



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: March 24, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Vital Herb Farm, Special Permit and Lot Line Adjustment**  
Record Number: PLN-12345-SP  
Assessor's Parcel Number (APN): 221-221-012  
Ettersburg Area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at [astrickland@co.humboldt.ca.us](mailto:astrickland@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> March 24, 2022	<b>Subject</b> Special Permit and Lot Line Adjustment	<b>Contact</b> Abbie Strickland
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**Project Description:** The applicant is seeking a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. The applicant will utilize light deprivation techniques to achieve two harvests annually. The project will be supported by 984 square feet of propagation space. Irrigation is provided from rainwater catchment that fills 70,600 gallons of water tanks. Estimated annual water use is approximately 60,000 gallons. A maximum of 2 employees will be utilized. Solar panels supply most of the power needed for the project and a generator is onsite to provide supplemental energy.

The applicant is also seeking the completion of a Lot Line Adjustment (LLA) between two parcels resulting in two parcels. The purpose of the LLA is to create two approximate 40-acre parcels that allow for more beneficial and valuable land use opportunities for the property owners.

<b>Resultant Parcel</b>	<b>Creation Document</b>	<b>Area Before LLA</b>	<b>Area After LLA</b>
Parcel A (221-221-012)	The subject parcel is one legal parcel as described in Certificate of Subdivision Compliance 2020-013829. See also corrected Certificate of Subdivision Compliance 2020-021460.	~ 40 acres	~ 40 acres
Parcel B (221-221-023)	Parcel B (APN 221-221-023) has been determined to be one legal parcel as the subject parcel was created prior to 1964.	~ 40 acres	~ 40 acres

**Project Location:** The project is located in Humboldt County, in the Eppersburg area, on both sides of Crooked Prairie Road, at the intersection of Fire Creek Road and Crooked Prairie Road, on the property known as 7050 Crooked Prairie Road.

**Present Plan Land Use Designations:** Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2).

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-12345-SP

**Assessor's Parcel Number:** 221-221-012

<b>Applicant</b> Vital Herb Farm, LLC Pearl McGinley P.O. Box 274 Redway, CA 95560	<b>Owner</b> Margaret and Pearl McGinley P.O. Box 274 Redway, CA 95560	<b>Agent</b> N/A
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**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

**Major Issues:** None.

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and Lot Line Adjustment based on evidence in the staff report, and adopt the Resolution approving the Vital Herb Farm, LLC, Special Permit and Lot Line Adjustment subject to the recommended conditions.*

**Executive Summary:** The applicant is seeking a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by 984 square feet of propagation space. Currently, the total cultivation space on the parcel only equates to 9,617 square feet. To maximize their cultivation area, the applicant will be permitted to cultivate full term plants in 383 square feet of the proposed 600 square foot propagation greenhouse located in the southeast corner of the parcel. The applicant will utilize light deprivation techniques to achieve two harvests annually. All processing will occur onsite, and the applicant may utilize up to 2 employees. The applicant is proposing to construct a 600 square foot processing structure. A condition of approval for the project requires the applicant to either 1) obtain a commercial processing structure, 2) begin trimming and packaging offsite at a licensed third-party processing facility, or 3) revise their operations plan to reflect no employees in the operations and process onsite in a permitted structure (**General Condition A.6**).

The applicant is also proposing a Lot Line Adjustment with the neighboring parcel to the east (APN 221-221-023). The completion of the Lot Line Adjustment would allow the applicant to maintain all cultivation on a single parcel and would allow for more beneficial and valuable land use opportunities for both property owners. The Lot Line Adjustment would result in two parcels of approximately 40 acres.

**Timber Conversion Report**

The project was referred to CAL Fire which recommended that a Timber Conversion Evaluation Report be submitted. A *Conversion Mitigation Report* dated May 24, 2019, prepared by Natural Resources Management which documented all conversion activities as having occurred prior to 2011. The report was reviewed by CAL FIRE which stated it had no additional comments regarding the project.

**Water Resources**

Water for irrigation is sourced from a rainwater collection system. The residence and garage on the southeast corner of the property are equipped with a rainwater collection system and there is a 700-gallon rainwater collection tank. The combined surface area for these structures totals 2,652 square feet.

The applicant is proposing to install an additional rainwater catchment system on the second residence with a surface area of 1800 square feet. The estimated annual water usage for the project is 60,000 gallons (6.0 gal/SF). Existing available water storage totals 70,600 gallons and additional water storage is proposed. To ensure there is adequate irrigation water, provided solely by the rainwater collection system, to support the project the applicant will install a metering device at the point of withdrawal from the rainwater collection tanks. The applicant will maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be kept onsite and made available at the applicant's annual inspection (**General Condition A.7**).

The project was referred to the Division of Environmental Health (DEH) who recommended that the applicant provide a written assessment from a qualified septic consultant confirming a minimum of tier 0 status for the existing onsite wastewater treatment system. This recommendation has been included as a condition of approval (**General Condition A.8**).

### **Energy Resources**

Energy for the project will be supplied by 20 solar panels, which includes (6) 165-watt panels, (2) 185-watt panels, and (12) 175-watt panels. A 3kW portable generator is onsite to provide supplemental energy. The portable generator is primarily used to power a pump for fertilizer and a sprayer for pest management when used away from the solar system. Energy is required to power lights in the propagation greenhouses and machines used in the drying process.

### **Biological Resources**

The project site contains a Class II intermittent watercourse, Powell Creek, and four Class III ephemeral watercourses. A review of the California Natural Diversity Database (CNDDDB) found that there are no special status plant or animal species, or species of special concern, mapped on the subject parcel. The nearest Northern Spotted Owl activity center mapped in the CNDDDB is located over 2 miles southeast of the project site and is unlikely to impact the species. A condition of approval for the project will require the applicant to maintain project related noise below 50 decibels (**Ongoing Requirement B.1**). The project is also conditioned to adhere to International Dark Sky Standards, the supplemental lighting used in the propagation greenhouse shall not escape at a level that is visible from neighboring properties between sunset and sunrise (**Ongoing Requirement B.2**).

The project is located in the Cape Mendocino Planning Watershed which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. With the approval of this project the total approved permits in this Planning Watershed would be 207 permits and the total approved acres would be approximately 72.46 acres of cultivation.

Improvements have been recommended within the applicants *Water Resource Protection Plan* to improve hydrology and protect water quality. The applicant is required to implement the recommendations made within the report (**General Condition A.9**). The project was referred to the California Department of Fish and Wildlife, although no response was received. The applicant has entered into a *Lake and Streambed Alteration Agreement*, the applicant is required to adhere to all provisions of the agreement (**Ongoing Requirement B.17**).

### **Tribal Cultural Coordination**

The subject parcel is located in the aboriginal territory of the Intertribal Sinkyone Wilderness Council and the Bear River Band of the Rohnerville Rancheria. The project was referred to both tribes and received a response from the Bear River Band requesting that the applicant adhere to the inadvertent discovery protocol. This recommendation has been included as a condition of approval (**Ongoing Requirement B.19**).

### **Access**

Access to the site is taken from Briceland-Thorne Road, a county- maintained road, to China Creek Road. From China Creek Road, access is provided by Hidden Prairie Road, and the project site is accessed by a driveway off East Fork Road. A *Road Evaluation Report* was prepared by Omsberg & Preston, dated December 18, 2018. The report found that the access roads can accommodate the increased traffic from the existing project, however, there are necessary road improvements required to increase safety on these roads. A condition of approval will require the applicant to complete the recommendations outlined in the report which include (**General Condition A.10**).



The project was referred to the Department of Public Works which requested that the applicant be required to maintain the location where Briceland-Thorne Road meets China Creek Road in accordance with the Sight Visibility Ordinance, and that the applicant be required to pave the location where Briceland-Thorne Road and China Creek Road intersect. The applicant will not be required to pave this intersection as that work was previously completed by another applicant. A condition of approval will require the applicant to maintain the intersection in accordance with the Sight Visibility Ordinance. This has been included as a condition of approval (**Ongoing Requirement B.18**).

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

**Consistency with Humboldt County Board of Supervisors Resolution No. 18-43**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 211 permits and the total approved acres would be 75.02 acres of cultivation.

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

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

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

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

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

**Resolution Number 22-**

**Record Number: PLN-12345-SP**

**Assessor's Parcel Number: 221-221-012**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Vital Herb Farm, LLC, Special Permit request.**

**WHEREAS, Vital Herb Farm, LLC**, submitted an application and evidence in support of approving a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. The applicant will utilize light deprivation techniques to achieve two harvests annually. The project will be supported by 984 square feet of propagation space. Irrigation is provided from rainwater catchment that fills 70,600 gallons of water tanks. Estimated annual water use is approximately 60,000 gallons. A maximum of 2 employees will be utilized. Solar panels supply most of the power needed for the project and a generator is onsite to provide supplemental energy, if needed.

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

**WHEREAS**, the Humboldt County Zoning Administrator held a duly noticed public hearing on **March 24, 2022**, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** A Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. The applicant will utilize light deprivation techniques to achieve two harvests annually. The project will be supported by 984 square feet of propagation space. Irrigation is provided from rainwater catchment that fills 70,600 gallons of water tanks. Estimated annual water use is approximately 60,000 gallons. A maximum of 2 employees will be utilized. Solar panels supply most of the power needed for the project and a generator is onsite to provide supplemental energy.

**EVIDENCE:**    a)    Project File: PLN-12345-SP

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

**EVIDENCE:**    a)    Addendum prepared for the proposed project.  
                         b)    The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) Improvements have been recommended within the applicants *Water Resource Protection Plan* to improve hydrology and protect water quality. The applicant is required to implement the recommendations made within the report.
- d) Noise and light attenuation measures have been included as requirements for the project. Project related noise will not exceed 50 dB and the applicant will adhere to International Dark Sky standards.
- e) Energy for the project will be supplied by 20 solar panels. A 3kW portable generator is onsite to provide supplemental energy. The portable generator is primarily used to power a pump for fertilizer and a sprayer for pest management when used away from the solar system.
- f) Water for irrigation is sourced from a rainwater collection system. The combined surface area for the system totals 2,652 square feet.
- g) The subject parcel is located in the Aboriginal Territory of the Intertribal Sinkyone Wilderness Council and the Bear River Band of Rohnerville Rancheria. The project was referred to both tribes and received a response from the Bear River Band requesting that the applicant adhere to the inadvertent discovery protocol. This recommendation has been included as a condition of approval.
- h) A *Road Evaluation Report*, prepared by Omsberg & Preston, found that the access roads can accommodate the traffic from the existing project, and all other projects that are currently permitted along the access route. The applicant is required to join all applicable Road Maintenance Associations.
- i) No trees will be removed as a result of the project.

#### **FINDINGS FOR SPECIAL PERMITS**

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
  - EVIDENCE** a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The existing cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The project is consistent with, and complimentary to, the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.
  - EVIDENCE** a) General agricultural is a principally permitted use in the U zone.
  - b) Humboldt County Code section 314-55.4.8.2.2 allows between 5,000 SF and 10,000 SF of existing cannabis cultivation on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County which found 10,642 square feet of pre-existing cultivation.
- 5. FINDING** The proposed development is consistent with the requirements of the

CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
  - b) The subject parcel is one legal parcel as described in Certificate of Subdivision Compliance 2020-013829. See also corrected Certificate of Subdivision Compliance 2020-021460.
  - c) Water for irrigation is sourced from a rainwater collection system. The combined surface area for the system totals 2,652 square feet.
  - d) Energy for the project will be supplied by 20 solar panels. A 3kW portable generator is onsite to provide supplemental energy. The portable generator is primarily used to power a pump for fertilizer and a sprayer for pest management when used away from the solar system.
  - e) A condition of approval for the project will require the applicant to maintain project related noise below 50 decibels. The project is also conditioned to adhere to International Dark Sky Standards.
  - f) A *Road Evaluation Report* was prepared by Omsberg & Preston, dated December 18, 2018. The report found that the access roads can accommodate the increased traffic from the existing project, however, there are necessary road improvements required to increase safety on these roads. A condition of approval will require the applicant to complete the recommendations outlined in the report.
  - g) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.
  - h) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line and more than 600 feet from any school, school bus stop, church, other place of worship, or Tribal Cultural Resource.

**6. FINDING**

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

- EVIDENCE**
- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
  - b) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or Tribal Cultural Resource.
  - c) Water for irrigation is sourced from a rainwater collection system. The combined surface area for the system totals 2,652 square feet.
  - d) Provisions have been made in the applicant's *Site Management Plan* to minimize discharge of sediment off-site, improve the private access roads, and prevent impacts to water quality. The applicant will be required to implement these provisions.

**7. FINDING** Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

**EVIDENCE** a) The project is located in the Cape Mendocino Planning Watershed which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. With the approval of this project the total approved permits in this Planning Watershed would be 207 permits and the total approved acres would be approximately 72.46 acres of cultivation.

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

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

**FINDINGS FOR LOT LINE ADJUSTMENT**

**9. FINDING** The proposed Lot Line Adjustment (LLA) is consistent with the requirements of Humboldt County Code §325.5-1.

a) The applicant has submitted a complete application to the Planning Department for review (Apps 17345). This includes the required Preliminary Title Reports, a Lot Line Adjustment Site Plan, and a written statement from the applicant explaining the reason for the LLA.

b) Parcel A (APN 221-221-012) has been determined to be one legal parcel as described in Certificate of Subdivision Compliance 2020-013829. See also corrected Certificate of Subdivision Compliance 2020-021460.

c) Parcel B (APN 221-221-023) has been determined to be one legal parcel as the subject parcel was created prior to 1964.

**10. FINDING** The proposed development is in conformance with the purposes of the existing U zone.

a) The LLA neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances. The project complies with all applicable setbacks of the zone.

**11. FINDING** The proposed Lot Line Adjustment is in conformance with the County General Plan.

a) The site is not within the Alquist-Priolo Fault Hazard Area. Slope stability is moderate instability. The site is in an area of minimal flooding and of high fire hazard rating. The subject parcels are located in the State Fire Responsibility Area. Future development must comply with County Building regulations.

b) No Biological Resources will be impacted as a result of the LLA, there are no documented special status plant or animal species, or sensitive natural communities on the subject parcel.

c) No Tribal Cultural Resources will be impacted as a result of the LLA. The project was referred to both tribes and received a response from the Bear River Band

requesting that the applicant adhere to the inadvertent discovery protocol.

- d) No noise level increases are anticipated as a result of the LLA. Noise attenuation measures have been included as provisions for this project.

**12. FINDING**

The proposed development will not adversely impact the environment, and will not be detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.

- a) The purpose of the LLA is to facilitate more beneficial and valuable agricultural opportunities for the property owners. While one of the existing parcels is subject to a conditional certificate that requires a demonstration of consistency with General Plan policies and zoning standards, these findings can be made as the parcel is consistent with the general plan designation (RA40) and the underlying zone district (Unclassified) and the applicant has submitted documentation showing that the parcel would have been eligible for an unconditional certificate of compliance. The LLA will result in two legal parcels of approximately 40 acres.

**13. FINDING**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

**EVIDENCE**

- a) The project site is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 161 permits and 56 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 211 permits and the total approved acres would be 75.02 acres of cultivation.

**DECISION**

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

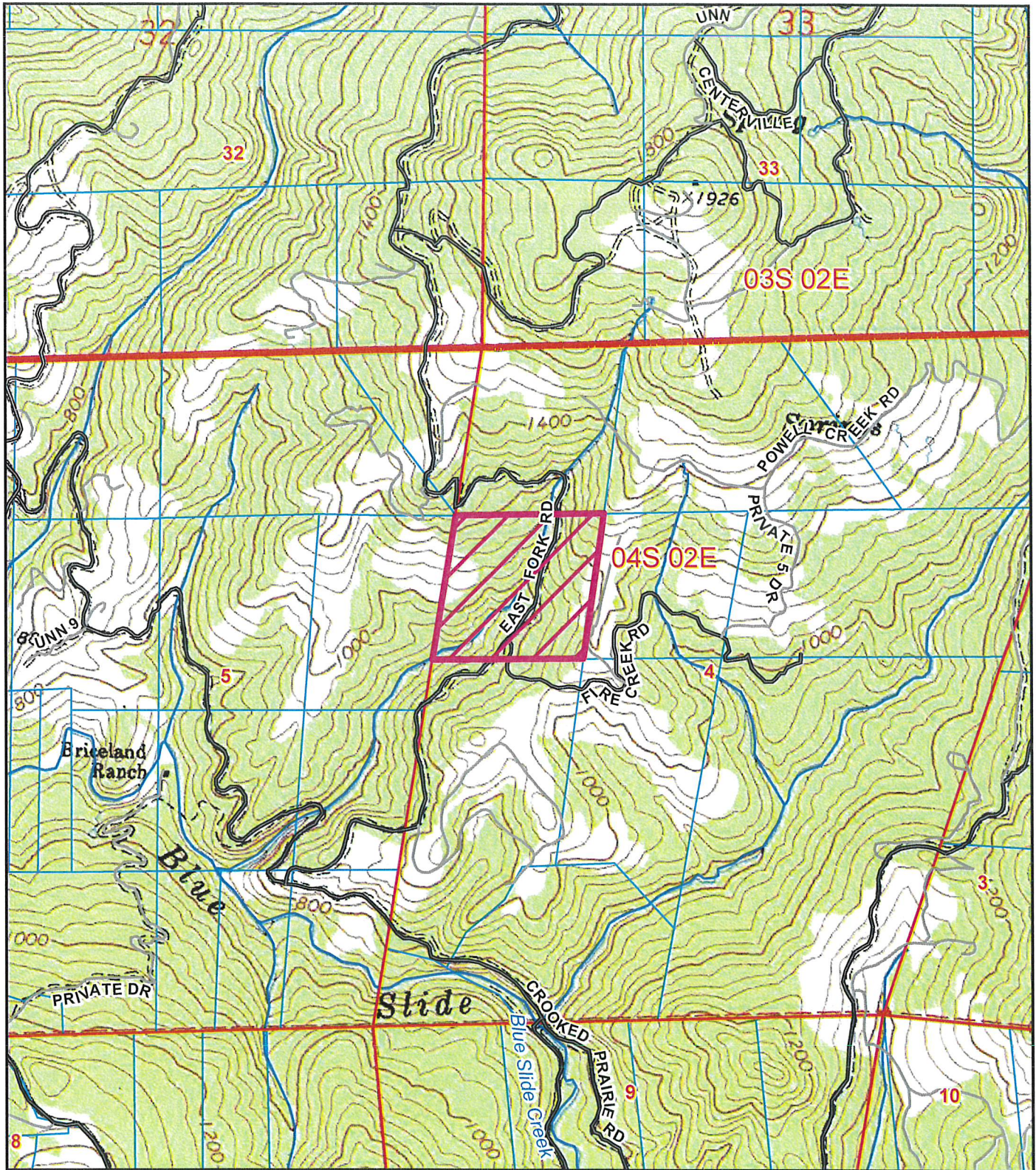
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Vital Herb Farm, LLC, Special Permit and Lot Line Adjustment based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and 1B and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **March 24, 2022.**

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

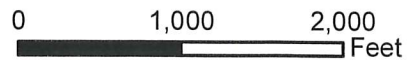
\_\_\_\_\_  
John Ford, Zoning Administrator  
Planning and Building Department





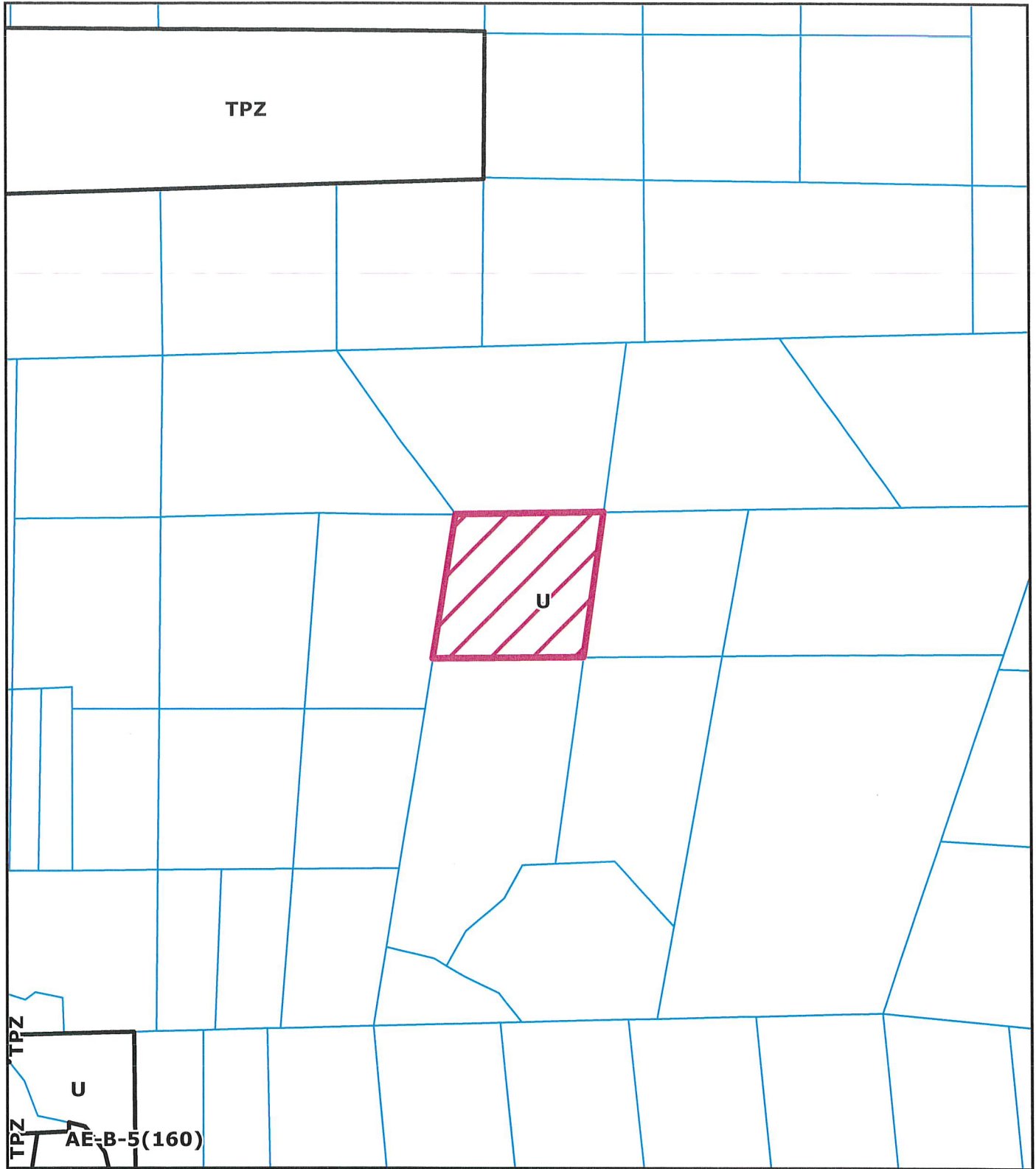
**TOPO MAP**  
**PROPOSED PEARL MCGINLEY**  
**ETTERSBURG AREA**  
**SP-16-487**  
**APN: 221-221-012**  
**T04S R02E S4 HB&M (ETTERSBURG)**

Project Area =



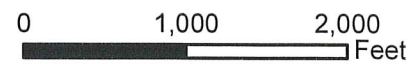
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**ZONING MAP**  
**PROPOSED PEARL MCGINLEY**  
**ETTERSBURG AREA**  
**SP-16-487**  
**APN: 221-221-012**  
**T04S R02E S4 HB&M (ETTERSBURG)**

Project Area = 



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**AERIAL MAP**  
**PROPOSED PEARL MCGINLEY**  
**ETTERSBURG AREA**  
**SP-16-487**  
**APN: 221-221-012**  
**T04S R02E S4 HB&M (ETTERSBURG)**

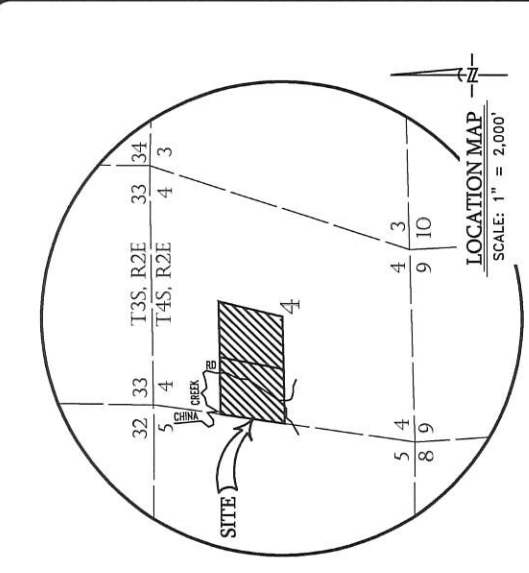
Project Area = 



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- UTILITIES**
- WATER & SEWER
  - GAS
  - ELECTRIC
  - TELEPHONE
- INDICATES**
- ON-SITE (PROPANE)
  - ON-SITE (SOLAR)
  - CELLULAR SERVICE

- LEGEND**
- SYMBOL**
- PARKING SPACE
  - DIRECTION OF SURFACE WATER RUNOFF
  - EXISTING (E)
  - TYPICAL (TYP.)
  - SQUARE FEET (S.F.)
  - GALLON (GAL.)
  - BUILDING (BLDG)
  - OUTDOOR (OD)
  - YEAR OF CONSTRUCTION/INSTALLATION (YEAR)
  - EXISTING STORAGE SHED (ESS)
  - EXISTING GREENHOUSE (EGH)
  - PROPOSED GREENHOUSE (PGH)
  - STREAMSIDE MANAGEMENT AREA (SMA)
  - CONTOURS AT 40 FOOT INTERVALS
  - PM-2 SEWAGE DISPOSAL TEST HOLE LOCATION

- NOTES**
- THIS PLOT PLAN FOR APN 221-221-012, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL CENTER ZONING ORDINANCE AND THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. RT-2015-0025. AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. RT-2015-0025.
  - THE PARCEL, SHOWN ON BOOK 24 OF SURVEYS, PAGE 84, HUMBOLDT COUNTY RECORDS (1989), HAS A GENERAL PLAN DESIGNATION OF AGRICULTURAL LANDS (AL40) AND IS CURRENTLY ZONED UNCLASSIFIED (U). BOUNDARIES ARE APPROXIMATE BASED ON BOOK 23 OF SURVEYS, PAGE 31 AND BOOK 24 OF SURVEYS, PAGE 84, HUMBOLDT COUNTY RECORDS.
  - THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSessor'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
  - THE PROPERTY IS CURRENTLY DEVELOPED WITH TWO (2) RESIDENCES, SEVERAL STORAGE STRUCTURES, GREENHOUSES, AND OUTDOOR CULTIVATION AREAS. ALL TRASH AND RECYCLING IS STORED INSIDE OF THE GARAGE AND ESS4.
  - THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
  - THE PROPERTY IS BISECTED BY BLUE SLIDE CREEK, AND HAS MODERATE SLOPES. CONTOURS SHOWN HEREON ARE AT 40 FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
  - THE APPROXIMATE LOCATION OF THE CREEK, TOGETHER WITH ITS 100 FOOT "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON. NO OTHER SIGNIFICANT WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE PROPERTY.
  - THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THESE EXIST THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
  - NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, OR PUBLIC PARKS ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF THE CULTIVATION SITES.
  - NO TREES GREATER THAN 12" DBH ARE TO BE REMOVED IN CONJUNCTION WITH THIS PROJECT.
  - A GRADING PERMIT TO PERMIT PAST GRADING WILL BE APPLIED FOR IN CONJUNCTION WITH THIS PROJECT.
  - WATER FOR THE AGRICULTURAL OPERATIONS WILL BE FROM RAINWATER CATCHMENT FROM ROOFS OF RESIDENCE AND GARAGE BUILT IN 1980. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS. SEE WRPP FOR PROJECT SPECIFICS.
  - DRYING WILL OCCUR ON-SITE IN EXISTING STORAGE SHED 1 AND 5.
  - PGH6 & PGH7 ARE PROPOSED TO RELOCATE A PORTION OF THE OFFSITE CULTIVATION AREA.
  - THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
  - SEE SEWAGE DISPOSAL REPORT PREPARED BY OMSBERG & PRESTON, DATED 12/11/18.
  - OFFSITE PRE-EXISTING CULTIVATION AREAS HAVE BEEN ABANDONED & GH'S REMOVED. A LOT LINE ADJUSTMENT (LLA) IS PROPOSED AS SHOWN. IF THE LLA IS APPROVED, 3,227 S.F. OF PRE-EXISTING OFF-SITE CULTIVATION IS PROPOSED TO REMAIN TO BRING THE TOTAL PROJECT CULTIVATION AREA TO 10,000 S.F. THE PROPOSED 3,227 S.F. OF CULTIVATION AREA TO REMAIN WILL BE PLACED IN SPACES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. THIS SPACE IS ALSO PROPOSED WITHIN THE OFFSITE CULTIVATION AREA. NO CULTIVATION AREAS WILL BE ADDED/EXPANDED UNTIL COUNTY AND STATE APPROVAL. IF LLA IS NOT APPROVED THE OFFSITE CULTIVATION AREAS WILL BE REMEDIATED.
  - THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

**SITE EASEMENTS**

- (PER PRELIMINARY REPORT BY FIDELITY NATIONAL TITLE COMPANY, POLICY NO. 27-01-80 409476, DATED JANUARY 4, 2001)
- #4 EASEMENT FOR THE PURPOSE OF RIGHTS, RIGHTS OF WAY AND PRIVILEGES AND INCIDENTAL PURPOSES PER BOOK 316, PAGE 198, OF OFFICIAL RECORDS.
  - #5 EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 924, PAGE 402, OF OFFICIAL RECORDS.
  - #6 EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 926, PAGE 243, OF OFFICIAL RECORDS.
  - #7 EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 943, PAGE 282, OF OFFICIAL RECORDS.
  - #8-#9 EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1104, PAGE 136, OF OFFICIAL RECORDS.
  - #10 ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF BOOK 38 OF SURVEYS, PAGE 35.
  - #11-#12 EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1194, PAGE 550, OF OFFICIAL RECORDS.
  - #13-#14 EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1287, PAGE 25, OF OFFICIAL RECORDS.

**APPLICANT**  
**McGINLEY TRUST**  
 P. O. BOX 274  
 REDWAY, CA 95560  
 (707) 986-4004

**OWNER**  
**PEARL MCGINLEY**  
 7050 CROOKED PRAIRIE ROAD  
 REDWAY, CA 95560  
 (707) 986-4004

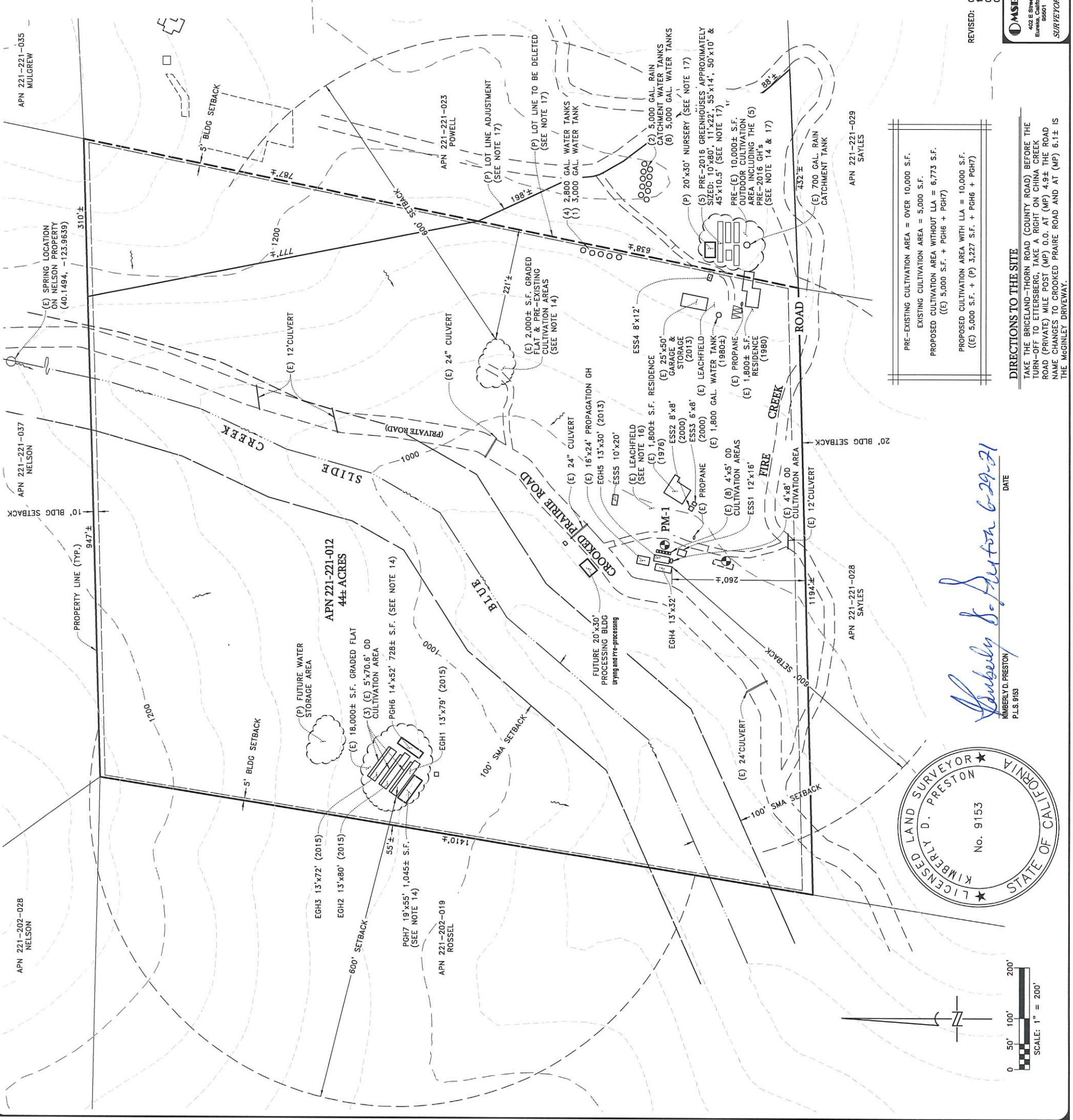
**DESIGNED BY:** DATE: 10/25/16  
**S.G.N.**  
**DRAWN BY:** DATE: 10/25/16  
**C.W.B.**  
**CHECKED BY:** DATE: 06/29/21  
**KIMBERLY D. PRESTON**

SCALE AS SHOWN  
 JOB NO. 16-1915  
 SHEET OF 1

**OMSBERG & PRESTON**  
 402 E Street  
 Eureka, California 95501  
 Telephone (707) 440-0851  
**ENGINEERS**

**PLANNERS**

**PEARL MCGINLEY**  
 In the unincorporated area of Humboldt County  
 NW 1/4 of Section 4, T.4S., R.2E., S.18N.



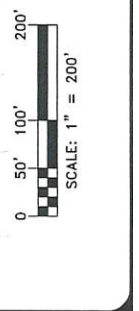
PRE-EXISTING CULTIVATION AREA = OVER 10,000 S.F.  
 EXISTING CULTIVATION AREA = 5,000 S.F.  
 PROPOSED CULTIVATION AREA WITHOUT LLA = 6,773 S.F.  
 ((E) 5,000 S.F. + PGH6 + PGH7)  
 PROPOSED CULTIVATION AREA WITH LLA = 10,000 S.F.  
 ((E) 5,000 S.F. + (P) 3,227 S.F. + PGH6 + PGH7)

**DIRECTIONS TO THE SITE**  
 TAKE THE BRICELAND-THORN ROAD (COUNTY ROAD) BEFORE THE TURN-OFF TO ETTERSBERG, TAKE A RIGHT ON CHINA CREEK ROAD (PRIVATE) MILE POST (MP) 0.0. AT (MP) 4.9± THE ROAD NAME CHANGES TO CROOKED PRAIRIE ROAD AND AT (MP) 6.1± IS THE MCGINLEY DRIVEWAY.

*Kimberly D. Preston*  
 KIMBERLY D. PRESTON  
 P.L.S. 9153

DATE: 6-29-21

**LICENSED LAND SURVEYOR**  
 KIMBERLY D. PRESTON  
 No. 9153  
 STATE OF CALIFORNIA





## ATTACHMENT 1A

### RECOMMENDED CONDITIONS OF APPROVAL

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

##### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this filing cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #10. 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.
6. Within two years from the date of permit approval the applicant shall obtain a commercial processing facility. Alternatively, the applicant may alter operations to reflect no employees and conduct trimming and packaging onsite in a permitted structure **or** maintain employees and conduct all trimming and packaging offsite at a licensed third party processing facility.
7. A metering device shall be installed at the point of withdrawal from the well used for irrigation. The applicant will maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be kept onsite and made available at the applicant's annual inspection.
8. The applicant will adhere to the recommendation made by the Division of Environmental Health and obtain a written assessment from a qualified septic consultant confirming a minimum of tier 0 status for the existing onsite wastewater treatment system.

9. The applicant will implement the following recommendations outlined in the Site Management Plan dated July 18, 2017:

Unique Map Points	Map Point Descriptions	A.S.C	Temporary BMP	Permanent BMP (Best Management Practices)	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
Project 1	Rocked Crossing	2.d.	N/A	Install rock armoring downstream and upstream	3	September 30 <sup>th</sup> , 2018	
Project 2	Culvert	2.e.	N/A	Install downspout on culvert outlet and rock armoring	3	September 30 <sup>th</sup> , 2018	
Project 3	Western Cultivation Flat	1.e.	N/A	Create bio-swale and berm or trench the western edge of flat	3	September 30 <sup>th</sup> , 2018	
Project 4	Buried DRC	1.e.	N/A	Clean inlet, possibly reinstall at steeper grade	3	September 30 <sup>th</sup> , 2018	
Project 5	Clean DRC Inlet	1.e.	N/A	Clean above the inlet and attach half-round downspout	3	September 30 <sup>th</sup> , 2018	
Project 6	Clean DRC Inlet	1.e.	N/A	Clean the inlet	3	September 30 <sup>th</sup> , 2018	
Project 7	Critical Dip Install	1.e.	N/A	Install critical dip and install 2 rolling dips uproad	3	September 30 <sup>th</sup> , 2018	
Project 8	Rolling Dip Install	1.e.	N/A	Install rolling dip road right	3	September 30 <sup>th</sup> , 2018	
Project 9	Rainwater Catchment	5.b.	N/A	Construct rainwater catchment and increase water storage	3	September 30 <sup>th</sup> , 2018	Aug 3, 2017

10. The applicant will implement the recommendations outlined in the Engineers Road Evaluation Report prepared by Omsberg & Preston which recommends that the applicant install yellow diamond shaped warning sign that reads "Caution" and a rectangular black and red information sign reading "One-Lane Road Ahead" at Mile Point 2.2 and 3.6, one facing each direction. The applicant is required to clear the brush that impairs visibility at Mile Point .22, .4, and 1.6. If one is not already existing, the applicant will install a sign reading "China Creek Road" at the intersection of China Creek Road and Briceland-Thorne Road.
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. 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.

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

- The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
- All artificial lighting used on the nursery shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to

sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association.

3. The applicant shall adhere to CALFIRE fuel modification standards as applicable.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. 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.

14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. The applicant shall adhere to the recommendation made by the Department of Public Works, Land Use Division, and maintain the intersection of China Creek Road and Briceland-Thorne road in accordance with the Sight Visibility Ordinance Compliance with this requirement will be assessed at the applicants annual inspection.
19. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
20. 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.
21. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
25. The master log-books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

26. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

27. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
29. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices

- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

32. 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.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. 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.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.



**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

## ATTACHMENT 1B

### RECOMMENDED CONDITIONS OF APPROVAL FOR LOT LINE ADJUSTMENT

#### APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE LOT LINE ADJUSTMENT:

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Title Report regarding ownership of parcels involved. (If the submitted title documents are more than 6 months old, updated documents must be submitted.)
  - c. A completed "Notice of Lot Line Adjustment and Conditional Certificate of Compliance" form. See Conditions of the Conditional Certificate below, Items
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. (Currently \$292 for DPW legal description review per legal description, \$120 Planning legal document review, \$15 notary)
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75) as required by the County Assessor shall be paid to the County Planning and Building Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition. Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

6. The property owner(s) shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required document.

**Informational Notes:**

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey..."
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
4. This permit shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
5. The October 15, 2008 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from Community Development Services.
6. The Determination of Status for this Lot Line Adjustment application found that APNs 220-171-10, -11, -19, -131-03 and -072-04 were not created in compliance with provisions of the State Subdivision Map Act and local subdivision regulations. Pursuant to Section 66499.36 of the California Government Code, the County must issue a Notice of Intent to Record a Notice of Violation for these parcels, absent measures to remedy the identified violation. Acceptable remedies include: 1) adjustment to one or more separate legal parcels; 2) merger with a separate legal parcel under the same ownership; or 3) issuance of a Conditional Certificate of (Subdivision) Compliance by the County. Until this violation is remedied, the County is prohibited from issuing any development permits for subject APNs (C.G.C. Sec. 66499.34)

**ATTACHMENT 2**

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

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

**APN: 221-221-012, Crooked Prairie Road, Ettersburg Area  
County of Humboldt**

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

**January 2022**

## Background

### **Modified Project Description and Project History –**

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

Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. The applicant will utilize light deprivation techniques to achieve two harvests annually. The project will be supported by 984 square feet of propagation space. Irrigation is provided from rainwater catchment that fills 70,600 gallons of water tanks. Estimated annual water use is approximately 60,000 gallons. A maximum of 2 employees will be utilized. Solar panels supply most of the power needed for the project and a generator is onsite to provide supplemental energy, if needed.

The project site contains a Class II intermittent watercourse, Powell Creek, and four Class III ephemeral watercourses. A review of the California Natural Diversity Database (CNDDDB) found that there are no special status plant or animal species, or species of special concern, mapped on the subject parcel. The nearest Northern Spotted Owl activity center mapped in the CNDDDB is located over 2 miles southeast of the project site and is unlikely to impact the species. A condition of approval for the project will require the applicant to maintain project related noise below 50 decibels. The project is also conditioned to adhere to International Dark Sky Standards, the supplemental lighting used in the propagation greenhouse shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

The subject parcel is located in the aboriginal territory of the Intertribal Sinkyone Wilderness Council and the Bear River Band of the Rohnerville Rancheria. The project was referred to both tribes and received a response from the Bear River Band requesting that the applicant adhere to the inadvertent discovery protocol.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

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

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- *Site Plan* prepared by Omsberg and Preston dated June 9, 2021.
- *Cultivation and Operations Plan* prepared by the applicant received March 8, 2021.
- *Water Resources Protection Plan* prepared by Natural Resources Management dated September 2017.
- *Road Evaluation Report* prepared by Omsberg and Preston dated December 28, 2018.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* prepared by Omsberg and Preston dated June 9, 2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (*Combined Cultivation and Operations Plan* prepared by the applicant received March 8, 2021 – **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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Addendum to the Cultivation Operations Plan (item 4. above).
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. (*Water Resources Protection Plan* prepared by Natural Resources Management dated September 2017 and Notice of Applicability- **Attached**)
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 California Department of Fish and Wildlife. (Final LSAA Notification No. 1600-2017-0538-R1- **Attached**)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner



has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. *Road Evaluation Report* prepared by Omsberg & Preston, dated December 28, 2018. **(Attached)**
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
16. *Conversion Mitigation Report* prepared by Natural Resources Management dated May 24, 2019. **(Attached)**

## **Cultivation Area**

- 984 sq ft of nursery
- which leaves 9658sq ft for cultivation

Which would mean adding 747sq ft to what we already have on the site plan. We could fit an 11x67 hoop house in one of our gardens (see red greenhouses in attached site plan)

## **Water Source**

Additional rainwater catchment is proposed on the house labeled in plot plan as 1800 sqft residence (1976)- in the center of the parcel. We have started working on the new system but I don't have a completion date. It could be anytime in the next 1-2 years, hopefully sooner.

## **Energy:**

We currently have on the property:

6 @ 165w

2 @ 185w

12 @ 175w

## **Processing:**

Processing will occur onsite for two years. After that either a commercial processing facility will be constructed or the applicant will revise operations to include no employees and processing will occur onsite in a permitted structure by family members only.

## **Water Storage:**

Additional water storage is proposed.

## **Access:**

We are members of the China Creek Road Association and pay annually.

## Addendum to Cultivation and Operations Plan

Upon approval of our Lot Line Adjustment our full 10,000 sq ft of pre-existing cultivation area will be on our property. In order to support and maintain the 10,000 sq ft we will need to make some adjustments to our current cultivation and operations plan:

-We will have an annual increase in water use and need additional water storage. We propose to obtain more tanks and install them above the cultivation area on the north-west side of the property (see updated site plan).

-We will also need more drying space and propose to construct an approximately 600 sq ft drying building (see site plan).

-There is currently a 384 sq ft of nursery on the property. We propose to add an additional nursery greenhouse of approx 600 sq ft for a total of 1000 sq ft of nursery.

-We would like to consolidate the currently decommissioned garden on the south east side of the property into hoop houses to facilitate easier maintenance of the property and beds, less water loss and best use of square footage.

We will also need to update all of the current hoop houses on the property, the square footage will remain the same but may be reconfigured into different dimensions. The pots and small beds loose more water to evaporation and so these may be incorporated into the large beds covered by hoop/greenhouses.

-There is a spring on the neighboring property (see updated site plan) which has historically been used by our parcel for domestic use since 1975. We are in the process of obtaining water rights for it in which case we plan to use the spring for domestic use as well as possibly to fill storage tanks in the rainy season as permitted by the Water Board and Department of Fish and Wildlife.

# Vital Herb Farms // Cultivation and Operation Plan

## Project Description

Vital Herb Farms cultivation consisted of approximately 10,000 SF pre-existing outdoor cultivation located on APN 221-221-012. After application it was discovered up to 5,000 SF of the cultivation area was in too close proximity to the property line and has been decommissioned during the application process (see remediation below). Currently there remains 5,436 SF of canopy. We are in process of a lot line adjustment to include all preexisting cultivation into this permit. If the adjustment is not attained, we propose to relocate 1,773 SF of the preexisting cultivation with the addition of one (1) 14'X52' and one (1) 19'x35' hoop house to the northwest side of the property on the existing flat for a total of 7,217 SF.

## Cultivation activities:

Feb-March: Seed germination during years seeds are used

March-May: Clone purchasing from licensed nurseries or propagated from mother plant stock or seeds

April-August: Vegetative growth through flowering and harvest

August-September: Continued flowering, harvests, drying, curing, storage and product preparation for processing facilities

October-Following Year: Drying, storage and product preparation for processing facilities

## Cultivation Area:

Total current area: 5,436 SF

Hoop houses:

(1)13'x72' (936 Sf)

(1)13'x80' (1,040 SF)

(1)13'x79' (1,027 SF)

(1)13'x30' (390 SF)

(1)13'x32' (416 SF)

Nursery/Greenhouse:

(1)16'x24' (384 SF)

Garden Boxes:

(8) 4'x5' (160 SF)

(1) 4'x8' (24 SF)

Canopy From Pots:

(3) 5'x70.6' area (1,059 SF)

Current Canopy Space 5,436 SF

Proposed Relocation from pre-existing site 1,773

Total Pre existing Canopy 10,000

Nursery Area 384 SF

Low wattage LED bulbs are used for light augmentation in the nursery during immature stage only. Nursery light is shielded using light dep tarps to adhere to Dark Sky Standards.

## Remediation Plan:

Removal of decommissioned cultivation and cultivation including hoop houses has been completed for the above mentioned decommissioned cultivation area located on the property line. As the garden is adjacent to our home, some beds have been converted to vegetable/flower garden for our family; the other large hoop house 10'X80' (Pre EGH6) bed has been planted with cover crop and straw; the bed has not been removed or used for cultivation in hopes that our lot line adjustment is approved and the county allows us to include this garden area in our permit.

## Processing Plan:

Harvested plants are dried on the premises in outbuildings indicated in the plot plan. There are future plans for the addition of an approximately 25'x25' drying facility. Solar panels supply most of the power needed for drying. Wood heat is used when needed after the rains have started. Processing takes place at an offsite facility. Pre-processing is performed on site by owners.

## Water Source:

Rainwater Catchment System: rainwater catchment provided by rain catchment tanks and a rain catchment roof system which supply all irrigation needs for this project. Total Square Footage of rain water catchment footprint areas is 2652.5 Square Feet

Eighteen (18) tanks: Total Storage Capacity = 70,600 gallons

- (1) 700 gal tank
- (1) 1500 gal tank
- (1) 3000 gal tank
- (4) 2600 gal tanks
- (11) 5000 gal tanks

(3) Catchment Surfaces:

- a. Two (2) rain catchment tanks measuring 8ft x 8ft. Tanks catch rainwater; and store up to 5000 gallons each. Rainwater is pumped to the storage tanks and then gravity fed to supply other storage tanks
- b. Garage rooftop (Latitude: 40 degrees 08.662' N; Longitude: -123 degrees 57.901' W) measuring 937 square feet. Rain is diverted from gutters to 1550 gallon storage tank then pumped to fill other storage tanks as needed.
- c. House rooftop (Latitude: 40 degrees 08.643' N; Longitude: -123 degrees 57.888' W) measuring 1587.5 square feet. Rain is diverted from gutters to 1550 gallon storage tank then pumped to fill other storage tanks as needed.

**Fire Water:** 2,500 gal tank reserved for fire suppression only.

#### **Irrigation Plan:**

In order to conserve water all beds are watered using automatic irrigation systems on timers in the early morning to decrease evaporation loss. Projected water usage is +/-2000 gal per week or approximately +/-8500 gal per month thru the growing cycle with a reduction in use as the end of the season nears in September and October. For an annual usage total of approximately +/- 60,000.

#### **Site Drainage:**

Vital Herb Farms takes seriously our commitment to protecting wildlife and habitat. Low flow emitters are used and plants are monitored closely to avoid over watering. Runoff from cultivation sites is prevented by the use of location planning, swales and waddles as described below. After harvest, all beds are covered with straw and cover crop to contain and preserve soil. Straw is also spread on hillside at cultivation site to promote growth of vegetation and decrease erosion. A bioswale has been constructed at the base of the hill above the flat on the northwest side of the property to prevent erosion of the flat. Straw wattle is strategically placed along the lower fence lines and the base of appropriate beds to prevent rainwater from washing soil from the site in order to ensure protection of our watershed and nearby habitat.

#### **Fertilizers and Pesticides**

Our integrative pest management plan has been carefully crafted to adhere to regulations. All IPM is used in accordance with product labeling, SDS and current crop regulations. Pesticides are stored in closed plastic bins in outbuildings indicated on the plot plan.

#### **Power Source:**

Primary power source is solar.

A small Honda 2000/3000 portable generator is used occasionally to power a pump for fertilizer and a sprayer for pest management when used away from the solar system. The generator is always housed within secondary containment to contain any leaks. The Honda 2000 has a decibel level of 48 decibels. The Honda 3000 has a decibel level of 50. Gas for generators is safely stored in appropriate containers with secondary catchment to protect from any leakage.

**Employees:** We currently have no employees. All work is one by myself and my husband. In the event we need additional help we will hire a maximum of 2 employees. We may also hire 1-3 people from a temporary staffing company to help for a limited number of days during planting/harvest if necessary. In the event we do have multiple people come work, carpooling is mandatory to reduce impacts on roads.

#### **Security Plan:**

All cultivation and pre-processing sites are enclosed within a fenced curtilage. Access is limited by a private road, with locked gated entry to cultivation sites.

May 1<sup>st</sup>, 2019

To whom it may concern,

The following document was written in July of 2017 and no longer reflects the most updated property and project information. NRM will be creating and submitting a Site Management Plan to the SWRCB within the next few months. This new document will provide accurate and updated information for both overall property conditions and the current *Cannabis* cultivation.

Sincerely,



Alicia Heitzman

Cannabis Compliance Supervisor  
Natural Resources Management Corporation  
1434 3rd St, Eureka, CA 95501  
707-269-1377  
[aheitzman@nrmcorp.com](mailto:aheitzman@nrmcorp.com)

Water Resource Protection Plan  
for APN 221-221-012  
Humboldt County

Submitted to:

California Regional Water Quality Control Board -  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California 95403

Prepared by:

Jennifer Hahn & Prairie Moore  
Natural Resources Management Corporation  
1434 3<sup>rd</sup> Street  
Eureka, CA 95501

July 18, 2017





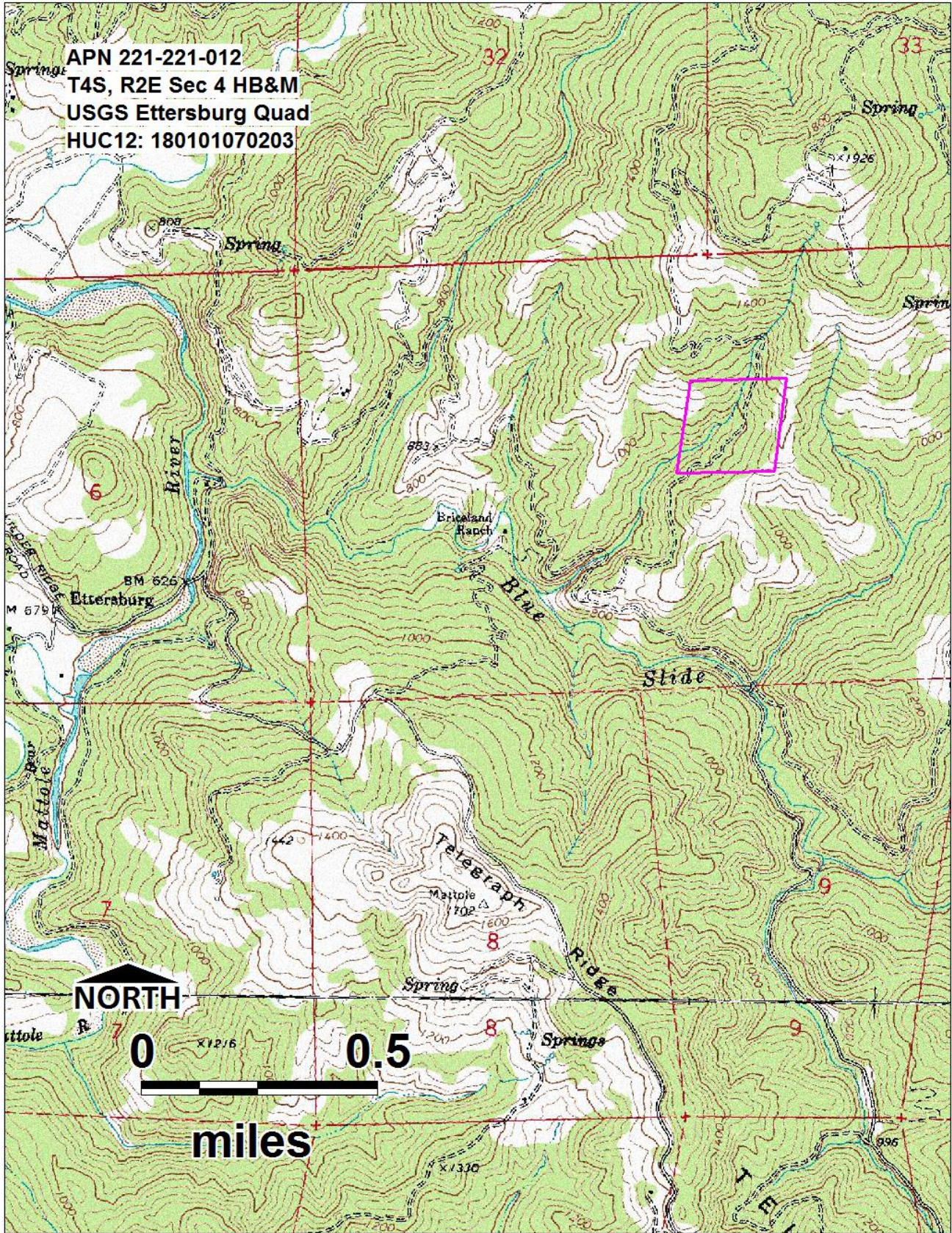


Figure 1. Vicinity map



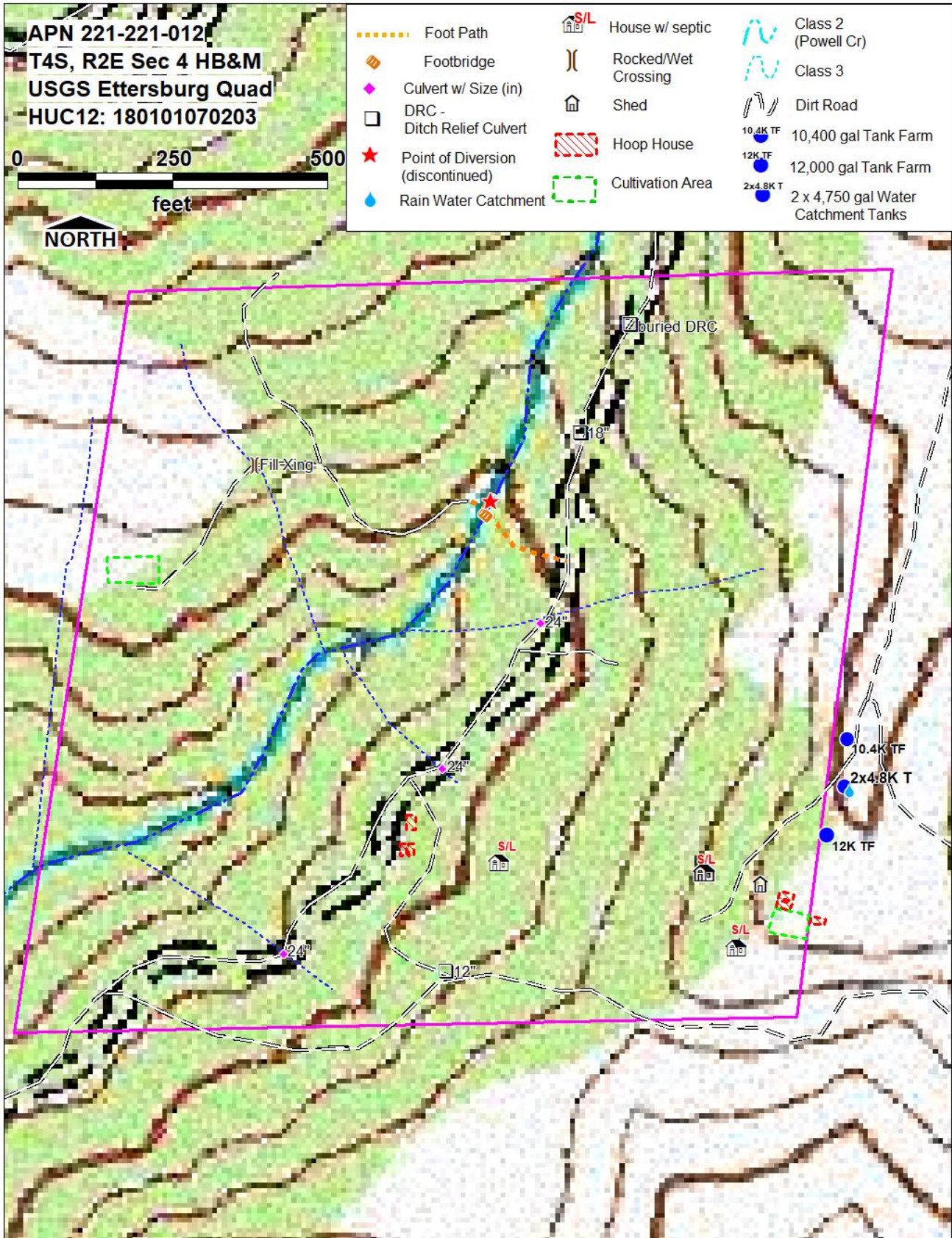


Figure 2. Property map (topographic)



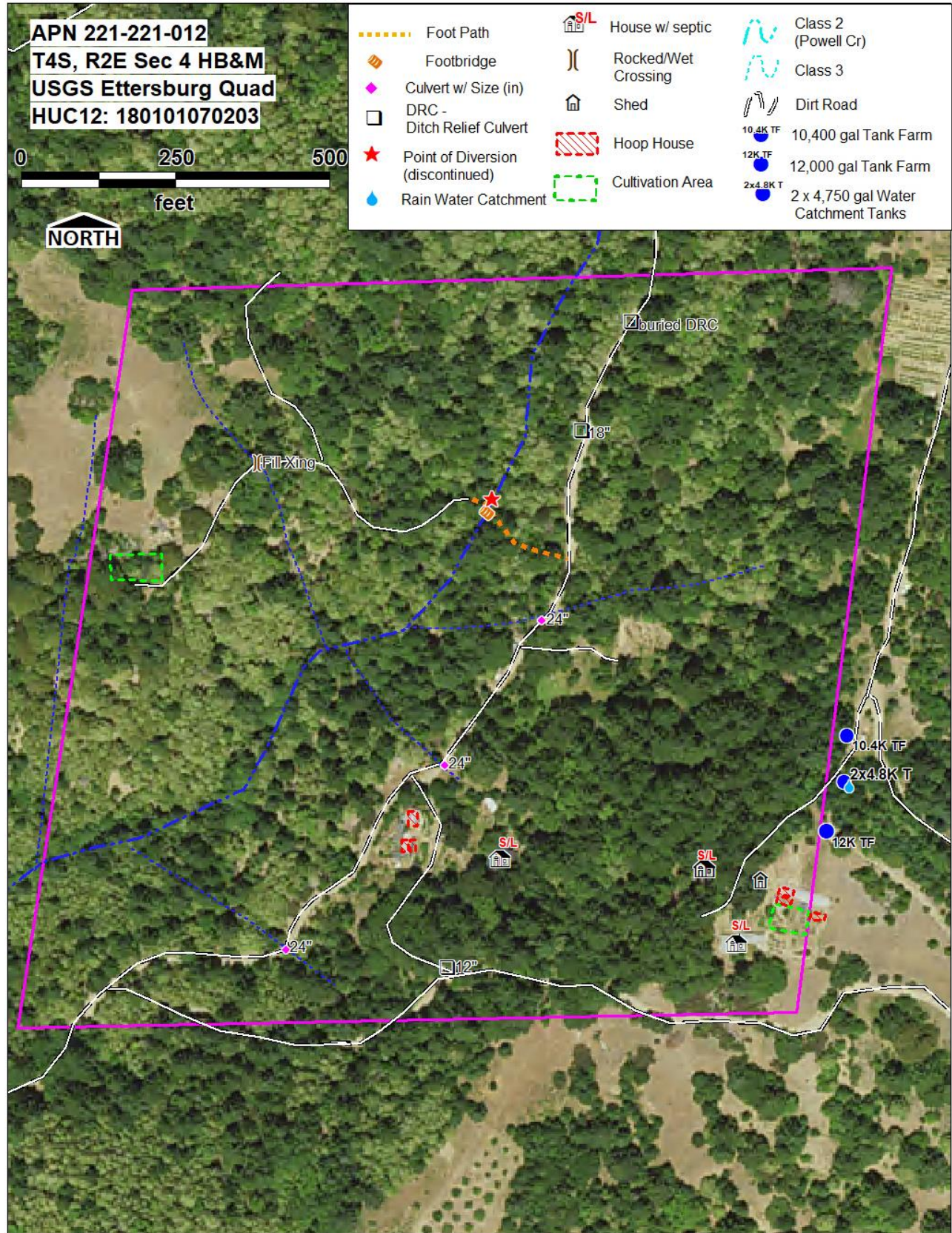


Figure 3. Property map (2016 orthographic)

## **Water Resource Protection Plan**

This document serves as the water resource protection plan for site APN 221-221-012 pursuant to Order No. R1-2015-0023. On August 13, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. One of the requirements of the order is to prepare a Water Resource Protection Plan (WRPP) for all sites that are enrolled under Tier 2 of the order.

### Site Assessment

This 35-acre parcel contains a class II stream (Powell Creek) which runs north-southwest diagonally through the parcel and four class III streams which cross roads. Three culverts were installed by Mattole River Restoration Council circa 2010, and the fourth class III stream runs across a rock crossing. A 1,160-foot north-south ridge runs along the eastern boundary of the parcel. Total cultivation area on the parcel is 10,142 square feet. Water for cultivation use has recently been updated from a diversion at Class II stream (Powell Creek) to rain water catchment storage on the parcel for the growing season starting in 2018. Drip irrigation is currently used for cultivation. The landowner currently has 31,900 gallons of water storage on the parcel, and is planning to increase storage to 46,700 gallons.

### Current Conditions

#### Watercourses

South-flowing Powell Creek (Class II) bisects the parcel north to south and flows into Blue Slide Creek approximately half a mile southwest of the parcel. Blue Slide Creek is tributary to the Mattole River. Four unnamed drainages are present on the parcel which cross roads at Class III streams via culverts and a rock crossing and drain into Powell Creek.

#### Watercourse Crossings

There are a total of four stream-road crossings on this parcel, all of which are on Class III streams. All culverts on this parcel are sized appropriately to meet a 100-year discharge. One culvert requires the addition of a downspout and rock armoring to prevent erosion, and one rock crossing requires additional rock armoring. These two projects are included in a 1600 permit which is in process. These fixes will most likely occur in the dry season between May 2018-September 2018.

#### Roads

The main access road of this parcel is situated between the ridge and Powell Creek (Class II) and is in good condition in relation to both surface and drainage standpoints. There are two water quality issues due to sediment erosion from stream crossings on the main road and a spur road that are being addressed in a 1600 permit.

#### Flats

No recent grading of landings/clearings has occurred. The easternmost cultivation site is located on a ridge and incurs minimal potential sediment delivery as downslope channels are over 200 feet away. The slope of this flat is 5% and is stable. The western cultivation site has some runoff present from the cutbank that has potential to interact with the cultivation area; however, landowner has been advised to create a bioswale at the base of the cutbank to eliminate this potential issue. The landowner has also planned to grow native plants on the hillside to

reduce runoff. The slope of this flat is 5% and is stable. The closest downslope stream (Class III) is located 50 feet from this western cultivation site. The third cultivation site has a slope of 2% and is stable. This site is located 80 feet from the closest downslope stream (Class III).

### General Property Conditions

The main access road on this parcel has properly sized culverts and two projects planned in a 1600 permit to remediate two stream crossings with erosion issues. The condition of the property will meet all standard conditions after the projects are completed.

### List of Chemicals Stored Onsite & Information about Use

Landowner uses Roots organic products and applies bat guano and molasses. This fertilizer is diluted at 9 liters per 300 gallons and is applied every other watering. Fertilizer and fuel is stored in a 12ft x 8ft storage shed on the parcel and landowner has been advised of proper containment protocols.

For future compliance, a log of nutrient use stating type of nutrient/amendments being added with stated NPK ratios (where available) will be provided to the client to track and monitor the amounts used and applied over the growing season. This monitoring log will be kept onsite for future reference and documentation of nutrient applications.

### Water Use

For the 10,142 square feet cultivation area, the watering as reported in the Monitoring Reporting Program for 2016 totals 24,275 gallons from May to October. The monthly gallon totals (starting for May) are as follows: 3,000; 5,000; 7,500; 7,500; 5,000 and 3,700.

The 2016 water storage capacity on the parcel was 21,950 gallons. The additional water needs for irrigation in 2016 were collected by diverting an unpermitted spring on a neighboring parcel (with permission from landowner) throughout the summer season. The historic off property spring diversion was replaced by a diversion in a Class II stream (Powell Creek) in 2017. For the current 2017 growing season, irrigation water is being drawn from storage tanks equaling 26,700 gallons. Starting this winter, rain water catchment will be the only source of water for irrigation and all stream/spring diversions will be discontinued for cultivation use. Rain water will be collected in two 4,750-gallon rain water catchment tanks and gravity fed into 26,700 gallons of additional storage tanks. Landowner is planning on adding gutter catchment for rain water in the future. Currently, the water storage capacity has increased to 36,200 gallons, including the two rain water catchment tanks. Cultivation areas are irrigated by a drip line system.

For future compliance, water meters will be used to quantify water use to storage and irrigation.



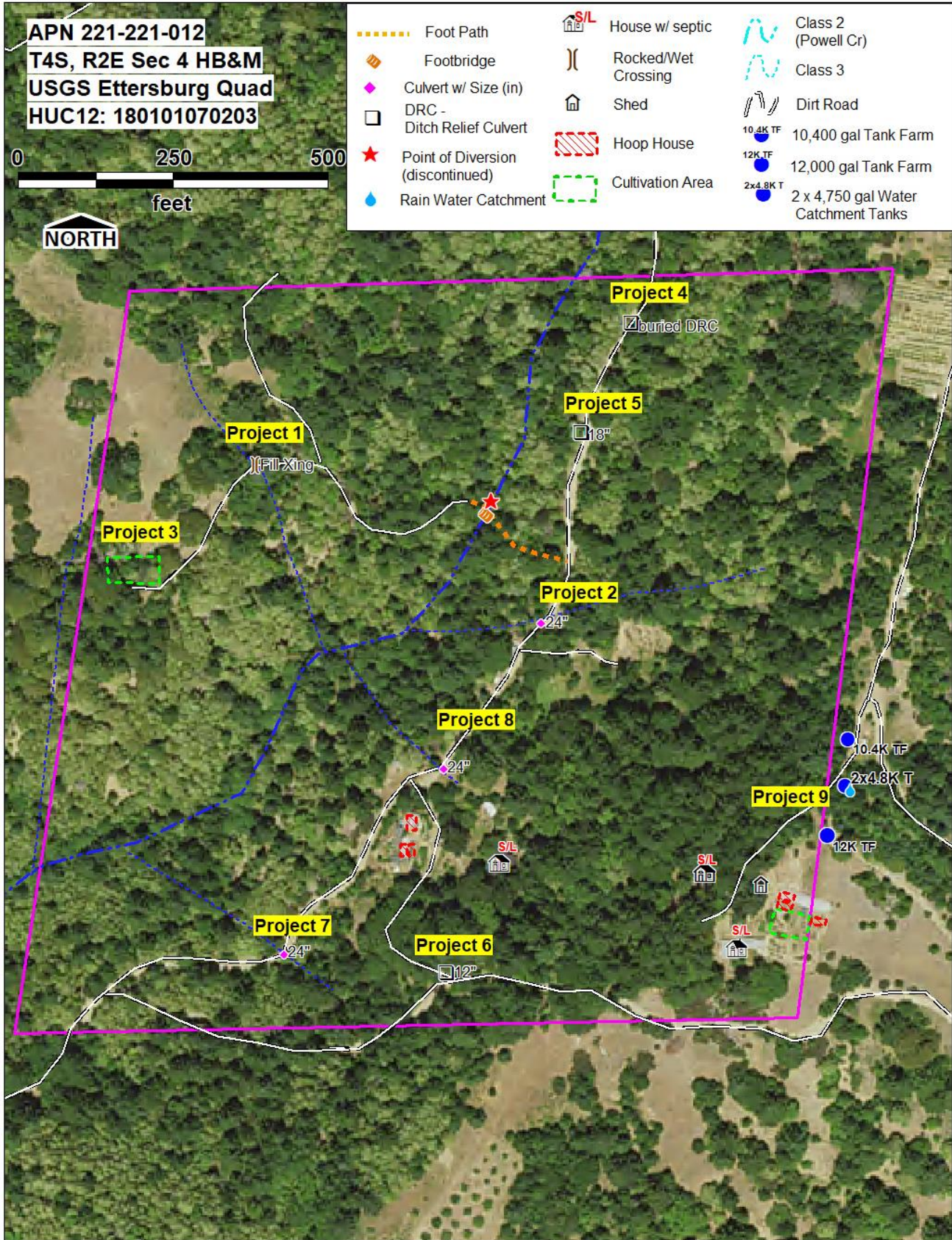


Figure 4. Corrective actions required

Corrective Actions Please refer to Figure 4, Corrective Actions map

Table 1. Features that need improvement. See Appendix B for Associated Standard Conditions (A.S.C.)

Unique Map Points	Map Point Descriptions	A.S.C	Temporary BMP	Permanent BMP (Best Management Practices)	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
Project 1	Rocked Crossing	2.d.	N/A	Install rock armoring downstream and upstream	3	September 30 <sup>th</sup> , 2018	
Project 2	Culvert	2.e.	N/A	Install downspout on culvert outlet and rock armoring	3	September 30 <sup>th</sup> , 2018	
Project 3	Western Cultivation Flat	1.e.	N/A	Create bio-swale and berm or trench the western edge of flat	3	September 30 <sup>th</sup> , 2018	
Project 4	Buried DRC	1.e.	N/A	Clean inlet, possibly reinstall at steeper grade	3	September 30 <sup>th</sup> , 2018	
Project 5	Clean DRC Inlet	1.e.	N/A	Clean above the inlet and attach half-round downspout	3	September 30 <sup>th</sup> , 2018	
Project 6	Clean DRC Inlet	1.e.	N/A	Clean the inlet	3	September 30 <sup>th</sup> , 2018	
Project 7	Critical Dip Install	1.e.	N/A	Install critical dip and install 2 rolling dips uproad	3	September 30 <sup>th</sup> , 2018	
Project 8	Rolling Dip Install	1.e.	N/A	Install rolling dip road right	3	September 30 <sup>th</sup> , 2018	
Project 9	Rainwater Catchment	5.b.	N/A	Construct rainwater catchment and increase water storage	3	September 30 <sup>th</sup> , 2018	Aug 3, 2017

Priority time frames: 1 is high priority with treatment being planned to occur immediately; 2 is a high priority for treatment to occur prior to the start of the non-diversion period; 3 is a moderate priority for treatment to occur within a year, or prior to the winter of the second season of operations; 4 is a lower priority with treatment being planned within the shortest time possible, but no later than the expiration of this Order (five years).

- 1) Project 1 is a rocked crossing on a Class III stream where rock armoring will be implemented upstream and downstream of road-stream crossing to remediate erosion. 2 cubic yards of large angular rock will be added through the crossing. This project is included in a 1600 permit which is in process.
- 2) Project 2 is the installation of an 8-foot downspout on an existing 24-inch interior diameter plastic culvert on a Class III stream. 5 cubic yards of large angular rock armor will also be applied by hand with attention to the downstream left bank. Downspout is required due to culvert shotgunning at outlet. This project is included in a 1600 permit which is in process. To improve drainage and decrease amount of runoff entering this culvert, 2 or 3 additional drainage structures (rolling dips or DRCs) should be installed uproad of this culvert.
- 3) Project 3 is at the western cultivation site and there is a runoff potential at the western edge of the flat. This can be corrected by placing a bio-swale (a trench) near the base of the cutbank to allow water to infiltrate, and not flow off the flat. Also, a berm or trench should be installed at the western edge of flat to prevent any other run-off.
- 4) Project 4 is a ditch relief culvert at the northern portion of map which needs the inlet cleaned. To be maintenance free it will need to be reinstalled at a steeper grade.
- 5) Project 5 is a ditch relief culvert just south of Project 4 on the map that requires cleaning above the inlet and a half-round downspout attached.
- 6) Project 6 is a ditch relief culvert at the southern edge of the map that requires cleaning at the inlet.



7) Project 7 is the southernmost 24” culvert which needs a critical dip installed to eliminate diversion potential. 2 rolling dips should be installed uproad, between this culvert and western house’s driveway, to eliminate any contribution to this crossing.

8) Project 7 is the central 24” culvert and a rolling dip needs to be installed road right (between middle and northern 24”) to reduce road drainage to this crossing.

9) Project 9 is the rain water catchment system that is used instead of the stream diversion. This project has been completed as of August 3<sup>rd</sup>, 2017 with the addition of two 4,750-gallon water catchment tanks that feed into 26,700 gallons of storage tanks.

Additionally, water meters will be used to quantify water use to storage and irrigation. A photo of the meter reading will be taken on the 1st of each month to document water use.

And a log of nutrient use stating type of nutrient/amendments being added with stated NPK ratios (where available) will be provided to the client to track and monitor the amounts used and applied over the growing season. This monitoring log will be kept onsite for documentation and referencing of nutrient applications.

## Winter Site Preparation

Prior to winter rains at the end of the growing season the following steps will be taken to prepare the site for winter.

- Soil used in cultivation will be piled, covered, or left in beds planted with a cover crop.
- Cannabis stems and root balls will be disposed in a manner outside of the stream buffer where they cannot enter surface waters.
- All nutrients, fuels, and other chemicals will be placed in a secure storage shed.
- All cultivation trash and debris will be properly disposed of.
- Any vegetation or debris obstructing the inlet or outlet of the culverts will be removed and disposed of where they cannot enter any streams and at least 200 feet from any streams.
- Roads will be properly maintained.

Monitoring element to ensure that BMPs are being implemented and to evaluate their effectiveness

### Corrective Action Monitoring

NRM will conduct a monitoring visit to the site following the completion of items 1- 9 in September/ October of 2018. The purpose of this visit will be to ensure the work was done correctly and meets the standard conditions of the order. Photos will be taken of each feature. Records will be kept on sites, on file at NRM, and submitted to the water board. If the work does not meet standard conditions NRM will provide the landowner instructions and guidance for improving it so it meets the standard conditions.

### Annual Monitoring

#### *Fall / Winter Monitoring*

Monitoring for this site will follow the revised Appendix C from the Order No. 2015-0023. Annual monitoring will be done each year. At a minimum it will be done prior to October 15th, by December 15th, and immediately following a precipitation event with 3 inches of accumulation in 24hr period.

Each monitoring session the following items will be inspected:

1. Pumps, nutrients, fertilizers, and any petroleum products are stored in a dry, enclosed location.
2. Soil and any spoils are properly contained and covered to prevent nutrient leaching.
3. Check and clear culvert inlets and outlets.
4. Cultivation areas for storm water preparedness.

This monitoring may be done by the landowner/registrant. Photos will be taken at each monitoring point. These photos along with the notes taken during the monitoring will be kept on-site. The monitoring forms and photos will be submitted by the landowner/registrant to NRM or the RWQCB.

#### *Growing Season Monitoring*

During the growing season the landowner will monitor the following items at least monthly:

- Tanks, bladders, and water lines to ensure there are no leaks



- Cultivation area during or immediately after watering to ensure irrigation water is soaking into the surface (not running off)
- Cultivation area to ensure that all fertilizers are properly contained in the storage shed, that all trash and debris is properly contained and secured.

The landowner/registrant will keep a record of the dates this monitoring was completed, if any corrective action was necessary, and what actions were taken. A copy will also be kept on file at NRM.

During the growing season all fertilizer use and irrigation water use will be tracked. The type and amount of fertilizers uses as well and the monthly total of water used for irrigation will be reported to NRM by December 31<sup>st</sup> of each year.

Annual monitoring reports will be submitted annually by March 31st of each year to the Water Board. The report will include the Appendix C reporting form in the Water Quality cannabis order.

Appendix A. Photo Documentation - Photos taken April 15, 2016



Western grow site (2016)



Garage for drying plants (2016)





12x8 storage shed for fertilizers, battery, fuel (2016)

Water Storage Tanks (2016)





**Photos taken May 11, 2017:**



Outboard edge of road at rocky crossing, looking upstream (Project 1)



Inboard edge of road at rocky crossing, looking upstream (Project 1)





Stream crossing outlet, looking downstream (Project 2).



Stream crossing outlet (Project 2)





Cutbank runoff near western grow



Discontinued stream diversion (Powell Creek) for cultivation watering



## **Appendix B. Associated Standard Conditions**

**I.** As described in the Order, dischargers will fall within one of three tiers.

Discharger shall be in the tier that covers the most impactful part of the operations (i.e., different sections of a property cannot be divided among the tiers). **All dischargers**, regardless of Tier are subject to the standard conditions in section **I.A**, MRP section **I.D.**, and General Terms, Provisions and Prohibitions. **Tier 2 Dischargers** are also subject to section **I.B. (a Water Resources Protection Plan)**, and Tier 3 Dischargers are subject to sections **I.A.**, **I.B.**(if cultivating cannabis), and **I.C.**

### **A. Standard Conditions, Applicable to All Dischargers**

#### **1. Site maintenance, erosion control and drainage features**

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.
- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.
- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams. Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel ([http://www.forestsandfish.com/documents/Road\\_Mgmt\\_Survey.pdf](http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)).
- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.
- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

#### **2. Stream Crossing Maintenance**

- a. Culverts and stream crossings shall be sized to pass the expected 100- year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible. At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible. If infeasible to install a critical dip, an alternative solution may be chosen.

### **3. Riparian and Wetland Protection and Management**

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands.  
The Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection. Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.
- b. Buffers shall be maintained at natural slope with native vegetation.
- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

### **4. Spoils Management**

- a. Spoils shall not be stored or placed in or where they can enter any surface water. Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

### **5. Water Storage and Use**

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.
- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.
- d. Water is applied using no more than agronomic rates. "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.
- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

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

## **6. Irrigation Runoff**

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water.

In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing offstream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

## **7. Fertilizers and Soil Amendments**

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates (see footnote on previous page).
- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

## **8. Pesticides/Herbicides**

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

## **9. Petroleum products and other chemicals**

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

**10. Cultivation-related wastes**

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters. Plant waste may also be composted, subject to the same restrictions cited for cultivation-related waste storage.

**11. Refuse and human waste**

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

**12. Remediation/Cleanup/Restoration**

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outcropping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly.

RECEIVED

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

DEC 06 2017

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. 1600-2017-0538-R1

Unnamed Tributaries to Blue Slide Creek, Tributary to Mattole River  
and the Pacific Ocean

Pearl McGinley  
McGinley Stream Crossing Project  
2 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee notified CDFW on August 8, 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 is located within the Mattole River watershed, approximately 8 miles northwest of the town of Redway, County of Humboldt, State of California. The project is located in Sections 4 and 5, Township 4 S, Range 2 E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-221-012; latitude 40.146147, N and longitude -123.967591 W at Crossing 1.

**PROJECT DESCRIPTION**

The project is limited to 2 encroachments (Table 1). Encroachment 1 is to repair a fill crossing on a Class III stream by applying rock to prevent erosion. Encroachment 2 is to remove and replace or re-install an inappropriately installed (perched) culvert. The

culvert shall be appropriately sized and installed according to the conditions in this Agreement.

Table 1. Project encroachments with description

ID	Latitude/Longitude	Description
Crossing 1	40.146147, -123.967591	Repair fill crossing on a Class III stream
Crossing 2	40.145463, -123.965927	Replace or re-install existing perched 24" diameter culvert.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### Impacts to water quality:

temporary increase in fine sediment transport

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

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

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

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.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

## **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 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.

- 2.2 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on August 8, 2017, together with all maps, BMPs, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.3 Wildlife Safe Products Only. Only wildlife-friendly 100 percent biodegradable erosion control products that will not entrap or harm wildlife shall be used. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.

### **Stream Crossings**

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 Excavated Fill. Excavated fill material shall be placed in upland 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.
- 2.8 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.

- 2.9 Fill Excavation. 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.

#### Conditions for Permanent Culverts

- 2.10 Culvert Placement. 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).
- 2.11 Streambed Construction. 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.
- 2.12 Armoring. 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.
- 2.13 Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow (slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.
- 2.14 Work Completion. The proposed work shall be completed by **no later than October 1, 2018**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.

#### Conditions for Rock Armor Placement.

- 2.15 No heavy equipment shall enter the wetted stream channel.
- 2.16 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.17 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

- 2.18 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.
- 2.19 Project Inspection. The Project shall be inspected by a licensed engineer or other qualified professional to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW **within 90 days** of completion of this project.

### 3. Reporting Measures

- 3.1 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.19) 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. Pearl McGinley  
PO Box 274  
Redway, CA 95560  
(707) 223-2238  
[dancingpearl19@gmail.com](mailto:dancingpearl19@gmail.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0538-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](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. Pearl McGinley**

  
\_\_\_\_\_  
Pearl McGinley

12/04/17  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Scott Bauer  
Senior Environmental Scientist Supervisor

12/21/17  
\_\_\_\_\_  
Date

Prepared by: Angela Liebenberg, Senior Environmental Scientist Specialist, November 3, 2017

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT



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

Applicant Name: PEARL MCGINLEY APN: 221-221-012

Planning & Building Department Case/File No.: 12345

Road Name: CHINA CREEK ROAD (complete a separate form for each road)

From Road (Cross street): BRUCELAND - THURNE ROAD (COUNTY)

To Road (Cross street): MP 5.1 where NAME CHANGES

Length of road segment: 5.1 miles Date Inspected: 12/12/18

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

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

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



**PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.**

Road Name: China Creek Road Date Inspected: 12/12/18 APN: 221-221-012  
 From Road: \_\_\_\_\_ (Post Mile \_\_\_\_\_) Planning & Building  
 To Road: \_\_\_\_\_ (Post Mile \_\_\_\_\_) Department Case/File No.:

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:  
 (Contact the Planning & Building Department for information on other nearby projects.)

ADT: 200-300 Date(s) measured: ESTIMATED

Method used to measure ADT:  Counters  Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400?  Yes  No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one:  No.  Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one:  No.  Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one:  No.  Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one:  No.  Yes ( check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one:  No.  Yes.

F. Need for turn-outs.

Check one:  No.  Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. ( check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer: [Signature] PE Date: 12/21/18

(SEAL)

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: PEARL M'GINLEY APN: 221-221-012

Planning & Building Department Case/File No.: 1234

Road Name: HIDDEN PRAIRIE ROAD (complete a separate form for each road)

From Road: SHINA CREEK ROAD

To Road (Cross street): M'GINLEY'S DRIVEWAY

Length of road segment: 0.8 miles Date Inspected: 12/12/13

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

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

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



**PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.**

Road Name: HIDDEN PRAIRIE ROAD Date Inspected: \_\_\_\_\_ APN: 221-221-012  
 From Road: CHINAY CREEK RD (Post Mile 5.1 ) Planning & Building  
 To Road: MCGINLEY'S DRIVEWAY (Post Mile 5.9 ) Department Case/File No.:

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:  
 (Contact the Planning & Building Department for information on other nearby projects.) \_\_\_\_\_

ADT: 100-200 Date(s) measured: ESTIMATED

Method used to measure ADT:  Counters  Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400?  Yes  No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one:  No.  Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one:  No.  Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one:  No.  Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one:  No.  Yes ( check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one:  No.  Yes.

F. Need for turn-outs.

Check one:  No.  Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. ( check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer Stephan H. [Signature] PE

Date \_\_\_\_\_

(SEAL)

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



May 24, 2019

Pearl McGinley  
PO Box 274  
Redway, CA 95560  
Dancingpearl19@gmail.com



**Pearl McGinley Conversion Mitigation Report  
for Humboldt APN #221-221-012  
SW ¼ of NW ¼ of Section 4, T4S, R2E HB&M**

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

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act. On May 22, 2019, Ethan Coonen of Natural Resources Management Corp. visited the property and inspected the converted areas. The clearing efforts that occurred during the current ownership are considered conversion of timberland and were performed without a proper permit from CalFire.

1. Contact Information

a. Timberland/Timber Owner of Record:

Pearl McGinley  
PO Box 274  
Redway, CA 95560  
(707) 223-2238

b. Registered Professional Forester Preparing Report:

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

2. Location of Project

a. Site Address: 7050 Crooked Prairie Road, Redway CA 95560

- b. Community Area: China Creek Road
- c. Assessor's Parcel No(s): 221-221-012
- d. Parcel Size(s): 40 acres

3. Project Description

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

The property is within a Douglas-fir/oak forest. The surrounding forest composition consists primarily of less than uneven aged second growth Douglas-fir and oak with a minor amount of other hardwood species. With all species combined, basal area ranges between 60 to 220 square feet per acre with 40% to 100% closed canopy. The property is zoned Unclassified (U).

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

*RIPARIAN BUFFER WIDTHS:*

*Class II standard watercourse 14CCR 916.9(g): (within the Coastal Anadromy Zone)*

*Channel Zone = channel between the WTL.*

*<30% = 15' Core Zone and 50' Inner Zone*

*30%-50% = 15' Core Zone and 75' Inner Zone*

*>50% = 15' Core Zone and 100' Inner Zone*

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

*30 ft. for side slopes <30%.*

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

There are several class III watercourses and a class II watercourse on the parcel. None of the conversion areas are within the riparian buffers.

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

Nearly all the conifer forests in the area were harvested in the late 40's and early 50's; Large diameter Douglas-fir trees were tractor yarded.

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

Three illegal conversions have occurred on this parcel, totaling **0.85 acres**. Discloser: an area in the middle of the property had been used for residence and cannabis cultivation in the 1990's but it was never converted from forest since trees were never cleared from the site. The site has been abandoned and is naturally being encroached upon by the surrounding forest (Photo 1). See Project Map (Figure 2) for locations of conversions and the disclosure.

Name	Year Converted	Acres
Site A	2013	0.14
Site B	1970's	0.51
Site C	2003 & 2011	0.20

### Conversion Site A

This site was converted in 2013 when a road and terrace were constructed on the forest / meadow edge (Figures 2 & 3, Photos 2 & 3). The terrace and cultivation area are partially in the conversion and partially occupying the adjacent meadow, spanning approximately 130' by 130' area. Currently three greenhouses occupy the terrace. Aspect is south and surrounding slopes range from 30% to 40%. A class III watercourse flows north to south at 50' to the west of the greenhouses. A minor erosional feature is present on the north side of the terrace, see Recommendation #1 and Photo 4. A large pile of slash is present at the south edge, see Recommendation #2 and Photo 5. The area is accessed from the north by a dirt road. About 4 tanoak trees were cleared from a ~70' by ~85' area, totaling approximately **6,300 square feet (0.14 acres)** of conversion. Grading has occurred here. Ownership at time of conversion was Pearl and Margaret McGinley.

### Conversion Site B

This site was converted in the 1970's when a 'homestead' was built where a log landing left the area free of trees (Figures 2 & 4, Photos 6-8). *Cannabis* cultivation began at this site in the 1980's. A residence, three greenhouses, a garage, and several sheds occupy the site. Several Douglas-fir trees were recently cleared from the southwest corner. The has west aspect and surrounding slopes range from 20% to 35%. The area is accessed from the west by a partially rocked road. The site spans approximately a 100' by 235' area, totaling approximately **22,100 square feet (0.51 acres)** of conversion. No inconsistencies with the FPR present. Ownership at time of conversion was Pearl and Margaret McGinley.

### Conversion Site C

This site was originally used for *Cannabis* cultivation in the 1980's. The garden was relocated, and a house was built in 2003. It is not clear how much forest was cleared from this site since it is on the forest / meadow edge and forest is currently present on three sides. Minor grading occurred during house construction. In 2011, in the adjacent forest, a two-store building with garage was constructed between mature Douglas-fir trees. To make space for the garage, approximately 2 trees were cleared, and minor grading occurred, but the area is still forested; canopy cover over the garage is 100% (Figures 2 & 5, Photos 9-12). The *Cannabis* garden that was associated with this site shifted to the east over the years. Eventually the *Cannabis* garden had expanded beyond the parcel boundary and was discontinued in 2017 (Photo 13). *Cannabis* cultivation no longer occurs at this site. This conversion site is NOT used for any part of the *Cannabis* cultivation operation occurring elsewhere on the parcel. The area is accessed from the north by a dirt road. The site spans a 75' by 170' area, totaling approximately **8,845 square feet (0.2 acres)** of conversion. No inconsistencies with the FPR present. Ownership at time of conversion was Pearl and Margaret McGinley.

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

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

No permits were obtained prior to conversion operations. No erosion issues associated with timber clearing present at any of the three conversion sites.

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

The access road to the conversion sites is the appurtenant roads for the conversion operations that occurred. In general, the roads are in good condition. The road system needs a few more drainage facilities; several rolling dips or waterbars. See recommendations 4-7 below.

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

No watercourse protection issues present at the conversion sites or with their access. There are four watercourse crossings. A 1600 Permit has been obtained from CDFW and an Appendix D permit with the Water Board is pending. Two of the crossings (Recommendations # 7 & #8) are properly fitted for



the drainage. Two crossings (Recommendations #6 & #9) will be repaired pending the Appendix D permit.

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

A large pile of tanoak slash is present at Conversion Site A, see Recommendation #2 below.

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

No Rare, Threatened or Endangered Plants or Animals were observed during the site visit. According to California's Natural Diversity Database No listed or sensitive species are within 1000' of the parcel.

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

No evidence of historical or archaeological sites were observed at or near the conversion sites.

5. Summary and Recommendations

All three conversion sites are suitable for current uses.

7 recommendations are given to bring the conversion sites and their access into compliance with the Forest Practice Rules. The last 2 recommendations for monitoring at watercourse crossings. Watercourse crossing projects are addressed in an approved 1600 permit and a pending Appendix D permit. Locations of recommendations can be found on Figures 2, 3, & 4 labeled as Recommendations.

- #1) Two small knick-point erosion features are present on the north edge of the Site A terrace, see Photo 4. Re-contour terrace edge to remove erosional features. Line terrace edge for 12' and down 4' with minimum 4" diameter rock.
- #2) Untreated slash creating fire hazard and pest habitat, see Photo 5. Pile and burn, chip and spread, bury woody debris, or make firewood to reduce fire potential, fire severity, and pest habitat. To burn slash permits must first be obtained from Air Resources Board and possibly CalFire (call Weott office 707-946-2215).
- #4) Surface flow on dirt road. Construct rolling dips or waterbars to divert flow off roadway and prevent erosion. Space drainage features according to Table 1 below. For construction details see Table 2 and Figure 6 or 7.
- #5) Surface flow on dirt road. Construct rolling dips or waterbars to divert flow off roadway and prevent erosion. Space drainage features according to Table 1 below. For construction details see Table 2 and Figure 6 or 7.

Table 1. Maximum Distance Between Drainage Features

Road Gradient in Percent	< 10	11-25	26-50
Distance in Feet	200	150	100

- #6) Dirt road crosses a class III watercourse with 24" diameter culvert. Culvert outlet is shotgunned. Road above is connected to watercourse with inboard ditch. Disconnect road from watercourse; Construct

rolling dip 50' up-road of crossing to drain road surface flow and ditch flow before flow enters watercourse. This crossing is included in the 1600 and Appendix D permits and is scheduled to be remediated with outlet armoring.

#7) Dirt road crosses class III watercourse with fill crossing. Erosion has removed the outboard edge of road at crossing. Follow 1600 permit recommendations; replace missing portion of road (outboard edge) with approximately 2 yards of large angular rock (mix of 6" to 18" diameter). Keystone rock to form continuous drainage channel from road prism past erosional feature so that majority of water flows over rock, NOT behind rock fill. This crossing is included in the 1600 and Appendix D permits.

#8) Dirt road crosses a class III watercourse with 24" diameter culvert. Monitor for plugging; remove woody debris and sediment from inlet as necessary. This crossing is included as a non-project point in the 1600 and Appendix D permits.

#9) Dirt road crosses a class III watercourse with 24" diameter culvert. Monitor for plugging; remove woody debris and sediment from inlet as necessary. This crossing is included as a non-project point in the 1600 and Appendix D permits.

#### 6. Photos, Figures, Map

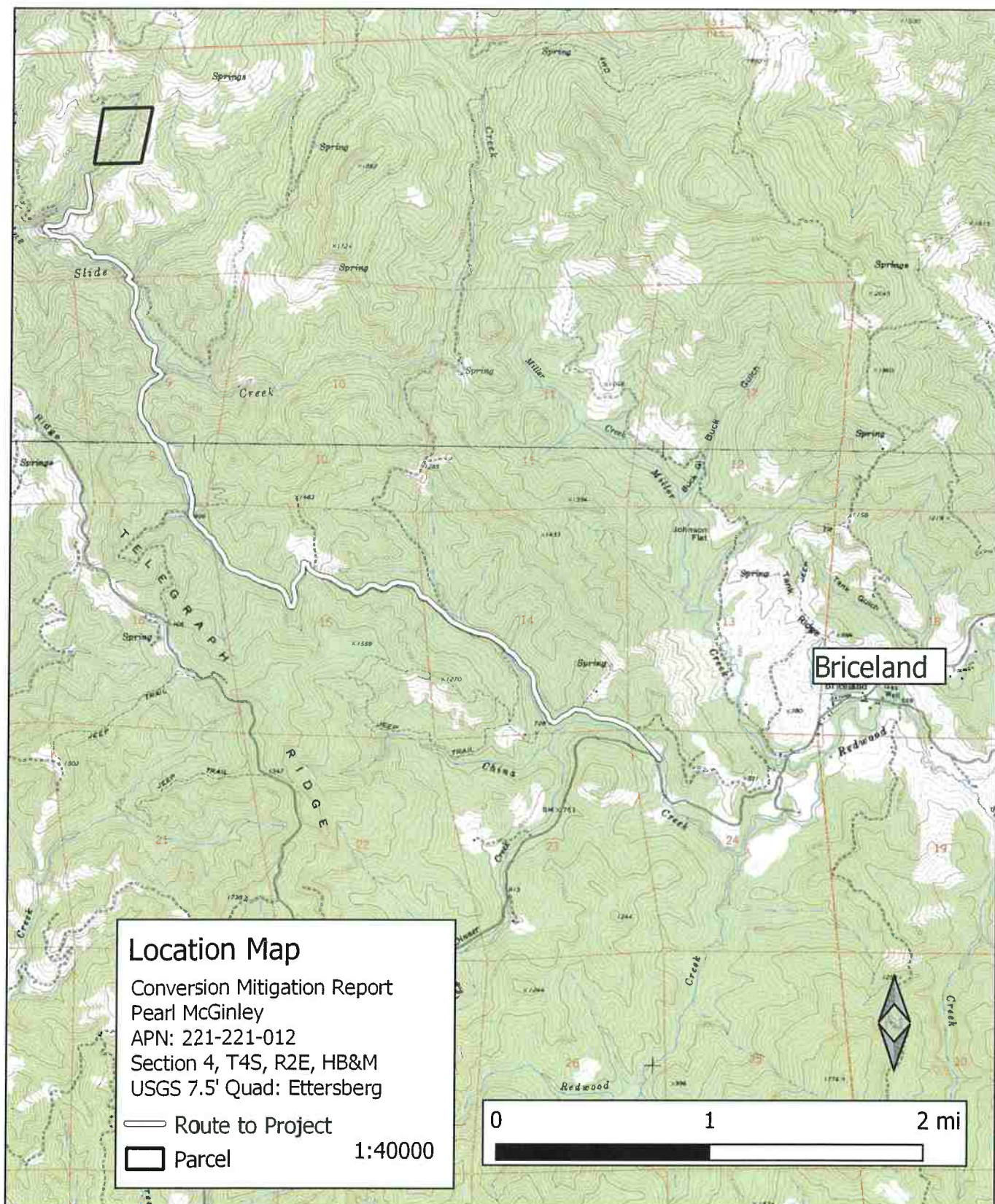


Figure 1. Location Map.



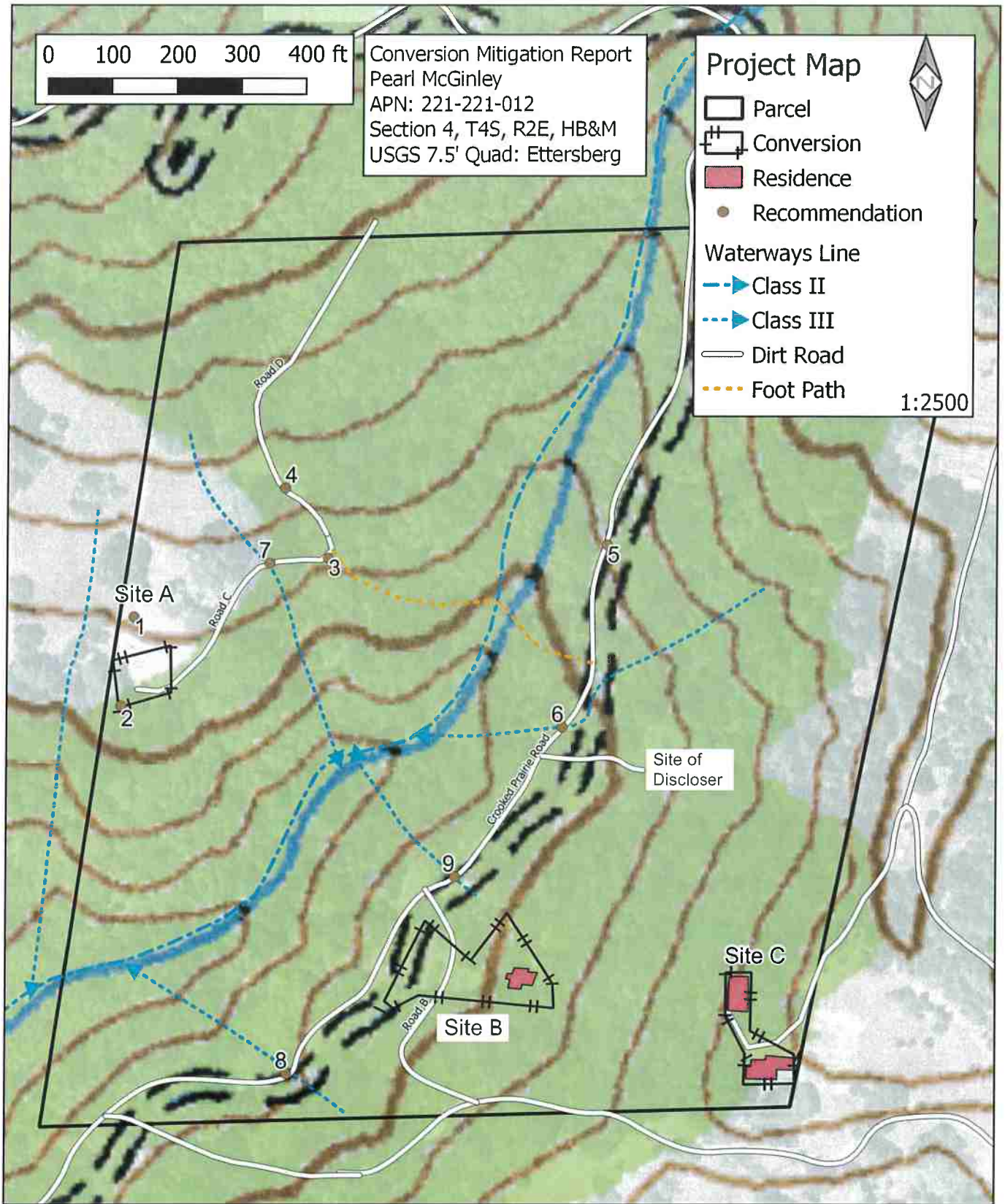


Figure 2. Project Map



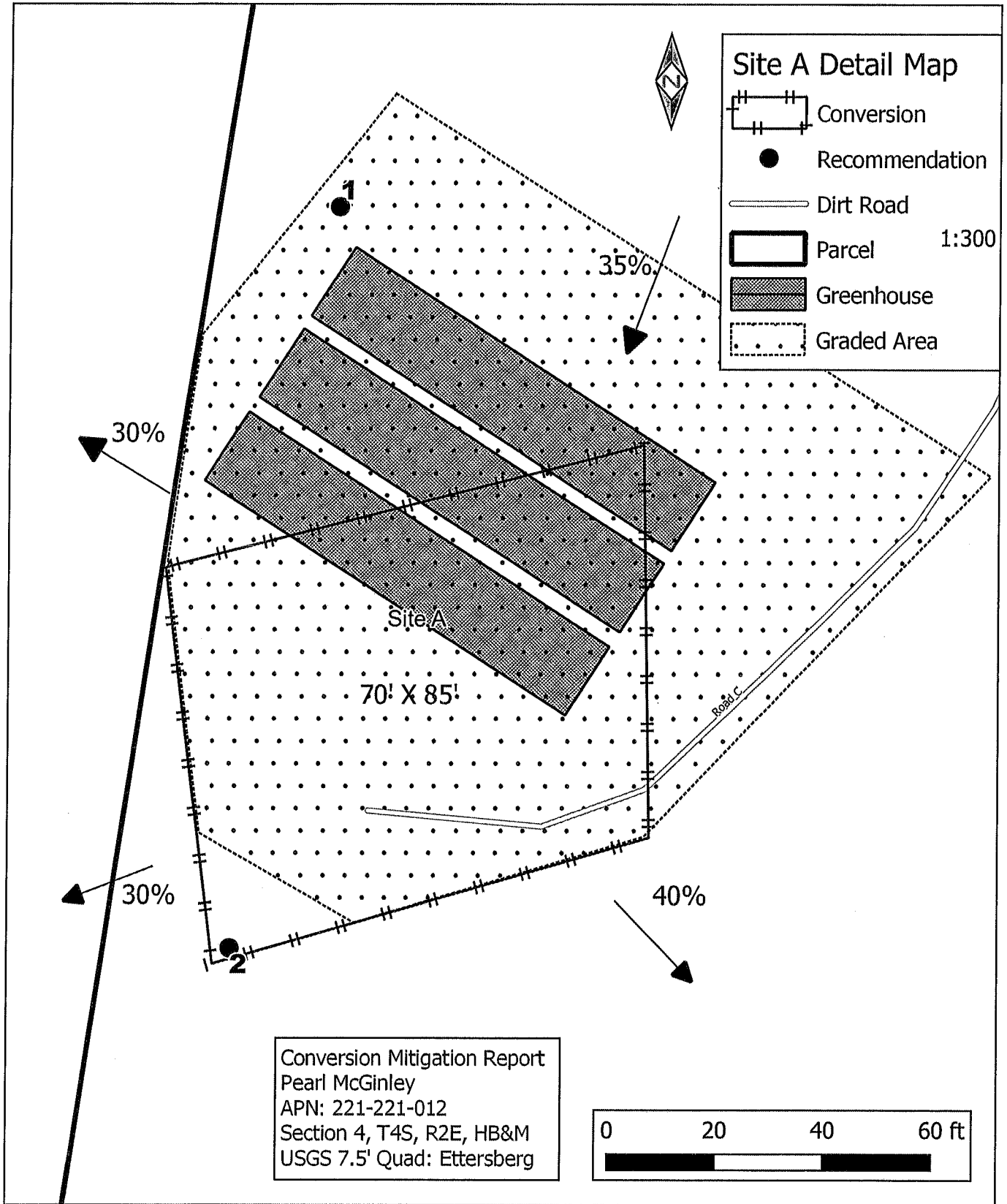


Figure 3. Detail Map for Conversion Site A.

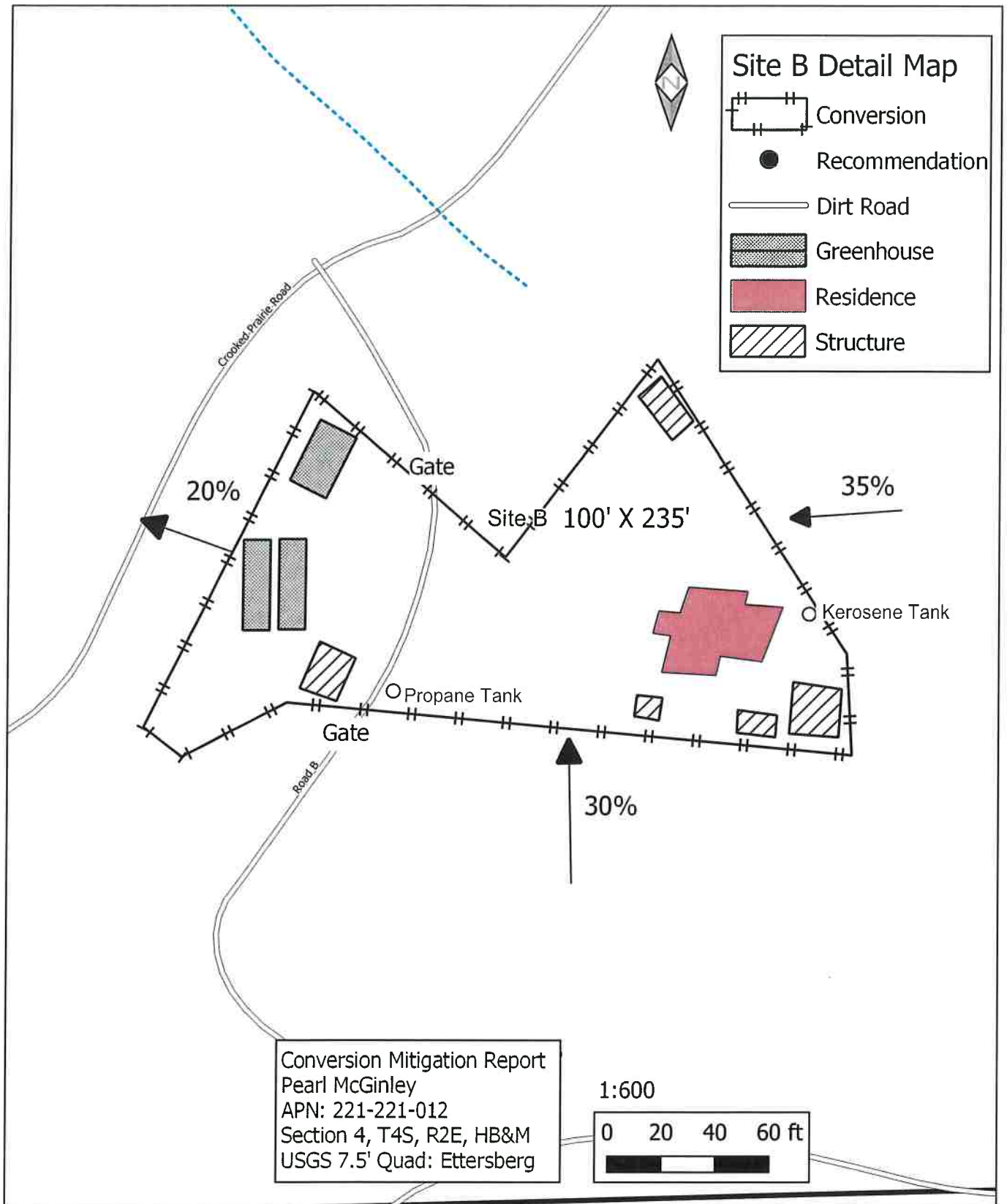


Figure 4. Detail Map for Conversion Site B.

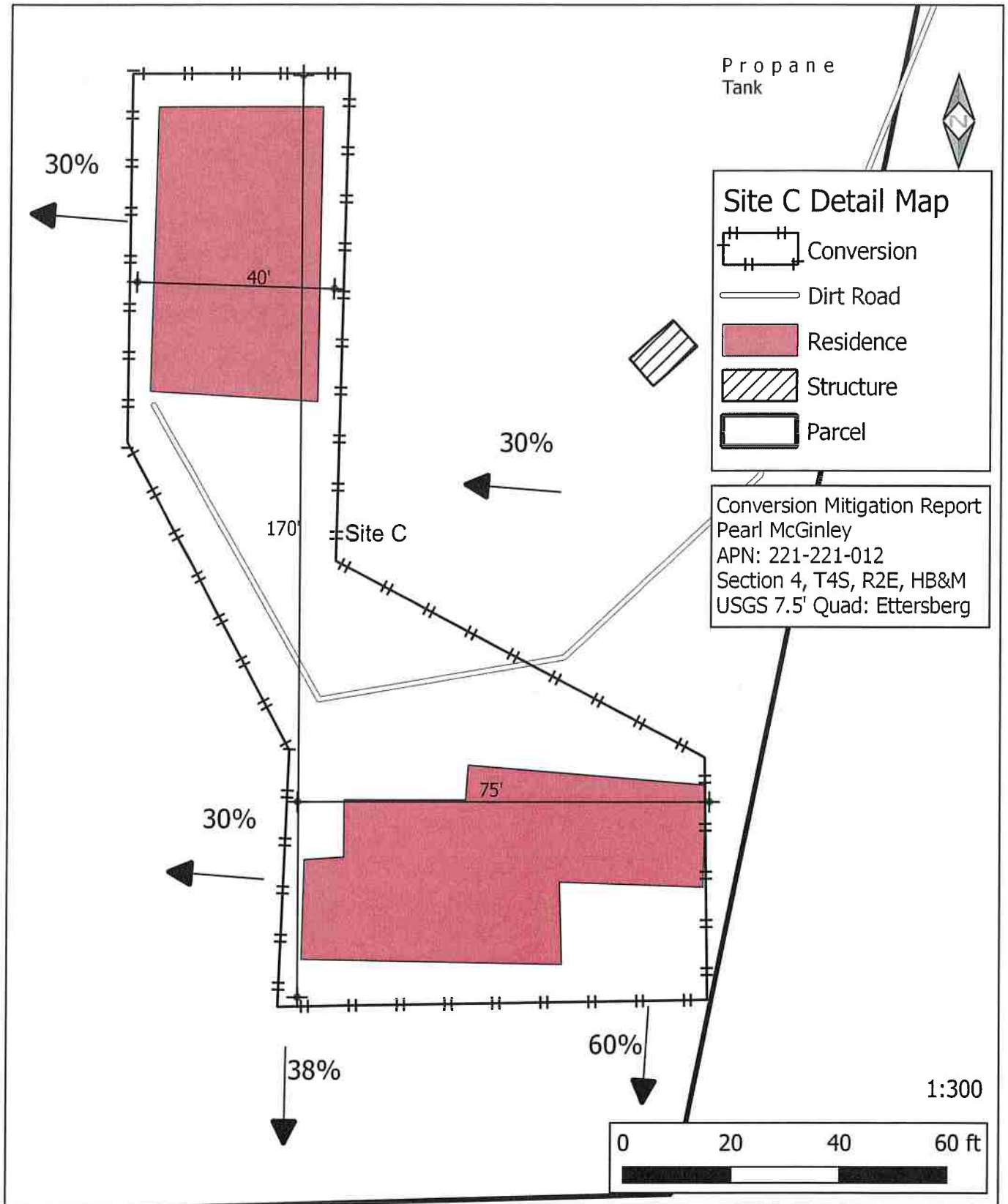


Figure 5. Detail Map for Conversion Site C.

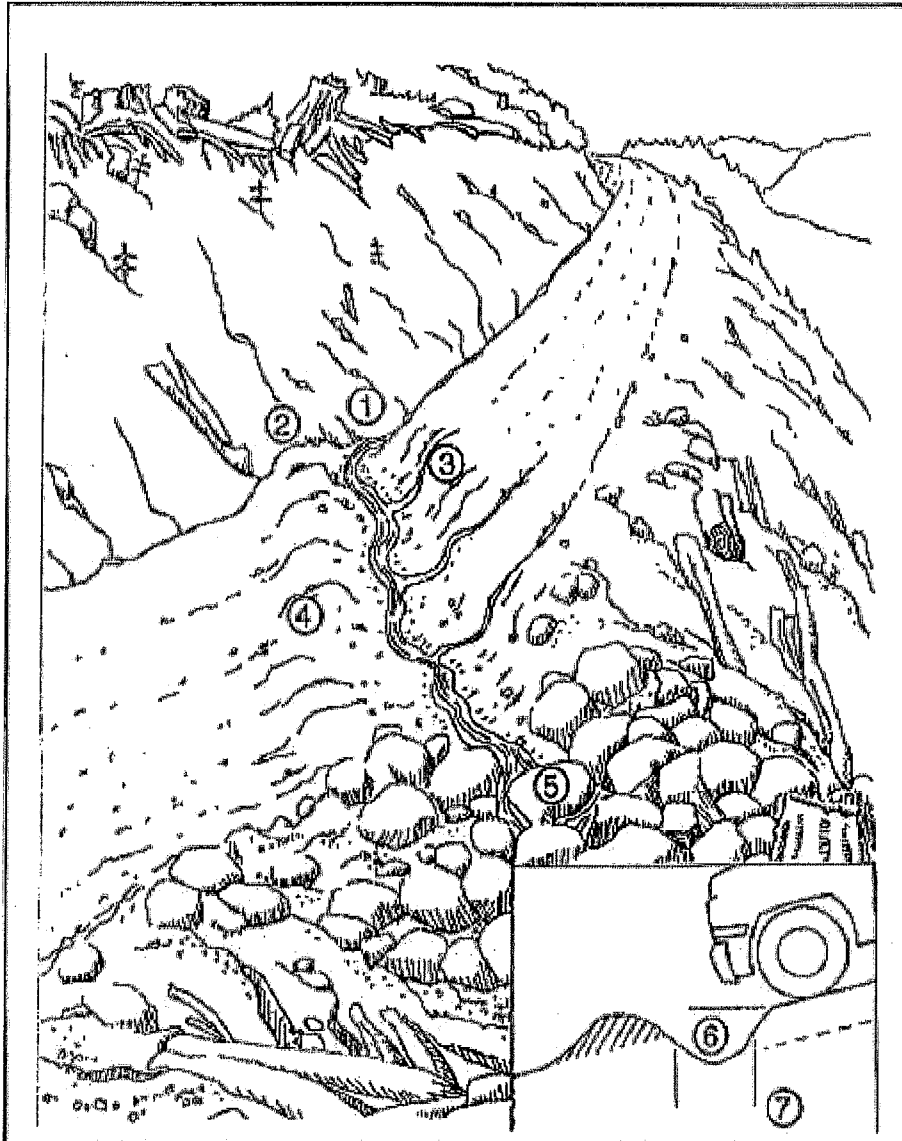


Figure 6. Waterbar Diagram; Waterbars are constructed on unsurfaced forest and ranch roads that will have little or no traffic during the wet season. The waterbar should be extended to the cutbank to intercept all ditch flow (1) and extend beyond the shoulder of the road. A berm (2) must block and prevent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



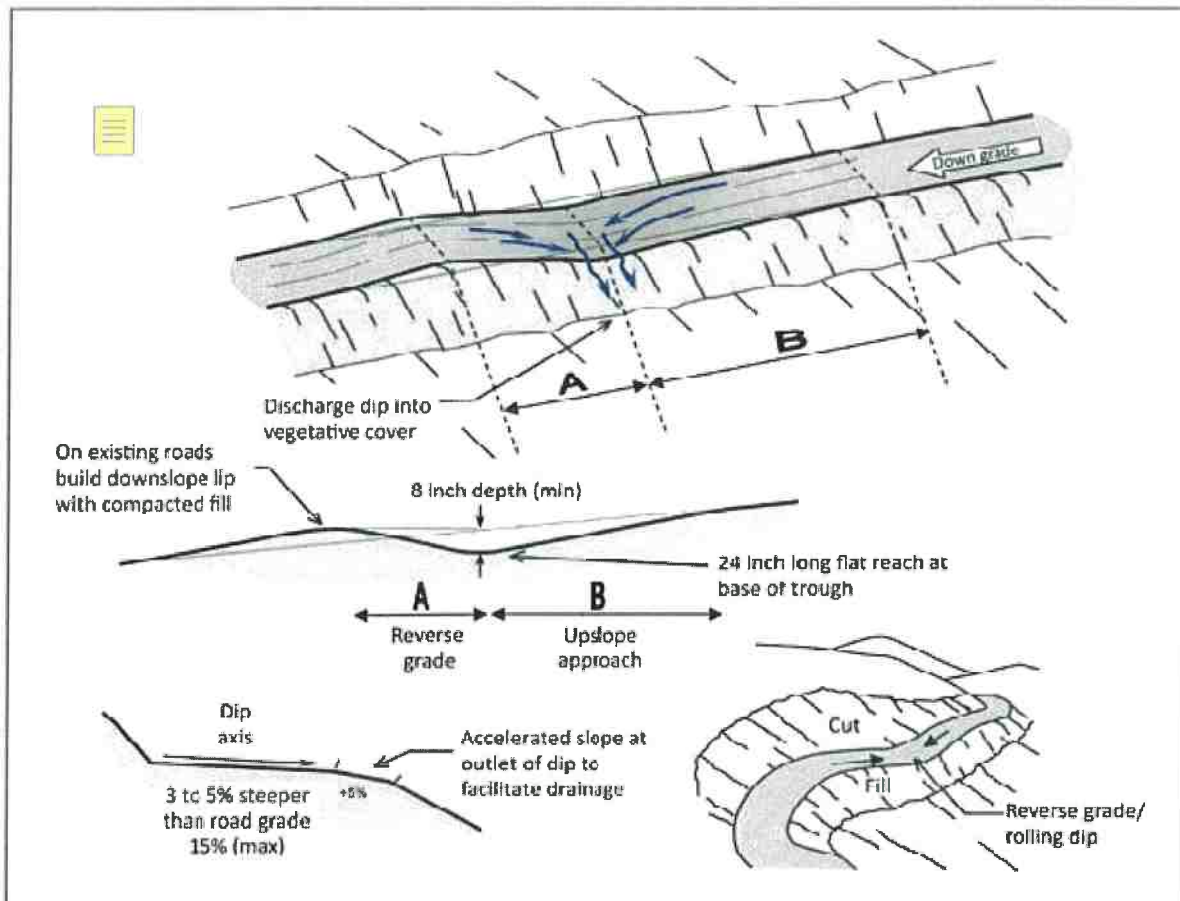


Figure 7. A classic Type I rolling dip, where the excavated up-road approach (B) to the rolling dip is several percent steeper than the approaching road and extends for 60 to 80 feet to the dip axis. The lower side of the structure reverses grade (A) over approximately 15 feet or more, and then falls down to rejoin the original road grade. The dip must be deep enough that it is not obliterated by normal grading, but not so deep that it is difficult to negotiate or a hazard to normal traffic. The outward cross-slope of the dip axis should be 3% to 5% greater than the up-road grade (B) so it will drain properly. The dip axis should be outsloped sufficiently to be self-cleaning, without triggering excessive downcutting or sediment deposition in the dip axis (Modified from: Weaver et.al 2015).

Table 2. Dimensions for rolling dip construction.

Road grade (%)	Upslope approach (distance from uproad start of rolling dip to trough) (ft)	Reverse grade (distance from trough to crest) (ft)	Depth below average road grade at discharge end of trough (ft)	Depth below average road grade at upslope end of trough <sup>2</sup> (ft)
< 6	55	15-20	0.9	0.3
8	65	15-20	1.0	0.2
10	75	15-20	1.1	0.1
12	85	20-25	1.2	0.1
>12	100	20-25	1.3	0.1

Photos



Photo 1. Disclosure Site. Site of discontinued *Cannabis* garden and residence.



Photo 2. Site A; south side looking north.





Photo 3. Site A; Northeast corner looking southwest.



Photo 4. Site A; north edge looking at two small knick-point erosion features (Recommendation #1). Fill erosion features and armor edge of fill slope with 4" diameter rock.





Photo 5. Site A; west side looking west at tanoak slash pile (Recommendation #2).



Photo 6. Site B; northeast corner looking southwest.





Photo 7. Site B; west side looking south.



Photo 8. Site B; south of residence looking east.



Photo 9. Site C; looking north from site center at two story garage.





Photo 10. Site C; east side looking northwest.



Photo 11. Site C; East side looking south at residence.





Photo 12. Site C; southwest corner looking south.



Photo 13. Site C; southeast corner looking east beyond site at discontinued *Cannabis* garden.



DON A. ROBERTSON

WHEN RECORDED MAIL DOCUMENT TO:

Humboldt County, California  
Carolyn Crouch, Recorder

Recorded by megintley

Rec Fee 10.00  
Clerk: KJ Total: 10.00

Feb 3, 2005 at 10:05

PEARL McGINLEY  
P.O. Box 274  
Redway, CA 95560

APN: 221-221-012

**GRANT DEED**

The undersigned grantor declares

Documentary transfer tax is: \$ 0 CITY City tax: 0

computed on full value of property conveyed, or

computed on full value less value of liens or encumbrances remaining at time of sale

unincorporated area City of \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DON A. ROBERTSON, a single man,

hereby grants to

PEARL McGINLEY, a single woman,

the following described real property in the unincorporated area of the County of Humboldt,  
State of California:

His undivided one-quarter (1/4) interest in and to the real property described in  
EXHIBIT ONE attached hereto and made a part hereof.

Dated: February 1, 2005

  
Don A. Robertson

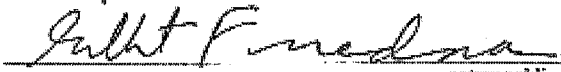
State of California  
County of Humboldt

On 2/3/05 before me, Gilbert Friedman, notary public,  
personally appeared DON A. ROBERTSON,

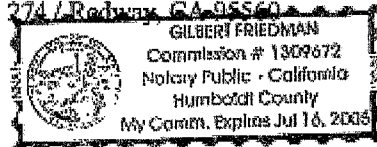
personally known to me - OR -  I proved to me on the basis of satisfactory evidence to be the person whose name is  
subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his  
signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.  
(Seal)



  
notary public

PLKANE 001. 00 STATEMENTS, Ms. Margaret M. McGinley / P.O. Box 274 / Redway, CA 95560



## EXHIBIT ONE

### Parcel One

The Southwest Quarter of the Northwest Quarter of Section 4, Township 4 South, Range 2 East, Humboldt Meridian, according to the Official United States Government Survey.

EXCEPTING THEREFROM, however, all coal, salt, petroleum, oil, asphaltum, naphtha, gas or other hydrocarbons and incidental rights as heretofore reserved of record.

### Parcel Two

A non-exclusive right of way for ingress, egress and public utilities to be used in common with others, over the road designated as "Centerline of a 60 foot wide Private Right-of-Way" on the record of survey on file in the Office of the County Recorder of said County in Book 23 of Surveys, page 31, as conveyed to James M. Ekedal and wife by deed recorded December 5, 1967 in Book 943 of Official Records, page 262.

EXCEPTING FROM Parcel Two that portion thereof lying within Parcel One above described.

### Parcel Three

A non-exclusive right of way for ingress, egress and public utility purposes to be used in common with others, over those strips of land designated as "Existing Private Road" on the record of survey on file in the Office of the County Recorder of said County in Book 22 of Surveys, pages 66 to 69, inclusive, as conveyed to James M. Ekedal and wife, by deed recorded December 5, 1967 in Book 943 of Official Records, page 262.

GJ/eb

RECORDING REQUESTED BY  
 DELGIER ABSTRACT & TITLE CO.  
 AND WHEN RECORDED MAIL TO  
 NAME [ Miss Margaret M. McGinley  
 ADDRESS [ P.O. Box 386  
 CITY & STATE [ Gebeville, California 95040 ]

7304  
 BECKER ABSTRACT & TITLE CO.  
 REC'D 1287  
 APR 25  
 APR 9 11 21 AM 1975  
 HUMBOLDT COUNTY RECORDS  
 SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENT NO. [ ]  
 NAME [ ]  
 ADDRESS [ SAME AS ABOVE ]  
 CITY & STATE [ ]

DOCUMENTARY TRANSFER TAX IS [ 4% ]  
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED.  
 ENCUMBRANCES [ ]  
 DELGIER ABSTRACT & TITLE COMPANY

143816 LTR/18

**Individual Grant Deed**

FOR VALUE RECEIVED, SARAH M. NICHOLS, who acquired title to the land herein described as SARAH NICHOLS, a single woman

GRANTS to MARGARET M. MCGINLEY, a single woman

All that real property situate in the

County of Humboldt, State of California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

AP# 221-221-12

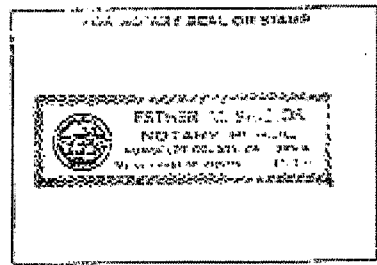
Dated April 25, 1975

*Sarah M. Nichols*  
 SARAH M. NICHOLS

STATE OF CALIFORNIA  
 I, \_\_\_\_\_, Clerk of the County of Humboldt,  
 do hereby certify that the within instrument was acknowledged before me by  
 a Notary Public, in and for said State, personally appeared  
 Sarah M. Nichols  
 known to me to be the person whose name is  
 subscribed to the within instrument and acknowledged to me that  
 she executed the same.

*Ethel N. Shields*  
 Notary Public

Ethel N. Shields  
 Name (Type or Print)



MAIL TAX STATEMENTS AS DIRECTED ABOVE  
 98



7364

EXHIBIT "A"

All that real property situated in the County of Humboldt, State of California, described as follows:

PARCEL ONE

The southeast quarter of the northwest quarter of Section 4, Township 4 South, Range 2 East, Humboldt Meridian, according to the official United States Government Survey.

EXCEPTING THEREFROM, however, all coal, salt, petroleum, oil, asphaltum, naphtha, gas or other hydrocarbons and incidental rights as heretofore reserved of record.

RESERVING FROM Parcel One above, a non-exclusive right of way for ingress, egress and public utilities to be used in common with others, over the road designated as "Centerline of a 60 foot wide Private Right-of-Way" on the record of survey on file in the office of the County Recorder of said County in Book 23 of Surveys at page 93.

ALSO RESERVING FROM Parcel One above, a non-exclusive right of way for ingress, egress and public utilities to be used in common with others, over the road designated as "Centerline of a 60 foot wide Private Right-of-Way" on the record of survey on file in the office of the County Recorder of said County in Book 23 of Surveys at page 31.

Which rights of way are for the benefit of and appurtenant to:

Lot Four (being the northwest quarter of the northwest quarter) of Section 4; and

Lot One (being the northeast quarter of the northeast quarter) of Section 5, all in Township 4 South, Range 2 East, Humboldt Meridian.

And each part thereof, regardless of the number of divisions made thereof.

PARCEL TWO

A non-exclusive right of way for ingress, egress and public utilities to be used in common with others, over the road designated as "Centerline of a 60 foot wide Private Right-of-Way" on the record of survey on file in the office of the County Recorder of said County in Book 23 of Surveys, at page 31, as conveyed to James M. Ekdal and wife by deed recorded December 5, 1967 in Book 983 of Official Records at page 261.

EXCEPTING FROM Parcel Two that portion thereof lying within Parcel One above described.

PARCEL THREE

A non-exclusive right of way for ingress, egress and public utility purposes to be used in common with others, over those strips of land designated as "Existing Private Road" on the record of survey on file in the office of the County Recorder of said County in Book 22 of Surveys at pages 66 to 69, inclusive, as conveyed to James M. Ekdal and wife by deed recorded December 5, 1967 in Book 983 of Official Records at page 262.

7. References and Conditions

Handbook for Forest, Ranch and Rural Roads, 2015. Weaver et. al. Pacific Watershed Associates  
California Forest Practice Rules, 2019; Title 14, California Code of Regulations  
Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>  
California Natural Diversity DataBase, BIOS; <https://apps.wildlife.ca.gov/bios/?al=ds85>

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

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

Signature Page

Landowner of Record: Pearl McGinley

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Registered Professional Forester: Merritt Lindgren # 2522

Signature:  Date: May 28, 2019

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
CalFIRE	✓	No comment	<b>Attached</b>
Briceland Fire Protection District		No response	
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
Bear River Band of Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file- confidential
Intertribal Sinkyone Wilderness Council		No response	
North Coast Regional Water Quality Control Board		No response	
CA Division of Water Resources		No response	
Southern Humboldt Joint Unified School District		No Response	





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

*DEH received  
8-28-17*

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

*17/18-0476*

**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, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Sheriff's Department, Briceland Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Vital Herb Farm LLC **Key Parcel Number** 221-221-012-000

**Application (APPS#)** 12345 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-487

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:**

Need More Information for Approval: Provide written assessment from a qualified septic consultant confirming a minimum of 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**

**Response Date:** 3/8/2018 **Recommendation By:** Adam Molofsky

*3-9-18*





DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 2-6-2018

RE:

Applicant Name	PEARL MCGINLEY
APN	221-221-012
APPS#	12345

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:

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// END //

**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

APPS # 12345

**COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

**COUNTY ROADS- DRIVEWAY (PART 1):**

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

Plot Plan provides no direction on how parcel is accessed.  
(back to a County Road)

**COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

**COUNTY ROADS- DRIVEWAY (PART 3):**

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

**COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

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

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

**COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

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

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

**COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

**COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



12345

Application Number

221-221-012-000

Key APN

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

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



Date:

Name:

Forester Comments:

9/1/21

Lucas Titus

CAL FIRE RM has reviewed the attached timberland conversion and has no additional comments at this time.

Date:

Name:

Battalion Chief Comments:

Summary: