most water we would ever use in a season and generally we find ourselves watering every second or third day, which reduces our use drastically. Projected water use is a model for extreme drought conditions. Our conservation methods allow us far less water usage.

Wendy Emerson's Cultivation and Operations Plan
March 8, 2017

There are 3 cultivation sites.

Site 1: 2,750 sq ft.

Site 1 is located at the top of the hill. This site is flat and composed of naturally occurring small gravel and clay. Drainage is extraordinarily good as even heavy rains do not accumulate at this cultivation site. Fir, madrone, and tan oak surround this site, offering us slope stability and erosion control. There are nitrogen-fixing ceanothus and manzanita through out the area. This offers the site protection from drying sun and wind. Forestry projects provide us a surplus of material to create humus-traps by laying material against the slope of hills to stop water and debris from flowing far. These traps encourage mycelium growth. This is the best filter for any negative runoff from cultivation. We intend on using hugelkulters (bio-swales) and plantings of comfrey to further the protection of the natural habitat. Hugelkulters (a permaculture method) increase the retention of water in the soil as well. This site is heavily mulched and on a timed drip system.

Site 2: 3000 sq ft.

Site 2 is midway between the top of the hill and our living area (site 3). This site is a broad terrace. This creates a broad, slow drainage that retains substrate water without surface accumulation. Site two has the same measures in place as site 1. There is the addition of companion planting. Vegetables and flowers planted within the cultivation area offer soil stability, usage of excess nutrients and biological diversity.

Site 3: 3,250 sq ft.

Site 3 is our main homestead garden. The space is comprised of vegetables, fruit trees and cultivation space. There is a flat upper section. Approximately 1/6th of this area is cultivation with vegetable beds and fruit trees in and around. Separated by a rolling terrace of fruit trees lay three lower terraces of cultivation. Good drainage and soil stability abounds in this site which is comprised of naturally occurring rock and native vegetation previously mentioned. In this site we have already begun to use Hugelkulters or bio-swales for erosion and water retention reasons. The same heavy mulching and drip systems are used here as well.

In all these areas we leave natural vegetation within the site and around the perimeter.

Because our property is made up of naturally occurring rolling terraces, there are flat areas of sediment dispersion below every cultivation site, home site and road.

Protection of watershed and wildlife habitat is mostly influenced by our forestry practices. Forest thinning, using the lop and scatter method, provides the forest with vast amounts of decomposing natural material and areas where water can be slowed and absorbed by felled material. We used this method for our FLASH program grant work and have incorporated it into our cultivation practices.

There is NO excessive use of fertilizers.

There is NO use of any kind of pesticide or fungicide.

Wendy Emerson's Cultivation and Operations Plan
March 8, 2017

All plants and garden space are mulched.

Fertilizers are stored on site in a carport like structure. They are in covered totes, off the ground on industrial shelving.

Cultivation activities are all in the ground, sun-grown, outdoors.

Water Resource Protection Plan

App# 12059

APN 212-032-017

TRC# 180101060404TRC231

Submitted to:

Wendy Emerson

Prepared by:

Timberland Resource Consultants

165 South Fortuna Blvd

Fortuna, CA 95540

1/23/2017

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the property owner, Wendy Emerson, for assessor's parcel number 212-032-017, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a Discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Property Description

The property assessed is a 90-acre parcel located above Salmon Creek. The parcel has a residence with associated out dwellings and storage sheds. There are two Class III watercourses and two Class II watercourses on the property. The watercourses on the property are tributaries to Salmon Creek which is a tributary to the South Fork Eel River. The property is located in the NE ¼ of Section 8, Township 3S, Range 3E, of the USGS Miranda 7.5' quadrangle map, Humboldt Base & Meridian.

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Assessment of Standard Conditions

Assessment of Standard Conditions consisted of field examinations on 1/4/2017. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to; existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of Standard Conditions Compliance

1. Site maintenance, erosion control, and drainage features Y/N
2. Stream crossing maintenance Y/N
3. Riparian and wetland protection and management Y/N
4. Spoils management Y/N
5. Water storage and use Y/N
6. Irrigation runoff Y/N
7. Fertilizers and soil amendments Y/N
8. Pesticides and herbicides Y/N
9. Petroleum products and other chemicals Y/N
10. Cultivation-related wastes Y/N
11. Refuse and human waste Y/N

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features (Compliance: Y/ N)

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

The main road to the residence and Cultivation Site 1 was recently rocked and in good condition with no drainage or erosion issues. Other dirt access roads are showing signs of minor erosion that do not pose a threat to surface waters. The Discharger shall maintain the waterbars between Road Points 1, 2, and 3 to stop concentrated road surface runoff from eroding these road surfaces. The access roads to Cultivation Site 2 & 3, or any other road which is to be used for year around use, should either be rocked or refrained from vehicle use that could result in rutting during wet conditions. There are no roads directly discharging sediment into watercourses on the property.

Road Point 1, 2 & 3 – Concentrated road surface flows were eroding the road due to the lack of drainage features. The Discharger shall maintain the existing waterbars and ensure that the waterbars are re-established every year prior to the wet season.

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

In compliance at this time. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic are adequately drained with no unaddressed erosion issues.

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Physical reconnaissance of the property revealed no unstable slopes or earthen fills. The Geomorphic Features Map for the USGS Miranda 7.5' quadrangle map, Humboldt County, California Scale 1: 24,000 (Spittler, T.E., 1983, DMG Open-File Report 83-25, Geology and Geomorphic Features Related to Landsliding) shows one unstable area feature within the property. Delineated on the property is a dormant Translational/Rotational Slide. No directed surface runoff drains unto this unstable area. The Discharger's activities do not occur on this area and will not affect it.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected¹, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

In compliance at this time. Clearings, fill prisms, and terraced areas are not hydrologically connected to water courses.

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

In compliance at this time. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces do not have any apparent erosion or evidence of soil transport to receiving waters.

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

In compliance at this time. No stockpiled construction materials are stored on the property where they can be transported to receiving waters.

¹ Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

2. Stream Crossing Maintenance (Compliance: Y☒/ N☐)

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

In compliance at this time. There are no stream crossings located on this property.

3. Riparian and Wetland Protection and Management (Compliance: Y☒/ N☐)

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its or its Executive Officer may apply additional or alternative⁴ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

In compliance at this time. The Cultivation Sites are located over 200 feet from surface waters.

- b. Buffers shall be maintained at natural slope with native vegetation.

In compliance at this time.

² At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

³ If infeasible to install a critical dip, an alternative solution may be chosen.

⁴ Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

In compliance at this time.

4. Spoils Management (Compliance: Y/ N)

- a. Spoils⁵ shall not be stored or placed in or where they can enter any surface water.

In compliance at this time. No spoils piles are on the property.

- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

Not applicable.

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

In compliance at this time. There are no construction generated spoils piles on the property. If any actions produce soil spoils they will be placed in a location where they are stable and cannot reach surface waters.

5. Water Storage and Use (Compliance: Y/ N)

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12⁶ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

In compliance at this time. This project consists of three Cultivation Sites (CS) totaling approximately 13,497 square feet of outdoor cultivation area and 619 square feet of irrigated soil medium.

⁵ Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

⁶ See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

- CS 1 is a fenced-in outdoor cultivation area consisting of 33 outdoor plants on a developed landing that was constructed on a hillside with an approximate slope of 17%.
- CS 2 is a fenced-in outdoor cultivation area consisting of 33 outdoor plants on a developed landing that was constructed on a hillside with an approximate slope of 24%.
- CS 3 is a fenced-in outdoor cultivation area consisting of 33 outdoor plants on a developed landing that was constructed on a hilltop with a slope less than 15%.

The Discharger estimates peak water usage to be 841-gallons every three days. This equates to approximately 280-gallons per day at peak water usage. Total water usage for the entire cultivation season is estimated at 48,788-gallons.

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

In compliance at this time. The Discharger is using rainwater catchment as the only source of water for cultivation along with no-till permaculture, mulching of top soils with straw, drip line irrigation, and bio-swales to retain moisture in the soil for water conservation measures.

- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

In compliance at this time. At the time of the assessment, the Discharger has approximately 135,000-gallons of dedicated agricultural water storage available (estimated 125,000-gallon off-stream rainwater catchment pond, 2 x 2,500-gallon tanks, 1 x 5,000-gallon tank). The Discharger does not divert surface waters for cultivation purposes.

- d. Water is applied using no more than agronomic rates.⁷

In compliance at this time. There is no evidence to conclude that the Discharger irrigates at a greater rate than the growth medium can facilitate. No signs of over watering are present on-site. It is recommended that the Discharger meter their water use.

- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

In compliance at this time. There is a domestic surface diversion located on the property. Timberland Resource Consultants has filed a Lake and Stream Bed Alteration agreement with California Department of Fish and Wildlife for these diversion structures. An Initial Statement of Water Diversion and Use has been filed with the State Water Control Board, despite any physical evidence that the surface water associated with the diversion flows off the property

⁷ "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

for which it's located. This diversion does not appear to be subject to the Division of Water Rights permitting authority, however the diversion was only evaluated once in the fall, and there could be surface runoff, albeit minor, during intense winter rains.

POD: The diversion structure is a shallow horizontal well consisting of a 3-inch PVC pipe that extends horizontally an unknown distance into the hillside. The PVC pipe drains into a 30-inch diameter by 1-foot deep concrete cistern, which is plumbed to six 2,500 gallon hard plastic tanks located approximately 150 feet south/down slope. Water is then pumped uphill to the tank farm, specifically to two 3,000 gallon hard plastic tanks dedicated to domestic water use. This diversion has not been used for agricultural irrigation.

- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

Not in compliance at this time. The overflow outlet of the pond is not rocked. The Discharger shall rock armor the overflow outlet of the pond per attached specifications. The pond and water storage tanks are in secure locations.

6. Irrigation Runoff (Compliance: Y/ N)

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

In compliance at this time. There are no signs of irrigation run-off within the cultivation sites.

7. **Fertilizers and Soil Amendments** (Compliance: Y☒/ N☐)

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

In compliance at this time. Fertilizers and soil amendments are stored in a covered structure next to the residence approximately 630' away from the nearest watercourse. The storage location is in a location where they cannot reasonably enter or be transported into surface waters.

- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

In compliance at this time. All fertilizers and soil amendments are applied by the Discharger at agronomic rates per specifications included in the labeling.

- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

In compliance at this time. Cultivation sites are well maintained with no improperly stored nutrients or fertilizers found throughout the property. The Discharger uses a combination of agronomic irrigation and no-till permaculture practices minimize left over nutrient loads in the cultivation medium.

8. **Pesticides/Herbicides** (Compliance: Y☒/ N☐)

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

In compliance at this time. The Discharger uses only CA legal pesticides purchased over the counter at any hydroponic or horticulture store. They are stored with the fertilizers and amendments in the storage structure. Pesticides shall be applied per specifications included in the packaging.

9. Petroleum products and other chemicals (Compliance: Y / N)

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

Not in compliance at this time. Fuel is stored temporarily in 5 to 10-gallon plastic fuel canisters near the residence in a temporary generator, conduit, and battery shed, approximately 510' from the nearest watercourse. Oil containers are stored uncontained in a covered structure next to the residence.

- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

The Discharger shall provide secondary containment for temporary fuel canisters and oil containers in the form of small plastic storage bins.

- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

Not Applicable.

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

Not Applicable.

- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

Not Applicable.

10. Cultivation-related wastes (Compliance: Y/ N)

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored⁸ at locations where they will not enter or be blown into surface waters, and in a manner, that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwater's.

In compliance at this time. Non-organic cultivation related wastes are stored alongside household trash in lidded trash cans next to the residence approximately 510' from the nearest surface waters. Plant waste materials are composted around the cultivation sites where they cannot enter surface waters.

11. Refuse and human waste (Compliance: Y/ N)

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

Domestic sewage is collected in a composting toilet located approximately 100' from the residence and 630' from the nearest watercourse. There are no obvious signs of sewage discharge such as foul odor, vegetation blooms, or pooling effluent. This standard condition cannot be met at this time until the Discharger obtains proof that any disposal site of domestic sewage meets applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

In compliance at this time. The Discharger stores all refuse and garbage in lidded trash containers next to the residence. This location is 580' from the nearest watercourse and prevents waste from leaving the site.

- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

In compliance at this time. The Discharger stated that garbage and refuse is disposed of at Redway Transfer Station.

⁸ Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

12. Remediation/Cleanup/Restoration Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

Mitigation measures are listed below in the Mitigation Report and also noted above in the document.

Mitigation Report (Identified Sites Requiring Remediation)

Unique Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
ECP 1	Rain catchment pond without a rocked overflow	A.7. f.	N/A	Rock armor the outflow of the pond per attached armored fill and culvert inlet and outlet rock armoring specifications.	2	10/15/2017	
Fuel & oil storage locations	Fuel and oil canisters are being stored without secondary containment	A.9. a-b.	N/A	Store fuel and oil canisters secondary containment in the form of small plastic bins.	2	10/15/2017	
Outhouse	Composting toilet	A.11.	N/A	Obtain proof that any disposal site of domestic sewage meets applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy.	4	Shortest time possible, but no later than the expiration of this Order (five years)	

Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Oct. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Oct. 15) of the 2nd season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

Attached Photo's



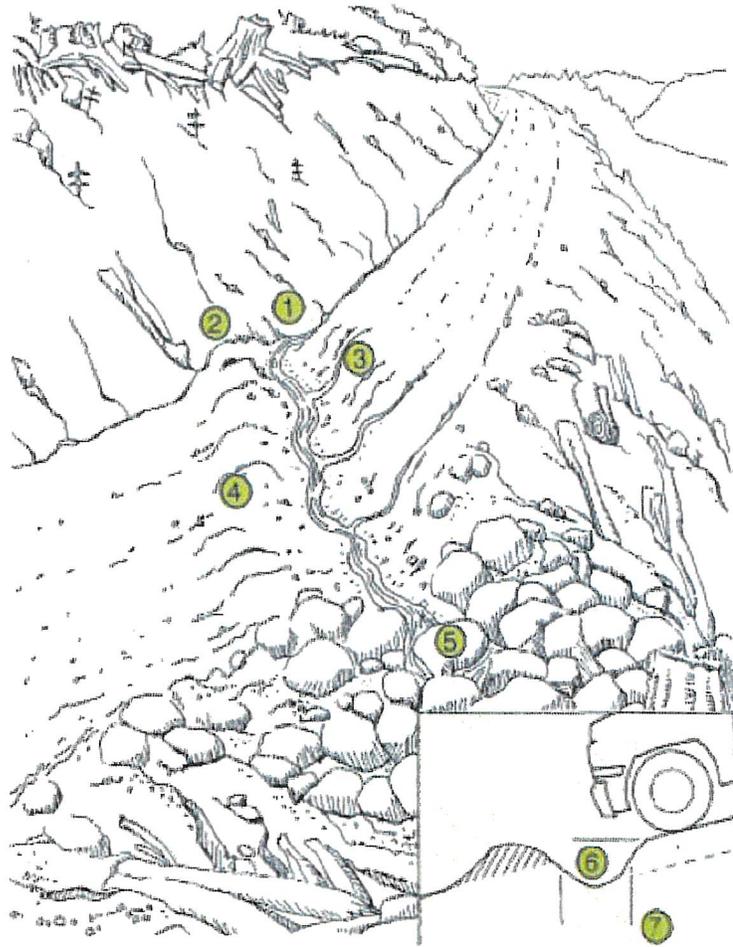
Erosion Control Point 1: The Discharger shall rock armor this pond overflow per attached specifications.

Attachments

BMP: Waterbar

FIGURE 40. Waterbars are constructed on unsurfaced forest and ranch roads that will have little or no traffic during the wet season. The waterbar should be extended to the outbank to intercept all ditch flow (1) and extend beyond the shoulder of the road. A berm (2) must block and prevent ditch flow from continuing down the road during flood flows. The excavated waterbar (3) should be constructed to be self-cleaning, typically with a 30° skew to the road alignment with the excavated material bermed on the downhill grade of the road (4). Water should always be discharged onto the downhill side on a stable slope protected by vegetation. Rock (shown in the figure) should not be necessary if waterbars are spaced close enough to prevent serious erosion. (5) The cross ditch depth (6) and width (7) must allow vehicle cross-over without destroying the function of the drain. Several alternate types of waterbars are possible, including one that drains only the road surface (not the ditch), and one that drains the road surface into the inside ditch (BCMF, 1991).

HANDBOOK FOR FOREST, RANCH, AND RURAL ROADS



BMP: Inlet and Outlet Armoring

- Inlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert.
- Outlets of culverts shall be provided a rock energy dissipater at the outfall of the culvert.
- Outlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert if road fill sloughing into channel can occur.
- Prior to inlet and outlet rocking, the inlet and outlets shall be prepared. Preparation will include removal of vegetation and stored materials from the inlet and outlet.
- Inlets may require construction of an inlet basin.
- Slopes at the outlet should be shaped to a 2:1 or natural slope prior to placing rock armor.
- Rock used at culvert inlets and outlets should be a matrix of various sized rocks and rip-rap that range from a 3" dia. to a 2' dia.
- The largest rocks should be places at the base of the culvert or fill. Incrementally smaller rocks shall be placed over the larger rocks at the armoring extend up the slope. Voids and spaces shall be back filled with smaller gravels and rocks.

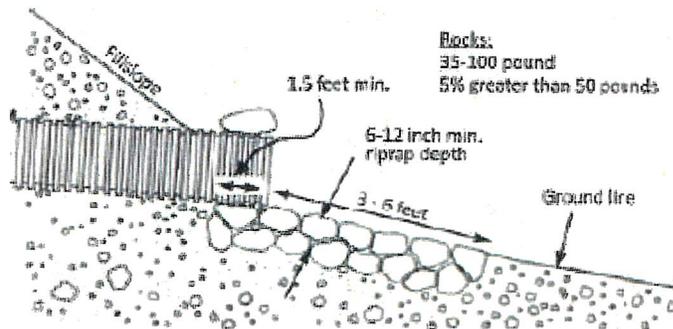


FIGURE 107A. Riprap armor at culvert outlet (Modified from: Keller et al., 2011).

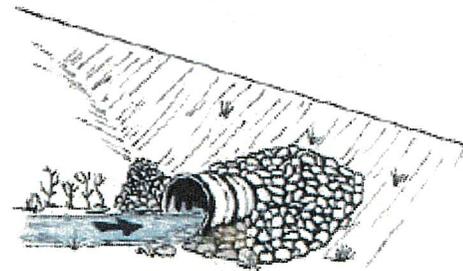


FIGURE 107B. Riprap armor at culvert inlet (Keller and Sberar, 2003).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

**STATEMENT OF CONTINGENT AND LIMITING CONDITIONS
CONCERNING THE PREPARATION AND USE OF WATER RESOURCE
PROTECTION PLAN**

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 212-032-017 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and/or Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



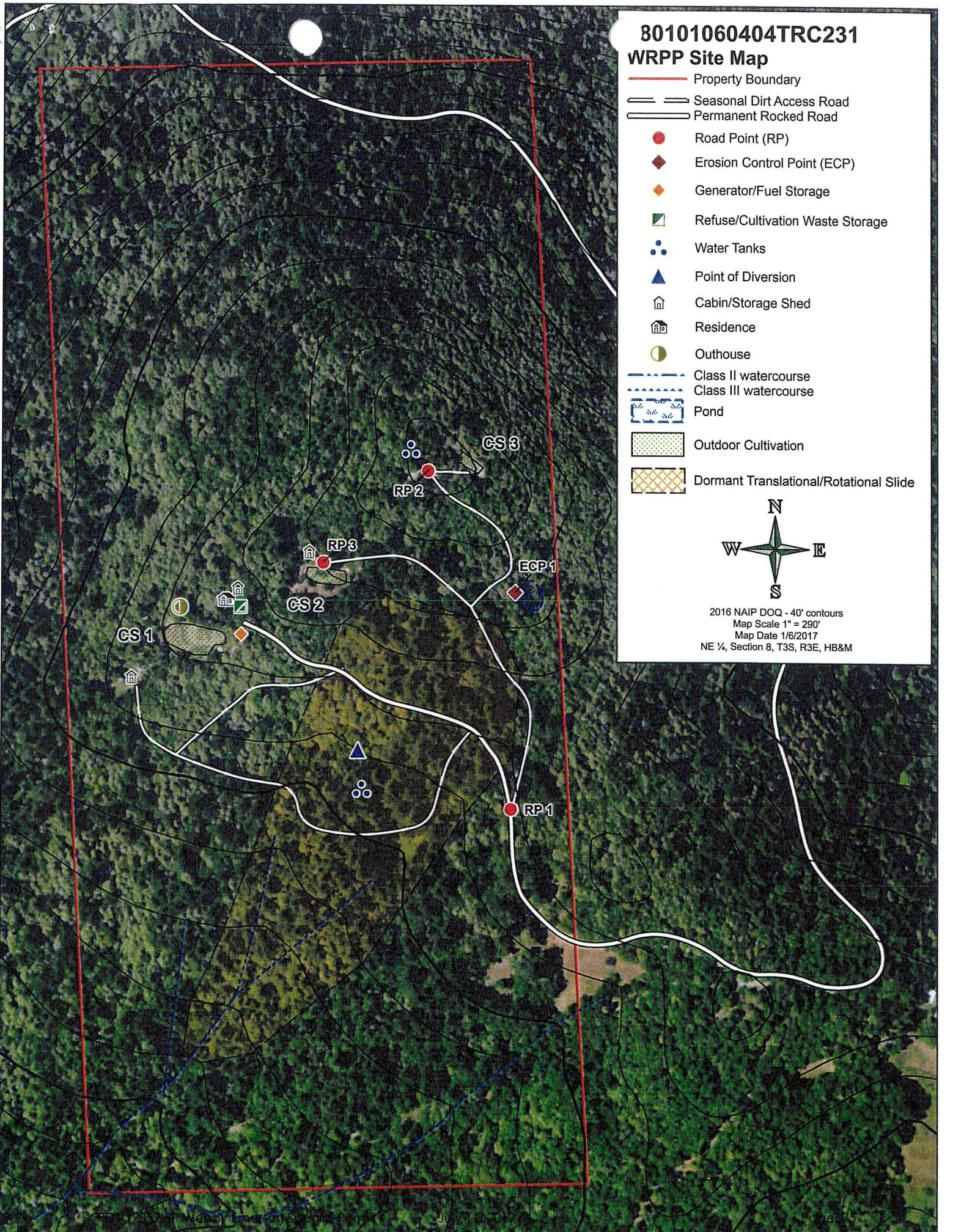
Forrest Hansen
Timberland Resource Consultants

80101060404TRC231 WRPP Site Map

-  Property Boundary
-  Seasonal Dirt Access Road
-  Permanent Rocked Road
-  Road Point (RP)
-  Erosion Control Point (ECP)
-  Generator/Fuel Storage
-  Refuse/Cultivation Waste Storage
-  Water Tanks
-  Point of Diversion
-  Cabin/Storage Shed
-  Residence
-  Outhouse
-  Class II watercourse
-  Class III watercourse
-  Pond
-  Outdoor Cultivation
-  Dormant Translational/Rotational Slide



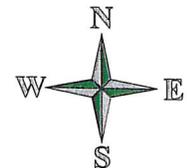
2016 NAIP DOQ - 40' contours
 Map Scale 1" = 290'
 Map Date 1/6/2017
 NE ¼, Section 8, T3S, R3E, HB&M



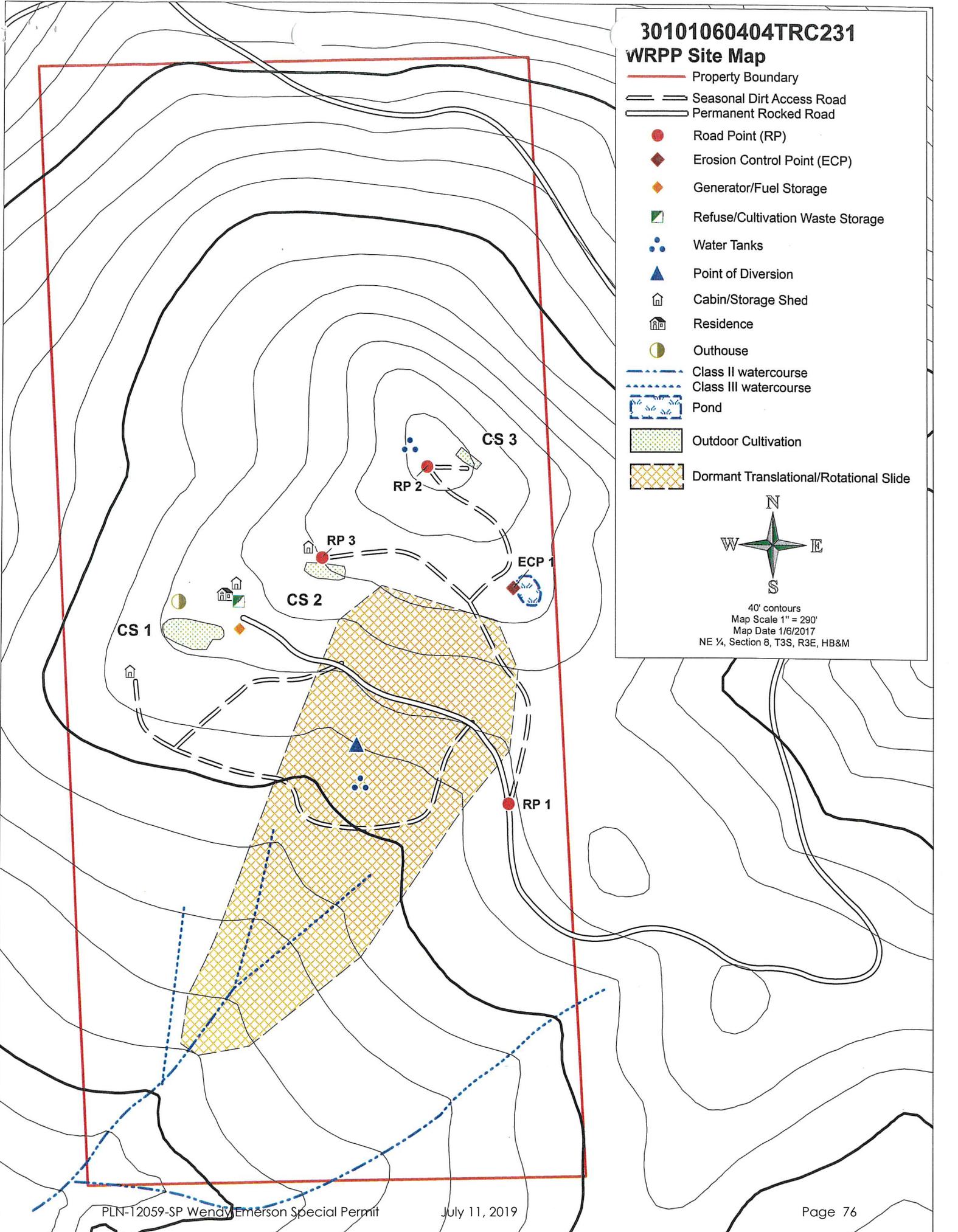
30101060404TRC231

WRPP Site Map

-  Property Boundary
-  Seasonal Dirt Access Road
-  Permanent Rocked Road
-  Road Point (RP)
-  Erosion Control Point (ECP)
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-  Class II watercourse
-  Class III watercourse
-  Pond
-  Outdoor Cultivation
-  Dormant Translational/Rotational Slide



40' contours
Map Scale 1" = 290'
Map Date 1/6/2017
NE 1/4, Section 8, T3S, R3E, HB&M

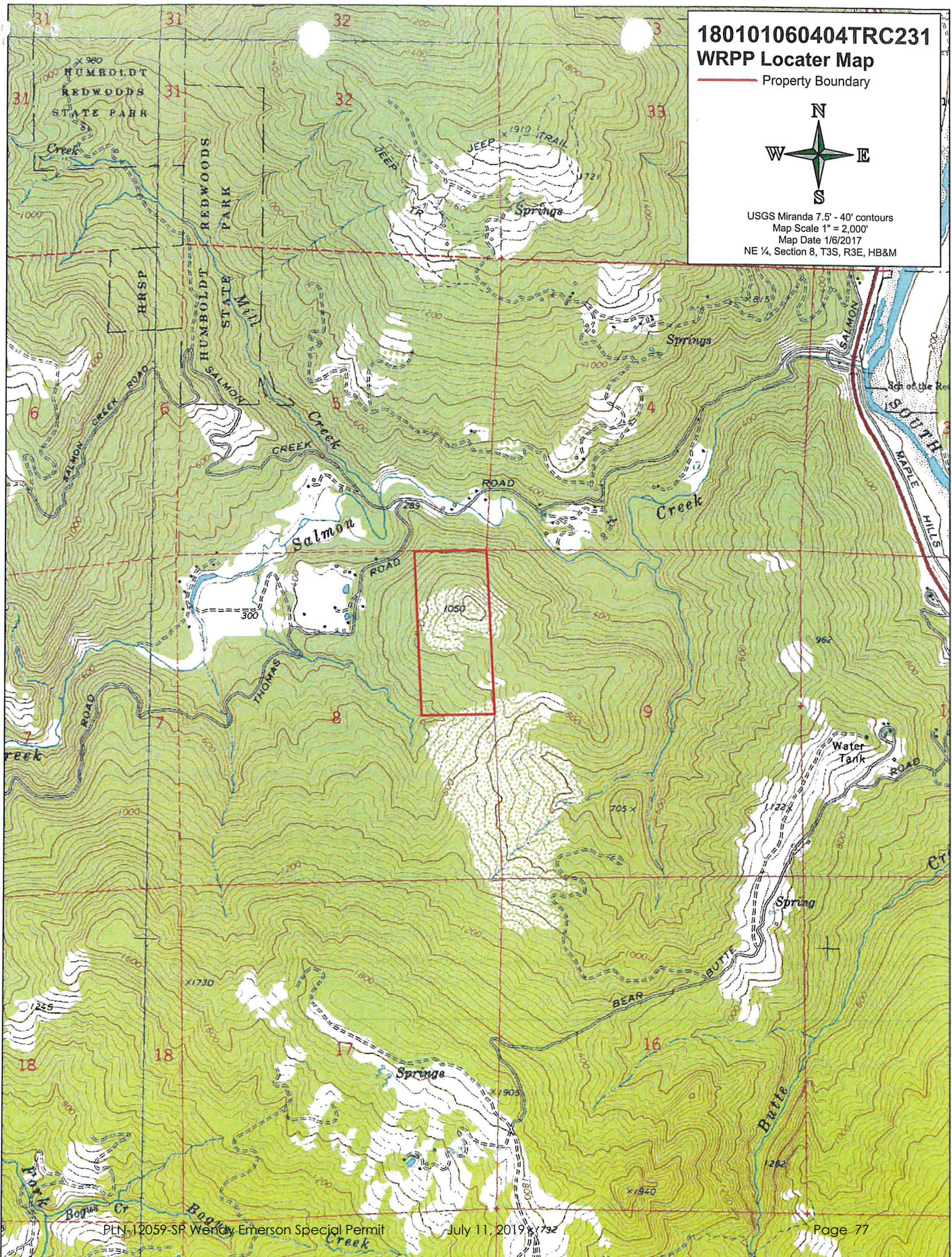


180101060404TRC231
WRPP Locater Map

Property Boundary



USGS Miranda 7.5' - 40' contours
Map Scale 1" = 2,000'
Map Date 1/6/2017
NE ¼, Section 8, T3S, R3E, HB&M



RECEIVED

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

MAR 17 2017

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2016-0555-R1
Unnamed Tributary to Salmon Creek, Tributary to the South Fork Eel
River, Tributary to the Eel River and the Pacific Ocean

Mr. Adam Sloan and Ms. Wendy Emerson
Sloan Emerson Water Diversion Project
1 Encroachment

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Adam Sloan and Ms. Wendy Emerson (Permittees).



RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittees initially notified CDFW on November 14, 2016, that the Permittees intend 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 Permittees have reviewed the Agreement and accept its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittees agree to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Salmon Creek watershed, approximately 2 miles southwest of the town of Miranda, County of Humboldt, State of California. The project is located in Section 8, T3S, R3E, Humboldt Base and Meridian; in the Miranda U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 212-032-17; latitude 40.2217 N and longitude 123.8571 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to one encroachment for water diversion from an Unnamed Tributary to Salmon Creek. Water is diverted for domestic use. Water that supplies

irrigation use on the property is derived from a ridgetop rainwater catchment pond. Work for the water diversion will include use and maintenance of the water diversion infrastructure.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), 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:

increased water temperature;
reduced instream flow;

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:

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
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 Permittees shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittees 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 Permittees 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 Permittees, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittees own, operate, or control shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 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 that the bypass flows and diversion rates 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.
- 1.5 Notification of Conflicting Provisions. The Permittees shall notify CDFW if the Permittees determine or learn that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency.
- 1.6 Project Site Entry. The Permittees agree to allow CDFW employees access to any property it owns and/or manages 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 Permittees or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittees Notification received on November 14, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittees shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization. No more than 100 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water

shall be diverted only if the Permittees can adhere to conditions 2.2 and 2.3 of this Agreement.

- 2.5 Measurement of Diverted Flow. The Permittees shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittees. The Permittees shall record the quantity of water diverted each week.
- 2.6 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.7 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittees shall regularly inspect, clean, and maintain screens in good condition.
- 2.8 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 Water Conservation. The Permittees shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittees shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.11 State Water Code. This Agreement does not constitute a valid water right. The Permittees shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of **each year** beginning in **2017**.

CONTACT INFORMATION

Written communication that the Permittees or CDFW submits to the other shall be delivered to the address below unless the Permittees or CDFW specifies otherwise.

To Permittee:

Mr. Adam Sloan and Ms. Wendy Emerson
P.O. Box 33
Redway, California 95560
707-223-8117

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0555-R1

LIABILITY

The Permittees shall be solely liable for any violation of the Agreement, whether committed by the Permittees or any person acting on behalf of the Permittees, 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 Permittees to proceed with the project. The decision to proceed with the project is the Permittees' alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittees or any person acting on behalf of the Permittees, 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 Permittees 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 Permittees an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittees, 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 Permittees 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 the Permittees or any person acting on behalf of the Permittees, including its officers, employees, representatives, agents, or contractors and subcontractors, from 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.

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

Nothing in the Agreement authorizes the Permittees or any person acting on behalf of the Permittees, 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 Permittees may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittees. To request an amendment, the Permittees 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 Permittees 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 Permittees 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(b), the Permittees 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, the Permittees 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 1605(b) through (e).

If the Permittees fail to submit a request to extend the Agreement prior to its expiration, the Permittees must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittees' signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five 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 Permittees 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(a)(2) requires.

AUTHORITY

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

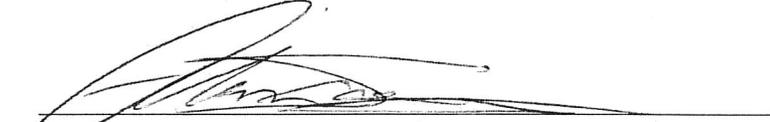
AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittees begin or complete a project different from the project the Agreement authorizes, the Permittees 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 Mr. Adam Sloan



Adam Sloan

2/21/2017
Date

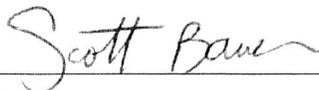
FOR Ms. Wendy Emerson



Wendy Emerson

2.21.2017
Date

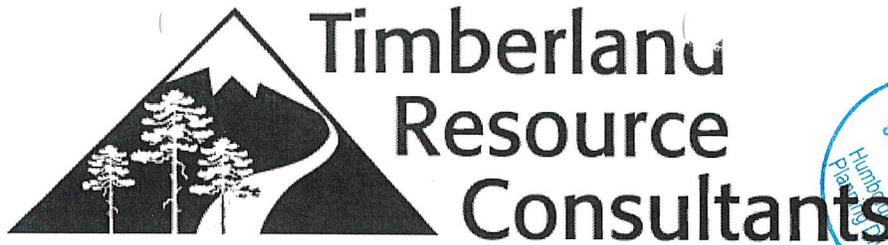
FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

3/21/17
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, February 13, 2017



Timberland Resource Consultants



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

May 22, 2017

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

Dear Humboldt County Planning Division:

The following is an evaluation of potential timberland conversion on proposed cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application for landowner Wendy Emerson within APN 212-032-017. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), sited below.

"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 CALFIRE, 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."

Timberland Resource Consultants (TRC) inspected and evaluated the proposed cultivation sites and associated areas contained within the application on March 21, 2017. Both landowners Wendy Emerson and Adam Sloan attended the field inspection. The RPF and his representatives have exercised due diligence in reviewing all sites and all available resources to fully assess potential timberland conversion. This report evaluates the cultivation sites and associated areas for timber operations only. All other land alteration such a grading, construction, and other permit-regulated activities do not fall within the scope of this report. All findings are summarized in the report below.

Project Summary

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. To avoid speculation and maintain relevancy, the property background shall focus on the past 10-15 years.

The legal description of the ownership is as follows:

- APN: 212-032-017
- Section 8, Township 3S, Range 3E, Humboldt Base & Meridian, Humboldt County
- Located on Miranda USGS 7.5' Quadrangle
- Total Acreage: 80 acres
- Humboldt County Zoning: TPZ

As shown on the General Location Map, the property is located on a private drive off Thomas Road, approximately 1.8 linear miles southwest of the town of Miranda, California.

Project Summary cont'd

do not impede the use of the land for current or future timber growth and harvesting; therefore, they do not constitute timberland conversion.

In summary, TRC observed 0.63 acres of timberland conversion within the inspected cultivation sites and associated areas. This total does not exceed the three-acre conversion exemption maximum. Below are other limitations and considerations for the converted areas.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

No inspected sites exist within close proximity to any watercourses, springs, or wet areas. No conversion activities appear to have impacted water resources.

Slash and Woody Debris Treatment

14CCR 1104.1(a)(2)(D)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."

The conversion activities have generated piles of slash and small log decks at Cultivation Site A, Cultivation Site B, and the Pond (see Photos 6 and 8). All slash should be treated according to the FPRs (Recommendation #1). The landowner plans to pile and burn the slash during the appropriate time of year and buck and split logs for firewood (for personal use only). A few downed logs at Cultivation Site B are used for slope stabilization (see Photo 8); these logs should remain in place and do not require treatment.

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDDB) on May 17, 2017 showed only two (2) records of a sensitive, rare, threatened, or endangered species or species of special concern within a 1.3-mile radius area surrounding the cultivation sites and associated areas. Between 1987 and 2000, several observations of Humboldt milk-vetch (*Astragalus agnicidus*) were recorded as close as 6,200 feet south of Cultivation Site A. No plants were observed in 2000, and no observations have occurred since. The plants are presumed extant within a 3.6-acre area. In 1996, an eyrie belonging to an American peregrine falcon (*Falco peregrinus anatum*) was observed in a low sandstone bluff approximately 4 miles southeast of the parcel; the bird(s) are presumed extant within a 36,470-acre range overlapping a majority of the parcel. No evidence of these species or any other special wildlife or plant species was observed during the TRC field assessment of the property.

The query of the CNDDDB also resulted in one (1) known Northern Spotted Owl (NSO) Activity Center within a 1.3-mile radius area surrounding the cultivation sites and associated areas. NSO Activity Center HUM 778 was established in 2001 and is located approximately 3,100 feet east of the Pond. No NSO habitat or evidence of NSO individuals was observed during the TRC field assessment of the property.

The conversion activities do not appear to have altered wildlife habitat for all other non-listed species. No evidence of felled snags was observed.

No major forest health issues were observed during the field assessment. Though the property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD), no symptoms, signs, or evidence of oak mortality were detected (Oak Mortality Disease Control). According to UC Berkeley's Mobile SOD Map, several SOD-positive trees have been recorded within a mile radius of the property. No risk assessment was made at the property. The conversion activities do not appear to have impacted forest health.

Emerson - Timberland Conversion Evaluation

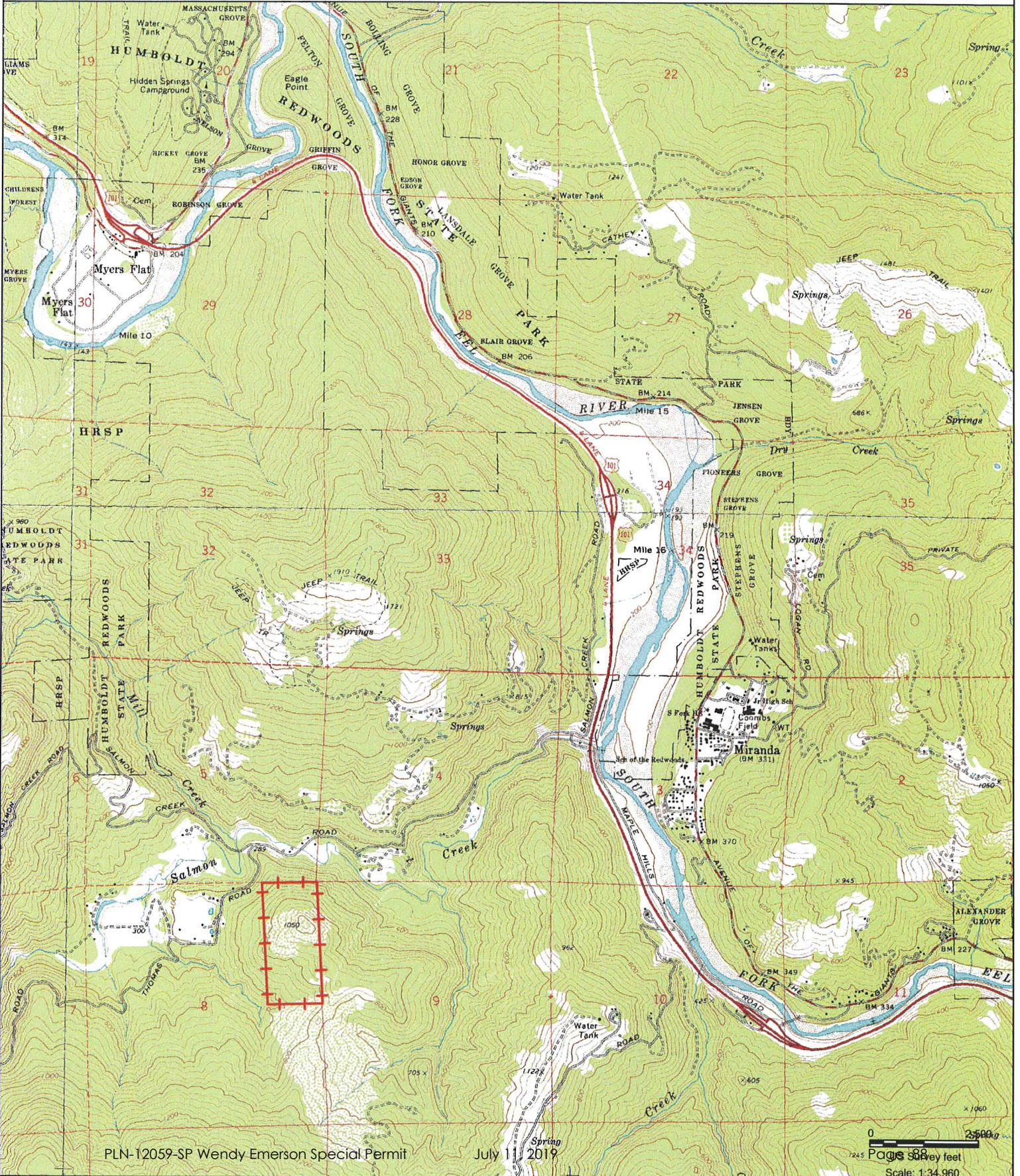
Section 8, T 3S, R 1E
Humboldt County; HB&M
Miranda USGS 7.5' Quad
Contour Intervals = 40 feet

General Location Map
APN:212-032-017



Revised: 05/22/17

Note: The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground.

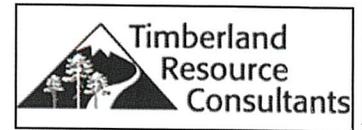


Emerson - Timberland Conversion Evaluation Overview Map

APN:212-032-017
 Section 8, T 3S, R 3E
 Humboldt County; HB&M
 Miranda USGS 7.5' Quad
 Contour Intervals = 40 feet

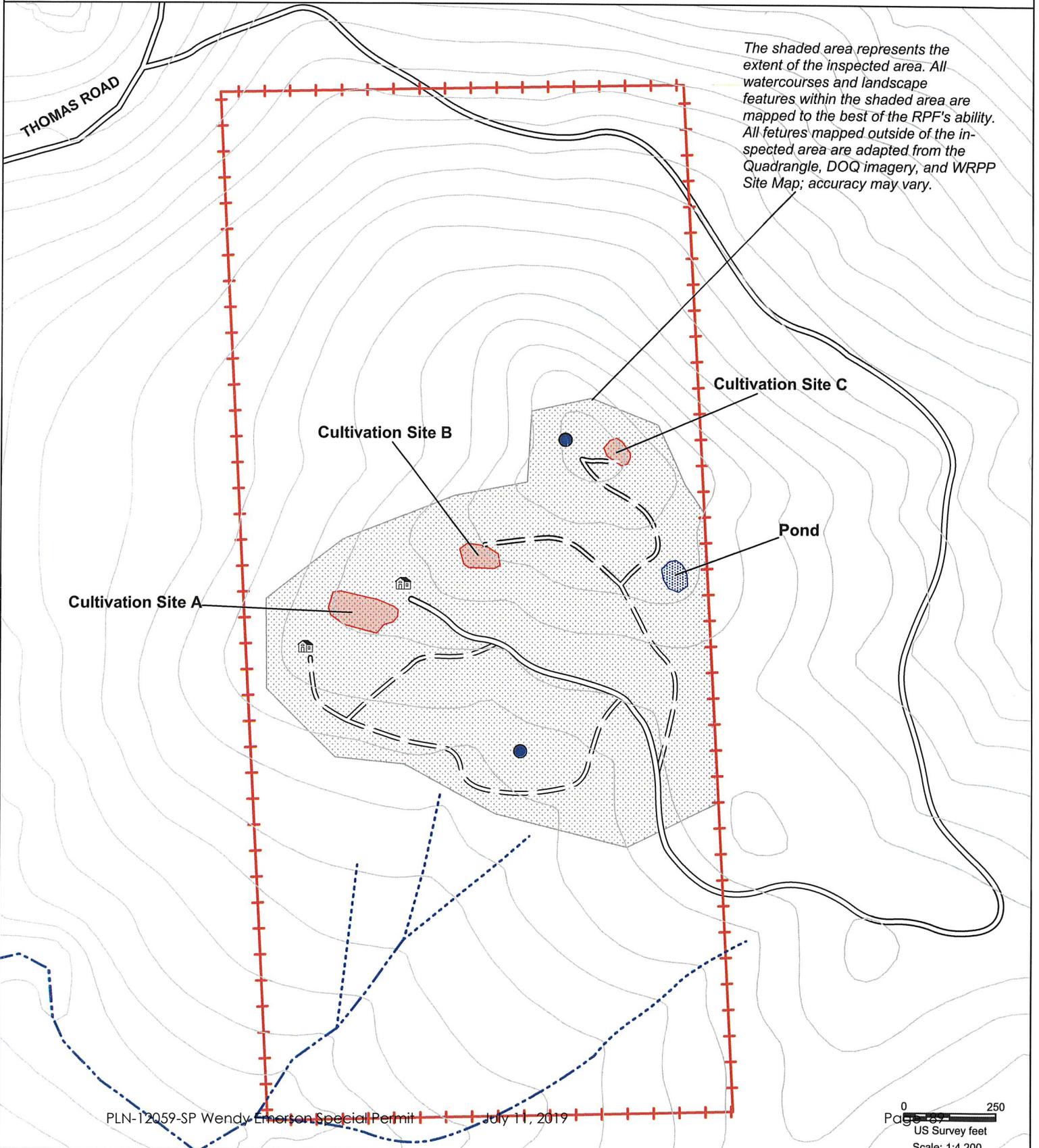
- Property Features**
-  Property Boundary
 -  Cultivation Sites & Associated Areas
 -  House
 -  Water Tanks

- Watercourses**
-  Class II
 -  Class III
 -  Pond
- Roads**
-  Mainline
 -  Seasonal



Note: The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground.

Revised: 05/26/17



The shaded area represents the extent of the inspected area. All watercourses and landscape features within the shaded area are mapped to the best of the RPF's ability. All fetures mapped outside of the inspected area are adapted from the Quadrangle, DOQ imagery, and WRPP Site Map; accuracy may vary.

Emerson - Timberland Conversion Evaluation

DOQ Map

APN:212-032-017

Revised: 05/26/17

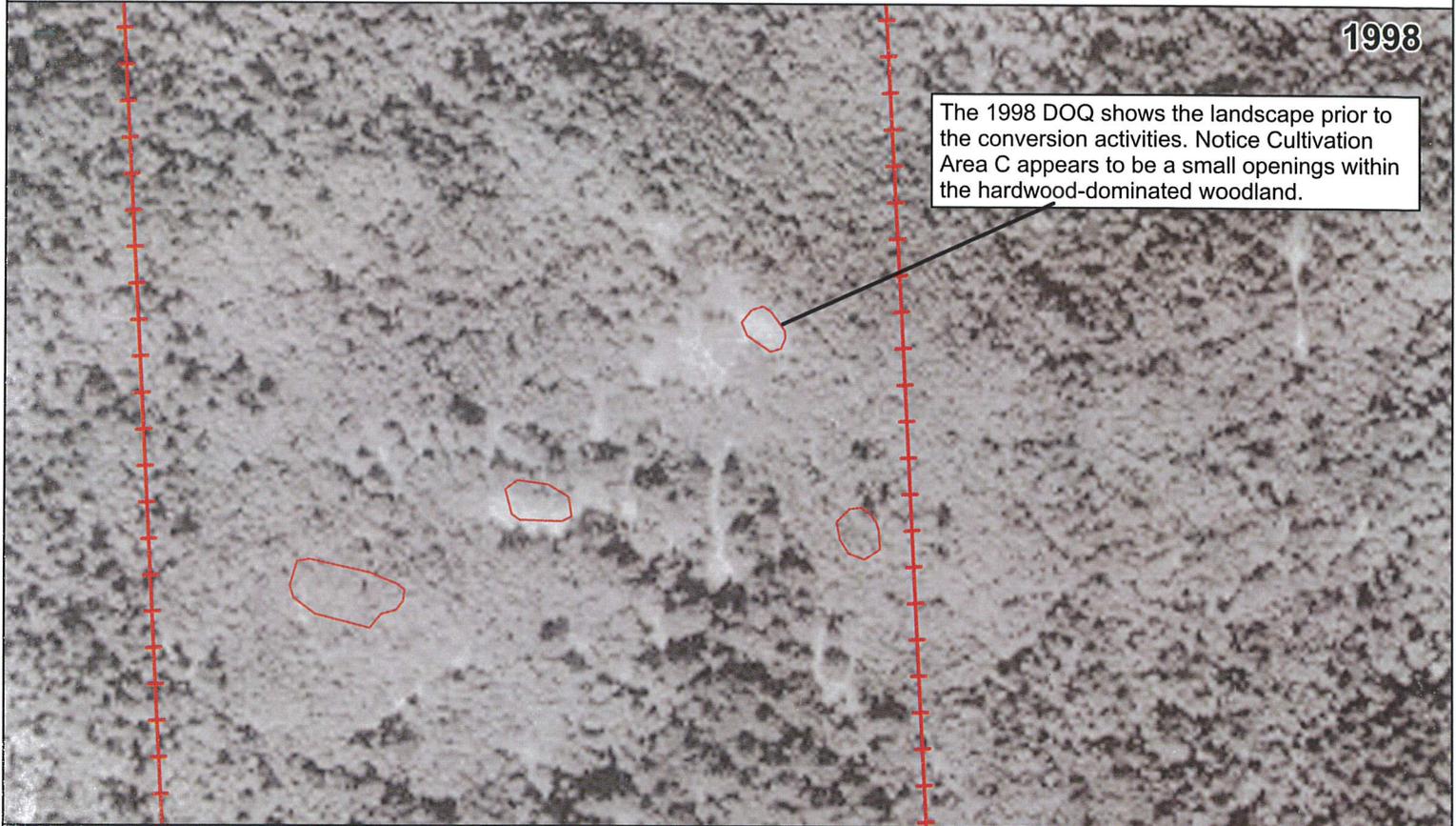
 Property Boundary

 Cultivation Sites & Associated Areas

Section 8, T 3S, R 3E
Humboldt County; HB&M
Miranda USGS 7.5' Quad



Note: The property boundary depicted is adapted from the Humboldt County Assessor's parcel map. This mapped boundary may not precisely align with the geographic boundary on the ground.

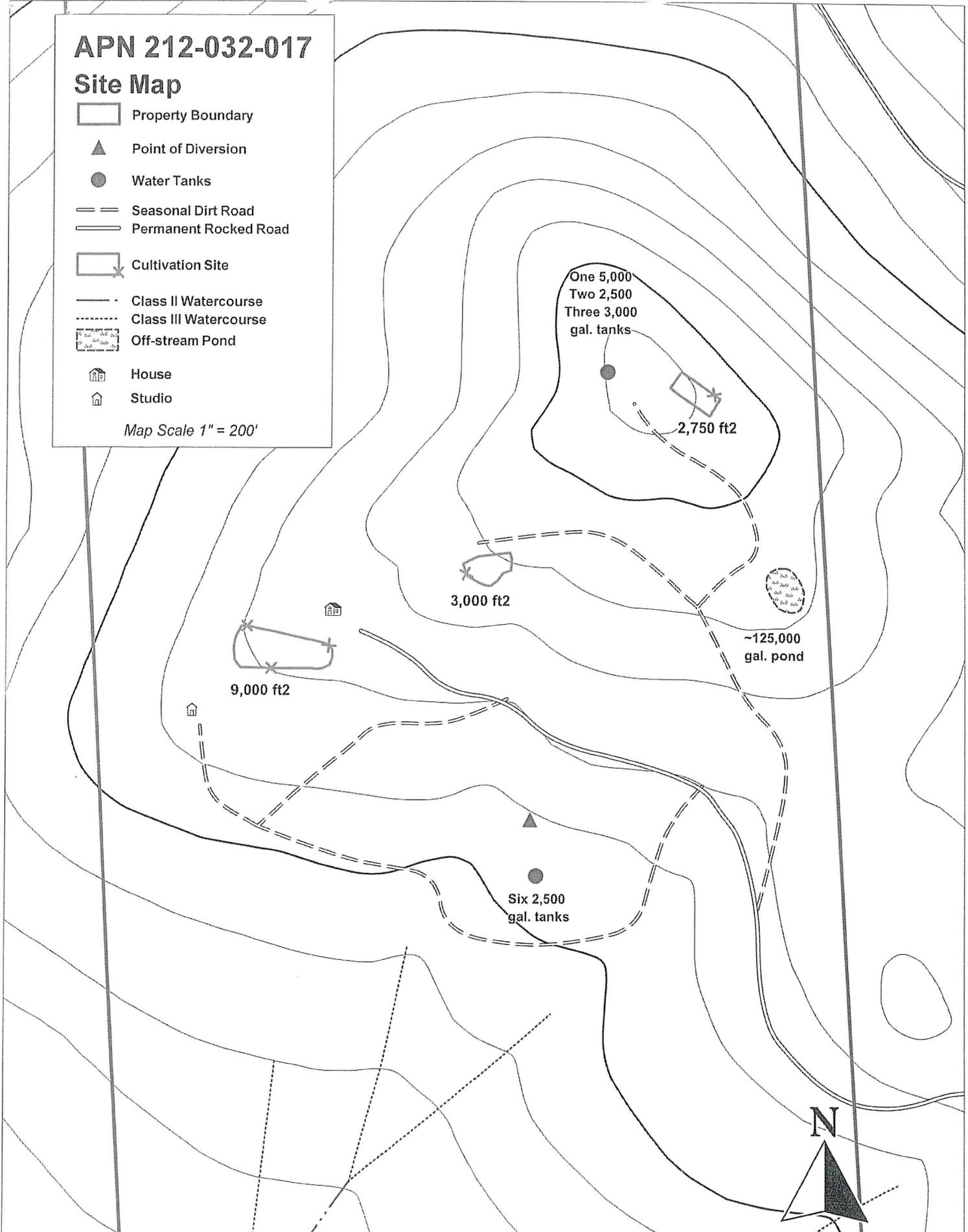


APN 212-032-017

Site Map

-  Property Boundary
-  Point of Diversion
-  Water Tanks
-  Seasonal Dirt Road
-  Permanent Rocked Road
-  Cultivation Site
-  Class II Watercourse
-  Class III Watercourse
-  Off-stream Pond
-  House
-  Studio

Map Scale 1" = 200'



Photos

The following photos were taken by Brita Rustad of TRC at APN 212-032-017 during the field inspection on May 3, 2017.



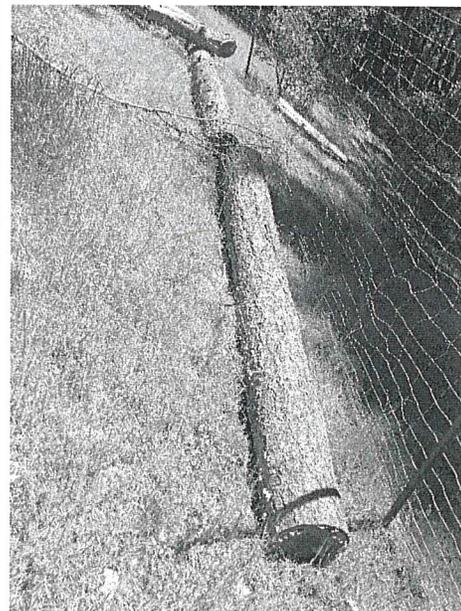
Photos 1 and 2: Views of Cultivation Site A facing southwest.



Photos 3 and 4: View of Cultivation Site B facing south (left) and west (right). Note the Douglas-fir stand in the background.



Photo 7: Example of a water tank area. This photo also shows the minor component of Douglas-fir trees within the madrone woodland.



Photos 8 and 9: Example of slash pile near Cultivation Site B (left). Example of slope stabilization logs which may remain onsite (right).

Resources

- California Forest Practice Rules 2017*. Sacramento: CAL FIRE, 2017. Print.
- California Natural Diversity Database*. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDB>. Accessed 3 May 2017.
- Forest Practice Watershed Mapper v2*. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed 3 May 2017.
- Humboldt County Web GIS*. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed 3 May 2017.
- Oak Mortality Disease Control*. Plant Quarantine Manual 3700. California Department of Food and Agriculture. Web. <http://pi.cdffa.ca.gov/pqm/manual/pdf/455.pdf>. Accessed 3 May 2017.
- Parcel Quest*. Web. <https://pqweb.parcelquest.com/#home>. Accessed 3 May 2017.
- SODMAP Mobile*. UC Berkeley Forest Pathology and Mycology Lab. Mobile Phone Application. www.sodmapmobile.org. Accessed 17 May 2017.



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Wendy Emerson APN: 212-032-017-000

Planning & Building Department Case/File No.: application #:12059

Road Name: Unnamed road (see attached) (complete a separate form for each road)

From Road (Cross street): Thomas Rd

To Road (Cross street): End of Unnamed road

Length of road segment: 1.3 miles Date Inspected: 03/25/2018 - 03/26/2018

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.

[Signature]
Signature

03/26/2018
Date

Wendy Emerson
Name Printed

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

Road name: The project is in Humboldt County, in the Miranda area, at the terminus of Road C, approximately 0.4 miles south from the intersection of Lauren Lane and Road C, on the property known to be in the west half of the northeast quarter of Section 08, Township 03 South, Range 03 East.

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Department of Environmental Health	✓	Conditional Approval	Attached
Public Works Land Use	✓	Conditional Approval	Attached
Cal Fire	✓	Other Comments	Attached
Building Inspection	✓	Other Comments	Attached
Cal Fish and Wildlife	✓	No response	
Humboldt County Sherriff	✓	Other Comments	Attached
NWIC	✓	Other Comments	On file
Bear River Band	✓	Other Comments	On file
County Counsel		No response	
District Attorney		No response	
Ag Commissioner		No response	
Miranda FPD		No response	
RWQCB		No response	
NCUAQMD		No response	
Sinkyone Intertribal Wilderness Council		No response	
Southern Humboldt Unified School District		No response	
Division of Water Resources		No response	

Wendy Emerson - SP for existing 9,000 SF Outdoor

Cancel Help

Task	Assigned Date	Due Date	Assigned Date
Environmental Health	12/28/2018	01/07/2019	12/28/2018
Assigned to Department	Status	Assigned to	Status
Environmental Health	Approved with Conditions	LandUse1 DEH	Approved with Conditions
Action by Department	Status Date	Action By	Status Date
Environmental Health	12/28/2018	Ben Dolf	12/28/2018
Start Time	Hours Spent	End Time	Hours Spent
	0.0		0.0
Billable	Comments	Overtime	Comments
No	Onsite processing must be supported by a permanent means of sewage disposal structure. Operator shall install a permitted onsite wastewater treatment system i	No	Onsite processing must be supported by a permanent means of sewage disposal structure. Operator shall install a permitted onsite wastewater treatment system i
Time Tracking Start Date	In Possession Time (hrs)	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	Comment Display in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No	<input checked="" type="checkbox"/> All ACA Users		<input checked="" type="checkbox"/> All ACA Users
	<input checked="" type="checkbox"/> Record Creator		<input checked="" type="checkbox"/> Record Creator
	<input checked="" type="checkbox"/> Licensed Professional		<input checked="" type="checkbox"/> Licensed Professional
	<input checked="" type="checkbox"/> Contact		<input checked="" type="checkbox"/> Contact
	<input checked="" type="checkbox"/> Owner		<input checked="" type="checkbox"/> Owner
Estimated Hours	Workflow Calendar	Action	Workflow Calendar
0.0		Updated	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 257-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Liza Welsh, Planner, Planning & Building Department

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

DATE: 01/11/2019

RE:

Applicant Name	WENDY EMERSON
APN	212-032-017
APPS#	PLN-12059-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.

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 3/26/2018, with Part A –Box 2 checked, certifying that the access road is developed to the equivalent of a road category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12059

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END /

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

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

Forester Comments: Date: Name:

Unpermitted conversions have been identified and evaluated by an RPF in the attached documentation. The Department has no comments at this time.

Battalion Chief Comments: Date: Name:

Summary:

▼ Pre-Site Inspection

Status:

[History](#)

PRE-SITE

Project Started

Yes No

AOB Inspection

Yes No

Soil Required Due to

Project is in flood zone A

Yes No

2nd Flood Certificate Required

Yes No

SRA requirements apply

Yes No

SRA water storage requirements apply

Yes No

Grading permit required

Yes No

Erosion and sediment control measures required

Lot created prior to 1992

Yes No

Incomplete Submittal Construction Plan

Yes No

 Standard Comment

Plans Stamped by Licensed Prof Required

Yes No

Soil Report Required

Yes No

FIRM panel number

(Text)

Flood elevation certificate required

Yes No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

Yes No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

Yes No

Plot plan incomplete, must be revised

Yes No

Other concerns exist

Yes No

Plan Refer
2/15/19

- recommend approval, all grow sites are on sites that were not graded
- grow sites CS# 1, 2, 3 appear to be out of wet areas
- pond area appears to be a natural holding pond from water that flows from spring above
- sites for holding tanks are located on natural ungraded site
- recommend applicant show site structures for AG Exempt all structures

Pre Site Comments

- all structures for the use as grow related, storage, habitual uses are required building, plumbing, electrical and mechanical permits or Agricultural Exemption are obtained
- the house site maybe permitted as an AOB
- drying/ trim shed, out building may go AG Exempt
- no soils report needed for house and out buildings
- md

check spelling

Attachment(s) : 

Wendy Emerson - SP for existing 9,000 SF Outdoor

Cancel

Help

Task Sheriff	Due Date 01/07/2019	Assigned Date
Assigned to Department Sheriff	Assigned to Sheriff	Status Approved
Action by Department Sheriff	Action By Sheriff Humboldt County	Status Date 12/28/2018
Start Time	End Time	Hours Spent 0.5
Billable No	Overtime No	Comments No negative DA records for applicant
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar Workflow Blockout