



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 5, 2022

To: Humboldt County Planning Commission

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

Subject: **MDRV Realty Holdings, LLC, Special Permits**
Record Number PLN-11214-SP
Assessor's Parcel Number (APN) 208-241-006
Dinsmore/Mad River Area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	8
Maps	
Topo Map	13
Zoning Map	14
Aerial Map	15
Site Plans	16
Attachments	
Attachment 1: Recommended Conditions of Approval	18
Attachment 2: CEQA Addendum	25
Attachment 3: Applicant's Evidence in Support of the Required Findings	32
a: Site Management Plan	Separate
b: Lake and Streambed Alteration	Separate
c: Timberland Conversion Evaluation Report	Separate
d: Road Evaluation	Separate
Attachment 4: Referral Agency Comments and Recommendations	54
Attachment 5: Public Comments	69

Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 5, 2022	Subject Special Permits	Contact Megan Acevedo
------------------------------------	-----------------------------------	---------------------------------

Project Description: MDRV Realty Holdings, LLC seeks a Special Permit for 2,000 square feet (sf) existing outdoor and 4,850 sf existing mixed-light cannabis cultivation with a 720 sf ancillary propagation area. Water for irrigation is provided by a stream diversion (POD 1 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the stream diversion. There is a total of 110,000 gallons of water storage on-site in fifteen (15) hard sided tanks, and three (3) 20,000 gallon water bladders (two bladders are temporary water storage for the adjacent parcel 208-241-007). Estimated annual water usage is 50,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Up to two (2) employees are used for on-site operations. Power is sourced from an on-site generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 320 feet.

Project Location: The project is located in Humboldt County, in the Dinsmore/Mad River area, on the east side of Ridge Road, approximately 2.5 miles north from the intersection of County Line Creek Road and Ridge Road, on the property known to be 2475 Eight Mile Ridge Road, Mad River, CA.

Present Plan Land Use Designations: Residential Agriculture (RA); 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR) Minimum Building Site 40 acres [B-5(40)]

Record Number: PLN-11214-SP

Assessor's Parcel Number: 208-241-006

Applicant

MDRV Realty Holdings, LLC
728 Fourth St.
Eureka, CA 95501

Owner

DNA Realty Holdings, LLC
175 West 60th St.
New York, NY 10023

Agents

Green Road Consulting
1650 Central Ave., Ste. C
McKinleyville, CA 95519

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 Commission Action

1. Describe the application as part of a public hearing.
2. Request staff to present the application and staff report;
3. Open the public hearing and receive testimony;
4. Close the public hearing and adopt the Resolutions to take the following actions:

1) Find that the Commission has considered the Addendum to the adopted Mitigative Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Special Permits and 3) approve the MDRV Realty Holdings, LLC Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: MDRV Realty Holdings, LLC seeks a Special Permit for 2,000 square feet (sf) existing outdoor and 4,850 sf existing mixed-light cannabis cultivation with a 720 sf ancillary propagation area. Water for irrigation is provided by a stream diversion on-site. A Special Permit is being requested for the continued use and maintenance of the stream diversion. There is a total of 110,000 gallons of water storage on-site in fifteen (15) hard sided tanks, and three (3) 20,000 gallon water bladders (two bladders are temporary water storage for the adjacent parcel 208-241-007). Estimated annual water usage is 50,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Up to two (2) employees are used for on-site operations. Power is sourced from an on-site generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF).

The applicant utilizes portable toilets to serve on-site wastewater treatment system needs. The project was referred to the Department of Environmental Health (DEH) on April 25, 2019, and comments were received by the agency on April 30, 2019, recommending conditional approval for the project. The applicant shall provide receipts or other equivalent documentation annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH (**Ongoing Condition B.1**).

The project was referred to the Building Division on April 25, 2019, and a site inspection was conducted on June 13, 2019. Comments from the Building Division included to submit a revised Site Plan and obtain the necessary building permits for all structures and grading associated to cannabis activities on-site. A revised Site Plan has been submitted. There are a total of two (2) mixed-light greenhouses, one (1) proposed ancillary nursery greenhouse, and one (1) 2,000 sf full-sun outdoor area. There are two (2) existing storage sheds, and one (1) generator shed. Drying and curing will occur on-site and processing will occur off-site at a licensed processing facility. The applicant shall keep documentation of proof of third-party processing service, to be furnished during an annual inspection (**Ongoing Condition B.2**). The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: two (2) mixed-light greenhouses, one (1) greenhouse for ancillary propagation, two (2) storage sheds, one (1) generator shed, and grading activities association with the cultivation area (**Condition A.7 & A.8**).

Energy

The applicant currently utilizes one (1) generator on-site, which is housed within a generator shed. The applicant plans to transition to on-site solar power. The applicant shall permit the proposed solar system with the Building Division (**Condition A.10**).

Setbacks

The project is located within 600 feet of public lands, the Six Rivers National Forest (SRNF). The nearest proposed cultivation area is located approximately 320 feet to the SRNF boundary, and the applicant is

requesting a Special Permit to allow a setback reduction to public lands. The project was referred to the SRNF on April 25, 2019, and no comments were received. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related public facilities.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife by adhering to International Dark Sky Standard, reducing light and noise impacts, and adding an on-site solar system.

Water Resources

The project will source water from an on-site stream diversion, POD1 under Water Right Certificate H100251 & H100730. The project was referred to the State Water Board Division of Water Rights on April 25, 2019, and comments were received on April 29, 2019, recommending approval for the project under Water Right Certificate H100251. Water Right Certificate H100251, dated 8/27/2018, lists the subject parcel but states that diversionary water is to be used for 0 acres of irrigation on APN: 208-241-006. An updated Water Right Certificate H100730, dated 11/25/2019, (updating the Right Holder as the current property owner, and increasing the overall water allowed to be diverted) includes POD1 on APN: 208-241-006, but only shows adjacent parcel APN: 208-241-007 for purpose and use. The adjacent parcel (application PLN-11212-CUP) will only utilize POD 2 in the Water Right Certificate, and all water sources are separate for the adjacent projects. The applicant shall contact the State Water Board Division of Water Rights to update the Water Right Certificate H100730 to include for the purpose and use of irrigation on APN: 208-241-006 for 0.17 acres, and shall submit the updated Water Right Certificate to the Planning Division (**Condition A.9**). Water Right Certificate H100730 allows for the annual diversion of up to 0.94 acre-feet (306,300 gallons), which is a sufficient amount of water for the purpose and use on APN's: 208-241-006 & 208-241-007 (which are estimated to use a total of 200,000 gallons of water annually). The applicant shall adhere to the terms and restrictions in the Water Right Certificate H100730, or subsequent Water Right, such as forbearance and diversion rate requirements (**Ongoing Condition B.3**).

Estimated annual water needed for irrigation on-site is approximately 50,000 gallons. There is a total of 110,000 gallons of water storage on-site in fifteen (15) hard sided tanks, and three (3) 20,000 gallon water bladders. Two (2) 20,000 gallon bladders in the southern portion of the property are temporary water storage designated for the adjacent parcel to the south 208-241-007, and one (1) 2,500 gallon tank is proposed for fire suppression. The applicant shall decommission all water bladders on-site within two years from the date of approval (**Condition A.5**). The final amount of water storage on-site will be 50,000 gallons, after the water bladders are removed.

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B161267CHUM. The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 2 Low Risk site. A Notice of Applicability letter dated December 26, 2019, was submitted as proof of enrollment under WDID: 1_12CC417973. The applicant has had a Site Management Plan (SMP) prepared by Mother Earth Engineering, to show mitigation measures required for the project to meet Water Board standards, received December 8, 2021. The SMP was prepared for both adjacent parcels APN's: 208-241-006 & 208-241-007, and lists Best Practicable Treatment or Controls (BPTC) for the project. The applicant shall adhere to the recommendations and BPTC's listed in the SMP (**Ongoing Condition B.4**).

There are four (4) culverts on-site that need replacing, a stream point of diversion located on-site for irrigation (POD1 under Water Right Certificate H100730), and a spring point of diversion located on the adjacent parcel to the north for domestic uses. The applicant has obtained a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with the California Department of Fish & Wildlife (CDFW) for all in-stream work associated with the project. The applicant is conditioned to abide by and adhere to the terms, project description and work outlined within the final signed SAA No. EPIMS-HUM-15838-R1 with CDFW (**Ongoing Condition B.5**).

Timber Conversion

The site contains timber conversion, and the applicant had a Timber Conversion Report (TCR) prepared by Blair Forestry Consulting, dated January 13, 2018. The TCR was combined for the two (2) adjacent parcels owned and operated by the applicant, and estimates that a total of 1.15 acres of timber conversion occurred in total on both parcels. The TCR recommends that the applicant address road surface points on roads leading to conversion sites and a watercourse crossings at SC#2 (**Condition A.11**). The project and TCR was referred to CalFire on April 25, 2019, and the agency replied stating that they had no comments on the proposed project.

Fire Hazard

The project is located in an area designated to have high fire hazard severity, and is within the Ruth Lake Community Services District (RLCSD) for fire response. The project was referred to the RLCSD on April 25, 2019, and no comments were received from the agency. There is ample room on-site for a firetruck turnaround, and a 2,500 gallon water tank is proposed for fire suppression.

Biological Resources

The project is located approximately 0.87 miles to the nearest known Northern Spotted Owl (NSO) activity center, and no rare or endangered species are shown on or near the subject parcel in the California Natural Diversity Database (CNDDDB). The applicant has enrolled in the SWRCB's Order No. 2019-001-DWQ for waiver of waste discharge, all cultivation areas are located outside of any streamside management areas on-site, and the applicant plans to add a future solar system on-site. As the site is pre-existing, and there is no new development proposed, the applicant was not required to provide a Biological Report for the project. The applicant is required to comply with International Dark Sky Standards, and shall not allow any light to escape from mixed-light or nursery greenhouses from dusk to dawn, and shall ensure that all noise levels do not go above 50 decibels at any tree line or 100 feet when noise generating equipment are in use (**Ongoing Conditions B.6 & B.7**).

Tribal Cultural Resource Coordination

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band Tribe on April 25, 2019. The NWIC replied on May 6, 2019, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on July 12, 2019 requesting a Cultural Resource Survey (CRS) for the project. The applicant has obtained a CRS for the project site, which was prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. The CRS states that the archaeological survey was negative for cultural resources, and that there will be no adverse effects or changes to any historic resources on the project site. The applicant shall adhere to Inadvertent Discovery Protocols, as requested by the Bear River Band THPO on March 24, 2021 (**Informational Note 3**).

Access

Access to the site is from Eight Mile Ridge Road, from County Line Creek Road, from State Hwy 36. Both Eight Mile Ridge Road and County Line Creek Road are non-county maintained roads off of Hwy 36. The applicant has submitted a Road Evaluation Report (RER) form for the access route from Hwy 36, (calling Eight Mile Ridge Road as Ridge Road, and County Line Creek Road as Salyer Mad River Road, named as such on Google Earth) which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the private access roads as being developed to the equivalent of a category 4 standard, and states that the roads are adequate for the proposed use without further review from the applicant. All approved projects off of the access road will be required to have a Road Maintenance Association developed and will be required to maintain the road through the County's post-approval monitoring team. The project was referred to the Department of Public Works on April 25, 2019, and comments were received on April 29, 2019. Comments from Public Works stated that the access route is from a series of non-county maintained roads that connect directly to State Hwy 36, and recommended that the project be referred to CalTrans. The project was referred to CalTrans on July 18, 2019, and no comments were received by the agency.

Public Comment

A public comment from an anonymous neighbor was submitted in the form of a phone call and also in a subsequent email. Another neighbor attended the previous hearing date on March 3, 2022, and stated their same concerns regarding the project. The public commenters addressed concerns about the constant use and road damage of up to one mile of Eight Mile Ridge Road used by employees between the two adjacent parcels (APN's: 208-241-007 & 208-241-006 owned and operated by the applicant) which runs through three (3) neighboring parcels, safety concerns regarding unsafe traffic on the access roads, employee parking on Eight Mile Ridge Road blocking through access, theft issues with applicant's employees, concerns about the reported annual water usage being underestimated, concerns about the use of a spring located on Six Rivers National Forest for cannabis irrigation, safety concerns regarding fire hazard with generator usage, gates being left unlocked, and light and noise pollution complaints.

A response to the public comment was received by the applicant on March 21, 2022, addressing the concerns stated by the neighbors. The applicant states that he purchased the properties last year, and 2021 was the first cultivation season run by the current applicant. The applicant states that he never met any neighbors at the site, and that the easement road that connects the two properties does not pass any residences that he is aware of. Nor was the applicant aware of any theft allegations, or any presence of light or noise pollution, which may have occurred during the previous applicant's ownership of the project. The applicant has also stated that his employees share the work through both projects, but in the event that one project is sold, they would not utilize more than two (2) employees per project, and would not result in more than 1 vehicle trip (but in actuality 2 vehicle trips, one to and one from the site) per day per parcel. The applicant has also stated that they will discontinue the use of Eight Mile Ridge Road to access the two sites and will instead utilize a skid trail that connects the two adjacent parcels. However, as there is no evidence that this skid road is developed to any suitable extent this is not recommended for use by County staff. The Road Evaluation Report supports the use of the primary road to continue to be utilized. There are three parking spaces shown on the Site Plan, and the applicant shall utilize the on-site parking area and shall not block the access route through Eight Mile Ridge Road (**Ongoing Condition B.9**).

The applicant does have a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with CDFW allowing the use of the spring located on the Six Rivers National Forest APN: 208-241-005, to be used for domestic purposes only on APN's: 208-241-006 & 208-241-007. There is also an appropriated Water Right (D030916) which expired on July 1, 2014, and the applicant has submitted a request to renew the Water Right for the use of domestic purposes on APN's: 208-241-006 & 208-241-007. The applicant shall be informed that the spring diversion on Six Rivers National Forest is not allowed for the use of cannabis irrigation (**Informational Note 4**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 65 cultivation permits and the total approved acres would be 24.73 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).

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-11214-SP

Assessor's Parcel Number: 208-241-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving MDRV Realty Holdings, LLC Special Permits.

WHEREAS, MDRV Realty Holdings, LLC, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 4,850 square feet (sf) of mixed-light, and 2,000 sf of outdoor cannabis cultivation operation with appurtenant propagation and drying activities; and a Special Permit for the continued use of a stream diversion; and a Special Permit to reduce the 600-foot setback from public lands; and

WHEREAS, the County as lead agency, prepared an 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. 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 Planning Commission held a duly-noticed public hearing on **May 5, 2022**, and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit for 2,000 square feet (sf) existing outdoor and 4,850 sf existing mixed-light cultivation with a 720 sf ancillary propagation area. Water for irrigation is provided by a stream diversion (POD 1 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the stream diversion. There is a total of 50,000 gallons of water storage designated for irrigation needs, and estimated annual water usage is 50,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Up to two employees are used for on-site operations. Power is sourced from an on-site generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 320 feet.

EVIDENCE: a) Project File: PLN-11214-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 and 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) Water Right Certificate H100730, allowing the right to divert and use water for irrigation from an on-site stream diversion (POD1).
- d) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 2 Low Risk site, under WDID: 1_12CC417973.
- e) A Site Management Plan was prepared by Mother Earth Engineering, to address project compliance with the State Water Board Order WQ-2019-0001-DWQ.
- f) A Timber Conversion Report prepared by Blair Forestry Consulting, which evaluates a total of 1.15 acres of pre-2016 timber conversion on two adjacent parcels APN's: 208-241-006 & 208-241-007.
- g) A Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) has been obtained with CDFW for all instream work needed on-site.
- h) The project is within the Bear River Band tribes' ancestral aboriginal territories. The project was referred to the Bear River Band THPO on April 25, 2019. The applicant has obtained a Cultural Resource Survey (CRS) for the project site, which was prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. The CRS states that the archaeological survey was negative for cultural resources, and that there will be no adverse effects or changes to any historic resources on the project site. The project is conditioned to adhere to inadvertent discovery protocols.
- i) A Road Evaluation Report (RER) was prepared for the access route to the project site from Hwy 36, which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the access roads County Line Creek Road and Salyer Mad River Road (shown as Eight Mile Ridge Road on the County GIS) as being developed to the equivalent of a category 4 standard, and it has been determined that the access route meets the functional capacity for the project's needs.

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. The project is consistent with, and complimentary to, the Open Space Plan and its Open Space Action Program.
- b) The applicant is applying for a Special Permit to allow the continued use of an on-site stream diversion (POD1) for agricultural purposes under Water Right Certificate H100730.

4. FINDING

The proposed development is consistent with the purposes of the existing FR zone in which the site is located.

- EVIDENCE**
- a) The Forest Recreation or FR Zone is intended to be applied to areas of the County in which general agriculture is a desirable use.
 - b) All general agricultural uses are principally permitted in the FR zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows for cultivation of up to 10,000 sq. ft. of outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in FR zones with a Special Permit. The application for 4,850 sq. ft. of mixed-light and 2,000 sq. ft. of outdoor cannabis cultivation on a 40 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
 - b) The subject parcel has been determined to be one legal parcel (lot 131) as shown on Record of Survey in Book 26 of Surveys page 135.
 - c) The project will obtain water from a permitted diversionary water source for pre-existing cannabis cultivation under Water Right Certificate H100730.
 - d) A Road Evaluation Report (RER) was prepared for the access route to the project site from Hwy 36, which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the access roads County Line Creek Road and Salyer Mad River Road (shown as Eight Mile Ridge Road on the County GIS) as being developed to the equivalent of a category 4 standard, and it has been determined that the access route meets the functional capacity for the project's needs.
 - e) A Timber Conversion Report prepared by Blair Forestry Consulting, which evaluates a total of 1.15 acres of pre-2016 timber conversion on two adjacent parcels APN's: 208-241-006 & 208-241-007.
 - f) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 2 Low Risk site, under WDID: 1_12CC417973. A Site Management Plan was prepared by Mother Earth Engineering, to address project compliance with the State Water Board Order WQ-2019-0001-DWQ.
 - g) A Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) has been obtained with CDFW for all instream work needed on-site.
 - 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, church, or Tribal Cultural Resource.
 - i) The project is located within 600 feet of public lands, the Six Rivers National Forest (SRNF). The nearest proposed cultivation area is located approximately 320 feet to the SRNF boundary, and the applicant is requesting a Special Permit to allow a setback reduction to public lands. The project was referred to the SRNF on April 25, 2019, and no comments were received. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related public facilities.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to

biological resources and wildlife by adhering to International Dark Sky Standard, reducing light and noise impacts, and adding an on-site solar system.

6. FINDING

The cultivation of 4,850 sq. ft. of mixed-light and 2,000 sq. ft. of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is 40 acres or larger, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Irrigation water for pre-existing cannabis cultivation will come from a permitted water diversion (POD1) under Water Right Certificate H100730.
- c) A Road Evaluation Report (RER) was prepared for the access route to the project site from Hwy 36, which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the access roads County Line Creek Road and Salyer Mad River Road as being developed to the equivalent of a category 4 standard, and it has been determined that the access route meets the functional capacity for the project's needs.

7. FINDING

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

EVIDENCE

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

8. 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.

- a) The project is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 65 permits and the total approved acres would be 24.73 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

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

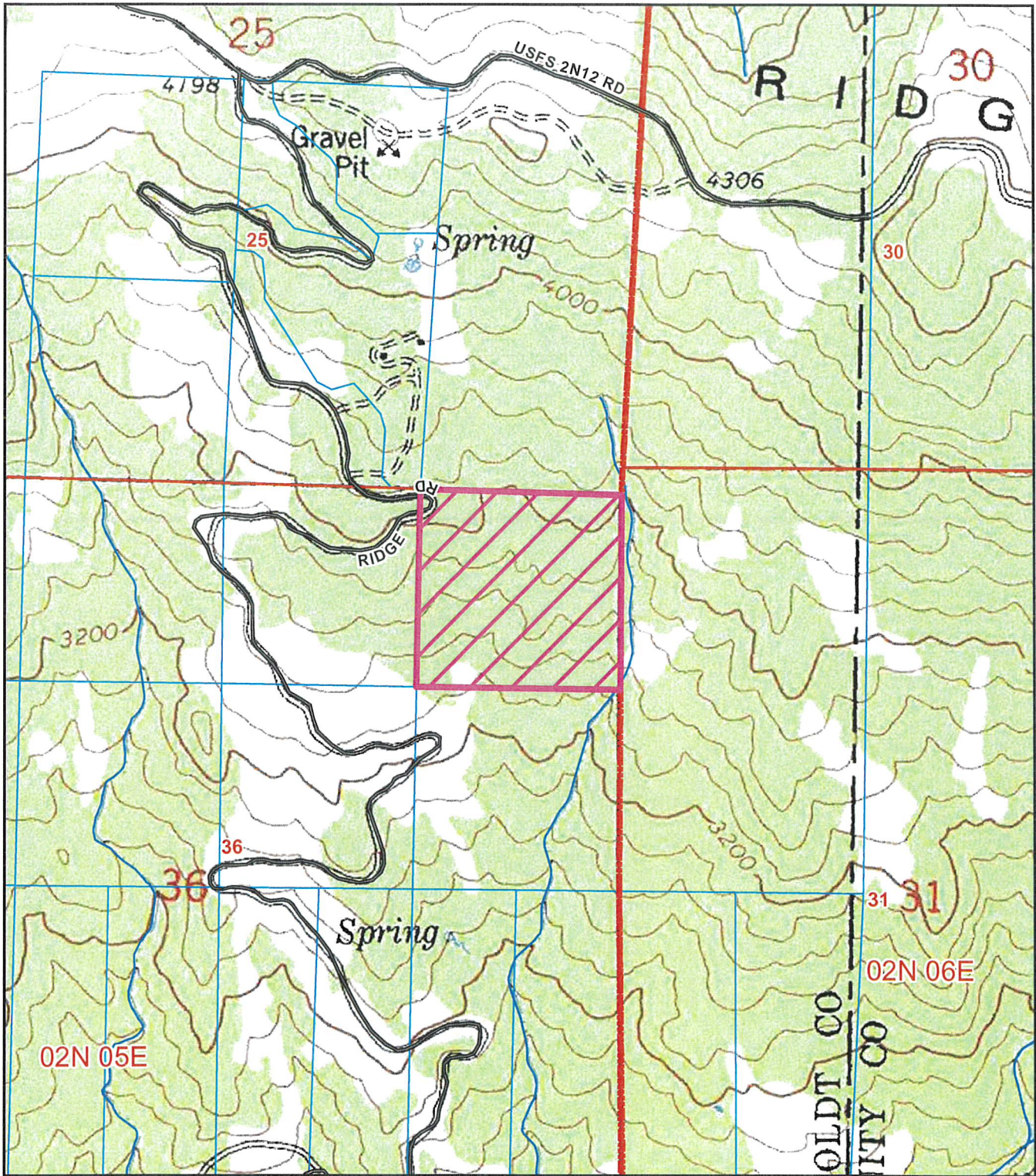
Adopted after review and consideration of all the evidence on **May 5, 2022**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
DECISION:	

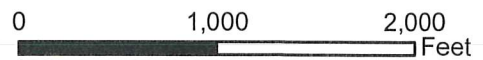
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

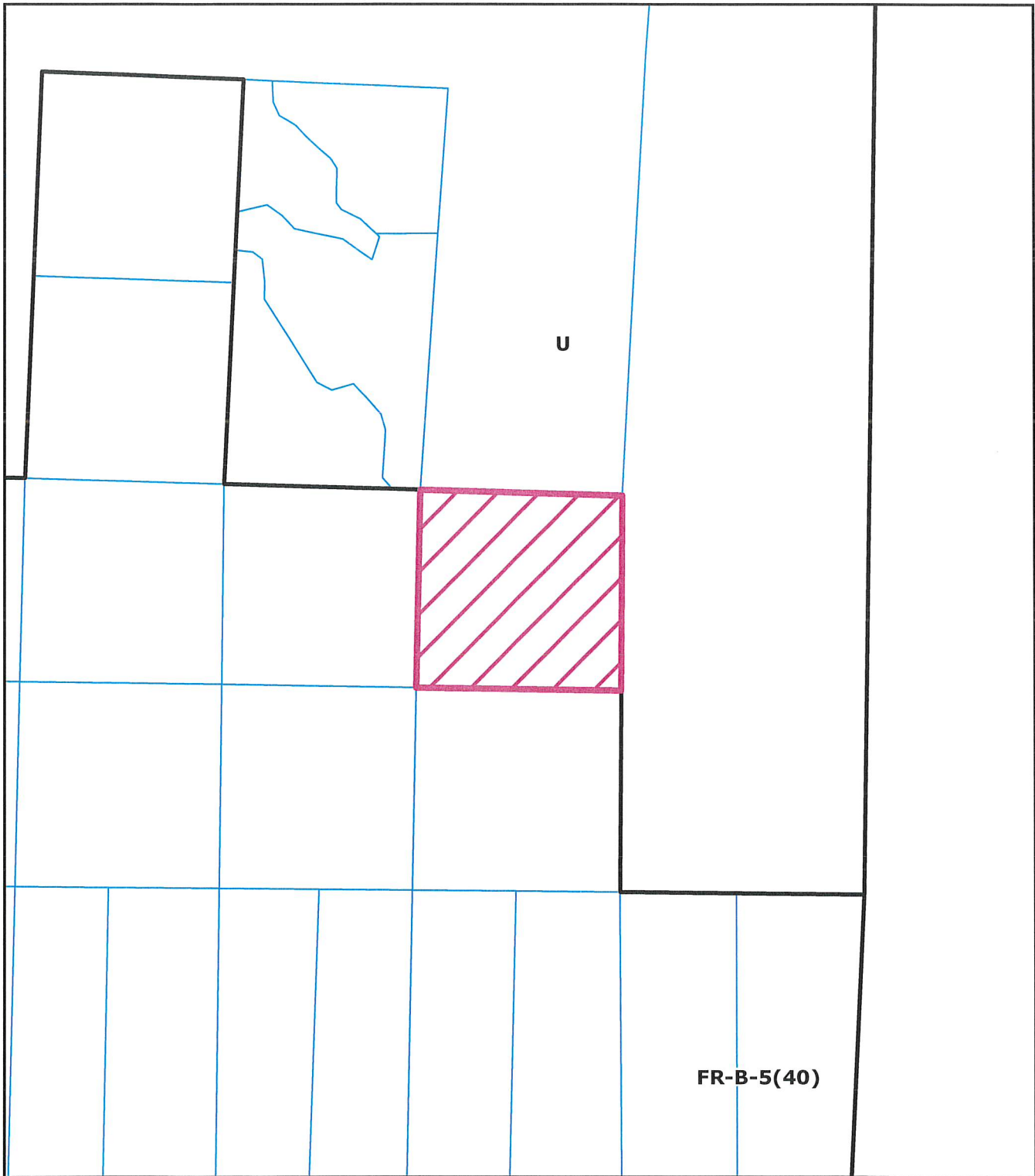


TOPO MAP
PROPOSED DNA REALTY HOLDINGS LLC
MAD RIVER AREA
SP-16-173
APN: 208-241-006-000
T02N R05E S36 HB&M (BLAKE MOUNTAIN)


Project Area =


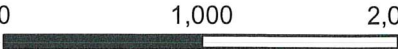


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

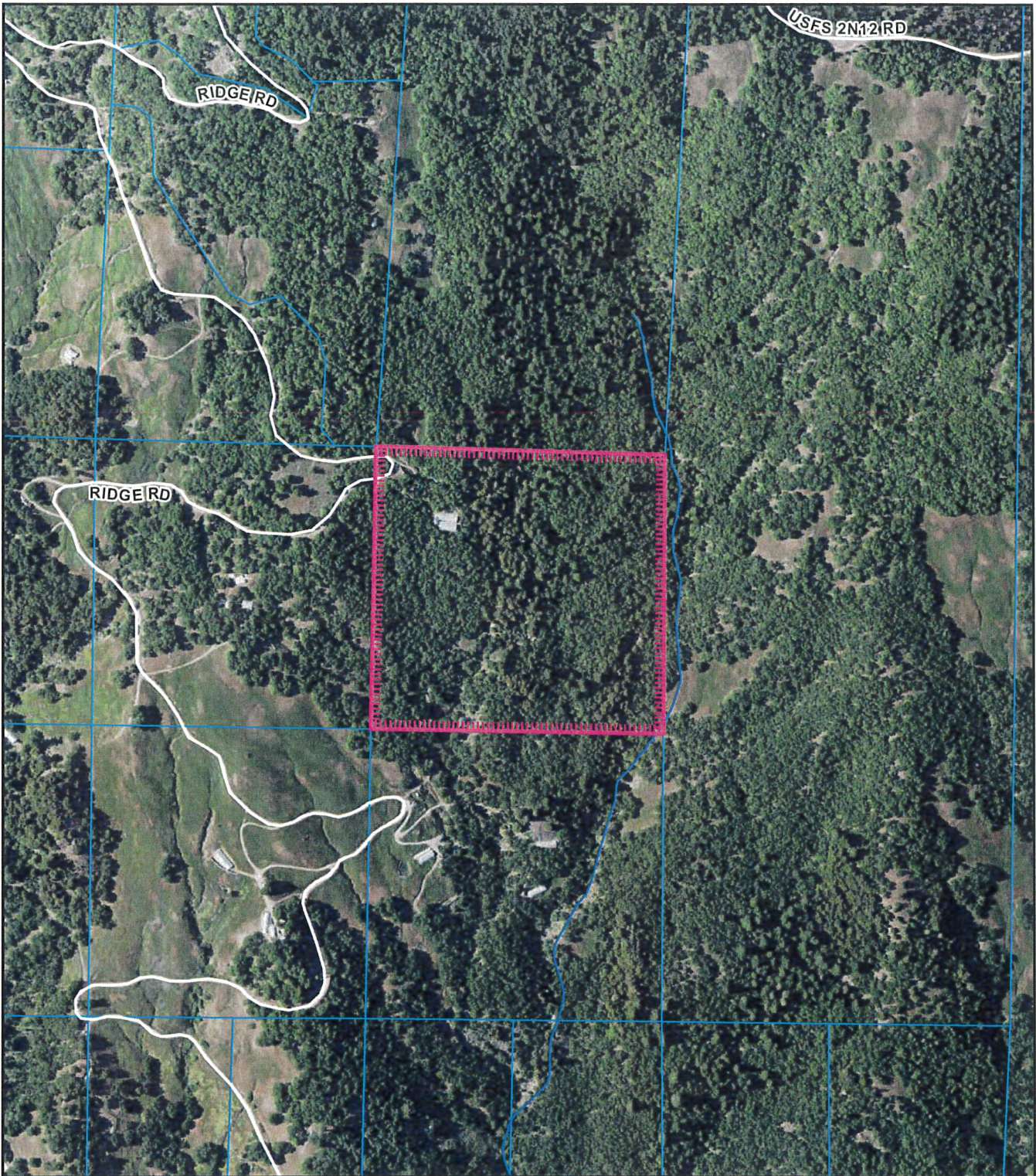


ZONING MAP
PROPOSED DNA REALTY HOLDINGS LLC
MAD RIVER AREA
SP-16-173
APN: 208-241-006-000
T02N R05E S36 HB&M (BLAKE MOUNTAIN)

Project Area = 


 0 1,000 2,000
 Feet

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

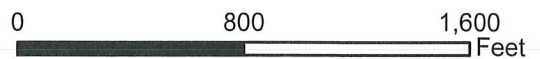


Project Area = 

**AERIAL MAP
PROPOSED DNA REALTY HOLDINGS LLC
MAD RIVER AREA
SP-16-173
APN: 208-241-006-000
T02N R05E S36 HB&M (BLAKE MOUNTAIN)**



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



MDRV REALTY, LLC
 APN: 208-241-006

AERIAL MAP



PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

IMAGE SOURCE: BING 2020

VICINITY MAP

1:10,000



IMAGE SOURCE: BING 2020

PROJECT DIRECTIONS

- FROM: FORTUNA, CA
- HEAD SOUTH ON US-101 (1.1 MI)
- TAKE EXIT 686 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E (48.2 MI)
- TAKE COUNTY LINE CREEK RD TO RIDGE RD IN HUMBOLDT COUNTY (7.8 MI)
- TURN LEFT ONTO US FRST SERVICE RD 1 (2 MI)
- TURN LEFT ONTO COUNTY LINE CREEK RD (4.2 MI)
- CONTINUE ONTO SALVER MAD RIVER RD (1.0 I)
- TURN RIGHT ONTO RIDGE RD (2.3 MI)

TRAVEL TIME

APPROXIMATELY: 1 H 20 MIN (58 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.5149, -123.5526
 APN: 208-241-006
 APPLICANT: MDRV REALTY, LLC
 PARCEL SIZE: ± 40 ACRES
 ZONING: FR-B-5 (40)
 APPLICATION TYPE:

COASTAL ZONE: N
 100-YEAR FLOOD: N

AGENT:

KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEYVILLE, CA 95519
 707-630-5041



PROJECT INFORMATION
 PROPERTY OWNER: MDRV REALTY, LLC
 ADDRESS: APN: 208-241-006
 SHEET INFO: COVER PAGE

NO.	NOTES	DATE
1	NOTE-INITIALS	00-00-00
2	NOTE-INITIALS	00-00-00
3	NOTE-INITIALS	00-00-00
4	NOTE-INITIALS	00-00-00
5	NOTE-INITIALS	00-00-00
6	NOTE-INITIALS	00-00-00

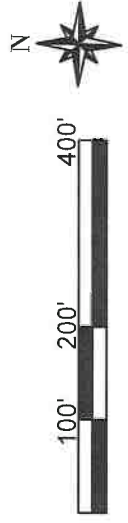
DATE: 4/1/22
 DRAFTER: XX
 SCALE: AS SHOWN

SHEET: CP



PARCEL OVERVIEW

APN: 208-241-006



CULTIVATION INFORMATION

MIXED LIGHT CULTIVATION

GH	LENGTH	WIDTH	SQ FT
2	90	30	2,700
3	76.8	28	2,150

TOTAL LIGHT DEPRIVATION (OUTDOOR) CULTIVATION AREA = 4,850 SQ FT

OUTDOOR CULTIVATION AREA

CA	SQ FT
1	2,000

TOTAL OUTDOOR CULTIVATION AREA = 2,000 SQ FT

PROPOSED IMMATURE PLANT AREA

NURSERY	LENGTH	WIDTH	SQ FT
36	20	720	

TOTAL IMMATURE PLANT AREA = 720 SQ FT

CULTIVATION BUILDINGS AND USE-006

BUILDINGS	USE	SIZE	YEAR
STORAGE SHED1	CHEMICAL AG STORAGE	12'x17'	-
STORAGE SHED3	DRYING/HARVEST STORAGE	20'x30'	-
GENERATOR SHED	GENERATOR STORAGE	12'x12'	-

DOMESTIC BUILDINGS AND USE-006

BUILDINGS	USE	SIZE	YEAR
STORAGE SHED2	DOMESTIC STORAGE	17'x13'	-

WATER STORAGE AND USE

TYPE	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	6	5,000	30,000
HDPE TANK	5	3,000	15,000
HDPE TANK	3	1,500	4,500
HDPE TANK	1	500	500
BLADDER	3	20,000	60,000

TOTAL AMOUNT OF WATER STORAGE = 110,000 GALLONS

WATER SOURCE

TYPE	LAT/LONG	BENEFICIAL USE
POINT OF DIVERSION1	40.5158,-123.5540	CANNABIS IRRIGATION
POINT OF DIVERSION2	40.5165,-123.5542	DOMESTIC USE

POWER SOURCE

GENERATOR

SURROUNDING BUILDINGS
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

LEGEND



PROJECT INFORMATION

PROPERTY OWNER
ADDRESS
MDRV REALTY HOLDINGS
APN: 208-241-006
PARCEL OVERVIEW

NO	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE	4/1/22
DRAFTER	XX
SCALE	AS SHOWN
SHEET	C1

4/1/2022 2:11 PM - GRC

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

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 cost to the project.
5. The applicant shall decommission all water bladders on-site within two years from the date of approval.
6. 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 #7 through #12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: two (2) mixed-light greenhouses, one (1) greenhouse for ancillary propagation, two (2) storage sheds, and one (1) generator shed. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The applicant is conditioned to permit historic grading that occurred on-site with the Building Division. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

9. The applicant shall contact the State Water Board Division of Water Rights to update the Water Right Certificate H100730 to include diversion for the purpose and use of irrigation on APN: 208-241-006 for 0.17 acres, and shall submit the updated Water Right Certificate to the Planning Division.
10. The applicant shall permit the proposed solar system with the Building Division.
11. The applicant shall complete the Timber Conversion Reports recommendation to address road surface points on roads leading to conversion sites and a watercourse crossings at SC#2, shown in the TCR Map.
12. 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.
13. 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:

1. The applicant shall provide receipts or other equivalent documentation annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH.
2. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection.
3. The applicant is conditioned to comply with the limitations and conditions set forth in the Water Right Certificate H100730, or subsequent Water Right, such as forbearance and diversion rate restrictions.
4. The applicant shall adhere to the recommendations and BPTC's listed in the Site Management Plan that was prepared by Mother Earth Engineering.
5. The applicant shall abide by and adhere to the terms, project description and work outlined within the final signed Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1), obtained with CDFW.
6. 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.
7. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward

facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

8. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.6. and B.7., 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.
9. The applicant shall utilize the on-site parking area shown in the Site Plan and shall not block the access route through Eight Mile Ridge Road.
10. 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.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
13. The use of anticoagulant rodenticide is prohibited.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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).
21. Maintain enrollment in Tier 1 or 2, certification with State Water Resource Control Boards (SWRCB) General Order No. WQ 2019-0001-DQW, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
22. 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.
23. 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).
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
26. 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.
27. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. 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

29. 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."
30. 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).
31. 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.
32. 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.
33. 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
34. 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.
35. 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.

36. 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.
37. 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.
38. 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.
39. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to

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

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

4. The applicant shall be informed that the spring diversion located on Six Rivers National Forest APN: 208-241-005, under Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with CDFW allowing the use of the spring to be used for domestic purposes only on APN's: 208-241-006 & 208-241-007, is not allowed for the use of cannabis irrigation.

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 208-241-006; Dinsmore/Mad River Area
County of Humboldt**

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

April 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.

Project Description:

The modified project involves a Special Permit for 2,000 square feet (sf) existing outdoor and 4,850 sf existing mixed-light cannabis cultivation with a 720 sf ancillary propagation area. Water for irrigation is provided by a stream diversion on-site. A Special Permit is being requested for the continued use and maintenance of the stream diversion. There is a total of 110,000 gallons of water storage on-site in fifteen (15) hard sided tanks, and three (3) 20,000 gallon water bladders (two bladders are temporary water storage for the adjacent parcel 208-241-007). Estimated annual water usage is 50,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Up to two (2) employees are used for on-site operations. Power is sourced from an on-site generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF).

The applicant utilizes portable toilets to serve on-site wastewater treatment system needs. The project was referred to the Department of Environmental Health (DEH) on April 25, 2019, and comments were received by the agency on April 30, 2019, recommending conditional approval for the project. The applicant shall provide receipts or other equivalent documentation annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH.

The project was referred to the Building Division on April 25, 2019, and a site inspection was conducted on June 13, 2019. Comments from the Building Division included to submit a revised Site Plan and obtain the necessary building permits for all structures and grading associated to cannabis activities on-site. A revised Site Plan has been submitted. There are a total of two (2) mixed-light greenhouses, one (1) proposed ancillary nursery greenhouse, and one (1) 2,000 sf full-sun outdoor area. There are two (2) existing storage sheds, and one (1) generator shed. Drying and curing will occur on-site and processing will occur off-site at a licensed processing facility. The applicant shall keep documentation of proof of third-party processing service, to be furnished during an annual inspection. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: two (2) mixed-light greenhouses, one (1) greenhouse for ancillary propagation, two (2) storage sheds, one (1) generator shed, and grading activities association with the cultivation area.

Energy

The applicant currently utilizes one (1) generator on-site, which is housed within a generator shed. The applicant plans to transition to on-site solar power. The applicant shall permit the proposed solar system with the Building Division.

Setbacks

The project is located within 600 feet of public lands, the Six Rivers National Forest (SRNF). The nearest proposed cultivation area is located approximately 320 feet to the SRNF boundary, and the applicant is requesting a Special Permit to allow a setback reduction to public lands. The project was referred to the SRNF on April 25, 2019, and no comments were received. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related public facilities.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife by adhering to International Dark Sky Standard, reducing light and noise impacts, and adding an on-site solar system.

Water Resources

The project will source water from an on-site stream diversion, POD1 under Water Right Certificate H100251 & H100730. The project was referred to the State Water Board Division of Water Rights on April 25, 2019, and comments were received on April 29, 2019, recommending approval for the project under Water Right Certificate H100251. Water Right Certificate H100251, dated 8/27/2018, lists the subject parcel but states that diversionary water is to be used for 0 acres of irrigation on APN: 208-241-006. An updated Water Right Certificate H100730, dated 11/25/2019, (updating the Right Holder as the current property owner, and increasing the overall water allowed to be diverted) includes POD1 on APN: 208-241-006, but only shows adjacent parcel APN: 208-241-007 for purpose and use. The adjacent parcel (application PLN-11212-CUP) will only utilize POD 2 in the Water Right Certificate, and all water sources are separate for the adjacent projects. The applicant shall contact the State Water Board Division of Water Rights to update the Water Right Certificate H100730 to include for the purpose and use of irrigation on APN: 208-241-006 for 0.17 acres, and shall submit the updated Water Right Certificate to the Planning Division. Water Right Certificate H100730 allows for the annual diversion of up to 0.94 acre-feet (306,300 gallons), which is a sufficient amount of water for the purpose and use on APN's: 208-241-006 & 208-241-007 (which are estimated to use a total of 200,000 gallons of water annually). The applicant shall adhere to the terms and restrictions in the Water Right Certificate H100730, or subsequent Water Right, such as forbearance and diversion rate requirements. Estimated annual water needed for irrigation on-site is approximately 50,000 gallons. There is a total of 110,000 gallons of water storage on-site in fifteen (15) hard sided tanks, and three (3) 20,000 gallon water bladders. Two (2) 20,000 gallon bladders in the southern portion of the property are temporary water storage designated for the adjacent parcel to the south 208-241-007, and one (1) 2,500 gallon tank is proposed for fire suppression. The applicant shall decommission all water bladders on-site within two years from the date of approval. The final amount of water storage on-site will be 50,000 gallons, after the water bladders are removed.

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B161267CHUM. The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 2 Low Risk site. A Notice of Applicability letter dated December 26, 2019, was submitted as proof of enrollment under WDID: 1_12CC417973. The applicant has had a Site Management Plan (SMP) prepared by Mother Earth Engineering, to show mitigation measures required for the project to meet Water Board standards, received December 8, 2021. The SMP was prepared for both adjacent parcels APN's: 208-241-006 & 208-241-007, and lists Best Practicable Treatment or Controls (BPTC) for the project. The applicant shall adhere to the recommendations and BPTC's listed in the SMP.

There are four (4) culverts on-site that need replacing, a stream point of diversion located on-site for irrigation (POD1 under Water Right Certificate H100730), and a spring point of diversion located on the adjacent parcel to the north for domestic uses. The applicant has obtained a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with the California Department of Fish & Wildlife (CDFW) for all in-stream work associated with the project. The applicant is conditioned to abide by and adhere to the terms, project description and work outlined within the final signed SAA No. EPIMS-HUM-15838-R1 with CDFW.

Timber Conversion

The site contains timber conversion, and the applicant had a Timber Conversion Report (TCR) prepared by Blair Forestry Consulting, dated January 13, 2018. The TCR was combined for the two (2) adjacent parcels owned and operated by the applicant, and estimates that a total of 1.15 acres of timber conversion occurred in total on both parcels. The TCR recommends that the applicant address road surface points on roads leading to conversion sites and a watercourse crossings at SC#2. The project and TCR was referred to CalFire on April 25, 2019, and the agency replied stating that they had no comments on the proposed project.

Fire Hazard

The project is located in an area designated to have high fire hazard severity, and is within the Ruth Lake Community Services District (RLCSD) for fire response. The project was referred to the RLCSD on April 25, 2019, and no comments were received from the agency. There is ample room on-site for a firetruck turnaround, and a 2,500 gallon water tank is proposed for fire suppression.

Biological Resources

The project is located approximately 0.87 miles to the nearest known Northern Spotted Owl (NSO) activity center, and no rare or endangered species are shown on or near the subject parcel in the California Natural Diversity Database (CNDDDB). The applicant has enrolled in the SWRCB's Order No. 2019-001-DWQ for waiver of waste discharge, all cultivation areas are located outside of any streamside management areas on-site, and the applicant plans to add a future solar system on-site. As the site is pre-existing, and there is no new development proposed, the applicant was not required to provide a Biological Report for the project. The applicant is required to comply with International Dark Sky Standards, and shall not allow any light to escape from mixed-light or nursery greenhouses from dusk to dawn, and shall ensure that all noise levels do not go above 50 decibels at any tree line or 100 feet when noise generating equipment are in use.

Tribal Cultural Resource Coordination

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band Tribe on April 25, 2019. The NWIC replied on May 6, 2019, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on July 12, 2019 requesting a Cultural Resource Survey (CRS) for the project. The applicant has obtained a CRS for the project site, which was prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. The CRS states that the archaeological survey was negative for cultural resources, and that there will be no adverse effects or changes to any historic resources on the project site. The applicant shall adhere to Inadvertent Discovery Protocols, as requested by the Bear River Band THPO on March 24, 2021.

Access

Access to the site is from Eight Mile Ridge Road, from County Line Creek Road, from State Hwy 36. Both Eight Mile Ridge Road and County Line Creek Road are non-county maintained roads off of Hwy 36. The applicant has submitted a Road Evaluation Report (RER) form for the access route from Hwy 36, (calling Eight Mile Ridge Road as Ridge Road, and County Line Creek Road as Salyer Mad River Road, named as such on Google Earth) which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the private access roads as being developed to the equivalent of a category 4 standard, and states that the roads are adequate for the proposed use without further review from the applicant. All approved projects off of the access road will be required to have a Road Maintenance Association developed and will be required to maintain the road through the County's post-approval monitoring team. The project was referred to the Department of Public Works on April 25, 2019, and comments were received on April 29, 2019. Comments from Public Works stated that the access route is from a series of non-county maintained roads that connect directly to State Hwy 36, and recommended that the project be referred to CalTrans. The project was referred to CalTrans on July 18, 2019, and no comments were received by the agency.

Public Comment

A public comment from an anonymous neighbor was submitted in the form of a phone call and also in a subsequent email. Another neighbor attended the previous hearing date on March 3, 2022, and stated their same concerns regarding the project. The public commenters addressed concerns about the constant use and road damage of up to one mile of Eight Mile Ridge Road used by employees between the two adjacent parcels (APN's: 208-241-007 & 208-241-006 owned and operated by the applicant) which runs through three (3) neighboring parcels, safety concerns regarding unsafe traffic on the access roads, employee parking on Eight Mile Ridge Road blocking through access, theft issues with applicant's employees, concerns about the reported annual water usage being underestimated, concerns about the use of a spring located on Six Rivers National Forest for cannabis irrigation, safety concerns regarding fire hazard with generator usage, gates being left unlocked, and light and noise pollution complaints.

A response to the public comment was received by the applicant on March 21, 2022, addressing the concerns stated by the neighbors. The applicant states that he purchased the properties last year, and 2021 was the first cultivation season run by the current applicant. The applicant states that he never met any neighbors at the site, and that the easement road that connects the two properties does not pass any residences that he is aware of. Nor was the applicant aware of any theft allegations, or any presence of light or noise pollution, which may have occurred during the previous applicant's ownership of the project. The applicant has also stated that his employees share the work through both projects, but in the event that one project is sold, they would not utilize more than two (2) employees per project, and would not result in more than 1 vehicle trip (but in actuality 2 vehicle trips to and from) per day per parcel. The applicant has also stated that they will discontinue the use of Eight Mile Ridge Road to access the two sites and will instead utilize a skid trail that connects the two adjacent parcels. As well, there are three parking spaces shown on the Site Plan, and the applicant shall utilize the on-site parking area and shall not block the access route through Eight Mile Ridge Road.

The applicant does have a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with CDFW allowing the use of the spring located on the Six Rivers National Forest APN: 208-241-005, to be used for domestic purposes only on APN's: 208-241-006 & 208-241-007. There is also an appropriated Water Right (D030916) which expired on July 1, 2014, and the applicant has submitted a request to renew the Water Right for the use of domestic purposes on APN's: 208-241-006 & 208-241-007. The applicant shall be informed that the spring diversion on Six Rivers National Forest is not allowed for the use of cannabis irrigation.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 65 cultivation permits and the total approved acres would be 24.73 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise, abiding by a forbearance period for the stream diversion, transitioning to on-site solar power, and adhering to Inadvertent Discovery Protocols.

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

determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 7,620 sq. ft. of outdoor cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Green Road Consulting received 2/10/2022.
- Cultivation and Operations Plan received 12/8/2021.
- Addendum to Cultivation & Operations Plan received 2/2/2022.
- Water Right Certificates H100251 & H100730.
- Notice of Applicability letter dated December 26, 2019, for enrollment in the SWRCB General Order WQ 2019-0001-DWQ, WDID: 1_12CC417973.
- Site Management Plan prepared by Mother Earth Engineering, dated 9/24/2019.
- A Streambed Alteration Agreement No. EPIMS-HUM-15838-R1, received 2/2/2022.
- A Timber Conversion Report prepared by Blair Forestry Consulting, dated 1/13/2018.
- A Road Evaluation Report for County Line Creek Road and Salyer Mad River Road, dated 9/15/2018.
- Cultural Resources Investigation prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019.
- 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. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. **(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. **(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. (Water Right Certificate H100251 & H100730 - **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above), and Updated Water Usage Chart **Attached**)
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, or 2 with the North Coast Regional Water Quality Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability letter dated December 26, 2019, WDID: 1_12CC417973 – **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. (Streambed Alteration Agreement No. EPIMS-HUM-15838-R1, received 2/2/2022 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report prepared by Blair Forestry Consulting, dated 1/13/2018 - **Attached**)

11. 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)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. A Road Evaluation Report prepared for County Line Creek Road, and Salyer Mad River Road, dated 9/15/2018. (**Attached**)
16. A Site Management Plan prepared by Mother Earth Engineering dated 9/24/2019. (**Attached**)
17. A Cultural Resources Investigation was Cultural Resources Investigation prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. (On-file and Confidential)
18. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)



**GREEN
ROAD
CONSULTING**

Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Yumboldt, LLC.

2475 Eight Mile Ridge RD,

Mad River, 95552 CA

APN: 208-241-006

Phone: 914-384-2554

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519

Table of Contents

- I. Site Plan Overview
 - 1.0 – Project Information..... 3
 - 2.0 – Project Location..... 3
 - 2.1 – Zoning Classification..... 3
 - 2.2 – Site Topography..... 3
 - 3.0 – Easements..... 4
 - 4.0 – Natural Waterways..... 5
 - 5.0 – Location and Area of Existing Cultivation..... 5
 - 6.0 – Setbacks of Cultivation Area..... 5
 - 7.0 – Access Roads..... 5
 - 8.0 – Graded Flats..... 7
 - 9.0 – Existing and Proposed Buildings..... 7
 - 10.0 – Water Storage, Use and Watershed Protection..... 8
 - 10.1 – Water source..... 8
 - 10.2 – Water storage..... 8
 - 10.3 – Irrigation Plan..... 8
 - 10.4 – Projected Water Use..... 8
 - 10.5 – On-Site Water Conservation Measures..... 8
 - 10.6 – Water Use Record Keeping Practices..... 9
 - 11.0 – Site Drainage, Runoff, Erosion Control Measures and Watershed Protection.... 9
 - 12.0 – Biological Assessment.....12
 - 13.0 – Stormwater Management Plan12
 - 14.0 – Energy Use.....13
 - 15.0 – Distances from Significant Landmarks.....13
- II. Cultivation and Operations Plan.....13
 - 1.0 – Materials Storage13
 - 1.1 On-Site Waste Treatment System Information.....14
 - 2.0 – Cultivation Activities14
 - 3.0 – Processing Practices14
 - 4.0 – Security Measures15
 - 5.0 – Energy Use.....15

I. Site Plan Overview

1.0 Project Information

Yumboldt, LLC. ("Applicant") is submitting this application for a Special Use Permit for 7,520-square feet of existing Open-Air commercial cannabis cultivation on a 41.61-acre parcel, located near Dinsmore, CA ("Parcel"), Assessor's Parcel Number 208-241-006.

The Applicant is utilizing three (3) permitted greenhouses for cultivation purposes. The 7,520-square feet of cultivation is composed of one (1) 66'x36' greenhouse, a one (1) 87'x37' greenhouse and one (1) 77'x25' greenhouses. The Applicant anticipates 1 seasonal employee for daily operations.

The Applicant sources water from a permitted point of diversion. The point of diversion is registered with the State Waterboard under WDID: 1_12CC417973. There are fourteen (14) HDPE hard water tanks, totaling to 52,000 gallons of water storage.

There is one (1) domestic building onsite that will not have a nexus to cannabis cultivation. There are three (3) structures that have a nexus to cannabis cultivation. Storage Shed #1 is a 10'x12' building that is used for agricultural chemical storage. Storage Shed #3 is a 30' x20' building that is used for harvest storage. Generator Shed is a 6'x 8' building that is used for generator storage.

Solar panels are planned for installation. Generators are in use at the property and housed in a soundproof shed (GS B) to prevent noise pollution. Trash is stored in an enclosed area next to the residence. Cannabis material is composted onsite.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CCLUO").

The Special Use Permit would achieve the following results for the Applicant:

- a. Permit 2,000 square feet of open-air commercial cannabis cultivation activities and 4,800 feet of mixed-light commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Dinsmore, CA. The Parcel is comprised of 41.61 -acres and is identified by Assessor's Parcel Number ("APN") 208-241-006. The street address for the Parcel is 2475 Eight Mile Ridge RD, Mad River, 95552 CA.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR with a Current General Plan Framework of RA.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in Evidence of Ownership and Authorization section of this application.

EXHIBIT "A"

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF DINSMORE. IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel 131 of Timberline Ranch Estates, as shown on the Amended Record of Survey. Pages 135 to 143, inclusive, in the Office of the County Recorder of said County.

PARCEL TWO:

filed in Book 26 of Survey..

A non-exclusive right of way for ingress and egress and for public utilities 60 feet in width; the center lines of which being- the following- roads:

A. (Eight Mile Road) Over said Survey of Parcel 130, 127, 13Z, 133, 151, 152, 153, and 154.

B. River Road that lies within Parcels 151, 152, 153, and 154 as shown on said- Survey.

Amended Record of

C. Over a strip of land, the center line of which is the existing road over the North Half of the North Half of Lot 2, and that portion of Lot 3 lying North of the Mad River in Section 6, Toyvnshl11> 1 North, Range 6 East.

4.0 Natural Waterways

There are five (5) stream crossings located on the property.

5.0 Setbacks of Cultivation Area

All cultivation is located outside of the required setbacks.

6.0 Access Roads

The private on-site road is accessed through a locked gate that joins Ridge Road. There are approximately 1.2 miles of roadway that were inspected on the site visit, including portions of Ridge Road, private access roads, and seldom used agriculture/quad paths. Conditions of the roadway vary throughout the property. There are portions of roadway that have been rocked with native gravel and are correctly sloped or have water bars installed.

7.0 Graded Flats

There are no graded flats on the Parcel that have been identified to require permitting.

8.0 Existing and Proposed Buildings

Collectively, there are four (4) existing structures with three (3) of the buildings being designated for cultivation purposes. Storage Shed #1 is a 12'x17' structure constructed in 2014 and is used for cultivation related chemical storage. Storage Shed #2 is a 17'x13' structure constructed in 2014 and is used for domestic storage. Storage Shed #3 is a 20'x30' structure constructed in 2014 and is used for drying and storage of harvested cannabis. The Generator Shed is a 12'x12' structure used for generator storage which support cultivation related activities.

9.0 Water Source, Storage, Irrigation Plan and Projected Water Use

9.1 Water Source

The Applicant sources water from a permitted surface diversion.

9.2 Water Storage

The Applicant has 52,000-gallons of water storage as outlined below.

- Six (6) 5,000-gallon HDPE tank
- Six (6) 3,000-gallon HDPE tank
- Two (2) 1,500-gallon HDPE tank
- Two (2) 500-gallon HDPE tank

9.3 Irrigation Plan

The Applicant irrigates using a timed, metered drip irrigation system, preventing over watering or run-off.

9.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's

cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant estimates their annual water use to be approximately 100,000-gallons.

9.5 On-Site Water Conservation Measures

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Woodchips or rice straw will be used as mulch in cultivation areas that do not have vegetative ground cover to reduce evaporation and conserve water. The cultivator will use meters to record water usage and will these maintain records on site for a minimum of 5 years.

9.6 Water Use Record Keeping Practices

Per Sections 55.4.12.7.5 through 55.4.12.7.7, the applicant will adhere to the following metering and record keeping practices.

- A metering device shall be installed and maintained on all discrete points of diversion or other locations of water withdrawal (including wells). The meter shall be located at or near the point of diversion or withdrawal.
- A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation.
- Operators shall maintain a weekly record of water collected from Diversionary sources, as well as a record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately of differentiated from any record of water use for domestic, fire protection, or separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

10.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

The following is taken from the Applicant's Site Management Plan created in compliance with the State Water Resources Control Board General Order. Any map points referenced are from the Site Management Plan.

Erosion Prevention and Sediment Capture

The discharger will maintain a Road and Drainage Feature Maintenance Log. A page of this log is included with this report. Storms that produce 0.5 inches of precipitation within 24 hours or over 1 inch over the course of 7 days shall trigger an inspection of all roads, ditches, culverts and their outfalls, and any other drainage features. This same inspection shall occur prior to the onset of the wet season (e.g.

September before regular rain events begin). Dischargers shall inspect the condition of the roads and drainage features. Any woody debris that is found at drainage inlets should be removed to prevent any blockages. Any sediment buildup that impacts access road or drainage feature performance shall be removed and stabilized outside of the riparian setbacks. Stabilization of sediment will be achieved by one of the following methods:

- Reused in contained vegetable or ornamental gardening beds that are located outside of the riparian setbacks.
- In contained stockpiles that are covered when not in use. These stockpiles can then be used when amending/reusing cultivation medium.
- Transported contained and covered to the closest transfer station to be green wasted.

Erosion prevention controls consist of gravel on access roads and straw wattles at the perimeter of disturbed areas. All erosion control measures shall be replaced and upgraded as needed.

Fertilizers, Pesticides and Herbicides Application, Storage and Disposal

Currently there are no fertilizers, pesticides, herbicides or rodenticides used on the parcel. There are storage sheds which can adequately contain these chemicals during the cultivation season and during the winter period. Any of these will be mixed or prepared in locations where these cannot enter a waterbody (surface or groundwater). Fertilizers, pesticides, herbicides and rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a covered building. Agricultural chemicals will not be applied within 48 hours of a predicted rain event with a 50% or greater chance of 0.25 inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. For the proposed 8,886 ft² of cultivation, 65 pounds of nitrogen is the projected limit unless the Applicant can prove through testing that additional nitrogen must be applied.

Spill Prevention and Clean Up

A spill cleanup kit will be located near or made available wherever chemicals, fuels, or amendments are stored or used. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

Petroleum

Use, Storage, and Disposal

The site currently has diesel and propane storage for supplying heat, power, and backup power. There is a propane tank on site and a diesel fuel tank which is appropriately covered and has secondary drip catchment basin installed beneath it. Generators are prohibited in TPZ zones according to the Humboldt County Cannabis Cultivation Ordinance 2.0 and the generators will no longer be used on the parcel. While in use, any device or equipment powered with petroleum will need to be stored with drip containment outside of riparian setbacks. Fueling of any equipment or vehicles will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. Anything containing petroleum will be stored in a covered building with an impermeable floor and during the winter period these things will be locked up. A summary of annual petroleum is listed below in Table 4.

Table 4. Inventory of all petroleum products used on Site.

Petroleum Product	Associated Equipment	Method of Storage
Propane	Propane Tanks	500 gallon fixed tank, miscellaneous portable tanks
Gasoline	Backup Generator	Approved portable storage tanks in secondary containment

Cultivation Waste, Trash/Refuse and Domestic Wastewater

Trash/Refuse Overview

During the site visit remnant cultivation related materials were observed appropriately stored. There are storage buildings on site which can be used to contain any materials once cultivation begins. All trash shall put into containment and removed on a regular basis to an authorized landfill. No trash or debris will be allowed to enter a watercourse or riparian setback area. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

Domestic Wastewater BPTC Measures

The residence on the site has a permitted septic system. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks on a level surface.

Winterization Measures

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and

concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stockpiles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Generally, culverts shall be inspected and maintained to ensure integrity during winter; no culverts were located on the parcel. This inspection would include clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater.

13.0 Stormwater Management Plan

The Site Management Plan prepared for this parcel covers required winterization to be completed each year before the onset of the wet season. Potential issues related to stormwater runoff on this property are limited to erosion of road surfaces and transportation of deleterious nutrients and sediment. The cultivation areas on this site are well drained and adequately set back from riparian resources. Once a few road drainage issues are corrected, general winterization should mitigate all detrimental stormwater effects. It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1st and concluding April 1st. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stockpiles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Generally, culverts shall be inspected and maintained to ensure integrity during winter; no culverts were located on the parcel. This inspection would include clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site. Additionally, all fertilizers and petroleum products

to be left on site will be stored in secondary containment and locked in the shipping container to avoid spillage and discharge to surface or groundwater.

14.0 Energy Use

The parcel is supported by generator.

15.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, or state parks within 600 feet of the cultivation site. There are also no Tribal Lands, areas of Traditional Tribal Cultural Affiliation within 1,000 feet of the cultivation site. The Applicant has completed a report with a licensed archaeologist.

II. Cultivation and Operations Plan

1.0 Materials Storage

All fertilizers and amendments are located in the Shed #1 on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

All fertilizers and pesticides are stored in plastic totes inside a storage shed (SS D) lined with a rubber floor acting as a secondary containment facility. Respirators, gloves and paint suits are required during application of pesticides. Storage and application of pesticides and fertilizers are done to label specifications.

The Earth Juice Sea Blast product line (Grow 17-8-17, Transition 8-32-24, and Bloom 3-26-22) is being used as fertilizer in conjunction with Earth Juice Liquid Cal-N-Mag (Calcium Magnesium supplement). Soil is amended with Earth Juice Rainbow Mix Pro Bloom (2-14-2). Fertilizer is applied twice a week, soil is amended once per grow cycle (twice a year).

Green Cleaner is the only pesticide used. It is applied weekly via foliar spray per label specifications as an insecticide and fungicide. Active ingredients in green Cleaner are Soybean Oil and Sodium Lauryl Sulphate, and it is compliant with Department of Pesticide Regulation specifications. A gallon or less of Green cleaner is stored on site. No other insecticides, fungicides, or rodenticides are used or stored on site.

The Material Safety Data Sheets for all fertilizers and pesticides stored and applied at the cultivation site are attached.

A single generator is in use at the property and housed in a sound proof shed (GS B) to prevent noise pollution.

Trash and recycling is stored within an enclosed trailer next to the residence. Trash is removed weekly to the disposal center in Redway and recycling is removed bi-monthly.

Cannabis waste material will be composted onsite. The Applicant brings soil to the parcel to place in pots and beds. The Applicant reamends their soil prior to each cultivation cycle. Should the soil no longer be viable for cultivation, it will be removed and disposed of at Wes Green in Arcata, CA.

1.1 On-Site Waste Treatment System Information

Large Onsite Wastewater Treatment System (OWTS) has been designed by AM Baird to meet the needs of the site. Portable toilets are being used until OWTS can be installed. The portable toilets are serviced twice a month by B&B Portable Toilets.

2.0 Cultivation Activities

Cultivation activities may vary based on strain, climate and the Applicants' personal schedule. Please see the Cultivation Chart included as Attachment "B," for more detailed information.

Cultivation Standards

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- Where subject to state licensures, participate in local and state programs for "Track and Trace" once available.
- Maintain a current, valid business license at all times.
- Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
- Pay all applicable application and annual inspection fees.
- Comply with any special conditions applicable to the permit or Premises which may be imposed.

3.0 Processing Practices

All processing will be conducted by a licensed third-party processor.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

4.0 Security Measures

The access to the parcel is gated and locked.

5.0 Energy Use

Solar panels are planned for installation and cultivation activities. A single generator is in use at the property and housed in a sound proof shed (GS B) to prevent noise pollution.

Updated Water Usage Chart

11214 (6,850 sqft)

Water Use Estimation (Gallons)													
	January	February	March	April	May	June	July	August	September	October	November	December	Total
Diversion to Storage	12,500	12,500	12,500	-	-	-	-	-	-	-	-	12,500	50,000
Irrigation from storage	-	-	-	5,556	6,296	7,407	8,519	8,889	8,148	5,185	-	-	50,000



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H502200*

CERTIFICATE *H100251*

Right Holder: *brian southard
county line creek and ridge rd Road
mad river , CA 95552*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *08/27/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD1	Unnamed Stream	Mad River	Pacific Ocean	40.515806	-123.554130	Humboldt	208241005
POD2	Unnamed Stream	Mad River	Pacific Ocean	40.512371	-123.554288	Humboldt	208241007

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	208241007	0.41
Irrigation, Fire Protection	Humboldt	208241006	0

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *09/28/2018*.

The place of use is shown on the map filed on *09/28/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.77 acre-feet per year** to be collected from 11/01 to 05/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.68 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

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

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 09/28/2018 15:44:31

© 2018 - State Water Resources Control Board

December 26, 2019

WDID:1_12CC417973

DNA REALTY HOLDINGS
ATTN: ALBERT ARNOLD
1632 BROADWAY #449
EUREKA, CA 95501

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

191226_2L_1_12CC417973_1B161267CHUM_DNA_Realty_Holdings_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, DNA REALTY HOLDINGS, HUMBOLDT COUNTY APN(s) 208-241-007 & 208-241-006

DNA Realty Holdings (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 24, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC417973**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161267CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 21, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Recommend Denial	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
CalFIRE	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band THPO	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
State Water Resources Control Board – Division of Water Rights	✓	Approved	Attached
US Forest Service		No Response	
Ruth Lake Fire Protection District		No Response	
Trinity Alps Joint Unified School District		No Response	
South Trinity Joint Unified School District		No Response	
Southern Humboldt Joint Unified School District		No Response	
California Department of Fish & Wildlife		No Response	
CalTrans District 1		No Response	
Humboldt County Agricultural Commissioner		No Response	
District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
North Coast Unified Air Quality Management District		No Response	
Humboldt County Counsel		No Response	



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

6/10/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, US Forest Service, Ruth Lake CSD:FPD, RWQCB, NCUAQMD, Trinity Alps JUSD, Southern Trinity JUSD, Southern Humboldt JUSD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Brian Southard **Key Parcel Number** 208-241-006-000

Application (APPS#) PLN-11214-SP Historic Planning **Assigned Planner** Elizabeth Schatz

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: 6/25/2019

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

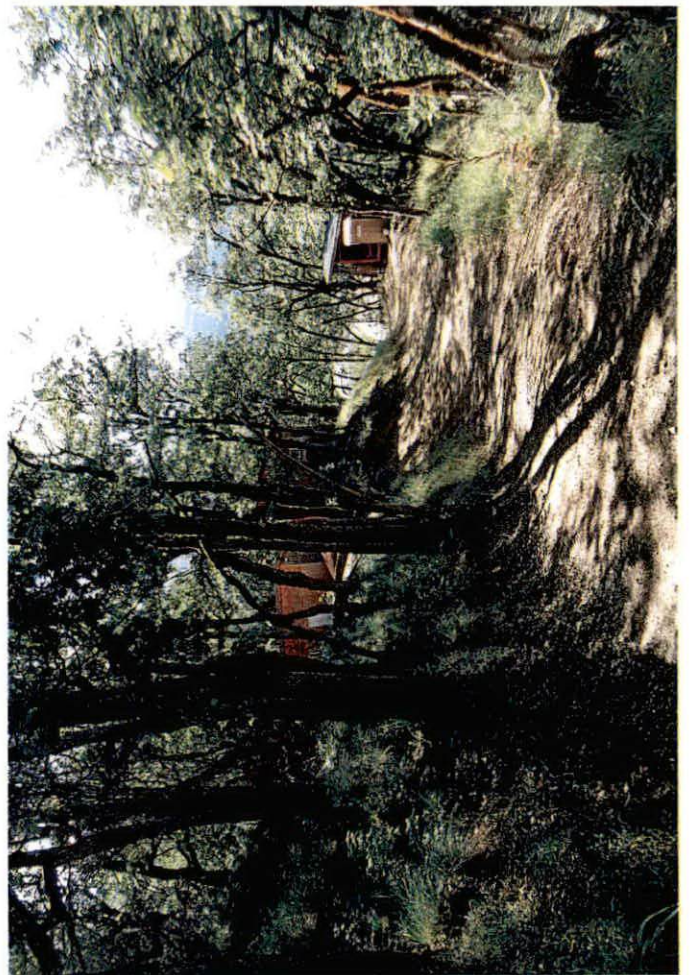
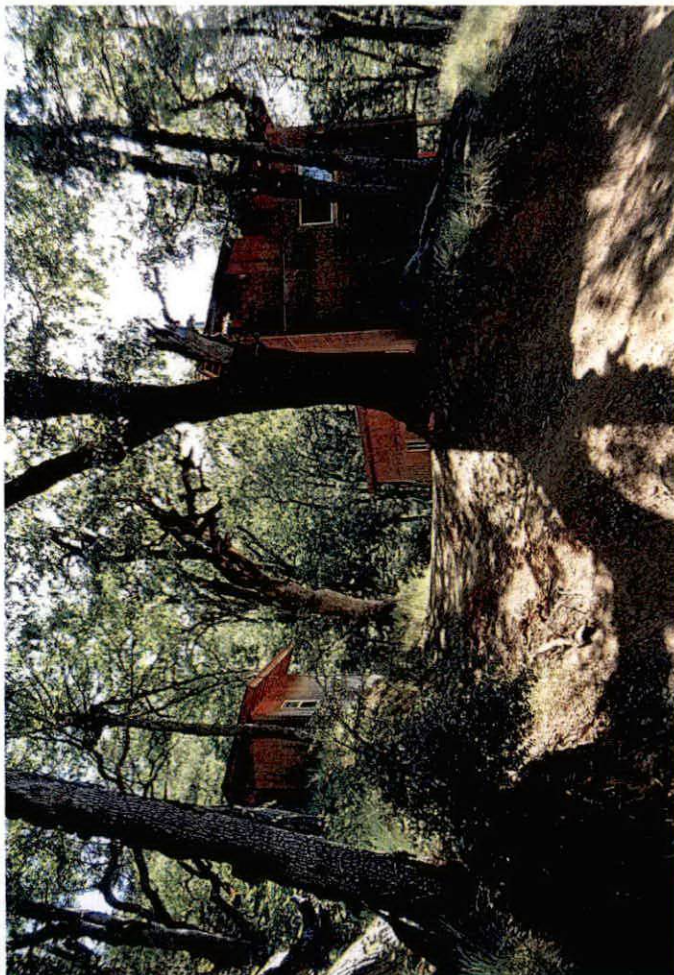
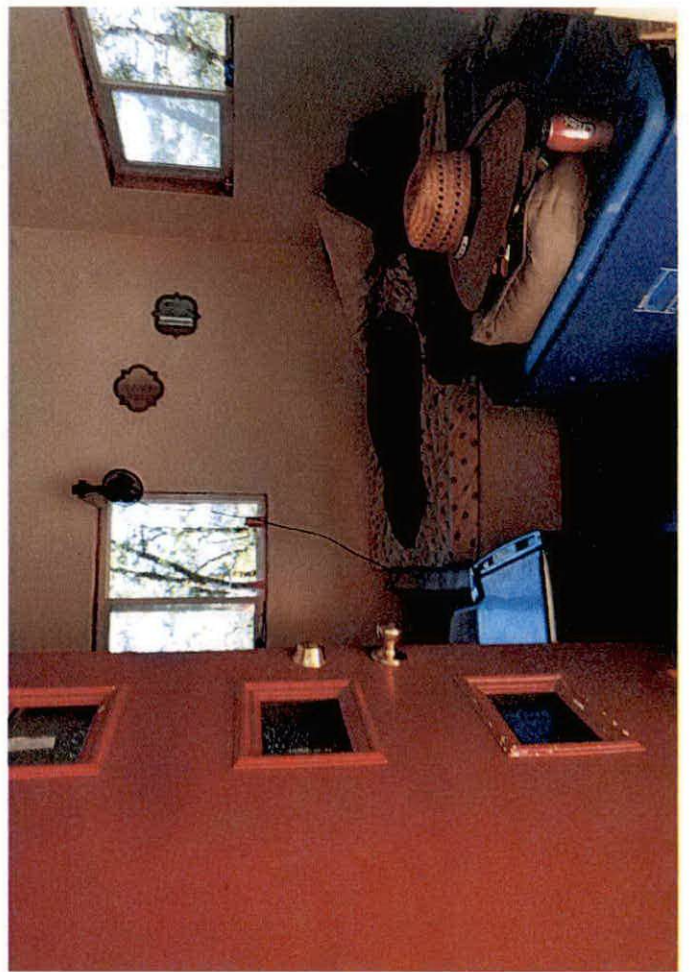
We have reviewed the above application and recommend the following (please check one):

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

Other Comments: See specific comments & photos

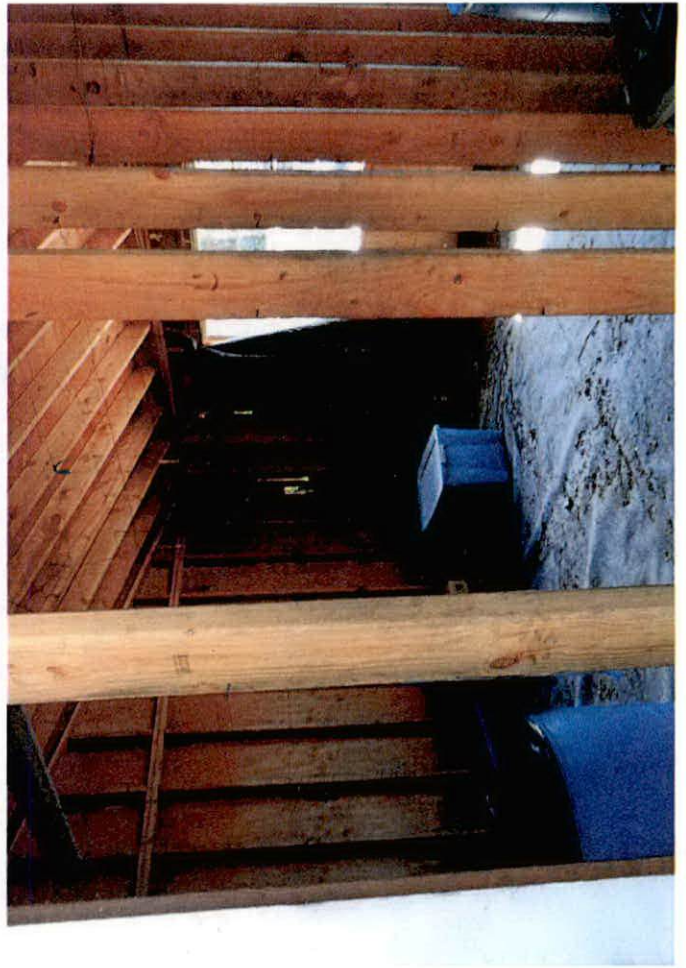
DATE: 6-13-19 PRINT NAME: Gustin Dumlauer

Storage Shed B 1

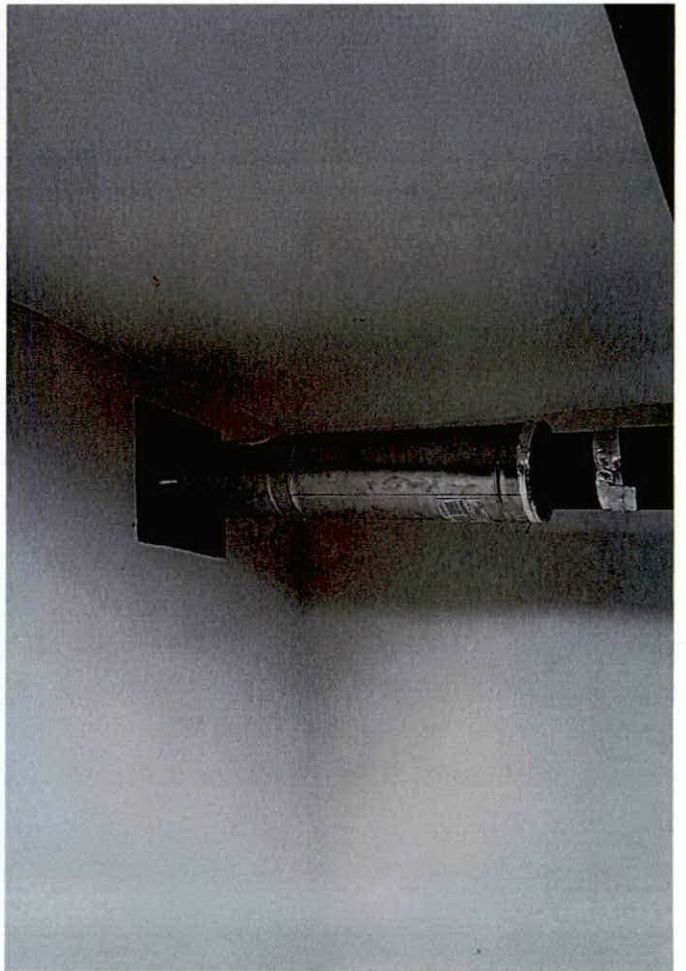


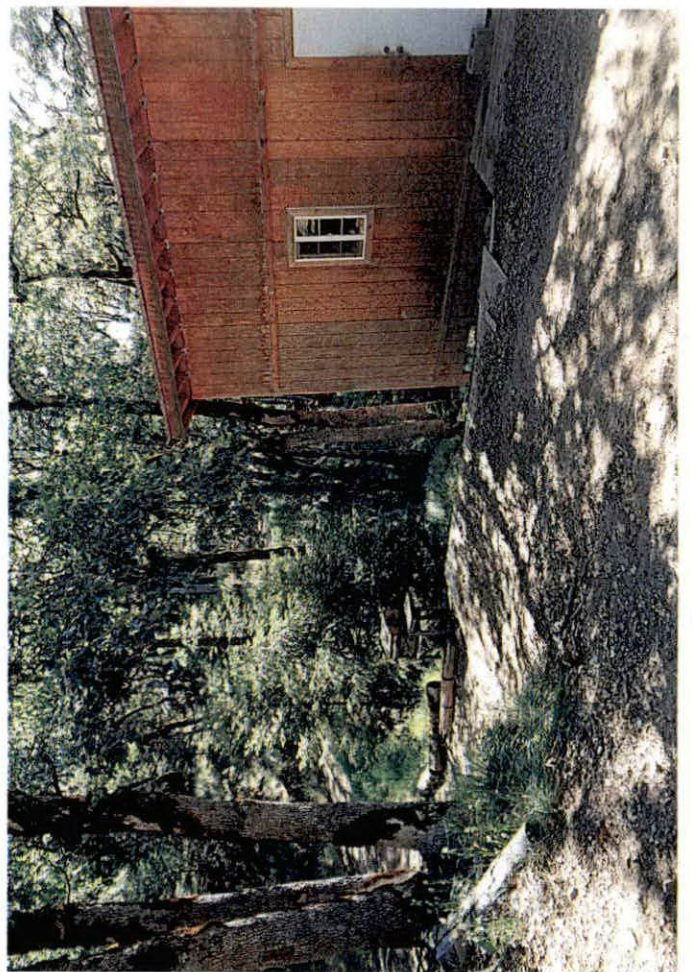
hell
200-142-802
DG 6/11/19

Drying sled A

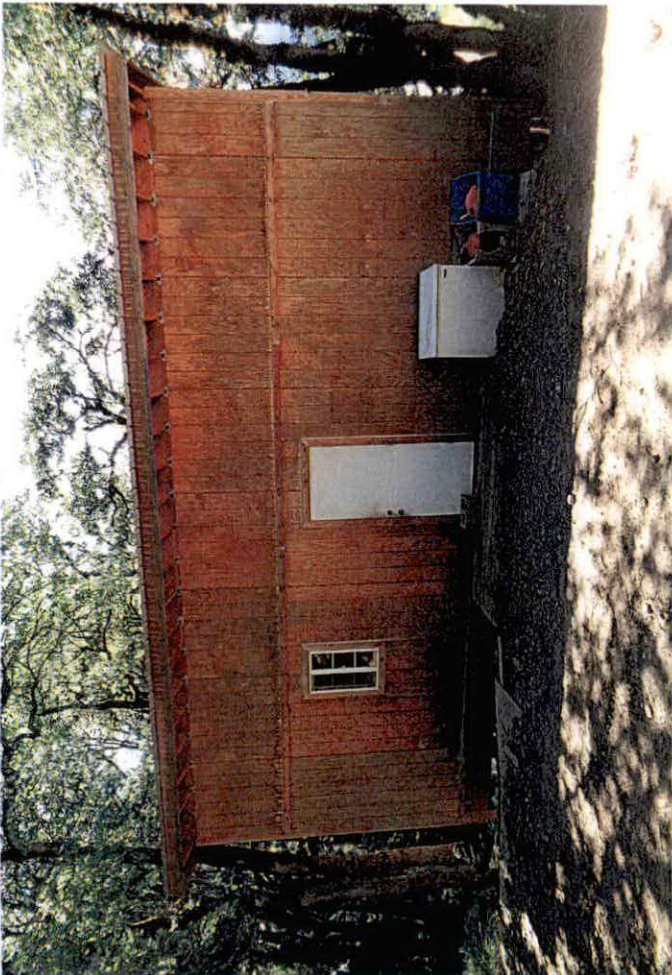


SMA ↓

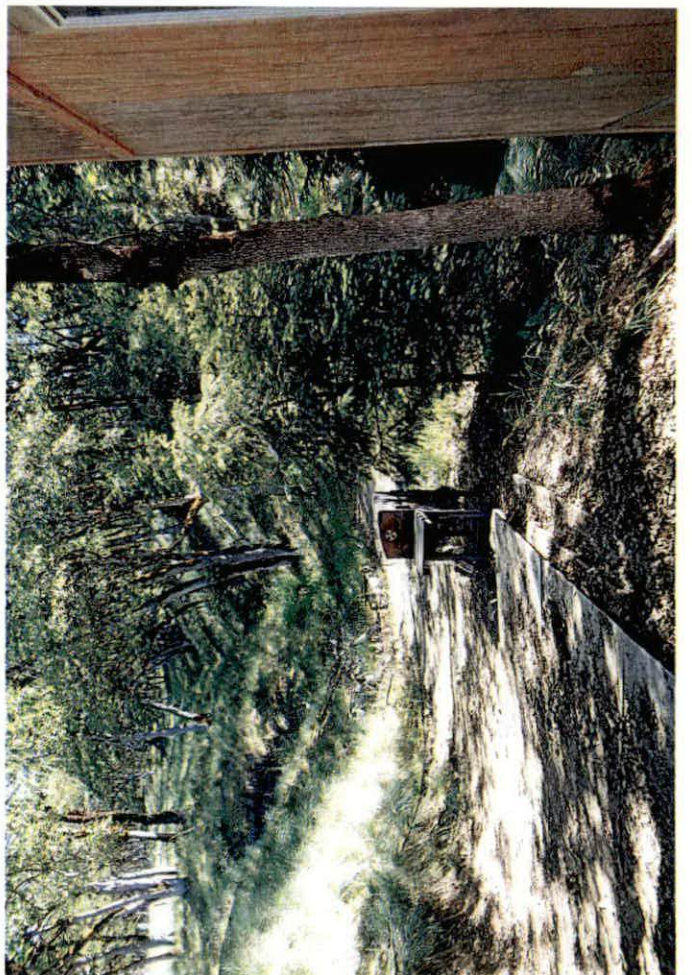




AMS → near SMA

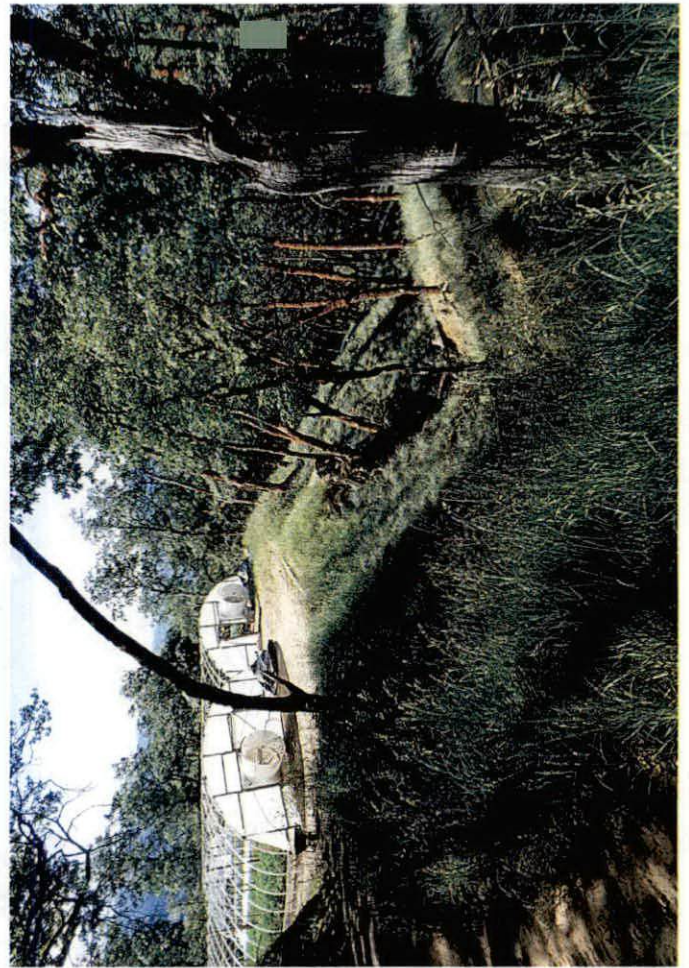


Drying Shed *



hill

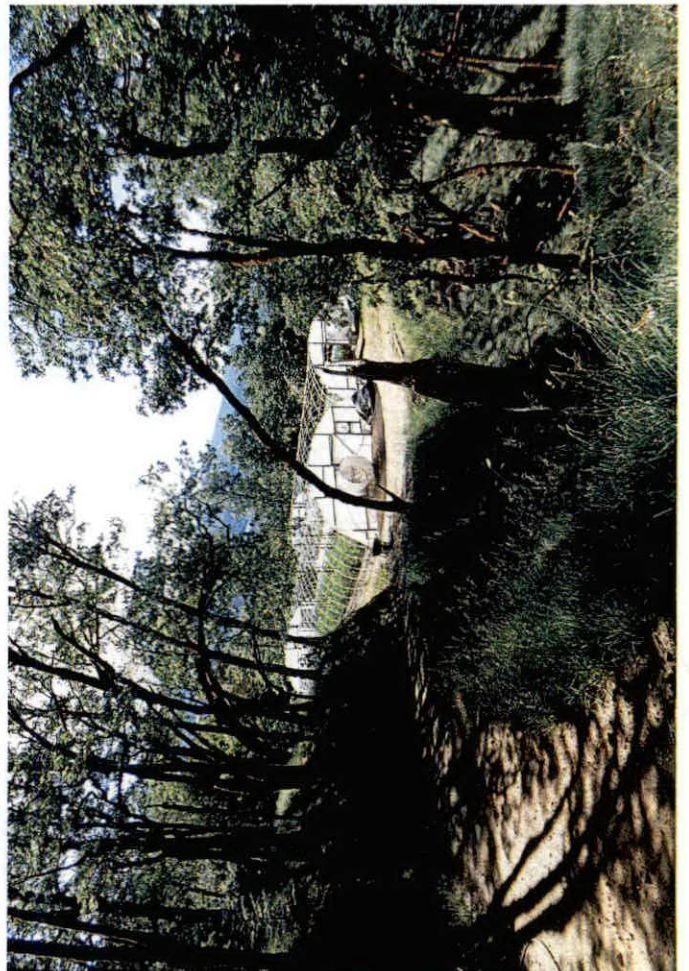
000-14E-80E AG 6/11/19



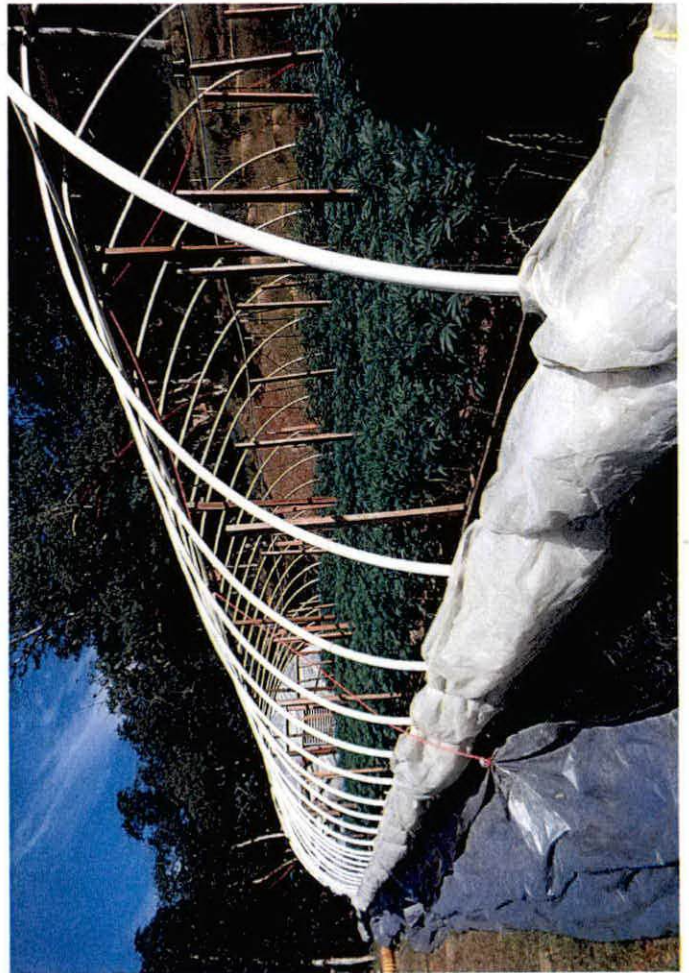
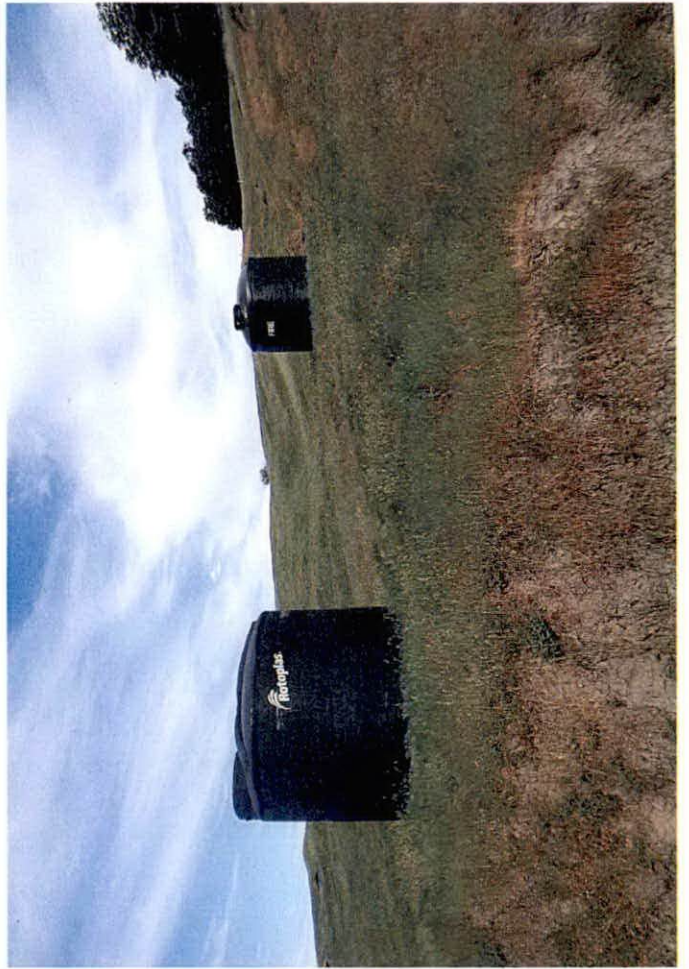
Grading



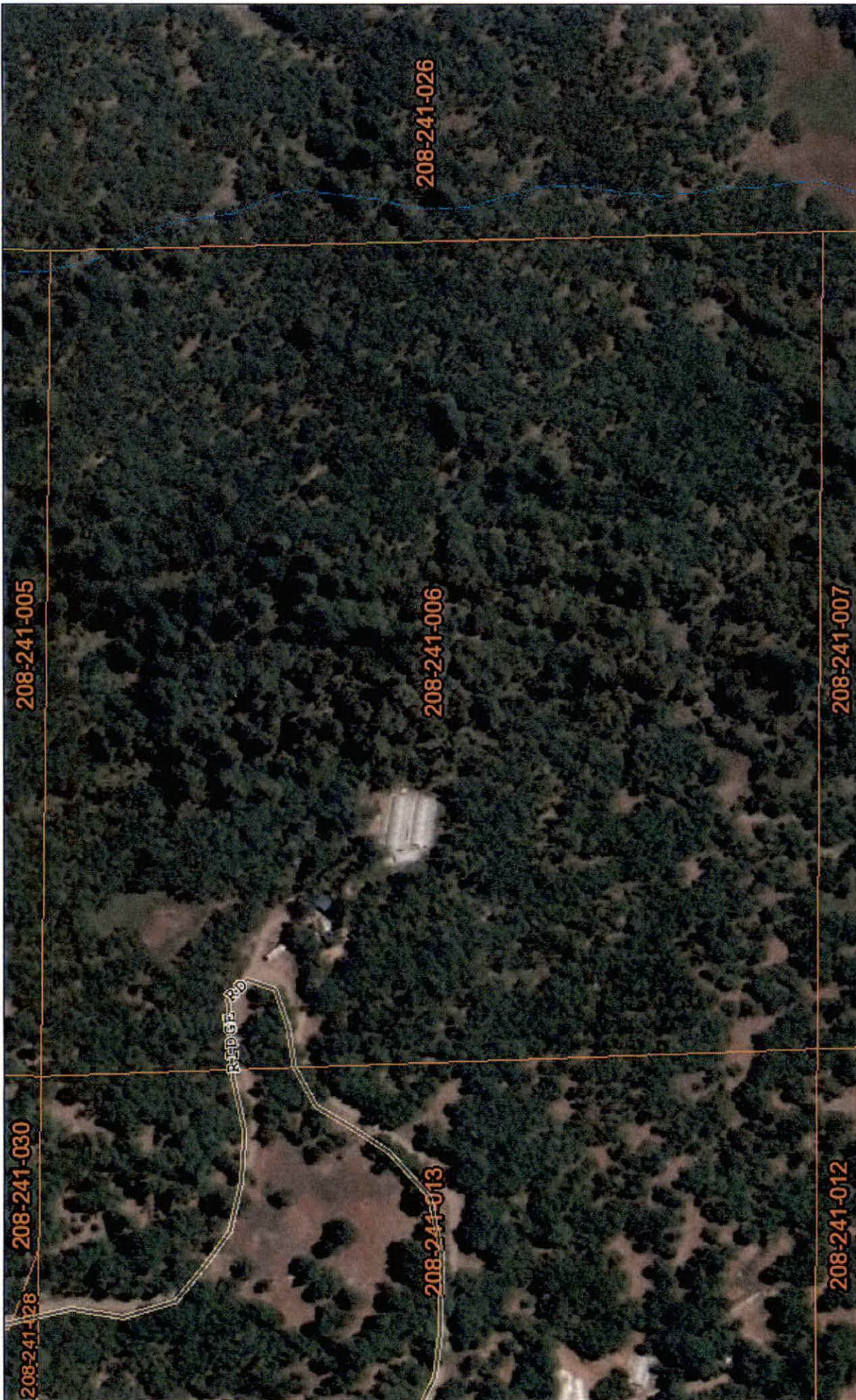
Drying Shed




Blodden



6/1/19 GD 208 - 241-006
h1e11 900-14e-80e DG 6/1/19/9





 0 140 280 560 Feet

 0 0.025 0.05 0.1 Miles

 1 in = 300 ft


 RF = 1:3,600

Sources: Humboldt County GIS
 Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 FRAP, FEMA, USGS

Highways and Roads
 Private or Unclassified
 Major River or Stream
 Minor Arterials
 Major Collectors
 Minor Collectors
 Local Roads

Intermittent
 Subsurface
 City Boundary
 Counties
 Parcels (Owners)
 Parcels (Owners, no labels)

Blue Line Streams
 Perennial 1-3
 Perennial >4



208-241-006-000
 Humboldt County Planning and Building Department
 Printed: June 12, 2019 Web AppBuilder 2.6 for ArcGIS
 Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.



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

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name Brian Southard
Address 1 PO Box 33 **Address 2**
City Mad River **State** CA **Zip** 95552

OWNERS NAME AND MAILING ADDRESS

Name White Oak Land Holdings Llc **Email**
Address 1 75 N Main St #260 **Address 2**
City Willits **State** CA **Zip** 95490

SITE INFORMATION

Parcel Number 208-241-006-000 **Application Number** PLN-11214-SP
Street Address **City** **State** **Zip**

PRESITE INVESTIGATION

Project is already started Yes	AOB Inspection No
Soil report is required due to Site Conditions	Project appears to be within wet area SMA
Project is in flood zone A per No	FIRM panel number
Flood elevation certificate required No	Is 2nd Flood Certificate Required? No
Plans stamped by a licensed person required Yes	SRA requirements apply Yes
SRA water storage requirements apply Yes	Lot created prior to 1992
Appr.SRA req. need to be shown on plot plan Yes	Plot plan incomplete, must be revised Yes
Driveway slope appears to be Under 16%	Submit engineered foundation for None
Grading permit required Yes	Applicant must locate property lines Yes
Incomplete submittal Construction Plan Yes	Other concerns exist Yes
Erosion and sediment control measures req. Designed by qualified person	

Inspector Notes

6-13-19 G. Dumler
 Planning referral comments
 Revise plot plan to show all structures, dimensions, uses, and grading.
 Revise plot plan to show all Streamside Management Areas, include setbacks to structures.
 Building permit comments
 Submit 2 complete sets of building plans for all buildings
 Submit soils report addressing buildings and grading due to original slope greater than 15%
 Submit grading, erosion, sediment control plans by CA licensed engineer
 Submit floor and electrical plans for all greenhouses
 Submit Ag exempt letters of intent for all ag structures
 Submit engineered pad/ foundation/ containment for 20,000 gal bladder.
 Identify property lines with recorded monuments or provide a letter from licensed surveyor verifying setbacks to property lines.

QUESTIONS? Please contact the County of Humboldt Building Division

PLN-11214-SP STATUS > In Referrals > None Provided > MDRV Realty ... > 15 total Task
 MDRV Realty Hold...
 A Special Permit f...

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (12)

Payment

Workflow History (51)

Comments (4)

Documents (37)

Conditions of Approval (0)

Task	Due Date	Assigned Date
Environmental Health	05/10/2019	04/29/2019
Assigned to Department	Assigned to	Status
Environmental Health	LandUse1 DEH	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Ben Dolf	04/30/2019
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	



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

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

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: Elizabeth Schatz, Senior Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer *KMF*
DATE: 4-29-2019

RE:

Applicant Name	BRIAN SOUTHARD
APN	208-241-006
APPS#	11214-SP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 9/15/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11214

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

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

[X] YES [] NO

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

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

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

[] YES [] NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

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

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

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

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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

4/26/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, US Forest Service, Ruth Lake CSD:FPD, RWQCB, NCUAQMD, Trinity Alps JUSD, Southern Trinity JUSD, Southern Humboldt JUSD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Brian Southard **Key Parcel Number** 208-241-006-000

Application (APPS#) PLN-11214-SP Historic Planning **Assigned Planner** Elizabeth Schatz

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

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

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

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

Return Response No Later Than: 5/11/2019

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

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

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

Other Comments: SIUR - H100251

DATE: 4.29.19 PRINT NAME: DYANA McPherson

ATTACHMENT 5
PUBLIC COMMENTS

To: Magan Acevedo.

Hello, thank you for the opportunity to address the commission/Zoning administrator with my concerns in regards to proposed special permit of the cannabis farm at APN 208-241-006. That parcel of land had been issued interim permit in conjunction with adjacent APN 208-241-007 since 2018 operating as a single- sharing infrastructure cannabis farm (water sources and storage, parking, cannabis processing- drying areas, tools and equipment, workers, owners, suppliers and visitors etc.). Owners/operators of that farm have to travel almost a mile on the Eight Mile Ridge Road from one property to another through three neighboring parcels including mine. For most of the year them being the only ones using the road- sometimes dozens of time a day with heavy equipment, trucks, trailers, ATVs and UTVs at high rate of speed destroying privately maintained road for many years, littering the hillsides along the way with trash. Utilizing part of Ridge Road through the corner of their bottom parcel as a parking for vehicles, construction equipment, trailers etc. restricting the passage (Require continuous road maintenance and off street parking?)

Initial 4 miles of the County Line Creek Road is unpaved dirt Road from Highway 36 in Trinity County with a road sign "commercial use by permit only" continuing into Humboldt County through annually graded dirt Road by a road association but not extending grading on to Eight Mile Ridge Road.

There had been multiple of car crashes in the last few years involving one of the workers from aforementioned farm in multi day and multi agency search and rescue, finding missing person and his dog deceased in the crashed vehicle down the steep 70 foot drop of the river bank.

Increased traffic from commercial cannabis farming on aforementioned roads is negatively impacting residences along the way with dust, noise and significant road deterioration, impacting wildlife of national forest and polluting watershed of Mad River that the road runs along by for 10+ miles. Staff report contains road evaluation report prepared by the previous owner of the aforementioned farm in 2018 - not current. (A road and traffic impact evaluation by certified civil engineer needed?)

Claimed existing water storage and self reported estimated water usage for both parcels are grossly underestimated in accordance with information from Resource Innovation Institute, Berkeley Cannabis Research Center and New Frontier Data (screenshot and website data attached). By combining mixed light (greenhouse) cultivation area of Parcel number 006 with cultivation area of parcel 007 at 8450 Square foot and multiplying it by 80 gallons per square foot resulting in 676000 gallon per year.

Combining outdoor cultivation area of both parcels at 16500 Square foot and multiplying it by 11 gallons per square foot per year equals to 181500 gallons per year. Combined total of water storage for both properties will have to be equal to 857,500 gallons.

Increased water diversion by the cannabis farm in question from the only year around spring in the neighborhood located three-quarter up from the bottom of the hill in the national forest significantly decreases and sometimes prevents water availability in the hydrologically connected springs and streams down the hillside through the neighboring parcels, especially now with decreased precipitation in the area.

Stated proposition for the future solar generation on that farm has been on paper since 2018 yet continuing commercial usage of gas powered electrical generation . Increased generator usage by inapt seasonal workers and owners hiding behind out of the area business front entities who can't care less about our fragile environment have subjected our rural community to elevated fire danger, threatening lives and properties. The rate of potential fire spread would be counted in minutes due to steep terrain. Lack of access roads throughout both parcels will hinder and prevent timely fire suppression efforts. Nearest volunteer fire department is 7.5 miles away with approximately one hour of travel time to the aforementioned farm. (Sunset date for generator use? Fire prevention, protection, suppression and mitigation measures?)

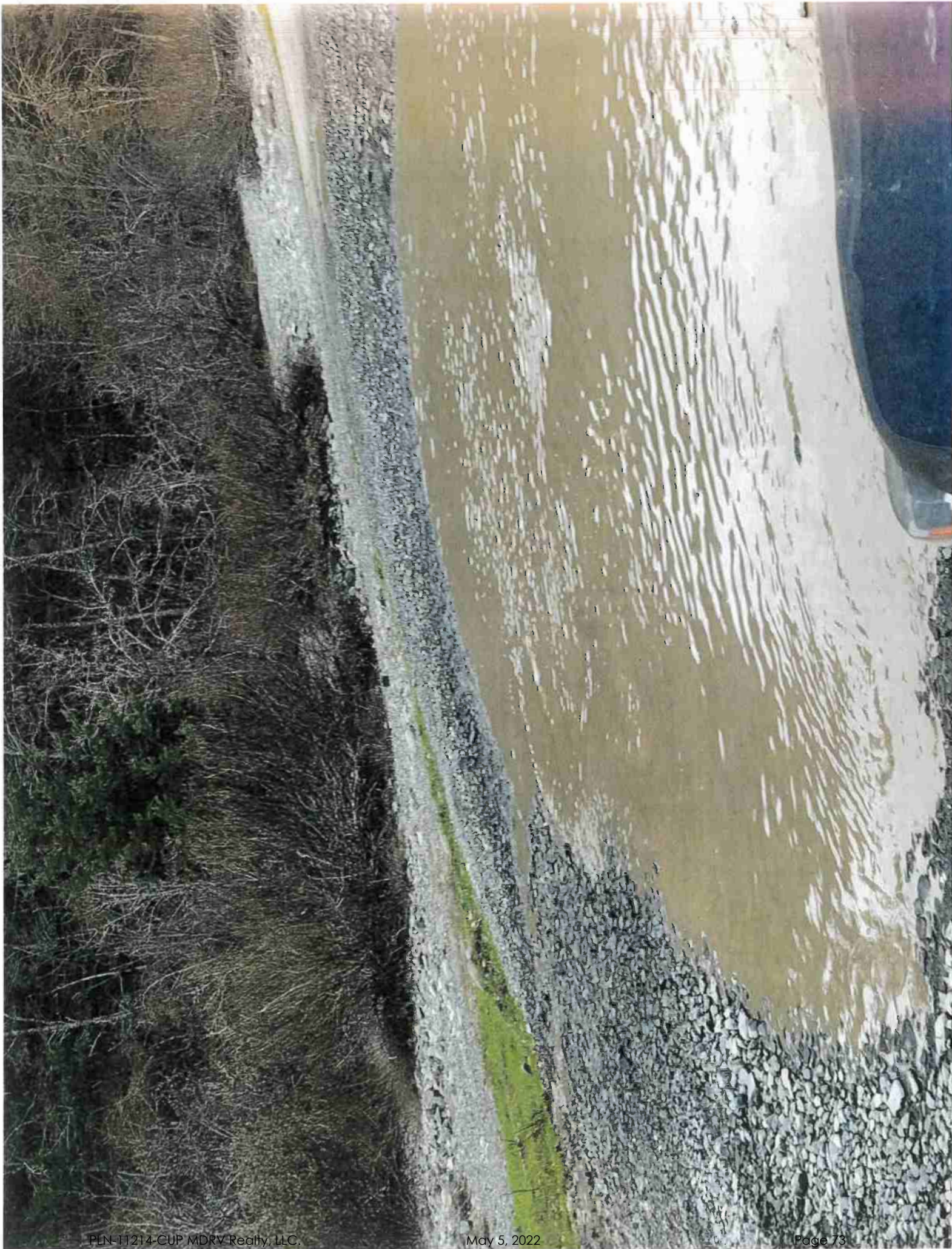
Light pollution at night from greenhouses, generator noise, constant traffic, dust and noise on bad private road that they don't maintain has been a plague for this once scenic and tranquil national forest hillside neighborhood since 2016 when interim permits were given to purely self- planned, self-regulated and un-inspected self-certified profit driven cannabis farms in the area, with no improvements in site but degradation of quality of life and environment.

I would like to stay anonymous due to potential repercussions from owners/ operators of the Farm in question in the form of property theft and vandalism since I am not there all the time to guard it, especially since one of the owners/operators was involved in the property theft from my neighbor a couple of years ago. With a matter not being reported to the police after the owners of the Farm in question returning some of the stolen property to the victim. I hope zoning administration and the planning commission will address my issues in their decision.

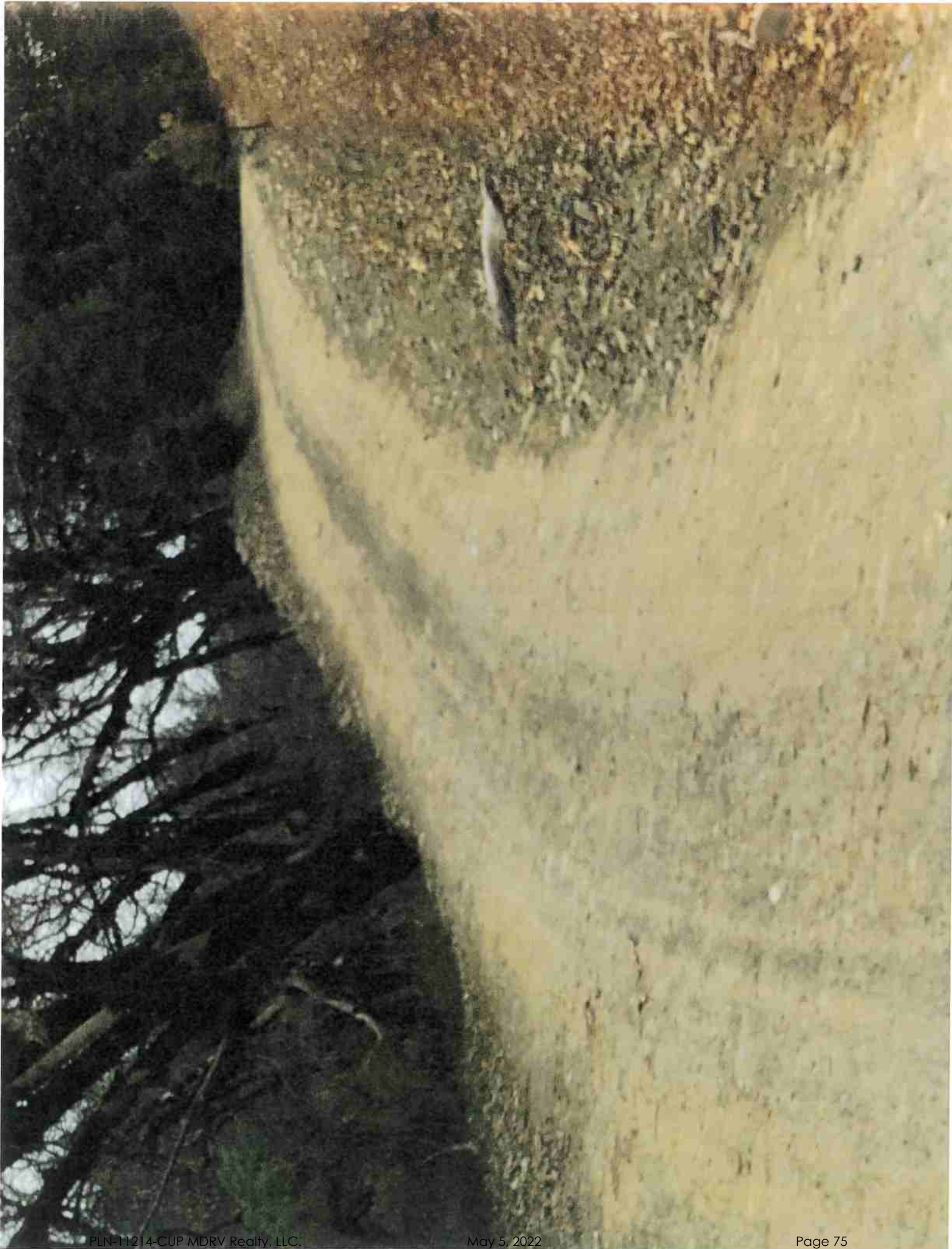
Anonymous

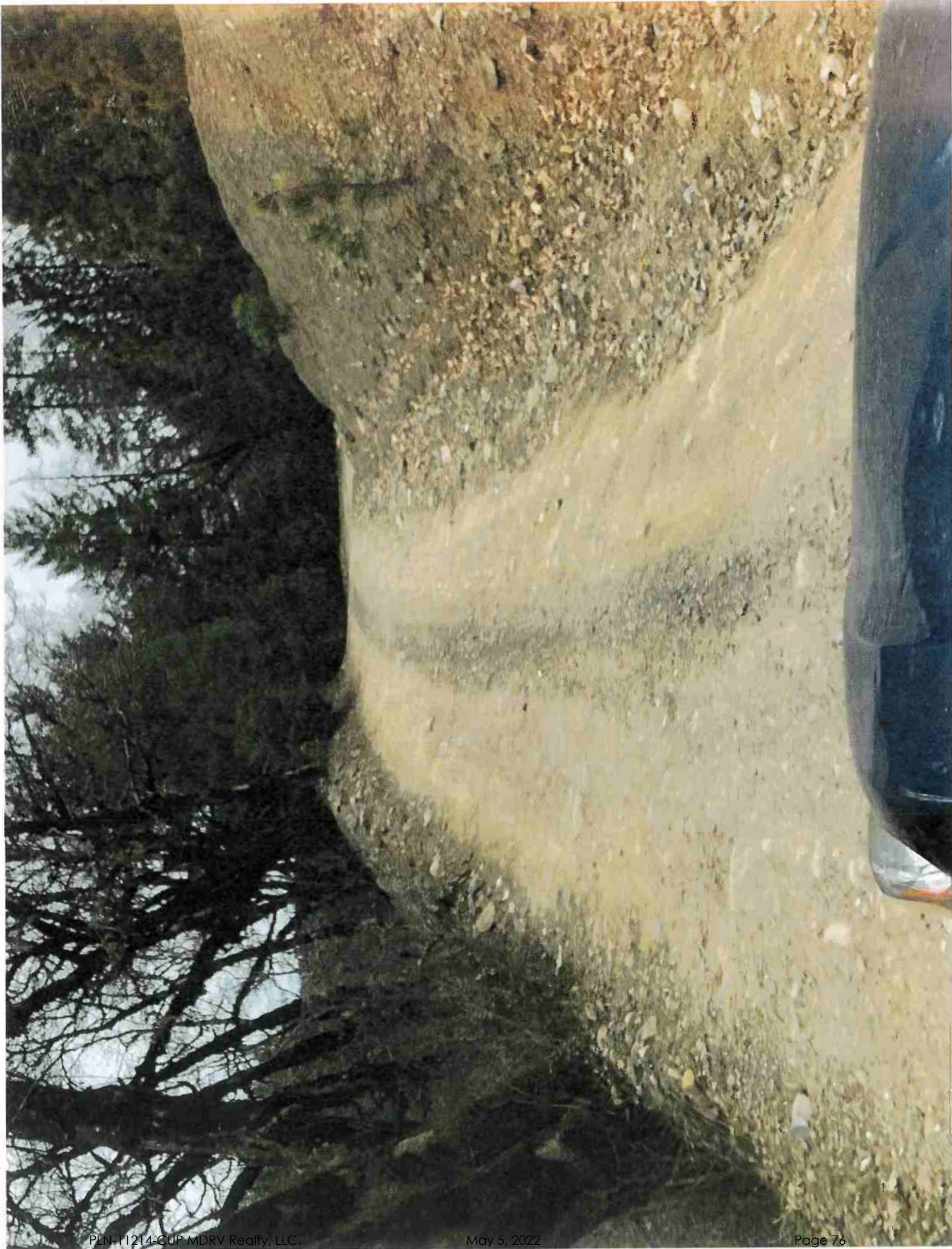
On Wed, Mar 2, 2022 at 22:43 Anonymous wrote:

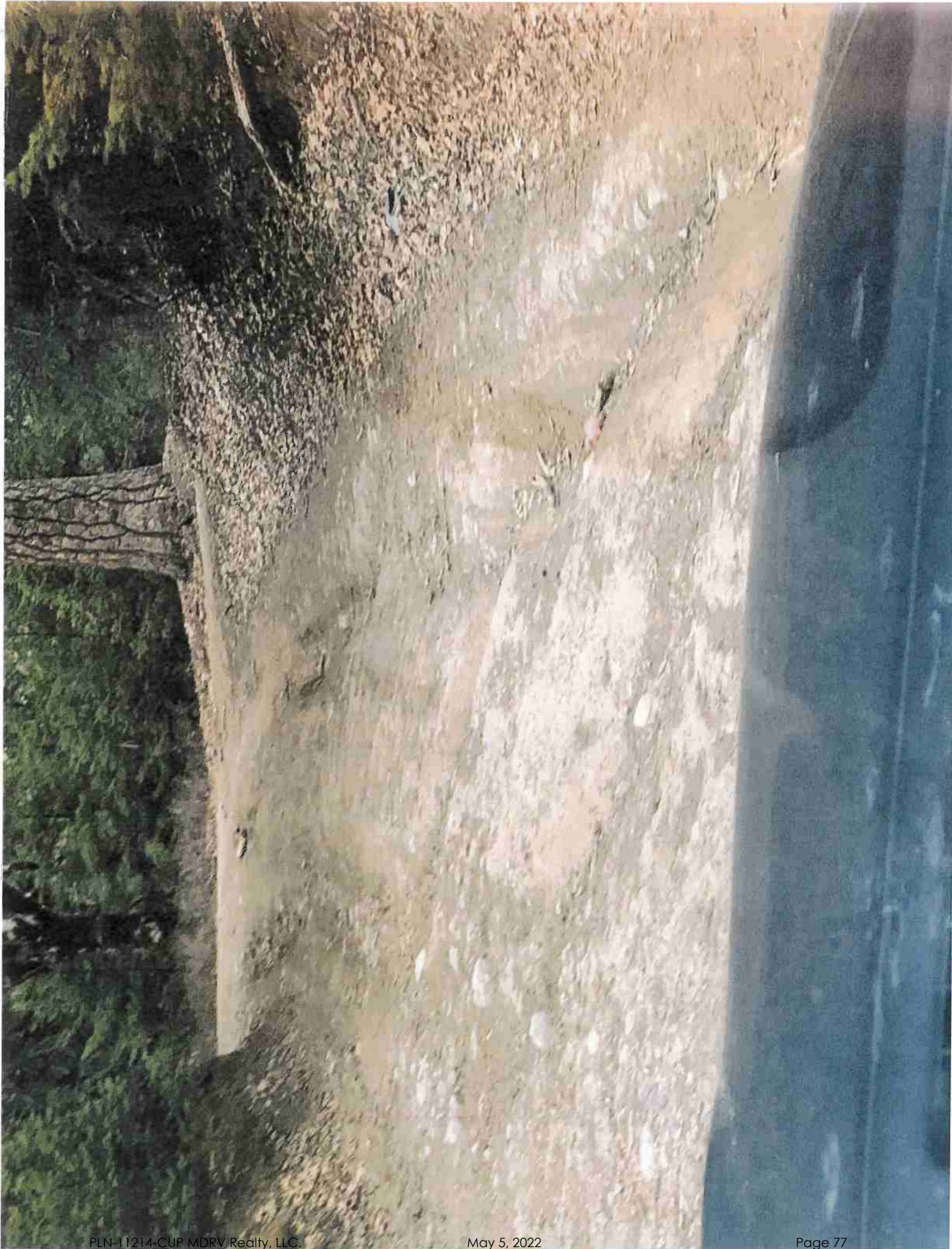
Here is some fresh pictures of mad river road from highway 36 to the ridge road. Email application arranges the pictures out of order.

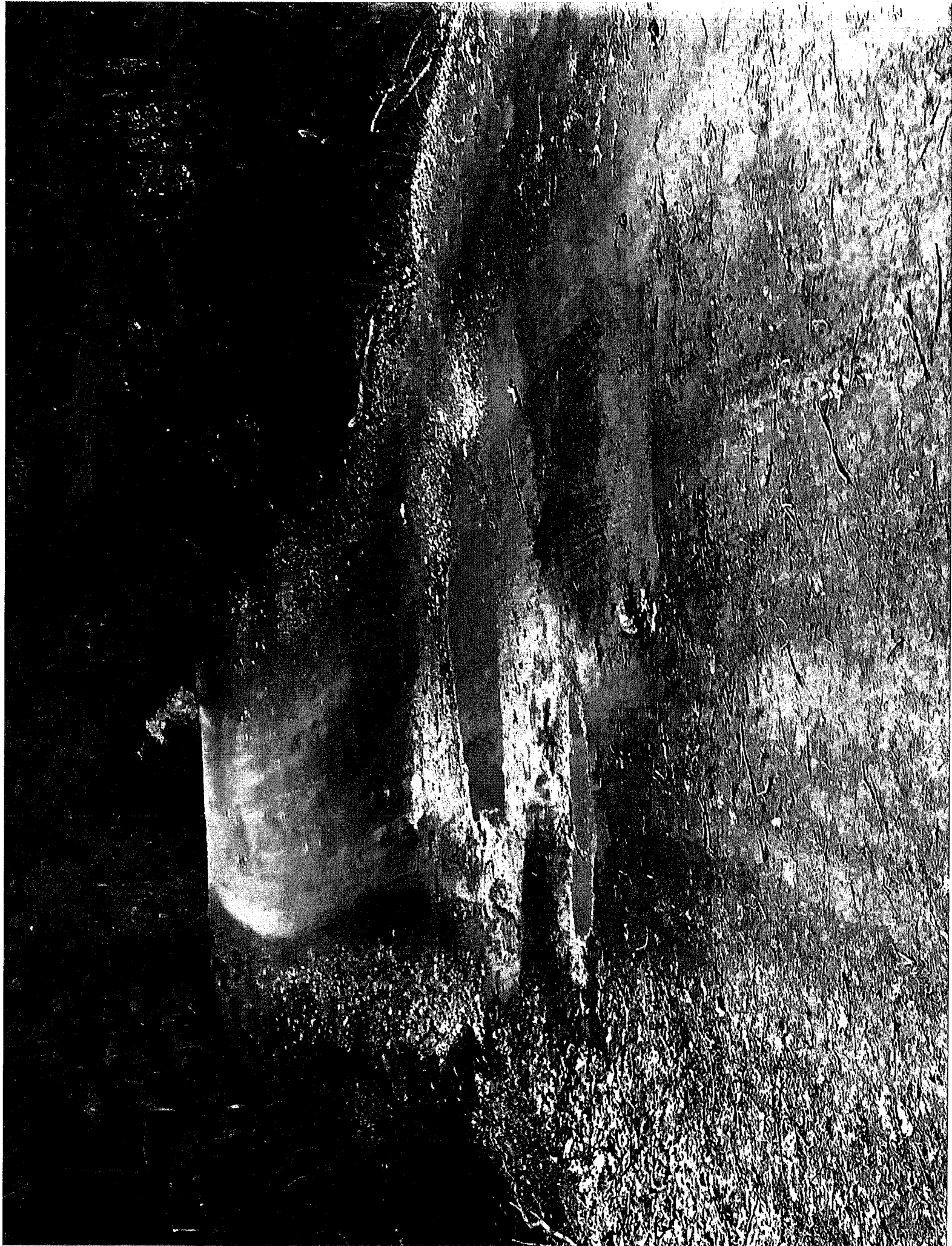


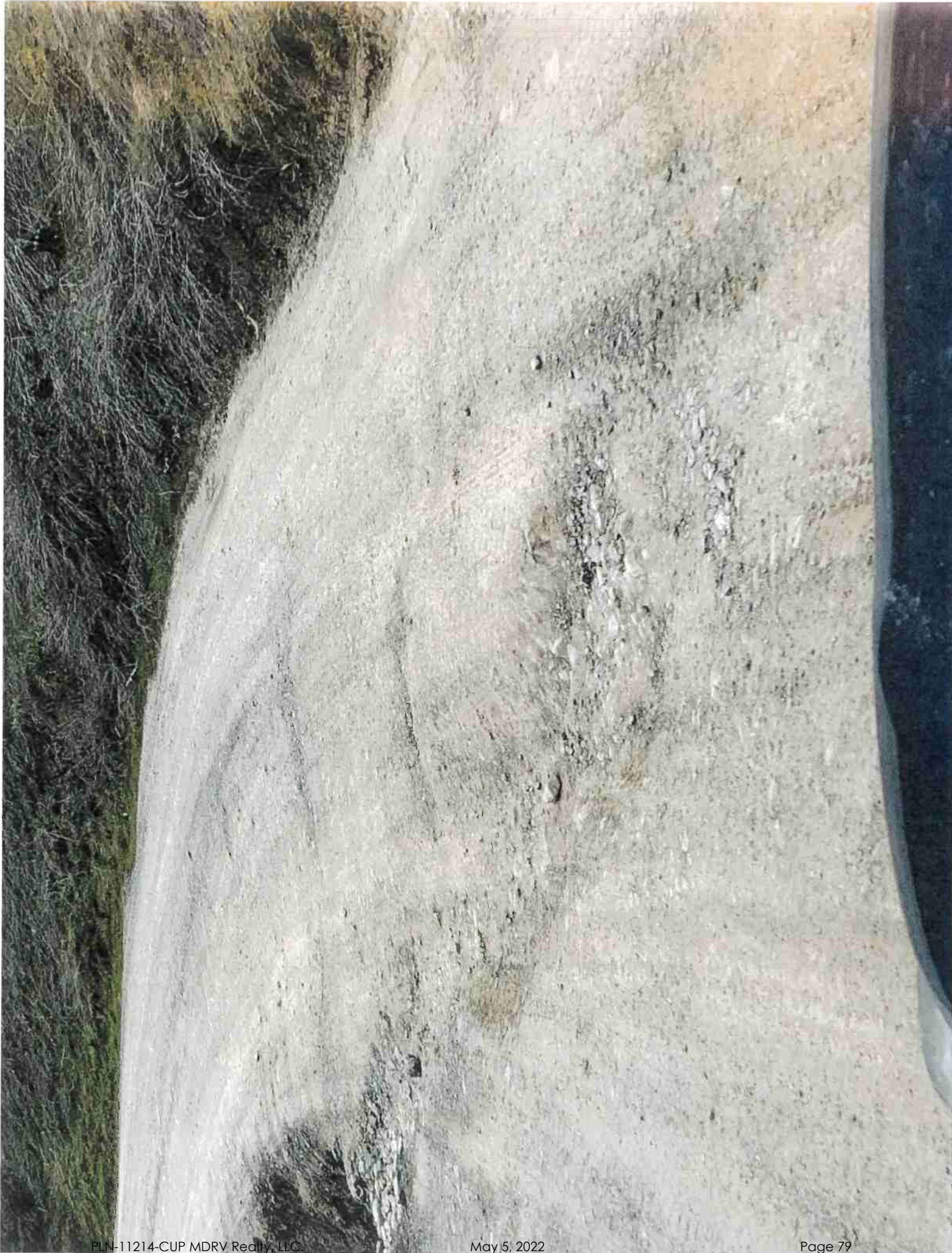


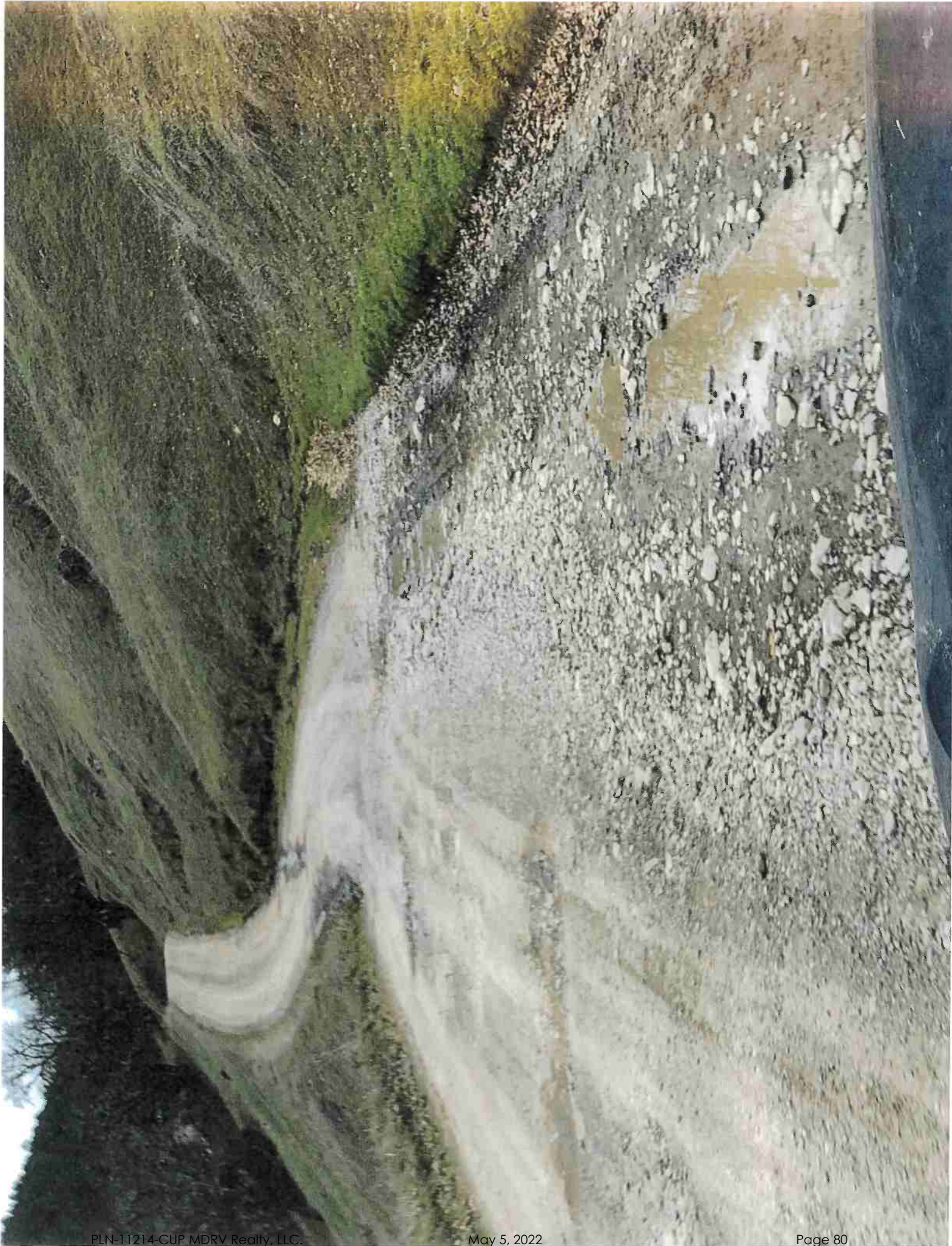


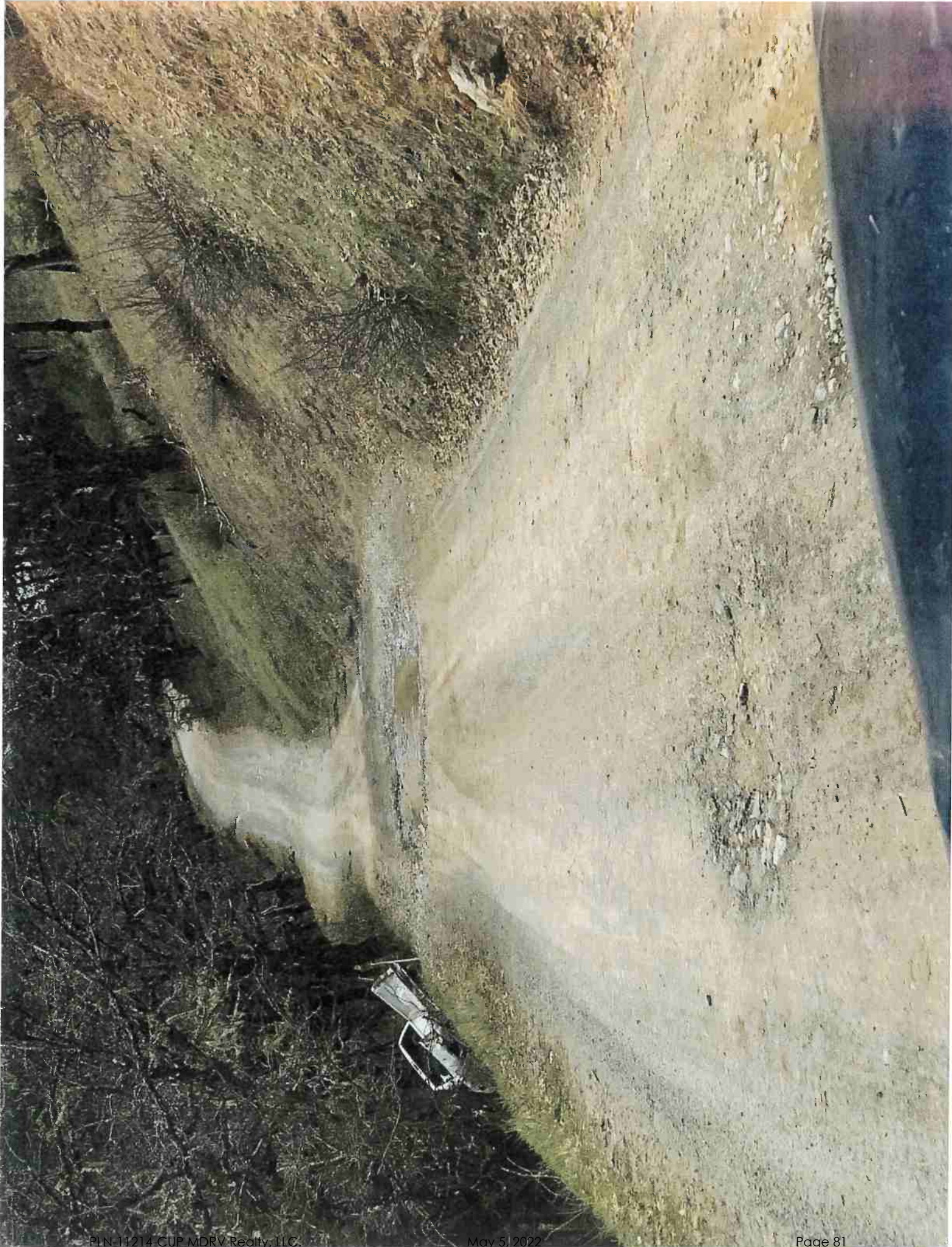






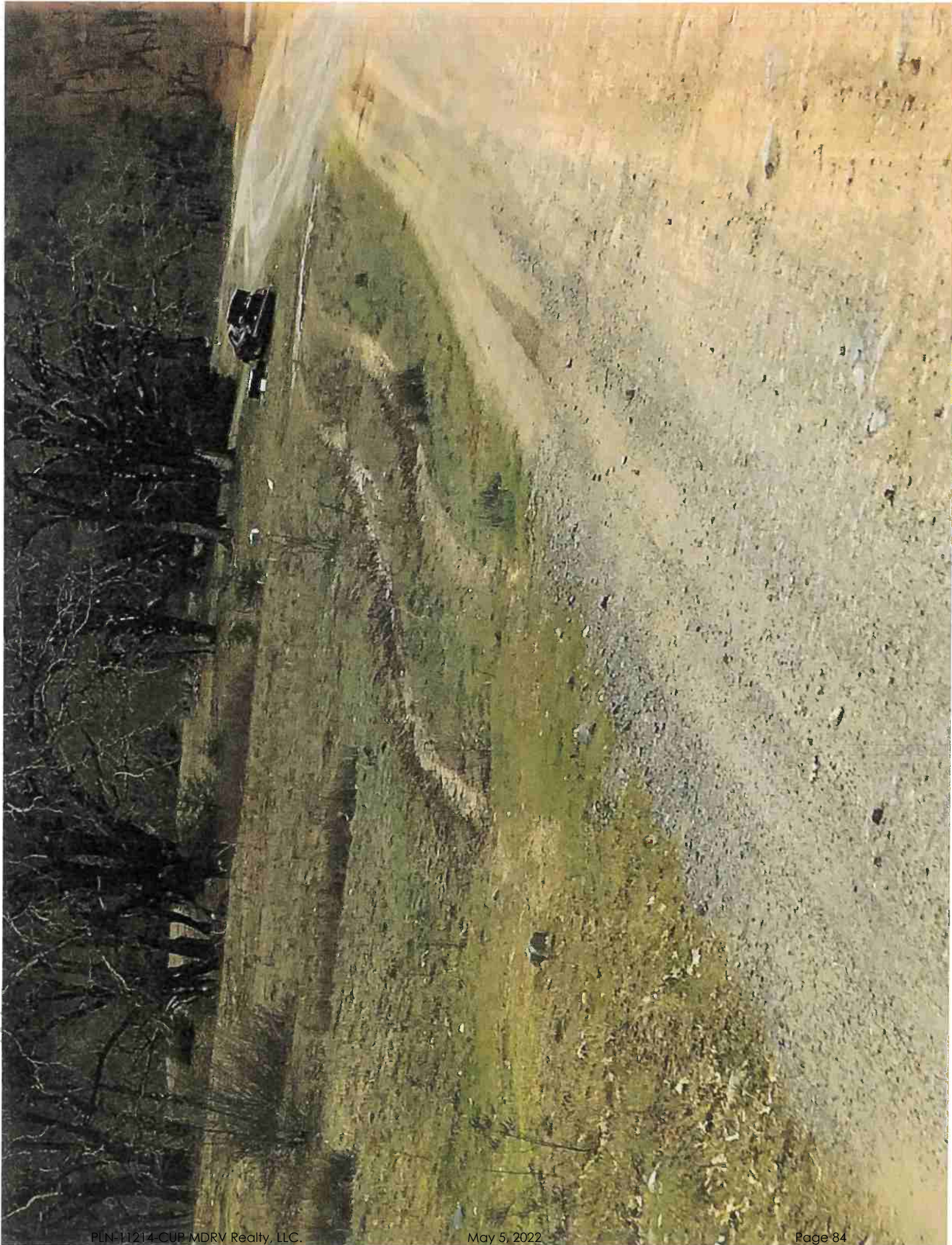




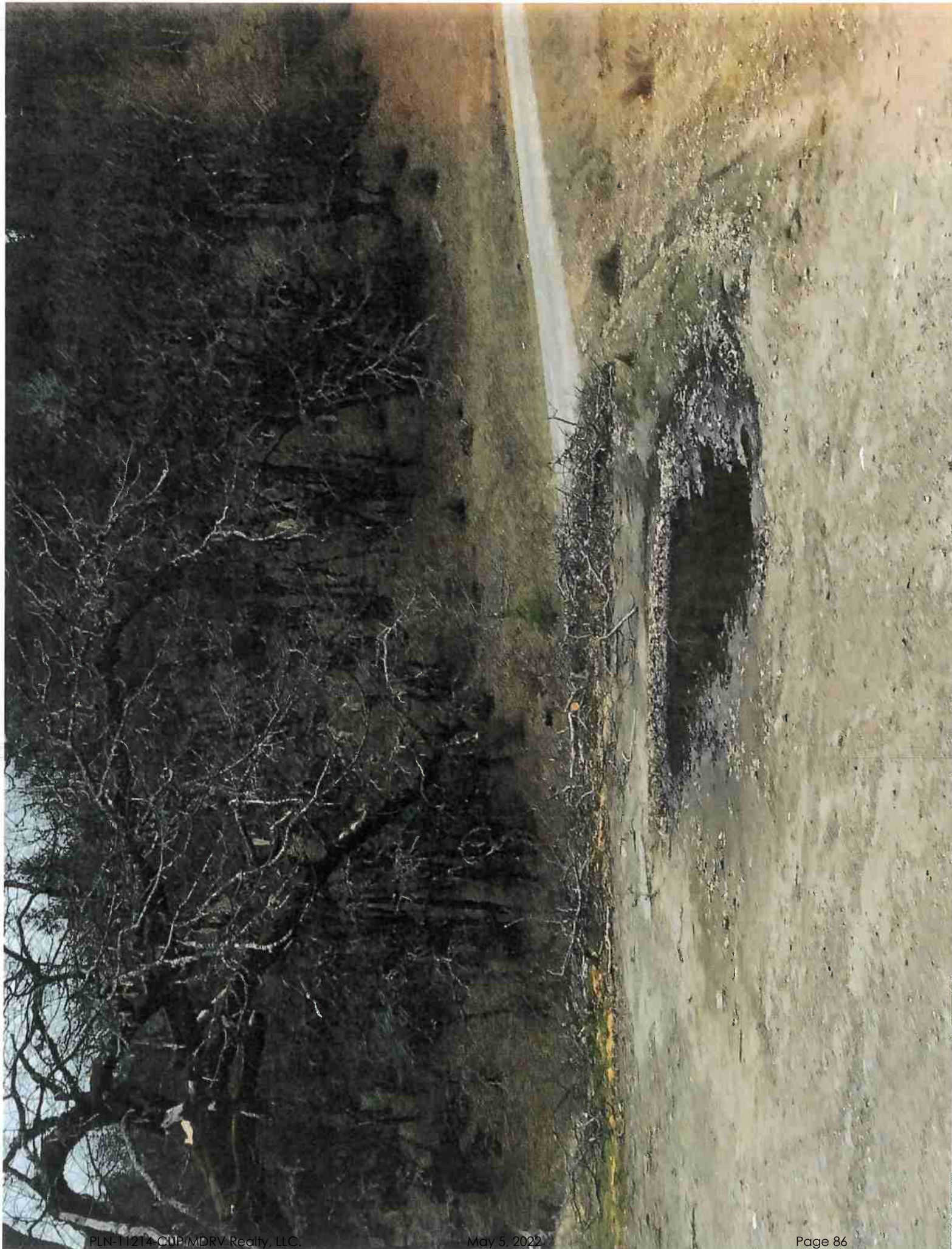


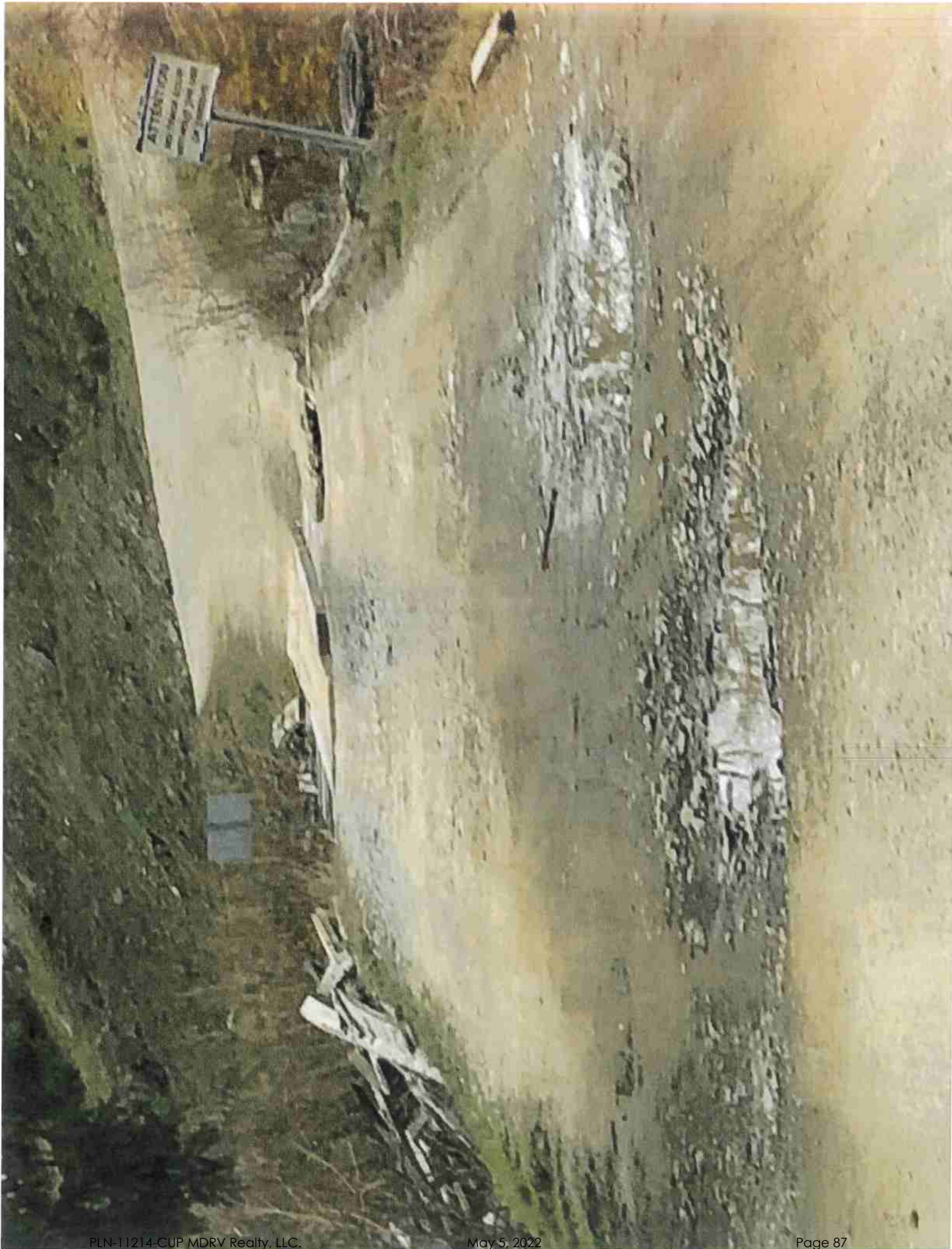


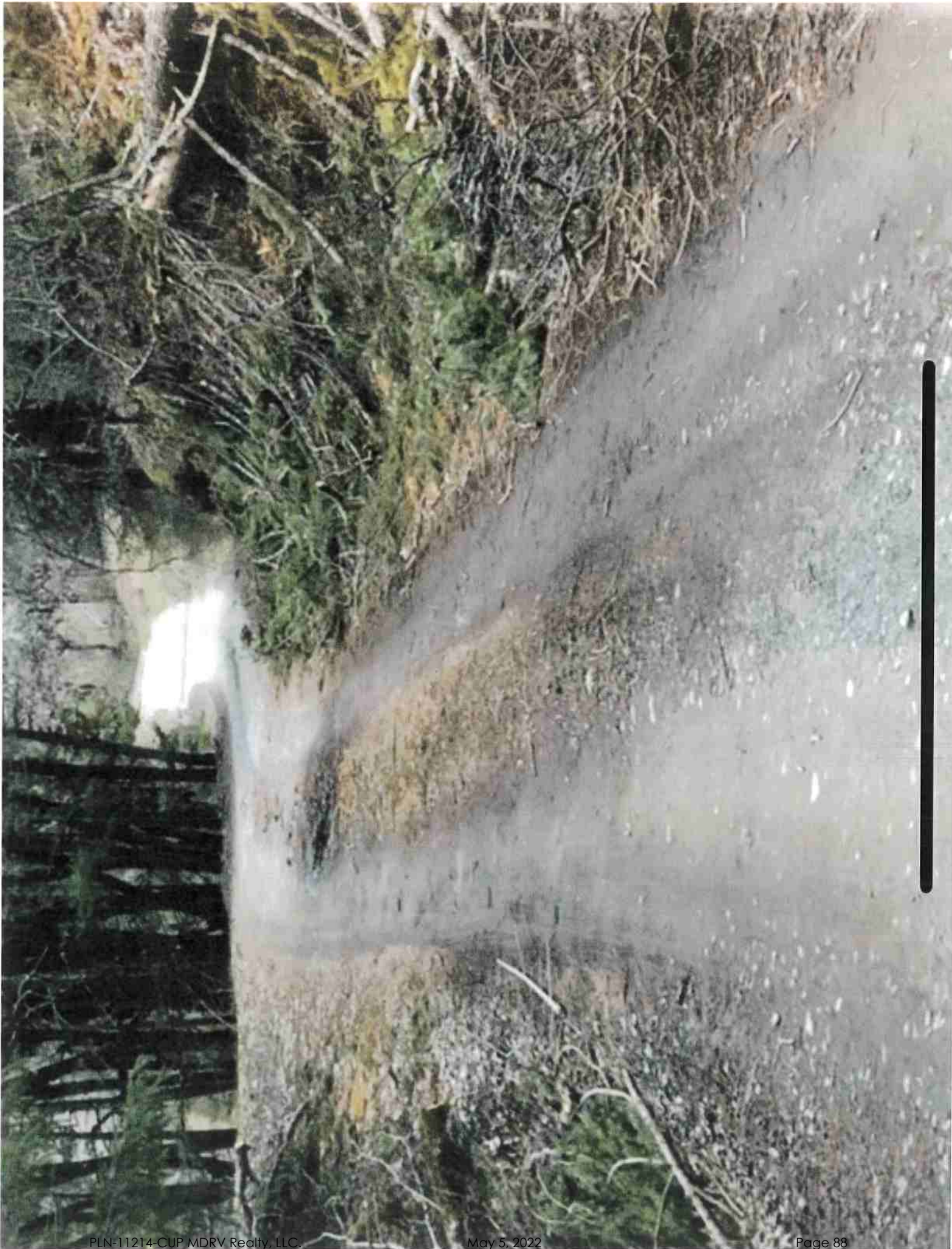














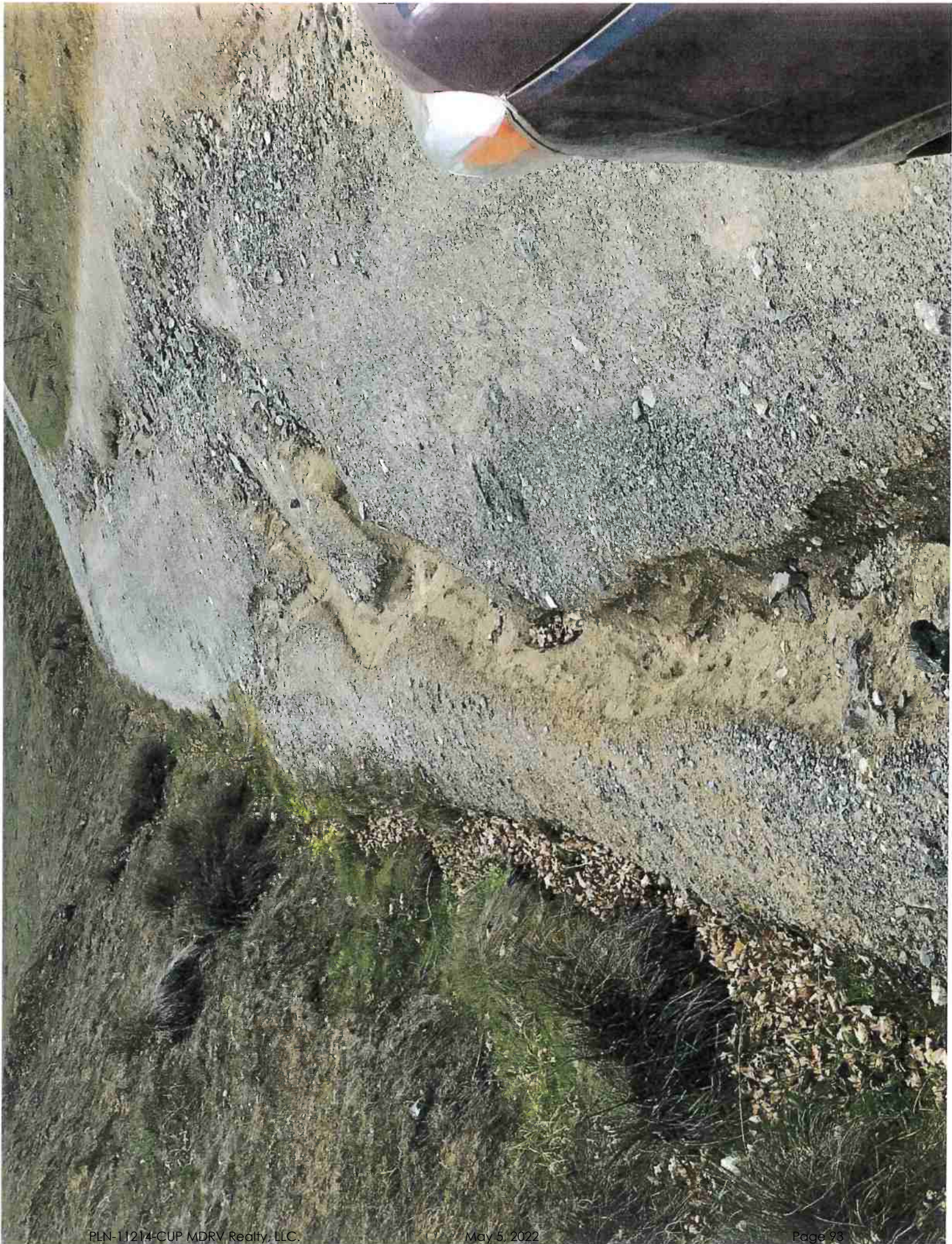


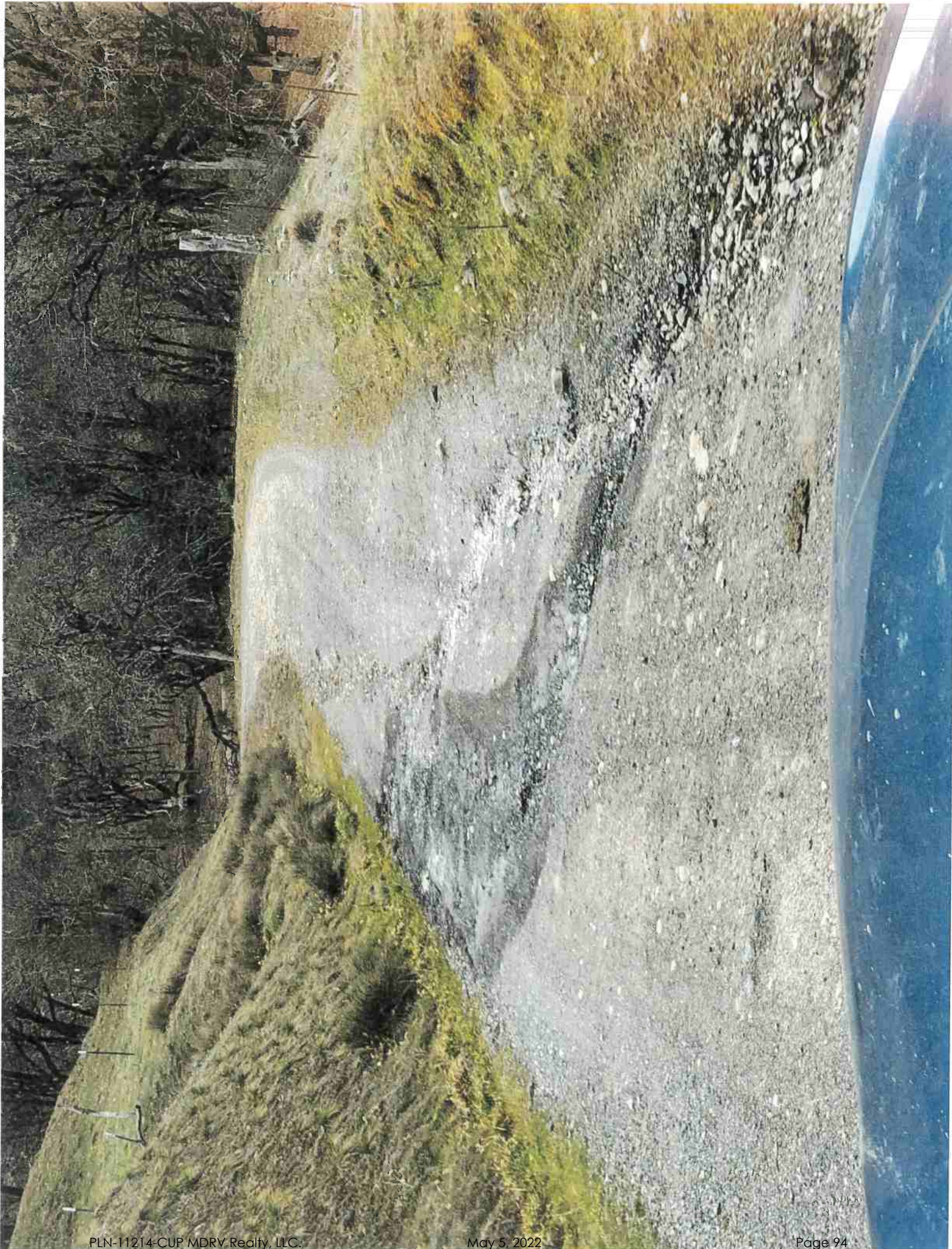


Acevedo, Megan

From: Anonymous
Sent: Wednesday, March 02, 2022 11:10 PM
To: Acevedo, Megan
Subject: Re: MDRV Realty Holdings, LLC PLN-11214-SP and PLN-11212-CUP

Here is the pictures from Mad river road up the ridge road to the top of parcel 006

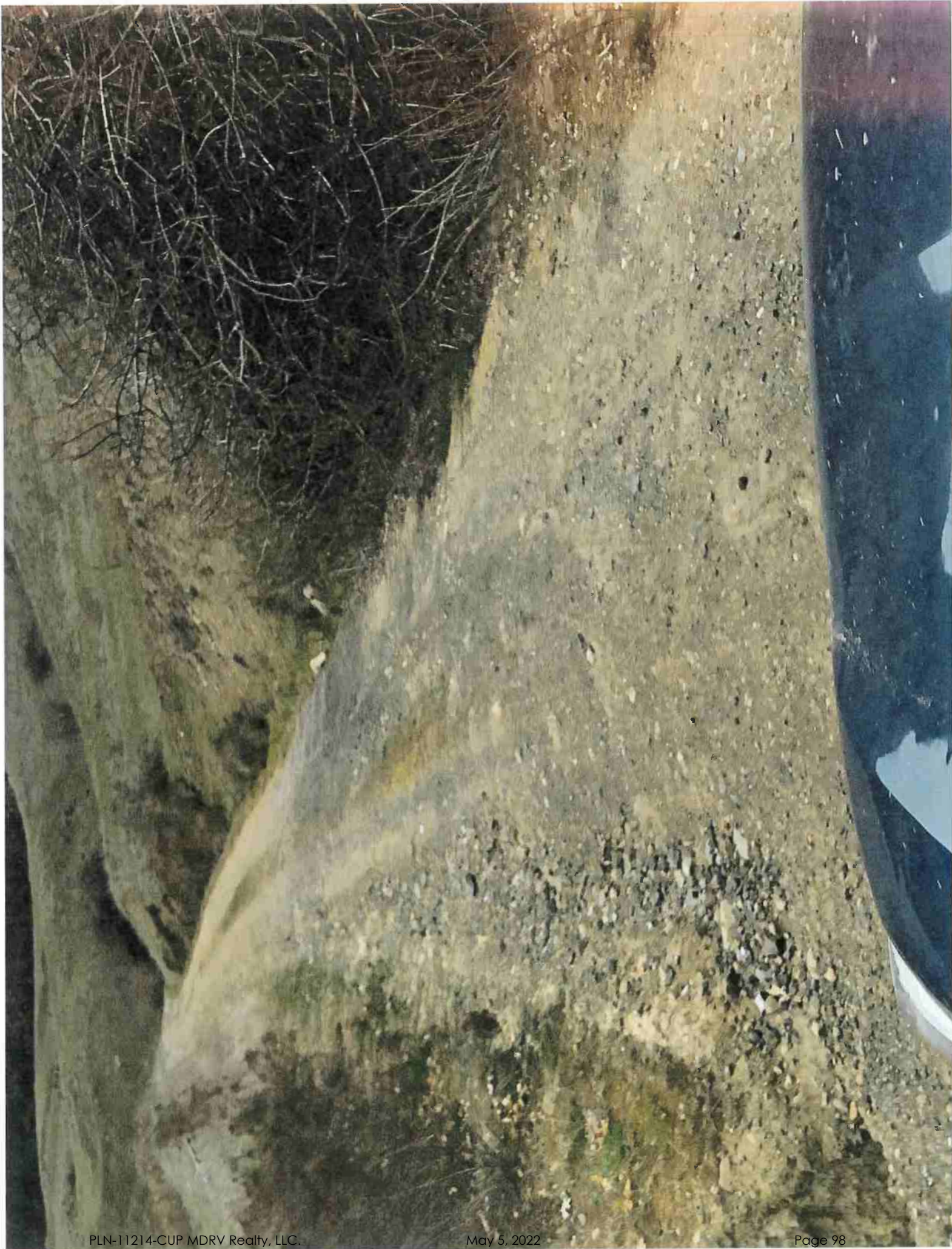






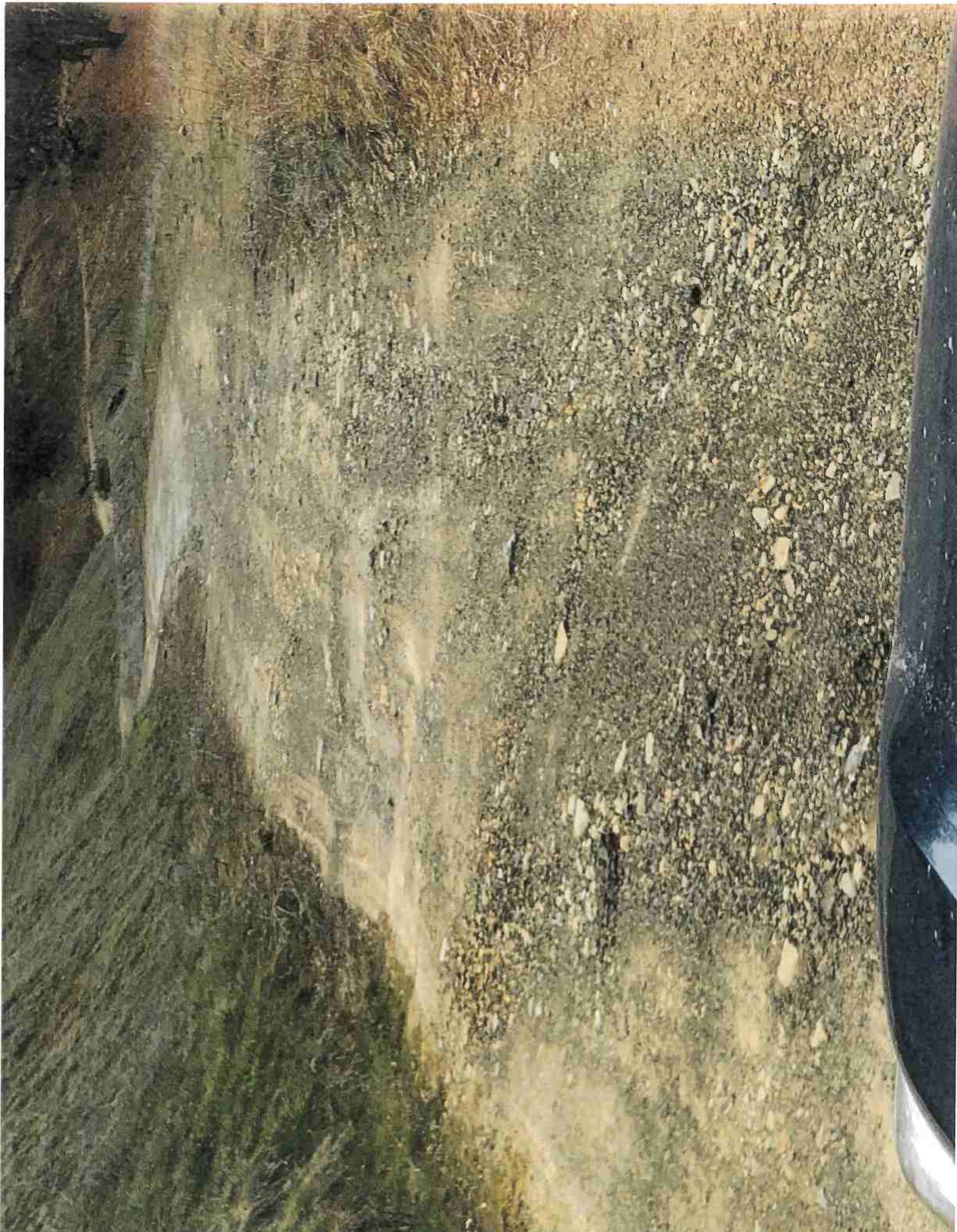


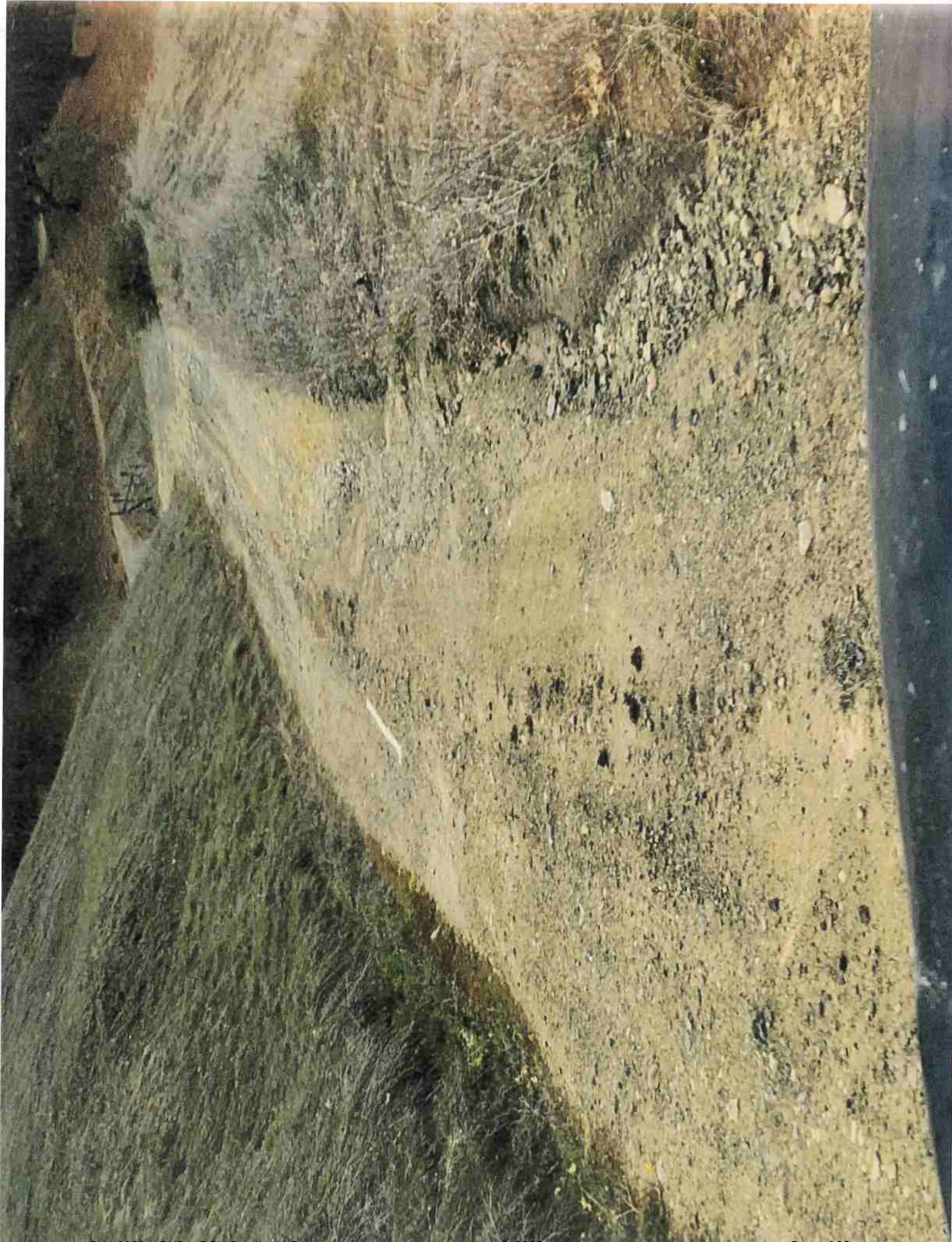




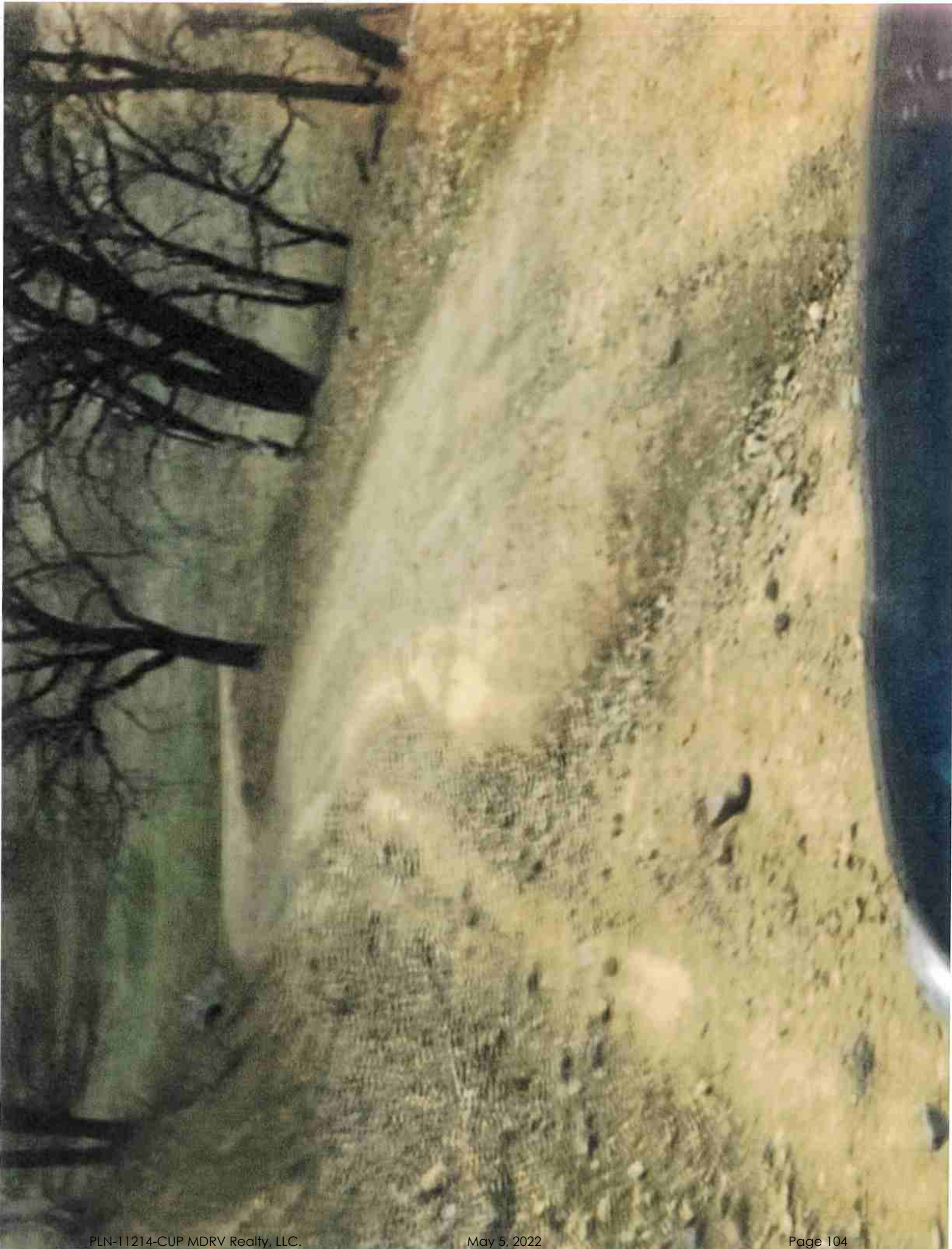


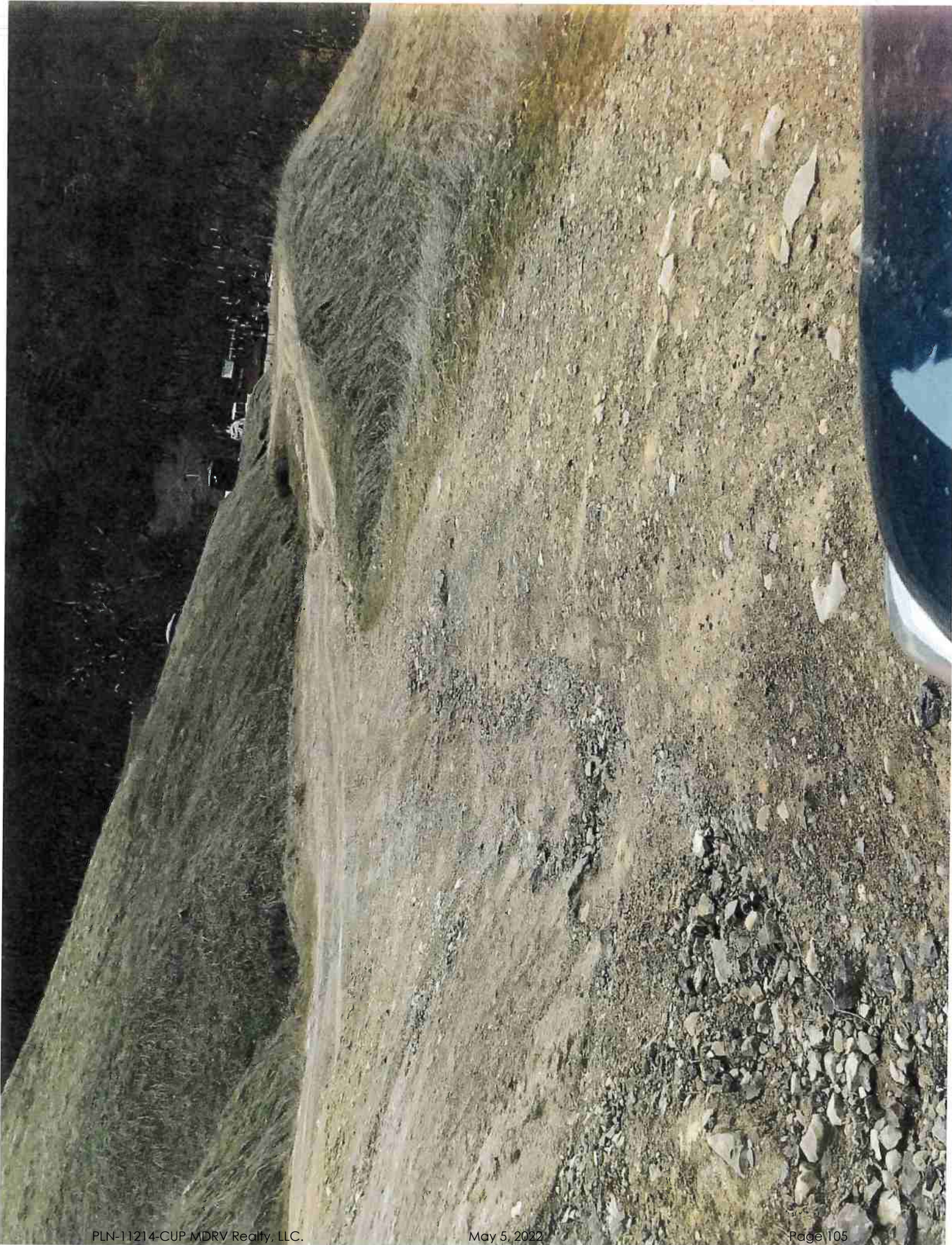


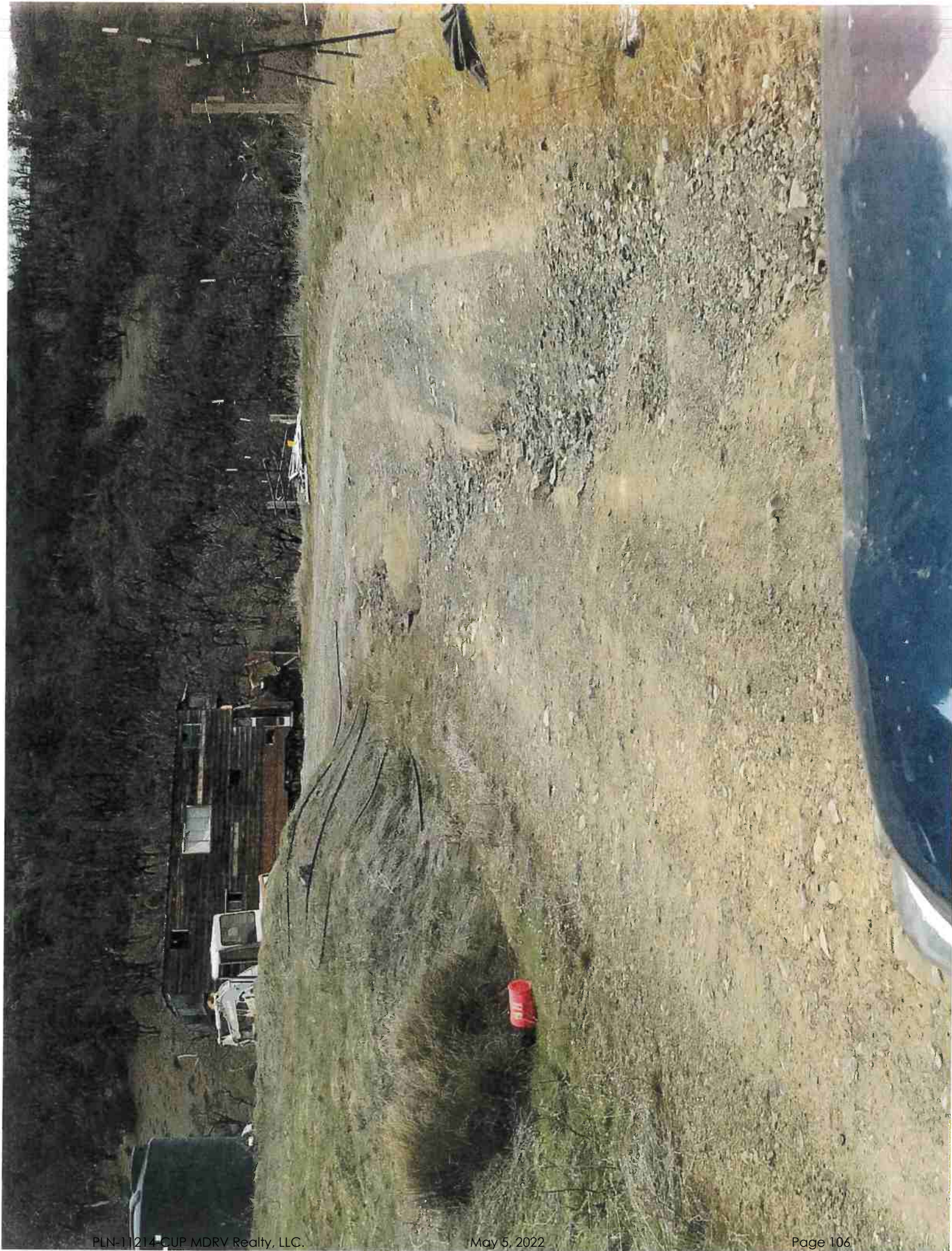










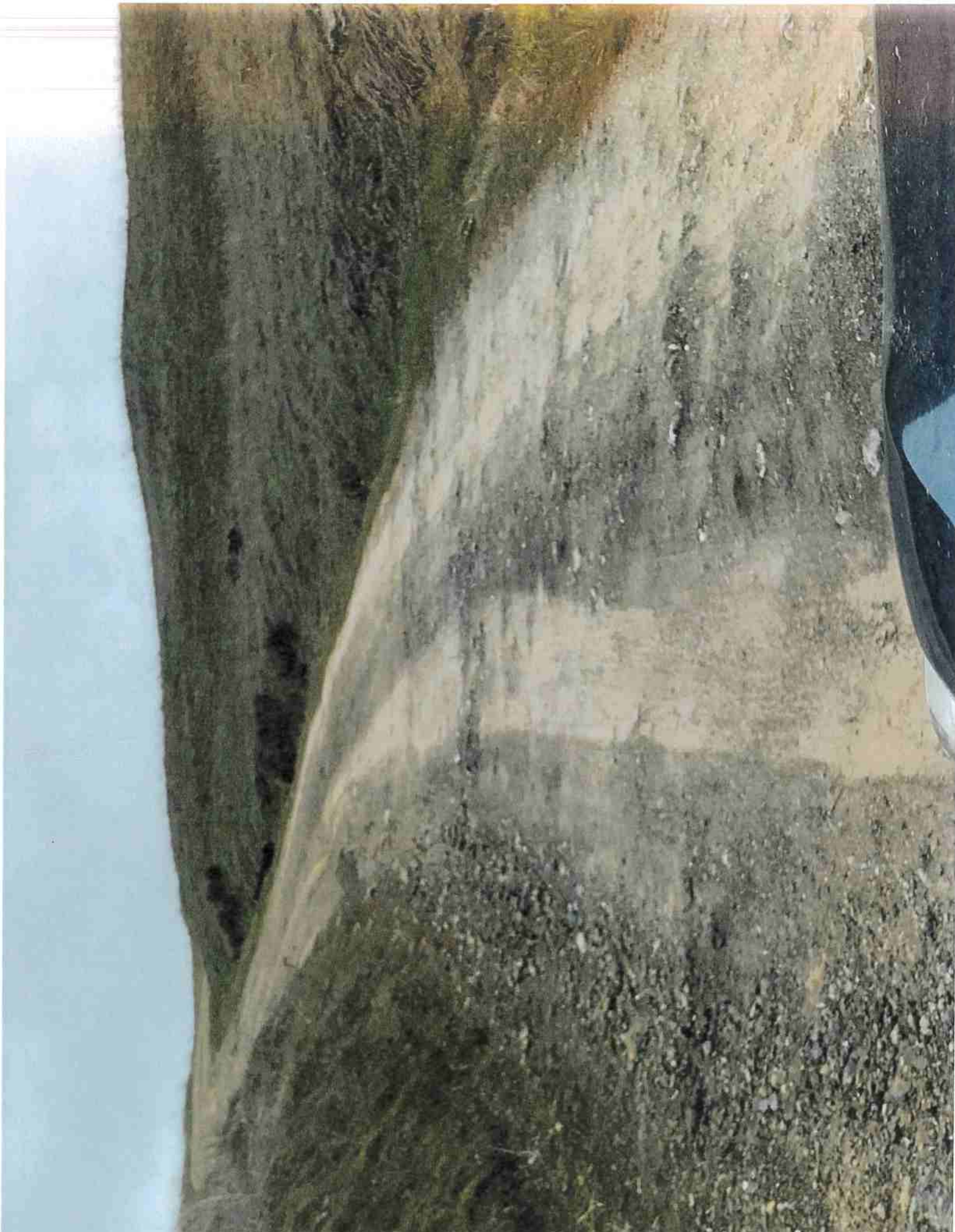








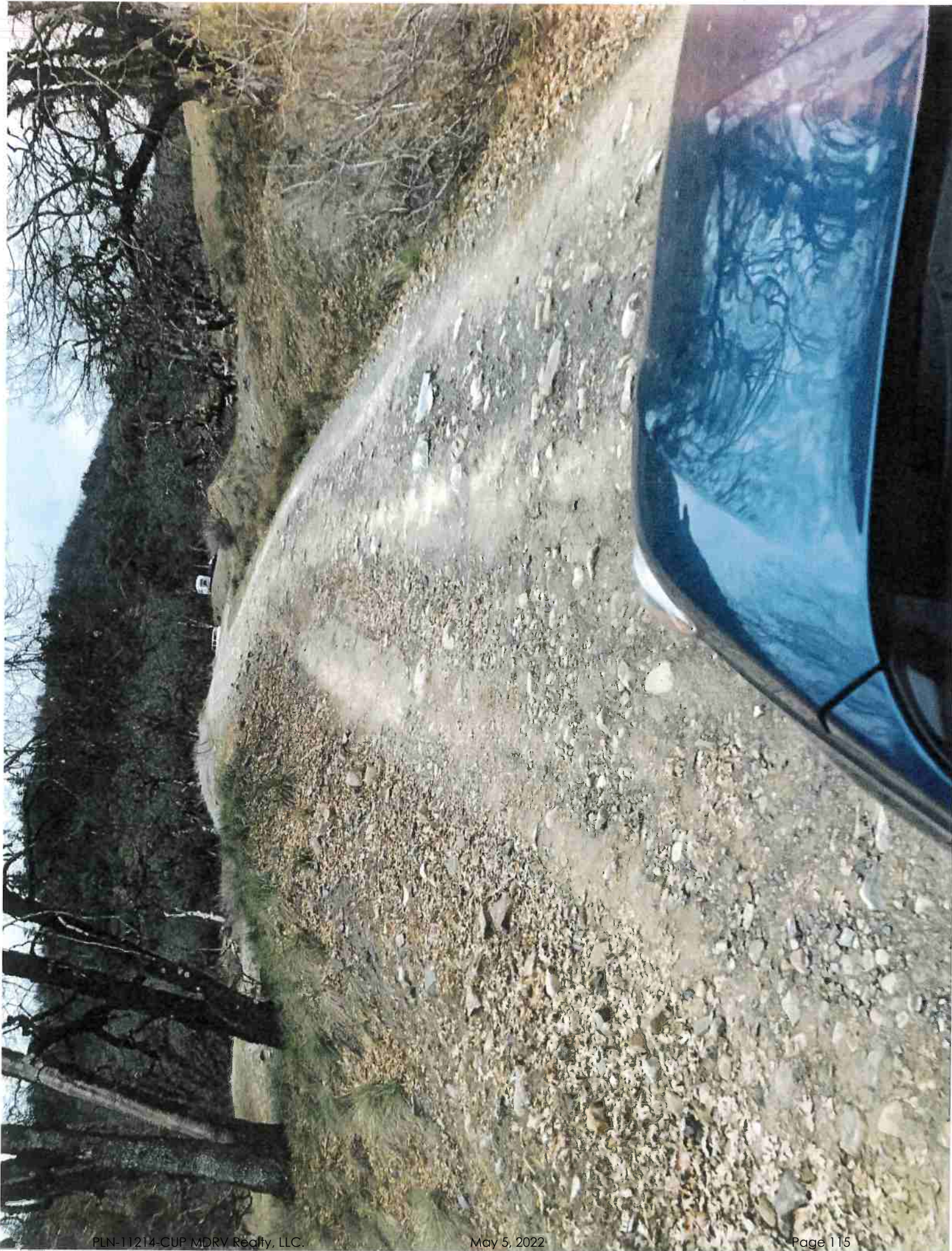


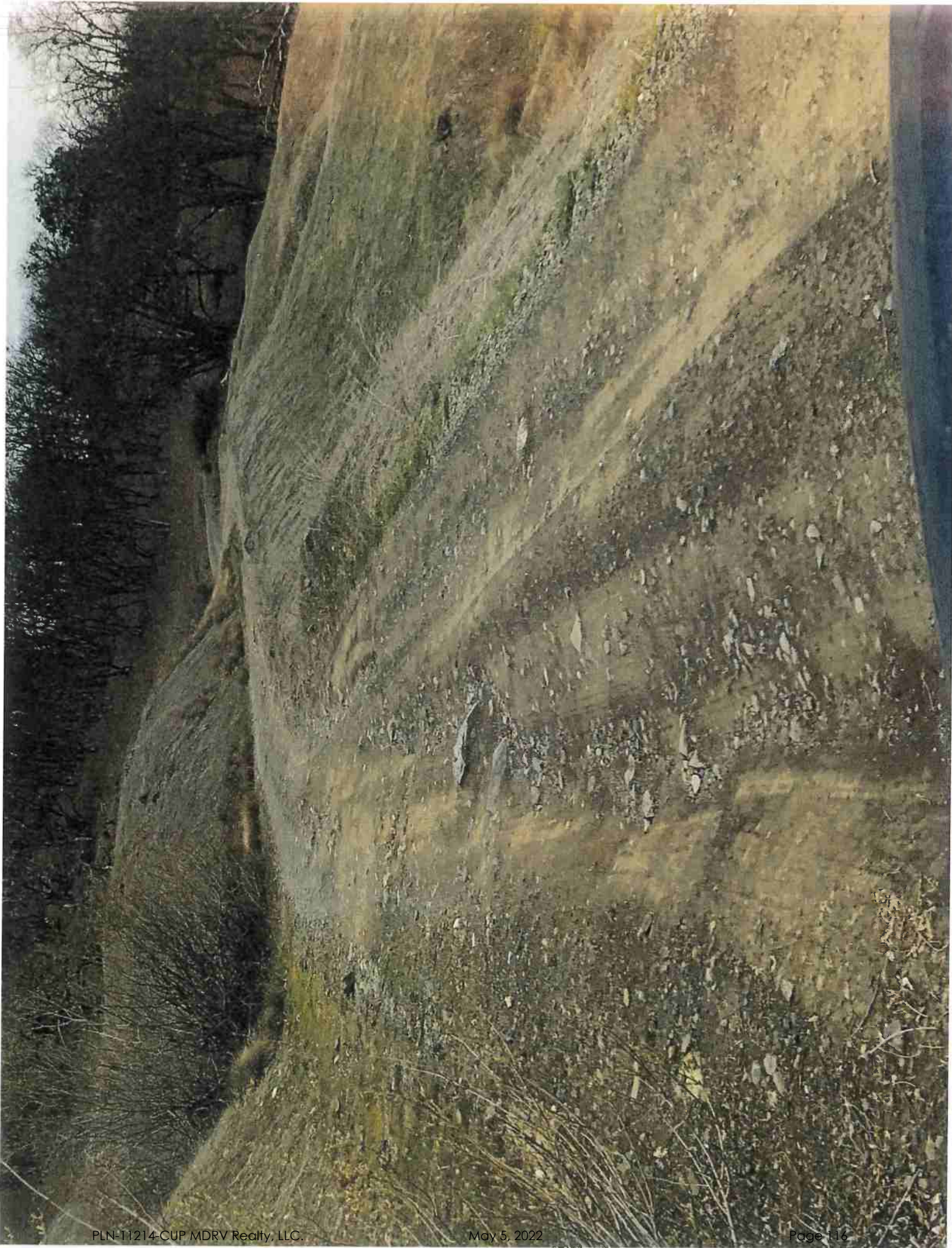


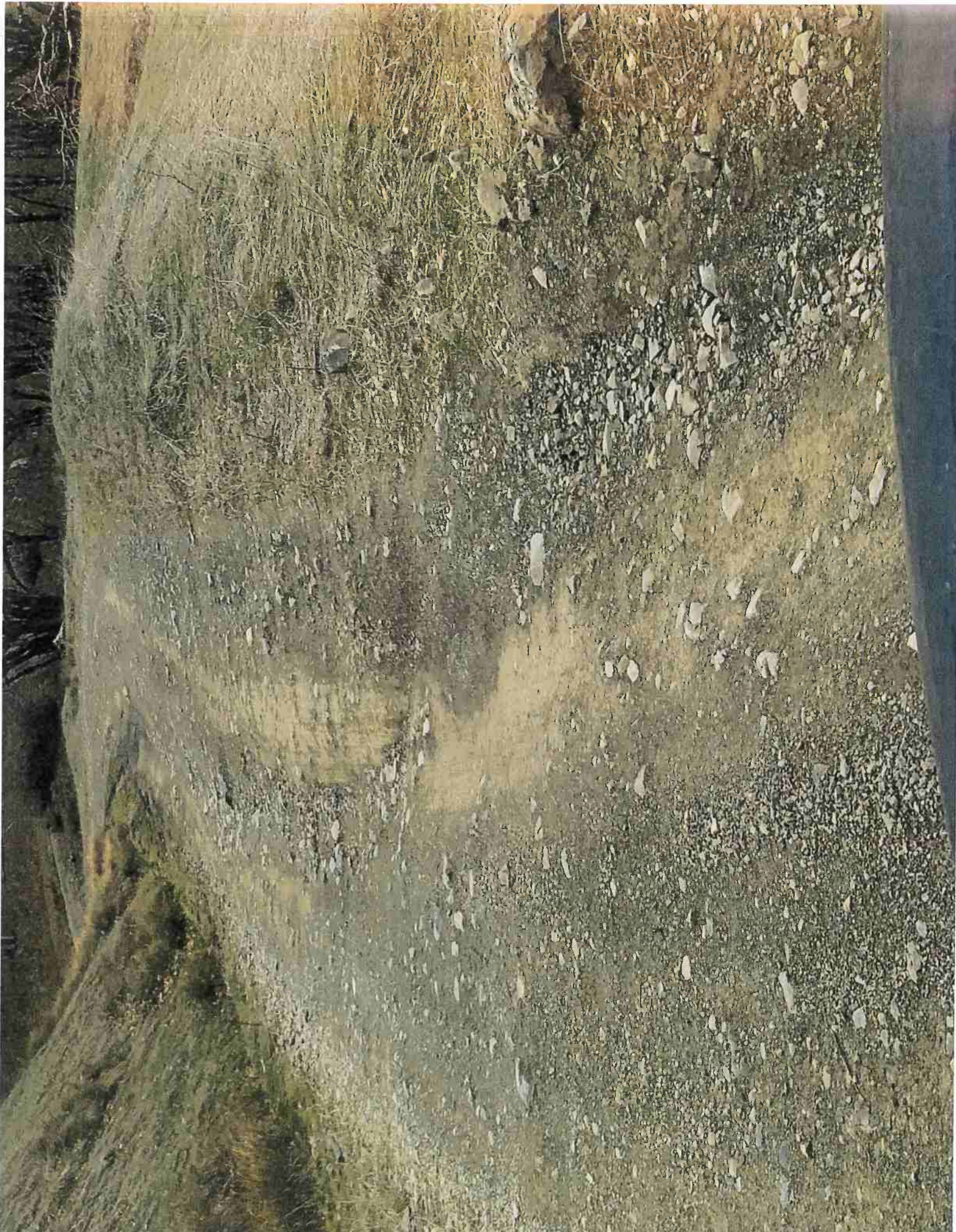








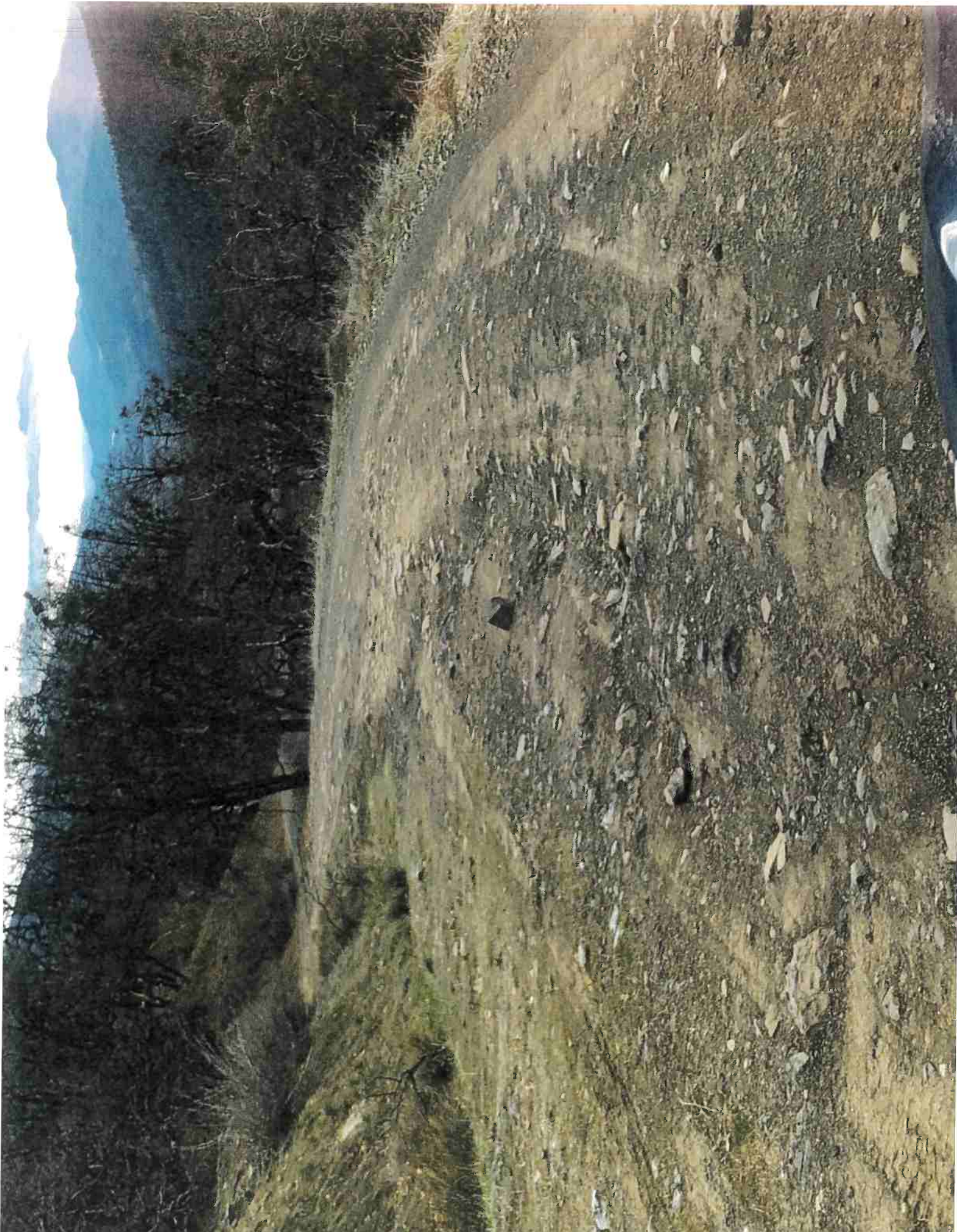


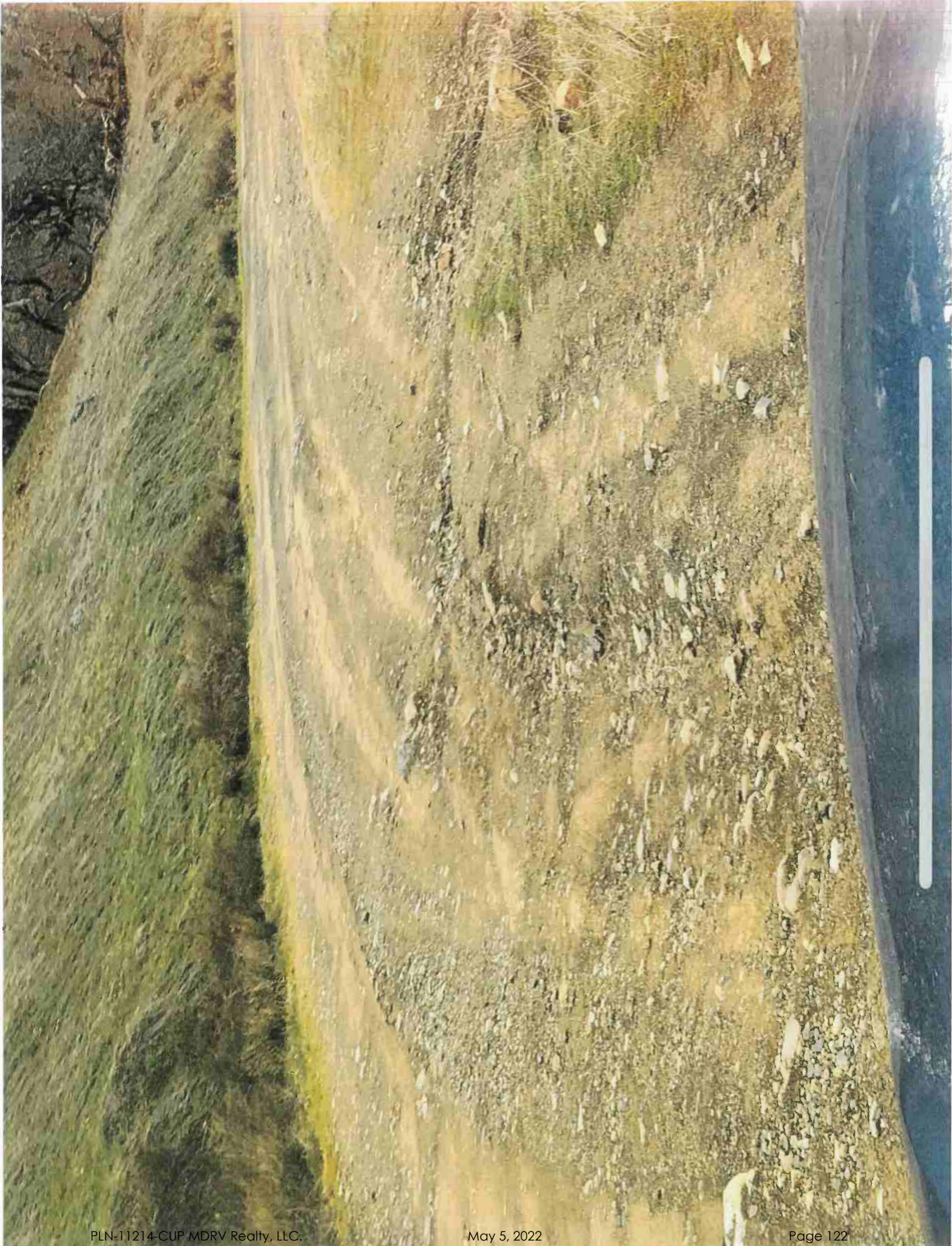














March 7th, 2022

Dear Mr. Ford and members of the planning commission,

I would like to apologize for the misunderstanding at the planning commission meeting on March 3rd. I was in attendance via zoom, but was so taken by surprise at the accusations made against me at the public hearing that I did not announce my presence for fear of making a wrong statement that would make the situation worse. I realize this was a mistake, but I am a farmer, not a public speaker. As I couldn't offer an explanation, I felt that the commission became critical of Director Ford instead and for that I apologize to Mr. Ford. I would like to address the concerns that were discussed during the hearing:

1. **Road issue:** I purchased the properties APN 208-241-006 & 208-241-007 last year and only grew on them for one season in 2021. I have never met any neighbors on that road. I do not know the gentleman who made the anonymous complaints against me. Far from dodging his calls, I would love to talk to him to work out any differences but do not know how to reach him. The easement road that connects the two properties does not pass near any houses that I know of and I have never met anyone on that road whether they were asking me to slow down, not block the road, or even to say hello. I think that whoever this is must have been having issues with the *previous* owners. I am strongly committed to being a good neighbor. We have ways of transporting employees through the parcel internally via a quad trail, but last season we got into the habit of using the main road for the reason that we did not think that anyone minded. Would someone have asked us to stop we would have immediately. For example, there is another way to access these properties through the top of eight Mile Ridge Road which we were told by the previous owners that we were allowed to use. Last summer, some signs appeared on the gate indicating that we were not allowed to access our land through this route. When I saw them, I asked my consultant to look at my deeds which are difficult to read, and he confirmed that I did not have an easement through that way. No one from my operation has driven through that gate since. Before our hearing, we were told by our planner that an anonymous complaint was made that we were spilling light from greenhouses and that our vehicles blocked the road. My consultant immediately responded that the claims were untrue, and requested that either I could be put into contact with the complaining neighbor to work it out, or if that was not possible, to please inform the commission that I dispute the allegations and am committed to following the rules and being a good neighbor. Please imagine my shock when at the hearing, not only was my refutation ignored, but a long list of undisputed and until then undisclosed allegations was added to the staff report including damage to the road, safety issues and an accusation of theft. I am not and never have been a thief, and I do not appreciate the public accusation to the contrary. Please do not take these accusations for undisputed facts.
2. **Separation of parcels:** As Mr. Ford stated in the hearing, the decision to keep the projects separate was deliberate. We have gone to great lengths to keep the properties separate from one another including unique water sources, separate nurseries, separate dry sheds, separate fertilizer storage, etc. At the request of our planner, we even agreed to relocate multiple tanks from a perfectly good flat that provided superior gravity pressure just so that each parcel would

MDRV Realty Holdings, LLC: Conditional Use Permit and Special Permit Record Number PLN-11212-CUP

contain its own storage only. I spent a substantial amount of money on these farms and operated it at a loss last year. There is a very real possibility that I may have to sell one farm in order to keep the other, so it was important to me to keep them separate. There was no deceit involved, and my consultant was very up front on this topic with my planner in writing, with whom both projects were discussed concurrently. However, after the discussion at the hearing, it became evident that the two projects might share a resource after all: the employees.

3. **Employees:** To be honest, it never crossed my mind to consider employees as a shared resource. Two of us live on the upper parcel while two live on the lower parcel and we share the work. I think this was mistranslated into the operations plan as me plus one seasonal employee on each parcel. I apologize for the miscommunication. In the future, while operated by one owner, I anticipate a total of four employees on either farm at any given time. While both farms are owned by me, obviously it is more economical for all employees to help on both properties, but should one change hands, each property would be able to get away with fewer than 4, naturally. There is a skid trail that connects the two parcels and lies within their borders. We got into the habit this summer of using the shared easement road in our cars to travel back and forth, out of convenience since we only had one quad. Now that we know that our use of the easement road is bothersome to our neighbors, we will gladly rely more heavily on the quad trail and invest in an additional quad that can make it up that steeper path. Again, there was never an intention to deceive, lie, or otherwise trick the planning commission into thinking that there were fewer people on these sites. By stating one trip to the parcel per day, we had in mind trips from town to the farm, which actually average less than once per day.
4. **Water storage:** As it was explained to our planner; the parcel contains a 65,000 pond and a 20,000 gallon bladder previously used as primary water storage in addition to tanks. Through the process of obtaining an LSA Agreement with CDFW, which was finalized last month, the pond was found to be fed by about 60 feet of a small channel that flows only when raining and we were informed that this constituted the pond as an on-stream pond and was not usable for irrigation water storage. We were also informed that the use of bladders was against policy and that they must be removed. These two factors reduced our permissible water storage by 105,000 gallons, about half of our annual use across both parcels. In the last year, we have been able to add 25,000 gallons back, but we still need an additional 80,000 gallons. We are in the process of obtaining more storage, and are committed to obeying forbearance restrictions on our diversions. I do not know where my anonymous neighbor got the idea that I was diverting water to my plants all through the summer, and the deeded water rights for the summer use of our domestic spring date back to 1999.

I would like to move forward with our permit and will be in attendance with my consultant at the next hearing for a discussion. If there is anything I can do to help clear up these issues, I will make myself available. Thank you for your time and consideration.

Sincerely,

Brandon Mohan
MDRV Realty Holdings, LLC

MDRV Realty Holdings, LLC: Conditional Use Permit and Special Permit Record Number PLN-11212-CUP