



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: September 17, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Him Management Group, LLC Conditional Use Permit and Special Permits**
Record Number: PLN-12159-CUP
Assessor's Parcel Number (APN): 208-281-026 and 210-191-60
41555 State Hwy 36, Dinsmore area

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

AGENDA ITEM TRANSMITTAL

Hearing Date September 17, 2020	Subject Conditional Use Permit and Special Permits	Contact Elizabeth Moreno
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Project Description: A Conditional Use Permit for 15,300 square feet of existing outdoor cannabis cultivation operation project includes a Special Permit for development within the Streamside Management Area that would allow restoration of legacy cultivation and onsite relocation. A Special Permit is also sought for an encroachment of a Streamside Management Area for a point of diversion for a spring offsite on APN: 210-191-050. The projected annual water usage is approximately 75,000 gallons. Water storage currently consist 130,000 gallons stored in water bladders and hard tanks. The applicant will be replacing the water bladders with hard tanks. Drying will occur onsite and further processing will occur offsite at a licensed facility. No employees are expected for this project. Power is provided by solar with a backup generator and the applicant plans to phase out the backup generator to rely on battery banks for backup.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the North side of State Hwy 36, approximately 1.6 miles east from the intersection of Burr Valley Road and State Hwy 36, on the property known as 41555 State Hwy 36.

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

Present Zoning: Timber Production (TPZ) and Forestry Recreation (FR), Minimum Building Site Area is 20 acres (B-5(20)).

Record Number: PLN-12159-CUP.

Assessor Parcel Number: 208-281-026 and 210-191-060.

Applicant

Him Management Group, LLC
41555 Highway 36
Bridgeville, CA 95526

Owner

Eric Iveson and Joshua Marion
41555 Highway 36
Bridgeville, CA 95526

Agent

Omsberg & Preston
Kim Preston
402 E street
Eureka, CA 95501

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

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

Major Issues: None.

HIM MANAGEMENT GROUP, LLC
Record Number: PLN-12159-CUP
Assessor's Parcel Number: 208-281-026 and 210-191-060

Recommended Commission Action:

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

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permits based on evidence in the staff report and approve the proposed Him Management Group, LLC project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit for 15,300 square feet (SF) of existing outdoor cannabis cultivation operation. The project includes a Special Permit for development within the Streamside Management Area (SMA) that would allow restoration legacy cultivation and onsite relocation. SMA for a point of diversion for a spring offsite, located on APN: 210-191-050. The spring is a tributary to an unnamed stream, thence to the Van Duzen River.

The project is comprised of two parcels 208-281-026 and 210-191-60 for a total of 43 acres in size. The parcel is developed a 3,500 SF residence, a second residence at 1,400 SF, a 1,000 SF horse barn, and an 800 SF garage used for drying.

The projected annual water usage is approximately 74,000 gallons, for one full cycle of cannabis cultivation. Water storage currently consists of 140,000 gallons, supplemented by the offsite spring, stored in tanks and in water bladders. As a condition of approval, the applicant will replace the water bladders with hard tanks and the applicant shall provide photographic evidence to the Planning Department. The applicant obtained a Right to Divert Water (Certificate Number H100637) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 198,769 gallons. Furthermore, the applicant will meter the water to demonstrate that there is enough water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period.

The applicant submitted *Site Management Plan (SMP)* prepared by Natural Resources Management Corporation, dated September 2018. The report states that there is 13,500 gallons stored in hard tanks, encroaching a Class II stream, but that there is no adverse impact to the SMA and that the tanks do not need to be removed. 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.

According to California Natural Diversity Data Base (CNDDDB) there is no mapped rare and endangered species onsite. The nearest Northern Spotted Owl Activity Center (NSO) recorded is located at .85 miles to the east of the project site. The applicant submitted a *Biological Survey Report*, prepared by Natural Resources Management Corporation, dated August 2018. The report states that no wildlife species or special status species were recorded on site, additionally none of these species are expected to experience impacts from the proposed project. Staff believes the project complying with dark-sky standards, can adequately address any lighting impacts on NSO. The report recommends that the applicant should limit noise and light usage. Additionally, the Biological Report states that cultivation area 3, shall be removed and relocated to areas 1 and 2 to avoid potential impacts to potential stream course. As a condition of approval, the applicant is to adhere to *Biological Resource Assessment* and submit

remediation and monitoring plan for cultivation area 3 to the Planning Department.

The project was referred to the Department of California Fish and Wildlife (CDFW) on October 19, 2017 and did not provide any comments for the project. However, the applicant has obtained a final Lake Stream Alteration Agreement from CDFW and is to adhere to the apparent recommendations.

Drying and bucking will occur onsite and stored in an existing building onsite and further processing will occur offsite at licensed facility.

Access to the site directly from State Highway 36 a publicly maintained road. As a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation and to adhere to recommendations made in the Road Evaluation Report. Power source is proposed to be provided by generator. No employees will be required, only the operators will manage for the cultivation operation

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

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff determined that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit and Special Permits.

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-
Record Number: PLN-12159-CUP
Assessor Parcel Number: 208-281-026**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Him Management Group, LLC Conditional Use Permit and Special Permits request.

WHEREAS, A Conditional Use Permit for 15,300 square feet (SF) of existing outdoor cannabis cultivation operation project includes a Special Permit for development within the Streamside Management Area that would allow restoration of legacy cultivation and onsite relocation. A Special Permit is also sought for an encroachment of a Streamside Management Area for a point of diversion for a spring offsite on APN: 210-191-050. The projected annual water usage is approximately 75,000 gallons. Water storage currently consist 130,000 gallons stored in water bladders. The applicant will be replacing the water bladders with hard tanks. Drying will occur onsite and further processing will occur offsite at a licensed facility.

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Case Number PLN-11208-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 17, 2020; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medial Marijuana Land Use Ordinance; and
1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Case Number PLN-12159-CUP based on the submitted substantial evidence; and
2. The Conditional Use Permit and Special Permit (Case Number PLN-12159-CUP) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on September 17, 2020.

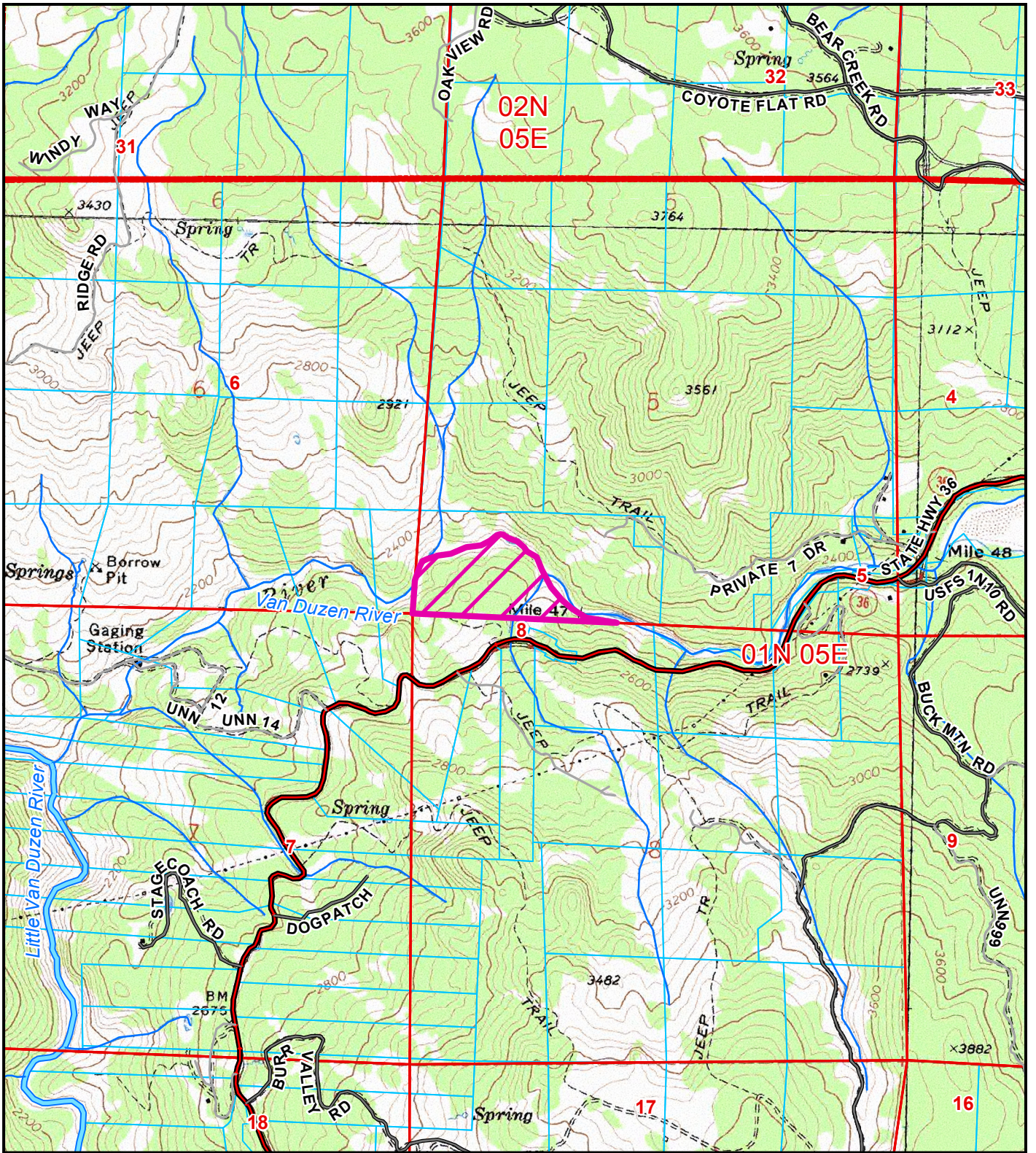
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:

ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

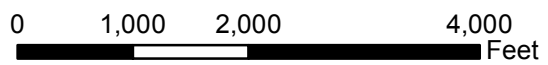
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

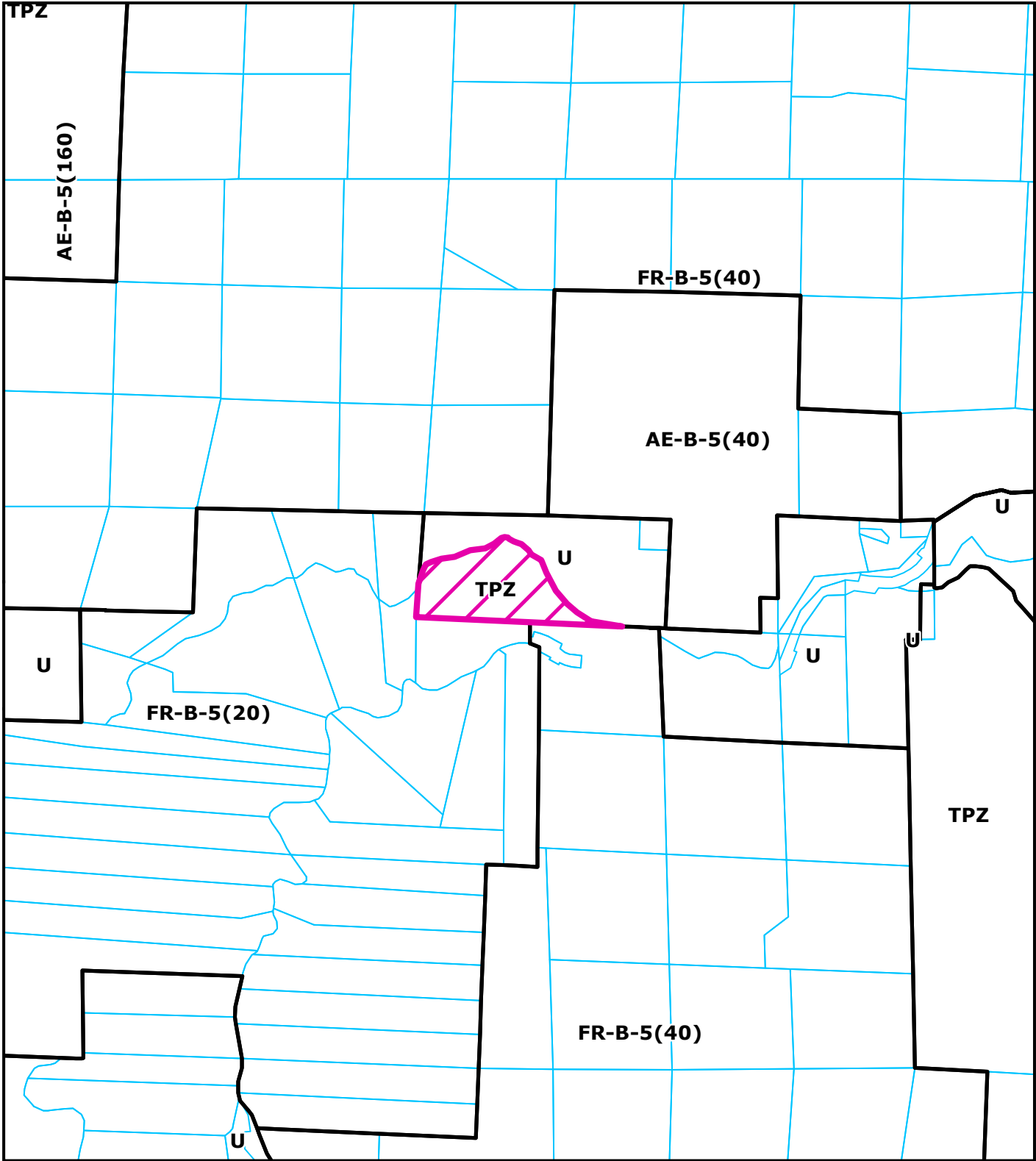


Project Area = 


TOPO MAP
PROPOSED DEBRA MAY
DINSMORE AREA
CUP-16-554
APN: 208-281-026
T01N R05E S5 HB&M (LARABEE VALLEY)




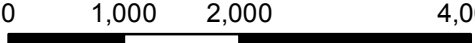
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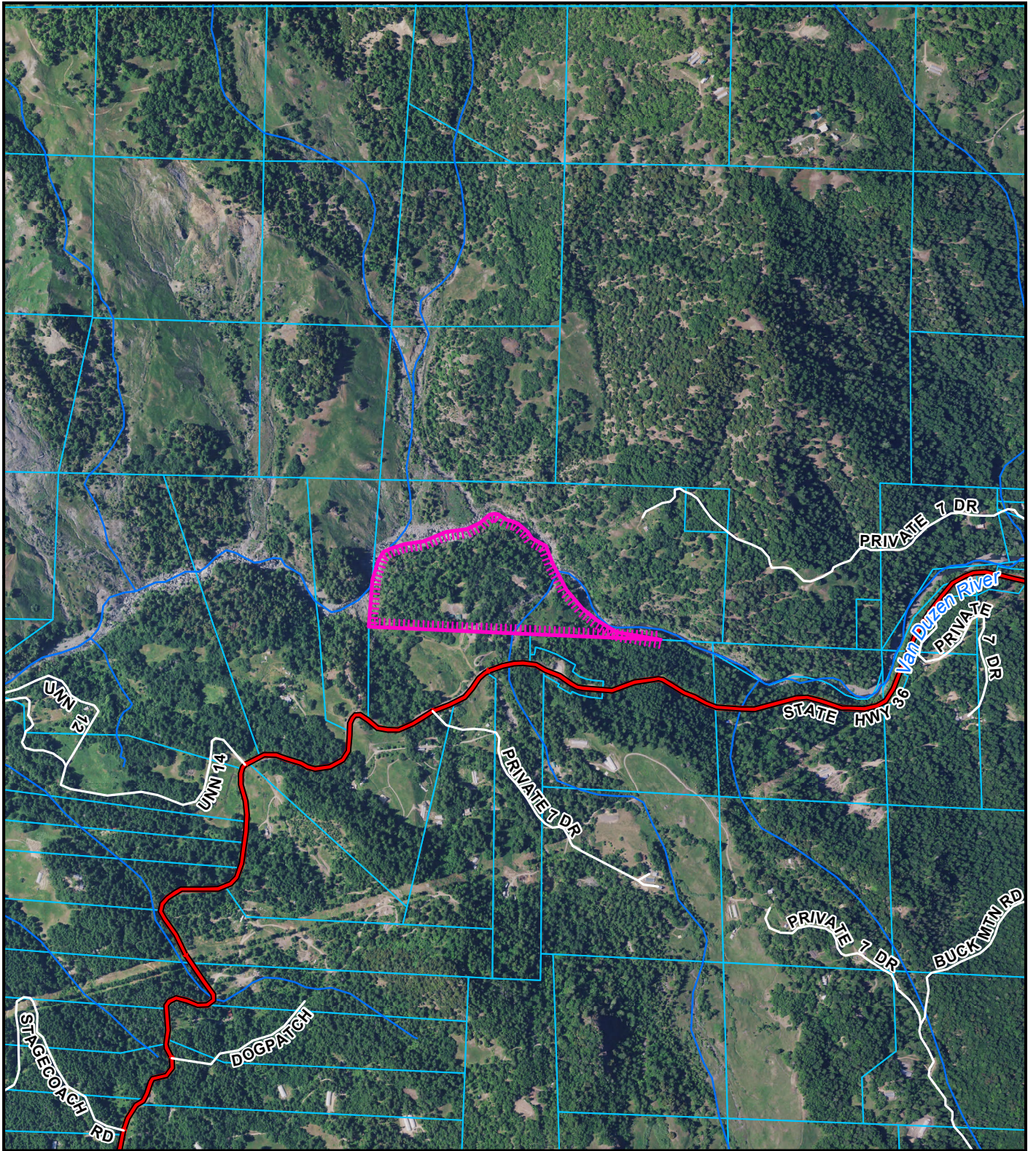
**ZONING MAP
 PROPOSED DEBRA MAY
 DINSMORE AREA
 CUP-16-554
 APN: 208-281-026
 T01N R05E S5 HB&M (LARABEE VALLEY)**

Project Area = 

N


0 1,000 2,000 4,000
 Feet

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



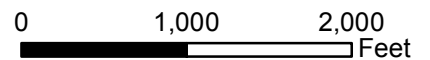
Project Area = 

**AERIAL MAP
 PROPOSED DEBRA MAY
 DINSMORE AREA
 CUP-16-554**

APN: 208-281-026

T01N R05E S5 HB&M (LARABEE VALLEY)

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

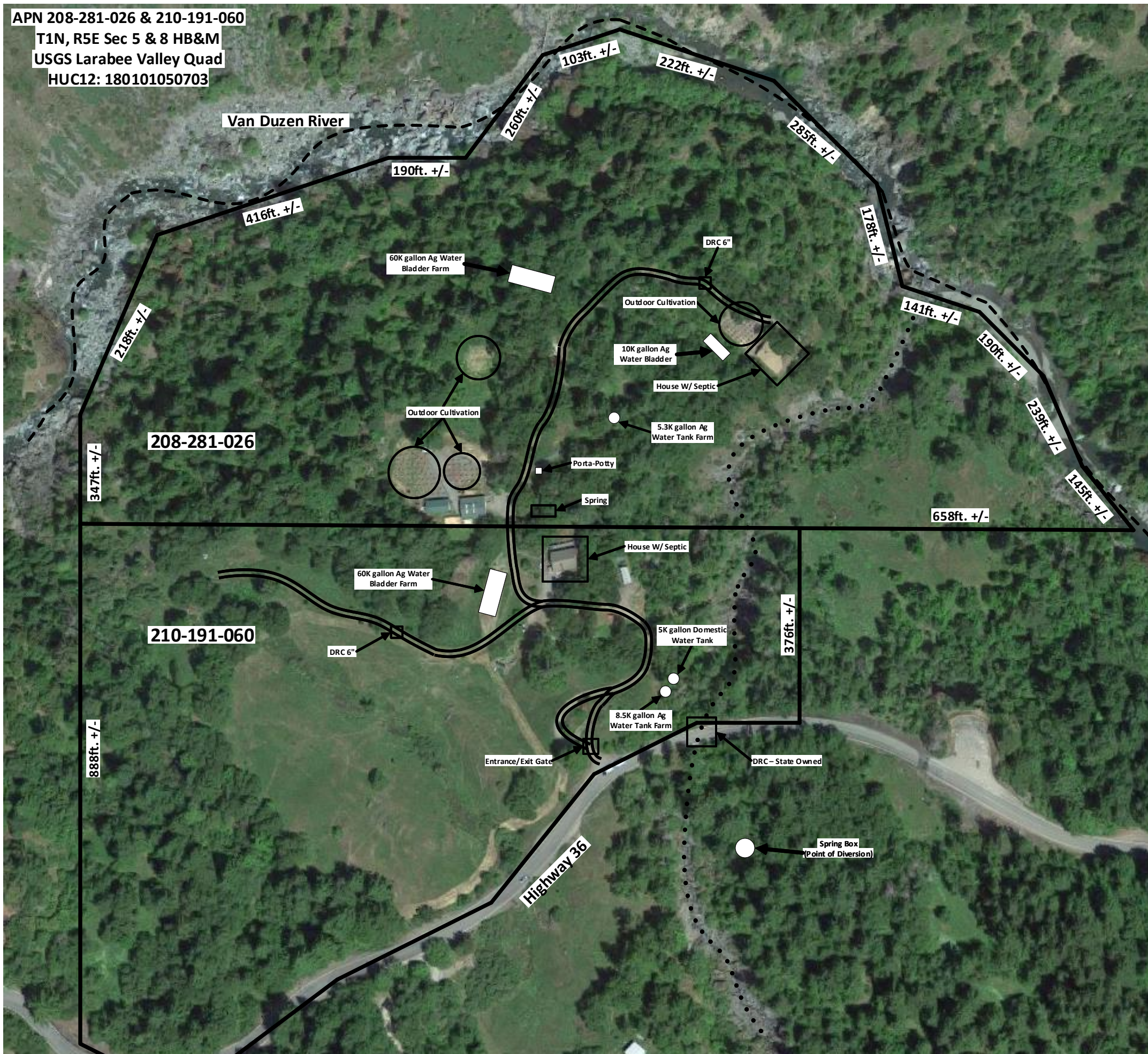


APN 208-281-026 & 210-191-060

T1N, R5E Sec 5 & 8 HB&M

USGS Larabee Valley Quad

HUC12: 180101050703

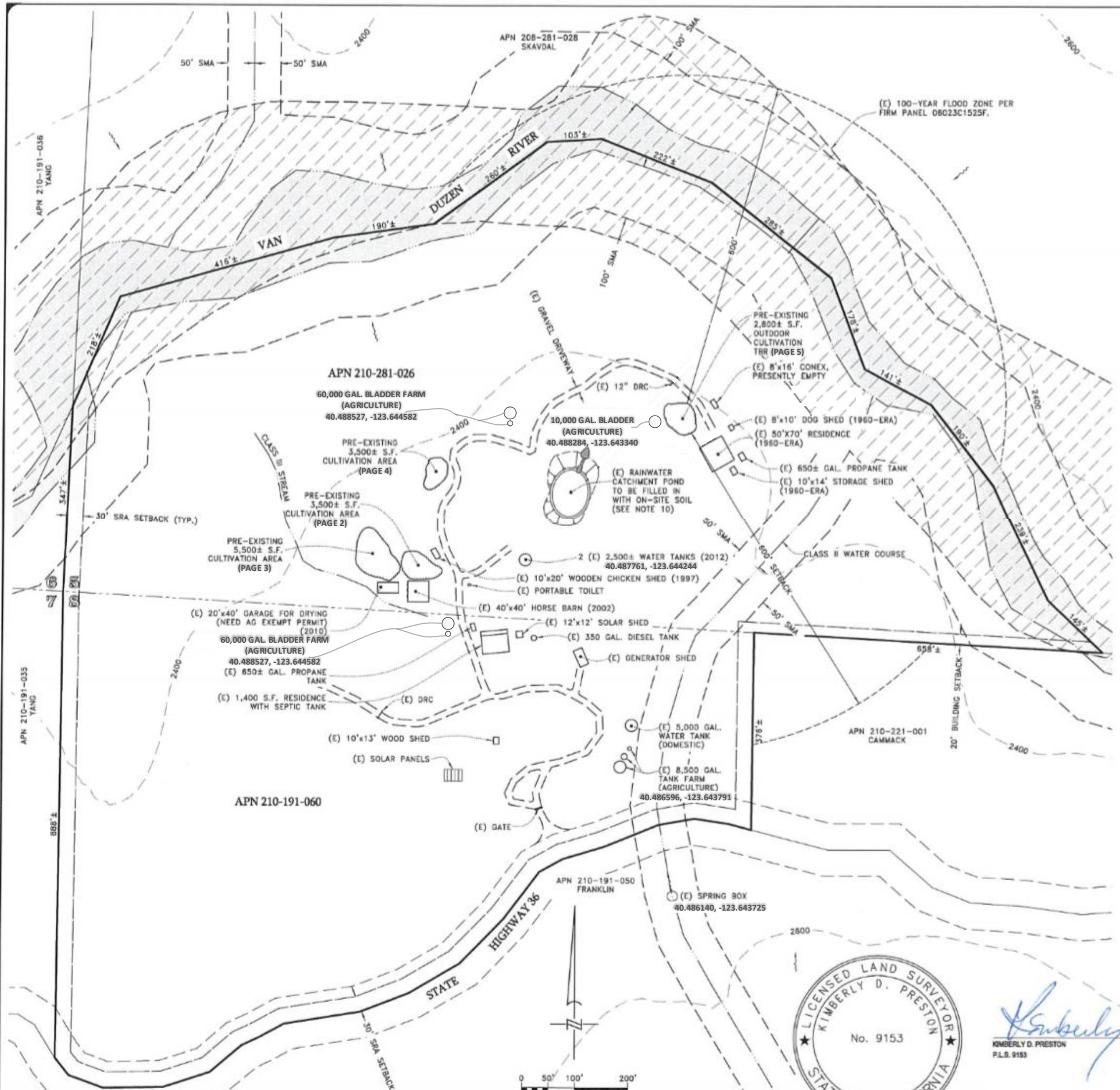


LEGEND

Symbol	Indicates
40.xxx,-123.xxx	Coordinates
	Gravel Driveway
	Class 1(one) Stream
	Class 2(two) Stream

NOTES

1. The parcel is located in the Bridgeville area of Humboldt County. Access to the site is from State Highway 36, Approximately 2 miles west of Dinsmore.
2. Boundaries are based on book 27, page 5, and book 14 of parcel maps, page 10, and shall not be considered a survey. Lot bearings and distances are per record data only, and should be considered approximate in nature. If required for compliance with state law, a field survey shall be performed at a later date, following approval of the project.
3. Water for the parcel is currently from a spring on APN 210-191-050, as shown hereon. All water sources are properly permitted. Water storage required for the site's agricultural operations will need to expand over the next year to provide for irrigation throughout the forbearance period. Approximately 140,000 Gallons of water storage currently reside on site. A ¾ inch hard line connects the spring to the domestic tank with a water meter to record water usage data. All other tanks/bladders are filled from the domestic tank utilizing temporary 2 inch flexible hose that is stored during the forbearance period.
4. For Cultivation Dimensions, reference the "Premises Diagram."
5. For more detailed information on this property, reference the "COPS" documentation and the "Premises Diagram."



Utilities

- Water
- Sewer
- Telephone

LEGEND

- Symbol**
- 40.000, -123.000
 - (P)
 - (E)
 - (TYP.)
 - GAL
 - S.F.
 - SMA
 - SRA
 - (1997)
 - DIA
 - DRC
 - TBR

- Spring
- On-Site
- Cellular

Indicates

- Coordinates
- Proposed
- Existing
- Typical
- Gallon
- Square Feet
- Streamside Management Area
- State Responsibility Area
- Year of Construction/Installation
- Diameter
- Ditch Relief Culvert
- To Be Relocated
- Contour at 200 Foot Intervals
- Water Course/Stream
- Approximate Location of Van Duzen River
- 100 Year Flood Zone



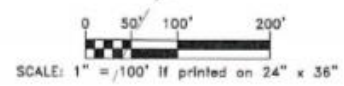
Owner/Applicant
 Eric Iveson and Joshua Marion
 41555 HWY 36
 BRIDGEVILLE, CA 95526
 (856) 285-8415

NOTES

1. The parcel is located in the Bridgeville area of Humboldt County. Access to the site is from State Highway 36, Approximately 2 miles west of Dinsmore.
2. This plan, for APN 208-281-026, has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance (CMLLUO) NO. 2559, for enrolling and/or certifying the site's agricultural operations under the State Water Quality Control Board.
3. The parcel has a general plan designation of agricultural lands (AL20) per the framework plan and is zoned Timberland Production (TPZ). The Parcel is approximately 28 acres in size.
4. Boundaries are based on book 27, page 5, and book 14 of parcel maps, page 10, and shall not be considered a survey. Lot bearings and distances are per record data only, and should be considered approximate in nature. If required for compliance with state law, a field survey shall be performed at a later date, following approval of the project.
5. The property is currently developed with one (1) residence, three (3) sheds, one (1) barn, one (1) drying building, and several cultivation areas.
6. The property is hilly. Contours shown hereon are at 200 foot intervals and are based on 1/3 arc-second digital elevation models.
7. The approximate location of the Van Duzen River, together with its 100 foot "Undeveloped" streamside management area (SMA), is shown hereon.
8. No schools, school bus stops, places of worship, or public parks are located within 600 feet of the cultivation sites.
10. The only grading performed at this site within the last 30+ years was for the construction of the existing rainwater catchment pond on APN 210-281-026.
11. Water for the parcel is currently from a spring on APN 210-191-050, as shown hereon. All water sources are properly permitted. Water storage required for the site's agricultural operations will need to expand over the next year to provide for irrigation throughout the forbearance period. Approximately 140,000 Gallons of water storage currently reside on site. A 3/4 inch hard line connects the spring to the domestic tank with a water meter to record water usage data. All other tanks/bladders are filled from the domestic tank utilizing temporary 2 inch flexible hose that is stored during the forbearance period.
12. This project is located in the 100-year flood zone per firm panel 06023C1525F. All existing and proposed improvements are located outside of the 100-year flood zone.
13. This project is in the state responsibility area (SRA) and all SRA fire safe standards shall be adhered to.
14. Per preliminary report by Fidelity National Title Insurance, title NO. FFHO-FT0161134H, Dated November 1, 2016, there are no easements or encumbrances affecting this property.
15. The agricultural operations shown hereon are from the 2018 cultivation season. No cultivation occurred in 2017. Aggregate Square Footage of noncontiguous canopy area is 15,300 square feet.
16. Packaging of all Cannabis products is done offsite and handled by the distribution facility.
17. An Immature Plant area is not established. All Plantings are done with pre-determined clones that are supplied by local nurseries for planting directly into the cultivation fields.
18. This plan is not intended to be used for construction purposes.
19. See Subsequent Pages for more information.

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PLN-12159-CUP Him Management Group, LLC



Kimberly D. Preston 9-27-18
 KIMBERLY D. PRESTON
 P.L.S. 9153
 DATE

MSBERG & PRESTON
 424 7th Street
 Eureka, California
 95501
 Telephone (707) 442-8881
 Fax: 442-0422

DESIGNED BY: S.G.N.
 DATE: 12/9/2016
 DRAWN BY: C.W.S./A.S.
 DATE: 12/9/2016
 CHECKED BY: EMERLY D. PRESTON
 DATE: 09/27/18

CMMCUCO APPS #12159
 APN 208-281-026 & 210-191-060

PLOT PLAN
 Iveson & Marion
 Page 11
 In the unincorporated area of Humboldt County
 Section 5, T.1N., R.5E. N.B.M.

SCALE AS SHOWN
 JOB NO. 16-1928
 SHEET 1 OF 5



September 17, 2020

Field 1A (3500 Sq. Ft.)



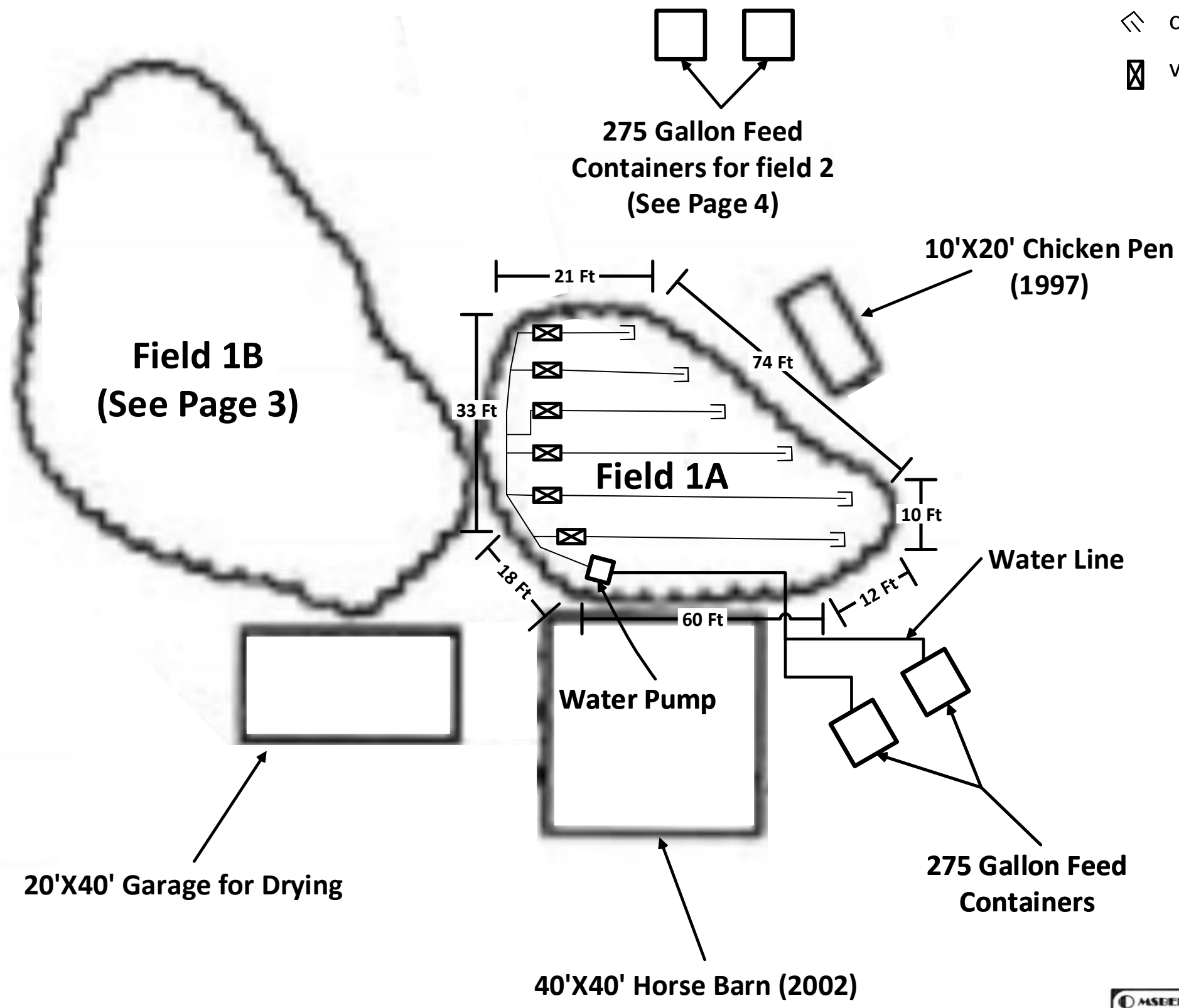
Owner/Applicant
 Eric Iveson and Joshua Marion
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 BRIDGEVILLE, CA 95526
 (856) 285-8415


Legend

-  Cap for Water Line
-  Valve

NOTES

1. The parcel is located in the Bridgeville area of Humboldt County. Access to the site is from State Highway 36, Approximately 2 miles west of Dinsmore.
2. This plan, for APN 208-281-026, has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO) NO. 2559, for enrolling and/or certifying the site's agricultural operations under the State Water Quality Control Board.
3. Water for the parcel is currently from a spring on APN 210-191-050, as shown hereon. All water sources are properly permitted. Water storage required for the site's agricultural operations will need to expand over the next year to provide for irrigation throughout the forbearance period.
4. This project is located in the 100-year flood zone per firm panel 06023C1525F. All existing and proposed improvements are located outside of the 100-year flood zone.
5. This project is in the state responsibility area (SRA) and all SRA fire safe standards shall be adhered to.
6. Per preliminary report by Fidelity National Title Insurance, title NO. FFHO-FT0161134H, Dated November 1, 2016, there are no easements or encumbrances affecting this property.
7. The agricultural operations shown hereon are from the 2018 cultivation season. No cultivation occurred in 2017. Aggregate Square Footage of noncontiguous canopy area is 15,300 square feet.
8. This plan is not intended to be used for construction purposes.
9. See Notes on Page 3 for 40'X40' Horse Barn Storage Breakdown.
10. The 275 Gallon Feed Tanks are filled from the storage tanks/bladders with temporary water lines. These Feed Tanks are used to control nutrient mixtures and water usage at smaller volumes.
11. All Water lines run in this diagram are not to scale and are for plot layout information only.
12. The 20'X40' Garage is a non-insulated building that is utilized for hanging plants during the drying phase of harvest.





 <p>434 7th Street Eureka, California 95501</p> <p>Telephone: (707) 443-9661 Fax: 443-0422</p> <p>SURVEYORS PLANNERS ENGINEERS</p>	DESIGNED BY: S.G.N.	DATE: 12/9/2016	<p>CMMCUCO APPS #12159 APN 208-281-026 & 210-191-060</p> <p>PLOT PLAN</p> <p>for IVESON & MARION</p> <p>In the unincorporated area of Humboldt County Section 5, T.1N., R.5E. H.B.M.</p>	SCALE AS SHOWN	
	DRAWN BY: C.W.B./A.B.	DATE: 12/9/2016		JOB NO. 16-1928	
	CHECKED BY: KIMBERLY D. PRESTON	DATE: 09/27/18		SHEET 2	OF 5
	<p>page 12</p>				

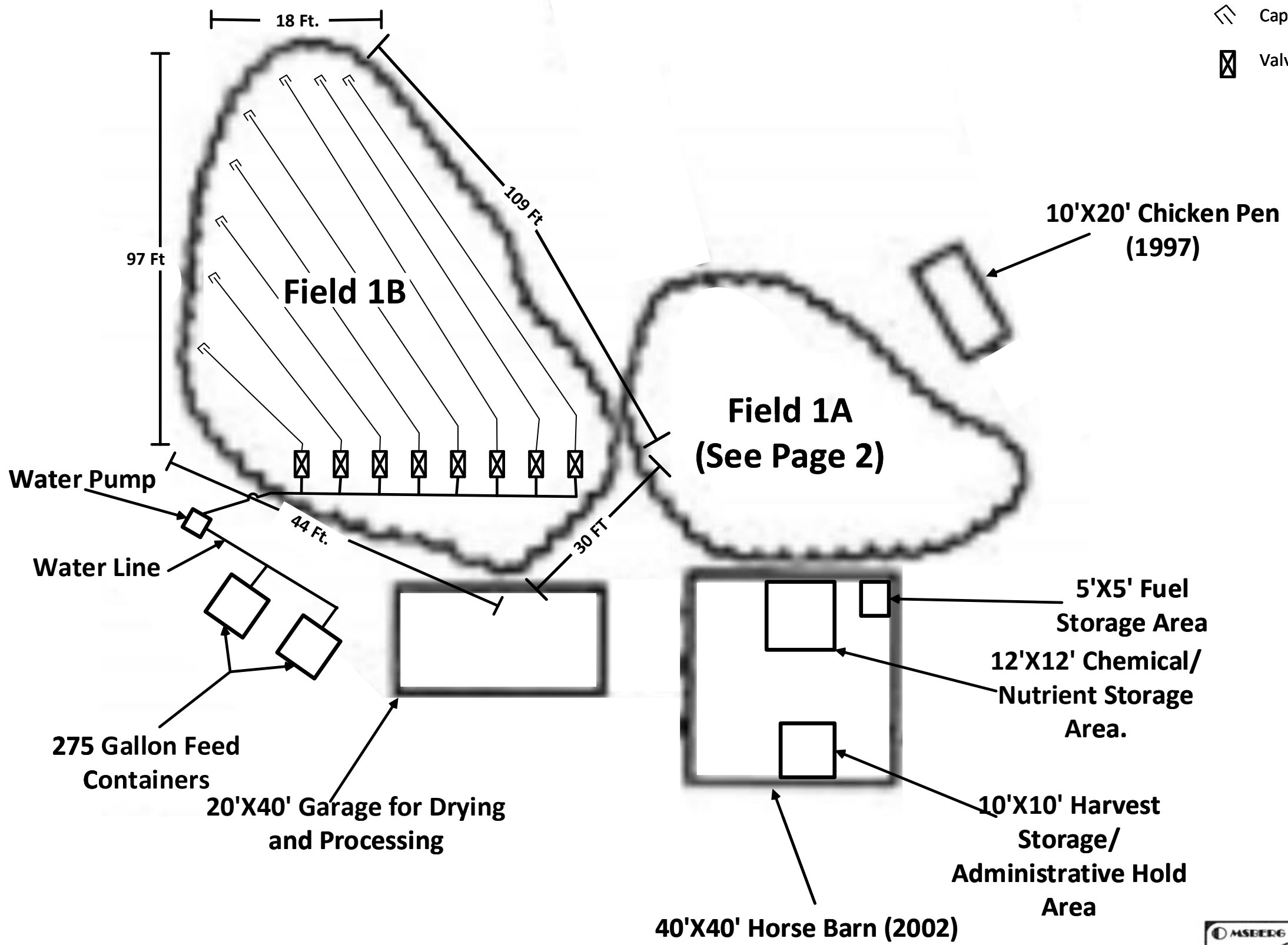
Field 1B (5500 Sq. Ft.)



Owner/Applicant
 Eric Iveson and Joshua Marion
 41555 HWY 36
 BRIDGEVILLE, CA 95526
 (856) 285-8415


Legend

-  Cap for Water Line
-  Valve



NOTES



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2. This plan, for APN 208-281-026, has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO) NO. 2559, for enrolling and/or certifying the site's agricultural operations under the State Water Quality Control Board.
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5. This project is in the state responsibility area (SRA) and all SRA fire safe standards shall be adhered to.
6. Per preliminary report by Fidelity National Title Insurance, title NO. FFHO-FT0161134H, Dated November 1, 2016, there are no easements or encumbrances affecting this property.
7. The agricultural operations shown hereon are from the 2018 cultivation season. No cultivation occurred in 2017. Aggregate Square Footage of noncontiguous canopy area is 15,300 square feet.
8. This plan is not intended to be used for construction purposes.
9. The Chemical Storage Area is utilized for storage of plant nutrients and other miscellaneous liquids. Everything is stored with a secondary containment that is capable of holding 150% more volume than what is stored.
10. The Fuel Storage Area is utilized for Gasoline and Oil Storage. Everything is stored with a secondary containment that is capable of holding 150% more volume than what is stored.
11. All Cannabis is stored in the Harvest Storage/Administrative Hold Area while awaiting transport. This area is a controlled environment.
12. The 275 Gallon Feed Tanks are filled from the storage tanks/bladders with temporary water lines. These Feed Tanks are used to control nutrient mixtures and water usage at smaller volumes.
11. All Water lines run in this diagram are not to scale and are for plot layout information only.
12. The 20'X40' Garage is a non-insulated building that is utilized for hanging plants during the drying phase of harvest. All Trimming(Processing) is done by Officers of the LLC utilizing electric trimming machines. All Hand trimming is done offsite at a commercial facility.

 <p>434 7th Street Eureka, California 95501</p> <p>Telephone (707) 443-9651 Fax: 443-0422</p> <p>SURVEYORS PLANNERS ENGINEERS</p>	DESIGNED BY: S.G.H.	DATE: 12/9/2016	<p>CMMCUCO APPS #12159 APN 208-281-026 & 210-191-060</p> <p>PLOT PLAN</p> <p>for IVESON & MARION In the unincorporated area of Humboldt County Section 5, T.1N., R.5E. H.B.M.</p>	SCALE AS SHOWN
	DRAWN BY: C.W.B./A.B.	DATE: 12/9/2016		JOB NO. 16-1928
	CHECKED BY: KIMBERLY D. PRESTON	DATE: 09/27/18		SHEET 3
				OF 5

Field 2 (3500 Sq. Ft.)



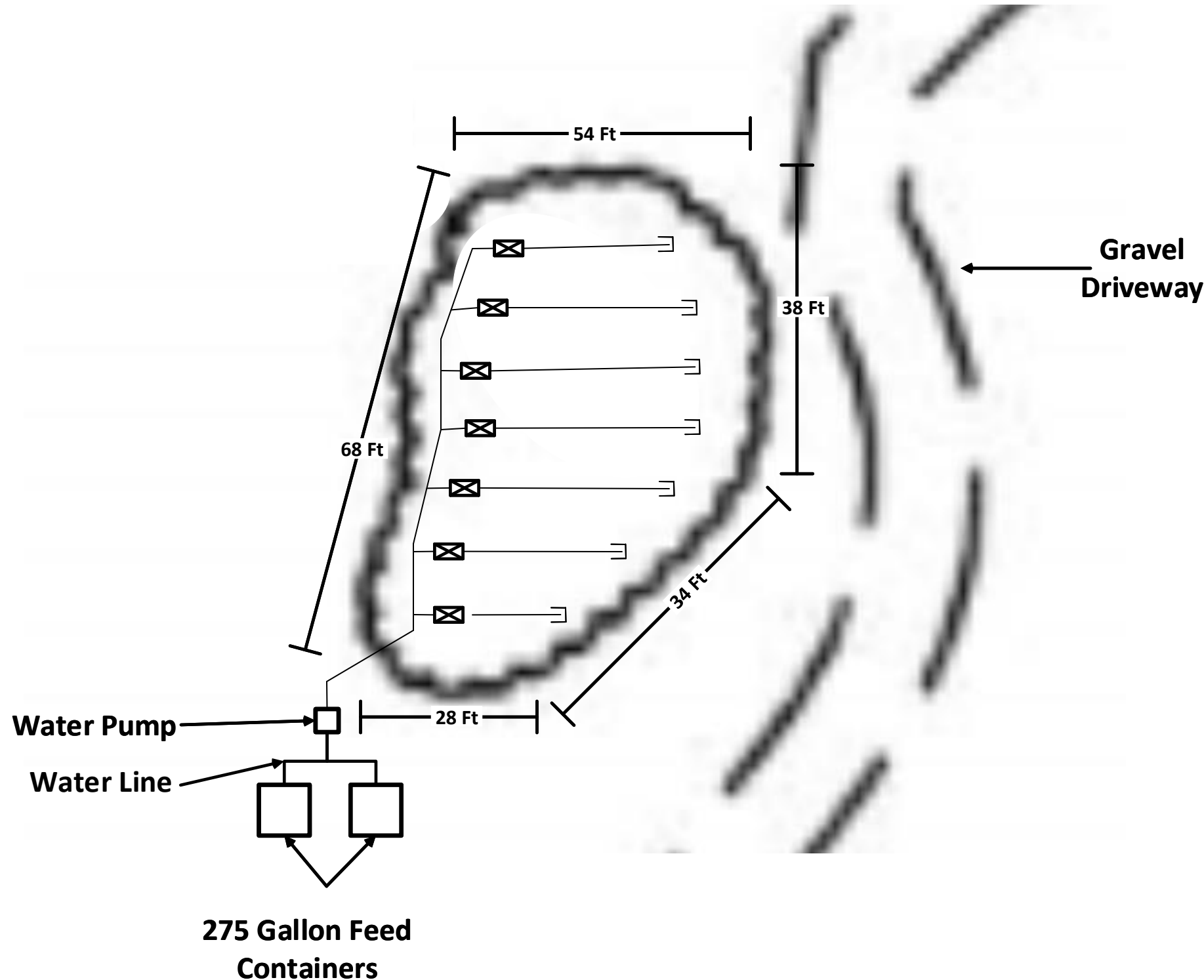
Legend


-  Cap for Water Line
-  Valve

Owner/Applicant
 Eric Iveson and Joshua Marion
 41555 HWY 36
 BRIDGEVILLE, CA 95526
 (856) 285-8415

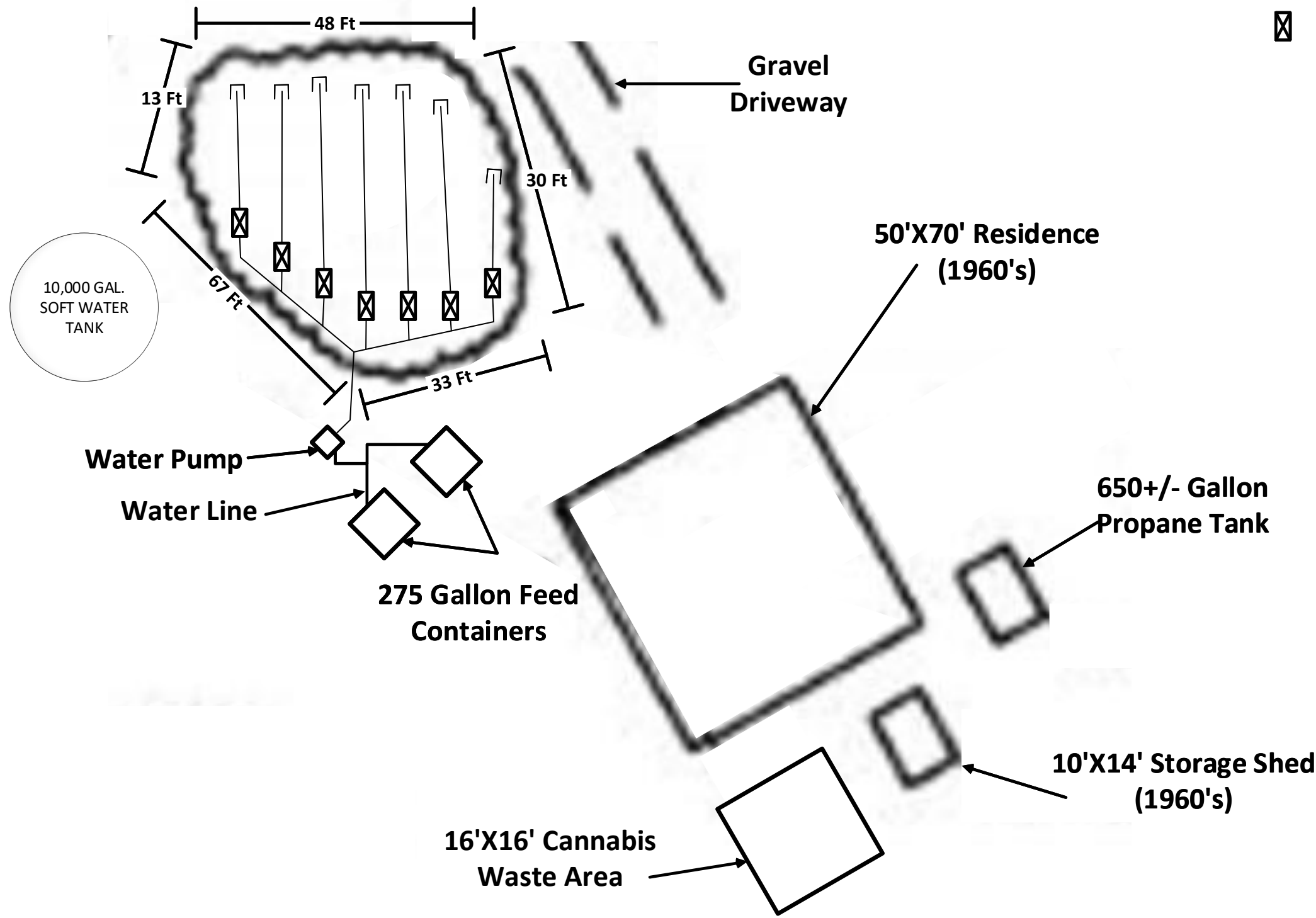
NOTES

1. The parcel is located in the Bridgeville area of Humboldt County. Access to the site is from State Highway 36, Approximately 2 miles west of Dinsmore.
2. This plan, for APN 208-281-026, has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO) NO. 2559, for enrolling and/or certifying the site's agricultural operations under the State Water Quality Control Board.
3. Water for the parcel is currently from a spring on APN 210-191-050, as shown hereon. All water sources are properly permitted. Water storage required for the site's agricultural operations will need to expand over the next year to provide for irrigation throughout the forbearance period.
4. This project is located in the 100-year flood zone per firm panel 06023C1525F. All existing and proposed improvements are located outside of the 100-year flood zone.
5. This project is in the state responsibility area (SRA) and all SRA fire safe standards shall be adhered to.
6. Per preliminary report by Fidelity National Title Insurance, title NO. FFHO-FT0161134H, Dated November 1, 2016, there are no easements or encumbrances affecting this property.
7. The agricultural operations shown hereon are from the 2018 cultivation season. No cultivation occurred in 2017. Aggregate Square Footage of noncontiguous canopy area is 15,300 square feet.
8. This plan is not intended to be used for construction purposes.
9. The 275 Gallon Feed Tanks are filled from the storage tanks/bladders with temporary water lines. These Feed Tanks are used to control nutrient mixtures and water usage at smaller volumes.
10. All Water lines run in this diagram are not to scale and are for plot layout information only.





 <p>434 7th Street Eureka, California 95501</p> <p>Telephone: (707) 443-8651 Fax: 443-0422</p> <p>SURVEYORS PLANNERS ENGINEERS</p>	DESIGNED BY: S.G.N.	DATE: 12/9/2016	<p>CMMCUCO APPS #12159 APN 208-281-026 & 210-191-060</p> <p>PLOT PLAN</p> <p>for IVESON & MARION</p> <p>In the unincorporated area of Humboldt County Section 5, T.1N., R.5E. H.B.M.</p>	SCALE AS SHOWN
	DRAWN BY: C.W.B./A.B.	DATE: 12/9/2016		JOB NO. 16-1928
	CHECKED BY: KIMBERLY D. PRESTON	DATE: 09/27/18		SHEET 4
				OF 5

Field 3 (2800 Sq. Ft.)



Legend

-  Cap for Water Line
-  Valve



Owner/Applicant
 Eric Iveson and Joshua Marion
 41555 HWY 36
 BRIDGEVILLE, CA 95526
 (856) 285-8415

NOTES

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9. The 275 Gallon Feed Tanks are filled from the storage tanks/bladders with temporary water lines. These Feed Tanks are used to control nutrient mixtures and water usage at smaller volumes.
10. All Water lines run in this diagram are not to scale and are for plot layout information only.
11. The Cannabis Waste Area is where Stems, sun leaves, and unwanted live plant material are stored until after the harvest season, where the waste is then transferred to a burn can. The ashes from the fire are spread back into the soil for a minor nutrient addition to next year's crop.
12. The Propane tank shown hereon is empty and no longer in use.
13. Upon receipt of county and state licenses, an amendment will be submit to have this field relocated, in order to join Field's 1A and 1B into a single, larger field.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures (including, but not limited to greenhouses, and accessory structures) and grading (including road improvements, graded flats) related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
3. The applicant is to submit photographic evidence to the Planning Department evidence to the Planning Department that the water bladders are removed and replaced with hard tanks.
4. The Biological Report states that cultivation area 3, shall be removed and relocated to areas 1 and 2 to avoid potential impacts to potential stream course. The applicant is to adhere to Biological Resource Assessment and submit remediation and monitoring plan for cultivation area 3 to the Planning Department.
5. The applicant will meter the water to demonstrate that there is enough water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period.
6. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.
7. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
8. The applicant shall obtain and comply with all applicable terms of an issued Streambed Alteration Agreement issued by Department and the California Department of Fish and Wildlife (CDFW). Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
9. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of cultivation staff prior to annual renewal of the permit.

10. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
11. The applicant shall submit compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, and fuel modification standards.
12. The applicant shall obtain an encroachment permit from the California Department of Transportation and provide a copy to the Planning Department.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. The project shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant must demonstrate and submit evidence that no light will escape from the propagation structures.
15. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
16. 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.
17. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. 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.
2. 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.
3. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.

4. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
5. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
6. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
9. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
10. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
11. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
12. 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.
13. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. Pay all applicable application and annual inspection fees.
16. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.

17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and

regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

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

25. All cultivators shall comply with the approved Processing Plan as to the following:

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

26. 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.

27. 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 SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above 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.

29. 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.

30. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and

III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

31. 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; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
32. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 15,300 SF of outdoor cultivation area on lands designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation. The project is therefore consistent with the RA designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site directly from State Highway 36 a publicly maintained road. As a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation and to adhere to recommendations made in the Road Evaluation Report.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the 2019 Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the Housing Element.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product and is within a landscape planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p> <p>The project is for the continued operation of cannabis cultivation and would not authorize any timber harvesting. The project would leave intact, the existing open space areas surrounding the cultivation area as well as surrounding parcels.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>According to California Natural Diversity Data Base (CNDDDB) there is no mapped rare and endangered species onsite. The nearest Northern Spotted Owl Activity Center (NSO) recorded is located at .85 miles to the east of the project site. The applicant submitted a Biological Resource Assessment, prepared by Natural Resources Management Corporation, dated August 2018. The report states that no wildlife species or special status species were recorded on site, additionally none of these species are expected to experience impacts from the proposed project. Staff believes the project complying with dark-sky standards, can adequately address any lighting impacts on NSO. The report recommends that the applicant should limit noise and light usage. Additionally, the Biological Report states that cultivation area 3, shall be removed and relocated to areas 1 and 2 to avoid potential impacts to potential stream course. As a condition of approval, the applicant is to adhere to Biological Resource Assessment and submit remediation and monitoring plan for cultivation area 3 to the Planning Department.</p> <p>The applicant submitted Site Management Plan (SMP) prepared by Natural Resources Management Corporation, dated September 2018. The report states that there is 13,500 gallons stored in hard tanks, encroaching a Class II stream, but that there is no adverse impact to the SMA and that the tanks do not need to be removed. 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.</p> <p>The project was referred to the Department of California Fish and Wildlife (CDFW) on October 19, 2017 and did not provide any comments for the project. However, the applicant is has obtain a final Lake Stream Alteration Agreement from CDFW and is to adhere to the apparent recommendations.</p>
<p>Conservation and Open Space Chapter 10</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria (BRB). NWIC and BRB requested an archeological survey of the subject parcel. The applicant retained William Rich and Associates for the preparation of a Cultural Resources Investigation for the project site. The</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resources Section 10.6	<p>present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. The Cultural Resources Investigation was sent to BRB for their review, who recommended inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources. The project is therefore consistent with the Cultural Resource policies of the General Plan.</p>
Conservation and Open Space Chapter 10 Scenic Resources Section 10.6	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 15,300 SF of full sun outdoor cultivation. No lights will be used for the project. The project as proposed would meet the goals and policies contained in this chapter relating to the protection of scenic areas, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>
Water Resources Chapter 11 Stormwater Drainage	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The applicant submitted Site Management Plan (SMP) prepared by Natural Resources Management Corporation, dated September 2018. The report states that there is 13,500 gallons stored in hard tanks, encroaching a Class II stream. 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. The project is consistent with the Water Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>Portable toilet and handwashing facilities will be provided to cultivation staff. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The project is for full sun outdoor cultivation. No lights and no fans will be used onsite. A generator is occasionally used. Ongoing conditions of approval require the maximum allowable from a backup generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as High Slope Instability (3) in the County's GIS mapping. All of the cultivation will be located on slopes 15 % or less. Conditions of approval require the applicant to obtain gradings permits from the Building Inspection Division for and grading conducted without the benefit of County review. The project is consistent with the geologic resource policies of the Safety Element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 2,443 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high and very high fire hazard severity. The parcel is located within the Bridgeville Fire Protection District Response Area and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, and fuel modification standards. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project as conditioned as such, is consistent with the fire protection policies of the Safety Element.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The parcel is located within the jurisdiction of the Bridgeville Fire Protection District.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project is consistent with these policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN: 210-191-060 has been determined to be a legal parcel (lot 14) as shown on Parcel Map recorded in Book 1 of Parcel Maps page 17. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed. The parcel APN: 208-281-026 has been determined to be a legal parcel as described in the Certificate of Subdivision of Compliance recorded number 2020-014192.

<p>§314-7.4</p> <p>Timberland Production Zone (208-281-023)</p> <p>Forestry Recreation FR-B-5(20) (210-919-060)</p>	<p>Timberland Production Zone</p> <p>The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p> <p>Forestry Recreation (FR)</p> <p>The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>B-Special Building Site Combining Zone</p> <p>As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</p>	<p>The applicant is seeking a Conditional Use Permit for an existing 15,300 square foot cannabis cultivation operation on a property zoned TPZ and FR. The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.</p>
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Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size:	TPZ-160 acres FR-1 acres	28- acres 16- acres
Maximum Ground Coverage:	TPZ and FR None Specified	<1%
Minimum Lot Width:	FR-200 feet	800 feet
Maximum Lot Depth:	FR-None specified	2,000 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	TPZ-Front: 20 feet Rear: 30 feet Side:30 FR-Front: 20 feet Rear: 20 feet Side:10 SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	35 feet	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>The project includes a Special Permit for development within the Streamside Management Area (SMA) that would allow restoration legacy cultivation and onsite relocation. SMA for a point of diversion for a spring offsite, located on APN: 210-191-050. The spring is a tributary to an unnamed stream, thence to the Van Duzen River.</p> <p>The projected annual water usage is approximately 74,000 gallons, for one full cycle of cannabis cultivation. Water storage currently consists of 140,000 gallons, supplemented by the offsite spring, stored in tanks and in water bladders. As a condition of approval, the applicant will replace the water bladders with hard tanks and the applicant shall provide photographic evidence to the Planning Department. The applicant obtained a Right to Divert Water (Certificate Number H100637) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 198,769 gallons. Furthermore, the applicant will meter the water to demonstrate that there is enough water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period.</p> <p>The applicant submitted Site Management Plan (SMP) prepared by Natural Resources Management Corporation, dated September 2018. The report states that there is 13,500 gallons stored in hard tanks, encroaching a Class II stream, but that there is no adverse impact to the SMA and that the tanks do not need to be removed. 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.</p> <p>According to California Natural Diversity Data Base (CNDDDB) there is no mapped rare and endangered species onsite. The nearest Northern Spotted Owl Activity Center (NSO) recorded is located at .85 miles to the east of the project site. The applicant submitted a Biological Survey Report, prepared by Natural Resources Management Corporation, dated August 2018. The report states that no wildlife species or special status species were recorded on site, additionally none of these species are expected to experience impacts from the proposed project. Staff believes the project</p>
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		complying with dark-sky standards, can adequately address any lighting impacts on NSO. The report recommends that the applicant should limit noise and light usage. Additionally, the Biological Report states that cultivation area 3, shall be removed and relocated to areas 1 and 2 to avoid potential impacts to potential stream course. As a condition of approval, the applicant is to adhere to Biological Resource Assessment and submit remediation and monitoring plan for cultivation area 3 to the Planning Department.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	Two parking spaces is available onsite.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The subject parcel is zoned TPZ and FR. Cultivation and cultivation related operations occur in one location onsite in an open non-forested area. Based on a review of aerial imagery no timber conversion has occurred. A project referral was sent to CAL FIRE who did not have any comments regarding timber conversion (see Attachment 5).
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<p>§ 314-55.4.8.2.2</p> <p>Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned AE.</p>	<p>The proposed action is a Conditional Use Permit for 15,300 SF of existing full sun outdoor cannabis cultivation on APN 208-281-023- and APN 210-191-060, which is totals 43-acres parcel zoned FR- B-5 and TPZ. A review of aerial imagery of 2014 found the 15,300 square feet of cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10</p> <p>Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for outdoor cultivation.</p>
<p>§314-55.4.9.1</p> <p>Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>Drying and bucking will occur onsite and stored in an existing building onsite and further processing will occur offsite at licensed facility. The building on APN: 210-191-049, also owned and operated by Homestead Highway 36, LLC will contain a propagation area that will serve the project and the property adjacent (Application Number 12572). Propagation area shall not exceed more than 10% of permitted cultivation for each parcel. This structure will also store cannabis product from this project APN: 210-191-050. The applicant will keep product from each site separate. Two employees will be required for the operation. The building onsite and the two sheds will also serve as additional storage and drying space for the two parcels.</p>
<p>§314-55.4.10</p> <p>Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.11</p> <p>Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The projected annual water usage is approximately 74,000 gallons, for one full cycle of cannabis cultivation. Water storage currently consists of 140,000 gallons, stored in tanks and in water bladders. As a condition of approval, the applicant will replace the water bladders with hard tanks and the applicant shall provide photographic evidence Planning Department. Additionally, the applicant will meter the water to demonstrate that there is enough water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, cultivation and on-site processing shall be setback at least 30 feet from any property line or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources.</p>
<p>§314-55.4.11.o Performance Standards-Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>No artificial lighting is proposed for use for the full sun outdoor cultivation. Ongoing conditions of approval require the maximum allowable from a backup generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer.</p>

§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 21, 2016.
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4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2019 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The

MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing and use of point of diversion in an unnamed Class III watercourse for irrigation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 208-281-026 and APN 201-191-060, 41555 State Highway 36, Dinsmore Area, County of Humboldt

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

September 2020

Background

Modified Project Description and Project History-The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit for A Conditional Use Permit for 15,300 square feet (SF) of existing outdoor cannabis cultivation operation. The project includes a Special Permit for development within the Streamside Management Area (SMA) that would allow restoration legacy cultivation and onsite relocation. SMA for a point of diversion for a spring offsite, located on APN: 210-191-050. The spring is a tributary to an unnamed stream, thence to the Van Duzen River.

The project is comprised of two parcels 208-281-026 and 210-191-60 for a total of 43 acres in size. The parcel is developed a 3,500 SF residence, a second residence at 1,400 SF, a 1,000 SF horse barn, and an 800 SF garage used for drying.

The projected annual water usage is approximately 74,000 gallons, for one full cycle of cannabis cultivation. Water storage currently consists of 140,000 gallons, supplemented by the offsite spring, stored in tanks and in water bladders. As a condition of approval, the applicant will replace the water bladders with hard tanks and the applicant shall provide photographic evidence to the Planning Department. The applicant obtained a Right to Divert Water (Certificate Number H100637) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 198,769 gallons. Furthermore, the applicant will meter the water to demonstrate that there is enough water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period.

The applicant submitted Site Management Plan (SMP) prepared by Natural Resources Management Corporation, dated September 2018. The report states that there is 13,500 gallons stored in hard tanks, encroaching a Class II stream, but that there is no adverse impact to the SMA and that the tanks do not need to be removed. 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.

According to California Natural Diversity Data Base (CNDDDB) there is no mapped rare and endangered species onsite. The nearest Northern Spotted Owl Activity Center (NSO) recorded is located at .85 miles to the east of the project site. The applicant submitted a Biological Survey Report, prepared by Natural Resources Management Corporation, dated August 2018. The report states that no wildlife species or special status species were recorded on site, additionally none of these species are expected to experience impacts from the proposed project. Staff believes the project complying with dark-sky standards, can adequately address any lighting impacts on NSO. The report recommends that the applicant should limit noise and light usage. Additionally, the Biological Report states that cultivation area 3, shall be removed and relocated to areas 1 and 2 to avoid potential impacts to potential stream course. As a condition of approval, the applicant is to adhere to Biological Resource Assessment and submit remediation and monitoring plan for cultivation area 3 to the Planning Department.

The project was referred to the Department of California Fish and Wildlife (CDFW) on October 19, 2017 and did not provide any comments for the project. However, the applicant has obtained a final Lake Stream Alteration Agreement from CDFW and is to adhere to the apparent recommendations.

Drying and bucking will occur onsite and stored in an existing building onsite and further processing will occur offsite at licensed facility.

Access to the site directly from State Highway 36 a publicly maintained road. As a condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation and to adhere to recommendations made in the Road Evaluation Report. Power source is proposed to be provided by generator. No employees will be required, only the operators will manage for the cultivation operation

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the adopted MND and no changes are proposed to the original MND's recommended mitigation measure for the proposal to authorize an existing 15,300 square feet of outdoor cannabis cultivation operation. The project includes a Special Permit for development within the Streamside Management Area that would allow restoration and onsite relocation.

In reviewing the application for consistency with the adopted MND, the County considered the following

information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Biological Survey Report, prepared by Natural Resources Management Corporation, dated August 2018.
- Site Management Plan prepared by Natural Resources Management Corporation, dated September 2018.
- Water Management Plan, prepared by Natural Resources Management Corporation, dated April 2018.
- Streambed Alteration Agreement issued by California Department of Fish and Wildlife, dated October 2017.
- Right to Divert and Use Water, certificate H100637, issued October 2017.

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.

For all impact categories analyzed in the review of this staff report, 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 adopted 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 project.

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name contacts address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached - Water Resource Protection Plan, prepared by Pacific Watershed Associates, dated May 2017)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (On file)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet. (On file)
16. Biological Survey Report, prepared by Natural Resources Management Corporation, dated August 2018.
17. Site Management Plan (SMP) prepared by Natural Resources Management Corporation, dated September 2018.
18. Water Management Plan, prepared by Natural Resources Management Corporation, dated April 2018.
19. Streambed Alteration Agreement issued by California Department of Fish and Wildlife, dated October 2017.
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CULTIVATION, OPERATIONS, AND SECURITY PLAN (APN 208-281-026 - APPS #12159)

PROJECT DESCRIPTION

Applicant proposes to continue an existing 15,300 square foot area of cultivation on a parcel in the Bridgeville area of Humboldt County. Applicant is currently cultivating on the parcel during the 2019 season.

OPERATIONS PLAN

1. Water Source, Storage, Irrigation Plan & Projected Water Usage

WATER SOURCE & STORAGE: The primary source of irrigation water is an off-site spring box. Applicant has submitted a proposed Lake and Streambed Alteration Agreement (“LSAA”) to the California Department of Fish and Wildlife (“CDFW”). Applicant will also be submitting a Water Management Plan (“WMP”) prepared by Natural Resource Management Corporation, which will outline the forbearance and bypass flow requirements for the surface water diversion. Applicant is working with Natural Resources Management to develop the WMP, and a Water Resources Protection Plan (“WRPP”) has been prepared per the North Coast Regional Water Quality Control Board’s Order No. R1-2015-0023.

Presently, Applicant has roughly 133,800 gallons of storage on site. A well installation was attempted in June, 2018, but both drill sites were dry. When cultivation permits have been acquired, applicant plans to gather permitting to allow the installation of a single large storage tank, or tank farm, in the amount of 50,000+ gallons, including efficiency upgrades to the watering system.

IRRIGATION PLAN: Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reduce the risk of irrigation runoff. Applicant anticipates watering cannabis plants every day during the growing season. Irrigation is applied through a water efficient drip irrigation system. Applicant will water in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier will be used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments and organic nutrients to aid in soil moisture retention as part of the irrigation plan.

PROJECTED WATER USAGE: Applicant has applied for a permit encompassing approximately 15,300 sq. ft. of sun-grown cannabis, pursuant to a Conditional Use Permit. Based on the Applicant’s irrigation practice of watering every day and the usages documented for the 2018 Cultivation Year, an estimate of approximately 94,000 gallons of water will be used during the

forbearance period required by the ordinance. Based on a 180-day growing cycle, Applicant's total yearly water usage is estimated to be about 120,000 gallons.

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

2. Site Drainage, Runoff & Erosion Control Measures

SITE DRAINAGE: The site drains to the North, towards the Van Duzen River. There is a small class two waterway on the site that discharges into the Van Duzen, to the East of all site development. All cultivation shall occur outside of the buffer zone of the creek, and best management practices will be employed around all cultivation so as to manage and minimize any runoff and to avoid any nutrient or sediment discharge to surface waters. All road and graded surfaces shall have maintained spillways in good working order so as to minimize runoff and discharge from any sediment or other contaminants that may be transported.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resource Management Corporation to improve site drainage on an as needed basis.

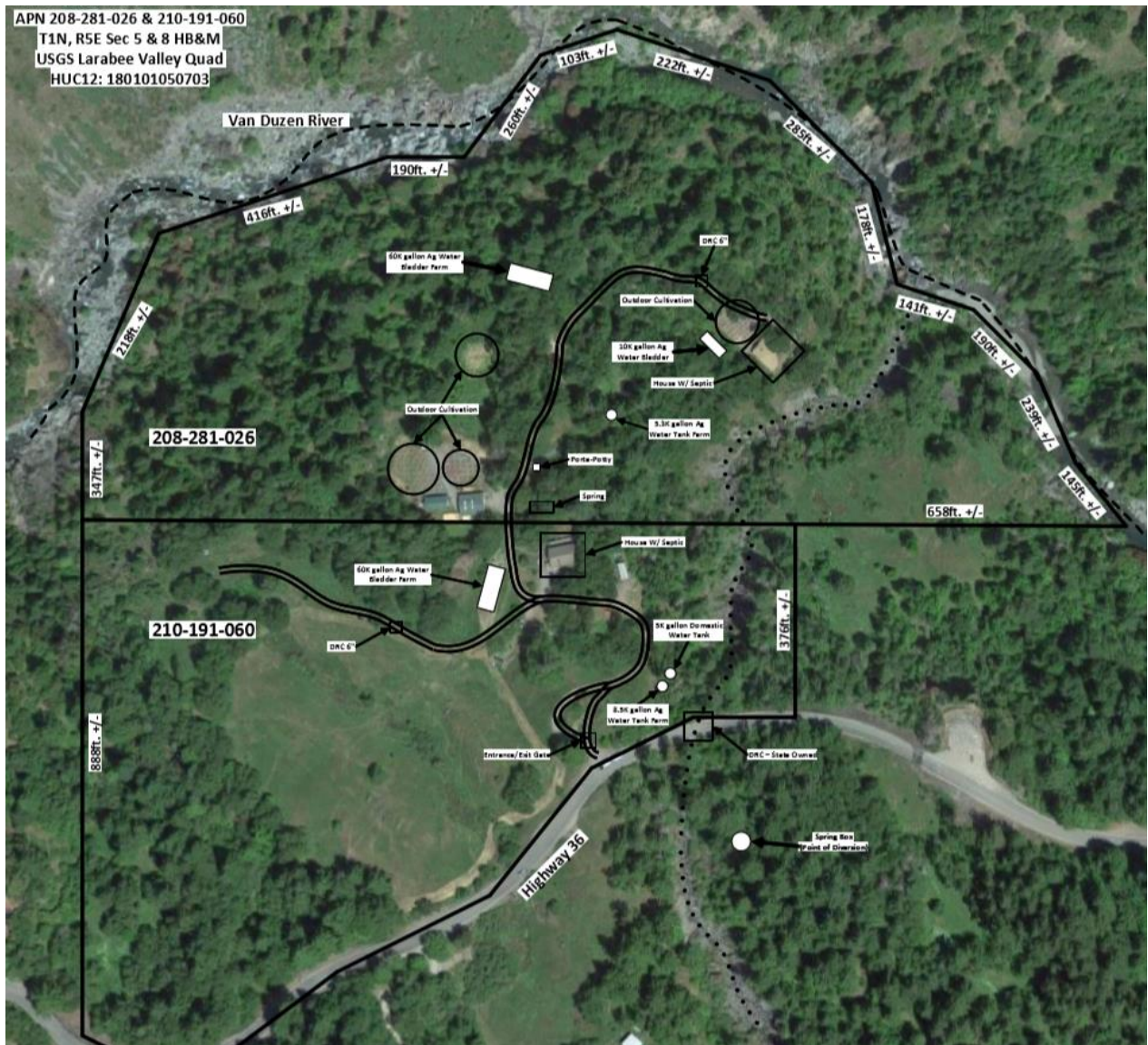
EROSION CONTROL MEASURES: Applicant has performed minimal grading work on-site, and has not had any issues with sediment discharge into surface waters. California Department of Fish and Wildlife has visited the parcel, prior to the new owners purchasing the land, and has filed several violations on the parcel. Previous Applicant had placed waste soils within the buffer area near a wetland. Soil has been moved to a more appropriate location, and all erosion control measures have been employed, as recommended by Omsberg & Preston. In addition, Fish and Wildlife filed a violation on a road that has been graded in on-site over the outlet of a wetland. This road will be assessed and properly repaired to restore drainage and waterflow. A culvert has also been installed on-site that will be properly sized and permitted.

The roads on the property have been rocked to reduce damage from storm events. Applicant will consult with, and implement recommendations from Omsberg & Preston and Natural Resources Management Corporation to improve erosion control measures on an as needed basis.

RUNOFF CONTROL MEASURES: There is no current runoff from any cultivation activities. Applicant will use drip irrigation and raised beds, will water at agronomic rates, and plans to use timers to avoid overwatering. In addition, Applicant will maintain vegetation around cultivation and riparian areas to minimize runoff and sediment transport to receiving waters. Applicant will provide appropriate runoff and sediment mitigation measures to deal with any concentrated storm water runoff from any cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters.

PROTECTION OF WATERSHED & HABITAT: The site has been developed for cultivation, but was not utilized during the 2017 season. All cultivation areas shall be located outside of all SMA's on the property and native vegetation buffers shall be maintained between cultivation sites and riparian areas. Applicant's surface diversion is appropriately screened to minimize harm to organisms within habitat and riparian zones. Applicant's WMP will address water storage and water conservation and develop a plan that meets irrigation needs while observing forbearance periods and bypass flow requirements to promote and maintain in-stream flows.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resources Management Corporation to improve runoff control measures on an as needed basis.



**Apps #12159
 Cultivation, Operations & Security Plan – Page 3**

3. Waste Management Plan

CULTIVATION RELATED WASTE PROTOCOLS: Applicant will implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in raised beds or individual pots, and will use bio-amendments (cover crops) to re-amend soils, resulting in minimal soil waste on site. All waste soils will be placed in a refuse pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. The waste soils will eventually be removed from site. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse on an as needed basis.

REFUSE DISPOSAL: The site generates little human refuse. However, Applicant does have wildlife proof garbage cans equipped with lids which are kept in secondary containment to prevent leaching and transport of foreign materials to receiving waters. There is a residence on-site, and waste generated by the residence will continue to be disposed of at the dump. All cultivation related waste that cannot be composted, recycled, or reused will also be taken to the dump.

HUMAN WASTE: Human waste is handled by an on-site sewage disposal system and a porta-potty, sized appropriately for assumed site commercial activity.

4. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products

PESTICIDES: Chemical Pesticides are not utilized on this farm in any way.

FERTILIZERS & SOIL AMENDMENTS: Fertilizers and other amendments will be stored in the on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols used for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the

likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS & STORAGE: All petroleum products stored on-site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape. Secondary containment, as required by law, will be utilized on-site. One 650-gallon propane storage tank is on-site and is utilized regularly for domestic use.

5. Cultivation Activities

CULTIVATION ACTIVITIES: Applicant is proposing to permit an existing sun-grown cultivation site with cultivation area of 15,300 square feet. Applicant will be applying for a conditional use permit for the above referenced activity. Applicant will irrigate cultivation from a surface water diversion pursuant to agreement with DFW during the wet season. Applicant will be cultivating in raised beds and smart pots to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant will not be hiring individuals to assist with cultivation, for officers of the LLC will be tending the fields and automated systems have been purchased and are anticipated to be used.

Applicant shall follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

6. Energy Usage

Electricity is provided to the residential property through a Solar Powered Battery Bank and Diesel Generator Back-up System. Only one building used for cultivation activities has electricity and it is supplied with a 3000-watt gas generator that is rarely used.

7. Pest Management

Physical barriers such as close-knit fencing is being used to keep larger animals out of the cultivation areas. Rodents such as ground squirrels and field mice are being deterred with battery powered ultrasonic/electromagnetic repellent tools. No chemical pesticides, in any form, will be used for cannabis growth.

8. Tentative Schedule of Activities During Each Month of the Growing & Harvesting Season

January, February, March

- Purchase seeds and/or clones of desired strains
- Clean cultivation areas and make necessary repairs
- Prepare beds for planting
- Any cover crops from prior year are established and more are planted
- Apply mulch
- Till cover crops and amend soils

April

- First run plants are re-potted in bigger pots
- Irrigation begins
- Apply nutrient feed with every watering
- Construct trellis system for plants

May

- Apply nutrient feed with every watering
- Applicant continues to transplant starts and clones
- Nursery activities
- Plant first run in ground
- Mulch soil

June

- Top dress first run
- Irrigation continues
- Apply nutrient feed with every watering
- Re-pot second run of plants in bigger pots
- General landscape and bed maintenance

July

- Irrigation continues
- Apply nutrient feed with every watering
- General landscape and bed maintenance

- Rotate in second run of plants into beds
- Re-pot second run of plants in bigger pots

August

- Irrigation continues
- Apply nutrient feed with every other watering
- Rotate in second run of plants into beds
- De-leaf plants

September

- Irrigation continues
- Apply nutrient feed with every third watering

October, November, December

- Begin harvesting full-term plants
- De-leaf plants
- Trim and manicure harvested plants
- End of year reporting
- Cleanup/Winterize cultivation site

PROCESSING PLAN & ACTIVITIES

PLAN: Processing will occur off-site. Applicant will identify permitted processing facility once permits for such facilities have been issued by the County. All processing will occur within a licensed and permitted commercial structure. Appropriate processing facilities will be provided, as required by federal, state, and local law, and under all applicable statutes relating to agricultural product processing and employment standards.

SECURITY FEATURES

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. T-post and metal fencing will be established around all cultivation. The parcel has a locking gate and two access driveways onto the parcel. All doors and windows on all buildings and cultivation facilities shall remain locked when the parcel is not occupied. Security

cameras shall be utilized along the outer perimeter of the cannabis garden, as deemed appropriate by the Applicant. All finished product shall be stored under lock and key and away from processing activities. A prominent “No Trespassing” sign shall be displayed at the parcel’s entrance. To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level, and as required by law. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

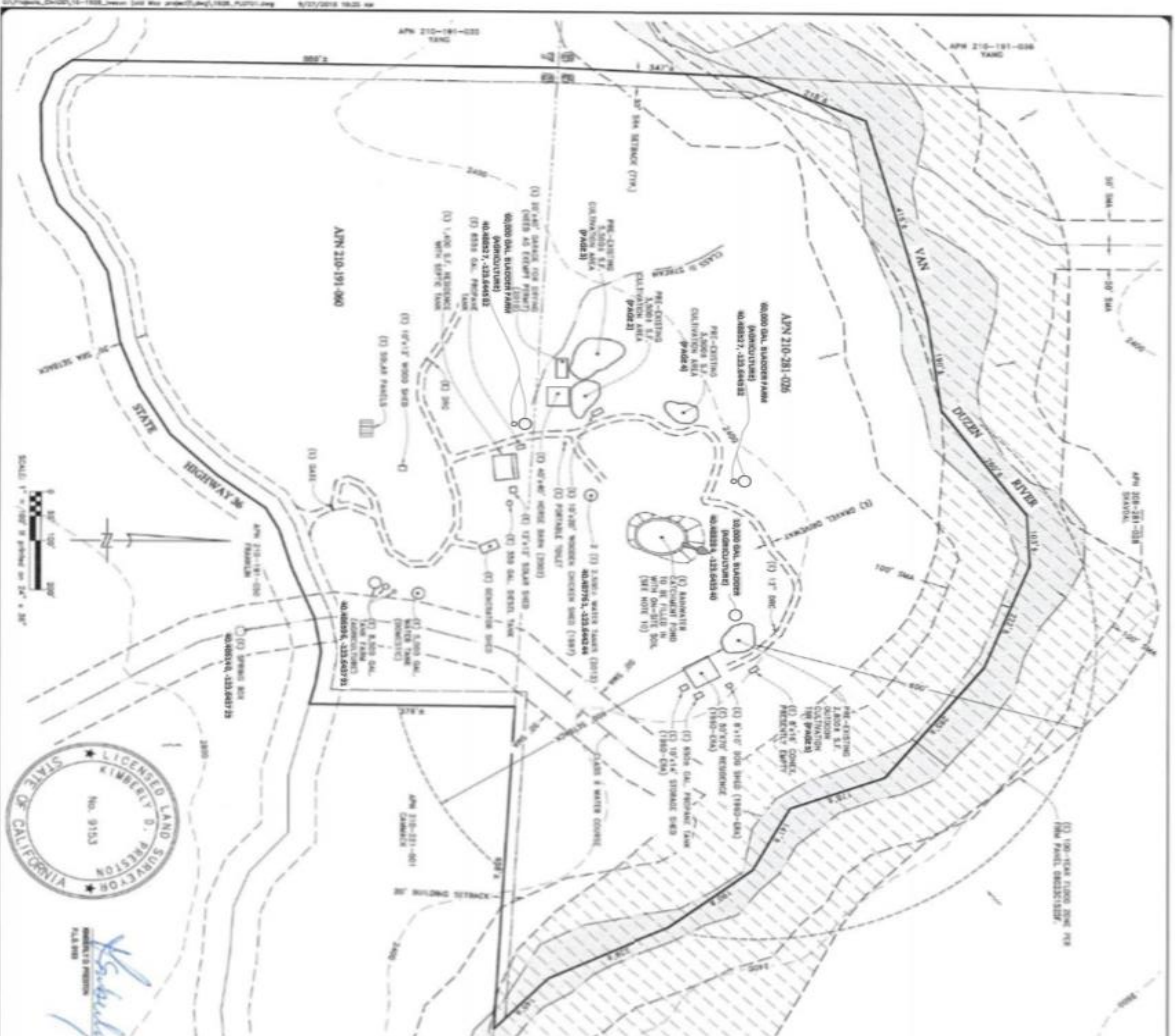
SOIL AMENDMENTS AND FERTILIZER

PRODUCT USED

AMOUNT STORED ON-SITE

Vital Grow Nutrients – Veg & Bloom (Organic)

165 Gallons



Utilities

LEGEND

Symbol	Utility
(---)	Water
(---	Sewer
(---)	Telephone
(---)	Cable
(---)	Electric

Legend

Symbol	Utility
(---)	Water
(---	Sewer
(---)	Telephone
(---)	Cable
(---)	Electric

NOTES

1. The parcel is located in the bridgeable area of Humboldt County. Access to the site is from State Highway 26, approximately 2 miles west of Oriskany.

2. This plan, for APN 210-281-026, has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance (COMM/LUO) NO. 2559, for zoning and/or certifying the site's agricultural operations under the state Water Quality Control Board.

3. The parcel has a general plan designation of agricultural lands (AL20) per the framework plan and is zoned Timberland Production (TP2). The parcel is approximately 28 acres in size.

4. Boundaries and distances are per record data only, and should be considered approximate in nature. If required for compliance with state law, a field survey shall be performed at a later date, following approval of the project.

5. The property is currently developed with one (1) residence, three (3) sheds, one (1) barn, one (1) drying building, and several cultivation areas.

6. The property is hilly. Contours shown hereon are at 200 foot intervals and are based on 1/2 arc-second digital elevation models.

7. The approximate location of the Van Duzen River, together with its 100-foot "undeveloped" streamside management area (SMMA), is shown hereon.

8. No schools, school bus stops, places of worship, or public parks are located within 600 feet of the cultivation area.

9. The only grading performed at this site within the last 30+ years was for the construction of the existing rainwater catchment pond on APN 210-281-026.

10. Water for the parcel is currently from a spring on APN 210-191-050, as shown hereon. All water sources are properly permitted. Water storage required for the site's agricultural operations will need to expand over the next year to provide for irrigation throughout the forbearance period. Approximately 140,000 gallons of water storage currently reside on site. A 4 inch hard line connects the spring to the domestic tank with a water meter to record water usage data. All other tanks/bladders are filled from the domestic tank utilizing temporary 2 inch flexible hose that is stored during the forbearance period.

11. This project is located in the 100-year flood zone per firm panel 0803021529Z. All existing and proposed improvements are located outside of the 100-year flood zone.

12. This project is in the state responsibility area (SRMA) and all SQA fire safe standards shall be adhered to.

13. Per preliminary report by Fishery National Title Insurance, title NO. FTHO-FTHO1613484, Dated November 1, 2016, there are no easements or encumbrances affecting this property.

14. The agricultural operations shown hereon are from the 2018 cultivation season. No cultivation occurred in 2017. Aggregate square footage of non-irrigated canopy area is 15,300 square feet.

15. Packaging of all cannabis products is done off-site and handled by the distribution facility.

16. An immature plant area is not established. All plantings are done with pre-determined clones that are supplied by local nurseries for planting directly into the cultivation fields.

17. This plan is not intended to be used for construction purposes.

18. See Subsequent Pages for more information.

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8. No schools, school bus stops, places of worship, or public parks are located within 600 feet of the cultivation area.

9. The only grading performed at this site within the last 30+ years was for the construction of the existing rainwater catchment pond on APN 210-281-026.

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16. An immature plant area is not established. All plantings are done with pre-determined clones that are supplied by local nurseries for planting directly into the cultivation fields.

17. This plan is not intended to be used for construction purposes.

18. See Subsequent Pages for more information.

**Apps #12159
Cultivation, Operations & Security Plan – Page 9**

RECEIVED

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

OCT 25 2017

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2017-0067-R1

Unnamed Tributaries to the Van Duzen River, Tributary to the Eel River
and the Pacific Ocean

Ms. Debra May
May Water Diversion and Stream Crossings Project
3 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into and between the California Department of Fish and Wildlife (CDFW) and Ms. Debra May (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 10, 2017, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Van Duzen River watershed, approximately 2.66 miles west of the town of Dinsmore, County of Humboldt, State of California. The project is located in Sections 5 and 8, T1N, R5E, Humboldt Base and Meridian; in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 208-281-026 and 210-191-018; latitude 40.4859 N and longitude 123.6433 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to three encroachments on unnamed tributaries to the Van Duzen River (Table 1). One encroachment is for water diversion from a spring for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The two other projects are to upgrade to existing stream crossings. Work for these encroachments will include excavation, culvert removal and/or installation, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project encroachments with descriptions.

ID	Latitude/Longitude	Description
POD	40.4859, -123.6433	Spring water diversion: Use and maintenance of water diversion infrastructure in accordance with this agreement.
Crossing 1	40.4884, -123.6433	Stream crossing upgrade: 1. Replace undersized 12" diameter culvert with minimum 18" diameter culvert. 2. Rock armor culvert inlet and outlet as necessary to minimize erosion.
Crossing 2	40.4875, -123.6447	Wetland outlet crossing: 1. Install minimum 18" diameter culvert at natural outlet across road and at grade with bank full water-level. 2. Fill unnatural wetland outlet and compact fill to prevent future diversion of natural flow.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus truei*), Foothill Yellow-legged Frog (*Rana boylei*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), Pacific lamprey (*Entosphenus tridentata*), Western Pond Turtle (*Actinemys marmorata marmorata*), as well as, other amphibian, reptile, aquatic invertebrate, mammal and bird species.

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

Impacts to water quality:

increased water temperature;
 reduced instream flow;
 temporary increase in fine sediment transport;

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

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

Impacts to natural flow and effects on habitat structure and process:
cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.

- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the initial Permittee Notification received on February 10, 2017 and revision received on August 10, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **3 gallons per minute (gpm)** at any time.
- 2.3 Bypass Flow. The Permittee **shall pass sufficient flow (80%) at all times** to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 Seasonal Diversion Minimization. No more than **150 gallons per day** shall be diverted, **for domestic use only**, during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to measures 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from each POD. Measurement(s) shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage. The report shall be submitted to CDFW in accordance with the reporting measures described below.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement.

The report shall be submitted to CDFW in accordance with the reporting measures described below.

2.7 Water Diversion Infrastructure.

2.7.1 Unauthorized materials. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct, screen, or cover the diversion intake structure. Structure Dimensions: The Permittee shall use a structure that will not obstruct or divert greater than 20% of the stream flow at any time.

2.7.2 Structure Dimensions: The Permittee shall use a structure that will not obstruct or divert greater than 20% of the stream flow at any time.

2.7.3 Structure Location. The diversion structure and water intake shall be no greater than 12 inches below the streambed to minimize the potential to dewater the stream.

2.7.4 Intake Screening.

2.7.4.1 A water intake screen shall be securely attached (e.g., threaded or clamped) to any intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.

2.7.4.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.

2.7.4.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion.

2.8 Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

2.9 Water Storage. All water storage (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife.

2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

- 2.11 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.12 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. Information about water rights associated with cannabis cultivation can be found at:
http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml.

Stream Crossings

- 2.13 Work Period. All work, not including water diversion, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.14 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.15 Work Completion. The Permittee shall complete all projects involving disturbance of the bed or banks of a stream by **October 1, 2018**.
- 2.16 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.17 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

- 2.18 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.19 Excavated Fill. Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.20 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.21 Culvert Installation.
- 2.21.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- 2.21.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
- 2.21.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.21.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.21.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.22 Rock Armor Placement.

2.22.1 No heavy equipment shall enter the wetted stream channel.

2.22.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.22.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.22.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.23 Dewatering.

2.23.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2.23.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.23.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern.

2.23.4 Cofferdams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight

coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.23.5 **Restore Normal Flows.** Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.24 **Project Inspection.** The Project shall be inspected by Natural Resources Management or a licensed engineer **before October 1** during the year when the project was completed to ensure that stream crossing(s) were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW in accordance with the reporting measures described below.

Reporting Measures

2.25 **Measurement of Diverted Flow.** To comply with Measure 2.5, the Permittee shall submit a copy of the water diversion records, **no later than December 31 of each year beginning in 2017**, to CDFW at 619 Second Street, Eureka, CA 95501.

2.26 **Water Management Plan.** To comply with Measure 2.6, the Permittee shall submit a Water Management Plan **within 60 days** from the effective date of this agreement, to CDFW at the 619 Second Street, Eureka, CA 95501.

2.27 **Project Inspection.** To comply with Measure 2.24, the Permittee shall submit the Project Inspection Report, **within 90 days** of completion of this project to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittee:

Ms. Debra May
41555 Highway 36
Bridgeville, California 95526
707-442-1735

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0067-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

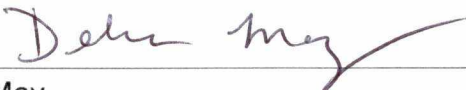
AUTHORIZATION

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

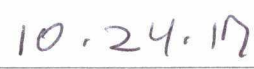
CONCURRENCE

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

FOR Ms. Debra May




Debra May

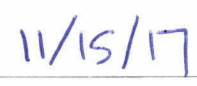


Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor



Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, October 6, 2017.

Water Management Plan
APN 208-281-026 and 210-191-018
Agreement Number 1600-2017-0067-R1
Humboldt County

Submitted to:
California Department of Fish and Wildlife -
619 2nd St,
Eureka, CA 95501

Prepared by:
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501

April 7, 2018



Site Maps for Property



Figure 1. Vicinity map for APNs 208-281-026 and 210-191-018

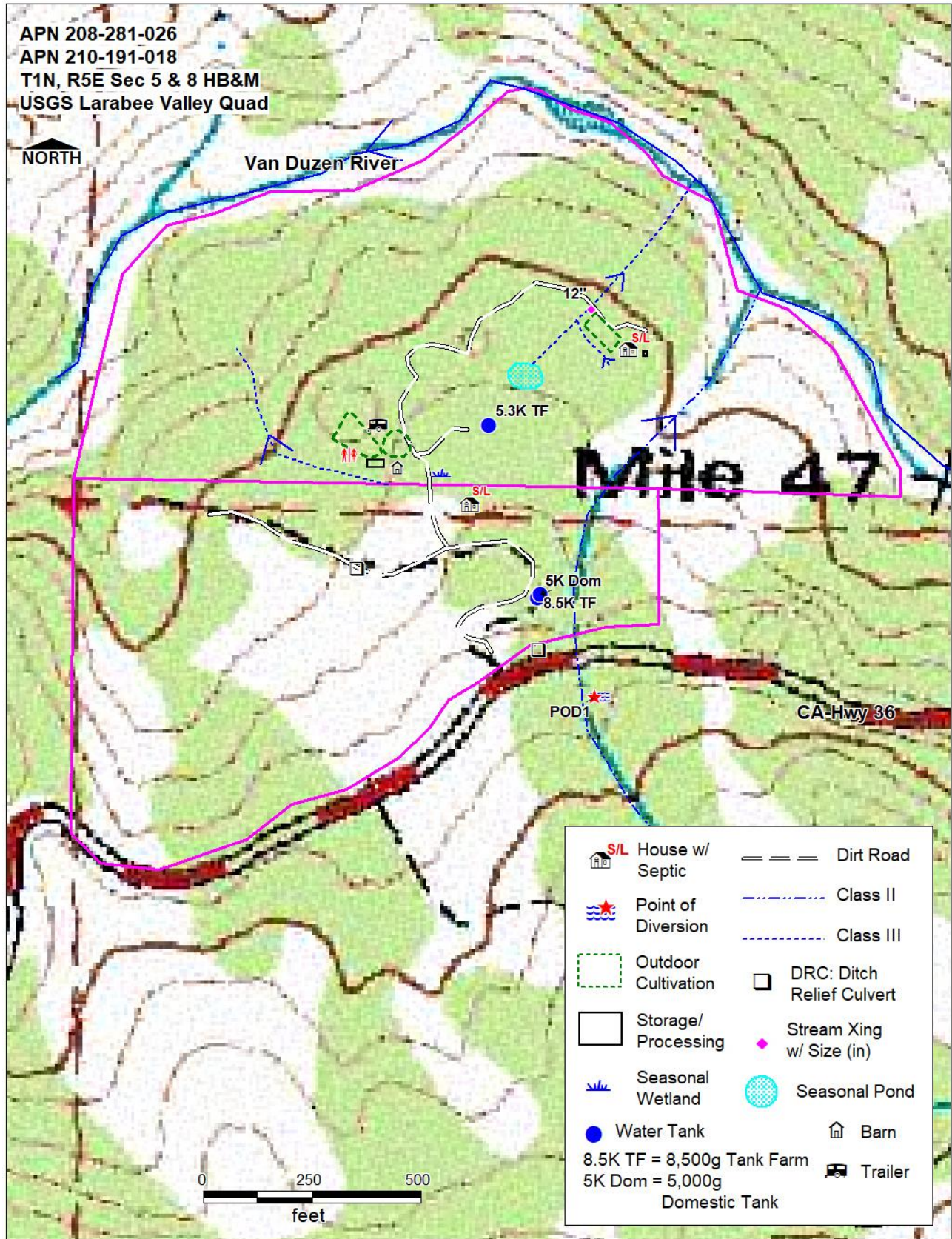


Figure 2. Property map for APNs 208-281-026 and 210-191-018

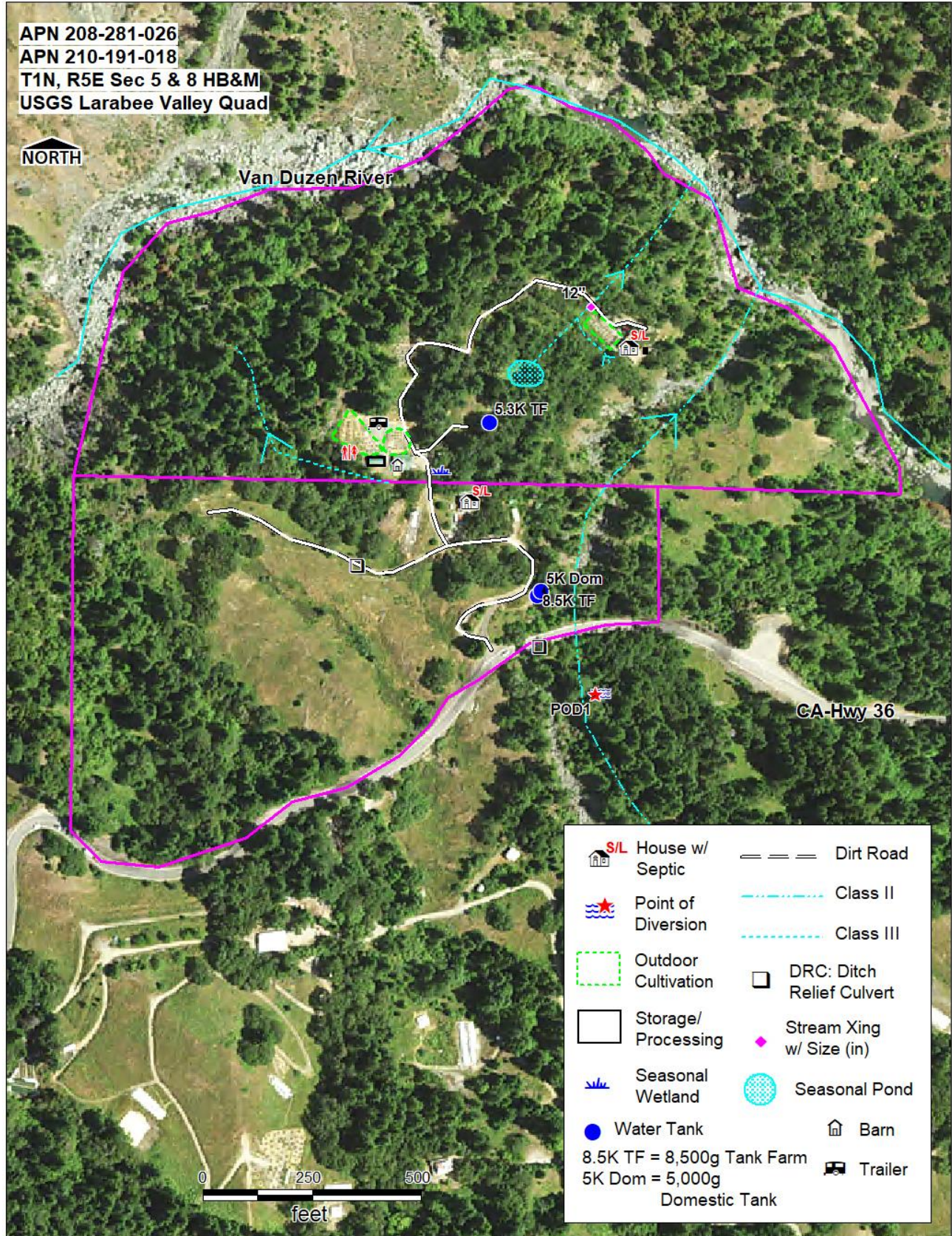


Figure 3. Property map for APNs 208-281-026 and 210-191-01

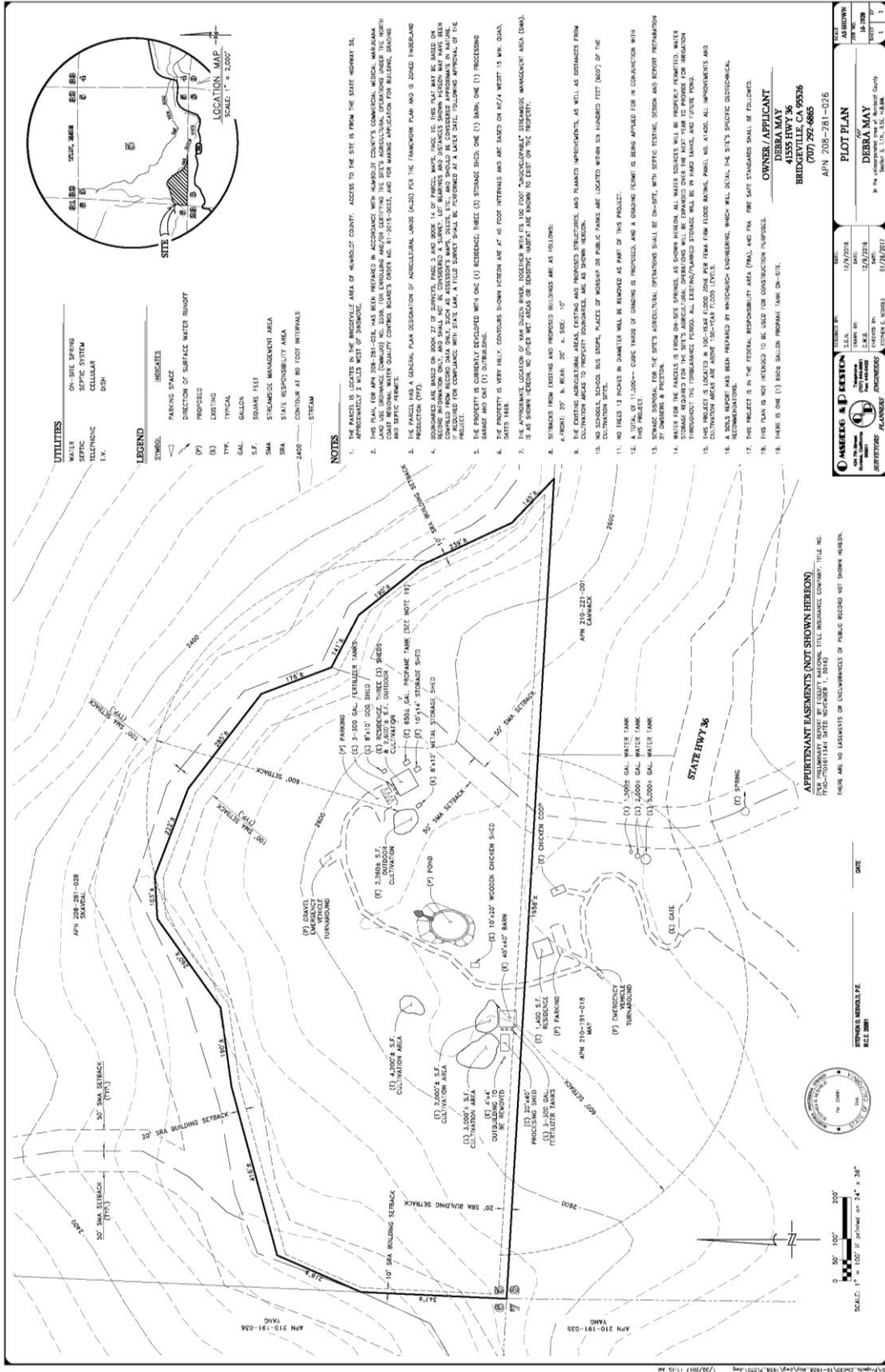


Figure 4. Plot plan created by Omsberg & Preston, December 2016

Water Management Plan

This document serves as the water management plan for site APNs 208-281-026 and 210-191-018 pursuant to Lake and Streambed Alteration Agreement number 1600-2017-0067-R1.

Water Diversion

Water is supplied from one point of diversion (POD1) for the property. POD1 is a surface water diversion from an unnamed tributary to the Van Duzen River, which is located off property. In the agreement CDFW has limited the use of POD1 to no more than 3 gallons per minute and a maximum of 150 gallons a day between May 15th and October 15th. POD1 will be used to fill storage between October 16th and May 14th.

Water Use

POD 1 is used as the source of domestic water and to fill storage. There was no cultivation on these parcels for the 2017 season.

For 2018, the landowner is growing in all three, pre-existing gardens. The northern-most garden will be relocated before the beginning of the 2019 season, due to riparian buffer issues. Pending approval, this square footage will be combined with the two southern gardens to create one large cultivation area. For 2018 there will be approximately 270 plants grown, divided between the three gardens. Plants are grown in plastic 200-gallon pots and in-ground. Irrigation is done using manual drip irrigation systems. In the future the land owner plans to convert all gardens to an automated irrigation system.

The discharger had planned to have a well installed on the southern parcel, but two drill sites came up dry. The storage on site will suffice for the remainder of the season

Water Storage

The 2017 irrigation water storage capacity on the parcel was 13,800. There is also a 5,000 gallon domestic tank. This 13,800 gallons of water storage will supply the water for irrigation.

Currently, the spring diversion is fed to the domestic storage and then the overflow from this tank feeds the cultivation storage. The landowner will be separating these two systems when the non-diversionary period starts on May 15th and the domestic tanks will be equipped with a float valve.

Contingency Plan for 2018

The discharger has pulled back on the number of plants being grown the year of 2018, due to dry holes being found by Fische Drilling. The land owner is practicing dry farming methods with reduced water usage for the remainder of the year.

Reporting

Meters have been installed on POD1 and water use will be recorded weekly. Water use logs will be submitted to CDFW by December 31 of each year.

Appendix A. Photo Documentation



POD1 (9/16/2016)



Southern cultivation area (9/16/2016)



Northern cultivation within riparian buffer – to be relocated (3/27/2017)



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H508766

CERTIFICATE H100637

Right Holder: *Hidden LLC*
41555 Highway 36
Bridgeville, CA 95526

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 01/06/2020. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Hidden Spring	Unnamed Spring	Unnamed Stream	Van Duzen River	40.485896	-123.643184	Humboldt	210-191-050

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	208-281-026	0.35

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 12/18/2019. The place of use is shown on the map filed on 12/18/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.61 **acre-feet per year** to be collected from 11/01 to 03/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.61 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

5. No water shall be diverted or used under this right unless the right holder is in compliance with all applicable conditions and requirements, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:

<https://www.waterboards.ca.gov/cannabis>.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
- a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be

required to otherwise compensate the holders of such rights for injury caused.

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 12/18/2019 09:51:53

© 2020 - State Water Resources Control Board



Primary Point of Diversion	Additional Diversion Point	<p>0 390 780</p> <p>Feet</p> <p>1:6,000</p> <p>Date: 4/7/2020</p> <p>Map generated by Cannabis GO Survey tool.</p>
Pump	Indoor grow area	
Storage (tank, bladder, pond, etc.)	Greenhouse	
Well	Outdoor grow area	

OWNER: Eric Iveson
 PRIMARY POINT OF DIVERSION: Hidden Spring
 SOURCE: Unnamed Spring
 TRIBUTARY TO: Unnamed Stream thence Van Duzen River
 LATITUDE: 40.485896
 LONGITUDE: -123.643184
 APN: 210-191-050
 COUNTY OF: Humboldt

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

REGISTRATION NUMBER H508766
 CERTIFICATE NUMBER H100637

SMALL IRRIGATION USE REGISTRATION

DATE CREATED: 2020-04-08

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.


State Water Resources Control Board
 DIVISION OF WATER RIGHTS
**Supplemental Statement for Change in
 Diverter Name, Address or Responsible Party**

**A Supplemental Statement must be filed if there is a change in the name or address of the person diverting water.
 (Wat. Code, § 5104, subd. (b).)**

SUBMIT FORM BY EMAIL, POSTAL MAIL, OR FAX
 Phone: (916) 341-5300 Fax: (916) 341-5400
 P.O. Box 2000, Sacramento, CA 95812
 changerequest@waterboards.ca.gov

1. Current Diverter Information			
This is a Change of (Select all that apply):			
<input checked="" type="checkbox"/>	Diverter	<input type="checkbox"/>	Diverter Address
<input type="checkbox"/>		<input type="checkbox"/>	Responsible Party (Agent)
Enter the Statement number(s) (e.g. S123456) Separate multiple ID's with Commas:			
Assessor's Parcel Number(s) (APN) associated with the place of diversion: 208-281-026 and 210-191-060			
Diverter Name:			
First	Middle	Last	
Debra		May	
Mailing Address			
41555 State Highway 36		City	State
		Bridgeville	CA
		CA	Zip
			95526
Phone Number: 707 292-6865		Email Address (if available):	
Person Filing Statement, if different from Diverter:			
First	Middle	Last	
Alicia	A	Heitzman	
Mailing Address			
1434 Third Street		City	State
		Eureka	CA
		CA	Zip:
			95501
Phone Number: (707) 442-1735		Email Address (if available): aheitzman@nrmcorp.com	
Official Mail Receiver:			
<input checked="" type="checkbox"/>	Diverter	<input type="checkbox"/>	Responsible Party
2. New Diverter/Responsible Party Information			
New Diverter Name (if applicable): Eric Iveson			
Date Upon Which Change in Name or Address Became Effective: _____			
New Diverter Mailing Address (if applicable)			
Same as above		City	State
			Zip
Phone Number: 1 (856) 285-8415		Email Address (if available): Ivesoneric@yahoo.com	
New Responsible Party/Agent Mailing Address (if applicable)			
41555 State Highway 36		City	State
		Bridgeville	CA
		CA	Zip
			95526
Phone Number: Same as above		Email Address (if available): Same as above	

Use the space below for any additional comments:

Signature: 	Printed Name: Eric Iveson	Date: 7/11/18
--	---------------------------	---------------

YOU ARE REQUIRED TO FILE AN ANNUAL SUPPLEMENTAL STATEMENT REPORTING YOUR WATER DIVERSION AND USE. (Wat. Code, § 5104, subd. (a).)

THIS FORM ONLY SATISFIES THE REQUIREMENT THAT THE BOARD BE NOTIFIED OF A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104, subd. (b).)

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works - Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
CAL FIRE	✓	Conditional approval	Attached
Bridgeville Fire Protection District		No response	
Department of Fish & Wildlife		No response	
State Water Resources Control Board – Division of Water Rights		No response	
CA Division of Water Resources		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Inadvertent Discovery	On file with Planning
RWQCB		No response	
North Coast Unified Air Quality Management District		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Fortuna Union High School		No response	
Bridgeville School District		No response	
Humboldt County Sheriff	✓	Other Comment	On file with Planning
County Counsel		No response	



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

9/26/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, SWRCB - Division of Water Rights, Bridgeville Elementary School District, Fortuna Union HSD School District, Bridgeville FPD Fire Protection District

208-281-026

Applicant Name Debra May **Key Parcel Number** 208-281-026-000

Application (APPS#) 12159 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-554

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

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

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

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

Return Response No Later Than 10/11/2017

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

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

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: _____

DATE: 3/27/18

PRINT NAME: Rudy Marengli



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46155/12159
Parcel No.: 200-281-026
Case No.: CUP16-554

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

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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show all grading, all water tanks, actual use of each structure, all structures (including Connex shipping containers), show all fuel tanks, and actual sqft of each CA.

Name: Rudy Marenghi

Date: 3/27/18

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



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARGATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3999

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7288

AVIATION 839-5401

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

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

LAND USE 445-7206

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

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

DATE: 4-26-18

RE:

Applicant Name	Debra May
APN	208-281-026
APPS#	12159 CUP16-554

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review item 2 on Exhibit "C".

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12159

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

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
 YES NO

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

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

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
 YES NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

Exhibit "C"

Additional Review is Required by Planning & Building Staff

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

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

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

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

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

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

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

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

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

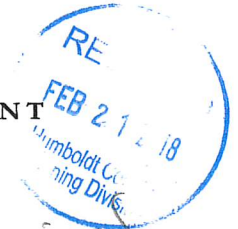
If **YES**, include the following requirement:

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

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



DEH received
9-26-17

17/18-0808

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sheriff, SWRCB - Division of Water Rights, Bridgeville Elementary School District, Fortuna Union HSD School District, Bridgeville FPD Fire Protection District

Applicant Name Debra May **Key Parcel Number** 208-281-026-000

Application (APPS#) 12159 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-554

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

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

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

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

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DISTRIBUTED

2-20-18

Response Date: 2/14/2018 **Recommendation By:** Adam Molofsky



From: [Molofsky, Adam](#)
To: [Planning Clerk](#)
Subject: Application # 12159, AP#208-281-026
Date: Monday, July 09, 2018 10:12:55 AM

The applicant has submitted information to our office satisfying the portable toilet condition for this year.

Adam Molofsky, REHS
Environmental Health Specialist II
Land Use Program
[DHHS Public Health, Division of Environmental Health](#)
100 H St. Suite 100, Eureka, CA 95501
(707) 268-2205

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 5, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: May, Debra
APN: 208-281-026-000
Area: Dinsmore
Case Numbers: CUP16-554

Humboldt County Application #: 12159
Type of Application: Conditional Use Permit
Date Received: 9/27/2017
Due Date: 10/11/2017

Project Description: An application for a Conditional Use Permit for 15,300 square feet of existing, outdoor, medical cannabis cultivation is requested. Water for irrigation is sourced from an off-site spring box, located on an adjacent parcel with the same owner (APN 210-191-018). Water is stored in hard tanks for a total of 5,000 gallons of available storage. Additional hard tanks and a rainwater catchment pond are proposed on the parcel. Processing would occur off-site at a licensed processing facility. Electricity source is unknown.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



From: [Lee, Bo@CALFIRE](mailto:Lee,Bo@CALFIRE)
To: [Planning Clerk; HUU_CEQ@CALFIRE](mailto:Planning_Clerk;HUU_CEQ@CALFIRE)
Subject: 208-281-026 May, Debra
Date: Saturday, October 14, 2017 5:31:08 PM

Reviewed by B1213.

Recommend:

- Emergency Access
 - Turnarounds
- Signing and building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
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