



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: April 21, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Vesuvio Gardens, LLC, Special Permits and Notice of Merger**
Record Number PLN-12615-SP
Assessor's Parcel Number (APN) 220-161-017 and 220-161-011
In Humboldt County on the east side of Mattole River, approximately 1500 feet south from the intersection of Noonung Creek Rd and Huckleberry Ln, on the property known to be in Township 04S of Range 02E Section 31 Humboldt Base & Meridian, Whitethorne area.

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Please contact Michael Holtermann, Planner, at (707)-268-3737 or by email at mholtermann@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 21, 2022	Special Permits, Notice of Merger	Michael Holtermann

Project Description: A Special Permit for 10,000 square feet of pre-existing cultivation, 8,400 square feet of which will be light-deprivation outdoor cannabis cultivation and 1,600 square feet of ancillary propagation space is included in the 10,000 square feet and will be classified and taxed as mixed-light cultivation, however the applicant proposes to use this area for additional propagation space. The 1,600 square feet of mixed light cultivation will be utilized as propagation space for the application and other of the applicant's approved projects. A Special Permit for a setback reduction to public lands, a Special Permit for work in a Streamside Management Area (SMA), a Special Permit for the ongoing use and maintenance of a point of diversion (POD) within an SMA used for irrigation, and a Notice of Merger of two parcels of approximately 10.7 and 4.3 acres, to result in one parcel of approximately 15 acres. Propagation space totals 1,000 square feet. Water for irrigation will be provided by a POD from an onsite spring. Water storage onsite totals 80,000 gallons occurring in one (1) 30,000-gallon tank and ten (10) 5,000-gallon tanks. The applicant anticipates 100,000 gallons of water will be required annually for irrigation. The applicant has been conditioned to obtain additional hard tank storage to meet projected irrigation needs. Processing will take place offsite until a permitted processing facility is constructed. There will be two family members operating the farm. Power for the project will be provided by PG&E.

Project Location: The project is located in Humboldt County, the Whitethorn area, on the east side of Mattole River, approximately 1500 feet south from the intersection of Nooning Creek Rd and Huckleberry Ln, on the property known to be in Township 04S of Range 02E Section 31 Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA5-20); 2017 General Plan; Density: 5-20 acres per unit; Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-12615-SP

Assessor's Parcel Number: 220-161-017 and 220-161-011

Applicant

Vesuvio Gardens, LLC
 Joe Jacovini
 PO Box 520
 Whitethorn, CA 95589

Owners

Joseph Jacovini
 PO Box 520
 Whitethorn, CA 95589

Agent

Clearwater Ag Services
 Diana Totten
 446 Maple Lane
 Garberville, CA 95542

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines. The Notice of Merger categorically exempt from environmental review per Class 5, Section 15305(a).

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

Major Issues: None

Vesuvio Gardens, LLC

Record Number: PLN-12615-SP

Assessor's Parcel Number: 220-161-017 220-161-011

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and Notice of Merger, and adopt the Resolution approving the Vesuvio Gardens, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Vesuvio Gardens, LLC seeks a Special Permit to continue operating 10,000 square foot of pre-existing cannabis cultivation, of which 8,400 will be mixed- light outdoor cultivation and 1,600 square feet will be ancillary propagation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Cultivation will take place in two cultivation areas identified as Area A and Area B on the Site Map (see Attachment 3). The applicant anticipates there will be two cultivation cycles occurring annually during the months of July and October. Processing such as drying, curing, trimming, and packaging will occur onsite within a proposed 1,080-square-foot building that the applicant will construct to commercial standards. Processing will take place offsite through a licensed third-party processing facility until a permitted processing facility is constructed. Vesuvio Gardens, LLC is a family-owned and operated farm. There will be two family members operating the farm. Power for the project will be provided by PG&E. Artificial lighting used for ancillary propagation nursery and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.

Cultivation Area	Greenhouse Dimension	Square Feet Total
Area A	8'x50' each	8,400 sf light deprivation
Area B	8'x75'	1,600 sf light deprivation
Total Cultivation Area		10,000 sf
Propagation Area		
Area C (1 greenhouse)	20'x50'	1,000 sf
Total Propagation Area		1,000 sf

Table 1: The cultivation and propagation areas as proposed, totals included.

Water Resources

Water for irrigation will be provided by a Point of Diversion (POD) from an onsite spring which requires a Special Permit. The applicant will forbear from diverting from the spring annually from April 1 to October 31. The applicant submitted a Right to Divert and Use Water (Registration no. H508214). According to the Right to Divert and Use Water, the applicant shall not exceed 0.52-acre-feet (169,442 gallons) per year to be collected from January 1 to December 31 annually. Water storage onsite totals 80,000 gallons occurring in one (1) 30,000-gallon tank and ten (10) 5,000-gallon tanks. The applicant anticipates 100,000 gallons of water will be required annually for irrigation. The applicant is proposing to transition to rainwater catchment utilizing rain gutters on existing buildings in the future. The project is conditioned for the applicant to implement an

additional 20,000 gallons of water storage to meet the irrigation demand during the forbearance period. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 214 permits and the total approved acres would be 75.57 acres of cultivation.

There are currently two greenhouses that are located partially within a Streamside Management Area (SMA). The applicant proposes to remove the greenhouses from the SMA, requiring a Special Permit. The project has been conditioned to remove the greenhouses from the SMA in conformance with the submitted Site Plan and submit a restoration plan to the Planning Department for review and approval prior to completion of work.

Public Lands

The project site is bordered by Bureau of Land Management (BLM) property within the King Range National Conservation Area (KRNCA) consisting of APN 220-161-004 and APN 220-161-003 to the west of the subject properties. The cultivation area is currently approximately 100 feet from the parcels managed by the BLM. Relocation of two greenhouses from the Streamside Management Area will result in cultivation at approximately 150 feet from the BLM lands. This Special Permit will allow for a reduction in the required 600-foot setback from public lands. The adjacent public lands are subject to the 2005 King Range National Conservation Area Resource Management Plan (RMP). The lands adjacent to the project site are designated Frontcountry Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and watershed restoration. The project is consistent with the RMP because the cultivation activities will protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. While supplemental lighting would be used for the appurtenant nursery, the proposed project will use a blackout curtain system to block artificial light from escaping, resulting in no glare or light pollution associated with the proposed project. The RMP's provisions for protection of heritage resources are met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and trails. The project was referred to the Bureau of Land Management however no response was received. The applicant is required to cultivate only in the area and structures depicted on the approved Site Map and no encroachment or development is authorized on any other parcels or on areas of the subject parcel not identified on the applicant's Site Map.

Biological Resources

According to the California National Diversity Database habitat exists on the parcel for the southern torrent salamander and the summer-run steelhead trout. The nearest Northern Spotted Owl (NSO) Activity Center (HUM0133) is located approximately 0.91-miles northwest from the project site and the nearest NSO observation is located approximately 0.34-miles south from the project site. Marbled murrelet habitat is mapped on the parcel. The BLM lands adjacent to the subject parcel are identified as critical habitat for Marbled Murrelet.

To avoid impacts on these listed species the project has been conditioned to ensure that no light escapes the appurtenant nursery, and that all noise produced by cultivation and processing activities stay below 50 decibels as measured at 100 feet from cultivation activities or edge of

habitat, whichever is closer. The subject project is preexisting mixed light cannabis cultivation. The applicant transitioned from mixed light cannabis cultivation to a majority outdoor cannabis cultivation utilizing light-deprivation techniques. Power for the processing and propagation activities will be sourced from PG&E. The implementation of the Site Management Plan is intended to ensure erosion control and prevent sediment delivery. Additionally, a recommended condition of approval for this project includes preconstruction training for identification of southern torrent salamanders for all workers. If southern torrent salamanders are identified during ground disturbing activities, all work shall cease, and the applicant shall contact CDFW or a qualified biologist to gain clearance prior to resuming work.

With included mitigation measures and conditions of approval, staff does not believe the project will have a direct or indirect impact on any endangered or threatened species.

Access

The property is accessed via private driveway from Huckleberry Lane. The applicant submitted a self-certified Road Evaluation Form stating the entire road segment is developed to the equivalent of a road category 4 standard. The Department of Public Works stated that the applicant shall ensure there are no roadway grade in excess of 16 percent unless it has been demonstrated to be in conformance with the County Roadway Design Manual. Public Works comments state that if there are portions of the road that have grades that exceed 16%, those portions must be paved and must have an exception request approved. There is no information on file indicating that any roadway grades exceed 16%.

According to the Site Management Plan (SMP) prepared by Timberland Resource Consultants dated March 12, 2019, the roads found onsite appear to have moderate to high native rock component and observations of surface erosion relative to current surface drainage break frequency, are being classified as having low erodibility. During the assessment, roads were found to be in fair condition. Access roads are out-sloped or crowned to allow surface water drainage. There is an unused road onsite which is no longer needed, the SMP recommends the applicant to install waterbars with 100'-200' spacing per the specifications found within the BMP's (see Attachment 3).

Tribal Consultation

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The Bear River Band Rancheria recommended a Cultural Resource Investigation to be conducted on the parcel. The applicant submitted a Cultural Resource Survey prepared by Archaeological Research and Supply Company dated December 2018. According to the survey there were zero (0) historic or prehistoric era resources located during the survey. The project has an ongoing condition to include inadvertent archaeological discovery language.

Notice of Merger

According to Case No. LLA-01-26, the parcels in their current configuration constitute a subdivision violation, as two instruments were recorded (1990-19160-2 and 1993-16051-2) that conveyed 193 square feet and 300 square feet, respectively, in violation of subdivision regulations per Humboldt County Ordinance No. 776. LLA-01-26 was intended to remedy subdivision violations; however, the lot line adjustment was not recorded. Merging the two parcels would eliminate the lot line in question and remedy the subdivision violations, resulting in one legal parcel.

Flood Zone

The subject parcels are in an area that was not included in a FEMA study, and as such no mapped FEMA flood zone exists. Based on available flood zone information coupled with the elevation data in the area, it appears no structures used for cannabis are present in the potential flood area.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

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

Resolution Number 22-

Record Number: PLN-12615-SP

Assessor's Parcel Number: 220-161-017 220-161-011

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Vesuvio Gardens, Special Permits request and Notice of Merger request

WHEREAS, Vesuvio Gardens, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 10,000 square foot outdoor cannabis operation with processing activities, a Special Permit for a setback reduction to public lands, a Special Permit for work in a Streamside Management Area, a Special Permit for the ongoing use and maintenance of a point of diversion within an SMA used for irrigation, and a Notice of Merger;

WHEREAS, the County as lead agency, prepared an Addendum to the Mitigated Negative Declaration (MND) 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 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, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **April 21, 2022**, and reviewed, considered, and discussed the application for Special Permits and a Notice of Merger, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Special Permit for 10,000 square feet of pre-existing cultivation, 8,400 square feet of which will be light-deprivation outdoor cannabis cultivation and 1,600 square feet of ancillary propagation space is included in the 10,000 square feet and will be classified and taxed as mixed-light cultivation, however the applicant proposes to use this area for additional propagation space. The 1,600 square feet of mixed light cultivation will be utilized as propagation space for the application and other of the applicant's approved projects. A Special Permit for a setback reduction to public lands, a Special Permit for work in a Streamside Management Area (SMA), a Special Permit for the ongoing use and maintenance of a point of diversion (POD) within an SMA used for irrigation, and a Notice of Merger of two parcels of approximately 10.7 and 4.3 acres, to result in one parcel of approximately 15 acres. Propagation space totals 1,000 square feet. Water for irrigation will be provided by a POD from an onsite spring. Water storage onsite totals 80,000 gallons occurring in one (1) 30,000-gallon tank and ten (10) 5,000-gallon tanks. The applicant anticipates 100,000 gallons of water will be required annually for irrigation. The applicant has been conditioned to obtain additional hard tank storage to meet projected irrigation needs. Processing will take place offsite until a

permitted processing facility is constructed. There will be two family members operating the farm. Power for the project will be provided by PG&E.

EVIDENCE: a) Project File: PLN-12615-SP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. 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.
 - d) A Site Management Plan (SMP) prepared by Timberland Resource Consultants dated March 12, 2019, which identifies corrective actions that need to be completed in order to bring the project into compliance with state local regulations.
 - e) The property is accessed via private driveway from Huckleberry Lane. The applicant submitted a self-certified Road Evaluation form indicating the entire road segment is developed to the equivalent of a road category 4 standard.
 - f) A Right to Divert and Use Water for the Point of Diversion from an onsite spring (Registration no. H508214).
 - g) A Streambed Alteration Agreement (Notification no. 1600-2017-0013-R1) for three encroachments including the Point of Diversion for cannabis irrigation.
 - h) Cultural Resource Survey prepared by Archaeological Research and Supply Company dated December 2018 which concludes the current and proposed cannabis operation will have no effect or changes to any cultural or historic resources from the project.

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

EVIDENCE a) General agriculture is a use type permitted in Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is

consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- b) The proposed project would be located adjacent to BLM land that are subject to the 2005 King Range National Conservation Area Resource Management Plan (RMP). As discussed in the Executive Summary above, the proposed project would not conflict with the Management Plan for the Frontcountry Zone. The project would be consistent with forest stand management, fuel reduction, fire break construction, and watershed restoration. The RMP's provisions for protection of heritage resources has been met through the project consultation with THPO. Therefore, the proposed project complies with the referenced section.
- c) The applicant proposes to remove the greenhouses from the SMA, requiring a Special Permit. The project has been conditioned to remove the greenhouses from the SMA in conformance with the submitted Site Plan, and submit a restoration plan to the Planning Department for review and approval prior to completion of work.

4. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

EVIDENCE

- a) The Unclassified Zone or U Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for U zones.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of mixed-light cultivation on a 20-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) Two documents conveyed land between the two parcels. (1) instrument no. 1990-19160-2 recorded August 14, 1990 conveyed a 193 sf triangular piece of land and (2) instrument no. 1993-7657-2 conveyed an approximate 300 sf triangular piece of land. These conveyances were not in compliance with subdivision regulations, and a merger of the two parcels will remedy the violation by removing the lot line, thereby creating one legal parcel.
- c) The applicant has a water right for the diversionary water source and will meet forbearance requirements. The applicant has been

conditioned to obtain water storage in amounts sufficient to meet forbearance requirements.

- d) The property is accessed via private driveway from Huckleberry Lane. The applicant submitted a self-certified Road Evaluation Form stating the entire road segment is developed to the equivalent of a road category 4 standard.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The location of the cultivation complies with setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, or Tribal Cultural Resource. The project as proposed does not meet setbacks to public parks and seeks a Special Permit for a setback reduction.

6. FINDING

The cultivation of 10,000 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that that meets the functional capacity for the project needs.
- b) The site is in a rural part of the County where the typical parcel size is over 10 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- d) Water for irrigation will be provided by a Point of Diversion (POD) from an onsite spring. The applicant will forbear from diverting from the spring annually from April 1 to October 31. The applicant submitted a Right to Divert and Use Water (Registration no. H508214).

7. FINDING

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

EVIDENCE

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

8. FINDING

The applicant is the legal owner of both contiguous parcels that are proposed to be merged.

- EVIDENCE** a) Two documents conveyed land between the two parcels. (1) instrument no. 1990-19160-2 recorded August 14, 1990 conveyed a 193 sf triangular piece of land and (2) instrument no. 1993-7657-2 conveyed an approximate 300 sf triangular piece of land. These conveyances were not in compliance with subdivision regulations, and a merger of the two parcels will remedy the violation by removing the lot line, thereby creating one legal parcel.
- b) The applicant has submitted Title reports and grant deeds to prove ownership of both contiguous parcels to be merged.
- 9. FINDING** The parcels meet health, building, and zoning requirements.
- EVIDENCE** a) Both parcels to be merged are zoned U (Unclassified). The merger will not affect the ability of the parcel to be developed consistent with health, building, and zoning requirements.
- 10. FINDING** The resulting merged parcel will not create health or safety problems.
- EVIDENCE** a) There is no evidence that the merger will create any health or safety problems. Any construction will be required to meet all prescribed development standards and all applicable requirements of the County Building Regulations. Merger is categorically exempt from State environmental review per Class 5, section 15305(a).
- 11. FINDING** Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.
- EVIDENCE** The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 214 permits and the total approved acres would be 75.57 acres of cultivation.

DECISION

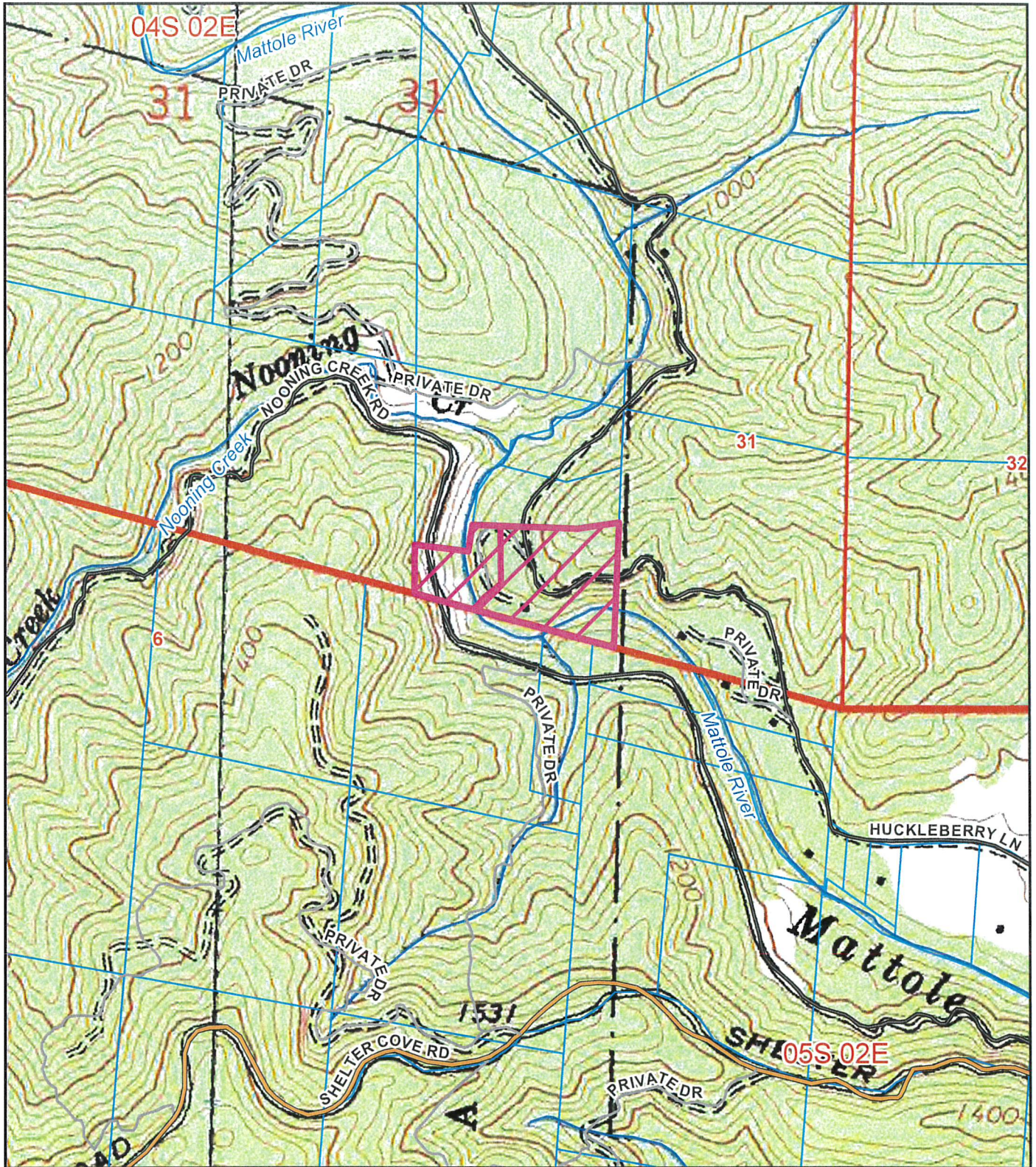
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on **April 21, 2022**.

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

John H. Ford, Zoning Administrator,
Planning and Building Department

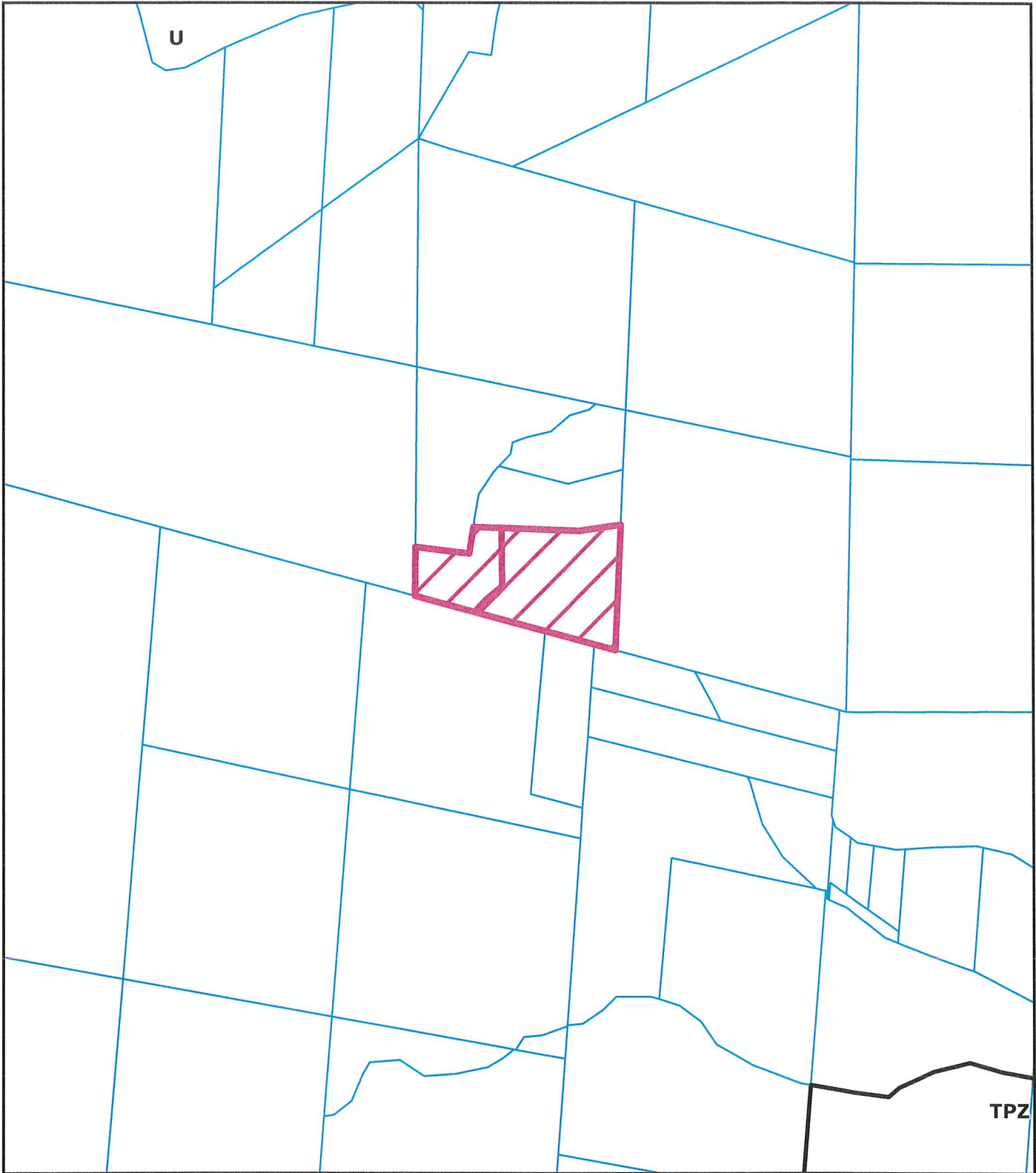


TOPO MAP
PROPOSED VESUVIO GARDENS LLC
WHITETHORN AREA
SP-16-585
APN: 220-161-017-000; ET AL.
T04S R02E S31 HB&M (BRICELAND)

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.



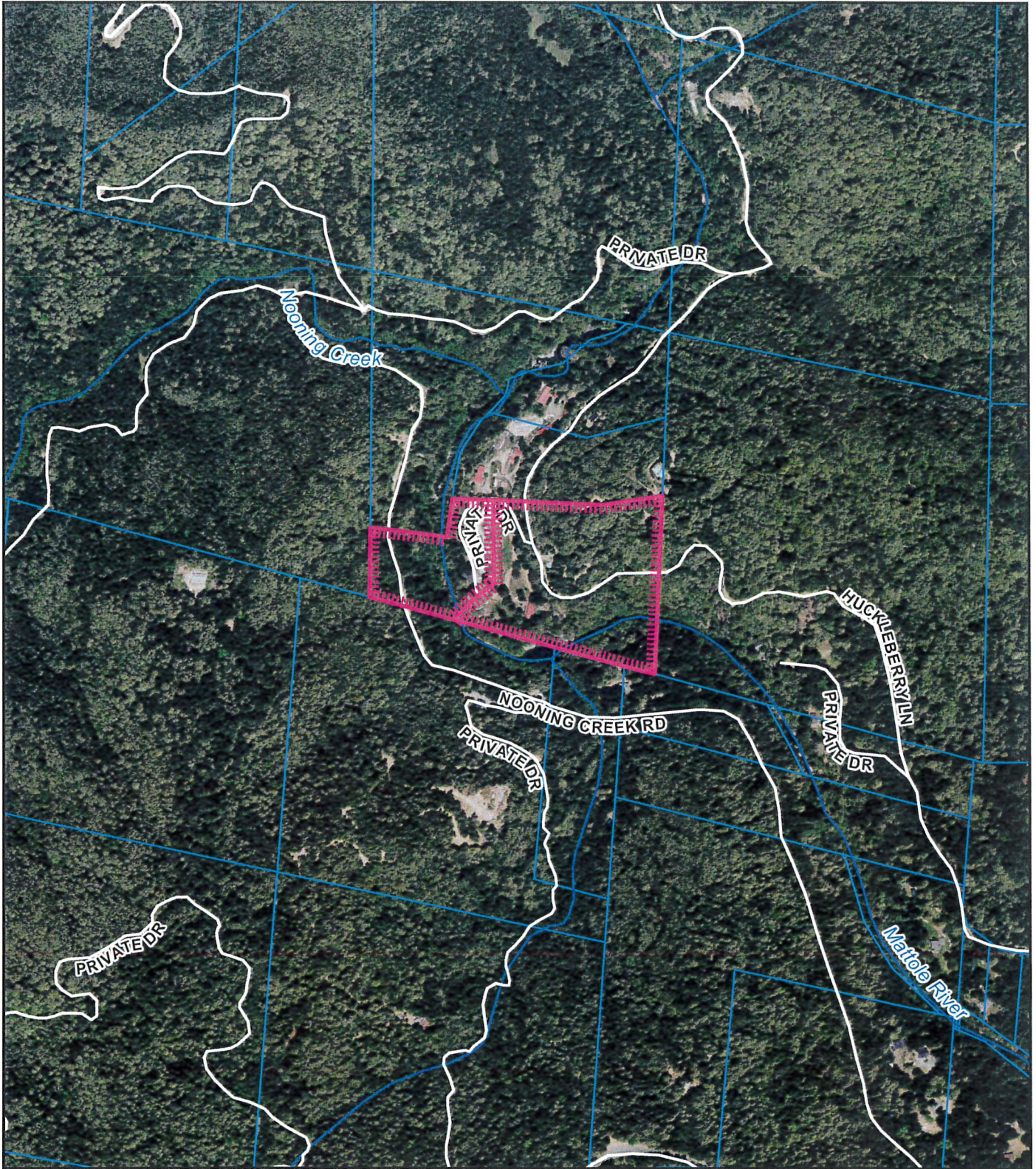
Project Area = 

ZONING MAP
PROPOSED VESUVIO GARDENS LLC
WHITETHORN AREA
SP-16-585
APN: 220-161-017-000; ET AL.
T04S R02E S31 HB&M (BRICELAND)



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AERIAL MAP
PROPOSED VESUVIO GARDENS LLC
WHITETHORN AREA
SP-16-585
APN: 220-161-017-000; ET AL.
T04S R02E S31 HB&M (BRICELAND)

Project Area = 



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SITE PLAN

PROJECT INFORMATION:

Applicant: Vesuvio Gardens, LLC

Site Address:

1590 Huckleberry Lane
Whitethorn, CA 95589

APN: 220-161-011 & 220-161-017

Land Owner: Joseph Jacovini

Agent:

Clewater Ag Services
446 Maple Lane
Garberville, CA 95542

Trees to be Removed: None

Earthwork Quantities: None

Water: Spring

Sewer: Permitted Septic

Power: PG&E

Parcel Size: 4.31 & 10.69 Acres

Zoning: U

General Plan Designation: RA5-20

Easements: Huckleberry Lane & Nooning Creek Road

Stream Crossings: None

Aggregate Cultivation Area:

23 - 8' x 50' Greenhouses (A) - 8,400 Sq.Ft.

2 - 8' X 75' Greenhouses (D) - 1,200 Sq.Ft.

9,600 Sq.Ft

1 - 24' x 70' Immature Plant GH (B) - 1,680 Sq.Ft.

1 - 20' x 50' - R & D Area (C) - 1,000 Sq.Ft.

LEGEND

CULTIVATION AREA:

A - 8' X 50' GREENHOUSE - 400 FT²

B - 24' X 70' GREENHOUSE - 1,680 FT²

C - 20' X 50' GREENHOUSE - 1,000 FT²

D - 8' X 75' GREENHOUSE - 600 FT²



GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. APPLICANT HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.

DIRECTIONS TO SITE:

1. Take US 101 South (61.8 Mi.)
2. Take Exit 642 for Redwood Drive
3. Continue on Redwood Drive (1.8 Mi.)
4. Turn Right onto Briceland-Thorn Road (12.7 Mi.)
5. Turn right on Huckleberry Lane (Before Matole Bridge)
6. Continue on Huckleberry Lane (1.5 Mi.)
8. Arrive at Site on Left



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
5. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees, notary fees and recording fees, as applicable.
6. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.**

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate

demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

7. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00) as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
8. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
9. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #10 through #18. 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.
10. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
11. The applicant shall install water monitoring device on each source - surface diversion if/when utilized and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall secure 20,000 gallons of additional water storage to meet forbearance requirements in accordance with the projected 100,000 gallons of necessary irrigation water.
13. The applicant shall remove the existing greenhouses from the Streamside Management Area in conformance with the submitted Site Plan and restore the site to its pre-development condition (both slope and natural vegetative cover) once relocation efforts are completed. Re-contouring and revegetation shall be performed under the direction of a restoration specialist. The final restoration plan shall be subject to approval of the Planning Director. The plan shall include success criteria for revegetation and follow-up monitoring. The qualified restoration specialist shall transmit the completion and annual monitoring reports to the Planning Division verifying that all requirements of the plan have been met.

14. The applicant shall contact the local fire service provider [Whitethorn Fire PDAA] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
15. Within two weeks prior to ground disturbing activities, project contractors shall be trained by a qualified biologist in the identification of southern torrent salamander. Construction crews shall begin each day with a visual inspection of the project area for the presence of southern torrent salamanders. If sensitive species are detected, construction activities shall be halted. Construction crews shall contact the California Department of Fish and Wildlife or a qualified biologist and gain clearance prior to re-initiating work. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48 hours after rain stops. Prior to resuming construction activities, trained construction crew members shall examine the site for the presence of southern torrent salamander. If none are found, construction activities may resume.
16. Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.
17. Prior to cultivation, the applicant shall submit a revised Site Plan showing a total cultivation area of 10,000 square feet, and a 1,000 square foot appurtenant propagation area. Final signoff from the Planning Department will satisfy this condition.
18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
19. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance

prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. The applicant shall remove all pesticides, chemicals, and cannabis storage from the proposed drying, trimming, and packaging building within the perceived flood zone from October 31st to April 15th annually.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. The applicant shall forbear from diverting from the spring annually from April 15 to October 31.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall

be modified to identify the offsite licensed facility.

12. 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.
13. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
14. 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.
15. 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.
16. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
17. Maintain enrollment in Tier 1, 2 certification with State Water Resources Control Board Order WQ 2019-0001-DWQ,, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
20. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.

23. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.

- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. 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.
35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review

shall accompany the request. The request shall include the following information:

- a. Identifying information for the new owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

36. 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 or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

**CEQA ADDENDUM TO THE
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 220-161-017; on the east side of Mattole River, approximately 1500 feet south from the
intersection of Nooning Creek Rd and Huckleberry Ln, on the property known to be in Township
04S of Range 02E Section 31 Humboldt Base & Meridian, Whitethorn, County of Humboldt**

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

January 2022

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 (PLN-12615-SP) for an existing 10,000 square foot outdoor cannabis operation, a Special Permit for a setback reduction to public lands, a Special Permit for work in a Streamside Management Area (SMA), a Special Permit for the ongoing use and maintenance of a point of diversion (POD) within an SMA used for irrigation, and a Notice of Merger of two parcels of approximately 10.7 and 4.3 acres, to result in one parcel of approximately 15 acres. The applicant is proposing 1,190 square feet of propagation space. Staff is supporting 1,000 square feet of propagation space for the proposed 10,000 square foot cannabis operation. The applicant anticipates there will be two cultivation cycles occurring annually during the months of July and October. Processing such as drying, curing, and trimming is proposed onsite within a proposed 1,200-square-foot processing building. Processing will take place offsite until a permitted processing facility is constructed. Vesuvio Gardens, LLC is a family-owned and operated farm. There will be two family members operating the farm. Power for the project will be provided by PG&E. Water for irrigation will be provided by a Point of Diversion (POD) from an onsite spring. The applicant will forbear from diverting from the spring annually from April 15 to October 31.. The applicant anticipates 100,000 gallons of water will be required annually for irrigation. The project is conditioned for the applicant to implement an additional 35,000 gallons of water storage to meet the irrigation demand during the forbearance period.

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone. The Bear River Band Rancheria recommended a Cultural Resource Investigation to be conducted on the parcel. The applicant submitted a Cultural Resource Survey prepared by Archaeological Research and Supply Company dated December 2018. According to the survey there were zero (0) historic or prehistoric era resources located during the survey. The project has an ongoing condition to include inadvertent archaeological discovery language.

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 impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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 9,774 square feet of cultivation with ancillary propagation and processing activities 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:

- Cultivation and Operations Plan prepared by Clearwater Ag Services received June 16, 2021.
- Site Plan prepared by the agent Received January 25, 2021.
- Cultural Resource Investigation Report prepared by Archaeological Research and Supply Company dated December 2018.
- Site Management Plan prepared by Timberland Resource Consultants dated March 12, 2019.

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 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated 3/17/2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent received 6/15/2021- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, Site Management Plan (SMP) prepared by Timberland Resource Consultants – **Attached**. Notice of Applicability: Waste Discharge Requirements Water Quality WDID 1_12CC430391 – on file)
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under

Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. 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)
12. 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)
13. 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)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Cultural Resource Investigation Report prepared by Archaeological Research and Supply Company dated December 2018. (On file)

Vesuvio Gardens, LLC



APPS:12615

APN:220-161-017



Cultivation/Operation Plan

Project Description

Vesuvio Gardens LLC is seeking a Special Permit under the Humboldt County CMMLUO1 for 10,000 Sq Ft of Existing Mixed Light Commercial Cannabis Cultivation. This document is prepared specifically for Vesuvio Gardens LLC located at 1596 Huckleberry Lane, Whitethorn Ca. The APN is 220-161-017. This parcel of 10.69 acres is mostly flat and open above the Mattole river.

Cultivation occurs in a series of 20-8'x50' automatic light deprivation mixed light greenhouses and two growing cycles will be harvested each year. A propagation greenhouse of 1,000 sq ft provides the nursery space for the immature plants.

Cultivation irrigation water is supplied by a permitted spring. A proposed rain catchment system will provide irrigation water in the future. This will consist of using rain gutters on existing buildings which will capture rain water which then is pumped to storage tanks.

No School, Place of Worship, Public Park, Tribal Resources or any other sensitive receptor is within 600 feet of the cultivation area.

All required setbacks are in place from SMA.

PGE provides electrical power.

Cultivation Plan

Cultivation will take place in a series of existing 20- 8'x50' greenhouses that are equipped with light deprivation black out tarps. These tarps completely eliminate any light from escaping the greenhouse. This meets the requirements for the International Dark Sky Guidelines. The greenhouses have natural soil floors. The sides roll up for air flow reducing the needs for ventilation fans.

Cannabis plants are sourced from the nursery on the parcel.

The plants are placed directly in soil in garden beds. The soil is tested each season and if needed, natural and organic nutrients are tilled into the soil for optimum plant health.

Planting takes place in early spring using natural sunlight and supplemental lighting of approx. 2 hours in the early morning and evening hours to extend growing hours to more than the 12 hours of daylight. As the days get longer, no supplemental lighting is used. Once plants achieve appropriate growth, light deprivation techniques reduce the growing time to 12 hours causing them to flower. These plants are then harvested in mid July. At that time the greenhouses are replanted with the second crop which then will be harvested in the fall. Minimal supplemental lighting will be needed for the second crop.

Drying of the cannabis is done at this time in an existing garage.

cultivation needs. This generator produces less than 50db at 100'. Electric water pumps are used to distribute water to the greenhouses. These pumps make no noise.

Parking and Roads

This cultivation site is located off the Huckleberry Lane which is a privately maintained road. The driveway is gravel and is well maintained with no watercourse crossings or culverts. Once in the gate there is ample parking and turn around areas for 5 vehicles including emergency vehicles. The driveway and parking areas are flat with no slope.

Light pollution and Control

Vesuvio Gardens LLC will utilize natural sunlight and light deprivation techniques for their cultivation activities. Supplemental lighting will be used to extend daylight hours to the plants in the early spring months and late fall months. At no time will supplemental light escape from the greenhouses. Specially designed black out tarps eliminate light from escaping the greenhouses therefore this project meets the International Dark Sky Guidelines.

Hazardous Materials Statement

No Hazardous Materials are used on this cultivation site. Only natural and organic nutrients and fertilizers are used when needed. Only approved pesticides are used when needed. No rodenticides or any other illegal products are used on this project. No other hazardous materials are used or stored on the parcel in any reportable quantities.

Sewage Disposal

A permitted septic system is in place for the residence on the parcel. For employee or visitor usage, an ADA portable rest room is available. This rest room is serviced by a local vendor. Applicant proposes to construct a processing facility building and at that time will provide permitted septic system and ADA compliant facilities.

IRRIGATION PLAN

Table 1: Water Use Table				
Month	Propagation Activities	Cultivation Schedule	Processing Activities	Water Usage
January	Start mothers from seed stock	None	None	100 Gallons
February	Cultivate mother plants	None	None	100 Gallons
March	Cut clones from mothers	Prepare beds	None	100 Gallons
April	Up pot clones	Prepare beds	None	9,700 Gallons
May	Prepare clones for planting	Plant Starts	None	10,000 Gallons
June	Cut clones	Cultivate	None	15,000 Gallons
July	Prepare for planting	Ongoing Cultivation and prepare to harvest first cycle	Drying	20,000 Gallons
August	None	Ongoing Cultivation	None	20,000 Gallons
September	None	Ongoing Cultivation	None	15,000 Gallons
October	None	Harvest	Drying	10,000 Gallons
November	None	None	None	0 Gallons
December	Start Mothers from seed	None	None	0 Gallons
			Total Water Use (up to)	100,000 Gallons

Site Management Plan

APN: 220-161-011-000 & 220-161-017-000

WDID- 1_12CC403661



Prepared by:



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
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3/12/2019

Purpose

This Site Management Plan (SMP) has been prepared on behalf of the cannabis cultivator for the Humboldt County property identified as assessor parcel numbers 220-161-011-000 & 220-161-017-000, by agreement and in response to the State Water Resources Control Board Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). The General Order implements the Cannabis Policy requirements, specifically those requirements that address waste discharges associated with cannabis cultivation activities. Dischargers covered under the General Order are subject to the requirements of the Cannabis Policy in its entirety. The Cannabis Policy provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for activities with a low threat to water quality.

Tier Designation

Tiers are defined by the amount of disturbed area. Tier 1 outdoor commercial cultivation activities disturb an area equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet). Tier 2 outdoor commercial cultivation activities disturb an area equal to or greater than 1 acre. Risk designation for Tier 1 and Tier 2 enrollees under the Cannabis Policy is based on the slope of disturbed areas and the proximity to a surface water body. Characterization is based on the risk designation summarized in Table 1 below.

Table 1: Summary of Risk Designation

Low Risk	Moderate Risk	High Risk
<ul style="list-style-type: none">No portion of the disturbed area is located on a slope greater than 30 percent, andAll of the disturbed area complies with the setback requirements.	<ul style="list-style-type: none">Any portion of the disturbed area is located on a slope greater than 30 percent, andAll of the disturbed area complies with the setback requirements.	<ul style="list-style-type: none">Any portion of the disturbed area is located within the setback requirements.

Thorough assessment of the project area including roads, disturbed areas, legacy features, and cultivation areas classify this enrollment into the **Tier 1, Low Risk** designation.

Project Description

Cannabis cultivation on the property consists of twenty-two, 8' x 50', raised-bed, light-deprivation hoop houses, for a total cultivation area of 8,800 ft². The cultivation area is located within 21,770 ft² of disturbed area, which is located at the bottom of a ridge. On the lower portion of the property, there is a storage structure, as well as four residential structures which are used year-round. This property is designated as Tier 1 and Low Risk designation.

Table 1: Cultivation Site Parameters.

Cultivation Area	Land Disturbance Area (ft ²)	Total Cannabis Canopy (ft ²)	Adjoining Hillslopes (% Grade)
A	21,770	8,800	20
B	2,250	1,200	25

Baseline Assessment of Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation

This project is newly enrolled in the State Water Quality Control Board Order No. WQ 2017-0023-DWQ.

Land Development and Maintenance, Erosion Control, and Drainage Features

Project Compliance Y /N

Roads are being classified as "permanent" (roads appurtenant to the project being used year-round), "seasonal" (roads appurtenant to the project being used primarily during summer months), and "legacy" (roads not appurtenant to the project receiving little to no use).

Roads within the project area appear to have a moderate to high native rock component and, based on observations of surface erosion relative to current surface drainage break frequency, are being classified as having low erodibility. This classification will be utilized to determine surface/ditch-line drainage break frequency based on Table 19 of the Handbook for Forest Ranch and Rural Roads, 2014.

TABLE 19. Recommended maximum rolling dip and ditch relief culvert spacing, in feet, based on road gradient and soil erodibility ^{1,2}

Soil erodibility	Road gradient (%) and drainage structure spacing (feet)				
	0-3	4-6	7-9	10-12	>12
High to moderate	200	150	130	115	100
Low	400	300	250	200	150

During assessment of the project area, roads were found to be in fair condition. Much of the road is out-sloped to provide surface drainage. The access road to the property splits into two roads with locking gates at both entrances to the property. The access roads are out-sloped or crowned to allow surface water drainage. No wheel ruts or concentrated surface runoff was observed on either of the access roads.

Site 06 identifies the head of an unused seasonal road. This road is on the northeast portion of the property, and leads to an adjacent parcel. Due to the resolution of a property dispute, the road is no longer being used, and has no intended future use. Waterbars will be installed per the specifications set forth in the attached BMP's, and at maximum intervals of 100' – 200'. See the Mitigation Report and Site Map to follow for specific details and treatment schedules.

There is an 18" corrugated metal pipe (CMP) ditch relief culvert (DRC) at Site 05. The culvert is currently functioning adequately, but will require monitoring during the winter months to ensure it does not plug at the inlet or outlet and subsequently overtop, where it has the potential to erode the road surface downgrade. See the Mitigation Report and Site Map to follow for specific details and treatment schedules.

spoils generated as a result of any future construction projects that are to be stored on the property shall be done so in accordance with the BTPC.

Riparian and Wetland Protection and Management:

Project Compliance Y /N

Cultivation Area A meets the riparian setbacks (greater than 150') from the Class I Mattole River. Site 02 is within the Class I riparian setback, and will need to be relocated. See the Mitigation Report and Site Map to follow for site specific details and treatment schedules.

Table 4: Riparian and Wetland Protection and Management

Cultivation Area	Total Distance [ft] to Watercourse			
	Class I [Setback: 150']	Class II [Setback: 100']	Class III [Setback: 50']	Spring [Setback: 150']
A	165	170		435

Water Storage and Use:

Project Compliance Y /N

All water on the property is derived from one point of diversion (POD) which has been permitted under a Lake and Streambed Alteration (LSA) Agreement with California Department of Fish and Wildlife under notification #1600-2017-0013-R1. The POD sources water from a Class II spring which gravity feeds to a 1,000-gallon fiberglass settling tank. This POD diverts surface water for both irrigation and domestic uses. Under the LSA agreement, the Cultivator shall divert no more than 150 gallons per day. The Cultivator transports water via polyline to a 50,000-gallon metal storage tank on the east side of the county road. The water is then sent to a number of mix tanks within the cultivation area as needed for irrigation.

Water is moved through one 1,000-gallon fiberglass settling tank, and stored in seven 550-gallon tanks, one 300-gallon tank, and one 50,000-gallon tank, for a total storage capacity of 54,150 gallons. All of the tanks observed at the time of assessment had lids in place to prevent wildlife access.

Fertilizers and soil amendments are applied and used per the manufacturers' guidelines. Cultivation areas are currently maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

The use of pesticide products is consistent with product labeling, and all products on the property are currently stored in closed structures to ensure that they do not enter surface or ground waters.

Currently, no fuel storage or petroleum products are present on the property. Should the discharger at any point in the future obtain fuel storage or petroleum products, any/all future 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 shall be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature. 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 cover shall be provided to prevent any/all precipitation from entering said secondary containment vessel. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite if the volume of a fuel container is greater than 1,320 gallons. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County department and comply with state and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage. On site storage of petroleum products, or other fuels used for commercial activities may require registration as hazardous materials through the California Environmental Reporting System (CERS). Additionally, any waste oil generated from commercial activities (generators) is considered by the state hazardous waste and requires addition reporting. This discharger is advised to contact local agencies to find out if such reporting is applicable to currently operations.

Cultivation-Related Wastes:

Project Compliance Y/N

There were no cultivation-related waste sites located on the property.

Refuse and Domestic Waste:

Project Compliance Y/N

Refuse is removed from the property weekly and disposed of properly. Human waste is managed by two septic tanks on site which are serviced as needed. It is the discharger's responsibility to ensure compliance of such action with the Humboldt County Department of Environmental Health and Human Services.

Annual Winterization Measures

Winterization measures consist of general cleanup and winter-preparation activities that both prepare for, and utilize, anticipated, local winter weather. In project areas that may become

Site Management Plan

Site Map [WDID - 1_12CC403661]

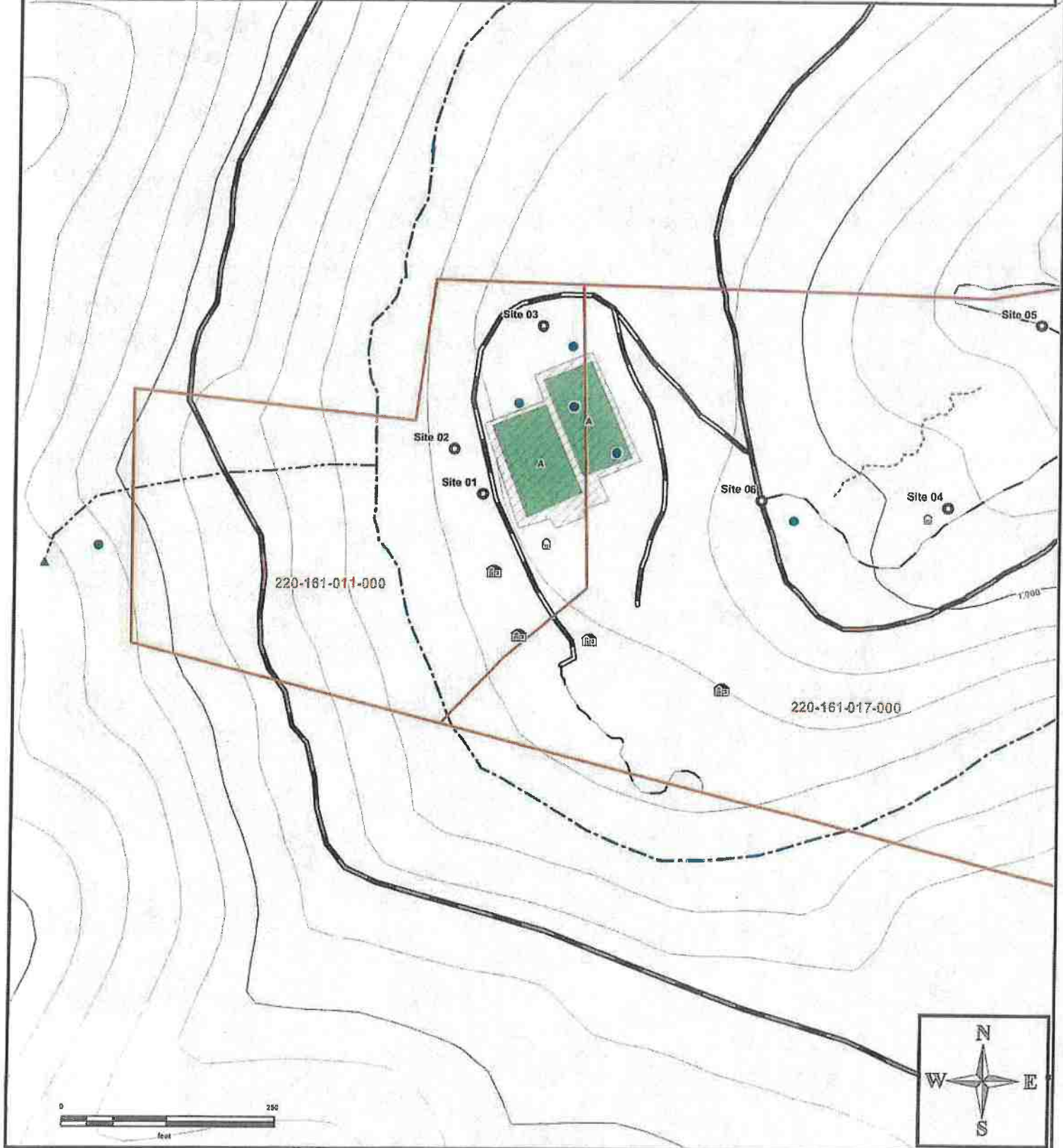


- Property Boundary
- Cultivation Area
- Disturbed Area

- Roads**
- County
 - Permanent
 - Legacy
- Watercourses**
- Class I
 - Class II
 - Unclassified

- Site
- POD
- Tank
- House
- Structure

TRC - 391





Treatment Implementation Schedule

Unique Point	Proposed Work Completion Date
Site 01	-
Site 02	Immediately
Site 03	Immediately
Site 04	Immediately
Site 05	-
Site 06	Prior to 10/15/19 pending the approval of any required permits
POD	Prior to 10/15/19



SMP - Mitigation Report

WDID# - 1_12CC403661

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
Site 06	-123.994429 40.062579	Legacy	X	X	-	Prior to 10/15/19 pending the approval of any required permits.	
Current Condition: Unused road is no longer needed.						Prescribed Action: Waterbars shall be installed and constructed every 100'-200' maximum spacing per the specifications set forth in the attached BMP's: See General BMP, Erosion Control BMP, Waterbar BMP.	
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Treatment Priority	Date Completed
POD	-123.997383 40.06235	-	X	X	-	Immediately	
Current Condition: Water diversion from a Class II spring. Diverted water is used for both domestic and cultivation related purposes.						Prescribed Action: A water meter shall be installed to record the volume of water diverted.	

Monitoring Plan

Cannabis cultivators shall regularly inspect and maintain the condition of access roads, access road drainage features, and watercourse crossings. At a minimum, cannabis cultivators shall perform inspections prior to the onset of fall and winter precipitation and following storm events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation. See Required Monitoring tables below for site specific monitoring and reporting requirements. Cannabis cultivators are required to perform all of the following maintenance:

- Remove any wood debris that may restrict flow in a culvert.
- Remove sediment that impacts access road or drainage feature performance.
- Place any removed sediment in a location outside the riparian setbacks and stabilize the sediment.
- Maintain records of access road and drainage feature maintenance for annual reporting.

Cannabis cultivator that are operating in areas that are, or may become, inaccessible during winter months due to extreme weather such as snow, road closures, seasonal access roads to the property, or any other such conditions shall make additional efforts to enhance winterization measures in the absence of monitoring during storm events.

Monitoring Requirements

(Tier 1, Low Risk, < 1 acre of cultivation)

Monitoring Requirement	Description
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any changes in the tier status.
Third Party Identification	Report any change in third party status as appropriate.

Annual Reporting

Annual Reports shall be submitted to the North Coast Regional Water Quality Control Board by March 1st following the year being monitored. The first Annual Report for this enrollment shall be submitted by March 1st, 2019 and report on monitoring done during the 2018 calendar year. Annual reporting is required each subsequent year of enrollment.

Implementation of Applicable BPTC Measures

Assessment of applicable BPTC measures consisted of a field examination on June 26, 2018. Anywhere applicable BPTC measures are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of BPTC Measures Compliance

1. Sediment Discharge BPTC Measures Y/N
2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures Y/N
3. Petroleum Product BPTC Measures Y/N
4. Trash/Refuse, and Domestic Wastewater BPTC Measures Y/N
5. Winterization BPTC Measures Y/N

1. Sediment Discharge BPTC Measures

1.1. Site Characteristics

- 1.1.1. Provide a map showing access roads, vehicle parking areas, streams, stream crossings, cultivation site(s), disturbed areas, buildings, and other relevant site features.

See attached Site Map.

- 1.1.2. Describe the access road conditions including estimating vehicle traffic, road surface (e.g., paved, rocked, or bare ground), and maintenance activities. Describe how storm water is drained from the access road (e.g., crowned, out slope, armored ditch, culverts, rolling dips, etc.).

The access road is a permanent use, rocked road that splits into two roads with a locking gate at both of the entrances to the property. The road appears to be well-constructed, with adequate surfacing to prevent the development of surface erosion. The native earth material that the road surface is composed of is showing no signs of erosion and appears to be highly resistant to weathering. It appears that the access road is designed and surfaced in a manner that requires minimal maintenance. The current state of the road does not warrant the installation of any new drainage features. Storm water is drained from the access road via out sloping.

There is also a seasonal legacy road on the northeast section of the property which leads to the adjacent parcel. The head of this road is identified as Site 06 on the Site Map. At the end of this road lies a residence that the property owner was in a land dispute with. The residence has since been determined to be trespassing on the Cultivator's property, and the road will therefore no longer be used. This road does not appear to be experiencing substantial surface erosion. The road will have small, hand-constructed waterbars installed to ensure it continues to drain properly through the Winter Period. Waterbar construction will be completed per the specifications set forth in the

riparian setbacks as soon as possible. The Cultivator shall then dispose, treat and contain, or cover and contain the exposed soil piles by either; disposing of it at a waste transfer station, seeding the area with a native seed mix, followed by the application of a top layer of straw mulch, or tarp and straw wattle the pile to negate transport of the soil away from the pile. The Cultivator will also seed and straw mulch all exposed soil within the disturbed area to decrease the possibility of rainfall eroding and destabilizing the graded terrace.

1.2.2. Sediment Control BPTC Measures

1.2.2.1. Describe the BPTC measures that have been, or will be implemented to capture sediment that has been eroded. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the sediment control BPTC measures on a site map.

See attached Mitigation Report for implementation schedule.

1.2.2.1.1. The description shall address physical BPTC measures, (e.g., placement of silt fences, fiber rolls, or settling ponds/areas, etc.) and biological BPTC measures (vegetated outfalls, hydro seeding, etc.).

No previous or currently occurring erosion was observed during the assessment of the property.

1.2.3. Maintenance Activities - Erosion Prevention and Sediment Control

1.2.3.1. Describe how the erosion prevention and sediment control BPTC measures will be monitored and maintained to protect water quality.

The Cultivator will monitor and maintain the property throughout the year until winterization measures are completed, ensuring that all ground surfaces are protected with vegetation, rock, or other appropriate erosion control surfacing.

Organic cultivation-related waste sites identified as Sites 02, 03, & 04, are to be consolidated and either tarped with a straw wattle around the perimeter, or seeded and straw mulched. The Cultivator shall monitor the single consolidated pile by making sure no soil is transported away from the pile, and if applicable, the seed is rooting to stabilize the soil and ensure none of it is being transported away from the pile by either wind or rain. The consolidated pile will be maintained by either replacing the tarp or straw wattles, or continuing to seed and mulch the pile until the vegetation takes to the soil, binding it in place. Site 06 is a reference point for the head of a legacy road on the property. The Cultivator shall monitor the road in the winter months by ensuring the DRC is functioning properly, and not being overtopped. Site POD on the Site Map is a surface water diversions. The Cultivator shall monitor these sites by ensuring the installed water meters are functioning properly and are recording the volume of water which is being diverted for both domestic and irrigation purposes.

3.4. Describe procedures for spill prevention and cleanup.

Adequate quantities of absorbent materials shall be stored at all locations where these types of materials are used, stored, or mixed. Should a spill of these products occur, absorbent materials will be applied immediately and allowed enough time to absorb as much as possible. Following treatment, absorbent materials applied, as well as any contaminated soils, are to be collected and disposed of appropriately for the spilled material.

There were no signs of active or past spilling of these products anywhere on the property at the time of the assessment. Aside from the waste sites observed, the property is kept clean, organized, and well-maintained, which prevents spills from occurring. All fertilizers are appropriately stored (aside from secondary containment) in the storage structure as mapped.

4. Trash/Refuse, and Domestic Wastewater BPTC Measures

4.1. Describe the types of trash/refuse that will be generated at the site. Describe how the material is contained and properly disposed of.

Trash/refuse generated on site includes organic and inorganic cultivation-related waste, as well as waste from the residence located on site. The trash/refuse is stored securely in a small wooden covering on the west side of the property, identified as Site 01 on the Site Map. The Cultivator clears the stored refuse weekly from the property to keep it orderly and to deter wildlife. There is also human waste generated from the residences on site, which are stored in septic tanks and serviced as needed.

4.1.1. Provide a site map that locates the trash/refuse storage locations.

See Site 01 on the attached Site Map.

4.2. Describe the number of employees, visitors, or residents at the site.

There are four employees who reside on the property, and an estimated five to ten visitors per year.

4.2.1. Describe the types of domestic wastewater generated at the site (e.g., household generated wastewater or chemical toilet).

Domestic sewage is generated on site via the multiple residence structures.

4.2.2. Describe how the domestic wastewater is disposed.

The domestic wastewater on site is contained via two permitted septic tank systems which are serviced as needed.

As previously described, the Cultivator will plant a native seed mix on multiple areas of the property. The to-be consolidated pile of organic cultivation-related waste will need to be both seeded and mulched. The Cultivator shall plant all remaining exposed soil surfaces within the project area with a native seed mix, followed by the application of straw mulch. The seeding and straw mulching will be performed as soon as possible to establish dense vegetation prior to the onset of the Winter Period.

5.4. If any BPTC measure cannot be completed before the onset of Winter Period, contact the Regional Water Board to establish a compliance schedule.

See attached Mitigation Report for implementation schedules.

5.5. For Region 1 Dischargers, describe any activities that will be performed to address legacy waste discharge issues. Region 6 Dischargers should consult with Regional Water Board staff to confirm if any other activities in addition to BPTCs are necessary to address legacy waste discharge issues.

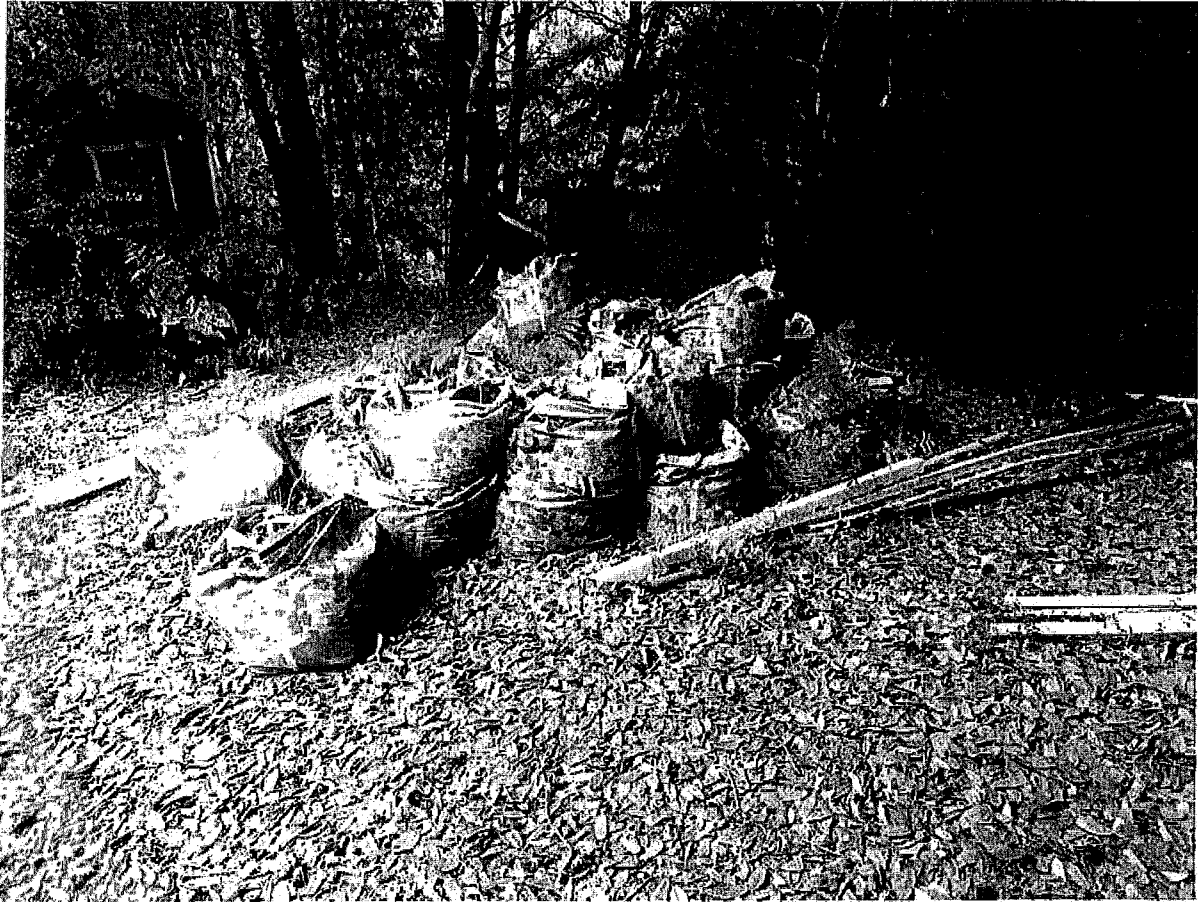
The legacy road on the northeast side of the property shall have waterbars installed per the specifications set forth in the attached BMP's, and no further apart than 100'-200' in spacing, per the specifications outlined in section 1.2.3.1 per the Handbook for Forest, Ranch, and Rural Roads. The waterbars shall be installed prior to October 15th, 2019.



*Cultivation area showing the use of drip irrigation lines in the hoop houses.
Photograph captured 11/13/18*



*Spring-fed POD, looking upstream.
Photograph captured 1/7/2017*



*Site 04 identifies bags of spent potting soil located above an unclassified watercourse which will need to be moved before as soon as possible.
Photograph captured 11/13/18*

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On file
Division Environmental Health	✓	Conditional approval	On file
Public Works, Land Use Division	✓	Conditional Approval	On file
Sheriff	✓	Approved	On file
California Department of Fish & Wildlife			
Northwest Information Center	✓	Further study	On file and confidential
Bear River Band Rancheria			
Bureau of Land Management			
State Water Resources Control Board – Division of Water Rights			
Southern Humboldt Joint Unified School District			
Regional Water Quality Control Board			
Intertribal Sinkyone Wilderness Council			