



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

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

Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Top Camp, LLC, Conditional Use Permit and Special Permit**  
Record Number: PLN-12947  
Assessor's Parcel Number (APN): 210-131-021  
12575 Buck Mountain Road, Bridgeville area

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Please contact Max Hilken, Associate Planner, at 707-443-5054 or by email at [hilkenm@lacoassociates.com](mailto:hilkenm@lacoassociates.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit and Special Permit	Max Hilken

**Project Description:** A Conditional Use Permit for continued cultivation of 12,700 square feet (SF) outdoor cannabis. Ancillary propagation occurs in a 1,000-square-foot greenhouse. Up to two (2) harvests are expected while utilizing light deprivation techniques for all cultivation areas, for a growing season that extends from April through October. Estimated annual water usage is 130,254 gallons. Irrigation water is sourced from a 165,000-gallon on-stream pond that is tributary to Dairy Creek then the Little Van Duzen River. Water storage totals 168,000 gallons in the pond and hard-sided tanks. There are two (2) other ponds onsite not utilized for irrigation and a spring point of diversion utilized solely for domestic use. The applicant is proposing to expand water storage by adding an additional twelve (12) 4,750-gallon hard-sided tanks and increasing pond capacity, which will increase water storage capacity to 327,500 gallons. Processing activities including drying and trimming will occur onsite in a 512-square-foot existing barn. A maximum of 10 employees are required during peak operations. Power is provided by a generator and solar. The proposed project includes a Special Permit for development within the Streamside Management Area, which includes after-the-fact permitting for the pond developed between 2010 – 2012 and the proposed expansion of the pond to 280,000 gallons to improve compaction, embankment geometries, and lack of keyway as recommended by a licensed engineer.

**Project Location:** The project is located in Humboldt County, in the Dinsmore area, on the east side of Burr Valley Road, approximately 7.4 miles southeast from the intersection of State Highway 36 and Burr Valley Road, on the property known as 12575 Buck Mountain Road, Bridgeville.

**Present Plan Land Use Designations:** Residential Agriculture (RA20-160) Density: five (5) to one hundred and sixty (160) acres per dwelling unit, Slope Stability: High instability (3).

**Present Zoning:** Forestry Recreation (FR-B-5(40))

**Record Number:** PLN-12947-CUP

**Assessor's Parcel Number:** 210-131-021

**Applicant**

Top Camp, LLC  
12575 Buck Mountain Road  
Bridgeville, CA 95526

**Owner**

Millin Hawj  
16 Kalmia Court  
Sacramento, CA 95835

**Agent**

Same as Applicant

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

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit and adopt the Resolution approving the Top Camp, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Top Camp, LLC, seeks a Conditional Use Permit to continued cultivation of 12,700 square feet (SF) of outdoor cannabis.). The site is designated as Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(40)). Cultivation will take place in three (3) separate areas: Cultivation Area 1 (upper area) contains 8,064 SF of light deprivation outdoor cultivation grown within four (4) 2,016 SF hoop house structures, Cultivation Area 2 (central area) contains 2,736 SF of light deprivation cultivation within one (1) 2,736 sf hoop house structure with an additional 700 sf of full sun outdoor cultivation adjacent to the light deprivation structure, and Cultivation Area 3 (lower area) contains 900 SF of light deprivation cultivation within one (1) 1,200 sf hoop house structure. An ancillary propagation occurs within a 768 SF barn in Cultivation Area 3. Up to two (2) harvests are expected while utilizing light deprivation techniques for all cultivation areas, for a growing season that extends from April through October.

Drying and trimming occurs onsite in an existing 512-square-foot barn. Up to 10 employees may be utilized during peak operations. Power is provided by a generator for initial propagation lighting, and to run fans and dehumidifiers during the drying and curing process while fans for the light deprivation structures will be power through solar panels. The operation will be secured behind a gated road, processing and drying locations are within lockable structures, and operations related to commercial cultivation and processing shall be performed in a discrete manner.

**Grading and Erosion**

The northern cultivation area (8,000 SF), as proposed, sits on a landing that was developed in the fall of 2017, without authorization. The landing is subject to several major faults including two slumps within the cut bank, a large rill has formed on the outboard slope due to overland flow and uncontrolled drainage, and an unstable area was noted to the west of the landing area, where there is an adjoining Class III watercourse on the western edge. Based on historical satellite imagery the southwestern cultivation area (Cultivation Area 2) has experienced development between 2005 and 2009 with the site remaining largely the same since early 2016. Development included an existing clearing comprised of a two-tiered landing, a small landing that contains a 35-foot by 75-foot greenhouse, and the described rainwater catchment pond. Three (3) more areas of concern exist onsite including a low water crossing on Dairy Creek and two other ponds onsite. The project is conditioned to implement the corrective measures described in the Engineering Geologic Report, dated September 2018, and the Grading and Erosion Control Plans, dated August 2018, both created by Trinity Valley Consulting Engineering, Inc. (TVCE) (Attachment 3). The corrective measures include but are not limited to remediation of part of the northern landing which hosts the northern cultivation area (Cultivation Area 1) by returning the existing grading to the original configuration requiring an estimated 3,000 cubic yards (CY) of earthwork and reconfiguring the portion of landing to be corrected to protect the adjacent Class III watercourse along the western edge. Re-grading the existing rainwater catchment pond and replacing it with a 280,000-gallon impoundment structure is proposed to facilitate agricultural and fire suppression activities for the site. The work involved with these site improvements will require temporary and permanent disturbance

to riparian areas associated with culvert upgrades, rock armoring, and minor grading where necessary. As such, a finalized Lake or Streambed Alteration Agreement with addendums to include the described work necessary for site improvements, along with an approved Special Permit for work within the SMA, and all necessary grading permits are included as recommended conditions of approval to bring this project in line with applicable state and local requirements.

The Applicant submitted an amendment received 10/1/19 to further clarify the onsite relocation efforts and a short description of the applicant's response to a Notice of Violation from the California Department of Fish and Wildlife (CDFW) that was not included in the original cultivation and operation plan received 12/12/18.

### **Water Resources**

Water for irrigation is provided by an 165,000-gallon on-stream pond. The pond has been evaluated by TVCE to determine stability and the need for potential upgrades. Due to the uncertainty of compaction standards, embankment geometries, and lack of keyway, this pond will be re-engineered to a capacity of 280,000 gallons following the recommendation in the Engineering Geologic Report prepared by TVCE in September 2018 (see Attachment 3). The proposed work will require a Special Permit for work within the SMA per the Streamside Management Areas and Wetlands Ordinance (SMAWO). Existing available water storage consists of the described rainwater catchment pond and one 3,000-gallon hard tank totaling 168,500 gallons of existing available water storage onsite. An additional ten to twelve 4,750-gallon hard tanks are proposed along with the pond improvements, which will increase the total available onsite water storage capacity amount to 327,500 gallons. Estimated annual water usage is 130,254 gallons (10.3 gal/SF). The applicant is required to apply for a Small Irrigation Use Registration (SIUR) through the State Water Resources Control Board (SWRCB) through recommended conditions of approval to continue use of the on-stream pond.

Although Humboldt County's WebGIS shows only one mapped stream (Dairy Creek) onsite, the Plot Plan shows five (5) additional Class III intermittent streams with the associated 50-foot SMA buffers traverse the site. All cultivation areas are outside of the SMA buffers except for one (1) immature plant area and one (1) barn. These structures are conditioned to be relocated outside of the identified SMA buffers.

The project has two additional rainwater catchment ponds that are not utilized in conjunction with the proposed project or commercial activities along with a spring point of diversion that is utilized solely for domestic use. These water features, and the on-stream pond have been reviewed by CDFW, and are included as encroachments requiring upgrades within the Final Streambed Alteration Agreement (SAA) (No. 1600-2018-0068-R1) which was finalized November 13, 2019. Several conditions of approval are recommended to ensure protection of the water resources as required through the SAA including but not limited to, seasonal diversion limiting water diversion rates to not decrease pond depth between November 1 to March 31, and to limit diversion rates from April 1 through September 1 allowing maximum diversion to decrease pond volume to no lower than one third (1/3) maximum pond volume. This diversion limit would equate to a maximum of 187,600-gallons which still exceeds the estimated water use amounts for this project.

The rainwater catchment ponds utilize constructed spillways that will be upgraded with rock slope protection and discharge into a vegetated bioswale which is demarcated on the submitted site plans, similar to the various Class III intermittent streams onsite.

### **Biological Resources**

There are no mapped sensitive species onsite and although the nearest NSO activity center is located approximately 0.9 miles from the site, lands surrounding the site are forested and, thus, there is high potential for NSO habitat. Adherence to best management practices (BMP's) as directed by the Water Resource Management Plan (WRPP) required by the Regional Water Quality Control Board, prepared by Timberland Resource Consultants (TRC) and dated December 2017 (last revised October 2018), and Final SAA with CDFW are required through the life cycle of this project (Attachment 3). The onsite generator, green house fans, dehumidifiers, trimming machines, and other machinery related to the



project are conditioned to adhere to the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS). Furthermore, additional Conditions of Approval are included to ensure supplemental lighting associated with onsite propagation is fully contained with black out tarps or by the structural confines of the proposed propagation facility, have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, with the CDFW Bullfrog Management Plan (attachment 3), the project is conditioned to adhere to Dark Sky Standards security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

The project site historically utilized four (4) cultivation areas, as opposed to the three proposed in the project. The fourth cultivation site is proposed to be decommissioned and relocated within the disturbed footprint of Cultivation Area 1. A cultivation site restoration plan is included in the WRPP created by TRC that outlines BMP's to be utilized in the removal of cultivation related materials, recontouring of slopes where applicable, and soil and sediment erosion controls to be implemented where applicable for historic cultivation area 4.

### **Access**

Access to the site is via a driveway off Burr Valley Road via State Highway 36. A self-certified Road Evaluation report with photographic documentation for Burr Valley Road was prepared by the Applicant (Attachment 3) which indicates it is privately maintained and concludes that the roadway does meet a Category 4 road equivalent standard to accommodate the volume of traffic associated with the project. The roadway has an average width of 16 to 18 feet with lines of sight across most pinch points allowing for the safe passing of oncoming traffic and can accommodate the cumulative increased traffic from the project. Due to the number of cultivation projects along Burr Valley Road, both approved and pending, conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of Burr Valley Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

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).

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 Conditional Use Permit and Special Permit .

**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 21-  
Record Number: PLN-12947-CUP  
Assessor's Parcel Number: 210-131-021**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Top Camp, LLC, Conditional Use Permit and Special Permit request.**

**WHEREAS, Top Camp, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued cultivation of 12,700 square feet of outdoor cannabis with a 1,000-square-foot propagation area, drying, and processing activities, and Special Permit for development in the Streamside Management Area, which includes after-the-fact permitting for the pond developed between 2010 – 2012 and the proposed expansion of the pond to 280,000 gallons to improve compaction, embankment geometries, and lack of keyway as recommended by a licensed engineer.;

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit 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 Conditional Use Permit to allow continued cultivation of 12,700 square feet (SF) of outdoor cannabis with appurtenant propagation occurring in a 1,000-square-foot greenhouse. Water for irrigation is provided by a 165,000-gallon on-stream pond. Drying, and processing activities are located in an existing 512-square-foot barn. Power is provided by a generator. The proposed project includes a Special Permit for development within the Streamside Management Area, which includes after-the-fact permitting for the pond developed between 2010 – 2012 and the proposed expansion of the pond to 280,000 gallons to improve compaction, embankment geometries, and lack of keyway as recommended by a licensed engineer.

**EVIDENCE:**                      a) Project File: PLN-12947-CUP

- 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) A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants in December 2017 (last updated October 2018) to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Conditions of approval require the applicant to adhere to and implement the recommendations within the WRPP.
- d) A preliminary search of the California Natural Diversity Database (CNDDB) was performed. There are no known special status species at the project site. Northern Spotted Owl habitat exists in the vicinity, but the nearest activity center is over 0.9 miles from the site. Conditions of approval include measures for noise and lighting minimization and will require noise to be at below 50 decibels at 100 feet, which is below the guidance established by the California Department of Fish and Wildlife (CDFW) for protection of the species. Additionally, lighting, including supplemental lighting and security lighting, is required to adhere to Dark Sky Association standards.
- e) An Engineering Geologic Report, dated September 2018 and a Grading and Erosion Control Plan, dated August 2018, were prepared by TVCE, which demonstrate how previously unauthorized grading can be remediated to allow the implementation of this project with proper erosion control, watershed, and sediment movement practices put in place will result in an environmental improvement from the environmental baseline of December 31, 2015. Conditions of approval require the applicant to adhere to and implement the remediation as described by the Engineering Geologic Report and Grading and Erosion Control Plan. The applicant is also required to obtain grading permits from the Building Inspection Division to ensure remediation is completed in accordance with State and local regulations.
- f) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Co. in August 2019. The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended the inclusion of Inadvertent Discoveries Protocol.
- g) A self-certified Road Evaluation Report with photographic documentation was prepared for Burr Valley Road by the Applicant in September 2019 which identified and illustrated that the access road is a category 4 equivalent road and is suitable for safe access to and from the project site.

#### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT**

### **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 proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- 4. FINDING** The proposed development is consistent with the purposes of the existing FR zone in which the site is located.
- EVIDENCE**
- a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use.
  - b) All general agricultural uses including nurseries and greenhouses are principally permitted in the FR zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 12,700 square feet of outdoor 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 parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by prior permitting (Lot Line Adjustment-47-82).
  - c) Water for irrigation is provided by an on-stream pond with an approximately 165,000-gallon capacity. This pond will be re-engineered to a capacity of 280,000 gallons following the recommendation in the Engineering Geologic Report prepared by TVCE in September 2018 (Attachment 3). Conditions of approval require the applicant to adhere to and implement the remediation as described by the Engineering Geologic Report and Grading and Erosion Control Plan. The applicant is also required to obtain grading permits from the Building Inspection Division to ensure remediation is completed in accordance with State and local regulations.
  - d) A self-certified Road Evaluation Report with photographic documentation was completed by the Applicant in September 2019. The Evaluation addressed Burr Valley Road from State Highway 36 to the subject parcel, which is a county-maintained road. All road segments evaluated were documented as category 4 equivalent and found to be functionally appropriate for the expected traffic.
  - e) The slope of the land where cannabis will be cultivated is less than 15%.
  - f) The cultivation of cannabis will not result in the net conversion of timberland. The project does not propose the removal of timberland.
  - g) 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, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.
- 6. FINDING** The cultivation of 12,700 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to

properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that has been self-certified by the applicant as a category 4 equivalent road and provided photographic evidence in support of this determination. It is found that the road can safely accommodate the traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. 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.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation is provided by an on-stream pond with an approximately 165,000-gallon capacity. This pond will be re-engineered to a capacity of 280,000 gallons following the recommendation in the Engineering Geologic Report prepared by TVCE in September 2018 (Attachment 3). Conditions of approval require the applicant to adhere to and implement the remediation as described by the Engineering Geologic Report and Grading and Erosion Control Plan. The applicant is also required to obtain grading permits from the Building Inspection Division to ensure remediation is completed in accordance with State and local regulations..
- e) An Engineering Geologic Report with a Grading and Erosion Control Plan received December 2018, was prepared by TVCE which demonstrates how previously unauthorized grading can be remediated to allow the implementation of this project with proper erosion control and watershed improvements as proposed will result in an environmental improvement from the environmental baseline of December 31, 2015.
- f) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**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 included in the housing inventory of Humboldt County's 2019 Housing Element in which the property was identified to have the potential to support one housing unit. One existing residence is currently located onsite. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to be inhabited on this parcel.

## 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 Conditional Use Permit and Special Permit for Top Camp, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on April 15, 2021.

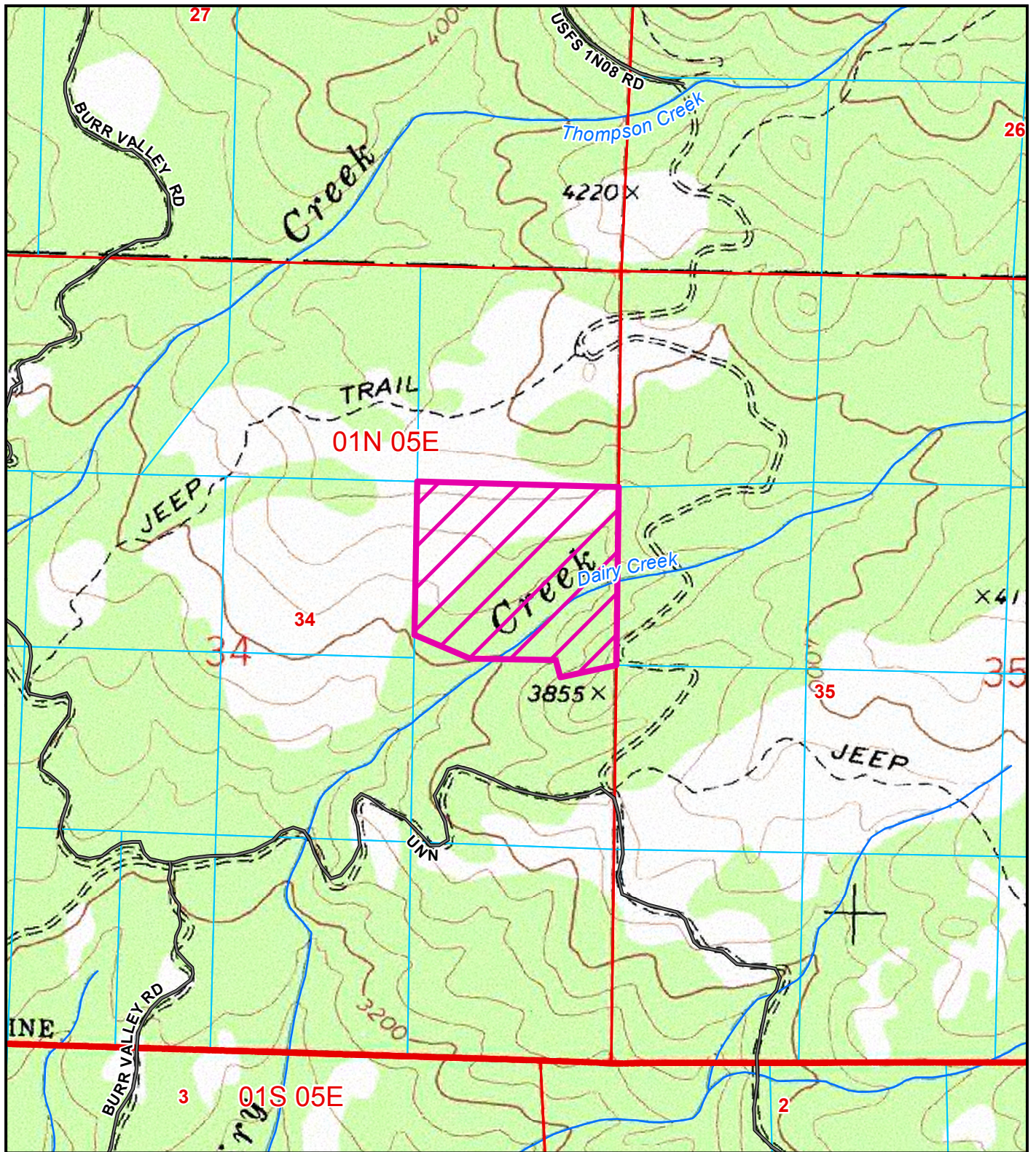
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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





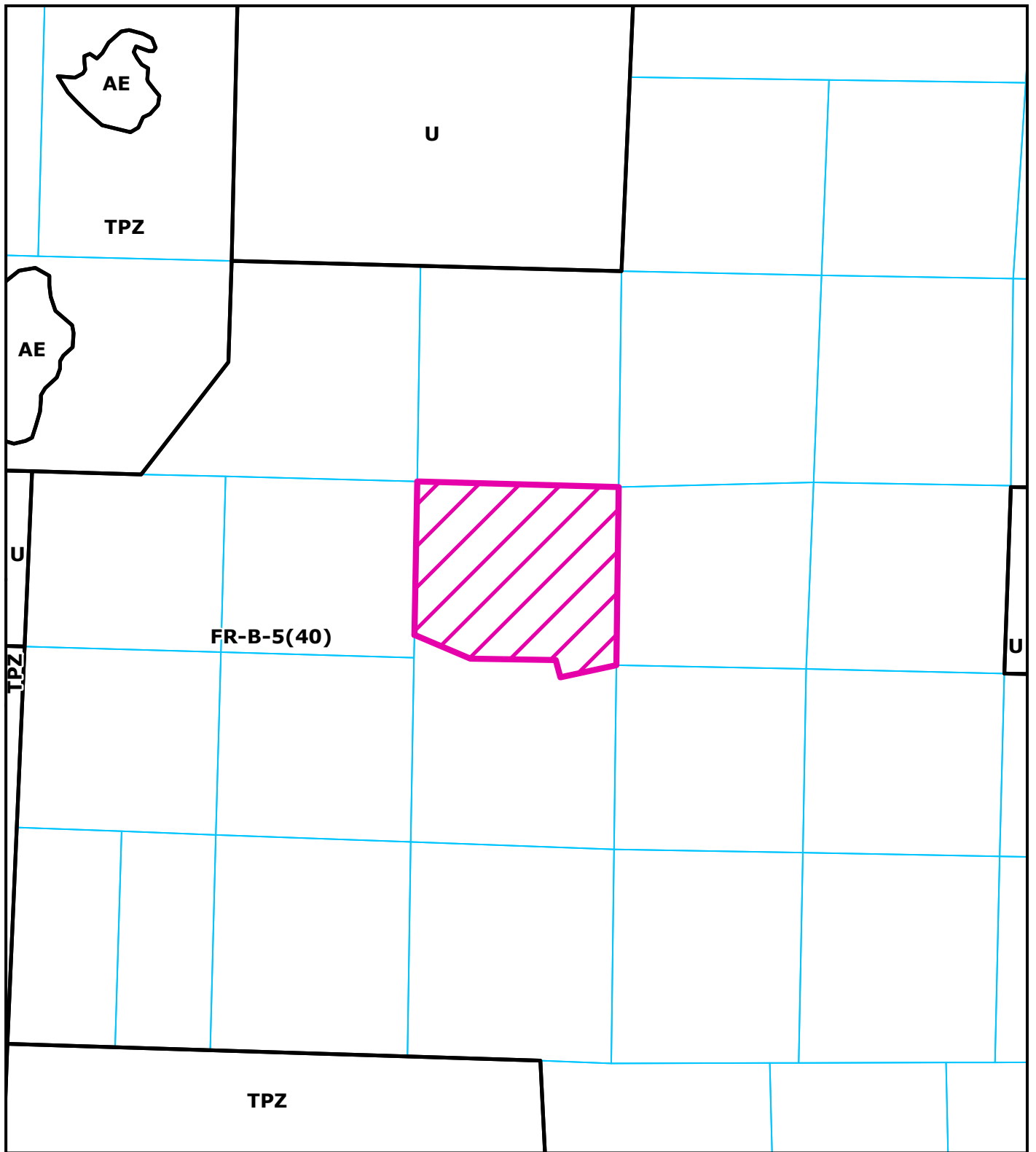
Project Area = 

**TOPO MAP**  
**PROPOSED CARRIE JORDAN**  
**DINSMORE AREA**  
**CUP-16-930**  
**APN: 210-131-021-000**  
**T01N R05E S34 HB&M (DINSMORE)**

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.

0 1,000 2,000 Feet






Project Area = 

**ZONING MAP  
PROPOSED CARRIE JORDAN  
DINSMORE AREA  
CUP-16-930  
APN: 210-131-021-000  
T01N R05E S34 HB&M (DINSMORE)**

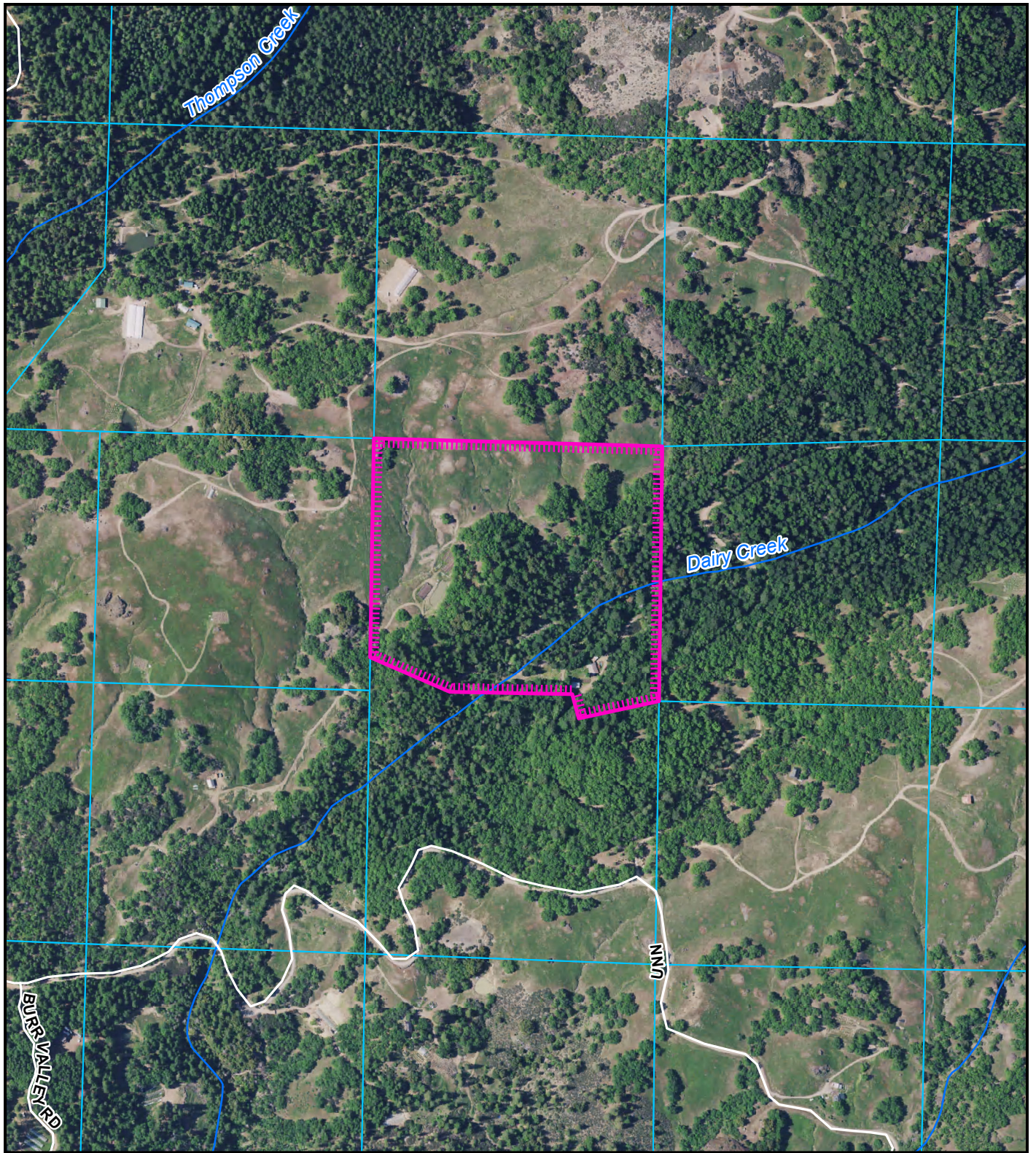


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0 1,000 2,000 Feet







Project Area = 

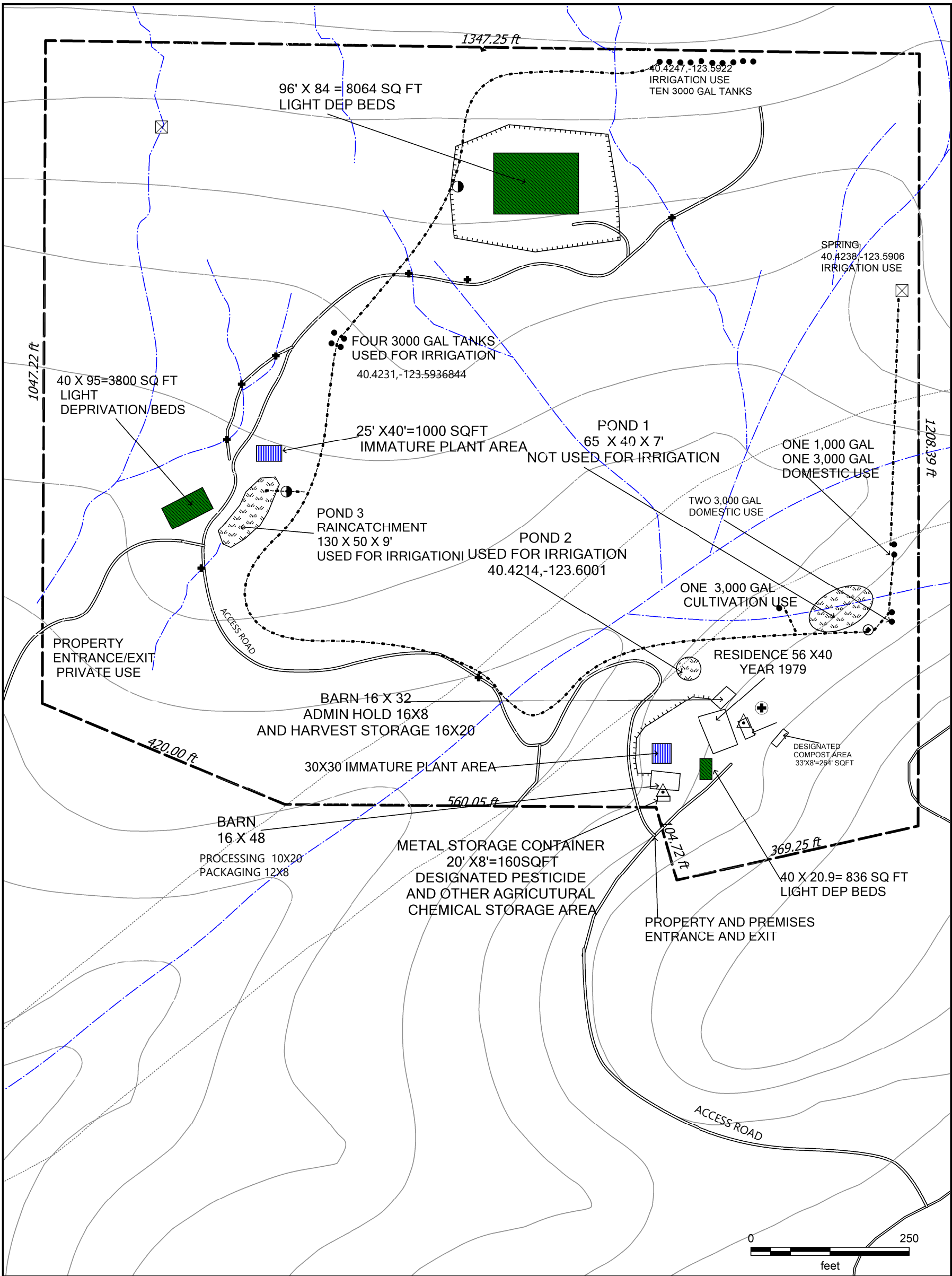
**AERIAL MAP  
PROPOSED CARRIE JORDAN  
DINSMORE AREA  
CUP-16-930  
APN: 210-131-021-000  
T01N R05E S34 HB&M (DINSMORE)**



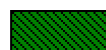
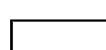










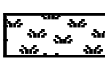

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0 800 1,600 Feet







- |   |                          |   |                      |
|---|--------------------------|---|----------------------|
|  | IMMATURE PLANT AREA      |  | PROPERTY BOUNDARY    |
|  | LIGHT DEPRIVATION BEDS   |  | STRUCTURE            |
|  | WELL                     |  | WATER STORAGE        |
|  | FENCE                    |  | WATER CROSSING       |
|  | SPRING                   |  | GENERATOR            |
|  | WATER PUMP               |  | PROPANE TANK 350 GAL |
|   | WATER DISTRIBUTION LINES |  | ACCESS ROAD          |
|  | POND                     |   |                      |
|  | WATER COURSE             |   |                      |

**APPLICANT: TOP CAMP LLC**  
**APN:210-131-021**  
**CULTIVATION AREA: 12,700 LIGHT DEP**

**SITE PLAN**  
**PAGE 1 OF 1**  
**8/17/2020**



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
7. Use of artificial lighting for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association

standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate and greenhouses can be comply with this standard.

8. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, any noise containment structures and graded flats as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall adhere to and implement the corrective actions detailed in the submitted grading, erosion and sediment control plan by TVCE for the parcel. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, will satisfy this condition.
10. No processing activities shall commence until such time that the applicant can permit the existing Onsite Wastewater Treatment System (OWTS) permit with the Division of Environmental Health (DEH) by completing a demonstration of site suitability from a qualified professional, percolation test and septic design, or any other reports deemed necessary by DEH. An invoice, or equivalent documentation shall be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to the reissuance of annual permit. A letter or similar communication from DEH verifying adherence to this condition will satisfy this condition.
11. The onsite well utilized for domestic water must be legalized or destroyed, documentation to verify non-conforming status, retroactively permit the well, or complete a well destruction permit for the well must be submitted to DEH prior to reissuance of annual permit. A letter or similar communication from DEH verifying that the well has been retroactively permitted or destroyed will satisfy this condition.
12. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
13. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board, (Water Board) Waste Discharge Requirements, in congruence with Order WQ 2015-0023-DWQ. A letter or similar communication from the Water Board verifying that all their requirements have been met will satisfy this condition.
14. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
15. The applicant shall obtain a Right to Divert and Use Water or other appropriative right from the State Water Resources Control Board for use of the on-stream pond of irrigation. The applicant shall adhere to and implement all recommendations required by the *Right to Divert and Use water*. A copy of the

Right to Divert and Use Water shall be submitted the Planning Department upon approval. A sign-off from the Planning Division will satisfy this condition.

16. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
17. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
18. 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.
19. 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 combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.



5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. 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.
27. 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.
28. 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
29. 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.
30. 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.
31. 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.
32. 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.

33. 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.
34. 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 Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**ATTACHMENT 2**

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

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

**APN 210-131-021; 12575 Buck Mountain Road, Bridgeville, County of Humboldt**

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

**March 2021**

## Background

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

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

The modified project involves a Conditional Use Permit (CUP-16-132) for an existing 12,700 square foot (SF) outdoor cannabis cultivation operation. In addition, the applicant is proposing to relocate historic cultivation to an environmentally superior location onsite requiring a Special Permit for work within the Streamside Management Area (SMA). Ancillary propagation occurs in a 1,000 SF greenhouse. Irrigation water is sourced from an onsite rainwater catchment pond. Existing available water storage is 165,000 gallons in the rainwater catchment pond which is proposed to be replaced by a 280,000-gallon capacity pond, and one (1) 3,000-gallon hard tank with plans to include up to twelve (12) additional 4,750-gallon hard tanks for a proposed total of 327,500 gallons of water storage. Estimated annual water usage is 130,254 gallons (10.3 gal/SF). Processing activities including drying, bucking, and trimming occurs onsite. Up to 10 employees may be utilized during peak operations. Power is provided by solar and generator.

The project site contains riparian habitat associated with tributaries to Dairy Creek, which is tributary to the Little Vanduzen River. The project includes relocation and restoration of previously used cultivation site to consolidate with an already disturbed cultivation area onsite, that was located within the Streamside Management Area (SMA). All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. Several site improvements will require temporary and permanent disturbance to riparian areas associated with culvert upgrades, rock armoring, and minor grading where necessary. The proposed project includes a Special Permit for development within the Streamside Management Area, which includes after-the-fact permitting for the pond developed between 2010 – 2012 and the proposed expansion of the pond to 280,000 gallons to improve compaction, embankment geometries, and lack of keyway as recommended by a licensed engineer. The Nearest Northern Spotted Owl (NSO) activity center is more than 0.9 miles from the cultivation areas. Artificial lighting is used to support the 1,000-square-foot propagation area; therefore, conditions of approval require the applicant use noise attenuation to ensure the project has a Less the Significant Impact on NSO. The applicant is required to enroll with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

A Cultural Resources Investigation was prepared in August 2019 by Archaeological Research and Supply Co. and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended inclusion of Inadvertent Discoveries Protocol, which have been incorporated as ongoing conditions of approval. The project is conditioned to perform the site improvement required to remediate the illegal grading activity, to ensure protection of the hillside, future development, and the watershed and waterways that would otherwise be adversely affected.

Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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 remediation of illegal grading activities requiring over 3,000 cubic yards of earthwork that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 12,700 square feet of cultivation with ancillary drying and processing activities along with the work proposed within streamside management areas is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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



- Plot Plans prepared by Applicant received 10/01/19.
- Cultivation and Operations Plan prepared by Applicant dated 08/09/17, superseded by addendum received on 12/12/18 and further superseded by addendum received 08/01/19.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants, dated 12/9/17 and revised 8/13/18 and 10/12/18;
- Site Management Plan (WDID-1\_12CC415459) prepared by Timberland Resource Consultants, dated 9/27/19;
- *Road Evaluation Report* for Burr Valley Road prepared by Applicant, dated 9/19/19 and received 10/1/19.
- Final Streambed Alteration Agreement through the California Department of Fish and Wildlife established 11/13/19.
- Engineering Geologic Report with Grading and Erosion Control Plan, prepared by TVCE, received 12/12/18.
- Cultural Resources Investigation for the Top Camp Commercial Cannabis Cultivation, Humboldt County California, County Application #12947 prepared Nick Angeloff, M.A., Principal Investigator, Archaeological Research and Supply Co., Rio Dell, CA, dated August 2019 and received 08/2019.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### **ATTACHMENT 3**

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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. (Plot Plans prepared by Applicant stamped received 10/01/19 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Applicant dated 08/09/17, superseded by addendum received on 12/12/18 and further superseded by addendum received 08/01/19- 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. (Condition of Approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Notice of Applicability and Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants received 12/12/2018; Condition of Approval – provide copy of Site Management Plan and compliance with State Cannabis Policy)
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. (Attached – Final Streambed Alteration Agreement #1600-2019-0068-R1 issued by the California Department of Fish and Wildlife dated November 13, 2019)
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. (Not Applicable)
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. Cultural Resources Investigation for the Top Camp Commercial Cannabis Cultivation, Humboldt County California, County Application #12947 prepared Nick Angeloff, M.A., Principal Investigator, Archaeological Research and Supply Co., Rio Dell, CA, received August 2019. (On file and confidential).
16. *Road Evaluation Report* for Burr Valley Road prepared by Applicant, dated 9/19/19. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Engineering Geologic Report with Grading and Erosion Control Plan, prepared by TVCE, received 12/12/18. (Attached).

**Top Camp Cultivation and Operations Plan**

Application Number: 12947

Assessor Parcel Number: 210-131-021-000



Together with consulting support from Timberland Resource Consultants (TRC) and Trinity Valley Consultants & Engineers Inc. (TVCE),<sup>1</sup> Top Camp submits the below Cultivation Plan in support of its application for a Humboldt County Cannabis Cultivation License. Top Camp is applying for an Outdoor Cultivation License for 12,700 sq. ft.

## **(1) Site Plan**

Please see attached for a detailed premises diagram and parcel diagram showing all boundaries and dimensions in feet of the canopy area; designated starting and immature plant areas; designated nutrient, pest management and other agricultural chemical storage area; designated composting area; designated secured area for cannabis waste; designated harvesting area and designated area for harvested cannabis storage.

## **(2) Cultivation Site Description**

Cultivation activities occur in three distinct areas within the property: Cultivation Area 3 is part of the Parcel's Historically Granted Cultivation Area and has been utilized for seed starts, clones, cannabis starts acclimating to natural light, light deprivation, and full term planting. Area 3 contains the starting, harvesting and storage barn, a 48' long by 16' wide (768 sq. ft.) enclosed barn. This barn features a separate shed area attached at the back for the gas generator needed to power the lights inside the starting barn. This barn has four distinct rooms: two rooms (605 sq. ft total) are utilized to start (under artificial lights) plants that will eventually be located in outdoor Cultivation Areas 1, 2 or 3. Two other rooms (67 sq. ft. total), both separate and lockable, are designated as harvested cannabis storage areas. Each storage room is specific to State license designation and provides safe storage of processed and manicured cannabis.

Cultivation Area 3 includes an existing 48' long by 12' wide (576 sq. ft.) light deprivation greenhouse, as well as an existing open air space with full term, potted plants comprising 2000 sq. ft. of cultivation. Top Camp will eliminate the full term, potted plants and modify the greenhouse to be 45' long by 20' wide (900 sq. ft.) for starts and light deprivation cultivation. Area 3 also contains an immature plant area (935 sq. ft. total) that is adjacent to the north of the starting, harvesting and storage barn. This open air area is used to start seedlings and acclimate immature plants to natural light for the transition to full sun planting.

Cultivation Area 2 is part of the Parcel's Historical Cultivation Area initially granted by the County and currently contains a 72' long by 38' wide (2,736 sq. ft) greenhouse. Adjacent to the southwest of this Area 2 greenhouse, a 25' long x 40' wide (1,000 sq. ft.) space is utilized for open air (not covered) potted plants. A 25' long by 40' wide (1,000

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<sup>1</sup> Please refer to TRC's preparation of a Water Resource Protection Plan (WRPP); Lake & Stream Bed Alteration (LSA); and subsequent 1600 Permit from CDFW, along with TVCE's Engineering Geologic Report and subsequent stamped set of drawings defining the Grading and Erosion Control Plan for the Parcel. The set of stamped drawings by TVCE detail all aspects of the parcel's site drainage, including runoff and erosion control measures, and the Engineering Geologic Report detail measures taken to ensure protection of watershed and nearby habitat.

sq. ft.) designated immature plant area for seed starts and cannabis acclimation is located north of the rain catchment pond. Area 2 is used for a multitude of planting styles, depending on strain(s). The greenhouse may also be utilized for the creation of seed stock for Top Camp.

Cultivation Area 1 will contain four (4) light deprivation greenhouses. Each greenhouse is 84' long by 24' wide (2,016 sq. ft. each) for a total of 8,064 sq. ft. Wooden raised beds will run the length of the greenhouses with walking paths between each bed's length. Utilizing light deprivation, two (2) growing cycles per year are expected within Cultivation Area 1, a spring/summer cycle and a summer/fall cycle.

### **(3) Nutrient and Pest Management Plan**

Top Camp practices organic methods throughout cultivation including the use of nutrients and pest controls. All nutrients, including soil fertilizers and amendments, as well as imported dirt, utilized by Top Camp are Organic Materials Review Institute (OMRI) listed. Top Camp does not intend to use regulated products, such as pesticides or herbicides, on a regular basis. All pest controls used are Organic Materials Review Institute (OMRI) listed. The following are proposed protocols:

1. Neem meal is tilled in the soil prior to planting, while other pest control measures are foliar applied between 1-2 times weekly, as needed, and avoided during final flowering.
2. Clean-up and containment protocols will be developed and implemented.
3. Clean-up and containment equipment will be maintained in good operating condition on-site at all times.
4. Employees shall be trained in safe handling practices and protocols for using clean-up and containment equipment.
5. All nutrients and pest controls, that are not immediately used, remain in original packaging and stored inside a designated metal container. The container is waterproof and any spills are easily contained for cleanup if needed.
6. Cultivation operations follow manufacturer's instructions for application, storage, and disposal of all amendments and pest controls.
7. As potential, new products become available, they must meet organic standards and be researched before use.

Top Camp shall utilize the following certified organic fertilizers and amendments identified in Table 1.

<b>Table 1: Organic Soil Fertilizers and Amendments</b>		
1. Nitrogen Bat Guano	6. Mocha Bat Guano	11. Folic Acid
2. Liquid Bone Meal	7. Imported Dirt	13. Neem Meal
3. Cascade Worm Castings	8. Jamaican Bat Guano	14. Hummic Acid
4. Seaweed Meal	9. Kelp Meal	15. Seabird Guano

5. Coco Peat	10. Greensand	16. Nitrozyme
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Top Camp methods and care during cultivation typically require minimal pest management, though there may be situations requiring the potential use of any the following agriculturally exempt products in Table 2.

<b>Table 2: Legal Pest Management Practices for Marijuana Growers in California</b>	
Active Ingredient	Pest or Disease
PureCrop1	Fusarium wilt, botrytis, white powdery mold, mildew, fungi, bacteria, white flies, aphids, russet mites and other insect / larvae issues
Neem Meal	Insects and fungi
MildewCure	Powdery mildew
Organocide	Insects and fungi
Active ingredients that are exempt from residue tolerance requirements and either exempt from registration requirements or registered for a use broad enough to include use on marijuana. <a href="http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/cannabis_enfrmnt/pest_mgmt_practices.pdf">http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/cannabis_enfrmnt/pest_mgmt_practices.pdf</a>	

Top Camp will comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation. For all pesticides exempt from registration requirements, Top Camp will comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation and with the following pesticide application and storage protocols:

- Comply with all pesticide label directions;
- Store chemicals in a secure building or shed to prevent access by wildlife;
- Contain any chemical leaks and immediately clean up any spills;
- Apply the minimum amount of product necessary to control the target pest;
- Prevent offsite drift;
- Do not apply pesticides when pollinators are present;
- Do not allow drift to flowering plants attractive to pollinators;
- Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
- Do not apply pesticides when they may reach surface water or groundwater; and
- Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

#### **(4) Cannabis Waste Management Plan**

Top Camp will manage all cannabis waste in compliance with the Public Resources Code. In addition, Top Camp will obtain all required permits, licenses, or other



clearances and comply with all orders, laws, regulations, or other requirements of other regulatory agencies, including, but not limited to, local health agencies, regional water quality control boards, air quality management districts, or air pollution control districts, local land use authorities, and fire authorities.

Top Camp will dispose of cannabis waste in a secured waste receptacle or in a secured area on the premises where physical access to the receptacle or area is restricted only to Top Camp and their employees. Public access to the designated receptacle or area will be strictly prohibited. Top Camp will compost cannabis waste in compliance with title 14 of the California Code of Regulations, division 7, chapter 3.1 (commencing with section 17850).

In addition to all other tracking requirements, Top Camp will use the track-and-trace system and documentation to ensure that cannabis waste is identified, weighed, and tracked while on Top Camp premises and when disposed of. Top Camp will maintain accurate and comprehensive records regarding cannabis waste that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

#### **(4a) Cannabis Composting Protocol**

Top Camp will conduct all composting activity in compliance with all regulations promulgated by the California Integrated Waste Management Board. Top Camp will conduct on-premises composting of cannabis waste, using both open piles and compost bins, in a location that is flat, well-drained and sunny. Top Camp will start with a layer of course materials (like twigs) to allow for drainage and aeration and then cover this layer with leaves. Then Top Camp will alternate between layers of greens materials (nitrogen-rich material), including cannabis waste, and browns (carbon-rich material), to fill the bin or stack the open pile.

Top Camp will collect organic kitchen compostables in a container and empty its contents into the compost bin or open pile, making sure to top it with a layer of brown material. To accumulate brown material, Top Camp will collect and store dry leaves in garbage bags in the fall so they can use these in their compost year round. Top Camp will continue to add alternating layers of greens and browns as the contents of bins and opens piles begin to decompose and will make sure the following conditions are met:

- When adding fresh material, employees will mix it in with the lower layers.
- Materials should be as wet as a rung-out sponge, and employees will add dry materials or water (whichever is needed) to reach this moisture level.
- Employees will mix or turn the compost once a week to help the breakdown process and eliminate odor.

When the compost is dark, crumbly and smells like earth, approximately four to six months from starting each bin or open pile, employees will remove all the finished compost from the bin/open pile, leaving unfinished materials in the bin to continue decomposing. Employees will be sure the decomposition process is complete before using the compost, and Top Camp will sprinkle its lawn a few times a year, will use compost as top dressing for flower beds and at the base of trees and shrubs, will mix compost in with garden and flower bed soil, will use as a soil conditioner when planting or transplanting trees, flowers and shrubs by filling the hole with half compost and half soil, will make 'compost tea' by filling cheesecloth with 1 liter of compost and steeping the bag overnight in a garbage can filled with water.

#### **(5) Irrigation and Water Source Used For Cultivation Activities**

Water for cultivation is currently procured with a stand alone, 165,000 gl. rain catchment pond. Rainwater is collected during the months of November to May. A single 3,000 gl. water tank is presently above the residence near Pond 1. This tank is pump-filled as needed for all the watering needs for Area 3. Pumped water is moved to water storage and nutrient tanks by black poly drinking water line. These poly lines range in size from as large as 2" (inches), down to 1/2" diameter for interfacing with our drip irrigation lines with a series of valves allow targeting of water placement. Per TRC and TVCE Engineering reports, we propose the enlargement and lining of this pond to accommodate 280,000 gl. of water storage. Estimates of projected water use are provided for cannabis cultivation within the WRPP from TRC. The installation of water meters for monthly readings will be installed for both cultivation and for the personal residence monitoring and reporting program.

Top Camp Operations Plan also calls for ten-to-twelve (10-12) 4,750 gl. water tanks to be located at the north west corner of the property for a total of 336,000 gl. of water storage for cannabis. These tanks will be pumped full from the rain catchment pond as needed and provide storage water while the rain catchment pond is enlarged. This is much more water than will be required for cultivation; however, since a multitude of wildfires have occurred in the region, Top Camp also wants to have this stored water for fire suppression. Multiple 2" and 1-1/2" poly water lines with fire hose connections at specific points on the property have already been installed. The waterline, with fire hose hookup connection points, are connected to the same pumping structure that fill the ponds and water tanks. With 56,000 gallons of gravity fed water and an ability to use pumps, our strategically placed hydrants throughout the parcel would provide a direct measure in case of fire.

Watering and irrigation of soil beds is performed with a combination of drip line irrigation and hand watering. Both techniques are very efficient ways to water while providing consistent water saving benefits. Contained dirt beds allow a contiguous watered area providing less evaporation and more direct application of water to the plants. Nutrients teas are irrigated the same way. A summary of water use per month is noted within the WRPP provided by TRC.

Top Camp recognizes the benefits of water conservation to their business, community, and shared environment. Cultivation is proposed to utilize drip irrigation controlled by a timer and irrigation shall be at an agronomic rate not to go beyond the root zone. Further water conservation methods, such as the use of hygrometers and infrared spectrum analysis, may be implemented in the future. A detailed daily schedule of watering activities shall be developed conspicuously posted on-site.

To ensure compliance with North Coast Regional Water Quality Control Board Orders, Top Camp shall be installing a water meter and monitoring withdrawals. Monthly monitoring shall include a date stamped digital photograph of the meter to be taken at the first of the month for Waiver of Discharge purposes. Going forward, Top Camp shall provide an update of actual water usage in annual cultivation licensing submittals

#### **(6) Site Drainage, Runoff, and Erosion Control Measures**

The set of stamped drawings by TVCE detail all aspects of the parcel's site drainage, including runoff and erosion control measures, and the Engineering Geologic Report by TVCE detail measures taken to ensure protection of watershed and nearby habitat.

#### **(7) Soil Management and/or Permaculture Methods**

Top Camp practices composting to create and maintain a living soil for plants to thrive, as well as to reduce waste. Natural microbes are continually introduced to the organic dirt beds with weekly compost tea feedings. Our compost pile is fenced and more than 100 ft. away from any waterways or ephemeral streams. Top Camp utilizes Permaculture principles when applicable and follows the energies of biodynamics to plant, prune, water, feed and harvest. Soils shall be protected for current and future agricultural use through the following means:

1. All farming on-site shall be organic.
2. Greenhouses shall only have minimal perimeter foundations and the native soils shall remain exposed.
3. Cannabis in the greenhouses shall be cultivated in raised beds that contain a proprietary soils mix brought in from off-site.
4. Mixing, tilling, and amending of soils shall occur within the raised beds.

5. Soils shall be reused, composted on-site, and no dumping off-site shall occur.
6. Cover crops shall be utilized when not in cultivation for a month or more to reduce soils loss.

Within the greenhouses there are and will be raised wooden beds for dirt containment. Raised beds provide the plants with a continuous root field of dirt, which Top Camp believes allows the plant to grow in the most healthy way. Raised beds are also ideal for dirt retention, keeping the imported soil and amendments from entering the watershed and provide for the most efficient watering techniques. Top Camp utilizes nitrogen fixing cover crops to ensure soil stability when not cultivating during winter months.

## **(8) Cultivation Operations & Practices**

Typically, the cultivation season begins in March and ends in November. Seasonal growing activities include starting, cloning, planting, watering, pruning, staking, nutrient application and pest management, as needed. Weather permitting, we anticipate two (2) light deprivation cycles per year as well as a full term. Harvesting of light deprivation plants and subsequent drying and curing will usually occur in July and September, while full term plants are harvested in October. Processing and winterizing the site occurs in November and sometimes December. When starts, such as seedlings or clones, are in the starting barn, a generator to power lighting is used between 15-18 hours per day typically. A generator is also used for fans and dehumidifiers during the drying and curing process. Snap fans installed in greenhouses are direct wired to solar panels. No battery banks are required this way and the fans simply operate when sunlight powers the panels each day.

In order to maximize efficiency, a system of staggered harvests utilizing light deprivation techniques will be used in Area 1. Each harvest will be offset which will reduce the need for required drying space and limit the energy inputs for drying.

### ***Monthly Activity Schedule***

Month	Activities
January	Site evaluation, initiate BMP's to prevent runoff etc. Monitor site conditions and infrastructure functionality, Maintain compost beds.
February	Site evaluation, maintain BMP's to prevent runoff etc. Monitor site conditions and infrastructure functionality, Maintain compost beds. Start seedlings and clones in starting barn. Water and prune.
March	Site evaluation, maintain BMP's to prevent runoff etc. Monitor site conditions and infrastructure functionality, Maintain compost beds.



	Continue care of seedlings and clones in starting barn. Water, prune and stake.
April	Site evaluation, maintain BMP's to prevent runoff etc. Monitor site conditions and infrastructure functionality, Maintain compost beds and utilize finished composted material in Cultivation Areas. Continue care of seedlings and clones in starting barn. Water, prune and stake. Prepare Cultivation Areas for planting (till, amend, setup drip line irrigation.) Plant Cultivation Areas at end of month, weather permitting.
May	Site evaluation, maintain BMP's to prevent runoff etc. Monitor site conditions and infrastructure functionality. Maintain compost beds. Continue care of seedlings and clones in starting barn. Water, prune and stake. Plant and/or continue planting Cultivation Areas, weather permitting. Continue garden care and site maintenance.
June	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. Continue care of seedlings and clones in starting barn to Cultivation Areas. Water, prune and stake. Begin 1st light deprivation cycle. Plant full term plants.
July	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. Continue care of seedlings and clones in starting barn to Cultivation Areas. Water and prune. Continue 1st light deprivation cycle. Plant full term plants. Continue plant starts for second light deprivation cycle. Harvest of first cycle light deprivation as strain requires. Drying, processing, and storage. Provide product to licensed distributor.
August	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. Continue care seedlings and clones in starting barn to Cultivation Areas. Water, prune and stake. Planting of 2nd light deprivation cycle. Harvest first cycle light deprivation as strain requires. Drying, processing, and storage. Provide product to licensed distributor.
September	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. Water, prune and stake. Possible 2nd harvest from light deprivation at end of month as strain requires. Drying, processing, and storage. Provide product to licensed distributor.
October	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. Water, prune and stake. 2nd harvest from light deprivation as strain requires. Harvesting of full term plants. Drying, processing, and storage. Provide product to licensed distributor. Begin winterization of premises
November	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. 2nd harvest from light

	deprivation as strain requires. Harvesting of full term plants as strain requires. Drying, processing, and storage. Provide product to licensed distributor. Continue winterization of premises.
December	Site evaluation, monitor site conditions and infrastructure functionality. Maintain compost beds. Drying, processing, and storage. Provide product to licensed distributor. Continue winterization of premises.

Top Camp's equipment used for measuring, regulating, recording or otherwise used during cultivation are regularly maintained. Weighing devices used by Top Camp for commercial purposes or for the purpose of determining quantity for entry in the track-and-trace system will be approved, tested and sealed pursuant to chapter 5 (commencing with section 12500) of division 5 of the Business and Professions Code, and registered with the county sealer consistent with chapter 2 (commencing with section 12240) of division 5 of the Business and Professions Code. Top Camp will use approved and registered devices whenever: (1) cannabis and nonmanufactured cannabis products are bought or sold by weight or count; (2) cannabis and nonmanufactured cannabis products are packaged for sale by weight or count; (3) cannabis and nonmanufactured cannabis products are weighed or counted for entry into the track-and-trace system; and (4) the weighing device is used for commercial purposes. Top Camp will use wet weight or net weight. Wet weight and net weight will be measured, recorded and reported in International System of Units (e.g., kilograms, grams, or milligrams), and Top Camp will be licensed as a weighmaster for any bulk commercial shipments of cannabis and nonmanufactured cannabis products.

Top Camp will prepare a sales invoice or receipt for every sale, transport, or transfer of cannabis or nonmanufactured cannabis product to another licensee. Sales invoices and receipts will be retained electronically and will be readily accessible for examination by the department, other state licensing authorities, any state or local law enforcement authority, and the California Department of Tax and Fee Administration. Each sales invoice or receipt will include all the following:

- (a) Name, business address, and department or other licensing authority issued license number of Top Camp;
- (b) Name, business address, and department or other licensing authority issued license number of the purchaser;
- (c) Date of sale or transfer (month, day, and year). The date of any sale or transfer of cannabis and nonmanufactured cannabis products shall be the date of transfer to the licensee receiving it;
- (d) Invoice or receipt number;
- (e) Weight or quantity of cannabis and nonmanufactured cannabis products sold;
- (f) Cost to the purchaser, including any discount applied to the total price, shall be recorded on the invoice;



(g) Description for each item, including strain or cultivar, and all of the applicable information below:

- (1) Plant;
- (2) Flower;
- (3) Leaf;
- (4) Shake;
- (5) Kief; and
- (6) Pre-rolls.

(h) Signature of Top Camp, or designated representative of Top Camp, acknowledging accuracy of the cannabis and nonmanufactured cannabis products being shipped;

(i) Signature of the purchaser, or designated representative of the purchaser, acknowledging receipt or rejection of the cannabis or nonmanufactured cannabis products.

## **(9) Employee Standards, Employee Safety Practices, and Emergency Contacts**

Top Camp may employ persons for hire as allowable by law. Top Camp shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

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

Top Camp operations and processing operations shall implement safety protocols to protect the health and safety of its employees. All employees shall be provided with adequate safety training relevant to their specific job functions, which may include:

1. Emergency action response planning.
  - a. Employees trained and certified in basic CPR & First Aid.
  - b. Three (3) CPR & First Aid Kit Stations provided in the greenhouse areas and within the processing facility.
  - c. Employees with known allergies that could be a health concern in an agricultural setting shall inform management, and if require an EpiPen, shall carry said provisions with them at all times while on-site.
  - d. Within the processing facility a working phone connection or emergency call button connected to a monitored security system put into use.
  - e. Emergency call buttons, depending on circumstances, may or may not be placed within the greenhouses and processing facility.
2. Employee accident reporting and investigation policies.

- a. All accidents reported to management.
  - b. Management to investigate and keep written reports of accidents.
  - c. Reporting to authorities according to the requirements of law.
3. Fire prevention.
  - a. Multiple 2" and 1-1/2" poly water lines with fire hose connections at specific points on the property have already been installed.
  - b. The waterline, with fire hose hookup connection points, are connected to the same pumping structure that fill the ponds and water tanks. With 56,000 gallons of gravity fed water and an ability to use pumps, our strategically placed hydrants throughout the parcel would provide a direct measure in case of fire.
4. Hazard communication policies, including maintenance of material safety data sheets (MSDS).
  - a. Employees trained in the proper handling of all hazardous materials, if any are ever used.
  - b. Employees provided secure communication devices for communication and emergencies.
  - c. If any regulated substances are ever used, MSDS of any applicable hazardous materials posted visibly on-site at all times.
5. Materials handling policies.
  - a. Employees trained on handling cannabis and other related materials on an annual basis.
6. Job hazard analysis.
  - a. Employees may be exposed to agricultural related risks.
  - b. Within the first-year risks shall be assessed by an independent expert to reduce job hazards as applicable by law.
  - c. A risk management plan shall be implemented to reduce identified issues.
7. Personal protective equipment policies; including respiratory protection.
  - a. Top Camp shall provide personal safety equipment for use such as OSHA certified safety glasses (tinted and clear), hats, disposable and reusable gloves, disposable face masks, and filtered respiratory protection.
  - b. Employees shall be trained in the use, expected to make use, and shall have ample access personal protective equipment provided by Top Camp.
  - c. Storage areas for personal safety equipment shall be provided.

Top Camp operations and processing facilities shall visibly post and maintain an emergency contact list which includes at a minimum:

1. Operation manager contact(s):
  - a. Manager: Parker Berg (505) 681-2700
  - b. Property Owner: Carrie Jordan (323) 420-4781
2. Emergency responder contact(s):
  - a. EMERGENCY CALL 911
  - b. Non-emergency Sheriff: (707) 445-7251

- c. Cal Fire: (707) 777-3636
- 3. Poison control contact(s):
  - a. EMERGENCY CALL 911
  - b. Poison Control Centers 1-800-222-1222

#### **(10) Processing Practices and Plan**

Top Camp shall implement and practice the following Processing Practices on-site at all times:

1. All work surfaces and equipment shall be maintained in a clean and sanitary condition.
2. Prevention against contamination, mold, and mildew growth on processed cannabis.
3. Employees processing cannabis shall have access to facemasks and gloves in good operable condition.
4. Employees shall clean hands sufficiently when handling cannabis or use gloves.

In 2019 Top Camp may undertake appurtenant on-site processing of cultivated cannabis consisting of:

1. Harvesting cannabis up to three (3) times a year.
2. Drying of the harvested cannabis shall occur in the processing facility which shall be heated and dehumidified.
3. On typical occasions, processing of the dried cannabis shall occur in the processing facility.
  - a. Processing shall be done using a hand trim process utilizing shears.
  - b. Processed cannabis is weighed, packaged, and labeled.
  - c. Packaged cannabis shall be distributed to licensed distributors, as allowable under California law.
4. Other processing options Top Camp may engage in, as allowable under California and Humboldt County law, include, and are not limited to:
  - a. Sending untrimmed cannabis to a licensed processor under contract; and/or,
  - b. Sold to a licensed manufacturer as raw product in bulk; and/or,
  - c. Processed on-site with employees utilizing mechanical trimmers.

To the extent Top Camp conducts processing activities, drying and curing of cannabis will occur in the starting barn.

1. The barn is designed to accommodate freshly harvested plants and to be thoroughly cleaned and sterilized immediately prior to and after processing. Drying is done with propane heat, dehumidifiers and fans. Once cured, cannabis is placed in sealed storage bins.
2. Top Camp utilizes a trim machine to start the manicuring process, and then Top Camp members briefly manicure by hand for the finished flower product.

3. In processing cannabis, Top Camp's packages and labels will not be made to be attractive to children, and all cannabis and cannabis product labels and inserts shall include the following information prominently displayed in a clear and legible fashion in accordance with the requirements, including font size, prescribed by the bureau or the State Department of Public Health, in bold print:  
"GOVERNMENT WARNING: THIS PACKAGE CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."
4. For packages containing only dried flower, Top Camp's label will indicate the net weight of cannabis in the package, provide identification of the source and date of cultivation, the type of cannabis, and the date of packaging.
5. Top Camp's label will also provide a list of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
6. Top Camp will comply with the California Fair Packaging and Labeling Act as codified in the Business and Professions Code.
7. Cultivation and processing tools that come in contact with cannabis are disinfected as needed to protect plant health. Cultivation areas, including all work surfaces and equipment, are maintained to be clean and sanitary.

## **(11) Security Plan**

The property is in mideastern Humboldt County, roughly 12.5 miles from State Highway 36 on Buck Mountain Road. The property and cultivation areas are not visible from public property. Top Camp will secure the cannabis cultivation and associated activities using the following means:

- The cultivation site shall be secured behind a primary locked gate to the property.
- There are three (3) locked exit/entrance gates of which only one is used for regular access.
- Two (2) other locked gates are private easement gates on boundaries to neighboring parcels.
- The processing facility shall be a secure lockable structure.
- The cultivation site may be monitored by an independent security company.
- The cultivation site may have a camera surveillance system.
- Operations shall be discreet and not draw attention.
- No easement rights are privileged or attained by any others.

- Dog(s) are present on parcel at all times during cultivation activities.
- The curing process occurs in a locked dry barn.
- Processed cannabis flower along with any viable byproduct is stored in a designated, locked storage room which is accessible only by Managers of Top Camp, LLC.
- County and State record keeping systems will be implemented at all times as required.

## **(12) Reservation of Operational Changes**

Top Camp Cultivation and Operations Plan is an estimate of the first two (2) years of operations. When operationally feasible and advantageous, or required, this plan may be altered. These alterations shall be provided to the County and State.



***Amendment to***

**Top Cam Camp Cultivation and Operations Plan**

Application Number: 12947

Assessor Parcel Number: 210-131-021-000

*(Received by Humboldt County Planning Division 12/12/2018)*

The following information is presented to supersede section **(2) Cultivation Site Description** found in the aforementioned Cultivation and Operations Plan and address the current proposed cultivation configuration resulting from relocation of historic cultivation areas and pending restoration/remediation activities.

An Interim Permit allowing continued cultivation of 12,700 ft<sup>2</sup> of outdoor cannabis was issued by the Planning Division.

Historic Cultivation occurred primarily within two areas on the subject parcel; the first being around the residence (located in the SE corner of the parcel) and the other area situated at the west side of the parcel (refer to CAV imagery).

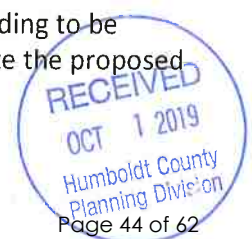
A significant portion of the historic cultivation at the west side location was improperly sited within streamside buffers and required relocation to an environmentally superior area. Current cultivation remaining at this location is limited to **3,800 ft<sup>2</sup>** and a 1,000 ft<sup>2</sup> propagation nursery. A review of historical imagery shows that there was *negligible to insignificant* tree removal and ground disturbance involved with the historical cultivation. As such, the applicant shall remove and properly dispose of all cultivation related materials and re-seed the area with native grass species. Erosion control measures including placement of straw wattle shall be implemented until adequate re-establishment of native grass species has occurred.

Current cultivation remaining near the residence is limited to a **900 ft<sup>2</sup> greenhouse** and a 935 ft<sup>2</sup> propagation nursery. A review of historical imagery shows that there was *negligible to insignificant* tree removal and ground disturbance involved with the historical cultivation in this area. As such, the applicant shall remove and properly dispose of all cultivation related materials and re-seed the area with native grass species. Erosion control measures including placement of straw wattle shall be implemented until adequate re-establishment of native grass species has occurred.

The remaining **8,000 ft<sup>2</sup>** allocation of the 12,700 ft<sup>2</sup> cultivation will be relocated at the north central portion of the parcel a safe distance from watercourses.

The relocation site was improperly graded in advance of regulatory approval and resulted in a Notice of Violation from CDFW. A grading restoration plan was prepared by Trinity Valley Consulting Engineers (TVCE) IN 2018 and was submitted with a LSAA Notification to CDFW. A signed 1600 agreement should be forthcoming from the LSAA submittal in the very near future allowing the prescribed grading restoration to begin.

The Site Map included in the 2018 TVCE report shows the relocation area as Site # 1 "Landing to be Modified". Upon completion of the prescribed corrections at this site, it will accommodate the proposed relocation of the **8,000 ft<sup>2</sup>** cultivation area.





**Top Camp Cultivation and Operations Plan**

Application Number: 12947

Assessor Parcel Number: 210-131-021-000



North Coast Regional Water Quality Control Board

September 24, 2019

WDID:1\_12CC418047

TOP CAMP LLC  
ATTN: MILLIN HAWJ  
12575 NORTHWEST BUCK MOUNTAIN ROAD  
DINSMORE, CA 95526

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](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

2019.09.25 10:16:26 PDT

  
On Behalf Of  
  
Water Boards

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

190924\_1L\_1\_12CC418047\_1B171427CHUM\_TOP\_CAMP\_LLC\_NOA\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, TOP CAMP LLC, HUMBOLDT COUNTY APN(s) 210-131-021**

TOP CAMP LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 27, 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\_12CC418047**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171427CHUM.

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 2,000 square feet and less 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 1 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](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/](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](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](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 24, 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](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](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 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, 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](mailto: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](mailto: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](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)  
Millin Hawj 16 Kalmia Court Sacramento , CA 95835





## 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	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Additional Review	Attached
CAL FIRE	✓	No Comment	Attached
California Department of Fish & Wildlife		No Response	Attached – staff email to CDFW requesting comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Comments	On file and confidential
Bridgeville FPD		No Response	
Bridgeville Elementary School District		No Response	
Fortuna Union School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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** Carrie Jordan  
**Address 1** PO Box 67 **Address 2**  
**City** Bridgeville **State** CA **Zip** 95526

### OWNERS NAME AND MAILING ADDRESS

**Name** Jordan Carrie K **Email**  
**Address 1** Po Bx 67 **Address 2**  
**City** Bridgeville **State** CA **Zip** 95526

### SITE INFORMATION

**Parcel Number** 210-131-021-000 **Application Number** PLN-12947-CUP  
**Street Address** 12575 Buck Mountain Rd **City** Dinsmore **State** CA **Zip** 95526

### PRESITE INVESTIGATION

<b>Project is already started</b>	<b>AOB Inspection</b>
<b>Soil report is required due to</b>	<b>Project appears to be within wet area</b>
<b>Project is in flood zone A per</b>	<b>FIRM panel number</b>
<b>Flood elevation certificate required</b>	<b>Is 2nd Flood Certificate Required?</b>
<b>Plans stamped by a licensed person required</b>	<b>SRA requirements apply</b>
<b>SRA water storage requirements apply</b>	<b>Lot created prior to 1992</b>
<b>Appr.SRA req. need to be shown on plot plan</b>	<b>Plot plan incomplete, must be revised</b> Yes
<b>Driveway slope appears to be</b>	<b>Submit engineered foundation for</b>
<b>Grading permit required</b>	<b>Applicant must locate property lines</b>
<b>Incomplete submittal Construction Plan</b>	<b>Other concerns exist</b>
<b>Erosion and sediment control measures req.</b>	

### Inspector Notes

7/16/19 12947

Revise the site map to show existing/proposed cannabis related structures with use and dimensions, the connex shipping containers south of cultivation area with use and dimensions, the proposed processing building, the location of the septic and leachfield, the firetruck turnaround, all proposed generator sheds and propane tanks. Ensure that the plan of operation is up to date. (Note: Ag exempt buildings can have insulation).  
RM

**QUESTIONS? Please contact the County of Humboldt Building Division**



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

7/5/2019

**Project Referred To The Following Agencies:**

Bear River Band, Environmental Health, Building Inspections, County Counsel, Cal Fish & Wildlife, RWQCB, NCUAQMD, District Attorney, AG Commissioner, CA Division of Water Rights, FPD: Bridgeville, School District: Bridgeville Elementary, School District: Fortuna Union, PW Land Use, CalFire, NWIC

**Applicant Name** Carrie Jordan **Key Parcel Number** 210-131-021-000

**Application (APPS#)** PLN-12947-CUP **Assigned Planner** Elizabeth Moreno

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: 7/20/2019**

Planning 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:

Notes are in ACCeln

DATE:

7/16/19

PRINT NAME:

Rudy Maranghi



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

6/11/2018

PROJECT REFERRAL TO: CalFire

Project Referred To The Following Agencies:

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

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Applicant Name Carrie Jordan Key Parcel Number 210-131-021-000

Application (APPS#) 12947 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-930

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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 6/26/2018

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: [PlanningClerk@co.humboldt.ca.us](mailto:PlanningClerk@co.humboldt.ca.us) Fax: (707) 268-3792

---

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \_\_\_\_\_

---

DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

**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:**





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

PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division

Project Referred To The Following Agencies:

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

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Applicant Name      Top Camp LLC    Key Parcel Number    210-131-021-000

Application (APPS#)    12947    Assigned Planner    Cannabis Planner (CPOD) (707) 445-7541    Case Number(s)    CUP16-930

---

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

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

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

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

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

---

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing.
2. The approval of an unpermitted OWTS described in the provided Cultivation and Operations Plan is **dependent upon demonstration of site suitability** from a Qualified Professional.
3. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
4. One well is shown on the provided site plan. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

\*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11    Page 57 of 62

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance

with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 9/28/2018 Recommendation By: Joey Whittlesey



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 9-24-2018

RE:

Applicant Name	Carrie Jordan
APN	210-131-021
APPS#	12947
CASE#	CUP16-930

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 1 & 2 on Exhibit "C"

// END //

## Additional Review is Required by Planning &amp; Building Staff

APPS # 12947

**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...)?

☒ 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 //



## Max C. Hilken

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**From:** Max C. Hilken  
**Sent:** Thursday, February 25, 2021 4:24 PM  
**To:** 'Scott.Bauer@wildlife.ca.gov'  
**Subject:** Request for Comment: App 12947, APN 210-131-021, Top Camp, LLC  
**Attachments:** 1600-2018-0068-R1\_HUM\_MJ Hawj Stream Crossings and Water Diversion\_LSAA\_Final.pdf; PROPERTY AND PREMISES DIAGRAM 08172020.pdf

Hello Scott,

We are looking at potentially hearing this project April 1<sup>st</sup> at the Planning Commission. I see that we have not received comments from CDFW, I am reaching out today to re-request any comments CDFW may have in conjunction with this project. I am attaching a copy of the applicants most recent Site Plan (attached) and project description (below) for convenience. If there are additional items I could include to help with you or your staffs review please let me know.

**Project Description:**

"A Conditional Use Permit for continued cultivation of 12,700 square feet (SF) outdoor cannabis. Ancillary propagation occurs in a 1,000-square-foot greenhouse. Up to two (2) harvests are expected while utilizing light deprivation techniques for all cultivation areas, for a growing season that extends from April through October. Estimated annual water usage is 130,254 gallons. Irrigation water is sourced from a 165,000-gallon on-stream pond that is tributary to Dairy Creek then the Little Van Duzen River. Water storage totals 168,000 gallons in the pond and hard-sided tanks. There are two (2) other ponds onsite not utilized for irrigation and a spring point of diversion utilized solely for domestic use. The applicant is proposing to expand water storage by adding an additional twelve (12) 4,750-gallon hard-sided tanks and increasing pond capacity, which will increase water storage capacity to 327,500 gallons. Processing activities including drying and trimming will occur onsite in a 512-square-foot existing barn. A maximum of 10 employees are required during peak operations. Power is provided by a generator and solar. The proposed project includes a Special Permit for development within the Streamside Management Area, which includes after-the-fact permitting for the pond developed between 2010 – 2012 and the proposed expansion of the pond to 280,000 gallons to improve compaction, embankment geometries, and lack of keyway as recommended by a licensed engineer."

The Applicant has entered into a Final Streambed Alteration Agreement (No. 1300-2018-0068-R1) (Attached) all associated work activities shall be completed in compliance with the CDFW LSAA, and is a condition of approval.

Feel free to respond to this email to provide comments, ask questions, or in general provide updates,

Max Hilken



Max C. Hilken  
Associate Planner  
LACO Associates  
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